



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  
ASHLEY KLEIN  
CATHY MOSBRUCKER  
KENT QIAN  
ARTHUR TOM  
DAVID WASSERMAN

Tuesday, July 13, 2021  
at 6:00 p.m.

Remote Meeting via video and videoconferencing  
<https://bit.ly/3g9Yjyc>

Public Comment Dial In Number: (415) 655-0001 / Access Code: 146 037 2538

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 July 13, 2021 to [rentboard@sfgov.org](mailto:rentboard@sfgov.org). The meeting will be streamed live at 6:00 p.m. at <https://bit.ly/3g9Yjyc>. The public comment call in instructions are 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 6:09 p.m.

II. Reading of Ramaytush Ohlone Land Acknowledgment

Commissioner Mosbrucker read the Ramaytush Ohlone Land Acknowledgment.

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III. Roll Call

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

Staff Present: Collins; Koomas; Varner.

Commissioners Not Present: Dandillaya; Klein; Tom.

Interpreter Present: Sophy Song, LanguageLine.

IV. Approval of the Minutes

MSC: To approve the minutes of June 15, 2021.  
(Wasserman/Isbell: 6-0; Crow abstaining)

V. Remarks from the Public

A. Karen Uchiyama, attorney for the landlord at 1536 Great Highway #34 (AL210049) told the Board that the landlord is appealing on the basis of statute of limitations. Ms. Uchiyama said that there was an available laundry room in a separate building nearby, and that laundry services were not expressly provided for in the tenant's lease. She said that in 2015 the landlord closed the laundry room, and the tenant waited until November 2020 to file a decreased housing services claim. Ms. Uchiyama argued that according to Rules and Regulations Section 10.10(c), the tenant should have been barred from filing his claim more than 1 year after being noticed of the decreased housing service, because he had actual long-term notice of the common area decrease, and that this section did not apply to the landlord.

B. Shirley Auyoung, the granddaughter of the tenant at 20 Beckett Street #1 (AT210047), spoke on behalf of her father Kevin Fung Auyoung, who was named as a tenant on the case. She said that her grandmother has a balance of \$7,476.00 on the unit, but her grandmother's Social Security income is only \$608.00 monthly, and part of that goes to pay her nursing home, and part to the unit rent. Ms. Auyoung asked that the Board waive the \$7,476.00 and require a relocation payment of \$20,000.00 for the tenant, and once the tenant receives the relocation amount, she will move out of the unit.

C. Anzhong Liu, the landlord at 533 Capitol Avenue #1 (AL210044) told the Board through a Mandarin interpreter that he is in his 80s and is partially deaf. He said that he received a letter from the tenant on June 9, 2021 asking him to pay the tenant \$1,599.20. He said that in the 7 years that the tenants lived there, they subletted the unit for 17 months, and paid him \$1,080.00. The landlord said he doesn't know why the tenant wants to be refunded in the different amount.

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V. Consideration of Appeals

A. 1385 – 37<sup>th</sup> Avenue

AT210050

The tenant's petition alleging decreased housing services was denied. The ALJ found that the tenant failed to meet his burden of proving: that the previous landlord provided storage space in the garage at the commencement of the tenancy other than in the left rear of the garage; that the forced air heater for his unit was not operational or that the landlord had notice and an opportunity to repair any problems with the heater; that the landlord had notice of the rodent infestation prior to the September 16, 2020 Notice of Violation (NOV); or that there was mold in the unit that constituted a substantial decrease in housing services. The tenant appeals, contending that he was never served the landlord's submitted documents on June 12 and June 19, 2021; that he was never informed that a third-party witness could provide testimony at the hearing; and that the ALJ factored in the nonpayment of rent.

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

B. 1536 Great Highway #34

AL210049

The tenant's petition alleging decreased housing services was granted. The ALJ found the landlord liable to the tenant in the amount of \$1,980.00 for the removal of onsite laundry facilities from January 1, 2016 through June 30, 2021. On appeal, the landlord argues that the tenant's claim is barred by all applicable statutes of limitations, including a one-year statute of limitations; that laundry service was not expressly included as a housing service provided by the landlord to the tenant; that there is no basis for liability for "emotional distress" caused by the loss of a laundry room; and that the tenant failed to produce any evidence of the value of coin-operated laundry.

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

C. 20 Beckett Street #1

AT210047

The landlord's petition pursuant to Rules and Regulations Section 1.21 was granted since the ALJ determined that neither tenant respondent was a "tenant in occupancy" of the subject unit at the time the petition was filed on September 16, 2020, and that there is no other "tenant in occupancy" within the meaning of Rules and Regulations Section 1.21. Tenant Soon appeals, contending that while she will vacate the unit, she should be entitled to a relocation payment. Tenant Auyoung appeals, contending that he is not a tenant of the unit, but if he is being considered a tenant, he should be entitled to a relocation payment.

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

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D. 533 Capitol Avenue #1

AL210044

The tenants' petition alleging an unlawful rent increase was granted, and the tenants' additional claims of decreased housing services were bifurcated by the ALJ to be considered at a future date. The ALJ found the landlord liable to the tenants for rent overpayments in the amount of \$1,599.20 for the period from October 1, 2017 through April 30, 2021. The landlord appeals, contending that the tenants owe him rent and utilities and those amounts should be offset from the overpayment, and that the Rent Board should stop the tenant from harassing him via litigation.

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

E. 546 Madrid Street

AT210048

The tenant's appeal was 1 day late because he needed to seek a second opinion on the case which took time due to his limited English skills.

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

The tenant's petition alleging an unlawful rent increase was granted, and the tenant's claim alleging decreased housing services was denied. The ALJ found that the landlord was liable to the tenant for rent overpayments in the amount of \$80.00 for the periods of January 1-31, 2018, and March 1-31, 2019. The ALJ also found that the tenant failed to establish that the landlord substantially decreased housing services by overcharging the tenant for utilities. On appeal of the first decision, the tenant argued that the interpreter provided by the Rent Board failed to accurately interpret at the hearing and therefore pertinent evidence was not conveyed to the ALJ; that the rent increases were invalid because the rent increase notices were improperly served and therefore the tenant is entitled to a rent overpayment of \$1,100.00; and that the landlord arbitrarily charged utilities. At its February 16, 2021 meeting, the Board voted to accept the appeal and remand the case to the ALJ to ascertain whether the rent increase notice and other issues relevant to the case were understandable to the tenant. In the remand decision, the ALJ found that the tenant's claim for rent overpayments was granted in part, and that the tenant's claims for decreased housing services was denied; found that the tenant's current lawful base rent effective April 1, 2019 is \$1,180.00, plus a pro rata portion of utilities; and found the landlord was liable to the tenant for rent overpayments in the amount of \$80.00 for the periods of January 1-31, 2018, and March 1-31, 2019. On appeal of the remand decision, the tenant contends that the rent increase notice is invalid because the notice was improperly served and the landlord failed to comply with the form of the notice, and that the landlord arbitrarily charged utilities.

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

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IV. Remarks From the Public (continued)

A. Anzhong Liu, the landlord at 533 Capitol Avenue #1 (AL210044) asked to clarify the Commissioners' decision. (*This call was disconnected and the landlord reconnected after public comment B.*) Mr. Liu asked if he needed to make the payment to the tenant and stated that the tenant also filed a claim with the court requesting \$70,000.00 and is bullying him.

B. Kevin Fung Auyoung, who was named as a tenant at 20 Beckett Street #1 (AT210047), told the Board that tenant Soon, is his mother. He said that he does not live in the property and does not know why he was included as a tenant on the property. Mr. Auyoung said that his mother's Social Security payment is \$608.00 per month, so if they lose the case and have to pay the rent of more than \$1,000.00, they will not be able to afford it. It seems that they charged his mom \$7,746.00 and then she will owe that plus the raised rent, and also has to pay her nursing home. He asked for a relocation payment if his mom needs to move.

VI. Communications

A. Articles from SF Chronicle, KRON 4 Bay Area, Mission Local, and ABC7.

B. Workload statistics for May 2021.

C. Board of Supervisors file number 210698, an ordinance amending the displaced tenant preference in affordable housing due to fire.

D. Board of Supervisors file number 210761, an ordinance amending the rules for the Rent Resolution and Relief fund.

E. Board of Supervisors file number 210762, an ordinance amending Administrative Code Chapter 37C regarding the eviction of commercial tenants due to unpaid rent from the impacts of COVID-19.

VIII. Director's Report

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

Executive Director Collins told the Board that Rent Board Fee will be \$59.00 per unit and \$29.50 per guest unit for Fiscal Year 2021-22, and that the Rent Board fee Ordinance legislation will be heard at the full Board of Supervisors meeting on July 20, and is expected to pass. Executive Director Collins told the Board that the front counter will reopen with limited hours and services approximately 3 afternoons per week before the end of July and will open on a more full-time basis in September, and thanked Jennifer Rakowski and other staff for working on reopening and their flexibility. He also explained that staff would start working in the office 2 days per week in September, per Mayoral directive.

Deputy Director Varner told the Commissioners that she has not received any updates to the requirement that the Board continue to hold remote board meetings. Given that the rooms regularly used to hold commission meetings pre-pandemic were used for COVID-19 response operations for some time, she explained that she is exploring whether there will be

rooms available when the Board potentially returns to meeting in person sometime later in 2021.

Executive Director Collins announced that Commissioner Isbell would be departing the Board and thanked Commissioner Isbell for his service on the Board and his work on racial equity and updating Rules and Regulations. Commissioner Isbell spoke to bid the Board farewell. The Commissioners and staff thanked Commissioner Isbell for his service to the City.

IX. Old Business

A. Board Racial Equity Work

Deputy Director Varner continued the discussion with the Board in regards to seeking out more information regarding the content of the trainings from DHR, and about the available ways to hold a training that would not violate the Brown Act. Deputy Director Varner provided some information regarding the content of the trainings, and explained that she had contacted DHR, who offered various training options, but that she was still awaiting information regarding quorum issues presented by training attendance from department's deputy City Attorney and would provide more information soon.

X. New Business

*(There was no New Business.)*

XI. Calendar Items

August 10, 2021 – remote meeting via Webex Events

A. Consideration of Appeals

4 appeal considerations

Commissioner Qian will read the Ramaytush Ohlone Land Acknowledgment.

XII. Adjournment

President Gruber adjourned the meeting at 7:58 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.**