



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: December 16, 2021
TO: Honorable Members of the Rent Stabilization Board
FROM: DeSeana Williams, Executive Director *DSW*
BY: Basil Lecky, Community Service Specialist II
SUBJECT: Request for waiver of late registration penalties

Recommendation:

That the Board approve the attached recommendations.

Background and Need For Rent Stabilization Board Action:

The Board's penalty waiver process is governed by Regulations 883, 884 and 885. Regulation 883 lists the grounds for administrative waivers. In accordance with Regulation 884, the Executive Director reviews waiver requests that do not meet the criteria for an administrative waiver. Regulation 884 lists 12 categories, which will require a review of the totality of the circumstances by the full Board prior to granting any waiver request. Waivers that require a review of the totality of the circumstances are listed below as "Discretionary Waiver." If none of the 12 listed categories apply to the property, the waiver shall be granted/denied in a ministerial manner, based upon the formula outlined in Regulation 884(C). The Board may only alter these ministerial waivers if staff has incorrectly applied the criteria listed in Regulation 884 (B)(1-12).

Discretionary Waivers

For the waiver requests listed below, staff recommendations are attached and presented to the full Board for its approval. With respect to these cases, the determination of good cause to waive some or all of the penalties depends on the totality of the circumstances.

| Waiver | Property Address | Owner | Penalty Assessed | Penalty Waived | Penalty Imposed |
|--------------|-----------------------|---------------------------|------------------|----------------|-----------------|
| 5012 | 1260 Burnett Street | Ronald E Ragon & Jo Trust | \$2,168 | \$2,168 | \$0 |
| 5014 | 2640 Dwight Way | Senteh & Sushsia Wu | \$4,250 | \$4,250 | \$0 |
| 5015 | 1401 Prince Street | Marcia May | \$3,000 | \$2,250 | \$750 |
| 5017 | 1913 Francisco Street | Richard Zevallos | \$231 | \$231 | \$0 |
| TOTAL | | | \$9,649 | \$8,899 | \$750 |

Financial Impact: Discretionary Waivers

Approval of Executive Director's recommendations will decrease the Board's current accounts receivable by **\$8,899**.

Name and Telephone Number of Contact Person:

DeSeana Williams, Executive Director
Rent Stabilization Board
2125 Milvia Street, Berkeley, CA 94704
(510) 981-7368

**City of Berkeley
Rent Stabilization Board
Recommendation on Requested Waiver of Registration Penalties**

| | | |
|---|--|--------------------------------------|
| Waiver No: 5012 | Property address: 1260 BURNETT | Transferred: 03/11/2021 |
| # of Units: 2 | Exempt units (as of December 2021): 0 | |
| Owner(s): RONALD & JO RAGON TRUST | | Waiver filed by: RONALD RAGON |
| Other Berkeley rental property owned: None | | |

Late payment/penalty history: The property comprises of two units, which was previously exempt from the Rent Ordinance because of its Golden Duplex status. The units became fully covered by the Rent Ordinance once the current owner relocated to Colorado in May 2017. The property was registered for the first time in October 2021, with both units currently being rented. This prompted annual registration fees and penalties for the current year as well as the prior years the units were available for rent. Instead of billing the owner since 2017, a statute of limitation was applied. This means the owner was only billed for the last three years of annual registration fees and the penalties.

Penalties Currently Under Consideration

Reason for Penalties: Late Payment of 2018/2019, 2019/2020, and 2020/2021 Annual Registration Fees

| Registration Date or Year | Unit(s) registered late at this time | Registration fees paid | Date fees paid | Penalties charged | Penalties forgiven | Penalties Due |
|---------------------------|--------------------------------------|------------------------|----------------|-------------------|--------------------|------------------|
| 2021/2022 | 2 | \$500.00 | 10/13/2021 | \$500.00 | \$0.00 | \$500.00 |
| 2020/2021 | 2 | \$500.00 | 10/29/2021 | \$1000.00 | \$0.00 | \$1000.00 |
| 2019/2020 | 2 | \$334.00 | 10/29/2021 | \$668.00 | \$0.00 | \$668.00 |
| Totals | | | | \$2168.00 | \$0.00 | \$2168.00 |

Grounds under Regulation 884(B): (1) The good cause asserted in the waiver request is a death or illness in the landlord's family; (8) The penalty has accrued because registration fees have not been paid for three or more fiscal years

Good cause claimed by owner: The owner, Ronald Ragon, lived at 1262 Burnett for 28 years. It existed as a Golden Duplex so he never had to register the property. The owner relocated to Colorado due to the death of his grandson in a hiking accident. His grandson was 8 years old at the time. The owner stated, "It was a terrible thing for our family". The owner moved to Colorado to support his son and the younger brother of his deceased grandson. They eventually rented the 1262 unit. It did not occur to the owner that registration was necessary until most recently when he contacted a realtor about selling the property. The realtor informed the owner that he needed to register the property, which prompted him to start the process by sending the registration form and \$500 check to the Rent Stabilization Board. The owner did not know how to calculate any additional cost nor did he know that fees will be due for both units once he relocated. The owner enclosed a check for \$834, which was the remaining balance he owed for the registration fees.

Recommendation: Staff recommends waiving the penalty in full.

Staff Analysis: Staff sympathizes with the situation the owner describes. He has also provided proof showing that his grandson died in June 2017. Staff also understands that the owner was unaware of the annual registration because of the Golden Duplex status of his property. Now that the property is in the process of being registered, staff does not foresee problems with late payment and noncompliance. Staff recommends a full waiver of the penalty.

2125 Milvia Street, Berkeley, California 94704

TEL: (510) 981-7368 (981-RENT), TDD: (510) 981-6903, FAX: (510) 981-4910
E-MAIL: rent@cityofberkeley.info, INTERNET: www.cityofberkeley.info/rent/

W-5012

CITY OF BERKELEY
RENT STABILIZATION PROGRAM
2125 Milvia Street, Berkeley, CA 94704
PHONE: (510) 981-7368 • FAX: (510) 981-4910
WEB: <https://www.cityofberkeley.info/rent/>

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OCT 29 2021

Initial: W 00
Berkeley Rent Board

Request for Waiver of Late Registration Penalties
Please Read Important Information on Page 2

Property Address: 1260-1262 Burnett St, Berkeley, CA 94702

Owner: Ronald E. ^{Rogor} and Joy M. ^{Rogor} Barnett Revocable Trust

Date of acquisition, if new owner: _____

Name & relationship of person filing request, if not owner: _____

If, after reading the information on Page 2, you believe that you are entitled to a waiver of some or all of your late registration penalties, use the space below to explain why. Attach evidence, where possible, to document an extenuating circumstance that prevented timely payment, such as hospitalization or death in the family. It is your responsibility to convince the Board that your waiver should be granted, so state all facts and circumstances that support your case. **Please print or type clearly.** Attach an additional sheet of paper if needed.

See Attachment 1

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Date: 23 Oct 2021 Signature: Ronald E. Rogor

The information entered below **must be clearly printed or typed** in order to receive the Executive Director's recommendation to the Rent Board on your penalty waiver request one week prior to the Board's consideration of your request at its monthly meeting. The recommendation will also include the date, time and location of the meeting should you choose to attend and address the Commissioners.

Email Address: ronrogor@comcast.net

Mailing Address: 4809 Basalt Ridge Circle, Castle Rock, CO 80108

Phone Number: 510 847 2697 Fax Number: NA

Please see Communications Disclaimer on Page 2 that applies to any personal information you provide.

Attachment 1

City of Berkeley Rent Stabilization Program

Request for Waiver of Late Registration Penalties

Details

1262 Burnett was my home for 28 plus years and existed as a Golden Duplex so I had never registered it. We relocated to Colorado due to my son losing his son in a hiking accident. He was 8 years old at the time and had a younger brother who was 5. It was a terrible thing for our family and we moved to support my son and the younger brother, Ben.

Link to incident: <https://denver.cbslocal.com/2017/06/16/noah-ragon-hanging-lake-death/>

Over time we decided we needed to be in Colorado for a longer period and eventually moved out of 1262 and then rented it. It did not occur to me that registration was necessary until most recently when we contacted Eileen Townsend with Compass about selling the property. She informed me that we needed to register the property and I started the process by sending the registration form and a \$500 check to the Rent Stabilization Program. Since I did not know how to calculate any additional costs nor did I know that since I was no longer living there that it needed to be fees for both.

I have enclosed a check for the fees in the amount of \$834. Thanks for your kind consideration in this matter.

Sincerely,
Ronald Ragon

Ronald Ragon

23 Oct 2021

**City of Berkeley
Rent Stabilization Board
Recommendation on Requested Waiver of Registration Penalties**

| | | |
|---|--|---|
| Waiver No: 5014 | Property address: 2640 DWIGHT WAY | Transferred: 03/19/2018 |
| # of Units: 17 | Exempt units (as of December 2021): 0 | |
| Owner(s): SENTEH & SUHSIA WU | | Waiver filed by: PEGGY WU ABUSAIDI |
| Other Berkeley rental property owned: None | | |

Late payment/penalty history: The property comprises of seventeen (17) units, all of which are rented and subject to the registration requirement. The owner paid the registration fee on October 19, 2021. The owner's payment history is very solid, with the late payment of the 2021/2022 fee marking the first late payment in the last five (5) years.

Penalties Currently Under Consideration

Reason for Penalties: LATE PAYMENT OF 2021/2022, ANNUAL REGISTRATION FEE

| Registration Date or Year | Unit(s) registered late at this time | Registration fees paid | Date fees paid | Penalties charged | Penalties forgiven | Penalties Due |
|---------------------------|--------------------------------------|------------------------|----------------|-------------------|--------------------|------------------|
| 2021/2022 | 17 | \$4250.00 | 10/19/2021 | \$4250.00 | \$0.00 | \$4250.00 |
| Totals | | | | \$4250.00 | \$0.00 | \$4250.00 |

Grounds under Regulation 884(B): (6) The landlord requesting the waiver owns or manages 11 or more rental units.

Good cause claimed by owner: Due to covid-19 issues, owner was not able to return to the United States. The agent, who is owner's daughter, was sheltered in place (SIP) in another city away from San Jose where the PO Box that receives the mail is located. During the time of the owner being away and the agent being SIP, the PO Box was lost and the mail was not forwarded. The agent states that a request for mail forwarding was submitted but mail was not received. Agent is apologetic for the delay in payment and hope to have penalty waived. Agent states "we have always paid all our fees to the Rent Stabilization program on time for many years, and this will not happen again."

Recommendation: Staff recommends waiving the penalty in full.

Staff Analysis: Staff empathizes with the challenges faced in the rental industry as a result of Covid-19. The owner explains why the payment was not made on-time and states that future payments will be made in a timely manner. These facts, in combination with the owner's good payment history, compel staff to recommend a full waiver of the penalties.

CITY OF BERKELEY
RENT STABILIZATION PROGRAM
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OCT 22 2021

Initial: ms
Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Waiver # 5014

Please Read Important Information on Page 2

Property Address: 2640 Dwight Way, Berkeley, CA

Owner: S. Wu

Date of acquisition, if new owner: N/A

Name & relationship of person filing request, if not owner: Peggy Wu Abusaidi, daughter

If, after reading the information on Page 2, you believe that you are entitled to a waiver of some or all of your late registration penalties, use the space below to explain why. Attach evidence, where possible, to document an extenuating circumstance that prevented timely payment, such as hospitalization or death in the family. It is your responsibility to convince the Board that your waiver should be granted, so state all facts and circumstances that support your case. **Please print or type clearly.** Attach an additional sheet of paper if needed.

Due to Covid-19 issue, my parents were not able to return to the US, I am also STP in another city away from San Jose until this month. During that time, we lost the PO Box where this bill was sent, and the San Jose post office never forwarded the mail even though we had filled out the request for mail forwarding. We are sincerely sorry for the delay in paying this bill and hope you can waive the late fee as we have always paid all our fees to the rent stabilization program on time for many years, and this will not happen again.
I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Date: 10/15/2021 Signature: [Signature]

The information entered below **must be clearly printed or typed** in order to receive the Executive Director's recommendation to the Rent Board on your penalty waiver request one week prior to the Board's consideration of your request at its monthly meeting. The recommendation will also include the date, time and location of the meeting should you choose to attend and address the Commissioners.

Email Address: pwabusaidi@yahoo.com

Mailing Address: PO Box 20151, San Jose, CA 95160

Phone Number: 408 202-7977 Fax Number: N/A

Please see Communications Disclaimer on Page 2 that applies to any personal information you provide.

**City of Berkeley
Rent Stabilization Board
Recommendation on Requested Waiver of Registration Penalties**

| | | |
|---|--|---|
| Waiver No: 5015 | Property address: 1401 PRINCE ST | Transferred: 04/03/2018 |
| # of Units: 4 | Exempt units (as of December 2021): Unit #NA - Section 8 Verified | |
| Owner(s): MARCIA MAY | | Waiver filed by: RAYMOND CASSION |
| Other Berkeley rental property owned: None | | |

Late payment/penalty history: The property comprises of four units, with 3 of the units being rented. The current owner, Marcia May, obtained the property in 2018. The owner has been constantly late with their annual registration payments. The late payment of the 2021/2022 annual registration fee marks the third late payment since purchasing the property.

| Registration Date or Year | Units requiring registration at that time | Registration fees paid | Date fees paid | Penalties charged | Penalties forgiven | Penalties Paid |
|---|---|------------------------|----------------|-------------------|--------------------|------------------|
| 2021/2022 | 3 | \$750.00 | 11/08/2021 | 1500.00 | 0.00 | 0.00 |
| 2020/2021 | 3 | \$750.00 | 11/08/2021 | 1500.00 | 0.00 | 0.00 |
| 2018/2019 | 3 | \$750.00 | 02/11/2019 | 1500.00 | 0.00 | 1500.00 |
| Totals (penalties previously assessed) | | | | \$4500.00 | \$0.00 | \$1500.00 |

Penalties Currently Under Consideration

Reason for Penalties: Late payment of 2020/2021, 2021/2022 Annual Registration Fees

| Registration Date or Year | Unit(s) registered late at this time | Registration fees paid | Date fees paid | Penalties charged | Penalties forgiven | Penalties Due |
|---------------------------|--------------------------------------|------------------------|----------------|-------------------|--------------------|------------------|
| 2021/2022 | 3 | \$750.00 | 11/08/2021 | \$1500.00 | \$0.00 | \$1500.00 |
| 2020/2021 | 3 | \$750.00 | 11/08/2021 | \$1500.00 | \$0.00 | \$1500.00 |
| Totals | | | | \$3000.00 | \$0.00 | \$3000.00 |

Grounds under Regulation 884(B): (10) The landlord has paid late each year for the prior five years
Good cause claimed by owner: During the year 2020, the owner states that they experienced financial difficulties and was not receiving rent for Unit #1407. They did not receive rent for the months of September, October, November, and 2 weeks of December, which resulted in a loss of \$5215. This put the owners behind financially. They later took a forbearance on auto payments and credit cards, which was resolved this year. The owner states that owing \$3000 is a lot of money.

Recommendation: Staff recommends waiving 75% of penalty, or \$2250, and imposing 25%, or \$750.

Staff Analysis: The owner's payment history is less than stellar, and the owner fails to give a clear explanation on why they have not been able to make their payments in a timely manner. Staff does understand that 2020 was a difficult year for collection of rent, and that the owner's income was reduced as a result. In recognition of this fact, staff recommends a waiver of 75%, which aligns with the ministerial schedule for the third late payment in the previous five years.

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Waiver #
5015

Initial: Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 1401 - 1407 Prince St Berkeley CA

Owner: Marcia Xavier May

Date of acquisition, if new owner: not new owner

Name & relationship of person filing request, if not owner: Raymond Cassion (Spouse)

If, after reading the information on Page 2, you believe that you are entitled to a waiver of some or all of your late registration penalties, use the space below to explain why. Attach evidence, where possible, to document an extenuating circumstance that prevented timely payment, such as hospitalization or death in the family. It is your responsibility to convince the Board that your waiver should be granted, so state all facts and circumstances that support your case. **Please print or type clearly.** Attach an additional sheet of paper if needed.

Dear Board,

During Year 2020, financial difficulties were experienced additionally rents were not received on unit #1407. For months Sept, Oct, Nov & 2 week December, loss of \$5215. This reason put us behind and also had taken forebearance on Auto Payment, & Credit Cards. Which were resolved this year 2021. Now we owe the penalties of \$3000 which is so lot money.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Date: 11/3/21 Signature: 

The information entered below **must be clearly printed or typed** in order to receive the Executive Director's recommendation to the Rent Board on your penalty waiver request one week prior to the Board's consideration of your request at its monthly meeting. The recommendation will also include the date, time and location of the meeting should you choose to attend and address the Commissioners.

Email Address: Sanrafael CA 74 @ gmail.com

Mailing Address: P.O Box 150173 San Rafael CA 94915

Phone Number: N/A Fax Number: N/A

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**City of Berkeley
Rent Stabilization Board
Recommendation on Requested Waiver of Registration Penalties**

| | | |
|---|--|--------------------------------|
| Waiver No: 5017 | Property address: 1913 FRANCISCO ST | Transferred: 03/13/2018 |
| # of Units: 3 | Exempt units (as of December 2021): 0 | |
| Owner(s): RICHARD & SULMA ZEVALLOS | | Waiver filed by: |
| Other Berkeley rental property owned: 1614 HARMON ST, 3006 KING ST | | |

Late payment/penalty history: The property comprises of three units, with all three units being rented. The current owner, Richard Zevallos, obtained the property in 2018. The late payment of the 2021/2022 annual registration fee marks the first late payment since obtaining the property.

Penalties Currently Under Consideration

Reason for Penalties: Late payment of 2021/2022, pro-rated annual fee

| Registration Date or Year | Unit(s) registered late at this time | Registration fees paid | Date fees paid | Penalties charged | Penalties forgiven | Penalties Due |
|---------------------------|--------------------------------------|------------------------|----------------|-------------------|--------------------|-----------------|
| 2021/2022 | 1 | \$231.00 | 10/25/2021 | \$231.00 | \$0.00 | \$231.00 |
| Totals | | | | \$231.00 | \$0.00 | \$231.00 |

Grounds under Regulation 884(B): (1) The good cause asserted in the waiver request is a death or illness in the landlord's family.

(6) The landlord requesting the waiver owns or manages 11 or more rental units

Good cause claimed by owner: The owner states that Unit A has been vacant/exempt since 5/1/2020 and was just rented on 8/1/2021. Back in 2020, the owner contacted the rent board to notify us that the tenant, who was a senior, passed away. Out of precaution, the owner left the unit vacant until they could afford to renovate the unit, which they finally did in 2021. When it came time to pay their annual registration fee for this year, the owner sent in a payment of \$500 on 6/30/2021. At this time, the unit was still vacant. This is why the owner only paid for 2 units. The owner stated that their mother survived a stroke and is currently in slow recovery. The owner stated that they accumulated many costs for the care and well-being of their mother, which left them unable to attend to other costs in a timely manner. The owner states that their ill mother resides at the same address. The owner was able to send discharge summary of mother's stroke. The owner understands that their registration fee for the unit is now due since the unit is no longer exempt/vacant. The owner sent in payment for the unit on 10/25/21. The owner would greatly appreciate the penalty waiver as this would help relieve their current financial stresses.

Recommendation: Staff recommends waiving the penalty in full.

Staff Analysis: The owner has clearly gone through a very difficult time with the death of a tenant and the illness of their mother. These facts, in combination with the owner's good payment history, compel staff to recommend a full waiver of the penalties.

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OCT 25 2021

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RENT STABILIZATION PROGRAM
2125 Milvia Street, Berkeley, CA 94704
PHONE: (510) 981-7368 • FAX: (510) 981-4910
WEB: <https://www.cityofberkeley.info/rent/>

W-5017

Initial: _____
Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 1913 Francisco St. Berkeley, CA 94709 Unit: A

Owner: Richard Zevallos

Date of acquisition, if new owner: _____

Name & relationship of person filing request, if not owner: _____

If, after reading the information on Page 2, you believe that you are entitled to a waiver of some or all of your late registration penalties, use the space below to explain why. Attach evidence, where possible, to document an extenuating circumstance that prevented timely payment, such as hospitalization or death in the family. It is your responsibility to convince the Board that your waiver should be granted, so state all facts and circumstances that support your case. **Please print or type clearly.** Attach an additional sheet of paper if needed.

Unit A has been vacant/exempt since 5/1/2020 and was just rented on 8/1/2021. Back in 2020, I contacted the rent board letting them know that the tenant (who was a senior) passed away and out of precaution, the unit was left vacant until we could afford to renovate it which we finally did in 2021.

When it came time to pay our annual registration fees for this year, I sent in my annual registration payment of \$500 on 6/30/2021. At the time, the unit was still vacant which is why we only paid for 2 units.

Due to a family hardship (my mother survived a stroke and is currently in slow recovery), we have accumulated many costs for her care and well-being which has left us unable to attend to other costs in a timely manner. My mother resides at the same address below. (Attached is her discharge summary of her stroke event).

I understand that my registration fee for that unit is now due since it is no longer exempt/vacant and I just paid this today on 10/25/21. We would greatly appreciate the penalty waiver as this would help relieve our current financial stresses.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Date: 10/25/2021 Signature: Richard Zevallos

The information entered below **must be clearly printed or typed** in order to receive the Executive Director's recommendation to the Rent Board on your penalty waiver request one week prior to the Board's consideration of your request at its monthly meeting. The recommendation will also include the date, time and location of the meeting should you choose to attend and address the Commissioners.

Email Address: mzevallos@gmail.com

Mailing Address: 1614 Harmon St. Berkeley, CA 94703

Phone Number: (510) 703-1622 Fax Number: _____

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