



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, September 15, 2020
at 6:00 p.m.

Remote Meeting via video and videoconferencing
<https://bit.ly/3gMLOWF>

Public Comment Dial In Number: (408) 418-9388 / Access Code: 146 251 7629

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 September 15, 2020 to rentboard@sfgov.org. The meeting will be streamed live at 6:00 p.m. at <https://bit.ly/3gMLOWF>. 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 6:06 p.m.

II. Roll Call

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

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Commissioners Not Present: Dandillaya; Klein.

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

III. Approval of the Minutes

MSC: To approve the minutes of August 11, 2020.
(Wasserman/Mosbrucker: 5-0)

IV. Remarks from the Public

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

V. Consideration of Appeals

A. 1204 Jackson Street

AL200048

The master tenant's appeal was filed 12 days late because she was out of town and did not receive the decision on time.

MSC: To find good cause for the late filing of the appeal.
(Wasserman/Qian: 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 April 16, 2018 through January 31, 2020, and the master tenant was found liable to the subtenant for rent overpayments in the amount of \$6,186.59. The master tenant appeals, arguing that the subtenant's proportional share of rent should be higher because the value of the furniture was set too low; the master tenant provided additional household items monthly; the master tenant covered for the subtenant and paid the late fee ten times when the subtenant paid her portion of the rent late; the subtenant left some belongings in the unit and therefore should pay storage; and the subtenant misplaced her keys on at least four occasions and the master tenant provided the subtenant with a spare key.

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

B. 1434 Jackson Street #3

AL200049, AL200050

The subtenants' petitions alleging a disproportional share of rent were granted. 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 appeal, the master tenant states 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; and files the requisite Declaration of Non-Receipt of Notice of Hearing or Decision.

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

C. 2186 California Street #33

AT200044

The landlord's petition for a capital improvement passthrough to 13 of 21 units was granted. The ALJ certified the cost of exterior painting. One tenant appeals the decision, arguing that the landlord has done minimal repairs and has neglected to maintain the property, and therefore she should not have to pay the capital improvement passthrough.

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

IV. Remarks From the Public (continued)

A. Vanessa Mario, one of the subtenants at 1434 Jackson Street #3 (AL200050), told the Board that the master tenant said that she did not have a permanent address, but that she actually did have a permanent address. The subtenant said that there was an address where the master tenant could receive mail and payments listed on the contract with herself and subtenant Matz. Ms. Mario said that she received a text from the master tenant who acknowledged that there was a hearing by saying "So you're fighting me to stay in my apartment?" and that the master tenant actually received the hearing notice in the mail.

V. Communications

A. Articles from the SF Examiner, SFGate, SF Public Press, Business Times, MarketWatch, and KQED.

B. Annual Eviction Report for FY 2019-2020.

VI. Director's Report

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

Executive Director Collins provided the Board an update on operations, legislation and the budget. He reported that a new VoIP call center in multiple languages went live on August 31, and it was truly a team effort. He thanked and congratulated the staff who worked on its development, including counseling unit supervisor Jennifer Rakowski with call center and script development and testing, Deputy Director Varner with script development, and counselors Marissa Jimenez, Ben Ng, Nick Pagoulatos, and Josh Vining with testing and troubleshooting. Executive Director Collins told the Board that Tania Chacon worked on script translation, assisted by Liz Chang and Ben Ng; that Jessica Gallegos recorded the Spanish and English scripts, and Van Lam recorded the Cantonese scripts. Executive Director Collins also thanked Anita Pandhoh and Josh Vining for temporarily assisting counseling unit supervisor Rakowski so she could work on the call center. Executive Director Collins thanked

James Estes at the Department of Technology and Information Services for call center development, programming, support, and testing. The Rent Board's new main phone number and counseling line number is (415) 252-4600, and the counseling line is open Monday through Friday from 9:00 a.m. to 12:00 noon and 1:00 p.m. to 4:00 p.m., and callers can be routed to speak directly to a counselor in Spanish or Cantonese, or with an interpreter in Filipino, or leave a message for a callback.

Executive Director Collins requested that a discussion regarding entering into a contract for services related to Special Assessment 29 (the Rent Board fee) would need to be calendared for the October meeting.

In regards to legislation, Executive Director Collins informed the Board that Board of Supervisors' file number 201008 would be an ordinance to amend the Planning Code to clarify the ministerial approval process for accessory dwelling units (ADU) meeting certain requirements in single family and multifamily buildings, many of which may be price controlled under the Rent Ordinance; Board of Supervisors file number 200948, legislation is an Ordinance amending the Administrative Code to require sellers of multifamily residential buildings to provide a new right of first offer and right of first refusal to qualified nonprofit organizations if a multifamily residential building is not under contract or remains unsold after one year and after each year thereafter, and requires sellers to provide additional disclosures to qualified nonprofit organizations, and provides information to current tenants, and assist qualified nonprofits with due diligence, and allow multifamily residential buildings acquired by qualified nonprofit tenant organizations under the Community Opportunity to Purchase Act (COPA) to convert a limited equity cooperative under Subdivision Code, Division 11. He informed the Board that Board of Supervisors file number 200914, an emergency ordinance limiting construction noise during the COVID-19 pandemic, which has a limited duration and can be reenacted, and should be going to committee soon; file number 200763, which is in effect now, is an emergency ordinance to prohibit construction projects that require the suspension of water or electricity without alternative sources; file number 200518 is an ordinance amending the Administrative Code subjecting the units at Midtown Park Apartments to the Rent Ordinance, which will be at the Government Audit and Oversight Committee on September 17, 2020. Regarding the eviction moratorium, Executive Director Collins explained, there is a new federal eviction moratorium, and a new state eviction moratorium, which may preempt some of the provisions of the local eviction moratorium. He explained that staff are working on an updated, comprehensive document explaining all the rules, together with the Mayor's Office of Housing and Community Development this week. Finally, he explained that the temporary rent freeze was extended an additional 60 days, past August 22, 2020, through October 21, 2020, which could be reenacted.

Deputy Director Varner provided a brief overview and information about the Office of Racial Equity and the Office of Racial Equity's Racial Equity Action Plan, which Deputy Director Varner and counseling unit supervisor Rakowski are currently involved in creating. Deputy Director Varner provided some background as to creation of the Office of Racial Equity, and explained the mandate for each department to create a Racial Equity Action Plan by December 31, 2020. She explained the two-phase plan: Phase I is an internal look at the department, including the topics of Hiring and Recruitment; Retention and Promotion; Discipline and Separation; Diverse and Equitable Leadership; Mobility and Professional Development; Organizational Culture of Inclusion and Belonging; and Boards and

Commissions; and Phase II, to begin in 2021, is an external look where the department assesses its work with the community and the public. She explained that the focus of the plan due on December 31 are the areas covered in Phase I, and that data would be collected through surveys of the Rent Board staff and commission. Deputy Director Varner requested support from the Commission, explaining that some departments' commissions have brought forth resolutions or statements on racial equity or racial justice to support the mandates and ongoing commitment to racial equity. She explained that the mandate requires each departments' Racial Equity Action Plan to be presented to their commission, and requested that the staff presentation of the Racial Equity Action Plan be placed on the November 10, 2020 agenda as a new business item. At the conclusion of her presentation, there was a short discussion. Commissioner Isbell agreed to draft an initial Rent Board commission resolution on racial equity, and the commissioners agreed that the discussion of the resolution and the ongoing topic be added as a New Business item for the October 13, 2020 board meeting.

VII. Old Business

(There was no Old Business.)

VIII. New Business

(There was no New Business.)

IX. Calendar Items

October 13, 2020 – remote meeting via Webex Events

A. Consideration of Appeals

1 consolidated appeal consideration

B. New Business

1. Budget and Contracts

2. Commissioners' Resolution Regarding Racial Equity

X. Adjournment

President Gruber adjourned the meeting at 6:55 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.