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September 26, 2025

Commission Streamlining Task Force
City & County of San Francisco
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

VIA EMAIL to commissionstreamlining@sfgov.org

Re: Residential Rent Stabilization and Arbitration Board Response to Commission Streamlining Task Force Memorandum of September 19, 2025 re Housing and Economic Development Bodies

Dear Chair Harrington and Members of the Commission Streamlining Task Force:

Rent Board staff write to strongly urge the Task Force to recommend that the San Francisco Residential Rent Stabilization and Arbitration Board retain its appellate function and not impose term limits on its commissioners. Transferring appellate responsibilities to the Board of Appeals would undermine fairness, consistency, and public trust in the City's rent control program. Imposing term limits on commissioners would reduce consistency in decision-making, erode institutional knowledge, and diminish public confidence.

Alignment with Statewide Practice

San Francisco is one of several jurisdictions in the state of California operating a rent stabilization program. Other jurisdictions with comparable systems, such as Los Angeles,

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Berkeley, Santa Monica, West Hollywood, Oakland, and East Palo Alto all retain appellate review within their rent boards. In none of these cities is the appellate function handled by a generalist appeals body.

This statewide consensus reflects a recognition that the subject matter of rent stabilization is unique, highly technical, and politically sensitive. Housing stability is fundamental to community well-being, and appeals consideration requires decisionmakers who are steeped in housing law and local rent control practice. To move appeals out of the Rent Board would make San Francisco an outlier and risk weakening the credibility of the program.

Subject Matter Expertise and Specialized Review

The Rent Board's appellate function requires close familiarity with the San Francisco Rent Ordinance and Regulations, which form one of the most complex local rent control frameworks in California. Common appellate issues include:

- Rent increases under the Ordinance's rent limitation provisions, where disputes frequently involve complicated calculations of annual and banked rent increases.
- Costa-Hawkins Rental Housing Act and Rent Board Rule §1.21 Petitions, where an adverse finding against the tenant can result in the immediate loss of rent control protections. These cases require the Board to resolve highly fact-specific disputes. Over many years, the Board has developed an administrative case history that provides persuasive guidance in reviewing such matters, enabling commissioners to apply consistent reasoning and to identify the most reliable evidence when evaluating contested claims.
- Operating & Maintenance Expense rent increases and Capital Improvement Passthrough Petitions, where owners may seek to recover costs from tenants and tenants may claim financial hardship.
- Decrease in Housing Services Petitions, which involve factual and legal determinations about whether a landlord's actions amount to a "substantial decrease" in housing services warranting a rent reduction.
- Subtenant Petitions, which require evaluation of lawful rent allocations between master tenants and subtenants under Board regulations.
- Jurisdictional Disputes, where the very authority of the Rent Board to hear a petition is contested.

These appeals are highly technical and require commissioners to apply decades of accumulated decision history that ensures uniform outcomes across similar cases. Unlike routine permit or licensing appeals, Rent Board appeals demand deep subject matter knowledge of the Rent Ordinance and related laws.

The Commission applies a deferential standard when reviewing Administrative Law Judge (ALJ) decisions: it may overturn only for legal error or abuse of discretion. This standard requires commissioners to engage in precise legal analysis, ensuring ALJs' fact-finding is respected while safeguarding against misapplication of law. A general appeals body lacking rent control expertise would not be equipped to apply this standard consistently, raising the risk of arbitrary reversals, inconsistent interpretation, and increased filings of writs of administrative mandate in Superior Court (which would therefore increase costs to the City).

Another important aspect is the interaction between Rent Board staff and the Commissioners. Staff provide guidance on Ordinance interpretation, case history, and past precedent. Other jurisdictions confirm this model: in Los Angeles, Berkeley, Santa Monica, and West Hollywood, rent board staff play a similar advisory role, presenting summaries of prior decisions, explaining regulatory provisions, and supporting the board's appellate review. These staff-commissioner interactions promote consistency in appellate review. If appeals were transferred to the Board of Appeals, this critical advisory relationship would be severed, depriving commissioners of specialized support and weakening the quality of appellate decisions.

Neutrality and Balanced Representation

The Rent Board's Commission is uniquely structured: it includes tenant representatives, landlord representatives, and "neutral" commissioners, who are neither. This model is rare among City commissions and is specifically designed to foster balance and legitimacy in rent control adjudication.

The presence of both landlord and tenant voices ensures that all perspectives are weighed, while neutral members ground decisions in law and policy rather than partisanship. This structural balance is essential to maintaining public trust in outcomes. Moving appeals to the Board of Appeals, which lacks this stakeholder representation, would eliminate this safeguard.

The Case Against Term Limits for Rent Board Commissioners

Some Task Force recommendations have raised the idea of applying term limits uniformly across commissions. For the Rent Board, this would be counterproductive for the following reasons:

- Institutional Knowledge: Rent control law is complex and constantly evolving. Commissioners who have served for years develop a deep familiarity with the Ordinance, regulations, and precedent. Frequent turnover would strip the Board of this institutional memory.

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- Consistency of Decision-Making: Property owners and tenants alike rely on stable and predictable interpretations. Experienced commissioners ensure that rulings remain consistent over time, avoiding sudden shifts in how the law is applied.
- Comparative Practice: Other California rent boards, including Los Angeles and Berkeley, do not impose rigid term limits on commissioners. These jurisdictions recognize the value of retaining expertise.
- Public Confidence: Given the adversarial nature of many Rent Board cases, stability reinforces the perception that decisions are made according to law and precedent, not political cycles.

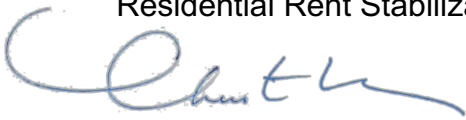
Rather than term limits, commissioner accountability can be ensured through existing tools: public hearings, Board of Supervisors confirmation, and removal for cause if necessary.

Conclusion

The appellate function of the Rent Board's Commission is essential to the fair and effective administration of rent stabilization laws in San Francisco. For the above reasons, we strongly urge the Task Force to recommend retention of the Rent Board's appellate function and to decline applying term limits that would impair the Board's ability to provide stable, expert, and consistent decision-making.

The department thanks the Task Force for its time and thoughtful consideration of this critical matter.

Sincerely,
Residential Rent Stabilization and Arbitration Board



Christina A. Varner
Executive Director