



Daniel Lurie
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Christina A. Varner
Executive Director

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ARTHUR TOM
DAVID WASSERMAN

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

Tuesday, September 8, 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 6:05 p.m.

II. Reading of Ramaytush Ohlone Land Acknowledgment

Commissioner Wasserman read the Ramaytush Ohlone Land Acknowledgement.

III. Roll Call

Commissioners Present: Gruber; Hung; Klein; Mosbrucker; Qian; Shah; Tom; Wasserman.

Commissioners Arriving Late: Hung, 6:09 p.m., Qian, 6:09 p.m., Tom, 6:08 p.m.

Commissioners Not Present: Crow; Haley.

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

IV. Remarks from the Public

- A. Phillip Garcia, the master tenant from 1665 Hayes Street (AT260028 & AT260029), told the Commissioners that the Decision should be remanded for a new hearing with a different Administrative Law Judge (ALJ) because the determination of the case was

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compromised by judicial bias, procedural violations and misrepresentation of the evidentiary record. He said that the ALJ failed to recuse himself despite a conflict of interest arising from the ALJ's mediation of a prior petition, in which he claims the ALJ altered the mediation agreement without his consent or knowledge. He said that during the hearing for the current consolidated cases, the ALJ admitted illicit non-consensual recordings into the record in violation of California Penal Code Section 3632. He said that when he cross-examined opposing witnesses, the ALJ actively intervened and reframed critical inquiries to protect his own softball questions. He said that the ALJ also permitted hearsay from witnesses lacking direct knowledge and denied the tenant's right to cross-examine certain witnesses and systematically overruled the tenant's objections while ignoring evidence. He said that the opposing party ignored the tenant's severe conditions that forced him to vacate his home and delay a necessary surgery and falsely claimed that his mother never stayed over. He said that his mother provided sworn testimony regarding the noise disturbances and that the landlord failed to produce any evidence showing that the noise was investigated. He said that longstanding Rent Board case precedent states that floor degradation and severe unmitigated noise disturbances constitute substantial reductions in housing services.

- B. Bill Merritt, a relative of the tenant at 1665 Hayes Street (AT260028 & AT260029), said that he observed the Rent Board hearing and that the ALJ did not allow the tenant to adequately cross-examine witnesses. He said that some witnesses gave false testimony. He said that one of the false statements made was that the tenant's mother never stayed overnight at the unit. He said that the tenant had three surgeries related to a broken arm and the tenant's mother had to stay in the unit because the tenant was unable to care for himself. He said that the landlord's representative also claimed that he had only been to the unit once, but as the tenant's stepfather for the last 20 years, he has been there multiple times and he observed the noise that was coming from the upstairs unit. He said that the tenants upstairs regularly had parties with loud music. He said that the landlord has continuously attempted to evict the tenant for various reasons but has been unsuccessful. He said that the tenant wants to work in and have a good place to live in San Francisco, which has not been the case for a long time with what has happened with the owners and what he witnessed at the hearing. He said that the tenant should have another hearing with a judge who can give it the proper attention, hear the truth, and not attempt to disprove everything that was presented.
- C. Keun Yim, the landlord's representative at 417 – 419 Hyde Street (AL260040), asked the Commissioners to grant the landlord's appeal and approve the extension of time petition through December 22, 2026. He said that the initial timeline calculation for units 1 and 3 was three months however the evidence in the record established a target remediation completion date of November 25, 2026 given the move-out dates of late October 2025. He said that it is unclear whether the case precedent described in the ALJ's memorandum regarding notice and full permitting involved a post-disaster rehabilitation or not. He said that in this emergency displacement case, obtaining every permit prior to notices and structural discovery is a legal impossibility. He said that distinguishing discretionary capital improvements from emergency fire restoration is critical. He said that the general contractor estimated that the ceiling beam would

take approximately 3 days to physically repair and would occur in parallel to work elsewhere in the building but then an unpredicted site condition discovered during emergency fire restoration served as a legal basis for rejection. He said that the owner worked tirelessly to rebuild at every stage of this process and acted respectfully. He requested that the Board grant the appeal so that the work can be completed safely and the tenants can return to their units.

- D. Patrick Canfield, a member of a twelve-person household co-operative, said that the co-op recently submitted a petition to the Rent Board. He said that the tenants have been dealing with issues with their landlord for a few years such as the landlord not maintaining the property and allowing a rodent infestation to persist. He said that the household consists of tenants who speak English and have financial support but it has required a bit of effort to submit the petitions and he wonders how other tenants that have a legitimate petition but insufficient resources are able to submit one. He greeted the Commissioners and said that he was looking forward to working with the Rent Board on these petitions.

V. Approval of the Minutes

MSC: To approve the minutes of August 11, 2026.
(Wasserman/Qian: 7-0, Klein abstaining)

VI. Consideration of Appeals

A. 1665 Hayes Street

AT260028 & AT260029

The tenant appeals the decision denying his claims for decreased housing services. In the decision, the ALJ found that the tenant failed to meet his burden of proving that the condition of the carpet constituted a substantial decrease in housing services or that the landlord failed to reasonably respond to the tenant's complaint and that the landlord took reasonable steps to investigate and respond to the tenant's reports of noise disturbance from the upstairs neighbor. On appeal, the tenant requests that the case be remanded for a new hearing and argues that he was denied due process because the decision contains errors of fact, the ALJ improperly weighed and excluded evidence, he was not given the opportunity to introduce witness testimony and carpet documentation, and there was a conflict of interest because the same ALJ had previously mediated a separate case between the parties.

Commissioner Klein recused herself from consideration of the appeal as her law firm represents the landlord in other, unrelated matters.

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

B. 2340 Van Ness Avenue, Unit 5

AT260041

One tenant appeals the decision granting the landlord's petition seeking certification of capital improvement costs. In the decision, the ALJ found that the work to replace the

garage floor met the definition of a capital improvement under the Ordinance and that the tenant did not provide sufficient evidence to establish that the landlord's costs for the work were unreasonable. On appeal, the tenant argues that the landlord only repaired the existing garage floor and therefore the work does not constitute a capital improvement.

Commissioner Wasserman recused himself from consideration of the appeal since he represents the landlord in other, unrelated matters.

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

C. 417 - 419 Hyde Street

AL260040

The landlord appeals the decision denying the landlord's petition for an extension of time to complete capital improvement or rehabilitation work. In the decision, the ALJ found that the landlord failed to timely file the petition and submit all of the necessary permits as required by Rules and Regulations Section 12.15(e)(1). On appeal, the landlord submits new evidence and argues that the ALJ improperly evaluated the evidence and that the landlord acted with due diligence and strict adherence to procedural permit requirements to complete the project. The landlord requests that the Board conditionally approve the petition through December 22, 2026 subject to administrative verification of newly issued trade-specific permits, or in the alternative, remand the case to the ALJ to correct factual misinterpretations or to conduct a limited evidentiary hearing to verify newly issued permits and receive updated cost breakdowns.

MSC: To accept the appeal and remand the case to the ALJ to consider whether the current time estimate is reasonable.
(Mosbrucker/Wasserman: 5-0)

D. 395 Faxon Avenue, Unit A

AL260039

The landlord appeals the remand decision denying the landlord's claim of financial hardship. In the remand decision, the ALJ found that the landlord failed to meet the burden of proving sufficient financial hardship to warrant the creation of a payment plan for the total rent overpayments of \$4,956.00 ordered in the underlying case. On appeal, the landlord argues that the ALJ improperly weighed the evidence, applied the wrong legal standard in evaluating his financial hardship, and failed to consider whether the landlord's disability affected his ability to generate income.

MSC: To accept the appeal and remand the case to the ALJ for the limited purpose of allowing the landlord to submit additional evidence in support of his financial hardship claim on the documents only no hearing to be held.
(Wasserman/Gruber: 3-2, Mosbrucker and Qian dissenting)

E. 1725 Chestnut Street

AL260038

The landlord appeals the decision granting, as modified, the landlord's petition to increase the rent based on increased operating and maintenance expenses for three residential

units. In the decision, the ALJ found that the landlord met the burden of proving an increase in operating and maintenance costs from 2022 to 2023. The ALJ also found that, as of the hearing, the landlord had not served the tenants with notices of monthly rent increases based on the operating and maintenance expenses at issue in the petition. On appeal, the landlord disputes that finding and provides copies of prior rent increase notices that referenced the pending petition and informed the tenants that their rents could be increased further if the requested operating and maintenance increase were approved.

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

IV. Remarks from the Public (cont.)

A. The landlord's representative at 417 – 419 Hyde Street (AL260040), said that he wanted to clarify a few points regarding the timing of not obtaining the permit before issuing the move-out notice. He said that the petition is about fire damage that affects the tenants' health, and with that in mind he had to serve the notice quickly. He said he made that decision after consultation with an attorney and in good faith attempted to protect the tenants' health. He said that within the five-day timeframe for serving the notices, there was no way to obtain all the permits because the first permit is the remediation permit and then once the remediation is finished, they can obtain the reconstruction permit and then can obtain the subcontractor permit once the reconstruction is finished. He said that regarding Blue Sky, he was given two project completion timelines. He said that one vendor proposed a three-month timeline and he felt it was his responsibility to use that vendor in good faith to accelerate the project and he should not be denied on that basis. He said that he did not have an estimate for repair of the beam because it was an unknown condition and should not be the reason for denial. He said that is mostly concerned with being charged with an unlawful eviction and not rental debt. He asked the Board to treat fire-damaged property remediation different from capital improvements because it is harmful for citizens of this country to live.

VII. Communications

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

- A. News articles from Mission Local, New York Times, SF Standard, and S.F Chronicle.
- B. Departmental workload statistics for July 2026.

VIII. Director's Report

Executive Director Christina Varner told the Commissioners that the department is now preparing for its upcoming 2027 Rent Board Housing Inventory and fee cycle. Director Varner said that the 2027 Rent Board Fee and Housing Inventory Informational Notices will be hitting mailboxes around October 5 and the deadline to request a 2027 Rent Board fee exemption will

be December 14. With regard to the 2026 cycle, she said that 132,000 Housing Inventory reports have been made across 24,000 parcels, with nearly 119,000 rent increase licenses having been issued. She said that the number of licenses issued is the highest the department has ever seen, and credited staff for thorough and dedicated education to SF's landlords and tenants, whether on the phone, via a mailing notification, at an outreach event or at the Rent Board's front counter. With regard to outreach, Director Varner said that on August 15, 2026, Public Information Unit and Inventory and Fee Unit staff tabled at the Assessor-Recorder's Family Wealth Forum, which had a high turnout with standing room only and a regular and steady flow to the outreach tables. She said that Rent Board received partnership appreciations from Assessor Torres and that written Rent Board material was in high demand. She told the Board that a workshop series that had been previously announced is continuing with the SF LGBT Center and that the individual workshops would be advertised on the public library's website and newsletter. She said that Workshop #1 will be on Wednesday, November 4, 2026 from 6pm-7pm at the Main Library Latino/Hispanic Meeting Room, Workshop #2 will be on November 18 (time/location TBD), and Workshop #3 will be on December 2 (time/location TBD). With regard to legislation, Director Varner said that as discussed previously, new legislation sponsored by Supervisor Mahmood, Board of Supervisors (BOS) File No. 260680, was introduced on June 9, 2026 and has been assigned to the Land Use and Transportation Committee. She said that the ordinance would amend the Administrative Code to require that online listings and lease agreements for residential rental units clearly disclose the total estimated monthly cost of the unit inclusive of rent and any required fees and charges, authorize tenants to terminate their leases early and without penalty if they have not received adequate disclosures of such fees or charges, and restrict the ability of landlords to evict or impose late penalties on tenants for the nonpayment of fees or charges that were not adequately disclosed. She said that BOS File No. 260875, sponsored by Supervisor Mandelman and introduced on July 28, 2026, would Amend the Rent Ordinance to exempt members of the Residential Rent Stabilization and Arbitration Board from term limits. She said that this legislation has been assigned to the Rules Committee. Director Varner said that BOS File No. 260836, sponsored by Supervisor Chen and introduced on July 21, 2026, is a follow-up Ordinance that makes additional amendments to the Tenant Protection Ordinance from earlier this year, Ord. No. 03-26 and has been assigned to the Land use and Transportation Committee. Specifically, it expands the circumstances in which demolished housing must be replaced, strengthens affordable replacement requirements for certain units in designated equity areas, and modestly expands the boundaries of those areas. Director Varner said that BOS File No. 260894, sponsored by Supervisor Sauter and introduced on July 28, 2026, is a hearing on the rise of rental scams targeting prospective tenants and property owners in San Francisco, including fraudulent listings, fake landlords, unauthorized subletting schemes, and unauthorized use of legitimate listings. She said that this Hearing has been assigned to the Public Safety and Neighborhood Services Committee. Director Varner said that BOS File No. 260962, sponsored by Supervisor Fielder and introduced on September 1, 2026, would Amend the Ordinance to provide that a landlord may not evict a residential tenant for unpaid rent below the local standard for fair market rent for an equivalent sized rental unit as set by the United States Department of Housing and Urban Development and has been assigned to the Land Use and Transportation Committee.

IX. Old Business

There was no Old Business.

X. New Business

There was no New Business.

XI. Calendar Items

October 13, 2026 – regular in-person meeting at 25 Van Ness Ave, Room 610.

Reader of the Ramaytush Ohlone Land Acknowledgement – Commissioner Tom.

A. Consideration of Appeals

a. 7 appeal considerations

XII. Adjournment

President Gruber adjourned the meeting at 7:16 p.m.