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CATHY MOSBRUCKER
KENT QIAN
ARTHUR TOM
DAVID WASSERMAN

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

Tuesday, November 18, 2025
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 6:14 p.m.

II. Reading of Ramaytush Ohlone Land Acknowledgment

Commissioner Qian read the Ramaytush Ohlone Land Acknowledgement.

III. Roll Call

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

Commissioners Not Present: Klein.

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

IV. Remarks from the Public

- A. Curtis Dowling, the landlords' representative for 123 Downey Street (AL250063), said that this is a textbook case for equitable estoppel. He said that a new owner must be able to rely on the tenant's sworn testimony as to the particular commencement date of the tenancy when a former owner who first rented to the tenant now has severe dementia and cannot relay that information to the new owner. He said that a tenant

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cannot be allowed to testify to a particular date and then when the new owner relies on that date and serves a banked rent increase notice that reaches back 16 years to the beginning of the tenancy, turn around and undermine their own prior testimony in order to secure a more than \$7,000.00 order, which is what happened in this case. He said that in this case, the tenant never raised an issue with the commencement date in the petition and that it was instead the Administrative Law Judge (ALJ) who erroneously steered the tenant down that path. He said that when the owner purchased the building, the prior owner was unable to disclose anything about the commencement date of the tenancy. He said that in 2022, the tenant signed a decrease in housing services petition in which she swore under oath that her tenancy commenced on October 7, 2007, and in her opposition to the appeal the tenant claims that this date was a "scrivener's error" committed by her counsel and now claims that she moved into the unit on November 8, 2008. He said that he knows the November 8, 2008 date is false since the date didn't appear in a written petition which a lawyer may have prepared and which the tenant signed, and the tenant testified three separate times in June 2023 before a Rent Board ALJ confirming the 2007 commencement date. He said that the landlord requested the recording of the 2023 hearing in August 2025 and did not receive a copy of it until the appeal was filed last month. He said that in addition to confirming the October 7, 2007 commencement date, the tenant gave the following highly specific testimony in 2023: "um...my daughters and I were friends of Mica's daughters, and I was upstairs as of like October 3," and never mentioned the month of November and the year 2008. He said there is no need for a new hearing because equitable estoppel requires that the 2023 testimony control on this issue and it does not matter what alternative testimony the tenant wishes to offer now, and the Commission should reverse the decision, remand to the ALJ, and direct the ALJ to deny the tenant's petition. He said that the new increase which took effect on November 1, 2024 is lawful based on the commencement date that the tenant repeatedly confirmed back in 2023.

- B. Sonal Khosla, the landlord at 123 Downey Street (AL250063), said that the landlords relied on the tenant's sworn testimony to request the rent increase and all they are asking for is that the Rent Board hold all parties accountable. She said that regarding the move-in date that the tenant herself provided both in writing and under oath on multiple occasions, there is no written lease and the landlords had no information about the tenant's original move-in date when they purchased the building in 2022. She said that the only information the landlords had was from the tenant's written submissions, the Rent Board, and her sworn statements. She said that for the tenant to change her move-in date to November 8, 2008 seems to be incorrect and creates a discrepancy because the tenant has been paying rent on the 7th every month since she became their tenant. The landlord requested that the Commission honor what was said by the tenant under oath at the 2023 Rent Board hearing regarding her move-in date. The landlord said that the tenant confirmed her October 7, 2007 move-in date three times during the 2023 Rent Board hearing and played three portions of the 2023 Rent Board hearing recording and the landlords relied on this when they gave her the rent increase notice.
- C. Rose McLaughlin, the property manager for 272 Divisadero Street, Unit 2 (AT250064), said that the building was purchased in June 2025 and the owner was presented with

three signed documents from the tenant stating that his rent was \$3,500.00 but then he paid only \$2,550.00 in rent the first month and said that he was given a decrease by the prior owner. She said that when the new owner spoke to the previous owner about the reduction, the previous owner told them that the reduction was due to the fact that the tenant was acquiring his dental license and that it would be restored after it was acquired. She said that since then, the tenant has made false statements regarding the reduction, and ALJ Nam found that the landlord was correct in restoring the rent to \$3,500.00 but that the landlord had incorrectly notified the tenant of the rent increase, which they intend to do correctly now and that is why she rejects the appeal.

- D. Sean (Clinton) Woods, the tenant at 2230 Bryant Street, Unit 12 (AL250062), said that in August 2025, the Commissioners voted unanimously to grant his appeal of the decision that largely denied his claim for decrease in housing services. He said that he experienced four years of disgusting and pervasive cockroach infestation in his unit and that the landlord refused to treat the entire building and would only treat his unit until he got the Department of Building Inspection involved in September 2024 when they finally treated the entire building. He said that the Commissioners granted his appeal and remanded the case to the ALJ for two minor considerations, one directing the ALJ to begin the decrease in housing services in January 2023 to go to September 2024, and two to direct the ALJ to reconsider the amount of the monthly rental decrease, which is about \$100.00. He said the ALJ followed those instructions and increased the decrease in housing services amount to \$125.00 per month. He said that the landlord's appeal offers no new arguments, evidence, or reasons why the Commissioners should grant the appeal. He said that all of the landlord's arguments laid out in the landlord's appeal were already considered and rejected by either the ALJ or Commissioners or both. He asked the Commissioners to deny the appeal and affirm the decision of the ALJ.

V. Approval of the Minutes

MSF: To approve the minutes of October 14, 2025.
(Wasserman/Crow: 7-0, Qian abstaining).

VI. Consideration of Appeals

A. 2230 Bryant Street, Unit 12

AL250062

The landlord appeals the remand decision granting the tenant's claim for decreased housing services. In the remand decision, the Administrative Law Judge (ALJ) found the landlord liable to the tenant for rent reductions totaling \$2,625.00 due to a cockroach infestation. In the appeal, the landlord argues that liability should be limited to the months in which the tenant submitted maintenance requests and that the tenant consistently refused pest control services during the regularly scheduled monthly visits.

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

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

B. 2427 Turk Boulevard, Unit A

AT250061

The tenant submitted her appeal 40 days late because she thought that she had properly filed it on September 5, 2025, but weeks later discovered that she had not submitted her documents in the proper file format and resubmitted her appeal on October 16, 2025.

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

The tenant untimely appeals the decision denying in part her claims for decreased housing services. In the decision, the ALJ found the landlord liable to the tenant for rent reductions totaling \$660.00 for a broken washer and lack of heat but denied the tenant's other claims. In the appeal, the tenant argues that the ALJ failed to properly weigh the evidence regarding the landlord's failure to provide functioning window blinds, that the landlord threatened to evict her or change the locks for making requests to fix the blinds, that the replacement blinds offered by the landlord were unsuitable, that the shower handle and toilet were not repaired, and that the landlord verbally gave her access to the backyard at the inception of her tenancy.

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

C. 123 Downey Street

AL250063

The landlords appeal the decision granting the tenant's claim for unlawful rent increase. In the decision, the ALJ determined that the tenancy began on November 8, 2008 and found the landlords liable to the tenant for rent overpayments in the sum of \$7,289.23. In the appeal, the landlords argue that the ALJ improperly evaluated evidence regarding the date the tenancy commenced. The landlords also contend that they were denied due process because they were unable to cross-examine a witness, the ALJ accepted two late filings from the tenant, and the audio recording of the underlying petition was missing key testimony about the start date of the tenancy.

MSC: To accept the appeal and remand the case for a new hearing pursuant to the SALJs' memorandum.
(Wasserman/Mosbrucker: 5-0)

D. 272 Divisadero Street, Unit 2

AT250064

The tenant appeals the decision denying the tenant's claim for unlawful rent increase. In the decision, the ALJ determined that the landlord met their burden of proving that the rent deduction from \$3,500.00 to \$2,550.00 effective October 1, 2020 was intended to be a temporary discount as it was reduced primarily due to the tenant's financial hardship, and that the landlord could restore the base rent at any time with proper written notice. In the appeal, the tenant argues that the rent reduction was a permanent adjustment to

reflect market conditions and the poor conditions of the unit and not his personal financial hardship, that the prior landlord never informed him that the reduction was temporary or that the initial rent could be restored, and that the reduced rent is the true rental value of the unit under market conditions.

Commissioner Wasserman recused himself from consideration of the appeal because he represents one of the owners in other, unrelated matters.

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

E. 118 Jasper Place

AL250066

The landlord appeals the decision granting the tenants' claim for unlawful rent increase. In the decision, the ALJ determined that the landlord was not authorized to raise the rent under the Costa-Hawkins Rental Housing Act because the tenants were original occupants, and that even if they moved in after the tenancy began, the landlord's conduct and acceptance of rent created a direct landlord-tenant relationship between the parties. On appeal, the landlord argues that the tenants' testimony and evidence was not credible and that there was no waiver of the right to impose a Costa-Hawkins rent increase since the original leaseholder never informed the landlord that she was vacating the unit.

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

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. Two news articles from Mission Local.
- B. Rent Board Memorandum Regarding Proposed Operational Efficiencies for Unlawful Rent Increase Petitions dated October 7, 2025.
- C. 2026 Rent Board Commission Meeting Scheduling Memorandum dated November 7, 2025.
- D. Departmental workload statistics for September 2025.

VIII. Director's Report

Executive Director Varner said that the Rent Board fee exemption request period is in full swing and the department has received 5,000 exemption requests this year based on better data as well as changes of ownership. Director Varner said that as of November 18 the

department had collected \$532,000 in 2026 Rent Board fees from individuals who paid the fee prior to it being assessed. She reminded owners to call 311 or file an exemption request if they believe their unit might be exempt from the fee or they have questions rather than paying the fee first as it spends more resources and is more challenging for the department to issue refunds than it is to deal with the matter up front. Director Varner said that the 2026 Housing Inventory reporting period is steady, with over 8,300 reports made across more than 3,700 parcels, and over 6,000 licenses having been issued. She thanked the Inventory and Fee Unit and Public Information Unit with handling the increase in inquiries from the public. With regard to outreach, Director Varner said that on October 25 Rent Board staff tabled at the 20th Annual Chinatown Community Resource Fair coordinated by the San Francisco District Attorney's Office and provided information in English, Cantonese, and Mandarin to participants at the well-attended event and successfully pivoted when the event had to be moved indoors due to rain. She said that in December, Rent Board staff will present at the City College Property Management class. With regard to legislation, Director Varner said that Supervisor Melgar's Board of Supervisors (BOS) File No. 231224, originally introduced on November 28, 2023, which would amend the Housing Code to authorize occupants of residential dwelling units to sue a property owner to enforce the prohibition on substandard housing conditions, is still active at the Land Use Committee after Supervisor Melgar twice continued this item to remain active until July 2025. Director Varner said that she and Senior Administrative Law Judge (SALJ) Koomas were at the Planning Commission on November 6, where Supervisor Chyanne Chen's BOS File No. 250926, which provides tenant protections related to residential demolitions and renovations, was unanimously recommended by the Planning Commission. She said that on November 17 they were at the Board of Supervisors Land Use Committee and she said that SALJ Koomas would provide them with an update on Supervisor Chen's Tenant Protection Ordinance (TPO).

SALJ Koomas summarized the TPO legislation for Commissioners were not present at the October 14 board meeting. SALJ Koomas told the Commissioners that Mayor Lurie introduced the Family Zoning plan that is going through the Board of Supervisors. He explained that it is a major zoning proposal that would allow larger and denser housing throughout the City, and this comes on top of other significant State-driven upzoning in San Francisco that has reduced much of the Planning Department's discretionary authority and permitting. He said that in 2020, the State also enacted Senate Bill 330, which generally requires that any demolished residential housing be replaced with the same number of residential units and provides for certain protections for tenants who are displaced due to demolition. He said that Supervisor Chen introduced what is being called the Tenant Protection Ordinance, or TPO, which is legislation aimed to amend the Planning Code and the Rent Ordinance to locally implement these tenant protections that exist in State law, and also expand some of them. SALJ Koomas said that the TPO creates a new just cause for eviction, number 17, which would permit eviction when there is an approved redevelopment of a property that requires the demolition of an entire building, and only after all the tenant protections have been satisfied. He said that tenants must be allowed to remain until six months before the construction begins or three months if it is a lower-income household. SALJ Koomas said that all the tenants must also receive a right of first refusal to a comparable unit in the new building if it will be a rental project, and if it is a lower-income household, that all the replacement units must be offered at the tenant's prior rent or an affordable rent, whichever is lower, or at an affordable ownership cost if the new development consists of condominiums. He said that property owners must also provide relocation assistance that is equivalent to the payments required under the Ellis Act as

a baseline for all tenants, but lower-income households are eligible for additional assistance for up to 42 months or until they receive an offer for a replacement unit in the new building. This additional assistance can be provided in one of three ways: the owner can provide those tenants with a substitute rental unit, or there is a standardized monthly payment that uses a formula, or an individualized relocation payment that uses a different formula. He said that landlords can submit a petition to the Rent Board for a hardship exemption as well if they can show that they cannot afford these additional relocation costs, which would go before a Rent Board ALJ. He said that the TPO also includes some other significant changes, requiring new written disclosures regarding buyout declarations. He said that the TPO also directs the Rent Board to hold hearings on certain tenant harassment claims so that tenants or former tenants can file a report if they believe the landlord attempted to force them out of the unit, and that if specific criteria are met, the Rent Board must schedule an investigative hearing before an ALJ, who would have to issue findings on whether the harassment occurred, and if the tenant has already moved out, whether they moved out because of the harassment; either party could appeal those findings to the Rent Board Commission. He said that the Ordinance had been amended several times already, most recently at the Land Use Committee the day before. He said that originally the tenant protections he described had only applied to tenants who remained in the unit when the initial development application was filed, but there were concerns that there was an incentive to displace tenants before filing the development application so there were amendments made that now extend these same tenant protections to former tenants even if the unit is vacant at the time of the development application. He said that the groups now covered include tenants who moved out within 3 years following an OMI Notice, tenants who moved out within 5 years following an Ellis Act eviction, and tenants who moved out within the last 5 years if the report found that the departure was due to harassment or if the Rent Board made a finding that there was ongoing harassment and then the tenant subsequently moved out within 12 months of that determination. He said there are also changes related to Temporary Capital Improvement evictions, so in addition to the one-time lump sum payments that tenants currently receive, under this proposal, lower-income tenants who have to vacate for more than 3 months would receive an additional monthly payment for up to 42 months and those payments would cover the difference between the tenant's old rent and either an affordable rent standard or the tenant's actual temporary housing costs, whichever is lower. He said that tenants seeking that additional relocation assistance would have to submit a form to the Rent Board to verify their income, and then the Rent Board would calculate the additional payment and notify the parties and the landlord could also request a hardship hearing if those payments would constitute a financial hardship. He said that the legislation will go back before the Land Use Committee on December 1 for review of the additional proposed amendments and could reach the full Board of Supervisors by December 9. SALJ Koomas said that the Rent Board is reviewing the legislation to determine whether the Board may want to consider adopting some amendments to the Rules and Regulations and create new forms to implement the TPO and suggested that the topic be agendaized for the December 9 Commission meeting. The Commissioners inquired about the timeline of the legislative process and Commissioners Tom and Mosbrucker proposed that the TPO discussion be added to the December 9 Commission meeting as a New Business item and no objections were raised. SALJ Koomas told the Commissioners he would provide a written summary on the TPO prior to the commission meeting.

Director Varner closed her report by reminding the Commissioners that the Rent Board holiday party was on December 11 at the Cadillac Bar and Grill, and that she was looking forward to seeing them there.

IX. Old Business

There was no Old Business.

X. New Business

A. Proposed Operational Efficiencies for Unlawful Rent Increase Petitions

Commissioner Tom began the discussion by asking the Commissioners whether they thought the 14-day deadline for the landlord to request a hearing was sufficient as it appears to be shorter than other similar processes. Commissioner Wasserman responded that he found it to be sufficient time as it was a simple factual determination of whether the landlord had obtained the rent increase license by reporting into the Housing Inventory and there was still an opportunity to appeal to the Commission and supports the purpose that everyone needs to report into the Housing Inventory. SALJ Katayama also clarified that the protocol was consistent with and designed after other similar Rent Board alternative hearing procedures for petitions in which no hearing would be scheduled such as tenant financial hardship applications where landlords have 15 days to request a hearing and in the past for Capital Improvement alternative cases for no hearings where the tenants have 14 days to request a hearing. Commissioner Qian inquired as to whether there have been a large number of cases that this would apply to. SALJ Katayama said that at the last commission meeting she indicated that there were 15 of these types of cases and since then several of those landlords had withdrawn their rent increase notices because of the notification they received from the Rent Board that the petition had been filed, which is the intent. She said that since then 6 more such petitions have been filed, so while it is not a huge volume of petitions, it is enough that they have received feedback from tenants that they would prefer these petitions to be resolved quickly because both parties have an interest in knowing whether the rent increase is valid, whether a refund is due to the tenant and what amount of rent they should pay the next month. SALJ Katayama said that she has had only one landlord respond with a request for a hearing but for the most part everyone has been cooperative and willing to withdraw their notices or wait for the Rent Board decision. Commissioner Mosbrucker inquired whether the Commissioners needed to vote to approve the procedure and SALJ Katayama said that staff were looking for support and that the Rent Ordinance allows the department to create this procedure. The Commissioners communicated their support and there were no objections.

XI. Calendar Items

December 9, 2025 – 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

B. New Business

- a. SB 330/Tenant Protection Ordinance Implementation
- b. Annual Allowable Rent Increase Rate Calculation

XII. Adjournment

President Gruber adjourned the meeting at 7:22 p.m.