



Daniel Lurie
Mayor

Christina A. Varner
Executive Director

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DAVID WASSERMAN

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

Tuesday, May 12, 2026
at 6:00 p.m.
25 Van Ness Avenue, Room 610
San Francisco, CA 94102

I. Call to Order

President Gruber called the meeting to order at 6:15 p.m.

II. Reading of Ramaytush Ohlone Land Acknowledgment

President Gruber read the Ramaytush Ohlone Land Acknowledgement.

III. Roll Call

Commissioners Present: Crow; Gruber; Mosbrucker; Qian; Shah; Tom; Wasserman.

Commissioners Not Present: Haley; Hung; Klein.

Staff Present: Katayama; Koomas; Texidor; Van Spronsen; Varner.

IV. Remarks from the Public

A. Justin Goodman, speaking on behalf of the San Francisco Coalition for Better Housing, said that he was commenting regarding the case *Colonial Manor, Inc. v. Reyes* of the Appellate Division of the Los Angeles Superior Court. He said that the case stands for the proposition that one can marry into rent control. He said that is not the law outside of Los Angeles and the municipal court, and its principle should not be

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considered in San Francisco. He said that in *Colonial Manor*, an elderly tenant was the sole original occupant, with a rental rate of \$606.56 per month. He said that the tenant married a subsequent occupant who paid no rent and when the original occupant passed away, the landlord served a rent increase notice similar to a Costa-Hawkins rent increase notice. He said that the trial court, interpreting a provision of the Family Code obligating spouses to honor debts in certain circumstances, concluded that the spouse became a tenant. He said the court properly concluded that the spouse was not a subtenant since they were not paying rent, but at the same time concluded that they were an implied tenant that had a separate coexisting right of access covering no particular time period or rent obligation. He said that the spouse's obligation was invoked with the notice of rent increase that the court had invalidated and somehow had anointed her to pay a historic rate for a tenancy that no longer existed by using the word "tenant" and "your tenancy." He said that the court regarded Costa-Hawkins vacancy de-control provisions as having narrow parameters that this situation did not fall within, which is backwards. He told the Commissioners that it's not that everyone is protected from rent control unless they are a post-1995 sublessee or assignee, instead it's that everyone is subject to an unregulated rent increase unless they are an original occupant or a pre-1996 subtenant. He said that as the First District in the *Mosser Co.* decision stated, a rent controlled apartment cannot be passed on freely from a friend to friend or generation to generation, only to those occupants who reside in the apartment at the start of a tenancy and do so with a landlord's express implicit consent. He said that neither Santa Monica nor San Francisco had the authority to extend rent control to persons beyond these categories, and in fact, from the thread-bare analysis of the sufficiency of occupancy it is not even clear that marriage is required. He said this reminds him of the previous version of Rent Board Rules and Regulations Section 6.14 that didn't survive where a subsequent occupant could become a co-tenant if they made a repair request and the landlord didn't engage in the kind of theatrical behavior pretending that they didn't exist. He said that the Los Angeles Appellate Division case is not even the law in all of Los Angeles County and has no more weight in San Francisco. He urged the Commission to not consider it binding here.

V. Approval of the Minutes

MSC: To approve the minutes of April 14, 2026.
(Mosbrucker/Crow: 5-0, Qian and Wasserman abstaining)

VI. Consideration of Appeals

A. 3564 – 17th Street, Unit 1

AL260017

The landlord appeals the decision granting the tenant's application for relief from payment of a capital improvement passthrough based on financial hardship. In the decision, the Administrative Law Judge (ALJ) deferred the certified capital improvement passthrough of \$52.80 beginning May 1, 2025 based on the tenant's declaration made under penalty of perjury that they qualify for hardship relief under Rules and Regulations section 10.15(b)(1)(A), together with documentation demonstrating the tenant's eligibility. In the appeal, the landlord argues that he was denied due process because he did not receive

the tenant's hardship application and supporting documentation, nor had the opportunity to request a hearing to challenge the tenant's hardship claim. The landlord requests that the Board vacate the decision and remand the matter for a new hearing or in the alternative, provide the landlord with the tenant's full hardship application and supporting documents and a reasonable opportunity to submit a written response and evidence prior to any decision.

MSC: To accept the appeal and remand the case so that the ALJ may properly serve the landlord with the required forms and provide the landlord with the opportunity to file a timely request for hardship hearing in accordance with the Rent Board's established hardship procedures.
(Wasserman/Mosbrucker: 3-1, Gruber dissenting)

B. 4232 – 25th Street, Unit A

AL260016

The master tenant submitted the appeal 12 days late because he originally filed an appeal based on financial hardship but realized subsequently that he intended to file an appeal based on the merits of the decision.

MSC: To find good cause for the late filing of the appeal.
(Wasserman/Mosbrucker: 4-0)

The master tenant untimely appeals the decision granting the subtenant's petition seeking a determination of whether the subtenant paid a lawful amount of rent to the master tenant under Ordinance Section 37.3(c). In the decision, the ALJ determined that the subtenant paid the master tenant \$19,551.47 in excess of the lawful rent from April 9, 2023 through July 31, 2025. In his appeal, the master tenant argues that the award should be offset to account for damage to the subtenant caused to the furnishings, that the value assigned to the furnishings is not accurate, and that he did not profit from the tenancy and was attempting to mitigate risk associated with a tenancy that extended beyond what was originally agreed.

MSC: To deny the appeal.
(Wasserman/Gruber: 4-0)

IV. Remarks from the Public (cont.)

There were no further remarks from the public.

VII. Communications

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

A. News article from Mission Local.

B. Departmental workload statistics for February 2026 and March 2026.

C. *Colonial Manor, Inc. v. Reyes*, Appellate Division of the Los Angeles Superior Court, published April 23, 2026.

VIII. Director's Report

Executive Director Christina Varner told the Commissioners that on May 13, 2026 she would present the Rent Board's Fiscal Years 2026-2027 and 2027-2028 budget at the Board of Supervisors Budget and Appropriations Committee. She thanked the Commissioners for their support during the budget process. Director Varner said that very few adjustments were made at Mayor's Phase after the budget was submitted and that the proposed budget for next fiscal year was decreased by another \$60,000, which takes the total budget down to \$14,372,773. She said that Fiscal Year 2027-2028 was also decreased, but totals may change with time. Regarding the Rent Board fee, she said that the penalty is now 15%, and owners should take care to pay by the end of the day on May 31 to avoid receiving a delinquency notice. She said that the department has now collected \$11.4M in 2026 Rent Board fees and it remains on target for collection this year. Director Varner said that delinquency notices will go out sometime after mid-June and owners can continue to reach out to 311 if they have any questions about their bill. With regard to the Housing Inventory, Director Varner said that over 124,200 Housing Inventory reports have been made across 22,300 parcels, with nearly 112,000 licenses having been issued as of May 11, 2026. Director Varner also updated the Commissioners on the previous month's mailing to noncompliant owners, stating that 619 notices were sent out, and nearly 16% of those properties have now been reported into the Housing Inventory, for a total of nearly 1700 entries. She reminded the Commissioners that this was a mailing to owners of properties of 10 units or more who have either never reported into the Housing Inventory, or, have only reported into the Housing Inventory one or two times, but have not reported in 2025 nor 2026. She said that while the mailing has not yet generated the response the department was hoping to see, a small increase in future reporting is expected.

With regard to outreach, Director Varner said that on April 18, Rent Board Public Information Unit (PIU) staff Abe Jue and Whitney Harrison tabled at a very busy Westside Housing Resource Fair, organized by Self-Help for the Elderly, at the County Fair building in Golden Gate Park, noting that the Rent Board's presence seemed effective as many people had their questions addressed or were referred to counseling line or other referrals were given. She said that there were more than 800 participants with a large representation from the Chinese community. She said that on April 22, PIU staff member Abe Field gave a Rent Board overview presentation to both attorney and non-attorney mediators at the SF Bar Association and on April 29, PIU staff member Diana Flores held an overview of the Rent Board and Rent Control Basics presentation at the San Francisco LGBT Center. She said that the previously planned May 27 event at the LGBT Center has been postponed and the department's next outreach event will be the Affordable Housing Expo at USF on June 13. With regard to legislation, she said that there were no legislative updates this month, and concluded her report.

IX. Old Business

There was no Old Business.

X. New Business

There was no New Business.

XI. Calendar Items

June 9, 2026 – regular in-person meeting at 25 Van Ness Avenue, Room 610.

Reader of the Ramaytush Ohlone Land Acknowledgement – Commissioner Klein.

A. Consideration of Appeals

a. 5 appeal considerations

XII. Adjournment

President Gruber adjourned the meeting at 6:51 p.m.