



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, November 10, 2020
at 6:00 p.m.

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

Public Comment Dial In Number: (415) 655-0001 / Access Code: 146 757 9131

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 November 10, 2020 to rentboard@sfgov.org. The meeting will be streamed live at 6:00 p.m. at <https://bit.ly/3eIQHpK>. 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 6:08 p.m.

II. Roll Call

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

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Commissioners Departing Early: Klein, 8:07 p.m.

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

III. Approval of the Minutes

MSC: To approve the minutes of October 13, 2020 and to amend the sentence beginning in Section VIII. New Business, Subsection B. Commissioners' Resolution Regarding Racial Equity, Line 10 to strike "She," and insert "Deputy Director Varner."
(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. 3042 Sacramento Street #1

AT200055

The tenant's appeal was filed 54 days late due to medical issues and problems with the postal service.

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

The tenant's petition alleging decreased housing services was denied. The ALJ found that the tenant did not meet her burden of proving that: the condition of the front door entry and the hydraulic door closer constituted a substantial decrease in housing services; that the landlord's conduct with respect to the tenant's claims of loss of quiet enjoyment constituted a substantial decrease in housing services; that the condition of building security constituted a substantial decrease in housing services; and the condition of the common area maintenance constituted a substantial decrease in housing services. On appeal, the tenant argues that the ALJ never viewed video of illegal activity; that there was constant noise and disturbing cleaning and construction; that there was no use of masks; and that a worker assaulted her and sent her to the hospital.

MSC: To continue consideration of the appeal to the December 8, 2020 board meeting.
(Wasserman/Mosbrucker: 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 the SF Examiner, SF Chronicle, Sacramento Bee, Business Insider, SFist, and NBC Bay Area.
- B. Workload statistics for August 2020 and September 2020.
- C. Updated list of Rent Ordinance amendments.
- D. Copy of amended Rent Ordinance Section 37.9E.

VII. Director's Report

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

Executive Director Collins provided an update on department operations. He said that there has been revised guidance provided from the Mayor's office that the office can be staffed at 25% of capacity, but that all departments still must comply with the regular social distancing guidelines; because the Rent Board's small office space, staffing will continue in the same way for the time being. Executive Director Collins then provided an update on legislation. He explained that Board of Supervisors' file number 200948, the Community Opportunity to Purchase Act (COPA) update passed unanimously on November 3, 2020 and is awaiting the Mayor's signature; Board of Supervisors' file number 201149 which is a reenactment of an emergency ordinance to prohibit construction projects requiring suspensions of water or electricity without alternative sources was introduced on October 6, 2020 and has not yet been heard at committee; Board of Supervisors' file number 200518 is the ordinance that brings Midtown Park Apartments under rent control was signed by the Mayor on October 30, 2020 and becomes effective 30 days later; and Board of Supervisors' file number 201059 is an ordinance amending the Administrative Code to limit residential evictions through March 31, 2021 unless the eviction is necessary due to violence or health and safety issues was signed by the Mayor on October 30, 2020. Finally, Executive Director Collins informed the commissioners about Board of Supervisors' file number 201262 which is an ordinance amending the Administrative Code to require owners of residential dwelling units to report certain information to the Rent Board, to authorize the Rent Board to issue a license to owners who report the information, to require an owner to have a license to impose certain types of rent increases, and to impose a surcharge on top of the Rent Board fee to impose certain associated costs. He said that this proposed legislation was introduced on November 3, 2020, and will be at the Board of Supervisors' Budget and Finance Committee on November 18, 2020 and now has 7 co-sponsors. He said that it requires licenses by July 1, 2022, and because it potentially requires licensing of 170,000 to 245,000 units, there is a concern that requiring that many licenses to be issued in one month and not allowing landlords to raise the rent who failed to comply may be too onerous a task on the department. Executive Director Collins said that he will appear at the Budget and Finance Committee meeting, and request amendments to possibly create a soft launch, or go operative on July 1, 2022 without requiring the license to give a rent increase because the impact on the department's small staff is so great. As well, Executive Director Collins said, a possibility could be to not have the punitive aspects enacted on July 1, 2022, due to possible hardship on small, mom-and-pop landlords. President Gruber said that owners weren't consulted on the matter and that there needed to be a more robust discussion with the

community; he understood the intent but said that the proposal has no boundaries. Executive Director Collins explained that there has been much demand in SF for a rental housing inventory. Commissioner Crow expressed concern that the Rent Board is not a licensing bureau and was unclear how this type of licensing would be funded. Commissioner Wasserman said that he was concerned as well about passing this type of legislation without funding. Executive Director Collins explained that the Rent Board fee would go up, but a bigger challenge would be that there are not enough staff to hire 15 more people; he also explained how landlord failure to apply for a license could result in numerous tenant petition filings. Some commissioners indicated that they might want to draft a letter or provide public comment to explain their concerns. President Gruber asked to hold a special meeting on November 30, 2020 prior to the December 8, 2020 regular board meeting regarding a potential resolution regarding the pending rental inventory legislation, and then also to discuss the pending resolution on racial equity and the potential amendment to the Rules and Regulations Section 2.10 regarding the election of board officers.

VIII. Old Business

A. Update on professional services for the Rent Board Fee (SA 29)

Executive Director Collins told the Board that the panel has been compiled; that the Civil Service Commission review date has been moved forward; and the City Attorney still has the solicitation for final details. He agreed to provide an update at the December 8, 2020 regular meeting.

B. Commissioners' Resolution Regarding Racial Equity

This item was moved to be considered first on the agenda, prior to the approval of the minutes. Shakirah Simley, the Director of the Office of Racial Equity attended the meeting at the invitation of the Commissioners. The Commissioners had requested that Director Simley attend the meeting at the October 13, 2020 meeting when discussing a draft resolution regarding racial equity. Director Simley gave a brief overview on the history of the City's Racial Equity mandate and the work in dismantling long-term governmental harm. She explained that the Rent Board's resolution follows that and is well in alignment with that of other departments. Director Simley emphasized that some of the deepest wealth and housing disparities in California can be found in San Francisco, so there is work to do acknowledging the history and looking at the past, in order to look at the future. President Gruber provided some comments regarding the Rent Board's history and said that many of the items in the whereas clauses of the board's current draft resolution on racial equity seem that they came before the creation of the Rent Ordinance and wanted to learn what whereas clauses should be included in the resolution. Director Simley explained that she supported the strong whereas clauses in the current draft version of the Commissioners' resolution on racial equity as it provides an acknowledgment of history to help the City take accountability of the expanse and extent of what disparities in housing in San Francisco look like. Director Simley encouraged the commission to pass a resolution on racial equity before the end of the year, to create a foundation to support the staff's ongoing racial equity work. President Gruber questioned why the Rent Board was joining with the Planning Commission in some of the acknowledgments of historical inequities in housing in San Francisco. Commissioner Isbell explained that this was the opportunity to acknowledge a linked history regarding the

Planning decisions that were made in the city. Commissioner Hung told the Board that he had some edits, particularly to the two whereas clauses regarding the legal profession and the justice system in regards to the Rent Board and some edits in regards to causation and racially restrictive covenants. He agreed that he would send his comments to Board Secretary Varner to distribute to the commission. Commissioner Isbell emphasized that the Board would want to use the resolution also to give guidance to the staff in their work, and pass the resolution as early as possible. Board Secretary Varner explained that the commissioners could vote on a resolution as early as the next regular meeting of December 8. President Gruber thanked Director Simley for her presence at the meeting.

IX. New Business

A. Department Racial Equity Action Plan Draft Presentation

Deputy Director Varner and Rent Board counseling unit supervisor Rakowski (the racial equity team) presented the first draft of the department's racial equity action plan, which is part of a citywide mandate lead by the Office of Racial Equity. Deputy Director Varner explained that the Phase I plan is currently focused on an internal look at the department, with citywide goals in the following areas: 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 is due on December 31. The racial equity team explained staff survey takeaways in the first three areas and main goals for 2021, highlighted the plan creation and review process in light of Proposition 16 not passing and how plans can go forward meaningfully and in compliance with current law, and presented highlight goals for each section of the plan. The racial equity team explained that they would present a subsequent draft at the December 8, 2020 regular board meeting.

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

Commissioner Isbell explained that he reviewed the Rent Board's bylaws, and realized that the Board was out of compliance with Rent Board Rule 2.10 regarding the election of Board Officers. Commissioner Isbell suggested that elections for leadership should occur regularly, so that everyone can have their voice heard. He explained that this is not a comment on the Board's current leadership, but is a process concern, and that change could help the Board to examine the Rules with a racial equity lens and to promote a diversity of voices. Commissioner Mosbrucker stated that elections should be held on a regular date, and that she did not have an issue with President Gruber chairing meetings. She also requested that Rule 2.11 be amended to clarify that alternate Board members may vote in Board elections. SALJ Koomas informed the Board of a conflict between Rule 1.10 and Rule 2.10 regarding the role of alternate Board members. He said that while Rule 2.10 was amended to allow alternates to participate in Board elections, Rule 1.10 appears to exclude Board alternates from that process. Commissioners Isbell and Mosbrucker said that alternates have voted and served as officers in the past. President Gruber had earlier in the meeting asked to hold a special meeting on November 30, 2020 prior to the December 8, 2020 regular board meeting regarding a potential resolution regarding the pending rental inventory legislation, and then also to discuss the pending resolution on racial equity and the proposed amendment to the

Rules and Regulations Section 2.10 regarding the election of board officers, however, the commissioners decided to move this and the item regarding clarification of Rules 1.10 and 2.11 to the December 8 meeting. At the commissioners' request, staff agreed to prepare an outline of the issues surrounding the proposed amendments to Rules and Regulations Sections 1.10, 2.10, and 2.11 in advance of the December 8 meeting.

X. Calendar Items

December 8, 2020 – remote meeting via Webex Events

A. Consideration of Appeals

6 appeal considerations (including one consolidated)

B. Old Business

1. Update on professional services for the Rent Board Fee (SA 29).
2. Commissioners' Resolution Regarding Racial Equity
3. Proposed Amendments to Rules and Regulations Section 2.10 – Election of Board Officers
4. Department Racial Equity Action Plan Draft Presentation

C. New Business

1. Proposed Amendments to Rules and Regulations Sections 1.10 and 2.11 Regarding Board Alternates

XI. Adjournment

President Gruber adjourned the meeting at 8:42 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.