

# City and County of San Francisco



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*PRESIDENT*

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RICHARD HUNG  
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CATHY MOSBRUCKER  
KENT QIAN  
ARTHUR TOM  
DAVID WASSERMAN

# Residential Rent Stabilization and Arbitration Board

Daniel Lurie  
*Mayor*

Christina A. Varner  
*Executive Director*

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

Tuesday, December 9, 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 6:04 p.m.

### II. Reading of Ramaytush Ohlone Land Acknowledgment

Commissioner Tom read the Ramaytush Ohlone Land Acknowledgement.

### III. Roll Call

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

Commissioners Not Present: Hung; Klein; Qian.

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

### IV. Remarks from the Public

- A. Mark Chernev, the landlord's attorney at 1850 Lombard Street, Unit A (AT250067), said that the ALJ conducted two full hearings on the matter and there is no dispute that the tenant is not a tenant in occupancy of the unit pursuant to Rules and Regulations Section 1.21. He said that the ALJ found that the tenant was not a tenant in occupancy and that the effective date of the petition is November 19, 2024. He said that the appeal makes a procedural challenge to the effective date by arguing that

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Section 1.21 petitions are not retroactive. He said that the Board knows that is incorrect, that Section 1.21 petitions are retroactive if they are properly noticed and filed, and that the effective date is when the petition is filed and not when the hearing is held, when the record closes, or when the decision is issued. He said that otherwise, tenants could simply move back into the unit and defeat Section 1.21 petitions. He said that the tenant argues that she is not a tenant in occupancy of the unit because the 77-year-old landlord lives in Sonoma with his wife, is harassing her and precluding her from living there. He said that the ALJ rejected that claim as being unsupported by the evidence and his findings are consistent with the rejection of the tenant's harassment claims by the California Superior Court and California Court of Appeals. He asked the Board to affirm the decision.

B. Kristen Drake, the tenant's attorney at 1850 Lombard Street, Unit A (AT250067), said that the tenant is a tenant in occupancy of the unit and has lived there for over 20 years. She said that reasonable periods of absence are permitted under Rules and Regulations Section 1.21 and the decision is flawed because it did not consider the tenant's reasonable absence from the unit. She said that a temporary restraining order was entered against the landlord, and it is reasonable for a tenant who is being harassed to the point where a restraining order is issued to take some time away from the unit. She said that the tenant submitted a sworn declaration stating that she does not live anywhere else. She said that Section 1.21 was designed to prevent a low-income tenant from moving out of the City or an individual renting a unit at low rent and then owning property elsewhere. She said that the decision could make the tenant homeless, which is the opposite of the intent of Rent Ordinance provisions. She said that the landlord has harassed the tenant and continues to harass her by pursuing the Section 1.21 petition. She said that the decision is flawed because Regulations Sections 5.10 and 5.12 state that the petition should be brought before the notice of rent increase is served. She said that the decision should be reversed because there is no evidence that the petition was filed first, and the factual findings are incorrect as the petition and notice of rent increase were brought on the same day, November 19, 2024. She said that the rent increase cannot take effect sooner than the anniversary date, which in this case is December 2024, but the decision holds that it is retroactive to February 2025. She said that this is incorrect and a separate basis for overturning the decision. She said that the regulations intended to protect San Francisco residents are being used to do the exact opposite and that the tenant is an artist and affected by the COVID-19 pandemic and could not pay rent for a period of time.

V. Approval of the Minutes

MSC: To approve the minutes of November 18, 2025.  
(Wasserman/Mosbrucker: 6-0)

VI. Consideration of Appeals

A. 765 O'Farrell Street, Unit B

AT250065

The tenant appeals the decision denying his claims for decreased housing services. In the decision, the ALJ found that the tenant had not met his burden of proving that the

conditions constituted a substantial decrease in housing services or that the landlord failed to perform repairs or maintenance within a reasonable time. In the appeal, the tenant argues that the landlord does not provide onsite maintenance.

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

B. 2340 Pacific Avenue, Unit 101

AT250068

The tenant appeals the decision granting her claim for decreased housing services. In the decision, the ALJ found the landlord liable to the tenant for rent reductions totaling \$1,500.16 for front door noise and vibration from October 19, 2024, through May 23, 2025, and June 13, 2025, through July 6, 2025, but did not meet her burden of proving that the amount of noise after July 6, 2025 constituted a substantial decrease in housing services. On appeal the tenant clarified her testimony and claims that after July 6, 2025, the same level of noise continued. She claims that any improvement was brief, and that the ongoing noise significantly impacts her daily enjoyment of the unit. She further claims that the landlord's lack of response constitutes harassment intended to pressure her to vacate the unit.

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

C. 635 Scott Street, Unit 4

AL250070

The landlord appeals the decision granting in part the tenant's claim for decreased housing services. In the decision, the ALJ found the landlord liable to the tenant for rent reductions totaling \$2,310.00 plus an ongoing monthly reduction of \$35.00 for inefficient and unaffordable radiant heat but denied the tenant's other claims. On appeal, the landlord argues that there was no substantial reduction in housing services because heat continued to be provided and the new heating system meets legal requirements, the substitution of one heating system for another should not qualify as a "housing service," and that the ALJ should have examined a longer time period to determine whether the new system caused any increase in utility costs. The landlord also argues that because the tenant has been granted a waiver of the pass through capital costs for the soft story retrofit work and fire alarm due to financial hardship, granting a rent reduction for the heating system would be an additional penalty on the landlord for performing necessary and required upgrades.

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

Commissioner Mosbrucker recused herself from consideration of the appeal as her law firm represents the tenant.

MSC: To deny the appeal except to issue a technical correction to fix a typographical error regarding the ongoing monthly reduction.  
(Crow/Gruber: 3-1, Tom dissenting)

D. 50 Chumasero Drive, Unit 1F

AT250072

The tenant appeals the decision denying in part his claim for decreased housing services. In the decision, the ALJ found the landlord liable to the tenant for rent reductions totaling \$200.00 for lack of secure parking space, but determined that he did not meet his burden of proving that the other conditions constituted a substantial decrease in housing services. In the appeal, the tenant argues that the ALJ erred by failing to consider his post-hearing submissions and that the decision mischaracterizes evidence, misquotes testimony, contains factual and legal errors, and fails to properly evaluate the landlord's incomplete records.

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

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

E. 696 Haight Street

AL250071

The master tenant appeals the decision granting the subtenants' claim for disproportionate rent payment under Rules and Regulations Section 6.15C(3). In the decision, the ALJ determined that the subtenant petitioners paid more than their proportional shares of the total rent to the master tenant throughout the subtenancies such that the master tenant was liable to one subtenant for \$4,250.33 and to another subtenant for \$8,430.73 in rent overpayments. On appeal, the master tenant argues that only 7% of the common area space should be allocated to her rather than the 20% assigned by the ALJ, based on her limited presence in the unit. She further argues that the ALJ incorrectly valued the furnishings she provided and should have utilized an amortization method or market evaluation of a fully furnished unit, and that she struggled to present evidence and respond to questions at the hearing based on her medical condition.

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

F. 40 Parkridge Drive, Unit 8

AT250073

The tenant appeals the remand decision denying the tenant's claim for unlawful rent increase. In the remand decision, the ALJ determined that the February 2018 rent increase was based on a certified capital improvement passthrough, reversing the prior decision that found the increase unlawful. On appeal, the tenant argues that the remand decision improperly considered a \$25.00 charge for automated garage doors that he claims is an unlawful rent increase and should be voided, that he was double charged for rent, the landlord has harassed him and deferred maintenance, and that the appeal process delayed accountability for the landlord as the building has now been sold and changed ownership.

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

G. 1850 Lombard Street, Unit A

AT250067

The tenant appeals the decision granting the landlord's petition seeking a rent increase pursuant to Rules and Regulations Section 1.21. In the decision, the ALJ determined that the landlord was entitled to raise the tenant's rent pursuant to Section 1.21 because there was no "tenant in occupancy" of the unit at the time the petition was filed. In the appeal, the tenant argues that the landlord is seeking a rent increase in retaliation for the tenant pursuing civil action against the landlord for harassment, that the unit is her principal place of residence that she normally returns to, that the evaluation of whether there is a "tenant in occupancy" should be based on the present day instead of the filing date of the petition, that her temporary absence from the unit was due to the landlord's harassment, and that the rent increase notice was unlawful because it was served before the filing of the petition.

MSC: To deny the appeal.  
(Wasserman/Gruber: 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. News articles from Mission Local, the San Francisco Examiner, and the San Francisco Chronicle.
- B. Rent Board Fiscal Year 2024-2025 Annual Statistical Report and Cover Letter.
- C. Departmental workload statistics for October 2025.
- D. Rent Board Litigation Status Report for December 2025.
- E. Rent Board Memorandum Regarding Proposed Changes to Rules and Regulations Section 1.12 dated December 8, 2025.
- F. Rent Board Memorandum Regarding Board of Supervisors File No. 250926 ("Tenant Protection Ordinance") dated December 5, 2025.
- G. Board of Supervisors File No. 250926 (Leg Ver 4).

### VIII. Director's Report

Executive Director Varner told the Board that the department welcomed a new employee the previous day to fill a vacancy that was left by a promotion, and that the new employee would attend the January 13, 2026 Board meeting. Director Varner said that on December 12, 2025, the department would receive fiscal year 2026-2027 budget instructions. She said that she believed it would be a two-year budget again and the budget team will begin preparing next week. With regard to the Rent Board fee, Director Varner said that the department has received over 5,700 fee exemption requests this year based on better data as well as changes in ownership and that this is the last week for property owners to file their 2026 exemption requests. She said that over \$64,000 in fees has been collected thus far. Director Varner said that the system will stop accepting exemption requests at the close of the day on Friday, December 12, 2025 at 11:59 p.m. She said that it is best to file an exemption request now for the department to either approve or cancel the request if it is not needed by the deadline rather than not doing so at all. She said that anyone can reach out to 311 with any questions and that complex questions are escalated to the department. Director Varner said that invoices for the Rent Board fee will go out the first week of January and the fee will be due on March 1 without penalty and starting March 2, the 5% penalty will kick in. With regard to the Housing Inventory, Director Varner said that over 14,000 housing inventory reports have been made across more than 4,600 parcels with over 11,500 licenses having been issued thus far in the 2026 cycle. She acknowledged and thanked the department's Housing Inventory and Fee Unit and Public Information Unit (PIU) teams who have been handling an increase in inquiries and seeing increased traffic at the front counter from late requestors. With regard to outreach, Director Varner said that Rent Board PIU supervisor Aaron Morrison presented on Rent Ordinance basics, rent control, landlord and tenant petitions, just cause, the fee and Housing Inventory at the City College Property Management class on December 2. She said that on December 30, she will take part in a Chinese language interview discussing Rent Board services with Self-Help for the Elderly that is due to air on KTSF channel 26 that will be interpreted. 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 she twice continued this item to remain active until July 2025. She said that Supervisor Cheyenne Chen's BOS File No. 250926 tenant protections related to residential demolitions and renovations (TPO) will be discussed later in the agenda as there have been amendments to the legislation. Director Varner also reminded the Commissioners to complete required year-end City trainings. Commissioner Tom requested that the department send a reminder with a link on how to access the training and Director Varner agreed. She concluded her report with a reminder of the department's holiday event on December 11.

### IX. Old Business

*There was no Old Business.*

### X. New Business

#### A. SB 330/Tenant Protection Ordinance Implementation

Senior Administrative Law Judge (SALJ) Koomas told the Commissioners that he provided a written summary of the proposed legislation in their board packets and that since he drafted

the summary there have been some amendments. He said that it will return to the Land Use Committee on December 15 due to additional changes introduced by Supervisor Melgar. It will then go to the full Board of Supervisors for first reading on December 16 if no additional changes are made. SALJ Koomas said that it will then go to second reading in early January and if it's passed by the Board of Supervisors, it would go into effect 30 days thereafter, effective approximately early to mid-February.

#### B. Annual Allowable Rent Increase Rate Calculation

SALJ Koomas told the Commissioners that usually around the beginning of December, the department publishes the next year's annual allowable rent increase, which is a very popular piece of information. He said that Rent Board Rules and Regulations require the department to calculate the annual rent increase by comparing the increase in the Consumer Price Index (CPI) from October to the following October. To calculate the March 1, 2026 increase, this would be October 2024 to October 2025. However, because of the federal government shutdown, the Department of Labor will not publish CPI data for October 2025 so the Rent Board is tasked with creating an alternative calculation. He said that the department has already been receiving calls from the public asking about the rent increase rate. The Rent Board has sought advice from the City Attorney's Office to explore solutions and has ascertained that it can compare the increase in CPI from October 2024 to November 2025. He explained that the department suggests an amendment to Rules and Regulations 1.12 which would read that for the allowable rent increase in March 2026 and March 2027, the increase would be calculated based on CPI data from November 2025 instead of October 2025, using a 13-month period for 2026 from October 2024 – November 2025 and then for the lawful rent increase rate for 2027 it would be using an 11-month period from November 2025 to October 2026 so that it captures the same increase in the CPI over a 24-month period. SALJ Koomas said that the November 2025 data will be released on December 18, and suggested that the item be carried over as Old Business for the January 13 board meeting to be discussed during public hearing where the Commissioners would vote on the amendment and if passed, it would be effective immediately and the department could publish the 2026 rate in mid-January. He explained that the other solutions explored included an estimation of the CPI, which some government agencies do, but that method may be more vulnerable to legal challenge. SALJ Koomas told the Commissioners that this is the only rate affected by the missing October CPI data. SALJ Koomas also highlighted that there was an additional amendment to the Rules and Regulations that the department is proposing, which is changing the naming of the geographical region it refers to from San Francisco-Oakland-San Jose to just San Francisco. After the discussion, the Commissioners unanimously agreed that this item should be agendized as Old Business for a public hearing for the January 13, 2026 board meeting.

#### XI. Calendar Items

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

Reader of the Ramaytush Ohlone Land Acknowledgement – Commissioner Wasserman.

#### A. Consideration of Appeals

- a. 5 appeal considerations

B. Old Business

- a. SB 330/Tenant Protection Ordinance Implementation
- b. Public Hearing regarding Amendment to Rules and Regulations Section 1.12 regarding the Annual Allowable Rent Increase Rate Calculation

XII. Adjournment

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