



Rent Stabilization Board

## RENT STABILIZATION BOARD

DATE: January 16, 2025  
TO: Honorable Members of the Rent Stabilization Board  
FROM: DeSeana Williams, Executive Director  
BY: Basil Lecky, Community Service Specialist II  
SUBJECT: Request for waiver of late registration penalties

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### **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).

### **Ministerial Waivers**

In accordance with Regulation 884, the Executive Director reviews waiver requests that do not meet the criteria enumerated in Regulation 883. The following waiver request will be decided ministerially, unless the Board has reason to believe the underlying basis of the recommended assessment is inappropriate.

2000 Center Street, Suite 400, Berkeley, California 94704

TEL: (510) 981-7368 (981-RENT) • TDD: (510) 981-6903 • FAX: (510) 981-4940

E-MAIL: [rent@cityofberkeley.info](mailto:rent@cityofberkeley.info) • INTERNET: [www.cityofberkeley.info/rent](http://www.cityofberkeley.info/rent)

## Waiver Recommendations

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Waiver	Property Address	Owner	Penalty Assessed	Penalty Waived	Penalty Imposed
	5 The Crescent	Jane Morgan	\$868.00	\$694.40	\$173.60
	150 Panoramic Way	150 Panoramic Way LLC	\$1,720.00	\$1,376.00	\$344.00
	840 Delaware St.	Salil Jain	\$1,080.00	\$1,080.00	\$0.00
	1146 Cragmont Ave	Katarina Lanner-cusin	\$1,424.00	\$1,424.00	\$0.00
	2330 Grant St	Sarah Crabtree	\$319.00	\$319.00	\$0.00
	1742 Spruce St	1742 Spruce Street Llc	\$3,440.00	\$3,440.00	\$0.00
	2309 Acton St	Louis Xie	\$1,720.00	\$1,720.00	\$0.00
	3033 Harper St	Kent Uchiyama	\$688.00	\$688.00	\$0.00
	2016 9th St	Juana Alicia Araiza	\$688.00	\$550.40	\$137.60
	1806 Bonita Ave	Man Kwong	\$1,032.00	\$1,032.00	\$0.00
	1376 Virginia St	Karl Goldstein	\$344.00	\$344.00	\$0.00
	1044 Euclid Ave	Leslie Lippard	\$640.00	\$512.00	\$128.00
	21 Bonnie Ln	Ela Beres	\$2,324.00	\$1,859.20	\$464.80
<b>TOTAL</b>			<b>\$16,287.00</b>	<b>\$15,039.00</b>	<b>\$1,248.00</b>

**Financial Impact: Ministerial Waivers**

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**Waiver Recommendations**

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Approval of Executive Director's recommendations will decrease the Board's current accounts receivable by **\$15,039.00**.

**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
W5137	1628 Tyler St	Macarthur Apartments Llc	\$11,232.00	\$5,616.00	\$5,616.00
W5138	1924 Blake St	Avtar Singh	\$3,696.00	\$3,696.00	\$0.00
W5139	1623 Grant St	Mengke Ding	\$1,000.00	\$1,000.00	\$0.00
<b>TOTAL</b>			<b>\$15,928.00</b>	<b>\$10,312.00</b>	<b>\$5,616.00</b>

**Financial Impact: Discretionary Waivers**

Approval of Executive Director's recommendations will decrease the Board's current accounts receivable by **\$10,312.00**.

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**Waiver Recommendations**

**January 16, 2025**

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**Name and Telephone Number of Contact Person:**

DeSeana Williams, Executive Director  
Rent Stabilization Board  
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(510) 981-7368

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## January Waivers

## Ministerial

Address	Details
5 The Crescent	This property is a single-family home covered by Measure MM. The owner has owned it since 2012. The owner explained that after their stepfather passed away in 2014, they intended to rent the property temporarily while they returned to Berkeley. They did not foresee this becoming a long-term arrangement. They also stated they were unaware of the requirement to register the property with the Rent Board. This is the second late payment on the account. Staff recommends waiving 80% of the penalties because this is the second late payment within the prior five years per regulation 884 C.
150 Panoramic Way	This property consists of five rented units. The owner has owned this property since 2024. The property manager stated that In mid-October, they noticed the outstanding balances on their account. At the time of their waiver application, their finance department had already processed the payment for the full outstanding balance. This resulted in an overpayment. They requested a refund check to be issued so they could send a new corrected payment. However, the refund check was not received until November. This caused their account to reflect double the original amount. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
840 Delaware St.	This property consists of three units with two rented and one exempt. The owner has owned it since 2021. The owner stated when they bought the property in 2021, the previous owner had just built units A and B. This was not reflected in the Rent Board's records. The owner reached out to the Rent Board and was able to correct the records to reflect the proper number of units on the property. Once this was corrected, the owner was charged past fees and penalties. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
1146 Cragmont Ave	This property consists of two units with one exempt and the other rented. The owner has owned it since 1990. The owner stated they have always been diligent in paying all required fees and believe a recent communication from the Rent Stabilization Program may have been missed due to unforeseen circumstances, such as their husband's serious illness culminating in a heart transplant in 2021 and their demanding role in healthcare throughout the COVID-19 pandemic. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
2330 Grant St	This property consists of four units with three rented and one exempt. The owner has owned it since 2019. The owner states that two of the units on the property were owner-occupied when registration was initially due. On August 1, 2024, one of the owner occupied units was rented. The owner claims they never received an invoice from the Rent Board. The owner also claims that he was informed that invoices will not be sent for units registered online. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.

Public

1742 Spruce St	This property consists of ten rented units. The owner has owned it since 2018. The property manager stated that In mid-October, they noticed the outstanding balances on their account. At the time of their waiver application, their finance department had already processed the payment for the full outstanding balance. This resulted in an overpayment. They requested a refund check to be issued so they could send a new corrected payment. However, the refund check was not received until November. This caused their account to reflect double the original amount. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
2309 Acton St	This property consists of five rented units. The owner has owned it since 2017. The owner stated that they came to the Rent Board office on June 28, 2024, to pay their registration fees for multiple properties they own. They later realized they did not pay the fee for the property located at 2309 Acton Street. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
3033 Harper St	This property consists of two rented units. The owner has owned it since 2020. The owner stated they received a notice in September 2024 that their registration fee was past due. The owner claims they never received an initial invoice. The owner believes the initial invoice may have been sent to their old address. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
2016 9th St	This property consists of three units, two rented and one exempt. The owner has owned it since 2015. The owner stated they did not receive a notice from the Rent Board regarding the registration fee being due until September 19, 2024. The owner was out of the country for their daughter's graduation. They believe the initial notice was lost in the mail. This is the second late payment on the account. Staff recommends waiving 80% of the penalties because this is the second late payment within the prior five years per regulation 884 C.
1806 Bonita Ave	This property consists of five units with three rented and two exempt. The owner has owned this property since 2003. The owner's daughter submitted a waiver request on behalf of her parents. She explained that they do not speak, read, or understand English and were unaware of the letter's contents until they showed it to her. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
1376 Virginia St	This property consists of two units with one exempt and the other rented. The owner has owned it since 2005. The owner reported difficulties registering their unit online. Despite contacting the Rent Board, they received no response. When a penalty appeared on their account, the owner visited the Rent Board office to address the issue but was unsuccessful. Subsequent attempts from the owner to reach various Rent Board staff also proved unsuccessful. However, Rent Board staff was able to get back to the owner after the deadline. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.

1044 Euclid Ave	This property is a rented single-family home covered by Measure MM. The owner has owned it since 2018. The owner stated they moved to Boston in July 2020 and rented out their family home in Berkeley in January 2023. However, they recently learned that Measure MM requires registration of partially covered properties. They received a letter from the Rent Board in August 2024 notifying them of the registration obligation. Upon attempting to pay the required fees, they encountered inaccuracies on the Rent Board's portal. They corrected the information and paid the fees. While they understand that a penalty is warranted for their unintentional oversight, they believe the penalty is excessive. This is the second late payment on the account. Staff recommends waiving 80% of the penalties because this is the second late payment within the prior five years per regulation 884 C.
21 Bonnie Ln	This property is a rented single-family home covered by Measure MM. The owner has owned it since 2020. The owners stated they moved out of the country in 2023 and were unaware of the requirement to update their tenancy status. They reported receiving no notices regarding this after their initial registration. The owners fully acknowledge their responsibility to stay informed of their obligations. This is the second late payment on the account. Staff recommends waiving 80% of the penalties because this is the second late payment within the prior five years per regulation 884 C.

**Discretionary**

Address	Details
1628 Tyler St	The management company reported they were not receiving the invoices for timely payments. They have confirmed they are now on file and recognized as the property manager. Property owners and managers are responsible for ensuring their information is current with the Rent Board. Earlier contact with the Rent Board could have prevented these penalties. Staff recommends waiving 50% of the penalties
1924 Blake St	The owner claims they did not receive an invoice at their current address. They moved in 2021, and their new mailing address was not updated with the Rent Board. The owner states they received an email from the Rent Board in November, but also mentions experiencing a difficult period due to family illness. Given the owner's current hardship due to a family illness, staff recommends a full waiver of penalties. Staff recommends waiving 100% of the penalties.
1623 Grant St	The owner states that the fees and penalties were accumulated under the previous ownership and were not disclosed to them upon acquiring the property. Given the previous owner's failure to pay registration fees and inform the current owner of this outstanding obligation at the time of property acquisition, staff recommends a full waiver of penalties. Staff recommends waiving 100% of the penalties.

**City Of Berkeley  
Rent Stabilization Board**

**Recommendation on Requested Waiver of Registration Penalties**

<b>Waiver No: W5137</b>	<b>Property address: 1628 TYLER ST BERKELEY CA 94703</b>	<b>Transferred: 06/14/2019</b>
<b>Exempt units (as of February 2021):</b> Unit # A - SEC8-V -		
<b>Owner(s): MACARTHUR APARTMENTS LLC</b>	<b>Waiver filed by: Property Manager</b>	<b># of Units: 13</b>
<b>Other Berkeley rental property owned: None</b>		
<b>Late payment/penalty history: 2023/2024 registration year and 2024/2025 registration year</b>		

Registration Date or Year	Units Requiring Registration at That	Registration Fees Paid	Date Fees Paid	Penalties Charged	Penalties Forgiven	Penalties Paid
FY2024-25	12	\$4,128.00	09/20/2024	\$4,128.00	\$0.00	\$0.00
FY2023-24	ALL	\$2,392.00	01/06/2025	\$7,104.00	\$0.00	\$0.00
<b>Totals (penalties previously assessed)</b>				\$11,232.00	\$0.00	\$11,232.00

**Penalties Currently Under Consideration**

**Reason for Penalties: LATE PAYMENT OF 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
FY2024-25	12	\$4,128.00	09/20/2024	\$4,128.00	\$0.00	\$4,128.00
FY2023-24	13	\$2,392.00	01/06/2025	\$7,104.00	\$0.00	\$7,104.00
<b>Total</b>				\$11,232.00	\$0.00	\$11,232.00

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

**Good cause claimed by owner:** The management company reported they were not receiving the invoices for timely payments. They have confirmed they are now on file and recognized as the property manager.

**Recommendation:** Staff recommends waiving 50% of the penalties

**Staff Analysis:** Property owners and managers are responsible for ensuring their information is current with the Rent Board. Earlier contact with the Rent Board could have prevented these penalties.

**City Of Berkeley  
Rent Stabilization Board**

**Recommendation on Requested Waiver of Registration Penalties**

<b>Waiver No: W5138</b>	<b>Property address: 1924 BLAKE ST BERKELEY CA 94704</b>	<b>Transferred: 12/04/2015</b>
<b>Exempt units (as of February 2021):</b> None		
<b>Owner(s): AVTAR SINGH</b>	<b>Waiver filed by: PROPERTY OWNER</b>	<b># of Units: 4</b>
<b>Other Berkeley rental property owned: None</b>		
<b>Late payment/penalty history: 2023/2024 registration year and 2024/2025 registration year</b>		

Registration Date or Year	Units Requiring Registration at That	Registration Fees Paid	Date Fees Paid	Penalties Charged	Penalties Forgiven	Penalties Paid
FY2024-25	ALL	\$1,376.00	11/14/2024	\$1,376.00	\$0.00	\$0.00
FY2023-24	ALL	\$1,160.00	11/14/2024	\$2,320.00	\$0.00	\$0.00
<b>Totals (penalties previously assessed)</b>				\$3,696.00	\$0.00	\$3,696.00

**Penalties Currently Under Consideration**

**Reason for Penalties: LATE PAYMENT OF 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
FY2024-25	4	\$1,376.00	11/14/2024	\$1,376.00	\$0.00	\$1,376.00
FY2023-24	4	\$1,160.00	11/14/2024	\$2,320.00	\$0.00	\$2,320.00
<b>Total</b>				\$3,696.00	\$0.00	\$3,696.00

**Grounds under Regulation 884(B):** None

**Good cause claimed by owner:** The owner claims they did not receive an invoice at their current address. They moved in 2021, and their new mailing address was not updated with the Rent Board. The owner states they received an email from the Rent Board in November, but also mentions experiencing a difficult period due to family illness.

**Recommendation:** Staff recommends waiving 100% of the penalties.

**Staff Analysis:** Given the owner's current hardship due to a family illness, staff recommends a full waiver of penalties.

**City Of Berkeley  
Rent Stabilization Board**

**Recommendation on Requested Waiver of Registration Penalties**

<b>Waiver No: W5139</b>	<b>Property address: 1623 GRANT ST BERKELEY CA 94703</b>	<b>Transferred: 09/13/2023</b>
<b>Exempt units (as of February 2021):</b> Unit # A - NAR -		
<b>Owner(s): MENGKE DING</b>	<b>Waiver filed by: PROPERTY OWNER</b>	<b># of Units: 4</b>
<b>Other Berkeley rental property owned: None</b>		
<b>Late payment/penalty history: 2023/2024 registration fee</b>		

Registration Date or Year	Units Requiring Registration at That	Registration Fees Paid	Date Fees Paid	Penalties Charged	Penalties Forgiven	Penalties Paid
FY2023-24	ALL	\$500.00	07/01/2024	\$1,000.00	\$0.00	\$0.00
<b>Totals (penalties previously assessed)</b>				\$1,000.00	\$0.00	\$1,000.00

**Penalties Currently Under Consideration**

<b>Reason for Penalties: LATE PAYMENT OF REGISTRATION FEES</b>						
Registration Date or Year	Unit(s) Registered Late At This Time	Registration Fees Paid	Date Fees Paid	Penalties Charged	Penalties Forgiven	Penalties Due
FY2023-24	4	\$500.00	07/01/2024	\$1,000.00	\$0.00	\$1,000.00
<b>Total</b>				\$1,000.00	\$0.00	\$1,000.00

**Grounds under Regulation 884(B):** None

**Good cause claimed by owner:** The owner states that the fees and penalties were accumulated under the previous ownership and were not disclosed to them upon acquiring the property. Staff recommends waiving 100% of the penalties.

**Recommendation:** Staff recommends waiving 100% of the penalties

**Staff Analysis:** Given the previous owner's failure to pay registration fees and inform the current owner of this outstanding obligation at the time of property acquisition, staff recommends a full waiver of penalties.