



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 12, 2019
at 6:00 p.m.
25 Van Ness Avenue, **Room 610**

I. Call to Order

President Gruber called the meeting to order at 6:05 p.m.

II. Roll Call

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

Staff Present: Brandon; Collins; Koomas; Varner.

Commissioners Appearing on the Record Late: Hung, 6:08 p.m.

Commissioners Departing Early: Hung, 7:25 p.m.

III. Remarks from the Public

A. Wayne Mangan, the tenant at 2141 Pacific Avenue #7 (AT190158), told the Board that he is 81 and has lived in SF half his life. He said that this is in regard to increasing his rent dramatically because he lives part of the time in Phoenix, AZ. He said he found out from his employer that it will be only about 6 more months that he will be in Arizona and then he intends to sell his condo in Phoenix and his car, and live in his little room on Pacific.

B. Felipe Escamilla, the tenant at 718 Arguello Boulevard (AL190176), told the Board that he wanted to further respond to some of the landlord attorney's claims. He said that the claim that he intended to move to Nevada to avoid and evade his taxes is false. The tenant said that he went to Nevada to help his wife, from whom he is now separated, and with whom he now has joint custody of his 18-month old daughter, establish herself. Mr. Escamilla said that this is retaliatory because there was lead in the home that he reported. He said that he works in nonprofit education, and can't afford rent elsewhere, and it was never his intention to evade taxes.

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C. Kurt Larson, a tenant at 269 Frederick Street (AT190171), said that the tenants got a notice in August saying that the new owners were trying to rescind the previously served owner move-in (OMI) eviction notice and asked him to attest that no tenant had moved out in response to the OMI; but in fact, two tenants had moved out in response to the OMI; and he just supplied documents to attest to that. Mr. Larson said that he doesn't think that the landlords are trying to do anything nefarious; they bought a house, but then changed their minds and decided not to live in it; and then raised the tenants' rent 61%. He said that he went out of the country and came back and found out that his lawyer did not respond to the rescission request on time, so he is now responding on appeal.

D. Emily Brough, attorney on behalf of landlord representative Peak Realty Group, regarding 1900 Jefferson Street #101, #103, #105, #301, #303, and #305 (AL190161-AL190166) told the Board that four out of six decisions contain errors on the tenants' base rent and that the tenants who filed a response did not respond to this issue. Ms. Brough requested that these decisions be remanded for correction. She said that the Administrative Law Judge (ALJ) abused her discretion by allowing post-hearing cell phone sound level readings taken from cell phones that had allegedly recorded construction in the past, and asked that all 6 petitions be remanded for reconsideration of the construction issue without considering this evidence.

E. Karen Uchiyama, landlord for the master tenant at 1536 Jones Street (AL190172, AL190173), said that this situation is one of first impression. She told the Board that she doesn't fault the ALJ on his decision, as it is a rare occasion where this issue would come up; the master tenant is 60 years old, disabled, and terminally ill with stage 4 cancer, and the only thing he has to live on is a 7-room flat. She said that the master tenant lives in dining room, and was up front with his roommates that he overcharged. She said that the subtenant knew what he was going to do: he wanted to rent half of the apartment, including a double parlor and one of the bedrooms, and as soon as he signed the agreement, he filed a petition for disproportional share of rent. However, she said, the master tenant was up front with the amount. She said that the subtenant then did not use the unit at all and never lived in it; so there is a conflict with Regulations 1.21- a person should be using the unit as their principal place of residence in order to get the benefits of rent control.

F. Susan Arnot, the tenant at 900 Chestnut #608 (AL190168) told the Board that the basis of the landlord's appeal is disingenuous- they argue that they are performing reasonable and necessary repairs, and that the work is being performed in a timely manner and does not interfere with the tenants' full use of housing services, nor their right to occupy the premises. She said that these are not repairs and maintenance for the tenants' benefit, nor is it done in a reasonable timeframe, and they are instead remodeling units as they become available, turning 1-bedrooms into 2, and studios into 1-bedrooms, in an effort to increase the rent of those units and increase the value of the property, and in the process they are causing damage to adjacent units that will need subsequent repair. She said that the remodel of unit 704 began in November 2018 and is still under construction; the wording on the permit does not mention removal of the working fireplace and wall and removal of the chimney stacks, which has caused bricks, soot and ash to come crashing through into her unit. She said that there are numerous cracks in every room and water damage as a result of that work. Both units 608 and 612 were breached when workers broke through their ceilings, and at times the entire apartment shook from the demolition; there is plaster dust everywhere, walls and

ceilings are damaged in common areas, the carpet is filthy. She said she has had to work remotely and quiet enjoyment has been breached.

G. Nicole Penn, a tenant at 900 Chestnut Street #612 (AL190169) spoke on behalf of herself and tenant Brian Gallagher. She said that the landlord cites the work as having a benefit to the tenants, but that the work being done on the unit above is a complete overhaul with the sole purpose of maximizing its value, with no tangible benefit to the tenants below. She said that the landlord cited Golden Gateway as a corollary to their situation, but here, the current construction has nothing to do with her benefits; they have broken through the ceiling of her closet, knocked out lights in ceiling; and there are several visible and continually growing cracks; and they will need to request the work being re-worked. She said that they are in constant fear of ceiling being breached or some other incident, and there is no end to construction that has been going on for over a year; they are not just mild annoyances and inconveniences over an unreasonable amount of time, but a continual invasion of space and privacy.

H. Ann Mahoney said she is a 43-year resident of 900 Chestnut Street who survived a renovation in 1985. She said that the current demolition is interminable; the workers are using a single elevator to dispose of 34 clay chimney surrounds, breaking the elevator down; the demolition far exceeds what's listed in the Department of Building Inspection (DBI) permits; they've used no elevator pads; doors to the front lobby and both garages are continually propped open; open access renders her insurance policies null and void. She said that she fears what stranger she will encounter in the hallway. She said that in 2010 there was a murder in the building when someone who did not have access gave access, and fears what could happen again.

I. Laura Campbell, the attorney for the landlord at 3767 Cesar Chavez Street (AL190160) said that she is only requesting that the appeal be postponed, because her office didn't receive notice of appeal consideration until earlier that week.

J. Curtis Dowling, attorney for the landlord at 718 Arguello Boulevard (AL190176), told the Board that the ALJ found that the tenant permanently resided in Nevada when the notice was served- he moved there, registered to vote in Nevada, and did not pay taxes to the Franchise Tax Board for years, which is perfectly consistent with his establishing domicile in Nevada and becoming a non-resident in California. He said that there is nothing wrong with his reliance on the benefits of Nevada tax law, but he can't have it both ways- he didn't pay taxes in California because he was not domiciled here. Mr. Dowling argued his statement on appeal should be disregarded; there was no opportunity to cross-examine; "permanently resides" should mean domiciled- either the tenant only resided in Nevada or he only permanently resided in California. He asked that the Board reverse the ALJ's decision.

K. Justin Goodman, attorney for the subtenant at 1536 Jones Street (AL190172, AL190173) told the Board that the master tenant's attorney said that the master tenant was up front about overcharging rent. He said that the master tenant can only charge a proportional share of the rent, so that petition was properly decided. He urged the Board to decline to take the extraordinary step of granting the master tenant's 1.21 petition, as it was filed to over-litigate this case, as they are in the middle of the third of three unlawful detainer actions.

L. Jennifer McCloskey, the tenant at 1900 Jefferson Street #101 (AL190161) thanked the Board and said that she is responding to her landlord's appeal. She said she filed a petition for decreased housing services because the owner began conversion of 15 units from 1 to 2 bedroom units; the landlord can increase the rent from \$3,300.00 to \$4,900.00-5,200.00 per month. She said that they are 16 months into the work and only 4 of 15 units are completed; and that the work is not reasonably necessary nor general maintenance. She said that she has already submitted a letter as to why the appeal should be denied. More importantly, she said, is that she wanted to illustrate the humanity: she said she works from home and consistently has to leave the apartment to work in cafes or in her car; she has insomnia and now can't sleep in due to construction; there is zero notice for loud noise and demolition days; the noise is so loud you can't hear yourself yell; there are spider and ant infestations; a hole in wall has not been fixed after 1 year; a flood in kitchen came down from the ceiling; migraines; has seen chainsaws left unattended; and the front door and garage door are routinely propped open.

M. Ashley Rasmussen, a tenant at 1900 Jefferson Street #105 (AL190163) said she is a stay-at-home mom of 3 and does contract work from home, and at the time of decision she had 3 kids who were napping. She said they have taken unplanned road trips to see relatives so the kids can get sleep. She said that they can't even speak it is so loud; a saw was left unattended in the hallway; a giant piece of metal fell into the garage; her son tracked goo in on his clothes; it's hard to raise 3 kids in a construction site. She urged the Board to deny the landlord's appeal and consider what they've been living through.

N. JD Rasmussen, a tenant at 1900 Jefferson Street #105 (AL190163) said he doesn't live in the legal world, but he wanted to tell the truth and is not trying to misrepresent anything. He said that a couple examples from the hearings speak to character and lack of trust that Rent Board should place on the landlord's ability to present credible evidence, as the landlord made false statements and initially lied under oath. He said that there was another instance where the ALJ asked if work had been fully permitted, and the landlord said yes, but then the landlord admitted that boilers had not been replaced with permits.

O. Christie Every, the tenant at 1186 Fulton Street (AT190159), said that she is a 55-year old single mom, has an 11-year old son, says she has two whole flats, with more than 5 bedrooms, and pays \$3,012.00 a month. She said that in about May 2017 new neighbors moved in below her, and has been severely electronically stalked in all rooms since. She said that this first started in front of her son and started hearing comments in her room. She said that her neighbors work in signal transmission radio frequency, thermal, and that she has a document detailing over 2000 audios and videos. She said that they are stalking her son in San Jose. She said that a tenant downstairs is taping her son in the bedroom, and they refuse to meet with her in person, and she has doctors saying they've heard the stalking evidence.

P. Joan Hilton, the landlord at 2175 Grove Street (AL190170), said that at the hearing her tenant very casually cited his laundry costs of \$70.00-\$80.00 dollars a month, and mentioned that 3 members of family and his college student son are there too, but her complaint is that there was no documentation of the casual estimate and the son is only present 3 of the 20 months in question, so she thinks the ALJ overestimated the amount owed to the tenant. She

said that she documented the true costs at a nearby laundromat at they are half of what the ALJ recommended.

IV. Consideration of Appeals

A. 672 Brunswick Street, Upper

AT190174

The tenants' petition alleging decreased housing services was dismissed due to their non-appearance at the hearing. On appeal, one tenant contends that she did not arrive to the hearing on time due to a transportation delay.

MSC: To accept the appeal and remand the case for a new hearing. Should the tenants again fail to appear, absent extraordinary circumstances, no new hearings will be scheduled.
(Wasserman/Qian: 5-0)

B. 1536 Jones Street

AL190172, AL190173

The subtenant's petition alleging a disproportional share of rent was granted, and the master tenant's petition for an unlimited rent increase pursuant to Rules and Regulations Section 1.21 was denied. The ALJ found that the subtenant's proportional share of the total rent was \$1,045.00 for November 2018 and \$1,026.45 beginning December 1, 2018, and that the master tenant was liable for any rent overpayments made over those amounts. The ALJ also found that the master tenant did not have standing to seek a determination of whether the subtenant resides in the subject unit as his principal place of residence because Section 1.21 does not authorize a master tenant to seek an unlimited rent increase when a subtenant does not reside in a unit as his or her principal place of residence. The master tenant appeals, arguing that the subtenant was not a tenant in occupancy because he did not use the unit as his principal place of residence and therefore the subtenant should be required to pay more than his proportional share of rent; and that the subtenant attempted to defraud the master tenant.

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

C. 1186 Fulton Street

AT190159

The tenant's petition alleging decreased housing services was denied. The ALJ found that the tenant failed to meet her burden of proving that the landlord did not reasonably respond to her noise complaints, or that there was a substantial issue of noise or harassment from the downstairs tenants or guests, or that there was any behavior at the property that would have constituted a substantial decrease in housing service for loss of quiet enjoyment for the tenant. The tenant appeals, arguing that she did not have enough time to present audio and video evidence.

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

D. 2175 Grove Street

AL190170

The tenants' petition alleging decreased housing services was granted. The ALJ found the landlord liable for rent reductions in the amount \$2,025.00 for the loss of laundry machines. The landlord appeals, arguing that the monthly rent reduction should be \$55.68, rather than \$100.00, based on the actual costs of doing a load of laundry at neighborhood laundromats.

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

E. 900 Chestnut Street #608 & #612

AT190168, AT190169

The tenants' petitions alleging decreased housing services due to a loss of quiet enjoyment and for the loss of their wood-burning fireplaces were granted. The ALJ found the landlord liable to the tenant in unit 608 for rent reductions in the amount of \$1,746.00 with an ongoing rent reduction of \$180.00 until the service is restored. The ALJ found the landlord liable to the tenants in unit 612 for rent reductions in the amount of \$1,300.00 with an ongoing rent reduction of \$100.00 until the service is restored. On appeal of the loss of quiet enjoyment claim only as to both units, the landlord argues that the overpayments are barred by the decision in Golden Gateway.

Commissioner Wasserman recused himself from the consideration of this appeal because the landlord is a friend and client.

MSF: To accept the appeal and remand the case to the ALJ to comply with the decision in Golden Gateway with regards to the construction and decreased housing services.
(Klein/Gruber: 2-3; Dandillaya, Mosbrucker, Qian dissenting)

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

F. 1900 Jefferson Street #101, #103, #105, #301, #303, #305

AL190161-AL190166

The tenants in units 101, 103, 105, 301, 303, and 305 filed separate petitions that were consolidated for hearing alleging decreased housing services for: loss of quiet enjoyment due to construction noise; loss of bike storage in laundry room; and loss of roof deck access. The tenants' petitions were granted as to all three claims, and the landlord was found liable to each tenant in various amounts ranging from \$7,175.00 to \$8,135.00, with ongoing rent reductions for the continued loss of bike storage and roof deck access. On appeal, the landlord argues that the ALJ abused her discretion in allowing post-hearing cell phone application evidence to be submitted and made erroneous findings; and that the base rent and/or parking rent for units 105, 301, 303 and 305 is incorrect.

MSC: To deny the appeals and remand the cases to the ALJ solely to issue technical corrections regarding the base rent amounts as to units 105, 301, 303, and 305.
(Mosbrucker/Qian: 3-2; Gruber, Wasserman dissenting)

G. 935 Kearny Street #118

AT190154

The tenant's petition alleging decreased housing services and an unlawful rent increase was denied. The ALJ found that the linen service provided free of charge was not a housing service reasonably expected at the commencement of the tenancy or is not one connected with the use and occupancy of the tenant's unit; and that the tenant's base rent of \$698.36 was lawful. The tenant appeals, arguing that the ALJ was biased and that his base rent should be the original contract rent of \$680.00.

Commissioner Wasserman recused himself because he represents the landlord on matters unrelated to this appeal.

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

H. 206 Dorland Street

AT190175

The tenant's petition alleging an unlawful rent increase was denied. The ALJ determined that the tenant's lawful base rent effective November 1, 2018 is \$1,822.96, and the total rent including current capital improvement passthroughs is \$1,876.01. The tenant appeals, arguing that she could not read the rent increase notice, because she is low vision, and requested a payment plan.

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

I. 718 Arguello Boulevard

AL190176

The tenant's petition alleging an unlawful rent increase under the Costa-Hawkins Rental Housing Act was granted. The ALJ found that the landlord did not meet the burden of proving that the tenant petitioner no longer continued to permanently reside in the subject unit at the time the notice of rent increase was served, and that the rent increase from \$3,540.00 to \$5,500.00, effective June 1, 2019, was therefore not authorized by Civil Code Section 1954.53(d)(2). On appeal, the landlord argues that Costa-Hawkins does not allow an individual to simultaneously permanently reside in two separate rental units in two separate states, and that the tenant petition cannot be a resident of California because no tax returns were filed in California in 2017 or 2018.

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

J. 2141 Pacific Avenue #7

AT190158

The landlords' petition under Rules and Regulations Section 1.21 was granted. The ALJ found that the subject unit was not the tenant respondent's principal place of residence at the time the petition was filed on March 8, 2019, and that there was no other tenant in occupancy of the unit on that date, and therefore the rent limitations set forth in Rent Ordinance Section 37.3 are not applicable. On appeal, the tenant raises a policy argument that the "tenant in occupancy" rule is inherently flawed and needs to be amended.

Commissioner Wasserman recused himself because a couple folks from his office were involved.

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

K. 960 Pine Street #31

AT190167

The tenants' appeal was filed 6 days late because the tenants believed that the appeal was to be postmarked 15 days from the decision mailing date, rather received 15 days from the decision mailing date.

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

The landlords' petition for a rent increase pursuant the Costa-Hawkins Rental Housing Act was granted. The ALJ found that the landlord met her burden of proving that tenant Adams no longer permanently resided in the subject unit when the petition was filed on April 18, 2019; and that remaining occupant Dely is a lawful subtenant who commenced occupancy of the unit after January 1, 1996, and therefore the landlord is entitled to impose a rent increase under Civil Code Section 1954.53(d)(2) of Costa-Hawkins. On appeal, the tenants argue that the unit is tenant Adams' principal address; that tenant Dely has a direct landlord-tenant relationship with the owner because she is listed on a lease addendum as a co/subtenant; and that the landlord's representative at hearing did not have actual authority to represent the landlord.

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

L. 2201 Pacific Avenue #505

AT190157

The landlords' petition under Rules and Regulations Section 1.21 was granted. The ALJ found that the subject unit was not tenant Kamela Arya's principal place of residence at the time the petition was filed on May 1, 2019, nor was it the principal place of tenant Arya's minor son Anthony Arya, and therefore the rent limitations set forth in Rent Ordinance Section 37.3 are not applicable. The tenants appeal, arguing that they are allowed to have more than one residence; that a tenant may be temporarily absent for educational purposes; that illegally obtained hearsay evidence cannot support findings of

fact; and that the action is barred by laches.

President Gruber recused himself because his family owns the property.
Commissioner Wasserman recused himself because the owner is his client.

MSC: To postpone and continue the consideration of this appeal to the
December 10, 2019 meeting.
(Qian/Mosbrucker: 5-0)

M. 3767 Cesar Chavez Street

AL190160

The landlord's appeal was filed 1 day late because the landlord didn't disagree with the decision, but just wanted to preserve the ability to be heard in the future.

Commissioner Klein recused herself because her firm was involved in the underlying case.

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

The landlord's petition for a rent increase to \$1,380.00 based on comparable rents was granted. The parties stipulated that at the time the tenancy commenced in or about June 2006 a special relationship existed between the former landlord and tenant Nicholas Marley because the former landlord was the tenant's grandfather. The ALJ determined that, as a result of the special relationship, the initial base rent of \$950.00 was set lower than market rent due to non-market conditions; and that the current landlord is entitled to impose a comparables rent increase, from \$1,000.00 to \$1,380.00 per month set by the landlord in the petition. The landlord appeals not because he disagrees with the decision, but because he is currently working with the tenant respondent regarding the execution of a new lease and wants to preserve his ability to be heard in the future, if necessary.

MSC: To postpone and continue the consideration of this appeal to the January
28, 2020 meeting.
(Wasserman/Mosbrucker: 5-0)

N. 269 Frederick Street

AT190171

Two tenants appeal the decision granting the landlords' request for rescission of an owner move-in (OMI) eviction notice. In the decision, the ALJ determined that the landlords' rescission request stated under penalty of perjury that no tenant moved or agreed to move after the OMI notice was served, and after the amended rescission request was mailed to the tenants, no written objection was received from the tenants. On appeal, two tenants remaining in the unit argue that two additional tenants moved out of the unit after the OMI notice was served and before the rescission request was granted, and therefore, the rescission request should be denied.

MSC: To accept the appeal and remand the case to the ALJ for a hearing on the matter.
(Mosbrucker/Qian: 5-0)

III. Remarks From the Public (continued)

A. Kurt Larson, a tenant at 269 Frederick Street (AT190171), thanked the Board for their time. He asked what an ALJ is and how would someone find out about the hearing. He stated that the reason why he didn't file in time is that his lawyer told him he was going to respond but he did not. He said that he is under the impression that the new owners didn't know that the two tenants moved out.

B. Charley Goss from the SF Apartment Association spoke about the two draft versions of proposed Rules and Regulations Section 6.10. He said that there were lots of provisions in Draft 1 – Version 3 (Mosbrucker Amendments) that they believe would make it hard for small property owners to get O&M increases. He said that SFAA believes that the Draft 1 – Version 4 (Dandillaya Amendments) are more in line with the Ordinance and would protect small landlords who recently relied on the law to get their rent increases, and would protect the most vulnerable renters.

C. Amina Rubio, a volunteer with the Housing Rights Committee (HRC), said that the HRC support Draft 1 - Version 3 of the proposed Rules and Regulations Section 6.10, which is more in line with Supervisor Fewer's legislation. She said that being that Veritas has the lowest eviction rate but the highest unit turnover rate, she believes that these increases are a legal way of incentivizing tenants to self-evict.

D. Devon Johnson, a small property owner, said he was speaking about proposed changes to the proposed O&M Regulations said that he is in support of Draft 1 – Version 4, Commissioner Dandillaya's version, which more clearly and fairly defines reasonable reliance. Mr. Johnson said he respectfully asked that the 5% calculated in Draft 1 – Version 3 be dropped because it is arbitrary and cannot be called a a rate of return when it excludes critical expenses that are a rate of return calculation; it doesn't include capital expenses like painting and deferred maintenance. He said that it also doesn't include debt service, when that is absolutely part of the rate of return. He said he did a few calculations and one can only really pass the test in Draft 1 – Version 3 if you were to buy your building in all cash, and the only people who can do that are large corporations. He also said that it is unfair to do a needs test on the landlords and not do a needs test on the tenants. He asked that they stop rewriting rules as they go along.

E. Gunvant Shah, a Veritas tenant and HRC activist, said that reasonable reliance is a concept, not a law and is not acceptable by the tenant community because when the landlord increases rent or does a repair, they did not get a prior permission from the tenant and stick the tenant with the bill afterwards. He said that the tenants are not the landlord's ATM machine, and the Board of Supervisors should address this matter.

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V. Communications

In addition to correspondence concerning cases on the calendar, the Commissioners received the following communications:

- A. Articles from SF Examiner, SF Chronicle, Bloomberg, CBS SF, Mission Local, and the Californian.
- B. Workload statistics for September 2019.

VI. Director's Report

Executive Director Collins reminded the Commissioners that the holiday party is on December 17 from 2:30 p.m.-5:00 p.m. at Don Ramon's. The Executive Director then provided an outreach update: staff member Josh Vining staffed Sunday Streets in the Excelsior on October 20 and Supervisor Jennifer Rakowski held a training for the Anti-Displacement Coalition on October 23. Collins provided a legislative update, informing the Board that the legislation amending the law regarding temporary capital improvement evictions and petitions for extension of time will become effective on December 2, 2019, that the general bond measure passthrough hardship legislation was signed on November 12, 2019 and will become effective 30 days later; and that just cause for new construction and sub rehab legislation was introduced (file number 191105) and will be discussed, as was legislation proposing changes regarding corporate rentals and is currently being discussed at the Planning Department (file number 191075); and a separate piece of legislation with a minor effect on Rent Board workload regarding the right to revitalized housing in a affordable housing development, and if called upon, staff may conduct hearings to make findings regarding Mayor's Office of Housing and Community Development eligibility. He also said that a job offer has been made an offer to a new counselor.

Deputy Director Varner informed the Commissioners that they would be required to complete an online implicit bias training by December 31, 2019, and she would send them the information via email. She also informed the Commissioners that there may be a required harassment training to complete by December 31, 2019. She informed the Commissioners of the proposed the 2020 meeting dates.

VII. Old Business

A. Rules and Regulations Clean Up

The Commissioners agreed that this item is actually the same as Old Business Item C. Proposed Amendment to Rules and Regulations Regarding Tenant's Permanent Place of Residence, and going forward, this item will be removed from any further agenda to be combined with Item C.

B. Proposal to Amend Rules and Regulations Section 6.10 – Operating and Maintenance Expenses – Evidence of Reasonable Reliance

After an announcement by Executive Director Collins that the City Attorney prepared a confidential memo for the Commissioners regarding this topic, Commissioner Mosbrucker made the following motion which the Commissioners then voted upon:

MSC: To move Draft 1 – Version 3 and Draft 1 – Version 4 of the proposed Rules and Regulations Section 6.10 out for public hearing at the December 10, 2019 regular meeting.
(Mosbrucker/Qian: 5-0)

C. Proposed Amendment to Rules and Regulations Regarding Tenant’s Permanent Place of Residence

Commissioner Wasserman disseminated a proposed written amendment to the Rules and Regulations regarding the tenant’s permanent place of residence. The Commissioners agreed to continue consideration of this Old Business item to the January 28, 2020 regular meeting.

VIII. New Business

A. Proposed Amendment to Rules and Regulations Section 12.15 – Evictions Regarding Capital Improvement or Rehabilitation Work

Executive Director Collins told the Board that a new law has been passed that will be effective December 2, 2019, which amends the Ordinance regarding: (1) notice requirements for landlords performing temporary capital improvement evictions; (2) changes to the standard for which Extension of Time petitions are considered by the Rent Board. SALJ Koomas explained that there could just be a clean up to Rules and Regulations Sections 12.15 and 12.16 to conform the Rules to the new Ordinance requirements. The Commissioners directed staff to draft proposed Rules and Regulations Sections 12.15 and 12.16. Staff agreed to distribute these drafts before the December 10, 2019 board meeting.

IX. Calendar Items

December 10, 2019

A. Consideration of Appeals

11 appeal considerations

B. Public Hearing

Proposal to Amend Rules and Regulations Section 6.10 – Operating and Maintenance Expenses – Evidence of Reasonable Reliance

C. Old Business

1. Proposed Amendment to Rules and Regulations Section 12.15 – Evictions Regarding Capital Improvement or Rehabilitation Work

XI. Adjournment

President Gruber adjourned the meeting at 8:21 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.