



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: April 20, 2023
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 "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. Please see the attached Ministerial Waiver Analysis and Recommendation for additional details.

Waiver	Property Address	Owner	Penalty Assessed	Penalty Waived	Penalty Imposed
	893 NEILSON	EDGAR JENSEN	3,000.00	1,200.00	1,800.00
	1230 BURNETT	ADRIENNE WAHEED	500.00	400.00	100.00
	1305 KAINS	THERESA NGUYEN	300.00	240.00	60.00
	455 ARLINGTON	JEFFREY DELLHEIM	150.00	120.00	30.00
	1136-1138 KEELER	JENNA MARIE MELTON	600.00	600.00	
	1737 PARKER	FERN STROUD	1,000.00	800.00	200.00
	2303-2309 CALIFORNIA	SEBASTIEN FONDBERTASSE	1,500.00	1,500.00	
	1505-1507 DERBY	MATTHEW & AMANDA SILAS	2,000.00	1,200.00	800.00
	1767 EUCLID #1	NICK PAL	600.00	300.00	600.00
	2217 8TH ST	TRUCKEE ZURICH PLACE LLC	732.00		732.00
	1560 SCENIC	NAHJEEN ESMAILI	250.00	250.00	
TOTAL			10,632.00	6,610.00	4,322.00

Financial Impact: Ministerial Waivers

Approval of Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$6,610**.

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
W5079	2225 8TH	GRACE CHI	1,000.00	1,000.00	
W5080	2601 COLLEGE AVE #203	FARIBORZ TABIBZADEH	300.00	240.00	60.00
w5081	2304 Derby	LAWRENCE WOLFLEY	324.00		324.00
TOTAL			1,624.00	1,240.00	384.00

Financial Impact: Discretionary Waivers

Approval of Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$1,240.00**.

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
893 NEILSON	<p>The single family home located at <u>893 Neilson</u> has been owned by the current owner since <u>1999</u>. In the last five fiscal years this property owner has paid the registration fee late four of the five years. In fiscal year 17-18 the property owner paid late and was granted an administrative waiver. In 19-20 the registration fee was also paid late and an administrative waiver was also granted. For fiscal year 20-21, the property owner made no payments and both the July and January penalties were applied to the account. No administrative waiver was applied for. Lastly, in fiscal year 22-23 the property owners also paid the registration fee late and an administrative waiver was granted. The owner states in their waiver that, “the property owner had serious health conditions that prevented the property owner from paying timely”. The waiver form asks all property owners to submit evidence to support their claims. Unfortunately, at the time the waiver was submitted, no additional documentation was provided. Also, the Rent Board offers a variety of payment options for property owners, such as online payment, mailed checks, there is a drop box outside of our office, and owners have the option to pay in person. It is unclear why these payment options were not taken advantage of. Per regulation 884 C, this property qualifies to have 40% of their penalties waived after four late payments in five years. Per regulation 884 C, staff recommends waiving 40% of the penalties.</p>
1230 BURNETT	<p>The triplex located at <u>1230 Burnett</u> has been owned by the current owner since 2008. In the last five fiscal years the owner has paid the registration fees late twice. The owner paid late in the 21-22 registration cycle and was granted an administrative waiver. This owner also paid late in the 22/3 registration cycle. The owner states in their waiver that, “they were too depressed and overwhelmed to open their mail”. Per Rent Board regulation 884 C, this property qualifies to have 80% of their penalties waived for paying the registration fee late in two of the last five fiscal years. Staff recommends waving 80% of the penalties per the ordinance.</p>
1305 KAINS	<p>The Property located at <u>1305 Kains</u> is a single-family home partially covered under Measure MM. Unfortunately, there are not five years of financial history to review. Rent Board records will show the property owner paid late in the 21/22 registration cycle and was granted an administrative waiver. The owner also paid the 22/23 registration fees late. The owner states in their waiver that, “they did not receive the billing statement”. A search of Rent Board records will show that on 2/15/21, the property owner logged into the Rent Registry portal and updated the contact information for the property. To date, that address and contact information has not changed. Per Regulation 884 C, this property qualifies to have 80% of their penalties waived for two late payments in the last five fiscal years. Staff recommends waiving 80% of the penalties per the ordinance.</p>

Ministerial Waiver Analysis and Recommendation

<p>455 Arlington</p>	<p>The Property located at 455 Arlington is a single-family home partially covered under Measure MM. Unfortunately, there are not five years of financial history to review. Rent Board records will show the property owner paid late in the 21/22 registration cycle and was granted an administrative waiver. The owner also paid the 22/23 registration fees late. The owner states in their waiver that, “they were unaware of the requirement for single family homes and that they did not receive the billing statement”. A search of Rent Board records will show that on 10/28/21, the property owner logged into the Rent Registry portal completed registration for the 21/22 registration cycle, paid the registration fee and updated the contact information for the property. To date, that address and contact information has not changed. Per Regulation 884 C, this property qualifies to have 80% of their penalties waived for two late payments in the last five fiscal years. Staff recommends waiving 80% of the penalties per the ordinance.</p>
<p>1136-1138 Keeler</p>	<p>The Property located at <u>1136-1138 Keeler</u> is a single-family home partially covered under Measure MM. Unfortunately, there are not five years of consecutive financial history to review. Rent Board records will show the property owner has not made any late payments in their payment history. The owner states in their waiver that, “in 2021, they completed all the necessary paperwork but never heard back from the Rent Board”. A search of Rent Board records unfortunately contradicts that statement. Rent Board records will show that the 21/22 registration fees were paid on time. Per Regulation 884 C, this property qualifies to have 100% of their penalties waived for no late payments in the last five fiscal years. Staff recommends waiving 100% of the penalties per the ordinance.</p>
<p>1737 Parker</p>	<p>The Property located at <u>1737 Parker</u> is a single-family home fully covered under the Berkeley Rent Ordinance. In the last 5 fiscal years the property owner has made two late payments. The owner paid the 17-18 registration fees late and was granted an administrative waiver. The owner also paid the 22/23 registration fees late. The owner states in their waiver that, “they did not know they would be paying for two units after one tenant moved out and that Covid had impacted their life like many other seniors”. Unfortunately at the time the waiver was submitted, the owner did not elaborate on the ‘Covid Impact’. Also, the owner submitted no additional documentation was provided for the Registration Manager to review. Per Regulation 884 C, this property qualifies to have 80% of their penalties waived for two late payments in the last five fiscal years. Staff recommends waiving 80% of the penalties per the ordinance.</p>
<p>2303-2309 California</p>	<p>The four-plex located at <u>2303-2309 California St</u> has been owned by the current owner since <u>2006</u>. In the last five fiscal years, this property owner has not made any late registration payments. The owner states in their waiver that, “they did not receive the original billing statement.” Per Regulation 884 C, this property qualifies to have 100% of the penalty waived for no late payments in the last five fiscal years. Staff recommends 100% of the penalty be waived.</p>

Ministerial Waiver Analysis and Recommendation

<p>1505-1507 Derby</p>	<p>The duplex located at <u>1505-1507 Derby</u>, has been owned by the current owner since 2010. In the last five fiscal years, the owner has paid the registration fee late three times. In fiscal 17/18 they were granted an admin waiver. Also, the registration fees for both 21/22 and 22/23 were also paid late. The property owner states in their waiver that, “for the 21/22 registration cycle, they never received a bill.” A search of the Rent Board records will show the contact information on file for this property is the same in the historical database, the current rent registry platform, and is the same contact information submitted on the waiver form as of February 2023. The owner also states in their waiver that, “they made a good faith effort to pay the 22/23 registration but was unable to log into the system.” They also state in the waiver that, “they reached out via email and telephone but did not hear back from Registration staff until after the bill was due.” Unfortunately, a search of Rent Board records will show a contradiction in that statement. Rent Board records show that we received the first email communication from the property owner Saturday July 2, 2022 at 5:53 pm. At this time, the registration due date for the 22/23 cycle had already passed. The initial email received did not have an address APN number or any other identifiable information for staff to assist the property owner. Our records will show, the owner sent two additional emails that Saturday informing the Rent Board they could not log in and needed a PIN. Staff responded to the owner and sent the owner a PIN and the waiver form July 15th. Per Rent Board Regulation 884 C, this property qualifies to have 60% of the penalties waived based on three late payments in the last five fiscal years. Staff recommends waiving 60% of the penalty.</p>
<p>1767 Euclid #1</p>	<p>The property located at 1767 Euclid is a condo that has been owned by the current owner since 2003 and is partially covered under Measure MM. Prior to the passing of Measure MM, this property was not subject to the Registration requirement of the Rent Ordinance. Unfortunately, there are not five years of financial data to review as this property completed registration for the first time in February 2023. In the waiver submitted by the owner they state, “no prior information provided and that they previously have paid all invoices including rent control inspections.” A search of Rent Board records will show a contradiction to that statement. In March of 2021, the property owner was sent a Measure MM packet. The packet included an Introductory Letter, Measure MM Fact Sheet, Amended Registration Form, and Vacancy Registration Form. The address on the Measure MM packet matches the county property records, the current Rent Registry platform and is the same address provided on the waiver submitted in February. Staff recommends denying the waiver.</p>
<p>2217 8th St</p>	<p>The <u>3 unit 2, 3 or 4 single family home</u> located at 2217 8th St has been owned by the current owner since 2017 and is partially covered under Measure MM. Prior to the passing of Measure MM, this property was not subject to the Registration requirement of the Rent Ordinance. Unfortunately, there are not five years of financial data to review as this property completed registration for the first time in January 2023. In the waiver submitted by the owner they state, “we did not know about registering or fees for this unit/ house.” A search of Rent Board records will show a contradiction to that statement. In March of 2021, the property owner was sent a Measure MM packet. The packet included an Introductory Letter, Measure MM Fact Sheet, Amended Registration Form, and Vacancy Registration Form. The address on the Measure MM packet matches the county property records, the current Rent Registry platform and is the same address provided on the waiver submitted in February. Staff notes, the property owner has already paid the penalty fees on the account. Staff recommends denying the waiver.</p>

Ministerial Waiver Analysis and Recommendation

1560 scenic	<p>The Property located at <u>1560 Scenic</u> is a single-family home fully covered under the Berkeley Rent Ordinance. In the last 5 fiscal years the property owner has made no late payments. The owner states in their waiver that, “they did not receive the original bill in the summer and was also not aware they needed to pay the registration fee yearly”. The owner also stated in their waiver that, “she was a stay at home mom, so they only have one income and money is tight. Staff notes, the waiver form clearly asks owners where possible to attach evidence to document the circumstances that prevented timely payment. At the time of the initial waiver submission, the owner submitted no additional documentation for the Registration Manager to review. It is also unclear why the owner did not take advantage of the Covid Relief Period where the Board removed fees for financial hardship. Per Regulation 884 C, this property qualifies to have 100% of their penalties waived for no late payments in the last five fiscal years. Staff recommends waiving 100% of the penalties per the ordinance.</p>
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**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5079	Property address: 2225 8TH ST BERKELEY CA	Transferred: 03/30/1990
Exempt units (as of February 2021): Unit # B - OCCC - Owner		
Owner(s): GRACE CHI	Waiver filed by: OWNER	# of Units: 3
Other Berkeley rental property owned: None		

Late payment/penalty history: In the last five fiscal years the owner has not made any late payments.

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: Justice						
Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2022-23	3	\$500.00	02/03/2023	\$1,000.00	\$0.00	\$1,000.00
Totals				\$1,000.00	\$0.00	\$1,000.00

Grounds under Regulation 884(B): (11) The Executive Director, or his or her designee, recommends that the interests of justice require that a greater or lesser amount be waived

Good cause claimed by owner: The owner was a victim of a Hate Crime and was unfortunately hospitalized.

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

Staff Analysis: The triplex located at 2225 8th has been owned by the current owner since 1990. In the last five fiscal years the owner has not made any late payments. The owner states in their waiver that, "they were the victim of a Hate Crime and unfortunately was hospitalized. Per Rent Board regulation 884 B (11), in the interest of Justice, this property can qualify to have 100% of the penalty fees waived.

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 Important Information on Page 2

Property Address: 2225 8th Street

Owner: Grace Chi

Date of acquisition, if new owner: N/A

Name & relationship of person filing request, if not owner: N/A

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 was a victim of Hate Crime, I was in the Hospital and nursing home. + stay immobilization. I am unable to take care of regular thing include contact to the public.

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

Date: 2/2/2023 Signature: Grace Chi

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: herbchi88@yahoo.com

Mailing Address: 2225 8th Street Berkeley CA 94710

Phone Number: (510) 387-7890 Fax Number: 0

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5080	Property address: 2601 COLLEGE AVE 203	Transferred: 01/01/1900
Exempt units (as of February 2021): None		
Owner(s): FARIBORZ TABIBZADEH	Waiver filed by: OWNER	# of Units: 1
Other Berkeley rental property owned: 2601 COLLEGE AVE 203 BERKELEY CA 94704		

Late payment/penalty history: Unfortunately, there are not five years of financial history to review for this property. Rent Board records will show the property owner made the 21/22 registration payment late and was granted an administrative waiver. This property also paid the 22/23 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
FY2022-23	1	\$150.00	02/27/2023	\$300.00	\$0.00	\$300.00
Totals				\$300.00	\$0.00	\$300.00

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 owner's husband had been in and out of the hospital for the last 6-7 months. The property owner is unsure they received a statement in that time frame.

Recommendation: Staff recommends waiving 80% of the penalties.

Staff Analysis: The Property located at 2601 College Ave #203 is a single-family home partially covered under Measure MM. Unfortunately, there are not five years of financial history to review for this property. Rent Board records will show the property owner made the 21/22 registration payment late and was granted an administrative waiver. This property also paid the 22/23 registration fees late. The owner states in their waiver that, "they did not receive the billing statement". The owner also states that, "their husband was hospitalized off and on for 6 to 7 months and they are unsure if he did receive anything." The waiver form clearly states, "where possible to provide evidence/documentation to document the circumstances that

prevented timely payment. Unfortunately, at the time this waiver was submitted no additional documentation was provided for the Registration Manager to review. Under Regulation 884 B (1) this waiver qualifies to be heard as a discretionary waiver because the owner is claiming illness. Unfortunately, staff was unable to corroborate this information. Per Regulation 884 C, this property qualifies to have 80% of their penalties waived for two late payments in the last five fiscal years. Staff recommends waiving 80% of the penalties per the ordinance.

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

RECEIVED

FEB 27 2023

Initial: _____
Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 2601 College Ave, Berkeley 94704

Owner: Fariborz/Shirin Tabibzadeh

Date of acquisition, if new owner: More than 20 years

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

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.

Thank you so much for giving us a chance to explain.
We received a bill for \$150 for registration! Plus
\$300 for late fee. as I explained on the phone,
We did not receive this before - My husband has
been very ill & hospitalized ^{off & on} the last 6-7 months
I don't know if he did receive anything from you -
I would appreciate if you waive the penalty this time. ^{I am} so sorry

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

Date: 2/21/23 Signature: Shirin Tabibzadeh

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: ShirinTabib@gmail.com

Mailing Address: 7928 Marquand Ave, West Hills, CA 91304

Phone Number: (408) 390-6996 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: W5081	Property address: 2304 DERBY ST, BERKELEY,	Transferred: 08/23/2022
Exempt units (as of February 2021): None		
Owner(s): LAWRENCE WOLFLEY	Waiver filed by: OWNER	# of Units: 1
Other Berkeley rental property owned: None		

Late payment/penalty history: Unfortunately, there are not five years of financial history to review for this property. This property completed registration for the first time in February 2023.

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
FY2022-23	1	\$150.00	02/23/2023	\$348.00	\$0.00	\$348.00
Totals				\$348.00	\$0.00	\$348.00

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: Due to the local state of emergency the owner is requesting more time.

Recommendation: Staff recommends denying the penalty waiver.

Staff Analysis: The Property located at 2304 Derby is a single-family home partially covered under Measure MM. Unfortunately, there are not five years of financial history to review for this property. Rent Board records will show the property completed registration in February 2023. The owner states in their waiver that, "due to the local emergency and sickness they are requesting extra time". Unfortunately, at the time this waiver was submitted no additional documentation was provided for the Registration Manager to review. Upon further investigation into the property, Rent Board records will show, this owner was charged prorated fees and penalties for a tenancy that started June 1, 2022, and was not registered with the Rent Board until February 2023. Under Regulation 884 B (1) this waiver qualifies to be heard as a discretionary waiver because the owner is claiming Sickness. Unfortunately, staff was unable to corroborate this

information. Staff recommends denying the waiver.

RECEIVED

FEB 23 2023

Initial: MP
Berkeley Rent Board

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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 Important Information on Page 2

Property Address: 2304 Derby St Berkeley 94705

Owner: Lawrence Wolfley

Date of acquisition, if new owner: _____

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

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.

Due to local emergency and sickness im requesting
extra time

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

Date: 2/23/23 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: lyle0800@gmail.com

Mailing Address: 2224 Grant St Apt E Berkeley 94703

Phone Number: 510 549 6014 Fax Number: _____

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