



London N. Breed  
*Mayor*

Robert A. Collins  
*Executive Director*

DAVID GRUBER  
*PRESIDENT*

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

DAVE CROW  
SHOBA DANDILLAYA  
RICHARD HUNG  
REESE AARON ISBELL  
ASHLEY KLEIN  
CATHY MOSBRUCKER  
KENT QIAN  
ARTHUR TOM  
DAVID WASSERMAN

Tuesday, April 13, 2021  
at 6:00 p.m.

Remote Meeting via video and videoconferencing  
<https://bit.ly/39qbhUQ>

Public Comment Dial In Number: (415) 655-0001 / Access Code: 187 328 8139

On February 25, 2020, Mayor London Breed declared a state of emergency in regards to COVID-19. Thereafter, Governor Newsom issued a statewide order for all residents to shelter-in-place, and numerous orders of the county health officer and supplemental orders and directives were issued to slow and reduce the spread of COVID-19. Due to these declarations, orders, and proclamations, the Rent Board Commission's March 17, 2020 and April 14, 2020 meetings were cancelled.

In three memorandums, the Mayor and City Attorney detailed emergency orders suspending select laws applicable to boards, commissions, and other policy bodies. On May 6, 2020, the Rent Board Commission was authorized to hold its May 12, 2020 regular meeting during the shelter-in-place remotely. Subsequently, per Mayoral and City Attorney guidance, boards and commissions are allowed to meet without first obtaining Mayoral permission, so long as the meetings are held remotely. Therefore, the Rent Board Commission meetings will be held via videoconferencing and will allow for remote public comment until further notice.

The Commission strongly encourages interested parties to submit their comments in writing, by 12:00 noon on April 13, 2021 to [rentboard@sfgov.org](mailto:rentboard@sfgov.org). The meeting will be streamed live at 6:00 p.m. at <https://bit.ly/39qbhUQ>. The public comment call in instructions are being made available on the Rent Board's website at <https://sfrb.org>.

Please visit the Rent Board's website for ongoing updates during the COVID-19 emergency.

**I. Call to Order**

President Gruber called the meeting to order at 6:07 p.m.

Commissioner Isbell read the Ramaytush Ohlone Land Acknowledgment for the first time after the passage of the Commissioners' resolution at the March 16, 2021 meeting.

♻️ Printed on 100% post-consumer recycled paper

## II. Roll Call

Commissioners Present: Crow; Dandillaya; Gruber; Hung; Isbell; Mosbrucker; Qian; Tom; Wasserman.

Staff Present: Brandon; Collins; Koomas; Pagoulatos; Varner.

Commissioners Not Present: Klein.

Commissioners Departing Early: Dandillaya (due to technical difficulties), 7:05 p.m.

## III. Approval of the Minutes

MSC: To approve the minutes of March 16, 2021, with one amendment to include the motion in Consideration of Appeals, Item D.  
(Wasserman/Isbell: 10-0)

## IV. Remarks from the Public

A. Geraldine McTigue, the tenant at 500 Stanyan Street #306 (AT210016) told the Board that she knows she must pay Greentree for the general bond passthrough, but Greentree has been making it quite impossible to pay for both rent and the passthrough, and she cannot get into their payment portal. She said she has to think that the maneuver is deliberate, as she tried to pay March 1 rent and was told she could not go to the former online payment portal. Ms. McTigue said that she called Greentree and was told that she was told she did not exist as a tenant in the apartment and she couldn't get a resident ID code, so she went to their office and left her rent check, and it turned out that Greentree had changed their online payment portal; Greentree does not want her to pay. Ms. McTigue said that she does not know how to solve the problem without her rent, and also wants to be able to apply the water bond passthrough to the general bond passthrough and get Greentree to accept rent through the online payment portal.

B. Vanessa Mario, one of the subtenants at 1434 Jackson Street #3 (AL210018) wondered why this case is still going on; there was one hearing where the master tenant didn't show up; there was one where she showed up; the master tenant was shown that she violated the Ordinance; and she would like to move on with her life. The subtenant asked why this appeal would be granted and why this time the case would be different.

## V. Consideration of Appeals

A. 2055 Sacramento Street #702

AT210011

The subtenant's petition alleging a disproportional share of rent was granted. The ALJ determined that the subtenant petitioner's proportional share of the total rent was \$1,244.35 from January 1, 2017 through January 31, 2017, \$1,260.94 from February 1, 2017 to January 31, 2018, \$1,284.11 from February 1, 2018 to January 31, 2019, and \$1,300.00 from February 1, 2019 to August 5, 2020, and determined that the master tenant was liable to the subtenant for rent overpayments in the amount of \$715.05. The

subtenant appeals, contending that the cost of the utilities should be divided by three, that the utilities should not include the Amazon bill, cat rent, or storage fees, and that the furniture calculations were improperly calculated.

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

B. 1434 Jackson Street #3

AL210017, AL210018

The subtenants' petitions alleging a disproportional share of rent were initially granted on July 29, 2020. The ALJ determined that subtenant Matz paid more than his proportional share of rent from October 1, 2019 through July 31, 2020, and that subtenant Mario paid more than her proportional share of rent from March 1, 2019 through July 31, 2020 and the master tenant was found liable to the subtenants for rent overpayments in the amounts of \$3,066.28 and \$4,221.85, respectively. On August 13, 2020, the master tenant appealed the decisions, claiming that she did not receive the notice of hearing because she did not have a permanent address and did not receive any forwarded mail until late July. At the September 15, 2020 meeting, the Board voted to accept the appeals and remand the cases for a new hearing. On remand, the ALJ again granted the subtenants' petitions alleging a disproportional share of rent. The ALJ determined that subtenant Matz paid more than his proportional share of rent from October 1, 2019 through April 30, 2020, and that subtenant Mario paid more than her proportional share of rent from March 1, 2019 through April 30, 2020 and the master tenant was found liable to the subtenants for rent overpayments in the amounts of \$2,006.74 and \$3,488.15, respectively. On appeal of the remand decisions, the master tenant argues that subtenant Matz was not her tenant, and that the ALJ did not consider her Comcast payments.

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

C. 500 Stanyan Street #306

AT210016

The tenant's application for deferral of a water revenue bond passthrough due to financial hardship was denied. The tenant did not meet her burden of proving that she qualified for hardship relief. On appeal, the tenant contends that she did not receive notice of the hearing and therefore the tenant did not have the opportunity to present her case, and submits new evidence in support of her hardship application.

Commissioner Wasserman recused himself from the consideration of this appeal, stating that he has no financial interest in the matter, but the decision and correspondence on the case were directed to his former office mate.

Commissioner Crow recused himself from the consideration of this appeal because he has talked with the tenant several times.

MSC: To accept the appeal and remand the case for a hearing, with the tenant being required to submit the necessary evidence.  
(Tom/Mosbrucker: 5-0)

D. 785 Valencia Street

AL210013

The landlord's appeal was 22 days late because of delayed mail and inability to access the office to prepare an appeal due to the COVID-19 public health emergency.

MSC: To find good cause for the late filing of the appeal.  
(Wasserman/Qian: 5-0)

The tenant's petition alleging decreased housing services was granted in part and denied in part. The ALJ found that the landlord was liable to the tenants for rent overpayments in the amount of \$2,250.00 for inadequate heat from July 1, 2019 through February 15, 2020; in the amount of \$2,850.00 for the broken housing and locking mechanism on the front security gate from July 1, 2019 through January 31, 2021; for \$575.00 for loss of part of the back room from February 15, 2020 through January 31, 2021; for \$1,450.00 for inadequate storage area for refuse containers from December 19, 2019 through January 31, 2021; and for \$725.00 for problem with the shower head/lack of a back flow preventer from December 19, 2019 through January 31, 2021. The ALJ further found that the tenant failed to meet his burden of proving that the landlord substantially interfered with the tenant's quiet enjoyment of the premises; and that there was a promise from the landlord of a remote front door opening system; and that the condition of the kitchen countertop, loss of backyard, bathroom mold, bathtub deterioration, apartment maintenance and general upkeep, pigeon feces on the back stairs, splintering wood floors, and insects and vermin constituted a substantial decrease in housing services. The landlord appeals, contending that the ALJ overvalued the square footage in the back room and therefore the rent reduction should be less; and that there was no decrease in services in regards to the refuse containers, front gate security lock, nor heating.

MSF: To deny the appeal.  
(Mosbrucker/Qian: 2-3; Gruber, Wasserman, Dandillaya dissenting)

MSC: To accept the appeal and remand the case to the ALJ solely to adjust the \$150.00 front security lock rent reduction dates to December 1, 2019 through June 30, 2020, and to value the rent reduction after June 30, 2020 at \$0.  
(Wasserman/Gruber: 5-0)

E. 2285 Broadway Street #6

AL210010

The landlord's appeal was filed 7 days late because it did not receive the appeal until 8 days after mailing, and then due to the COVID-19 public health emergency it took extra time to gather and duplicate appeal documents.

MSC: To find good cause for the late filing of the appeal.  
(Qian/Wasserman: 5-0)

The tenant's petition alleging a substantial decrease in housing services and requesting that the Rent Board determine the amount of compensation pursuant to Administrative Code Chapter 65A for temporary severance of housing services due to the landlord's

performance of mandatory seismic retrofit work was granted. The ALJ found that, irrespective of the reason for the construction work on the ground floor, the landlord was liable to the tenant in the amount of \$513.00 for removal of on-site laundry facilities from April 21, 2020 to June 18, 2020, and for decreased level of laundry facilities from June 19, 2020 to January 31, 2021, and that the tenant's base rent would continue to be reduced by \$30.00 per month until the landlord restores the on-site laundry facilities. The landlord appeals, contending that the removal of the on-site laundry facilities was due to the mandatory seismic retrofit work.

MSC: To deny the appeal.  
(Qian/Mosbrucker: 5-0)

F. 1048 Union Street #16

AT210015

The landlord's petition for a capital improvement passthrough based on mandatory seismic retrofit work to 10 of 22 units was partially granted. The ALJ did not certify the first half of the design fee and several subsequent construction costs, and found that the landlord failed to meet its burden of proving that invoices bearing Job Number 10021 were for the seismic retrofit work instead of ADU construction. The ALJ excluded a cost of \$28,635.82 because it was work attributable to a remodel of unit #4; and excluded additional costs because they were tied to the ADU construction rather than the seismic retrofit work. The tenants in one unit appeal, arguing that the decision failed to analyze the cost of seismic work in the absence of the addition of two ADUs.

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

#### IV. Remarks From the Public (continued)

A. *(There were no remarks from the public during the second public comment period.)*

#### VI. Communications

- A. Articles from SF Examiner, SF Chronicle, Bay Area Reporter, SF Business Times, SF Public Press, and Cal Matters.
- B. Monthly workload statistics for February 2021.
- C. Resolution urging MOHCD to prioritize small property owners in rent relief distribution and to prioritize commercial landlords and tenants.

#### VIII. Director's Report

##### A. Rent Board Operations Update During COVID-19 Health Emergency

Executive Director Collins told the Board that eviction protections during the COVID-19 pandemic have been extended through June 30, 2021. Executive Director Collins then told the Board that staff will work with a member of the Board of Supervisors to make the

necessary changes to Chapter 37A to update the collection of the Rent Board fee; and he reminded the Board that the Rent Board is now assessing the fee, and beginning next fiscal year, the fee will be collected separately from property taxes. He explained that the Rent Board fee will now be billed separately. He also told the Board that the department is eliminating the envelope requirement for filing of landlord petitions, since the cost to the department for envelopes is minimal, and the printing of envelopes is easier than managing pre-printed envelopes submitted by landlord filers. Additionally, the elimination of envelopes will help the transition to online filing in the future. Executive Director Collins acknowledged the departure of two colleagues from the Rent Board – Berni Lee retired after 8 years at the Rent Board and with 20 years of service to the City, and Ben Ng is leaving the department after 5½ years to join another City department.

IX. Old Business

*(There was no Old Business.)*

X. New Business

*(There was no New Business.)*

XI. Calendar Items

May 11, 2021 – remote meeting via Webex Events

A. Consideration of Appeals

6 appeal considerations (one consolidated)

XII. Adjournment

President Gruber adjourned the meeting at 7:33 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.**