

Rent Stabilization Board

RENT STABILIZATION BOARD

DATE:	April 18, 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).

Waiver Recommendations April 18, 2024 Page 2

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
	2417 MCGEE	ROBIN D. STAVISKY	290.00	290.00	-
	1175 CAMELIA	MICHELE LAUREL	178.00	142.40	35.60
	287 THE UPLANDS	DAN BATTLE	178.00	142.40	35.60
	2444 SPAULDING	PAUL ENDRES	150.00	90.00	60.00
	1994 SAN ANTONIO AVE	KAREN FISHER & MARTIN MILLER	580.00	504.00	76.00
	838 BANCROFT WAY	R. CELLUCCI & E. LITTLE	420.00		420.00
	968 ADDISON ST	ROMAX 2 LLC	1,160.00	1,160.00	-
	1019 CHANNING WAY	JUSTIN MULLER	1,300.00	975.00	325.00
	1124 OXFORD ST	ROBERT POWELL	178.00	133.50	44.50
	1165-1167 ARCH ST	BREENA COATES & SHARAD SINGH	580.00	580.00	-
	1361 NORTHSIDE AVE	AMANDA AYMAR	1,160.00	1,044.00	116.00
	1409 SPRUCE ST #B	NANCY ALPERT	356.00	356.00	-
	1422 ADDISON ST	KIM MARIENTHAL	432.00	432.00	-
	1432 KAINS AVE	DAVID JOHNSON	1,000.00	1,000.00	-
	1434 6TH ST.	GREG HUTCHINGS	1,160.00	1,044.00	116.00
	1437 MLK JR. WAY	THUPTIN LAMA	580.00	435.00	145.00
	1439 67TH ST	ANTOINE GRONDIN	1,740.00	1,740.00	-
	1533 BONITA AVE	KATHLEEN O. SLOBIN & DAN I. SLOBIN	356.00	356.00	-
	1536 TYLER ST	KATHLEEN VAUGHN	1,500.00	1,500.00	-
			-		
TOTAL			13,298.00	11,924.30	1,373.70

Waiver Recommendations April 18, 2024 Page 3

Financial Impact: Ministerial Waivers

Approval of the Executive Director's recommendations will decrease the Board's current accounts receivable by **\$11,924.30**.

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
W5117	2113 WOOLSEY	SAPPHIRE LEGENDARY CAPITAL LLC	478.00	478.00	
TOTAL			478.00	478.00	0

Financial Impact: Discretionary Waivers

Approval of the Executive Director's recommendations will decrease the Board's current accounts receivable by **\$478.00**.

Name and Telephone Number of Contact Person:

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

April Ministerial Waivers

Address	Details
1994 San	This property consists of two fully covered units with both units rented. The current owner has owned the property since 10/8/2020.
	According to the owner, the property is a single-family home and was occupied by Betty Howell until she passed away. The property was then trusted to Betty's son, Brian Howell, who lived in the property prior to him moving out. The property owner was under the impression they were exempt from registration fees due to the property being a single-home. It appears the property was in fact a duplex and subject to the registration requirements of the Rent Ordinance. The units on the property have been rented since 12/27/2022; therefore, a bill was sent to the owner with prior fees and penalties. The owner does not have a history of late payments. Recommendation: Staff recommends waiving 90% of the penalties because this is the second late payment within the prior six years. (Reg 883 H.2.)
	This property consists of three fully covered units with all three units being rented. The current owner has owned the property since
	05/21/2020. The property owner submitted a Vacancy Registration Form with a tenancy start date of 9/30/2022. Due to not notifying the rent board within 60 days of the tenancy status change, the account was charged prior fees and penalties. The owner claims they did not know about the penalty and they did not get a timely notice of the penalty because of the post office delay in delivering it. Recommendation: Staff recommend denying the waiver. The owner has owned this property since 2020 and should be fully aware of the registration requirements of the Rent Ordinance. (Reg 881)
968 Addison	This property consists of four fully covered units with all four units being rented. The current owner has owned the property since 1/22/2020.
St	The property owner claims there may be an issue with mail getting to and from their offices in a timely manner. The owner does not have a history of late payments. Recommendation: Staff recommends waiving 100% of the penalties because this is the first late payment within the prior six years. (Reg 883 H.1.)
1019	This property consists of six fully covered units with five units rented and one unit exempt as Section 8. The current owner has owned the
Channing	property since 5/19/2023. The property owner claims they have been working with the rent board to correct a section 8 units that was
Way	registered incorrectly. The property owner paid the current and previous registration fee 2/22/2024. The property owner took possession of the property at the start of the 23/24 registration year. This is their only late payment. Recommendation: Staff recommends waiving 75% because the property owner is a new owner and the property contains 6 to 10 rental units. (Reg 883 I.3)
1124 Oxford	This property is a single-family home that is covered by Measure MM. The property has been rented through the 22/23 & 23/24 registration
St	year. The owner has owned this property since 11/1/2002. The owner claims they tried to make a payment online but was unsuccessful. The owner states he forgot to call and notify the rent board that he tried to pay online. However, when he received a penalty bill, he called the rent board and spoke to a staffer. The property manager has a history of late payments and this is his third late payment. Recommendation: Staff recommends waiving 75% of the penalties because this is the owners' third late payment within the prior six years. (Reg 883 H.3)

1165-1167 Arch St	This property consists of 2 fully covered units with both units being rented. The property owner has owned this property since 10/1/1998. The owner claims they did not receive the initial bill for the 23/24 registration year. The owner states they received the penalty bill 3/11/24. The owner paid the registration fee 10/27/23. The owner does not have a history of late payments. Recommendation: Staff recommends waiving 100% of the penalties because this is the owners' first late payment within the prior six years. (Reg 883 H.1)
1361 Northside Ave	This property consists of 2 fully covered units with both units being rented. The property owner has owned this property since 2/25/2015. The owner states they did not realize their account was charged 100% penalty every 6 months and cannot afford the accrued penalties. This is the second time the owner has been late paying their registration fees. Recommendation: Staff recommends waiving 90% of the penalties because this is the owners' second late payment within the prior six years. (Reg 883 H.2)
1409 Spruce St #B	This property is a single-family home that is covered by Measure MM. The property has been rented through the 23/24 registration year. The owner has owned this property since 12/31/2020. The owner claims the number of units on her property was incorrect and they reached out to the RSB on 7/5/23 & 7/6/23 to try to correct it but did not get a response. The owner states they later received a call from a rent board staffer, who confirmed there is one unit on the property. The owner does not have a history of late payments. Recommendation: Staff recommends waiving 100% of the penalties because this is the owners' first late payment within the prior six years. (Reg 883 H.1)
1422 Addison St	This property consists of five fully covered units with four units rented and one unit exempt as Section 8. The current owner has owned the property since 8/10/2006. The owner states they thought they registered one of the units in the property and was waiting to hear back from the Rent Board regarding the fees due. The owner noticed the unit was not updated and did so online. Our records show the owner paid the 23/24 registration fee on 2/8/24. The penalties owed on the account apply to all units and not just the one unit the owner forgot to update. The owner does not have a history of late payments.Recommendation: Staff recommends waiving 100% of the penalties because this is the owners' first late payment within the prior six years. (Reg 883 H.1)
1432 Kains Ave	This property consists of 2 fully covered units with one unit rented and the other unit owner occupied. The current owner has owned the property since 5/19/2023. David Johnson, the person that filed the waiver, sold the property 7/10/23. David claims he received a call from the rent board and the caller told him if he paid the initial fee, the penalty would be waived. Although David is no longer the owner of the property, he paid the 23/24 registration fee & penalty on 7/7/23. Recommendation: Staff recommends waiving 100% of the penalties because the new owner was unaware of the property registration requirements of the Rent Ordinance and registered the property within 12 months of acquiring the property. Also, the property contains two units with only one of the units being rented. (Reg 883 I.1)
1434 6th St.	This property consists of four fully covered units with all units rented. The current owner has owned the property since 7/2/2001. The property owner states they live in France and their mail is often delayed. The owner states they intended to pay on time and processed the 23/24 registration payment through their credit union website the weekend of July 1, 2023. Our records show the owner's payment was processed 7/10/23. This is the owners second late payment in a six-year period. Recommendation: Staff recommends waiving 90% of the penalties because this is the owners' second late payment within the prior six years. (Reg 883 H.2)

 assistant thought there was only one agency that required payment. Our records show the owner paid the 21/22, 22/23 & 23/24 registration fees on 12/21/23. The property was previously a golden duplex until 3/13/2021. Recommendation: Staff recommends waiving 75% of the penalties because this is the owners' third late payment within the prior six years. (Reg 883 H.3) 1439 67th St This property consists of three fully covered units with all three units rented. The current owner has owned the property since 10/15/2021. The property manager claims they could not locate the Berkeley registration for the property online. The manager states they contacted the owner to see if they received a 23/24 registration fee billing statement, which the owner responded they did not receive the bill. The manager states they contacted the rent board on 1/6/24 to request access to the property and according to the manager, the rent board responded 1/8/24 and told them to complete an ARS form before they can be granted access. The manager states they were given access to the property on 1/22/24. Our records show the 23/24 registration fee was paid 3/1/2024. The account does not have a history of late payments. Recommendation: Staff recommends waiving 100% of the penalties because this is the owners' first late payment within the prior six years. (Reg 883 H.1) 1533 Bonita 		
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		years. Staff recommends waiving 100% of the penalty.

1175	The partially covered single-family home located at 1175 Camelia has been owned by the current owner since 2020. This property
CAMELIA	is a Measure MM property, so there are not five years of payment history to review. Rent Board records will show the property owner paid the 21/22 and the 23/24 registration fees late. The property owner stated in their waiver, "They were unable to update their property information and called numerous times, and no one ever got back to her." A search of Rent Board phone records will show the first time the property owner contacted the Rent Board via email was on 7/22/24. Staff notes the 23/24 registration due date was July 3rd. The Registration Manager also checked the phone logs between May 1, 2023, and July 31, 2023, and found no record of the property owner calling or leaving a message for the Rent Board. Staff notes the property owner has provided two different phone numbers. There is a phone number in the Rent Registry Portal, whose middle numbers consist of 910, and a second number supplied in the 7/22/23 email where the middle numbers are 920. Unfortunately, the Registration Manager could not find any corresponding phone calls from the property owner to the Rent Board on either of those numbers. Per regulation 884 C, this property qualifies to have 80% of the penalty waived for two late payment in the last five years. Staff recommends waiving 80% of the penalty.
287 The Uplands	The partially covered single-family home located at 287 The Uplands has been owned by the current owner since 2002. This property is a Measure MM property, so there are not five years of payment history to review. Rent Board records will show the property owner paid the 22/23 and the 23/24 registration fees late. The property owner stated in their waiver, "They misplaced the original statement and were unaware the fee was due until a second notice was recieved." Per regulation 884 C, this property qualifies to have 80% of the penalty waived for two late payments in the last five years. Staff recommends waiving 80% of the penalty.
2444	The partially covered single-family home located at 2444 Spaulding has been owned by the current owner since 1990. This
Spaulding	property is a Measure MM property, so there are not five years of payment history to review. Rent Board records will show the property owner paid the 21/22, 22/23, and 23/24 registration fees late but within the automatic waiver period for two of the three years. The property owner stated in their waiver, "He had mobility issues from a vehicle accident and was also not receiving mail at the time." Staff notes that the property owner did not provide additional evidence or documentation for the Board to review. Per regulation 884 C, this property qualifies to have 60% of the penalty waived for three late payments in the last five years. Staff recommends waiving 60% of the penalty.

City Of Berkeley Rent Stabilization Board

Recommendation on Requested Waiver of Registration Penalties

Waiver No:W5117	Property addr	ess: 2113 WOOLSEY ST	Transfered:	02/09/2012
Exempt units (as of February None	2021):			
Owner(s): SAPPHIRE LEGENDARY CAPITAL Waiver filed by: OWNER # of Units: 1				
Other Berkeley rental propert	y owned: None			

Late payment/penalty history: This property is a Measure MM property, so there are not five years of payment history to review. A search of Rent Board records will show the property did not pay for the 22/23 registration cycle and paid the 23/24 registration fees late.

		-				Penalties Paid
-	-	-	-	-	-	-
Totals (penalties previously assessed)				\$0.00	\$0.00	\$0.00

Penalties Currently Under Consideration

Reason for Penalties: Illness								
Registration Date or YearUnit(s) registered late at this timeRegistration fees paidDate fees paidPenalties chargedPenalties forgivenPenalties Due								
FY 2023-24	1	\$178.00	11/16/2023	\$478.00	-	\$478.00		
Totals \$478.00 \$0.00 \$478.0								

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 out of the country for cancer treatment.

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

Staff Analysis: The partially covered single-family home located at 2113 Woolsey has been owned by the current owner since 2012. This property is a Measure MM property, so there are not five years of payment history to review. A search of Rent Board records will show the property did not pay for the 22/23 registration cycle and paid the 23/24 registration fees late. The property owner stated in their waiver, "They were out of the country for Cancer treatment." Per Regulation 884 B (1), this waiver qualifies as discretionary because the good cause asserted in the waiver request is a death or illness in the landlord's family, and the landlord provides sufficient documentation to support their request. This property qualifies to have 100% of the penalty on the property forgiven.

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/

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

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

///__*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*).

*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.
Yump *Initial Here

4) <u>Procedure for Discretionary Waivers</u>: 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.

<u>Full waiver is granted</u>: 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.

<u>Partial waiver is granted</u>: 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 exict tenants, and may be subject to fenant petitions for rent withholding.

*Initial Here

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

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 <u>RentRegistry@cityofberkely.info</u> to make that request.

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

*Property Address:	2113	Woolsey	St.,	Berkeley	94705
*Owner:/ <i>AH</i>	SING Y	UAN	<u></u>		
Date of acquisition, if	f 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.

and I went out - of - the - country Su due to a diagnosis of 1ymphas cancer (DLBCL re back to the US and tried to pay Crome balance requesting a punalty now waiver

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

*Date: 11/16/2023 *Signature:___

The information entered below <u>must be clearly printed or typed</u> 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:	yyuan 828@, gmail.	com	
		Road. Mountain View CA	94040
Phone Number:	408-582-3388	Fax Number:	



SAPPHIRE LEGENDARY CAPITAL LLC 1603 S SPRINGER RD MOUNTAIN VIEW, CA 94040

2113 WOOLSEY ST BERKELEY, CA 94705

Received On	Description	Check Number	Receipt Amount	Receipt No
11/16/2023	Reg Fees FY '23-'24 +PREV FEES CHECK #1476 \$328	1476	\$328.00	00013622

If not cash payment, attach check below

2125 Milvia Street, Berkeley, California 94704 TEL: (510) 981-7368 (981-RENT), TDD: (510) 981-6903, FAX: (510) 981-4910 EMAIL: rent@cityofberkeley.info, INTERNET: www.cityofberkeley.info/rent/

CITY OF BERKELEY Rent Stabilization Program 2125 Milvia Street, Berkeley, CA 94704 Phone: 510-981-7368; Fax: 510-981-4910

REGISTRATION YEAR

07/03/2023 - 06/30/2024

BILLING CODE

CAPSAP

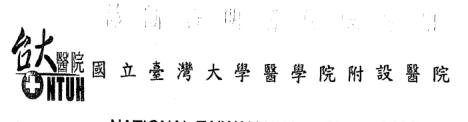
DUE DATE

07/03/2023

SAPPHIRE LEGENDARY CAPITAL LLC 1603 S SPRINGER RD MOUNTAIN VIEW, CA 94040

ŝ,

	ASSESSOR PARCEL NUMBER : 052155501100			PIN : 275888		
ROPERTY ADDRESS : 2113	NOOLSEY ST BE	RKELEY CA 94705				
FEE STRUCTURE			Annual Fee Per Unit	Number of Units	Total	
Fully Covered Units - (\$24/Month Prorated Fee)			\$ 290.00	0	\$ 0.00	
Partially Covered (Measure MM) Units - (\$15/Month Prorated Fee)			\$ 178.00	1	\$ 178.00	
Exempt Units			\$ 0.00	0	\$ 0.00	
City of Berkeley Rent Stabilizatio	n Ordinance requi	res owners of residentia	al	Current Fees	\$178.00	
nits that are rented or available y July 1. A 100 % penalty will be	for rent to pay an a	annual registration fee	1	Previous Fees	\$150.00	
ee in July and every six months	that it remains unp	aid. Formerly exempt		Penalties	\$478.00	
units must be registered within 60 days to avoid the assessment of penalties. This bill is past due. If payment is not made by the due date, a penalty will be assessed.			Total Due \$806.00			
billing statement by mail with a check only. Make checks payable to the City of Berkeley. Do not mail cash or credit card information.			ish to pay with a credit card y do so in person at our office e at: entregistry.cityofberkeley.info			
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billing statement by mail wir Make checks payable to the Do not mail cash or credit c	th a check only. City of Berkeley. ard information.	you ma or onlin https:// 3/2023 - 06/30/2024 07 05215550110 ACT: SAPPHIRE L S: \$178.00	ay do so in pers ne at: /rentregistry.cit Due Dat 	on at our office yofberkeley.inf te: PAST DL	<u>o</u>	



NATIONAL TAIWAN UNIVERSITY HOSPITAL No. 7, Chung San South Road, Taipei City 100, Taiwan (R.O.C.)

	CERTIFICATE	Phone: +886-2-23123456	
	CLITITICATE	Fax: +886-2-	
No.	Date : Oct. 26, 2023	3	
Name: HSIANG-CHIUN HEI			
Sex	Passport/I.D. No. :		
Date of Birth : .	1		
Chart No :	-		
Nationality : Taiwan			
Diagnosis :			
Primary (

Comments and Advice :

The patient was admitted to the general internal medicine ward of our hospital on October 24th, 2023 due to the above-mentioned illness. The patient received target therapy(Rituximab) through subcutaneous infusion, followed by chemotherapy(Methotrexate) through intravenous infusion on October 24th, 2023. The patient was currently in the chemotherapy treatment course and hospitalization was needed.--END--





15033597427551

Certified by : (Ming Yao) Attending Physician

・「劇」 詩「明」 実

台大醫院 ONTUR 立臺灣大學醫學院附設醫院

NATIONAL TAIWAN UNIVERSITY HOSPITAL No. 7, Chung San South Road, Taipei City 100, Taiwan (R.O.C.)

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No.	Date : Sep. 28, 20)23	
Name: HSIANG-CHIUN HE	IDI CHEN		
Sex :	Passport/I.D. No.	: 1	
Date of Birth :	•		
Chart No :			
Nationality : Taiwan			
Diagnosis :			

Comments and Advice :

The patient was admitted to the general surgery ward of our hospital on September 1, 2023 due to the above-mentioned illness. On September 6, 2023, the patient underwent Suboccipital craniotomy transvermian approach for tumor biopsy. Subsequently, the patient was transferred to the surgical intensive care unit for observation on the same day. On September 8, 2023, the patient was transferred to the general ward for further treatment. On September 14, 2023, the patient underwent Port-A catheter implantation. On September 18, 2023, the patient was transferred to the hematology ward. On September 20, 2023, the patient received target therapy(Rituximab) through intravenous infusion, followed by chemotherapy(Methotrexate) through intravenous infusion on September 21, 2023. The patient was dischar September 29, 2023, and should continue with outpatient follow-up the intravenous transfer.-END--



Certified by :

(Ming Yao)

Attending Physician

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