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DAVID WASSERMAN

**AMENDED MINUTES OF THE REGULAR MEETING OF  
THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION & ARBITRATION BOARD**

Tuesday, May 14, 2024  
at 6:00 p.m.  
25 Van Ness Avenue, Room 610  
San Francisco, CA 94102

I. Call to Order

President Gruber called the meeting to order at 6:06 p.m.

II. Reading of Ramaytush Ohlone Land Acknowledgment

Commissioner Mosbrucker read the Ramaytush Ohlone Land Acknowledgement.

III. Roll Call

Commissioners Present: Gruber; Haley; Mosbrucker; Tom; Wasserman.

Commissioners Not Present: Crow; Hung; Klein; Qian; Sawney.

Staff Present: Hung; Koomas; Topjian; Texidor; Van Spronsen; Varner.

IV. Remarks from the Public

A. Kelly Lawrence, the tenant at 3991 – 18th Street (AT240019), said that he was representing the building occupants who were not present. He said that there are extraordinary circumstances surrounding the capital improvement passthrough that make him feel justified in appealing the Decision, including that the property changed owners twice before the petition was arbitrated at the Rent Board. He said that the landlord told him that he never intended to pass on the costs to the tenants. He said that the prior landlord died four years after the renovation was completed without filing for a passthrough, and the new landlord that inherited the property filed the capital improvement petition two months before it was set to expire but then three months

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later sold the property in a quick sale. He said that the new owner profited from the purchase because he bought the building for an amount under the list price in the post-pandemic downturn. He said that the Administrative Law Judge (ALJ) abused her discretion by allowing a third party to file six-year-old documents that were missing signatures and that the new owner has already been compensated as he did not finance the improvement, incur any expenses from it, or rely on it as income when he purchased the building.

- B. Nick Wells, a tenant at 3985 - 3991 – 18th Street (AT240019), said that he has been a tenant in the building for 11 years and that the building has not been well maintained for a very long time, never washed, and only recently painted. He said that he and his husband support the appeal.
- C. David Hendrickson, a tenant at 3985 - 3991 – 18th Street (AT240019), said that he has lived in the building for 25 years. He said that everything the tenant appellant alleged was true, and that he knew the landlord and there was no painting or maintenance of the building until a complaint was filed.

V. Approval of the Minutes

MSC: To approve the minutes of April 16, 2024.  
(Wasserman/Mosbrucker: 4-0; Haley, Tom abstaining)

VI. Consideration of Appeals

A. 3985 - 3991 – 18th Street AT240019

The tenant in one unit appeals the decision granting the landlord’s petition for capital improvement passthroughs to four units for exterior painting and siding repair. On appeal, the tenant alleges that the cost of repairing and painting the exterior was significantly increased due to the prior landlord’s deferred maintenance, and that certifying the capital improvement passthroughs discourages regular maintenance.

MSC: To deny the appeal.  
(Wasserman/Gruber: 4-0)

IV. Remarks from the Public (cont.)

*There were no further remarks from the public.*

VII. Communications

In addition to correspondence concerning cases on the calendar, the Commissioners received the following communications:

- A. Articles from SF Chronicle and SF Examiner.
- B. Rent Board Ordinance Amendments to Sections 37.2 and 37.3 and Table of Contents.

C. Departmental workload statistics for March 2024.

VIII. Director's Report

Director Varner introduced the Commission to two new staff, Rent Board Specialists, in the Rent Board's Public Information Unit. She said that Melanie Topjian has over 15 years of experience in property management in both private and affordable housing and that Rachel Hung joins the Rent Board most recently from advocating for tenants at Chinatown Community Development Center and speaks fluent Cantonese and Mandarin. She said that a third new employee will observe next month's board meeting. Director Varner said that Rent Board fee collection is at 85%. She said that June 1st is a little over two weeks away, so owners can still make late payment with a 15% penalty on the Rent Board's online portal, or by mailing in a check, or paying in person at the Treasurer and Tax Collector's office in City Hall, during business hours before the June 1 fee payment deadline. She said that the last day to pay the fee without being delinquent is May 31 at 11:59PM and that the delinquency notices will go out sometime after mid-June. With regard to the Housing Inventory, Director Varner said that 17,514 parcels have reported for a total of 101,787 reports with 87,513 licenses generated. Regarding budget, Director Varner said that the budget has moved through Mayor's phase and that she will be presenting the department's Fiscal Year 2024-2025 and 2025-2026 budget at the Board of Supervisors Budget and Appropriations Committee on May 15. With regard to outreach, she said that on May 14 the department's Public Information Unit Supervisor Jennifer Rakowski gave a presentation to the City College Property Management class, continuing a long-time collaboration with the Rent Board. Director Varner said that Rent Board staff will be at the Homeownership SF Housing Expo on Saturday, May 18 and that the Rent Board has two trainings coming up, one with staff from the SF Latino Task Force on June 3, and a second at Open Door Legal on June 7. She gave a big shout out to the staff in the Public Information Unit and Inventory and Fee Unit for coordinating and staffing these numerous collaborations with the community. Director Varner also said that Board of Supervisors File No. 240174, which amends the Rent Ordinance to change the methodology used to calculate the amount of property taxes attributable to general obligation bonds that landlords can pass through to tenants, and which would also allow tenants who can demonstrate hardship to seek deferral of the entire general obligation bond passthrough, not just a portion of the passthrough as currently allowed was signed by the Mayor on May 10. She said that this legislative amendment applies to general obligation bond passthroughs that are effective on or after July 1, 2024 and that Rent Board staff are working to revise existing forms and worksheets. Director Varner said that Supervisor Melgar's Board of Supervisors File No. 231224, which would amend the Housing Code to authorize occupants of residential dwelling units to sue a property owner for substandard housing conditions as defined in Housing Code Section 1001, if the conditions pose a substantial risk to the occupants' health and safety, is still at Land Use.

IX. Old Business

A. Proposed Amendments to Rules and Regulations Section 10.10 Regarding Tenant Right To Organize Legislation

President Gruber asked the Board to continue this item for discussion at the June 2024 Commission Meeting and no objection was raised.

X. New Business

*There was no new business.*

XI. Calendar Items

June 11, 2024 – regular in-person meeting at 25 Van Ness Ave, Room 610.

A. Consideration of Appeals

- a. 9 appeal considerations

Reader of the Ramaytush Ohlone Land Acknowledgement – Commissioner Sawney.

B. Old Business

- a. Proposed Amendments to Rules and Regulations Section 10.10 Regarding Tenant Right To Organize Legislation

XII. Adjournment

President Gruber adjourned the meeting at 6:38 p.m.