



Edwin M. Lee
Mayor

Robert A. Collins
Executive Director

DAVID GRUBER
PRESIDENT

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

CALVIN ABE
DAVE CROW
SHOBA DANDILLAYA
RICHARD HUNG
POLLY MARSHALL
CATHY MOSBRUCKER
NEVEO MOSSER
KENT QIAN
DAVID WASSERMAN

Tuesday, April 11, 2017
at 6:00 p.m.

25 Van Ness Avenue, Suite 70, Lower Level

I. Call to Order

President Gruber called the meeting to order at 6:08 p.m.

II. Roll Call

Commissioners Present: Crow; Gruber; Hung; Marshall; Mosbrucker; Mosser;
Wasserman.

Commissioners not Present: Abe; Dandillaya; Qian.

Staff Present: Collins; Lee; Varner.

III. Approval of the Minutes

MSC: To approve the Minutes of March 14, 2017.
(Marshall/Wasserman: 5-0)

IV. Remarks from the Public

A. *(There were no remarks from the public.)*

V. Consideration of Appeals

A. 36 Annapolis Terrace

AT170014

The tenant's petition alleging an unlawful rent increase was dismissed due to his failure to appear at the scheduled hearing. On appeal, the tenant claims that he did not receive the Notice of Hearing, and attaches the requisite Declaration of Non-Receipt of Notice of Hearing.

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.

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(Mosbrucker/Wasserman: 5-0)

B. 1538 Jones Street

AL170021, AL170022

The subtenants' petition alleging a disproportional share of rent was granted. The master tenant was found liable to the subtenants in the amount of \$2,260.00. The master tenant appeals, arguing that there was no consideration of the security deposit nor damages. The master tenant also appeals on the basis of financial hardship.

MSC: To deny the substantive appeal and the financial hardship appeal.
(Wasserman/Gruber: 5-0)

C. 1553 Mission Street #A

AL170015, AL170016,
AL170018, AL170019

The subtenants' petitions alleging disproportional shares of rent were granted. The master tenants were found liable to subtenant Torio in the amount of \$6,045.00 and to subtenant Sotelo in the amount of \$4,507.50. The master tenants appeal, arguing that the Administrative Law Judge (ALJ) did not take into full account the added furnishings, services and duties performed by the master tenants for the benefit of the subtenants. The master tenants also appeal on the basis of financial hardship.

MSC: To deny the substantive appeal and to accept the hardship appeal and remand the case for a hearing and give the subtenants the opportunity to respond to any income information the master tenants submit prior to the hearing.
(Mosbrucker/Wasserman: 5-0)

D. 2908 California Street #3

AT170020

The tenant appeals the decision granting the landlord's petition under Rules and Regulations Sections 1.21. In the decision, the ALJ found that the tenant was not a tenant in occupancy, that there was no other lawful tenant in occupancy at the time the petition was filed on July 21, 2016 and that the rent increase was authorized by Section 1.21. On appeal, the tenant argues that he was residing at the subject unit in July 2016, and that he would have attended the hearing if he knew he would be liable for the back rent.

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

E. 36 Spofford Street #A

AT170017

The tenant's petition alleging an unlawful rent increase was denied. The ALJ found that the landlord met its burden of proving that the subject unit is not a "rental unit" within the meaning of Ordinance Section 37.2(r) and is an exempt commercial unit. The tenant appeals, arguing that the ALJ failed to consider and address material evidence presented by the tenant while relying upon general and conclusory declarations submitted by the

landlord that lacked sufficient factual foundation and failed to state facts which supported those general conclusions.

MSF: To accept the appeal and remand the case for a new hearing to determine, based on the additional evidence that was submitted with the tenant's appeal, whether the unit was rented for residential use when the tenant moved in.
(Marshall/Mosbrucker: 2-3; Hung, Gruber, Wasserman dissenting)

MSC: To deny the appeal.
(Wasserman/Gruber: 3-2; Marshall/Mosbrucker dissenting)

VI. Communications

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

A. Workload statistics for the month of February 2017.

B. Articles from the S.F. Chronicle, S.F. Examiner, BeyondChron, S.F. Business Times, SFGate, The Guardian, CurbedSF, SFist, MissionLocal, SFBay, Zumper, Bernalwood.

VII. Director's Report

Executive Director Collins informed the Commissioners that staff would conduct trainings for the S.F. Tenants Union in April and May, and would conduct outreach at the S.F. Apartment Association Annual Tradeshow on April 17, and at the S.F. Housing Expo on June 3. Executive Director Collins told the Commissioners that Supervisor Farrell introduced new owner move-in (OMI) legislation at the full Board of Supervisors meeting on April 4, which would require owners to submit annual documentation for a period of 36 months as proof that the owner or relative moving in is residing in the unit. Executive Director Collins also informed the Board that he is expected to speak at the Board of Supervisors' Government Audit and Oversight Committee Meeting at the end of April.

VIII. Calendar Items

May 9, 2017
10 appeal considerations

IX. Adjournment

President Gruber adjourned the meeting at 7:09 p.m.

NOTE: If any materials related to an item on this agenda have been distributed to the Commission after distribution of the agenda packet, those materials are available for public inspection at the office of the Rent Board during normal office hours.