



London N. Breed  
*Mayor*

Robert A. Collins  
*Executive Director*

DAVID GRUBER  
*PRESIDENT*

**AMENDED 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, October 13, 2020  
at 6:00 p.m.

Remote Meeting via video and videoconferencing  
<https://bit.ly/34tecZy>

Public Comment Dial In Number: (415) 655-0001 / Access Code: 146 874 9294

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 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 October 13, 2020 to [rentboard@sfgov.org](mailto:rentboard@sfgov.org). The meeting will be streamed live at 6:00 p.m. at <https://bit.ly/34tecZy>. 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.

II. Roll Call

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

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

III. Approval of the Minutes

MSC: To approve the minutes of September 15, 2020.  
(Qian/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. 1680 Clay Street

AL200052 – AL200054

The subtenants' petitions under Rules and Regulations Section 6.15C(3) and Ordinance Section 37.3(c) were granted. The ALJ determined that subtenant Choo paid more than her lawful rent from June 1, 2018 through June 24, 2019; that subtenant Jiang paid more than her lawful rent from May 1, 2018 through February 28, 2019; and that subtenant Fung paid more than her lawful rent from March 1, 2019 to June 24, 2019. The master tenant was found liable to the subtenants for rent overpayments in the total amounts of \$2,430.81, \$3,504.51, and \$1,030.11, respectively. The master tenant appeals, arguing that the rent amount received in June of 2019 from a non-party subtenant was actually \$1,280.00; and that on June 26, 2020, the master tenant retroactively reduced the non-party subtenant's rent from \$1,600.00 to \$844.00, and refunded her the difference for the period between February and June 2019, which then reduces the total rent received from the subtenants during this time to below the allowable \$4,314.12.

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

IV. Remarks From the Public (continued)

A. Silvia Seceleanu, the master tenant at 1680 Clay Street (AL20005-AL200054) told the Board that she heard one interpretation from the ALJ and another from the Board. She said that she understood that the Board does not look at proportionality when the master tenant is subletting the full unit, but rather that the rent collected by the master tenant must be no more than that owed to the landlord plus permissible costs. The master tenant said that she tried to rectify her mistake, and offered to pay back the amount that would ensure she was not overcharging to the subtenant subleasing the living room, but that subtenant chose to receive all the furniture that the master tenant had in the apartment as a trade. Ms. Seceleanu said that because she had paid that amount of money, there was some inequity in this case.

V. Communications

A. Articles from the SF Examiner, SF Chronicle, Mission Local, and Socketsite.

B. Monthly workload statistics for July 2020.

C. Amended Rules and Regulations Section 10.15.

VI. Director's Report

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

Executive Director Collins provided the Board an update on operations and legislation. He explained that the department is still operating under current directives and health orders that allow no more than 20% of staff to be in the office at a time, which equals 6 or 7 staff members, and will continue to do so until June 30, 2021. He said that overall efficiency is at about 70% from pre-pandemic levels, which is amazing for the department to be able to provide the level of service that it has been providing, with numerous changes in the law and being paper-based; staff help each other and the community. Executive Director Collins thanked the commissioners for their support of staff, and thanked staff who, he said, are truly the definition of committed public servants, as this is a difficult situation and they are doing a remarkable job. He told the Board that the department will be recruiting for an IT position that was approved in the 2020-2021 budget and will hire as soon as possible. In regards to space, he said that the department is hoping to make use of the suite next door to the office, but due to the COVID emergency, and other departments having had displacements, the earliest date the department can occupy the suite will now not be until March 1, 2021.

In regards to legislation, Executive Director Collins reported that Board of Supervisors' file number 200948, which is update legislation to the Community Opportunity to Purchase Act, has been assigned to the Board of Supervisors' Land Use Committee but hasn't been scheduled yet. He said that file number 200763, an emergency ordinance to prohibit construction projects that require the suspension of water or electricity without alternative sources, passed the Board of Supervisors and was signed by the Mayor on August 28, 2020 and a reenactment was introduced on October 6. Executive Director Collins said the Board of Supervisors file number 200518, an ordinance amending the Administrative Code to subject dwelling units at Midtown Park Apartments to the Rent Ordinance, passed on October 6, 2020 and should be scheduled for a second reading on October 20, 2020. He said that file number 201059, an ordinance amending the Administrative Code to limit evictions through March 31, 2021 unless the eviction is based on nonpayment of rent or violence or related issues passed first reading at the Board of Supervisors on October 6, 2020. Finally, he said that file number 201069 is a resolution passed by the Board of Supervisors supporting California state Proposition 21.

Additionally, Executive Director Collins provided updates regarding the Amended Buyout Ordinance that was effective on April 6, 2020. He said that the Board of Supervisors amended Ordinance Section 37.9E to revise requirements that landlords must follow when engaging in buyout negotiations with tenants that is known as Ordinance 36-20; in a state court challenge CPF-20-517087, the SF Apartment Association, et. al., sued the City and Judge Haines ruled on October 8, 2020 that Ordinance 36-20 is invalid and unenforceable; the court enjoined the City from enforcing the amendments; the City has not yet indicated if it will appeal; the department is updating its website. Finally, he informed the Board that Ordinance 93-20 was passed by the Board of Supervisors and permanently protects tenants from eviction for nonpayment of rent that was unpaid due to COVID-19, if the rent became

due between March 16, 2020 and September 30, 2020; the SF Apartment Association filed suit in case number CPF-20-517136; the Court ruled in the City's favor and the SFAA appealed A160924 but abandoned the appeal on October 1, 2020.

VII. Old Business

*(There was no Old Business.)*

VIII. New Business

- A. Request authorization to issue a request for quotes ("RFq") from a prequalified list to enter into a professional services contract to provide special tax consultant services for the Rent Board's Special Assessment (SA 29). The anticipated contract would be for 31 weeks and for a value not to exceed \$100,000.00 for the first year, with 4 one-year extensions, and a total value not to exceed \$380,000.00

Executive Director Collins began the discussion by explaining that in the past, the Treasurer and Tax Collector had the Rent Board fee assessment process built into their IT system, but they instituted a new system this year and are no longer able to provide that service to the Rent Board. He said that the services the department is seeking requires knowledge and expertise in special assessments, including correct classification of parcel data, as well as legal mandates for exclusions and exemptions. He said that the consultant will be required to retain current knowledge of codes, legal issues and similar matters in order to provide up-to-date advice to the City; and the work is seasonal and requires highly specialized knowledge and skills. He explained that to the best of his knowledge, all other departments with similar special assessments use seasonal consultants that have the specialized skills and knowledge because having a person on staff year-around for services that are only needed intermittently is generally not cost-effective. Executive Director Collins had a proposed resolution and welcomed questions. There was no discussion from the Board. Executive Director Collins also requested from the Board authority to both request quotes and to enter into a contract, as civil service commission approval is needed and he did not want to create delays. He said that the department has received approval to use the Controller's pre-qualified vendor list, which is a faster process, and said that he is happy to provide a status report at the November meeting. He said that he doesn't expect that any contracting can happen before the beginning of November. The Board voted upon the following resolution:

MSC: That the Commission finds that contracting is the most effective way to provide these needed specialized services, thus, the Commission authorizes the issuance of a request for quotes in order to enter into a contract for specialized tax consultant services, for a period not to exceed 4 years, and 31 weeks and 1 day, and having a value not to exceed \$380,000, to assist the Rent Arbitration Board with the assessment and collection of the Rent Board fee, and the Commission also authorizes the Rent Board to enter into such a contract once that evaluation has been done.

(Wasserman/Gruber: 5-0, Hung substitution for Dandillaya due to technical difficulties)

## B. Commissioners' Resolution Regarding Racial Equity

Board Secretary and Deputy Director Varner, who is also the Department's racial equity leader, explained what had been discussed at the September 15, 2020 commission meeting regarding the City's racial equity mandate. She reminded the Commissioners that the Office of Racial Equity was created out of a 2019 ordinance by Supervisors Brown and Fewer, and that the mandate is to promote racial equity work throughout the City. Deputy Director Varner reminded the Commissioners that each department has been tasked with creating a racial equity action plan, and that the Office of Racial Equity and staff are encouraging the Commission to commit to a resolution on racial equity. At the September 15, 2020 board meeting, Commissioner Isbell took to lead the Commission's efforts in the creation of a resolution on racial equity and agreed to put together a first draft of the resolution. Deputy Director Varner said that the draft resolution was distributed to the Commissioners prior to the meeting and would be discussed for the first time this evening. Commissioner Isbell then reminded the Commissioners that staff would be presenting a draft of the Department's Racial Equity Action Plan at the November 10, 2020 board meeting. Deputy Director Varner told the Board that the Department's racial equity team, comprised of herself and Rent Board counseling unit supervisor Jennifer Rakowski, are in the process of drafting the Department's Racial Equity Action Plan, due on December 31, 2020. She explained that this first part of the Plan, Phase I, takes on an inward look at the Department, while Phase II will be an external look at the Department's interaction with the community, and will be the focus in 2021. Deputy Director Varner explained that the team created and released unique surveys- one for staff and one for the Commissioners, to inform and guide their policy recommendations in the Plan. Commissioner Isbell explained that he drafted a lengthy resolution, following the guidelines of the Office of Racial Equity, using whereases and with guidance from sample resolutions from the Planning Department, the Human Rights Commission, and the Department of the Environment, together with statistics on renter, homeownership, and housing issues both in SF and nationally. He explained that many commissions will be putting forward their own resolutions. Commissioner Isbell explained that historically, intrinsic racism was part of housing policy, concentrating on issues historically of who could rent and who could own property, and also wanted to provide specific issues as to the Department. President Gruber inquired as to whether there was a review process in which staff would be involved. Rent Board Supervisor Rakowski explained how the team gave general feedback regarding data as to who has access to attorneys and who becomes attorneys and who is evicted, so that the information is grounded in SF and that ownership in specific language of the resolution could be centered with the Commission. Commissioner Isbell said that the resolution is based on the concept of moving forward while acknowledging and recognizing history, and the "resolved" section is about future activities of the Commission. Commissioner Hung brought up a point that the Commission may want to limit the whereas clauses in the beginning of the document regarding the historical information to make sure that the clauses are factually accurate, with a question as to whether racially restrictive covenants have been enforced in recent times. Commissioner Isbell indicated that this was just the first draft document for the Commissioners to work with, and also noted that while the racially restrictive covenants mentioned in the draft resolution may not have been enforced, they are still there. President Gruber was concerned that the document should be reviewed by the City Attorney's office, and Commissioner Isbell indicated that the draft has been shown to the director of the Office of Racial Equity. Deputy Director Varner explained that this is just the first discussion, and that commissioners may want to review the document or pose specific

questions to the Department's Deputy City Attorney, but there is no strict timeframe, nor strong guidance, and it may take some time for the Commissioners to create a document. Commissioner Isbell made it clear that it is up to the Commissioners to decide what they want to do, and that, for example, the Planning Department has been engaged in racial equity work for several years. One point he made was that the housing issues and history in which the Rent Board engages are connected to the historical work and issues of the Planning Department. Commissioner Tom was concerned about repetition in the document to avoid inconsistencies; and also requested an editable version of the document. At Commissioner Mosbrucker's suggestion, the Commissioners agreed to move the item to Old Business for discussion at the November 10, 2020 meeting. The Commissioners requested that the director of the Office of Racial Equity, Shakirah Simley, be invited to the November 10 board meeting, and staff agreed to contact Director Simley.

Commissioner Isbell additionally requested to place a New Business item on the next meeting's agenda, regarding a review of Rules and Regulations Section 2.10, concerning election of board officers. Commissioner Isbell expressed concern that the Board may not be in compliance in regards to the current stated term limits in Rules Section 2.10. The Commissioners agreed to review Rules Section 2.10 before the next meeting.

#### IX. Calendar Items

November 10, 2020 – remote meeting via Webex Events

##### A. Consideration of Appeals

1 appeal consideration

##### B. Old Business

1. Commissioners' Resolution Regarding Racial Equity

##### C. New Business

1. Departmental Racial Equity Action Plan Draft Presentation

2. Potential Amendment to Rules and Regulations Section 2.10 – Election of Board Officers

#### X. Adjournment

President Gruber adjourned the meeting at 7:42 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.**