



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: February 15, 2024
TO: Honorable Members of the Rent Stabilization Board
FROM: DéSeana Williams, Executive Director
BY: Amanda Eberhart, Registration Unit Manager
SUBJECT: Request for waiver of late registration penalties

Recommendation:

That the Board approves 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 a "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 the 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. Please see the attached Ministerial Waiver Analysis and Recommendation for additional details.

Waiver	Property Address	Owner	Penalty Assessed	Penalty Waived	Penalty Imposed
	40 HILL RD	GAIL WONG	214.00	171.20	42.80
	1632 STUART	JOHNSON, HANS WALKER, WENDY	628.00	628.00	-
	2205, 2207, AND 2209 CURTIS	PRISCILLA LEADON	2,370.00	1,896.00	474.00
	1600 KAINS	ANTONIO, CONSUELO & OLGA SANCHEZ	2,000.00		2,000.00
	2301 8TH ST	THE LAPHAM COMPANY, INC.	353.00	353.00	-
	2706 TELEGRAPH	FRANCIS TO	870.00	696.00	174.00
	2709 MCGEE	CHETAN MEHTA	2,410.00	2,169.00	241.00
	1708 MLK #5	JIAZHONG MEI & LEIJUN MEI	478.00	478.00	-
	1105 KEITH	APARNA KARETI	178.00	142.00	36.00
	2447 DERBY	TAKLAM WONG	1,130.00		1,130.00
	2012 GRANT	YAO JI LIANG & BAI QING DENG	1,160.00	1,160.00	-
	2919 HARPER	METIN SAGLAM	178.00		178.00
	2304 DERBY	LAWRENCE WOLFLEY	178.00	178.00	-
	3216 BOISE	RUTH & CANAAN MULUNEUH	580.00		580.00
TOTAL			12,727.00	7,871.20	4,855.80

Financial Impact: Ministerial Waivers

Approval of the Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$7,871.20**.

Discretionary Waivers

Staff recommendations are attached and presented to the full Board for approval for the waiver requests listed below. 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
W5110	2326 10TH ST	STANLEY HUNT	580.00	580.00	
W5111	1636 MILVIA	MARK KRON	315.00		315.00
W5114	2224 GRANT	LAWRENCE WOLFLEY	1,160.00	1,160.00	
W5116	2647 STUART	SABRINA & MARK KABELLA	290.00		290.00
TOTAL			2,345.00	1,740.00	605.00

Financial Impact: Discretionary Waivers

Approval of the Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$1,740.00**.

Name and Telephone Number of Contact Person:

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

Ministerial Waiver Analysis and Recommendation

Address	Details
40 HILL RD	The single-family home located at 40 Hill Rd has been owned by the current owner since 2016. Staff notes that this property is a Measure MM property, so there are not five years of fiscal history to review. The Rent Board records will show the property owner paid the 21/22 registration payment on time. No registration payment was made for the 22/23 registration cycle, and the property owner also paid the 23/24 registration fees late. The property owner states in their waiver, "They were out of the country, traveling abroad, and unfamiliar with the Rent Board. The property owner consulted a friend regarding the registration requirement when they should have called the Rent Board". Per Regulation 884 C, this property qualifies to have 80% of its penalties removed because this is the property's second late payment in the last five fiscal years. Staff recommends waiving 80% of the penalty.
1632 STUART	The 2,3 or 4 single-family home located at 1632 Stuart has been owned by the current owner since 2016. Staff notes that this property was previously exempt from the registration requirement as a golden duplex. Staff notes exempt properties do not pay registration fees, which means there are not five years of fiscal data to review. This property registered the ADU for the first time in the 23/24 registration cycle. The property owner states in their waiver, "Initially they were told the ADU was exempt from registration, then upon further investigation the Rent Board found the ADU was not exempt and needed to register." Staff notes that the registration unit concluded the property research on July 31st, after the registration due date. Per Regulation 883 G, this property qualifies to have 100% of the penalties waived because of other errors in billing or reconciling accounts directly attributable to Rent Board or City staff. Staff recommends waiving 100% of the penalty.
2205, 2207, and 2209 CURTIS	The residential property of three units located at 2205, 2207, and 2209 Curtis has been owned by the current owner since 2012. The property has paid the 22/23 and 23/24 registration fees late in the last five fiscal years. The property owner stated in their waiver they were unable to pay registration fees for the following reasons: "They never received the 22/23 initial statement, their mail person retired, and multiple part-time workers were delivering mail. The property made a partial payment of \$306, which the owner provided documentation to review. The property owner also mentioned health problems, like shoulder pain. Lastly, they state that they could not get a hold of a Counselor to discuss their property." Staff notes that the property owner has paid registration fees in the past, and the registration payments are timely. A search of Rent Board records will show that the \$306 payment was an RHSP fee, not a Rent Board fee. Per Regulation 883 G, this property qualifies to have 80% of the penalties waived due to two late payments in the last five registration cycles. Staff recommends waiving 80% of the penalty.
1600 KAINS	The quadruplex located at 1600 Kains has been owned by the current owner since 2003. The property paid the 21/22 registration fees late in the last five fiscal years. The property received both July and January penalties that cycle. The property owner stated in their waiver, "The tenants who lived at the address were not paying rent due to COVID-19, so the property owner was unable to pay the registration fee." Staff notes that in the 21/22 registration cycle, the Board offered a COVID amnesty to property owners impacted by COVID-19. It is unclear why the property owner did not take advantage of the penalty relief. Unfortunately, tenants not paying rent is not a permissible waiver defense. Staff recommends denying the penalty waiver.

Ministerial Waiver Analysis and Recommendation

2301 8TH ST	The fully covered, multi-residential property located at 2301 8th St has been owned by the current owner since 2014. In the last five fiscal years, the property has not made any late payments. The property owner stated in their waiver, "they forgot one unit on the property was no longer exempt, and unfortunately made a partial payment." A search of Rent Board records will confirm one unit on the property was formerly exempt under section 8. Per Regulation 884 C, this property qualifies to have 100% of the penalty on the property forgiven based on no late payments in the last 5 fiscal years. Staff recommends waiving 100% of the penalty.
2706 TELEGRAPH	The fully covered, quadruplex located at 2706 Telegraph has been owned by the current owner since 1990. In the last five fiscal years, the property has paid 22/23 and the 23/24 registration fees late. In the 22/23 registration cycle the property owner was granted a 100% admin waiver. The property owner stated in their waiver, "they forgot the due date." Per Regulation 884 C, this property qualifies to have 80% of the penalty on the property forgiven based on two late payments in the last 5 fiscal years. Staff recommends waiving 80% of the penalty.
2709 MCGEE	The fully covered, quadruplex located at 2709 McGee has been owned by the current owner since May 2023. Unfortunately, due to the timing of the purchase, the property owner would not have received an updated billing statement but the registration due date. Per Regulation 883 I, this property qualifies to have 90% of the penalty on the property forgiven based on The property containing 3 to 5 rental units and was the property was registered between 12 and 24 months after purchase. Staff recommends waiving 90% of the penalty.
1708 MLK #5	The current owner has owned the partially covered condo at 1708 MLK #5 since May 2016. Staff notes that this is a Measure MM property, so there are not five years of payment history to review. The property owner stated in their waiver, "They never received the initial billing statement, but received the past due statement which prompted their registration. A search of Rent Board records will also show the initial billing statement, which lists the property as fully covered and charges the wrong registration fee. Per Regulation 883 G, this property qualifies to have 100% of the penalty on the property forgiven based on other errors in Billing or reconciling accounts directly attributed to the Rent Board or City staff. Staff recommends waiving 100% of the penalty.
1105 KEITH	The current owner has owned the partially single-family home at 1105 Keith since May 2016. The property owner has paid the 22/23 registration fees late in the last five fiscal years, and in the 22/23 registration cycle, they were granted a 100% penalty waiver. The property owner stated in their waiver, "The delay in payment was an oversight due to recent financial and health reasons." Staff notes the property owner did not provide any additional evidence for the Board to review/ Per Regulation 884 C, this property qualifies to have 80% of the penalty on the property forgiven based on two late payments in the last five fiscal years. Staff recommends waiving 100% of the penalty.

Ministerial Waiver Analysis and Recommendation

2447 DERBY	<p>The fully covered multi-family dwelling located at 2447 Derby has been owned by the current owners since 2021. In the last five fiscal years, the property has paid registration fees on time. The owner states in their waiver, "They paid the 2022 fee, then when it came time to pay the 2023 fee, there was a large penalty on the account." A search of Rent Board records will show that in the 22/23 registration cycle, the property was charged for four units. Unit D was exempt as owner-occupied. On June 30, 2023, the property owner updated the tenancy information for Unit D. At that time, the property reported a new tenancy that started on 8/15/2021. The ordinance instructs all property owners to update the Rent Board within 60 days of a change in property status. The property would have needed to register this tenancy with the Rent Board no later than 10/15/2021 to avoid penalties being added to the account. The property was charged \$1,130 in pro-rated penalties for the late registration of Unit D. Unfortunately, the prorated penalties are true and correct based on the information provided by the property owner. Staff recommends denying the penalty waiver.</p>
2012 GRANT	<p>The fully covered quadruplex located at 2012 Grant has been owned by the current owners since 2009. In the last five fiscal years, the property has paid the 17/18 registration fee late. The owner states in their waiver, "They did not receive the initial mailing statement." Per regulation 884 C, this property qualifies to have 100% of the penalty waived for one late payment in the last five years. Staff recommends waiving 100% of the penalty.</p>
2919 HARPER	<p>The single-family home located at 2919 Harper was transferred to the current owner in 2019. In the last five fiscal years, the property has paid both the 22/23 and the 23/24 registration fees late. In the 22/23 registration cycle, the property was granted a 100% penalty waiver. The property owner stated in their waiver, "they tried to pay the registration fee on 5/5/23 and 5/6/23 but the Rent Registry was down and that they have been calling and emailing to rectify this." The property owner also states, "they made a payment on 10/2, but then received a Rent Board letter on 10/14 that they had no time to respond to." Unfortunately, the property owner may have the Rent Board confused with the Rental Housing Safety Program. The Registration Supervisor notes, that the Rent Registry Portal was opened on April 3, 2023 and closed July 3, 2023. Out of the 90 days the portal was open, three of those days were closed for maintenance. Staff also notes, the Rent Board sent out communications to property owners on 5/2/2023 informing them the Rent Registry Portal would be down. At this time, it is unclear why the property owner would attempt to pay registration fees during the down maintenance time. A search of Rent Board records will show the property owner did not email the Rent Registry inbox during the 2023 calendar year. The only email received from the property was on 9/26/23. The property owner emailed the Rent Board Online regarding their penalty fees and attached the email notification the Rent Board sent, stating the portal would be down for maintenance. The Registration Supervisor pulled all the phone records from May 1, 2023 to July 1, 2023 to confirm the property owner contacted the Rent Board for assistance regarding their property. Unfortunately, both the primary contact number and the alternate contact number on file produced no results. Per Regulation 884 C, this property qualifies to have 80% of their penalties removed based on two late payments in the last 5 years. Staff recommends waiving 80% of the penalties.</p>

Ministerial Waiver Analysis and Recommendation

2304 DERBY	<p>The single-family home located at 2304 Derby has been owned by the current owner since 2022. Staff notes that this property is a Measure MM property that missed the original registration deadline in 2021 and was charged penalties. In February 2023, the Board voted to deny the property waiver for the Measure MM penalties. Rent Board records will show this balance is still unpaid with the Rent Board. A search of Rent Board records will also show the property owner paid the 23/24 registration fees late. The property owner stated in their waiver, "His wife had a medical crisis in Vietnam that temporarily caused an inability to pay." Per Regulation 884 B, this waiver qualifies as discretionary Because the good cause asserted in the waiver request is a death or illness and a landlord's family. Staff recommends 100% of the 23/24 registration penalty.</p>
3216 BOISE	<p>The quadruplex located at 3216 Boise has been owned by the current owner since 2022. A search of Rent Board records will show the property owners acquired this property in May 2022. The property was granted a New Owner waiver, which removed 100% of the penalties in the 22/2e registration cycle. Staff notes that the property owner also paid the 23/24 registration fees late. The property owner stated in their waiver, "They are new property owners still getting used to the requirement and are also facing financial hardships from rental repairs." Staff notes the "new owner" explanation is the same justification used in their prior waiver. Per Regulation 884 B, this waiver qualifies as discretionary if the executive director or their designee recommends that a greater or lesser amount be waived in the interest of justice. Staff recommends denying the penalty waiver based on the totality of the circumstances, the prior new owner waiver that was granted, and the late payment of the 23/24 registration fee. Staff recommends denying the waiver.</p>

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5110	Property address: 2326 10TH ST BERKELEY CA	Transferred: 09/01/1989
Exempt units (as of February 2021): None		
Owner(s): STANLEY HUNT	Waiver filed by: PROPERTY MANAGER	# of Units: 2
Other Berkeley rental property owned: None		

Late payment/penalty history: The Rent Board records will show the property owner paid the 19/20 registration fee late and received a 90% waiver. The property paid late in the 20/21 registration cycle and received a partial waiver to reduce the penalties. Rent Board records will also show the property paid the 23/24 registration fees late.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
-	-	-	-	-	-	-
Totals (penalties previously assessed)				\$0.00	\$0.00	\$0.00

Penalties Currently Under Consideration

Reason for Penalties: Illness						
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	2	\$580.00	10/10/2023	\$580.00	\$0.00	\$0.00
Totals				\$580.00	\$0.00	\$0.00

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

Good cause claimed by owner: The Property owner was undergoing cancer treatment.

Recommendation: Staff recommends waiving 100% of the penalty fee.

Staff Analysis: The 2,3 or 4 single-family home located at 2326 and 2326 ½ St has been owned by the current owner since 2016. Staff notes that this property is a Measure MM property, so there are not five years of fiscal history to review. The Rent Board records will show the property owner paid the 19/20 registration fee late and received a 90% waiver. The property paid late in the 20/21 registration cycle and received a partial waiver to reduce the penalties. Rent Board records will also show the property paid the 23/24 registration fees late. The property owner states in their waiver, "They were undergoing cancer

treatment at the time the registration fees were due." Staff notes that no additional documentation was provided for the board to review. Per Regulation 884 B, this waiver qualifies as discretionary because The good cause asserted in the waiver request is a death or illness in the landlord's family. This property qualifies to have 100% of its penalties removed. Staff recommends waiving 80% of the penalty.

10th Street

*Property Address: 2326 # 2326-1/2 Street (A)

*Owner: Stanley E. Hunt

Date of acquisition, if new owner: N/A

*Name & relationship of person filing request, if not owner: Durelle S. Ali, representative

If, after reading the information on Page 1, 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 the circumstances 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. All Board decisions are final.

Please print or type clearly. Attach an additional sheet of paper if needed.

I handle all business for the elderly owner, Stan Hunt. Unfortunately, we been going thru cancer treatment (rad + hormone therapy) leaving me a bit brain foggy at times. When I realized that the registration date had passed, I had to wait for Hunt's social security payment to have the funds for the registration.

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

*Date: 7/27/23 *Signature: Durelle S. Ali

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: durelleali@aol.com
Mailing Address: 111 Louise Court, Vallejo, CA 94590
Phone Number: (707) 980-7875 Fax Number: same

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5111	Property address: 1636 MILVIA ST BERKELEY	Transferred: 01/01/1900
Exempt units (as of February 2021): Unit # NA - NAR - Tenant, Unit # NA - OCCC - Owner		
Owner(s): MARK KRON	Waiver filed by: OWNER	# of Units: 4
Other Berkeley rental property owned: None		

Late payment/penalty history: Staff notes that this property was previously exempt from the registration requirement as three units had a "Not available for Rent" status. Staff notes exempt properties do not pay registration fees, which means there are not five years of fiscal data to review. This property registered rental units for the first time in the 23/24 registration cycle.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
-	-	-	-	-	-	-
Totals (penalties previously assessed)				\$0.00	\$0.00	\$0.00

Penalties Currently Under Consideration

Reason for Penalties: Illness						
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	\$580.00	10/02/2023	\$630.00	\$0.00	\$315.00
Totals				\$630.00	\$0.00	\$315.00

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

Good cause claimed by owner: The property owner had medical problems.

Recommendation: Staff recommends denying the penalty waiver.

Staff Analysis: The quadruplex located at 1636 Milvia has been owned by the current owner since 1974. Staff notes that this property was previously exempt from the registration requirement as three units had a "Not available for Rent" status. Staff notes exempt properties do not pay registration fees, which means there are not five years of fiscal data to review. This property registered rental units for the first time in the 23/24 registration cycle. The property owner states in their waiver, "They had medical problems, an

operation, and cancer." Staff notes that the property owner provided no additional statements or documentation for the board to review. A search of Rent Board records will show that on June 29th, 2023, the property owner registered the Lower and Upper units on their property. Staff notes the ordinance instructs Property Owners to inform the Rent Board of any change in status within 60 days. Property Status changes include property ownership changes and tenancy updates. In this case, the property owner was charged \$168 in prorated penalties for late registration of the Lower unit. The property was also charged \$147 in prorated penalties for the upper unit. The total penalty balance for late registration of two units was \$315. Per Regulation 884 B, this waiver qualifies as discretionary because The good cause asserted in the waiver request is a death or illness in the landlord's family. Unfortunately, the prorated penalties are true and correct based on the tenancy start dates provided by the property owner. Staff recommends denying the penalty waiver.

RECEIVED

JUN 29 2023

Initial: _____
Berkeley Rent Board

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

Property Address: 1636 MILVIA ST. Unit A+B

Owner: MARK KRON

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 the circumstances 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.

I had medical problems, had an operation
had cancer

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

Date: 6-29-2023 Signature: Mark Kron

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: markk510@aol.com

Mailing Address: 1886 San Pedro Ave

Phone Number: 510 847-1188 Fax Number: _____

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: W5114	Property address: 2224 GRANT ST BERKELEY	Transferred: 01/01/1900
Exempt units (as of February 2021): Unit # E - OCCC - Owner		
Owner(s): LAWRENCE WOLFLEY	Waiver filed by: OWNER	# of Units: 5
Other Berkeley rental property owned: 2304 DERBY ST, BERKELEY, CA 94705		

Late payment/penalty history: In the last five fiscal years, the property has paid the 18/19 registration fee late. In that cycle, they were granted a waiver. The property also paid both the 22/23 and the 23/24 registration fees late.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
-	-	-	-	-	-	-
Totals (penalties previously assessed)				\$0.00	\$0.00	\$0.00

Penalties Currently Under Consideration

Reason for Penalties: Illness						
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	5	\$1,160.00	11/07/2023	\$1,160.00	\$0.00	\$1,160.00
Totals				\$1,160.00	\$0.00	\$1,160.00

Grounds under Regulation 884(B): (1) The good cause asserted in the waiver request is a death or illness in the landlord's family.
Good cause claimed by owner: The property owner's wife had an unexpected medical emergency overseas.

Recommendation: Staff recommends waiving 100% of the penalty fee.

Staff Analysis: The multi-family dwelling located at 2224 Grant has been owned by the current owner since 2022. In the last five fiscal years, the property has paid the 18/19 registration fee late. In that cycle, they were granted a waiver. The property also paid both the 22/23 and the 23/24 registration fees late. The property owner stated in their waiver, "His wife had a medical crisis in Vietnam that temporarily caused an inability to pay. Per Regulation 884 B, this waiver qualifies as discretionary because the good cause asserted in the waiver request is death or illness in the landlord's family. Staff recommends waiving 100% of the penalties.

*Property Address: 2224 Grant St

*Owner: Lawrence Wolfley

Date of acquisition, if new owner: _____

*Name & relationship of person filing request, if not owner: Lyle Wolfley Son


If, after reading the information on Page 1, 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 the circumstances 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. All Board decisions are final.

Please print or type clearly. Attach an additional sheet of paper if needed.

Our family had medical crisis that led to inability to pay temporarily. My wife had surgery + medical complications ~~that~~ while ~~she~~ in Vietnam her home country which left me alone in Berkeley working full time + with my 2 children alone and then I also had covid. She is back and it allows me to tend to our bills not just our children now.

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

*Date: 11/7/23 *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: Lyle 0800@gmail.com

Mailing Address: ~~2224~~ 2224 Grant St Apt E

Phone Number: ~~510~~ 5105496014 Fax Number: _____

RECEIVED

NOV 07 2023

Initial: _____
Berkeley Rent Board

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

Request for Waiver of Late Registration Penalties

Please read the important disclosures below. Areas marked with an asterisk (*) MUST BE FILLED OUT. Incomplete applications will be returned to the sender.

- 1) **Before submitting a waiver request, you must pay all outstanding registration fees and file all registration forms.**

LW *Initial Here

- 2) The penalties on your bill are owed under the law. The Rent Board **may** forgive some or all of the penalties when the late payment was not deliberate and the owner acts in "good faith." Most waivers are processed by staff, based primarily on your past payment history (see Reg. 883*).

LW *Initial Here

- 3) Under certain circumstances (see Reg. 884*) the Rent Board will review a waiver request to determine what amount, if any, to forgive. In these discretionary reviews the Board is looking at "good cause" and the "totality of the circumstances" to determine an appropriate penalty.

LW *Initial Here

- 4) **Procedure for Discretionary Waivers:** Staff will review your waiver request and make a recommendation to the Board. If a circumstance outlined in Regulation 884 applies, staff will send you a copy of the recommendation about a week before the Board meeting. You may submit a written response to the recommendation. The Board will review the staff recommendation and any response, and issue a decision. You are not required to, but may, attend and address the Board. **Staff will mail you the Board's decision, which cannot be further appealed.**

Full waiver is granted: The account is cleared or credited, your eligibility for annual general adjustments (AGAs) is restored, and you are deemed in compliance from the date the waiver application was completed.

Partial waiver is granted: **The denied amount must be resolved within 30 days or the waiver may be rescinded and the full amount of penalties reinstated.** While any penalties remain outstanding, the property is considered not registered. This means, among other things, that you may not impose rent increases, may not evict tenants, and may be subject to tenant petitions for rent withholding.

LW *Initial Here

- 5) For questions about waivers please call Amanda Eberhart at (510) 981-4904 or email at AEberhart@cityofberkeley.info.

- 6) **Communications Disclaimer:**

This document will be included in the Rent Board's agenda packet and, as such, will become part of the City's electronic records, which are accessible through the City's website. This means that any e-mail addresses, names, addresses, and other information you provide will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, please call the Rent Board's Registration Unit at (510) 981-7368 or email RentRegistry@cityofberkeley.info to make that request.

LW *Initial Here

- 7) The referenced regulations can be found at: Chapter 8: Rent Registration

Please complete the Request for Waiver Form on the Back of this page

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5116	Property address: 2647 STUART ST BERKELEY	Transferred: 05/14/2008
Exempt units (as of February 2021): Unit # ATTIC - OCCC - Owner, Unit # UPPER - OCCC - Owner		
Owner(s): SABRINA & MARK KABELLA	Waiver filed by: OWNER	# of Units: 3
Other Berkeley rental property owned: None		

Late payment/penalty history: In the last five fiscal years, the property owner has paid the registration fee late in the 18/19, 19/20, 20/21, 21/22, 22/23, and 23/24. Staff notes that in each of these registration cycles, the property was granted an administrative waiver or was granted a COVID waiver.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
-	-	-	-	-	-	-
Totals (penalties previously assessed)				\$0.00	\$0.00	\$0.00

Penalties Currently Under Consideration

Reason for Penalties: Late last five years						
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	3	\$290.00	10/10/2023	\$290.00	\$0.00	\$290.00
Totals				\$290.00	\$0.00	\$290.00

Grounds under Regulation 884(B): (10) The landlord has paid late each year for the prior five years
Good cause claimed by owner: The property owner had martial issues and mail theft.

Recommendation: Staff recommends denying the penalty waiver.

Staff Analysis: The fully covered duplex located at 2647 Stuart has been owned by the current owners since 2008. In the last five fiscal years, the property owner has paid the registration fee late in the 18/19, 19/20, 20/21, 21/22, 22/23, and 23/24. Staff notes that in each of these registration cycles, the property was granted an administrative waiver or was granted a COVID waiver. The owner states in their waiver, "Due to martial issues and mail theft, the registration notice received was overdue, and currently, they are a BUSD Teacher unable to pay a 100% penalty." Staff notes the property owner did not provide any additional documentation for the Board to review. Per Regulation 884 B, this Waiver qualifies as discretionary because the landlord has paid late each year for the prior five years. Staff recommends denying the penalty waiver.

*Property Address: 2647 Stuart St. Berkeley 94705

*Owner: Sabrina & Mark Kabella

Date of acquisition, if new owner: _____

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

If, after reading the information on Page 1, 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 the circumstances 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. All Board decisions are final.

Please print or type clearly. Attach an additional sheet of paper if needed.

Due to marital issues and mail theft in the Elmwood (where I live) somehow the registration notice received was well-overdue. I am a BUSD teacher and ~~am~~ currently unable to pay a 100% penalty without extreme hardship. We rent a single unit that is well below market rate to a long term tenant. Please have mercy! We have been great landlords.

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

*Date: 10/10/23 *Signature: Sabrina M. Kabella

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: Sabrinadkabella@gmail.com

Mailing Address: 2647 Stuart St.

Phone Number: (510) 847-0050 Fax Number: _____

RECEIVED

OCT 10 2023

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

Initial: _____
Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Please read the important disclosures below. Areas marked with an asterisk (*) MUST BE FILLED OUT. Incomplete applications will be returned to the sender.

- 1) **Before submitting a waiver request, you must pay all outstanding registration fees and file all registration forms.**

SK *Initial Here

- 2) The penalties on your bill are owed under the law. The Rent Board **may** forgive some or all of the penalties when the late payment was not deliberate and the owner acts in "good faith." Most waivers are processed by staff, based primarily on your past payment history (see Reg. 883*).

SK *Initial Here

- 3) Under certain circumstances (see Reg. 884*) the Rent Board will review a waiver request to determine what amount, if any, to forgive. In these discretionary reviews the Board is looking at "good cause" and the "totality of the circumstances" to determine an appropriate penalty.

SK *Initial Here

- 4) **Procedure for Discretionary Waivers:** Staff will review your waiver request and make a recommendation to the Board. If a circumstance outlined in Regulation 884 applies, staff will send you a copy of the recommendation about a week before the Board meeting. You may submit a written response to the recommendation. The Board will review the staff recommendation and any response, and issue a decision. You are not required to, but may, attend and address the Board. **Staff will mail you the Board's decision, which cannot be further appealed.**

Full waiver is granted: The account is cleared or credited, your eligibility for annual general adjustments (AGAs) is restored, and you are deemed in compliance from the date the waiver application was completed.

Partial waiver is granted: **The denied amount must be resolved within 30 days or the waiver may be rescinded and the full amount of penalties reinstated.** While any penalties remain outstanding, the property is considered not registered. This means, among other things, that you may not impose rent increases, may not evict tenants, and may be subject to tenant petitions for rent withholding.

SK *Initial Here

- 5) For questions about waivers please call Amanda Eberhart at (510) 981-4904 or email at AEberhart@cityofberkeley.info.

- 6) **Communications Disclaimer:**

This document will be included in the Rent Board's agenda packet and, as such, will become part of the City's electronic records, which are accessible through the City's website. This means that any e-mail addresses, names, addresses, and other information you provide will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, please call the Rent Board's Registration Unit at (510) 981-7368 or email RentRegistry@cityofberkeley.info to make that request.

SK *Initial Here

- 7) The referenced regulations can be found at: Chapter 8: Rent Registration

Please complete the Request for Waiver Form on the Back of this page