



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: October 17, 2024
TO: Honorable Members of the Rent Stabilization Board
FROM: DeSeana Williams, Executive Director
BY: Basil Lecky, Community Service Specialist II
SUBJECT: Request for waiver of late registration penalties

Recommendation:

That the Board approve the attached recommendations.

Background and Need for Rent Stabilization Board Action:

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

Ministerial Waivers

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

2000 Center Street, Suite 400, Berkeley, California 94704

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

E-MAIL: rent@cityofberkeley.info • INTERNET: www.cityofberkeley.info/rent

Waiver Recommendations

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Waiver	Property Address	Owner	Penalty Assessed	Penalty Waived	Penalty Imposed
	1919 Curtis	Curtis Street Llc	5,220.00	5,220.00	0.00
	2923 MLK Jr	Calvin Wong	2,420.00	2420.00	0.00
	1335 Oxford St	Daniel Watson & Gaby Raymond	344.00	275.20	68.80
	1711 Stuart St	Mary Banas	1,832.00	1,832.00	0.00
	1055 Sterling Ave	Miklane Janner	178.00	178.00	0.00
	2802 San Pablo Ave	Rafael & Margarita Vega	356.00	356.00	0.00
	1919 Parker St	Ming-chia Tsai	1,200.00	1,200.00	0.00
	15 Tamalpais Rd	Douglas F Hurlbut	568.00	454.40	113.60
	505 Cragmont Ave	Stephanie Thomas	178.00	178.00	0.00
	847 Dwight Crescent	Marlen Kirby	568.00	568.00	0.00
	924 Hilldale Ave	Breeze Braunschweig	1,848.00	1,478.40	369.60
	1050 Creston Rd	Thomas Parenty	750.00	600.00	150.00
	1818 Franklin St	Eric Ytabe	356.00	356.00	0.00
	1242 Evelyn Ave	Daniel Fuller	356.00	356.00	0.00
	2430 8TH St	David Davis	2,320.00	2,320.00	0.00

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	2600 Etna St #3	Christine Schoefer	356.00	356.00	0.00
	2525 College Ave #1	Eugene Kroll	746.00	596.80	149.20
	1227 Delaware St	Derchang Chao & Ting Chao	178.00	178.00	0.00
	1919 Curtis	Curtis Street Llc	5,220.00	5,220.00	0.00
	2923 MLK Jr	Calvin Wong	2,420.00	2,420.00	0.00
	1335 Oxford St	Daniel Watson & Gaby Raymond	344.00	275.20	68.80
	1711 Stuart St	Mary Banas	1,832.00	1,832.00	0.00
	1055 Sterling Ave	Miklane Janner	178.00	178.00	0.00
TOTAL			\$19,774.00	\$18,922.80	\$851.20

Financial Impact: Ministerial Waivers

Approval of Acting Executive Director's recommendations will decrease the Board's current accounts receivable by **\$18,922.80**.

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.

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Waiver Recommendations

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Waiver	Property Address	Owner	Penalty Assessed	Penalty Waived	Penalty Imposed
5125	1813 Derby St	Ilan Fussman	\$2,326.00	\$2,326.00	\$0.00
5126	1406 Henry St	Jhansi & Rajendar Reddy	\$6,960.00	\$0.00	\$6,960.00
5127	2070 University Ave	Raj Properties	\$8,022.00	\$0.00	\$8,022.00
TOTAL			\$17,308.00	\$2,326.00	\$14,982.00

Financial Impact: Discretionary Waivers

Approval of Acting Executive Director's recommendations will decrease the Board's current accounts receivable by **\$2,326.00**.

Name and Telephone Number of Contact Person:

DeSeana Williams, Executive Director
 Rent Stabilization Board
 2000 Center Street, Suite 400, Berkeley, CA 94704
 (510) 981-7368

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October Waivers

Ministerial

Address	Details
1919 Curtis	This property consists of 10 units with 9 rented and 1 exempt. The owner has owned this property since April 2021. The property manager stated that their property was removed from their rent registry account, causing significant delays and fees. They request a penalty waiver due to the city's errors, which included slow responses, conflicting information, and unnecessary paperwork. Despite evidence of previous payments and repeated attempts to contact city officials, the issue was not resolved until after four months. They believe the city should waive the penalties given these circumstances. There is no history of late payment. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
2923 MLK Jr	This property consists of two rented units. The owner has owned this property since August 2022. The owner stated they did not rent out the units and plans to pay registration fees on time moving forward. The owner does not have a history of late payment. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
1335 Oxford St	This property consists of 3 units with 1 rented and 2 exempt. The owner has owned this property since June 2012. The owner stated that the co-owner who usually pays the registration fee had been a victim of financial abuse by their caregiver. This resulted to them changing their checking and credit accounts, including the account that was used to pay the registration fee. Additionally, they tried to pay the registration fee online and over the phone but was unsuccessful. This is the second late payment on the account. Staff recommends waiving 80% of the penalties because this is the second late payment within the prior five years per regulation 884 C.
1711 Stuart St	This property consists of 2 rented units. The owner has owned this property since November 2021. The property owner received a bill indicating their property had three units, even though it only has two. Upon contacting the Rent Board, they were directed to the online portal where they discovered an outstanding balance of fees and penalties. The owner immediately paid the full balance and is now requesting a waiver of the penalties. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
1055 Sterling Ave	This property consists of 2 Measure MM units with 1 rented and the other exempt. The owner has owned this property since September 1993. The owner stated they sent the registration fee payment before the deadline but the check was returned. They have no recollection on why their payment was returned. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.

Public

2802 San Pablo Ave	This property is a single-family home covered by Measure MM. The owner has owned this property since December 1984. The owner's daughter stated they have been managing the property and they may have overlooked the registration fees. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
1919 Parker St	This property consists of 3 rented units. The owner has owned the property since July 2021. The owner stated they did not receive the bill for the Rent Board unit April 2024. Due to the owner traveling, they were delayed with completing registration. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
15 Tamalpais Rd	This property is a rented single-family home covered by Measure MM. The owner has owned this property since September 1994. The owner stated the registration bill was paid late due to communication issues with their co-owner, who was responsible for managing the property. This is the second late payment within the last five years. Staff recommends waiving 80% of the penalties because this is the second late payment within the prior five years per regulation 884 C.
505 Cragmont Ave	This property is a rented single-family home covered by Measure MM. The owner has owned this property since October 1999. The owner stated that they received a notice about late registration fees and penalties in October 2023. They had not received any prior notification that the registration fees were due. Although they paid the 2023/24 registration fee in October, they did not pay the penalties. They are now requesting a waiver for those penalties. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
847 Dwight Crescent	This property is a single-family home covered by Measure MM. The owner reported that late payment of the registration fee was due, in part, to issues with the delivery of invoices. They discovered that the invoices were being sent to an incorrect address and have subsequently updated the mailing address with the Rent Board. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
924 Hilldale Ave	This property consists of 2 rented units. The owner has owned this property since July 2013. The owner stated the late payment of the registration fees was an oversight as the mailing address changed due to the closing of the UPS location. This is where all of their important mail was shipped. This is the second late payment on the account. Staff recommends waiving 80% of the penalties because this is the second late payment within the prior five years per regulation 884 C.
1050 Creston Rd	This property consists of a rented single-family home covered by Measure MM. The owner has owned this property since December 2011. The owner stated that when they moved out of the country, they relied on tenants to email them pictures of important mail. When the new tenants emailed the pictures of their mail, they noticed the registration fee was overdue. This is the second late payment on the account. Staff recommends waiving 80% of the penalties because this is the second late payment within the prior five years per regulation 884 C.
1818 Franklin St	This property is a rented single-family home covered by Measure MM. The owner has owned this property since 2019. The owner stated that the invoice for the registration fee was mailed to the property address. The tenant did not know the mail was for the owner when they received it. The registration fee was overdue by the time the owner received it. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.

Public

1242 Evelyn Ave	This property was a rented and now exempt single-family home covered by Measure MM. The owner has owned this property since 1999. The owner stated they did not receive the 2023/2024 bill for the registration fee. They became aware of the fees and penalties when they received the 2024/2025 bill. The owner does not have a history of late payment. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
2430 8TH St	This property consists of four rented units. The owner has owned this property since 2020. The owner claims that the Rent Board deleted their contact and billing information for the property, resulting in no billing for the year. When they contacted the Rent Board, they were informed that the invoice was sent to the property but not under their name. Due to this, the owner mistakenly discarded it without opening it. The account information has since been updated. The owner does not have a history of late payment. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
2600 Etna St #3	This property is a rented condo covered by Measure MM. The owner has owned the property since 2007. The owner stated that they occasionally rent out the property and have had limited interaction with the Rent Board. Additionally, when they moved out of the country, their mail was not properly handled. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
2525 College Ave #1	This property is a rented condo covered by Measure MM. The owner has owned this property since 2002. The owner stated they tried to register the unit and make a payment online but was unsuccessful. The owner claims they did not receive their PIN. This is the second late payment on the account. Staff recommends waiving 80% of the penalties because this is the second late payment within the prior five years per regulation 884 C.
1227 Delaware St	This property is a rented single-family home covered by Measure MM. The owner has owned this property since 2020. The owner stated they were unaware of the rent registration request until May when their tenant forwarded the invoice for registration fees. They have been trying to register online but have been unsuccessful. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.

Discretionary

Address	Details
1406 Henry St	Owner did not give an explanation for the late payment. Staff recommends the waiver be denied.
1813 Derby St	The owner stated the late payment of the registration fees was due to miscommunication and personal challenges, including health issues and financial difficulties. They have finally resolved the registration issue and paid all necessary fees. They are asking for the penalties to be waived due to these circumstances. Staff recommends waiving 100% of the penalties

2070 University Ave	Owner did not give an explanation for the late payment. Staff recommends the waiver be denied.
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**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5125	Property address: 1813 DERBY ST BERKELEY	Transferred: 03/30/2017
Exempt units (as of February 2021): None		
Owner(s): ILAN FUSSMAN	Waiver filed by: PROPERTY OWNER	# of Units: 2
Other Berkeley rental property owned: None		

Late payment/penalty history: Late payment of 2023/2024 and 2024/2025 registration fees

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
FY2024-25	ALL	\$688.00	07/02/2024	\$688.00	\$0.00	\$0.00
FY2023-24	ALL	\$722.00	09/20/2024	\$1,638.00	\$0.00	\$0.00
Totals (penalties previously assessed)				\$2,326.00	\$0.00	\$0.00

Penalties Currently Under Consideration

Reason for Penalties: LATE PAYMENT OF REGISTRATION FEES

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2024-25	2	\$688.00	07/02/2024	\$688.00	\$0.00	\$0.00
FY2023-24	2	\$722.00	09/20/2024	\$1,638.00	\$0.00	\$0.00
Totals				\$2,326.00	\$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: Illness in family

Recommendation: Staff recommends waiving 100% of the penalties

Staff Analysis: The owner stated the late payment of the registration fees was due to miscommunication and personal challenges, including health issues and financial difficulties. They have finally resolved the registration issue and paid all necessary fees. They are asking for the penalties to be waived due to these circumstances.

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5126	Property address: 1406 HENRY ST BERKELEY	Transferred: 11/02/2015
Exempt units (as of February 2021): None		
Owner(s): JHANSI & RAJENDAR REDDY	Waiver filed by: PROPERTY OWNER	# of Units: 24
Other Berkeley rental property owned: None		

Late payment/penalty history: This property has 2 late payments in the last 5 years

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
FY2023-24	ALL	\$6,960.00	07/17/2023	\$6,960.00	\$0.00	\$6,960.00
FY2021-22	ALL	\$6,000.00	07/26/2021	\$6,000.00	\$6,000.00	\$0.00
Totals (penalties previously assessed)				\$12,960.00	\$6,000.00	\$6,960.00

Penalties Currently Under Consideration

Reason for Penalties: LATE PAYMENT OF REGISTRATION FEES

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2023-24	24	\$6,960.00	03/18/2024	\$6,960.00	\$0.00	\$0.00
Totals				\$6,960.00	\$0.00	\$0.00

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

Good cause claimed by owner: OWNS/MANAGES 11 OR MORE UNITS

Recommendation: STAFF RECOMMENDS THE WAIVER BE DENIED

Staff Analysis: OWNER DID NOT GIVE EXPLANATION FOR LATE PAYMENT

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5127	Property address: 2070 UNIVERSITY AVE	Transferred: 07/16/1996
Exempt units (as of February 2021): None		
Owner(s): RAJ PROPERTIES	Waiver filed by: PROPERTY OWNER	# of Units: 28
Other Berkeley rental property owned: None		

Late payment/penalty history: THIS PROPERTY HAS 2 LATE PAYMENTS IN THE LAST 5 YEARS

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
FY2023-24	ALL	\$7,250.00	07/17/2023	\$7,250.00	\$0.00	\$0.00
FY2021-22	ALL	\$6,000.00	07/26/2023	\$6,000.00	\$0.00	\$0.00
Totals (penalties previously assessed)				\$13,250.00	\$0.00	\$0.00

Penalties Currently Under Consideration

Reason for Penalties: LATE PAYMENT OF REGISTRATION FEES

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2023-24	28	\$8,022.00	03/18/2024	\$8,686.00	\$0.00	\$7,250.00
Totals				\$8,686.00	\$0.00	\$7,250.00

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

Good cause claimed by owner: OWNS/MANAGES 11 OR MORE UNITS

Recommendation: STAFF RECOMMENDS THE WAIVER BE DENIED

Staff Analysis: THE OWNER DID NOT GIVE AN EXPLANATION FOR THE LATE PAYMENT.