

[Establishing Rent Board in Charter, Mayor appoints three members and Board of Supervisors appoints four, renter and non-renter seats allocated per census data percentages of each.]

CHARTER AMENDMENT

PROPOSITION ____

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by adding Section 4.135 to establish the Residential Rent Stabilization and Arbitration Board in the Charter, to increase its membership from five to seven members, to provide that the Mayor will appoint three members and the Board of Supervisors will appoint four members, and to allocate the seven seats among renters and non-renters according to the percentages of renter occupied housing units and owner occupied housing units in San Francisco as reported in the ten-year federal census.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 2, 2004, a proposal to amend the Charter of the City and County by adding Section 4.135 to read as follows:

Note: Additions are *single-underline italics Times New Roman font*.
Deletions are ~~*strikethrough italics Times New Roman font*~~.

SEC. 4.135. RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD.

(a) The Residential Rent Stabilization and Arbitration Board (Rent Board) shall consist of seven members nominated and appointed pursuant to this section. The Mayor shall appoint three members subject to Section 3.100(17), and the Board of Supervisors shall appoint four members. The President of the Board of Supervisors shall nominate at least two persons per Board seat, and the Board shall make its appointments from those nominees. Charter Section 4.101 shall apply to these seven appointments.

(b) The Rent Board shall be comprised of residential renters and non-renters. The total number of occupied housing units in San Francisco shall be identified as reported by the most recent United States Census Bureau ten-year census (“Occupied Housing Characteristics”), and the number of Rent Board seats for each category (renter and non-renter) shall be allocated according to the percentages of renter-occupied housing units and owner-occupied housing units reported by that census.

(1) Initially, and subsequently following issuance of each ten-year census report by the federal government, the Controller shall identify the applicable census data and publicly report the required allocation of seats to the appointing authorities.

(2) Initially, appointment of seats in each of the two categories (renter and non-renter) shall be divided as evenly as possible between the Mayor and Board of Supervisors, with any remainder determined by the Clerk of the Board of Supervisors by lot.

(3) In subsequent years, in the event the Controller’s report necessitates change of an existing allocation by reducing one or more seats in one category (renter or non-renter) and increasing an equal number of seats in the other category, the next Rent Board seat that becomes vacant in the category to be reduced shall be filled by appointment of a person in the category to be increased. Each such appointment shall be made by the appointing authority who appointed the vacating Member.

(c) To stagger the terms, three members shall initially serve two-year terms, and four members shall initially serve four-year terms. The initial two and four-year terms of office shall be instituted as follows:

(1) The respective terms of office of members and alternate members of the Rent Board who hold office on the first day of July 2005 shall expire at 12 o’clock noon on that date, and the three members appointed by the Mayor and the four members appointed by the Board of Supervisors shall succeed to office at that time. Any business pending before the Rent Board before the reconstitution of the Board on the first day of July 2005 shall become the

responsibility of the reconstituted Board.

(2) The Clerk of the Board of Supervisors shall determine by lot which one of the Mayor's appointees shall serve an initial two-year term, and which two of the Board of Supervisor's appointees shall serve an initial two-year term. The remaining appointees shall serve four-year terms. All subsequent terms shall be four years.

(d) Members of the Rent Board nominated by the Mayor may be suspended by the Mayor and removed by the Board of Supervisors only as set forth in Section 15.105. Members of the Rent Board appointed directly by the Board of Supervisors may be suspended by a motion of the Board of Supervisors approved by six votes and may be removed by the Board of Supervisors only as set forth in Section 15.105.

If a Member appointed in one category (renter or non-renter) ceases to maintain that status at any time during the Member's term, the Member's tenure shall expire by operation of law, and the resulting vacancy shall be filled within forty-five days by the appointing authority. Section 15.105 shall not apply to such vacation of a seat.

(e) The Rent Board shall by majority vote select one of its members as Chair.

(f) The Board shall appoint and may remove an executive secretary and a department head, who may be the same person. The department head shall serve as the Executive Director.

(g) The Rent Board shall implement and administer the City's Residential Rent Stabilization and Arbitration Ordinance (Rent Ordinance), and carry out other responsibilities as provided by law.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
CHERYL ADAMS
Deputy City Attorney

SUPERVISOR DALY
BOARD OF SUPERVISORS