



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, June 16, 2020
at 6:00 p.m.

Remote Meeting via video and teleconferencing
<https://bit.ly/2Y6lVZq>

Public Comment Dial In Number: (408) 418-9388 / Access Code: 146 516 1816

Deputy Director/Board Secretary Varner made the following announcement: 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 to slow and reduce the spread of the COVID-19 virus. Due to these declarations, orders, and proclamations, and for the safety of the public, the commissioners, and the staff, 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. Per new City Attorney guidance, the Rent Board Commission may now hold board meetings without specific permission from the Mayor so long as they are held remotely. Therefore, the Rent Board Commission meeting is being held via videoconferencing and will allow for remote public comment. The public hearing originally scheduled for March 17, 2020 will be held this evening. Please visit the Rent Board's website for ongoing updates during the COVID-19 emergency. The June 16, 2020 meeting was streamed on the internet using the WebEx Events platform.

I. Call to Order

President Gruber called the meeting to order at 6:04 p.m.

II. Roll Call

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

Commissioners Not Present: Dandillaya.

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

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III. Approval of the Minutes

MSC: To approve the minutes of May 12, 2020.
(Wasserman/Mosbrucker: 5-0)

IV. Remarks from the Public

A. Mark Chernev, attorney for the landlord at 2912 California Street #5 (AT200025) told the Board that the decision should be affirmed because the tenants only spent 26.2% of a 305-day period at the subject property. He said that the tenants alleged that their Nevada City property is their vacation home but the SF property is actually their vacation home, and there is no evidence to show that the ALJ abused his discretion. Mr. Chernev said that the tenants' allegations that the ALJ should recuse himself because he dislikes tenants and is dismissive is not supported and is improper. He said that the tenants misstated the rent increase amount, and their allegation of hardship due to loss of health insurance is misplaced because they can access their health plan near their Nevada City home.

B. Clifford Fried, attorney for the landlords at 171 Guerrero Street #2 (AL200030) said that the decision unwinds 8-year-old decisions made by the Rent Board, because by allowing the tenant to claim a hardship today, capital improvements that were approved many years ago are being wiped out. He said that this is unprecedented, unfair, and violates the Rent Board's appeal filing deadline rules; the 2012 passthroughs were never appealed by the tenant and were paid without objection, and the tenant still benefits from the improvement. He said that wiping out prior passthroughs is bad policy and grossly unfair, and owners rely on and make financial choices based on Rent Board decisions, and allowing the deferral destroys the credibility of the Rent Board, as decisions must be final, meaningful and reliable.

C. Ted Vrakas, one of the tenants at 2912 California Street #5 (AT200025) said that in 2015 he and his wife invested their life savings in a down payment in a vacation home which they never lied about. He said that they have made their home at the subject property for 29 years, which is where all their belongings are, their heirlooms, their finances, their friends, their work, their careers, their doctors and medical coverage, and that after being laid off and the wildfires he went to the vacation property to clear the property for insurance and legal reasons. He said that the ALJ was biased against him and his attorney.

D. Justin Goodman, attorney for the landlord at 1252 Church Street (AL200023) told the Board that the ALJ made an error of law, confusing two prongs of the Costa-Hawkins Rental Housing Act, Civil Code Sections 1954.52 and 1954.53, that is, waving vacancy decontrol rights of a subsequent occupant of a rental unit, and a new tenancy with a new party where a dwelling is no longer a unit under the Rent Ordinance. He said that the ALJ found that this tenant was an original occupant, as it concerns Civil Code Section 1954.52, but the tenant is no longer an original occupant of the original tenancy because when she paid rent and it was accepted for the first time in October 2018, it was a new tenancy and she is an original occupant of housing that is no longer rent controlled. He said that the ALJ made an error and asked the decision to be reversed.

E. Lizette Irizarry, one of the landlords at 3159 – 24th Street (AL200022) told the Board she was speaking for the purpose of removing tenants Leticia and Francisco Ruiz from tenancy.

Ms. Irizarry said that Leticia Ruiz purchased her Antioch home in September 2018 on which she signed an owner-occupied grant deed under penalty of perjury and is taking a homeowner's tax exemption; and during the hearing stated that she lived there with her husband. She said that the SF unit has 3 bedrooms and tenant Leticia Ruiz has at least 6 subtenants living there, including Alvaro Salazar, who is the only person who uses the unit as his regular place of return. She asked the Board to remove the Ruizes from tenancy and only allow Alvaro Salazar to live there.

F. James Ellis Johnson, the tenant at 1819 Golden Gate Avenue #12 (AT200027) asked the Board for an extension of time to write his appeal because the ALJ made a comment in the decision that caused a problem in his 1994 case. The tenant said the ALJ's decision was maliced, as the tenant talked to two building inspectors who said that the landlord was cleared to do the work to replace the ceiling, but that the ALJ said that the landlord wasn't cleared to replace the ceiling. He said that he was a witness to the fact that he saw the whole place gutted; that the ALJ was wrong; and he asked for more time.

G. John Kirkpatrick, the landlord at 69 Cervantes Boulevard (AT200026) said that the ALJ decided in his favor at hearing after the tenant had claimed a loss of storage, but confirmed in writing that he had no right to storage, which was also in the lease. The landlord said that the tenant moved his belongings and now is asking for \$120.00-\$180.00 a month for loss of storage, and that should be denied.

H. Shana Astrachan, the tenant at 171 Guerrero Street #2 (AL200030) said that she has met the burden of proof for her financial hardship claim, and the ALJ decided in her favor. She said she submitted the additional requested evidence because she is self-employed with a small business. Ms. Astrachan said that she did not know she could file for hardship in 2012. She said that she was made aware of the option to file for hardship in 2019 after the second capital improvement and learned she could file as to the 2012 capital improvement, and so decided to file as her financial situation qualified her. She said that she still qualifies, that her files are well-kept and accurate, that her tax documents are prepared by the same reliable and professional tax accountant for over 10 years. The tenant said that she has changed jobs many times while living at the property and is a single artist often living paycheck to paycheck with freelance jobs but that her bookkeeping is accurate and the paperwork supports the application and the ALJ has ruled in her favor.

I. Siu Sun Chu, owner of 2085 Ocean Avenue (AL200021 and AT200024) said that he is the present owner, but never requested to amend the rescission request at the hearing. A woman speaking for Siu Sun Chu then said that he personally served tenants Chung Shung Lo and Josh personally and then filed at the Rent Board.

J. Nancy Nelson, the landlord at 2912 California Street #5 (AT200025) said that she is the owner's daughter and manager of the property which has been in her father's family since 1942, and they have enjoyed good relationships with long-standing tenants. Ms. Nelson said that no one is denying that the tenants have been smart enough to cover their tracks on paper, sending billing statements to the unit while the mailbox filled up to hold on to their rent-controlled apartment. She said that the purpose of the surveillance camera was to answer the question regarding the tenants' time presence at the unit, based on rarely seeing the male tenant and not having seen the female tenant in over 20 years. She said that the

information collected led them to be able to file the 1.21 petition, and that the unit is only a pied-a-terre, and the tenants' home is in Nevada City.

V. Consideration of Appeals

A. 258 Church Street

AL200019

The master tenant's appeal was filed 19 days late because he was caring for an elderly parent.

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

(Wasserman/Gruber: 5-0)

The subtenant's petition alleging a disproportional share of rent was granted. The ALJ determined that the subtenant paid more than her proportional share of rent from June 1, 2016 through January 31, 2018, and the master tenant was found liable to the subtenant for rent overpayments in the amount of \$8,530.08. The master tenant appeals, arguing that the subtenant occupied the living room as an extension of his own bedroom; that another subtenant's testimony as a witness was not accurate in determining the subtenant's use of the property; and that the services the master tenant provided to the subtenant were not fully considered in calculating the subtenant's total proportional share.

MSC: To deny the appeal.

(Wasserman/Qian: 5-0)

B. 371 Broadway Street #109

AT200018

The tenant's application for deferral of capital improvement passthroughs, water revenue bond passthroughs, and utility bond passthroughs due to financial hardship was denied. The ALJ found that the tenant did not qualify for relief from payment of any of the passthroughs because the tenant's total rent, including the passthroughs, was less than 33% of the tenant's monthly gross household income, and that the tenant did not meet her burden of proving exceptional circumstances. On appeal, the tenant argues that she has been receiving Social Security disability benefits since December 2019 and therefore qualifies for hardship.

MSC: To accept the appeal and remand the case to the ALJ for a new hearing to consider the tenant's changed financial circumstances beginning in December 2019.

(Wasserman/Gruber: 5-0)

C. 160 Bay Street #2001

AT200029

The tenant's appeal was filed 1 day late because she had technical problems with email and fax.

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

(Wasserman/Gruber: 5-0)

The tenant's application for deferral of a capital improvement passthrough due to financial hardship was denied. The ALJ found that the tenant did not qualify for relief from payment of the passthrough because the tenant's gross monthly household income exceeded the current unadjusted area median income for a 1-person household. On appeal, the tenant argues that she now qualifies for hardship because she is no longer employed.

MSC: To accept the appeal and remand the case to the ALJ to consider the information newly submitted on appeal, with a hearing to be held only if necessary.
(Wasserman/Gruber: 5-0)

D. 2393 Mission Street #1

AL200020

The tenant's application for deferral of a capital improvement passthrough due to financial hardship was granted. The ALJ found that the tenant's monthly gross household income was less than \$8,208.00 for a four-person household; the monthly rent charged was greater than 33% of gross household income; and the tenant's assets, excluding retirement accounts and non-liquid assets, did not exceed \$60,000.00, and therefore the tenant qualified for hardship relief under Rules and Regulations Section 10.15(b)(1)(B). On appeal, the landlord contends in part that the tenant provided no proof of income in 2019, that they had no opportunity to question the tenant's employer, and that the tenant refused to answer the landlord's questions about his income at the hearing.

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

E. 171 Guerrero Street #2

AL200030

The tenant's application for deferral of capital improvement passthroughs due to financial hardship was granted. The tenant is a self-employed business owner and the ALJ found that the tenant's monthly net business profit is less than the current unadjusted area median income for a 1-person household; that the tenant's total base rent constitutes 60.42% of her total monthly net business profit; and that her assets do not exceed \$60,000. On appeal, the landlord argues that the tenant is equitably estopped from applying for hardship as to capital improvements imposed in 2012; that the tenant's income has increased since she first began paying the 2012 capital improvement passthrough; that the tenant's proof of income is ambiguous and misleading; that the tenant's expenses are improbable and improper; and that the decision violates the owners vested rights.

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

F. 69 Cervantes Boulevard

AT200026

The tenant's petition alleging a substantial decrease in housing services was granted in part and denied in part. The ALJ found the landlord liable to the tenant in the amount of \$350.00 for loss of a reliably functioning refrigerator, and found that the tenant did not

meet his burden of proving that use of the garage and/or storage room was a housing service included in the rent from the commencement of the tenancy. The tenant appeals, arguing that there was a loss of storage, which costs \$120.00 to \$180.00 a month.

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

G. 1819 Golden Gate Avenue #12

AT200027

The tenant's petition alleging a substantial decrease in housing services was denied. The ALJ found that the tenant did not meet his burden of proving that the landlord had substantially reduced the tenant's housing services arising out of the remodel of unit #7 by the alleged removal of soundproofing or fireproofing from the ceiling of unit #7; and that the tenant failed to meet his burden of proving that his electrical meter was providing electricity to unit #7. The tenant appeals, arguing that the landlord still owes him the overpayment indicated in a prior Rent Board case from 1994, that the 1994 case was incorrectly described in the Findings of Fact of the instant Decision; and that the ALJ's error in describing the 1994 case was a deliberate attempt to change the outcome of that case.

Commissioner Wasserman recused himself from the consideration of this appeal because his law partner has represented the landlord.

MSC: To continue the consideration of this appeal to the July 14, 2020 meeting.
(Mosbrucker/Qian: 5-0)

H. 1401 Ocean Avenue #2

AL200028

The tenants' petition alleging decreased housing services, unlawful rent increases, and challenging a water revenue bond passthrough and general obligation bond passthroughs was dismissed due to the tenants' non-appearance at the hearing. The tenants appealed, and at the October 16, 2018 meeting, the Commissioners voted to accept the appeal and remand the case for a new hearing. A remand hearing was held and a remand decision was issued, granting the tenants' claims of unlawful rent increase, and decreased housing services, and denying the tenants' claims of improper water revenue bond passthroughs and general obligation bond passthroughs. The ALJ found the landlords liable to the tenants for rent overpayments in the amount of \$3,825.00, and determined that the tenant's lawful base rent is \$1,782.72. The ALJ also found the landlords liable to the tenants for rent reductions in the total amount \$300.00 for the poor condition of the kitchen countertop grout; poor condition of the kitchen floor; and bathroom mildew for the period of April 23, 2018 through June 21, 2018. The landlords appealed the remand decision, challenging the calculations of rent overpayments for unlawful rent increases and submitting new evidence concerning the amount of rent paid by the tenants for the period between May 1, 2016 and June 30, 2017. At the January 28, 2020 meeting, the Commissioners voted to accept the appeal and remand the case to the ALJ to consider the newly submitted evidence on appeal. The petition on remand pursuant to appeal was granted in part and denied in part. In the second decision on remand pursuant to appeal no. AL190201, the ALJ granted the tenants' claim of unlawful rent increase and determined that the lawful base rent is

\$1,782.72 per month. The water revenue bond and general obligation bond challenges were denied. The landlords appeal the second decision on remand pursuant to appeal, arguing that the May 1, 2015 base rent was mutually agreed upon, and that the tenant was the one who recalculated the May 1, 2016 rent increase.

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

I. 1252 Church Street

AL200023

The tenant's petition alleging an unlawful rent increase under the Costa-Hawkins Rental Housing Act and decreased housing services was granted in part and denied in part. The ALJ found that the subject tenancy is a continuing tenancy that commenced prior to January 1, 1996, that the tenant petitioner is an original occupant and co-tenant who took possession of the unit when the tenancy commenced, and that the landlord did not meet the burden of proving that the rent may be increased pursuant to Civil Code Sections 1954.52(a)(3)(A) or 1954.53(d)(2). The landlord was found liable to the tenant for rent overpayments in the amount of \$18,000.00, and for rent reductions in the amount of \$975.00 for the poor condition of the back stairs and bathroom mold and mildew.

The landlord appeals, arguing that the ALJ erred in determining that the tenant petitioner succeeded her father's pre-1996 tenancy; and that a new tenancy was created at the time the tenant began paying rent directly to the landlord.

MSC: To deny the appeal.
(Mosbrucker/Qian: 4-1; Gruber dissenting)

J. 3159 – 24th Street

AL200022

The landlord's petition under Rules and Regulations Section 6.14 was denied. The ALJ found that the 6.14 notice served on tenant Francisco Ruiz 23 years after he was born and started to live in the subject unit was not given within a reasonable period of time, and that Francisco Ruiz lawfully resided in the subject unit prior to January 1, 1996, and therefore the landlord was not entitled to increase the rent without limitation under Section 6.14. The landlord appeals, arguing that she provided sufficient evidence to support her claim that tenant Leticia Ruiz no longer resides at the subject unit, and that she lives in a home she owns in another city, and that the 6.14 notice served on Francisco Ruiz was timely.

MSC: To deny the appeal.
(Mosbrucker/Qian: 4-1; Gruber dissenting)

K. 2912 California Street #5

AT200025

The landlord's petition under Rules and Regulations Section 1.21 was granted. The ALJ found that the tenants did not reside in the subject unit as their principal place of residence on the July 26, 2019 petition filing date, and that there was no other tenant in occupancy at that time, and therefore the landlord was entitled to increase the rent

without limitation pursuant to Section 1.21. The tenants appeal, arguing that their absence from the subject unit was only temporary; that the subject unit remains their home; that the ALJ excluded testimony from cross-examination in the decision, and “discouraged additional evidence” that disproved the landlord’s assertions.

MSC: To deny the appeal.
(Wasserman/Gruber: 4-1; Mosbrucker dissenting)

L. 2085 Ocean Avenue

AL200021 & AT200024

The tenant’s appeal was filed 4 days late due to mailing problems.

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

The landlord appeals the decision denying its request for rescission of a Notice of Intent to Withdraw Residential Units from the Rental Market under the Ellis Act. In the decision, the ALJ found that the landlords failed to prove that no tenants vacated after the July 5, 2018 Ellis Act eviction notices were served, or that extraordinary circumstances exist that justify rescission in this case. On appeal, the landlord contends that he is not the landlord petitioner since he acquired the property after the Request for Rescission was filed. Also on appeal, tenant Chung Shung Lo, who is also a former landlord, contends that there are many errors of fact in the decision.

MSC: To deny the landlord’s appeal, and to deny the tenant’s appeal.
(Mosbrucker/Wasserman: 5-0)

IV. Remarks From the Public (continued)

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

VI. Public Hearing

7:00 p.m. **Proposed Amendments to Rules and Regulations Sections 1.17 and 1.18 – Extending Eviction Controls to Units Constructed After June 13, 1979 and Units That Have Undergone a Substantial Rehabilitation**

Effective January 20, 2020, Rent Ordinance Sections 37.2, 37.2, 37.9A, 37.9D, 37.10A, and Chapter 37A.1 of the San Francisco Administrative Code (the Rent Board Fee Ordinance) were amended to extend eviction controls to units that were newly constructed after June 13, 1979 (including live-work units), and to units that have undergone substantial rehabilitation. The legislation also extends the Rent Board Fee to these units. The new legislation was sponsored by Supervisor Matt Haney. Previously, units newly constructed after June 13, 1979 were entirely exempt from the Rent Ordinance, including both the eviction controls and the rent regulations, as well as payment of the Rent Board fee. Under the Ordinance amendments, these units remain exempt from rent regulations, but are now covered by the Rent Ordinance for all other purposes. At its February 25, 2020 meeting, the

Board voted to put out for public hearing proposed versions of Rules and Regulations Sections 1.17 and 1.18, which were drafted by staff at the direction of the Board.

President Gruber opened a public comment period for members of the public to speak specifically about proposed Rules and Regulations Sections 1.17 and 1.18.

One member of the public spoke, but it was not in regards to the public hearing agenda item, but rather regarding action item L., for 2085 Ocean Avenue (AL200021 & AT200024).

A. Chung Shung Lo, appealing as a tenant of 2085 Ocean Avenue (AL200021 & AT200024), but who is also a former owner of the property, said that she received the ALJ's memorandum yesterday and did not agree. She said that the rescission was served to her and personally served to the tenant Joshua Van Gorden. She said the landlord served her around 7:00 a.m. and then filed. She said that the other tenant moved back in the morning. She said that he pushed her down on the floor and she couldn't get up, and that's why she called the police. She said that next day two people served him again on the second floor, and then he started the conversation with her sister. She said he was definitely moving out on November 11. She said she was going to see her attorney, and that her name was supposed to be on the settlement agreement, because it was done without her knowledge.

The Commissioners then had no discussion regarding the proposed amendments. Seeing that there was no discussion, the Commissioners made and voted upon the following motion:

MSC: To move to adopt Rules and Regulations Sections 1.17 and 1.18 as drafted by staff.
(Mosbrucker/Wasserman: 5-0)

VII. Communications

A. Articles from the S.F. Chronicle.

B. Workload statistics from March 2020.

C. Memo from the City Attorney regarding policy body meetings during the COVID-19 emergency.

VIII. Director's Report

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

Executive Director Collins informed the Board that the department has received additional guidance from the Mayor and the City Administrator regarding office safety protocols and requirements to reopen public facing services in the future. The requirements will include determining what services the department can provide while leveraging telecommuting and flexible working arrangements to the greatest extent possible. He said that to the extent that the department can provide services remotely, it will do so throughout the next fiscal year. The requirements address workplace policies intended to limit the exposure and help constrain the spread of the virus consistent with Department of Public Health guidelines and

recommendations, including signage and face coverage and limits of up to 20% of staff being in the office at any given time. Executive Director Collins told the Board that Deputy Director Varner is the designated COVID-19 Safety Monitor for the office and is helping to ensure compliance for the department, which the City Administrator will have to approve. Executive Director Collins informed the Board that the office would be taking the fax machine out of service in the next few months, and that filings could be submitted by email or mail. He said that staff have been conducting hearings remotely using Microsoft Teams, and explained that petitions continue to be screened, counseling is offered remotely, and the call center will be rolled out soon, and that the office is open virtually. He asked the Board to ask members of their communities to not file multiple times via multiple methods, particularly if the member of the public would like a conformed copy.

In regards to legislation, Executive Director Collins explained that legislation to bring the Midtown Park Apartments under rent control was introduced at the Board of Supervisors on May 19. In regards to the buyout legislation that became effective on April 6, Executive Director Collins informed the Commission that a lawsuit was filed in Superior Court on May 12 by the SF Apartment Association, the SF Association of Realtors, the Coalition for Better Housing, and the Small Property Owners of SF Institute. Executive Director Collins announced that file number 200578 was introduced to extend the emergency ordinance regarding the temporary rent freeze legislation, which is a freeze on most of the rent increases that are available to landlords in rent-controlled properties, and expires on June 23. Executive Director Collins said that on May 22, the Mayor signed the intermediate length occupancy (ILO) residential use legislation, with most of changes involving the Planning Department, but the Rent Board will have to monitor online listings and the public will have to be informed that the units offered for rent are subject to just cause eviction controls under the Rent Ordinance. He said that an ordinance amending the Administrative Code to prohibit landlords from evicting residential tenants for nonpayment of rent passed first reading June 9.

Executive Director Collins informed the Board that in-person outreach is not being conducted at this time, but the department is working with the Civic Bridge program to have more easily understandable Rent Board materials available to the public.

Finally, Executive Director Collins explained that the Mayor's Office has requested that the budget be rebalanced, and that the department has requested an exchange to add an IT position, which was submitted to the Mayor's budget office on June 13, and will go before the Board of Supervisors in August.

IX. Old Business

A. Proposed Amendment to Rules and Regulations Regarding General Bond Passthroughs

SALJ Koomas told the Board that legislation was passed in December 2019 where many changes were made to the general bond passthrough portion of the Ordinance and tenants can apply for a hardship deferral of a certain portion of general bond passthroughs, that at the earliest will be imposed in November 2020. He said that at previous board meetings it was discussed that the Rules and Regulations Section 10.15 would need to be amended to comply with the changes. He explained that at

this moment, the current proposed Rule 10.15 needs to be put out for public hearing, but requested it be delayed to the August 11 board meeting to give staff adequate opportunity to prepare. After discussion, the Commissioners agreed to continue this item as Old Business at the July 14, 2020 meeting.

X. New Business

A. Discussion and Possible Action to Adopt a Resolution Regarding Proposed Charter Amendment Establishing Term Limits for Boards and Commissions

In response to a proposed Charter amendment establishing term limits for boards and commissions proposed by Supervisor Safai to be considered at the Board of Supervisors' Rules Committee on June 25, 2020, Commissioner Mosbrucker prepared a draft resolution urging the Board of Supervisors to exclude the Rent Board as a non-Charter commission from the proposed legislation. The proposed language in the resolution stated that because the Rent Board is a quasi-judicial body hearing disputes between landlords and tenants on appeal following a hearing and decision by an administrative law judge; the Rent Board makes decisions pursuant to a complicated ordinance, rules and regulations, and the precedent of its own decisions, in the context of a highly complex field of state and federal law, requiring significant expertise, knowledge, and understanding of the history of the Rent Law and the Rent Board's decisions over its 40-year history; the Rent Board is more like a court of appeals handling disputes between opposing parties, in contrast, for example, to the commissions overseeing the airport and the port; Rent Board's decisions are appealable to the superior court and thereafter to both state and federal courts of appeal; under our form of government, judicial functions of government are generally shielded from both elections and limits on terms of service, as part of a separation of powers and system of checks and balances; the Rent Board, unlike other City departments, is a fee-supported agency with fees borne equally by landlords and tenants, the parties whose transactions are regulated by the board; Rent Board commissioners are subject to appointment by the mayor every four years and confirmation by the Board of Supervisors; the Rent Board's City-mandated goals of stabilization of rents, prevention of displacement, and mediation and arbitration of landlord/tenant disputes is best served by commissioners' continuity and longevity of service.

The Commissioners engaged in discussion primarily supporting Commissioner Mosbrucker's draft resolution. Commissioner Isbell contributed some important discussion points that he is in favor of term limits. He said that in the 1990s there were issues of incumbent legislators' knowledge base as an argument against term limits; however, the positive factors regarding term limits include large growth of diversity of women and people of color as legislators, who would not have had the opportunity to be legislators without term limits. Commissioner Isbell said that the first openly gay man representing the City would not have been able to do so without term limits; lifetime terms keep us behind the times; term limits provide the opportunity to bring in diverse voices, and countless people could be on the Rent Board commission with the right expertise who have different backgrounds. Commissioner Qian made a point that the current language does not make a

distinction between terms served as an alternate and terms served as a voting member on the commission. Commissioner Isbell offered one edit in the third paragraph regarding “court of appeals,” and suggested that the edit read “and the Rent Board has as one of its functions, similar to the court of appeals.” Commissioner Mosbrucker slightly edited that language. At the conclusion of the discussion, the Commissioners made and voted upon the following motion:

MSC: To approve Commissioner Mosbrucker’s draft resolution language urging the San Francisco Board of Supervisors to exclude the Rent Board from the proposed charter amendment establishing term limits for boards and commissions with the edit proposed by Commissioner Isbell.
(Mosbrucker/Wasserman: 5-0)

XI. Calendar Items

July 14, 2020

A. Consideration of Appeals

9 appeal considerations

B. Old Business

Proposed Amendment to Rules and Regulations Regarding General Bond Passthroughs

XI. Adjournment

President Gruber adjourned the meeting at 8:52 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.