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

Tuesday, September 10, 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 6:03 p.m.

II. Reading of Ramaytush Ohlone Land Acknowledgment

Commissioner Crow read the Ramaytush Ohlone Land Acknowledgement.

III. Roll Call

Commissioners Present: Crow; Gruber; Haley; Mosbrucker; Qian; Sawney; Tom; Wasserman.

Commissioners Arriving Late: Hung, 6:23 p.m.

Commissioners Not Present: Klein.

Staff Present: Katayama; Koomas; Texidor; Van Spronsen; Varner.

IV. Remarks from the Public

A. Deni Leonard, the tenant at 470 25th Avenue Street, Unit 3 (AT240040), said that the Administrative Law Judge (ALJ) failed to consider text messages from January 2024 onward that show he established a landlord-tenant relationship with the owner. He said that his sister passed away in January 2024, and he has lived in the unit for fourteen years and was communicating directly with the landlord about repairs. He said that the landlord committed “hearsay” at the hearing when he said that he didn’t

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know the tenant and that the tenant didn't reside in the unit. He said that the landlord told him that he should not worry about the rent increase because the landlord believed the tenant was receiving money from Graton casino as a Native American, and that the tenant explained to the landlord that he was not receiving any money since he was from another tribe. The tenant said that his only income is from Social Security and that he cannot not afford a rent increase. He also said that he had submitted a declaration from his niece and other tenants supporting his testimony that he has lived in the unit for fourteen years with the landlord's knowledge. He said that he objected to removal of storage space in the basement by the landlord, and that is still unresolved.

- B. A tenant residing at 690 34th Avenue said that the right of each renter is to have peace and quiet enjoyment of their unit and not be harassed by landlords. She said that she has experienced degradation of these rights at the hands of a corporate landlord, as have other countless San Francisco tenants. She said that San Francisco prides itself on progressive laws and renter's rights, but she has experienced backdoor workarounds that greatly contribute to the housing crisis that political officials claim to try to resolve. She said that her world was turned upside down three years ago when her building was sold to Mosser, a corporate landlord, from whom she experienced harassment, bullying and related stress. She said that the building recently had a rat infestation, and the landlord first ignored her and then told her there was nothing they could do, and that she could move elsewhere, while her family was bitten by mites on the rats. She said that she has epilepsy and one of the main triggers for seizures is stress, and it has been very stressful to reach out to her landlord even about the simplest things. She said that she feels the landlord wants her out of the unit because they could be charging much more rent.
- C. Maria Antonia Claravall, the tenant 690 34th Avenue, Unit 3 (AT240036), said that she filed a Rent Board petition last summer to address the situation with her landlord, Mosser. She said that the legal process is difficult to navigate as a layperson. She said that she had to seek legal counsel to understand the Rent Ordinance and her legal rights, which has required consistent effort, due diligence, and financial strain. She said that the landlord's business model is being investigated by University of California Law, San Francisco professors, as the only way the landlord can justify their exorbitant hundreds of millions of dollars in loans is by systematically getting people to shorten their tenancies. She said the issue of artificial inflation of the rental market nationwide is something that is being addressed by the Department of Justice, with 40 involved lawsuits, and there has been obfuscation and intimidation all along the way. She said that landlord-tenant disputes are not resolved on a level playing field, and that her petition was fraught with delays and problems.
- D. Dana Thomas, the niece of the tenant at 470 25th Avenue, Unit 3 (AT240040), said that the tenant had suffered a severe brain injury in 2010 and moved into the unit with her mother so that she could care for him. She said that throughout the years, the tenant has spoken to the landlord many times in regards to the electricity and lighting, and was always there to let them into the apartment as her mother was usually away with her grandson. She said that the tenant is 78 years old and on a fixed income, and has no other home to go to and cannot work. She said that the tenant cannot pay the

rent increase from about \$500 to \$1500 per month. She asked the Commission whether they could come to an agreement on a rental amount that is feasible for the tenant to afford, and that she could help with food costs. She asked for a reasonable rent increase such as \$1,000, since that amount is more accessible for the tenant to pay. She said that they were not opposing the rent increase in its entirety but wanted the Commission to understand the tenant's financial situation. She also said that the tenant is Native American and that today more than 70% of the Natives who live in American cities are far from their homelands, and in California, more than 90% are forcibly removed and tribal people from across the lands were sent to boarding schools to be disconnected from family, home, and culture. She said that her mother was directly affected by this. She said that here, they managed to create their own small tribe, which needs the tenant more now that her mother has passed away. She asked the Commission to reconsider the Rent Board decision and set the rent at a reasonable amount.

- E. Diana Thai, the tenant at 100 Dolores Street, Unit 5 (AL240035), said that she submitted a few emails as evidence showing that the landlord ignored fixing holes in the walls and that they failed to respond to those requests. She said that after she read the ALJ's decision, it seemed like her evidence was overlooked in the ALJ's decision. She said that in regards to the collapsing garage shelf, the garage shelf was present in the garage before her lease started and if the landlord did not want the shelves to be considered a housing service or amenity, they should have removed them at the beginning of her tenancy. She also said that she has submitted substantial evidence with regard to the presence of silverfish colonies and that she had to resort to paying a professional to exterminate them after the landlord repeatedly ignored the issue for over a year, which includes a picture of a silverfish on her hardwood floor in her bedroom, receipt for exterminations, and several written email requests to the landlord to exterminate the silverfish. She said that the landlord either ignored her requests or said that they do not send pest control for exterminating silverfish, and that by the time the landlord finally did send pest control, the vendor she hired had already performed extermination and removed the colonies. She said that the landlord submitted his appeal late, and it was not fair to accept the landlord's late appeal since there was no good cause for the delay such as a valid medical reason. She said that she managed to file her appeal on time despite the fact that she was sick and had to miss work.
- F. A friend of the tenant at 470 25th Avenue, Unit 3 (AT240040), said that the tenant is an important man that integrated Indian people into college life. He said that it is important to state another truth, that "we are all one, that we all love one another, and that we have God." He said that he is Native American like the tenant, from the Klamath River in Klamath, California, who was raised to have respect. He said that when the tenant's sister passed away, the tenant took control over the unit and the landlord is now denying him as a person. He said that he feels stronger amongst the people present in the room, and that he is 76 years old, and this situation has to do with everyone as one. He said that the tenant has a fabulous way of teaching, and he taught him a lot of things. He said that the issue of where the tenant resides is very important to be felt by all people, that everyone in San Francisco should respect one

another, and then “we can become what we are supposed to be instead of one here and one there.”

G. Debbie Santiago, a friend of the tenant at 470 25th Avenue, Unit 3 (AT240040), said that she is from the Washoe tribe in Nevada City, California, and she was born and raised in San Francisco. She said that she has been helping the tenant for some time so that he can remain in the unit but was concerned when she heard about the rent increase. She said the rent increase is much too high and he will not be able to pay it. She said that Native Americans are 20 times more likely to become homeless than anyone else in San Francisco, and 17 times more in the country. She asked the Commission to decrease the amount of the rent increase. She said that the tenant is not above paying any rent, and he has tried to come to an agreement with the landlord, but that the landlord said some discriminatory things about Native Americans and it was very disturbing that the Rent Board did not want to address that issue. She said that her family has lived here for four generations, and her grandmother was forcibly relocated by the government. She said that she was asking for leniency and for the tenant to have a lower rent.

V. Approval of the Minutes

MSC: To approve the minutes of August 13, 2024.
(Tom/Sawney: 8-0; Commissioner Hung abstaining)

VI. Consideration of Appeals

A. 479 – 3rd Street, Unit 308 AT240039

The tenant appeals the dismissal of the tenant’s claim for decreased housing services. The Administrative Law Judge (ALJ) dismissed the tenant’s claim for their failure to appear at the scheduled hearing. In the appeal, the tenant declared under penalty of perjury that they were out of the country when the hearing notice was mailed.

MSC: To accept the appeal and remand the case for a new hearing. Should the tenant again fail to appear, absent extraordinary circumstances, no further hearings will be scheduled.
(Mosbrucker/Wasserman: 5-0)

B. 100 Dolores Street, Unit 5 AT240034 & AL240035

The landlord filed his appeal 3 days late because his first attempt to submit it on August 2, 2024 was unsuccessful due to a typographical error in the email address. Once the error was discovered, the appeal was successfully filed twenty minutes after the close of business so was then considered filed until the next business day, August 5, 2024.

Commissioner Wasserman recused himself from consideration of the appeal as he represents the landlord in unrelated matters.

MSC: To find good cause for the late filing of the landlord’s appeal.

(Mosbrucker/Qian: 5-0)

The tenant appeals the decision denying in part the tenant's claim for decreased housing services and the landlord untimely appeals the decision granting in part the tenant's claim for decreased housing services. In the decision, the ALJ found the landlord liable to the tenant for rent reductions totaling \$4,825.60 for a malfunctioning garage door, cracked and splintering flooring, and for refusing the tenant's request for additional keysets but denied the tenant's other claims. In the appeal, the tenant alleges that the ALJ did not consider her evidence regarding the hole in the wall, that the garage shelf was a housing service provided at the commencement of the tenancy, and that she submitted substantial evidence regarding the silverfish infestation. The landlord also appealed the decision alleging that the reduction in rent related to additional keysets should be reversed because the tenant only requested one set of keys and because their denial of the tenant's request for additional keys was reasonable based on the security risk created by the tenant's failure to notify the landlord of each new subtenant.

MSC: To deny both the tenant and landlord appeals.
(Mosbrucker/Qian: 5-0)

C. 25 Hoff Street, Unit A

AT240038

The tenant appeals the decision denying the tenant's claim for unlawful rent increase. The ALJ determined that the rent increase was authorized by Rules and Regulations Section 6.14 because the tenant was a subsequent occupant or co-occupant that was timely served with a 6.14 Notice. In her appeal, the tenant alleges that she was never served with a 6.14 notice nor does the landlord have proof of mailing the notice, that the landlord was aware of her occupancy prior to receiving the estoppel form in 2020, and that the landlord has failed to repair and maintain the unit.

Commissioner Crow recused himself from consideration of the appeal because he previously advised the tenant regarding the matter.

MSC: To deny the appeal.
(Wasserman/Gruber: 5-0)

D. 470 – 25th Avenue, Unit 3

AT240040

The tenant appeals the decision granting the landlords' petition for a rent increase under Civil Code Section 1954.53(d)(2) of the Costa-Hawkins Rental Housing Act. In the decision, the ALJ determined that the rent increase from \$512.92 to \$1,500.00 per month was lawful because none of the original occupants continue to permanently reside in the unit and the tenant is a lawful subtenant who moved in after January 1, 1996. In the appeal, the tenant alleges that the landlords knew he resided in the unit, did not serve him the rent increase notice, removed storage space, provided false testimony, discriminated against him, and committed a hate crime.

MSC: To deny the appeal.
(Wasserman/Gruber: 5-0)

E. 690 – 34th Avenue, Unit 3

AT240036

The tenant appeals the decision denying the tenant's objection to the landlord's petition for an Accessory Dwelling Unit (ADU) Declaration. In the decision, the ALJ determined that although the ADU project will result in the loss of the tenant's current parking space, the tenant will receive a new parking space that is comparable in size. In her appeal, the tenant alleges that she has a legal right to maintain possession of her current parking space, that the replacement parking space is not comparable, and that her parking space is a housing service that cannot be removed without just cause.

Commissioner Wasserman recused himself from consideration of the appeal because he represents the landlord in unrelated matters.

MSC: To deny the appeal.
(Tom/Gruber: 5-0)

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. News articles from SF Chronicle and SF Examiner.
- B. Amended Rules and Regulations Section 10.15, Table of Contents, and List of Amendments.
- C. Proposed Rules and Regulations Changes dated September 10, 2024 by Commissioner Sawney.

VIII. Director's Report

Director Varner stated that that evening was Commissioner Sawney's last board meeting as he has submitted his formal resignation letter. She said that it has been a pleasure working with Commissioner Sawney over the past three years and that the Rent Board is grateful for his service to the tenants and all the people of the City and County of San Francisco. She said that the Commissioner's impact will never be forgotten and she wished him luck in his move back East and with future pursuits. Director Varner told the Board that ALJ Erin Katayama moved into the full-time Senior ALJ position on September 3 and is now Senior ALJ Koomas' co-supervisor of the Hearings Unit and a member of Senior Staff. Director Varner said that Senior ALJ Katayama brings five years' experience as an ALJ at the SF Rent Board, and prior to that, she was a staff attorney and supervising attorney representing tenants at the Homeless Advocacy Project of the Justice and Diversity Center of the Bar Association of SF. She said that Senior ALJ Katayama also worked at the Eviction Defense Collaborative and as an adjunct professor at Golden Gate University. She told the Board that Senior ALJ Connie

Brandon will officially retire later this fall. Additionally, she said that new employees would be at the October and November board meetings. With regard to the Rent Board fee, Director Varner said that over 11,000 delinquent 2024 accounts have been forwarded to the Bureau of Delinquent Revenue (BDR), and that BDR has recovered about 40% of the obligations with over \$1,000 due. She said that the new Housing Inventory and fee cycle will start in October with the Informational Notice mailing. She said that with regard to Housing Inventory reporting, 18,997 parcels have reported for a total of 108,388 unit reports with 93,368 licenses generated. Director Varner said that to date, and that 28% of all units notified of the Inventory have reported, including 56% of units in properties of 10 units or more, 44% of units in properties of 5-9 units, 20% of units in properties 2-4 units, and 6% of units in 1 unit properties. With regard to outreach, Director Varner said that Public Information Unit staff will provide a workshop to Spanish-speaking staff at Causa Justa::Just Cause on September 16, and then will table at the Richmond District Autumn Moon festival on September 28 and the SF Financial Resource Fair at the Southeast Community Center in the Bayview on October 5. With regard to legislation, Director Varner said that on July 16, 2024 Supervisor Peskin introduced File No. 240766, an Ordinance that amends the Administrative Code to prohibit the sale or use of algorithmic devices or software programs that analyze and share non-public data for the purpose of setting rents or occupancy levels for residential rental units in San Francisco, and it was passed by the Board of Supervisors on second reading on September 3, 2024 and currently awaiting the Mayor's signature. She said that also introduced by Supervisor Peskin on June 25, 2024, is Board of Supervisors (BOS) File No. 240726, which is an Ordinance amending the Administrative Code to authorize the issuance of certain housing bonds for the acquisition/rehabilitation of affordable housing was passed by the BOS and became effective on September 1, 2024 but does not amend the Rent Ordinance. She also said that BOS File No. 240803 introduced by Supervisor Melgar is currently at Land Use, and that among other changes to the Planning Code, this will require that whenever a property owner enters into a regulatory agreement with the City that subjects newly constructed dwelling units to the Rent Ordinance, the Planning Department shall note the existence of the recorded regulatory agreement in the Property Information Map or other similar, publicly accessible website. Director Varner said that Supervisor Melgar's BOS File No. 231224, originally introduced on November 28, 2023, which would amend the Housing Code to authorize occupants of residential dwelling units to sue a property owner to enforce the prohibition on substandard housing conditions, is still at Land Use after Supervisor Melgar on July 16 requested that this matter remain active for an additional six months until January 16, 2025. Director Varner told the Board that in 2022, the BOS passed legislation that requires landlords pursuing most types of at-fault evictions to first provide the tenant a written 10-day warning letter and an opportunity to cure before serving a formal eviction notice, that the San Francisco Apartment Association and Small Property Owners of San Francisco Institute sued, and on September 27, 2022, the Superior Court issued a decision that prevented the City from enforcing the legislation solely with respect to evictions based on nonpayment of rent. She said that the court's decision permitted the legislation to be enforced with respect to other types of evictions, that both parties appealed, and oral argument was held before the First District Court of Appeal on August 21, for which the Rent Board is currently awaiting disposition. Director Varner said that today Supervisor Peskin introduced an Ordinance amending the Administrative Code to provide that newly constructed dwelling units that first received a certificate of occupancy between June 13, 1979 and November 5, 2024 shall be generally subject to rent control, to the extent authorized by a future modification or repeal of the Costa-Hawkins Rental Housing Act; and making certain changes to clarify existing law regarding rent control exemptions under

Costa-Hawkins. She said that the Ordinance would immediately expand rent control to properties built after June 13, 1979 if the Costa-Hawkins Rental Housing Act is repealed or amended and the City is no longer precluded from changing its current exemption for newly constructed properties.

IX. Old Business

A. Proposed Amendments to Rules and Regulations

a. Reporting Obligations regarding Reporting Key Performance Indicators (KPIs)

Commissioner Sawney said that he submitted proposed changes to the Rules and Regulations by adding Section 2.15, Executive Director Report, which generally states that the Executive Director shall provide a written report of the department's activities within the previous 30 days, progress on any long-term initiatives of the department, and departmental metrics. He said that the inclusion or exclusion of items in the report would be at the discretion of the "Chairman" of the Board. He said that this proposed text is a continuation of the discussion from the August 13, 2024 board meeting, and he recognizes that what the department's operating needs are subject to change, and that Director Varner has consistently provided departmental updates but he would like that report to be in a written format, and for it to be provided prior to each Board Meeting so that Commissioners have an opportunity to review it more thoroughly. He said that his intent is to codify the metrics that were stated by Director Varner in her Director's Report and reported to other departments. Commissioner Mosbrucker suggested an edit to the text of Commissioner Sawney's proposal, namely that the items in the report should be at the discretion of the President of the Board, not the Chairman. Commissioner Sawney also clarified that he is creating a new Section 2.15, and that the current item 2.15 in the Rules and Regulations would be moved to 2.16 and the numbering for the sections that come afterwards would be adjusted accordingly. Commissioner Wasserman asked for clarification of who would draft revisions of the proposed regulations since Commissioner Sawney had resigned and would not be attending the next board meeting. Director Varner also said that many of the items she discusses in her oral Director's Report are memorialized elsewhere, for example on the website and in reports, and she could share their location if requested. Further, she said that the department could potentially add Housing Inventory statistics to the departmental workload statistics report in a format that is meaningful to the public without being duplicative. Commissioner Mosbrucker suggested that this item be continued for discussion under Old Business to develop consistent language regarding metrics in the report and no objections were raised.

b. Housing Inventory Adoption Rate

Commissioner Sawney said that he had no updates regarding this item, and the Commissioners also had no discussion related to this item, and all agreed this item would not be continue as Old Business for future Board meetings.

X. New Business

There was no new business.

XI. Calendar Items

October 8, 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 – President Gruber.

B. Old Business

a. Reporting Obligations regarding Reporting Key Performance Indicators (KPIs)

XII. Adjournment

President Gruber adjourned the meeting at 7:37 p.m.