



London N. Breed  
*Mayor*

Christina A. Varner  
*Acting Executive Director*

DAVID GRUBER  
*PRESIDENT*

DAVE CROW  
SHOBA DANDILLAYA  
RICHARD HUNG  
ASHLEY KLEIN  
CATHY MOSBRUCKER  
KENT QIAN  
KION SAWNEY  
ARTHUR TOM  
DAVID WASSERMAN

**MINUTES OF THE REGULAR MEETING OF  
THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION & ARBITRATION BOARD**

Tuesday, March 15, 2022  
at 6:00 p.m.

Remote Meeting via video and teleconferencing  
<https://bit.ly/3lBo6eB>

Public Comment Dial In Number: (415) 655-0001 / Access Code: 2491 876 7595

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 following that, numerous orders of the county health officer and supplemental Mayoral proclamations and directives were issued to slow and reduce the spread of COVID-19. As authorized by California Government Code Section 54953(e) and the Mayor's 45th Supplement to her February 25, 2020 emergency proclamation, the Rent Board Commission's March 15, 2022 meeting will be held remotely without providing a physical location. Members of the Rent Board Commission will participate and vote by video. Members of the public may observe the meeting live online at 6:00 p.m. at <https://bit.ly/3lBo6eB> and may provide public comment by telephone by dialing (415) 655-0001 and entering access code 2491 876 7595.

The Commission strongly encourages interested parties to submit their comments in writing, by 12:00 noon on March 15, 2022 to [rentboard@sfgov.org](mailto:rentboard@sfgov.org). Detailed public comment call in instructions are available on the Rent Board's website at <https://sfrb.org/meetings/9>.

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. Reading of Ramaytush Ohlone Land Acknowledgment

Commissioner Dandillaya read the Ramaytush Ohlone Land Acknowledgment.

III. Roll Call

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

Commissioners not Present: Klein.

Staff Present: Brandon; Flores; Koomas; Varner.

IV. Approval of the Minutes

MSC: To approve the minutes of February 8, 2022.  
(Wasserman/Sawney: 9-0)

V. Remarks from the Public

There were no remarks from the public.

VI. Consideration of Appeals

A. 68 – 6<sup>th</sup> Street, #31

AT220003

The tenant's petition alleging decreased housing services was dismissed due to the tenant's non-appearance at the hearing. On appeal, the tenant claims that he did not receive the Notice of Hearing, and submits the requisite Declaration of Non-Receipt of Notice of Hearing.

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

B. 1690 Broadway Street, #612

AT220001

The tenant's petition alleging decreased housing services was granted in part and the landlord was found liable to the tenant for rent overpayments in the amount of \$2,762.50 for various repair conditions. The tenant appeals, contending that the ALJ exhibited bias towards the tenant; that the ALJ failed to consider all of the tenant's evidence and gave improper weight to the landlord's evidence; and that the ALJ's valuation of her claims was unreasonably low and arbitrary.

Commissioner Wasserman recused himself from the consideration of this appeal because he provides legal representation to the property owner and has a professional relationship with the tenant petitioner/appellant.

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

///

C. 1450 California Street, #1

AL220002

The tenant's petition alleging an unlawful rent increase under the Costa-Hawkins Rental Housing Act and Rules and Regulations Section 6.14 was granted. The ALJ found that the tenant petitioner was a lawful subtenant who resided in the unit prior to January 1, 1996, and that the landlord failed to serve the tenant with a timely 6.14 Notice. The rent increase from \$654.65 to \$2,900.00 effective January 1, 2020 was therefore determined to be null and void. On appeal, the landlord argues in part that the ALJ failed to give proper weight to the representations made in a 2018 estoppel certificate and that the tenant's failure to identify herself as an occupant in the estoppel certificate should be considered conclusive evidence that the tenant did not occupy the subject unit at that time.

Commissioner Hung recused himself from the consideration of this appeal because he is personally familiar with the landlord respondent/appellant.

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

V. Remarks from the Public (cont.)

There were no remarks from the public.

VII. Communications

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

- A. Articles from the SF Chronicle, SF Public Press, KRON4 News, and CBS San Francisco.
- B. Monthly workload statistics for January 2022.

VIII. Director's Report

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

Acting Executive Director Varner told the Board that the Rent Board's office has remained open to the public during the past month, but at reduced hours following City guidance. Phone counseling services have not been affected and remain open each weekday from 9:00am to 12:00pm and 1:00pm to 4:00pm. She told the Board that staff are in the midst of recruitments for about a dozen positions and have selected a few candidates since the last Board meeting. She also said that the office has seen a recent increase in filings and duplication requests. Regarding the Rent Board Fee, Acting Executive Director Varner thanked the Rent Board's counseling staff and supervisors for responding to an extraordinary number of phone queries related to the Fee over the past five months, including almost 8,000 phone calls in the month of November alone. Finally, she reminded property owners that they can still pay the Rent Board Fee after March 1<sup>st</sup>, but a 5% penalty will be added if payment is received by March 31<sup>st</sup>,

which increases to 10% on April 1<sup>st</sup> and 15% on May 1<sup>st</sup>. Any Rent Board Fees that have not been paid by June 1<sup>st</sup> will be sent to collections.

In regards to the proposed FY 22-23 budget, Acting Executive Director Varner thanked the Commissioners for passing the proposed budget at the last Board Meeting and informed them that she is scheduled to present the proposed budget to the Board of Supervisors in May 2022.

Regarding legislation, Acting Executive Director Varner told the Commissioners that Board of Supervisors (BOS) File No. 230131, which would reinstate the local eviction moratorium for non-payment of rent beginning on April 1, 2022, after the expiration of California's AB 832, was signed by the Mayor on March 11, 2022; that BOS File No. 211265, which requires landlords pursuing certain types of evictions to first give the tenant a written 10-day warning notice and opportunity to cure, was signed by the Mayor and went into effect on March 14, 2022; that BOS File No. 211096, regarding tenant associations and organizing activities, was signed by the Mayor on March 11, 2022; that BOS File No. 211202, regarding building density limits and the construction of affordable rental units, is still before the Land Use Committee; and that BOS File No. 210866, which would waive certain building limits provided those newly constructed units would be subject to the rent increase limitations of the Rent Ordinance, is before the Land Use Committee.

Acting Executive Director Varner reminded the Commissioners that several of them still need to file a Form 700 and complete the required Sunshine and Ethics trainings by April 1. She stated that if Form 700 is not timely filed, the Commissioner may not vote at the next Board Meeting.

Acting Executive Director Varner also acknowledged the passing of former Rent Board Commissioner Larry Becker, who was a long-time tenant Commissioner. Many of the Commissioners shared personal and professional memories of Commissioner Becker and stated that he would be dearly missed.

Finally, Acting Director Varner announced with sadness that Commissioner Dandillaya had tendered her resignation from the Rent Board, to be effective after the March Board Meeting. She stated it was a great honor to have Commissioner Dandillaya serve as a neutral Commissioner for over ten years and thanked her for her commitment and service on the Board, a sentiment that was shared by many of her fellow Commissioners.

## IX. Old Business

### A. AB 361, Mayoral Directive, and Future Remote Commission Meetings

Acting Executive Director Varner told the Commissioners that since the last Board Meeting, she received new information from the Mayor's Office and City Administrator that while Charter Commissions would begin holding in-person meetings on March 7, non-Charter Commissions and City policy bodies may continue holding virtual Board Meetings for the time being, provided they make findings pursuant to California Government Code 54953(e) every 30 days. After Acting Executive Director Varner read the Board's findings into the record, President Gruber made a motion, seconded by Commissioner Wasserman, to make a resolution making

findings to allow a teleconferenced meeting on April 12, 2022 pursuant to California Government Code 54953(e). (Gruber/Wasserman: 9-0)

X. New Business

*(There was no New Business.)*

XI. Calendar Items

April 12, 2022 – remote meeting via WebEx Events

A. Consideration of Appeals

6 appeal considerations

Reader of the Ramaytush Ohlone Land Acknowledgment – President Gruber

XII. Adjournment

President Gruber adjourned the meeting at 7:15 p.m.