



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: December 19, 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
	2710 Claremont Blvd	Mark Thomas	\$347.00	\$347.00	\$0.00
	1819 Carleton St	Minhui Huang	\$3,642.00	\$3,642.00	\$0.00
	1403 Carleton St	Invelopment Llc	\$66.00	\$66.00	\$0.00
	1626 Russell St	Certified True Investment Berkeley	\$580.00	\$580.00	\$0.00
	1701 62nd St	Samuel Kang	\$190.80	\$190.80	\$0.00
	1221 Shattuck Ave	Ahkem Tungloong	\$212.00	\$127.20	\$84.80
	1440 67th St	Walter Butler	\$1,168.00	\$1,168.00	\$0.00
	2529 Etna St	Paul Revenaugh	\$24.00	\$24.00	\$0.00
	1700 Francisco St	Charles Watson	\$344.00	\$275.20	\$68.80
	1280 Delaware St	Carlos Velasquez	\$317.00	\$253.60	\$63.40
	1822 Berkeley Way #3	Valerie Artese	\$178.00	\$142.40	\$35.60
	2523 10th St	Sadaf Najmabadi	\$1,032.00	\$1,032.00	\$0.00
	2133 California St	Cihan Tugal/ Aynur Sadet Tugal	\$712.00	\$712.00	\$0.00
	1519 6th St	Faezeh Shamtoob	\$580.00	\$580.00	\$0.00
	1331 Dwight Way	Alison Davies & Timothy Learmonth	\$868.00	\$694.40	\$173.60

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	3001 Deakin St	Mei-Lin Chein	\$7,284.00	\$5,827.20	\$1,456.80
	2509 Dana St	Chi-Jun & Lin-Lin Liao	\$7,368.00	\$5,894.40	\$1,473.60
	2811 Dohr St	Qi Zheng	\$6,088.00	\$6,088.00	\$0.00
TOTAL			\$31,000.80	\$27,644.20	\$3,356.60

Financial Impact: Ministerial Waivers

Approval of Executive Director's recommendations will decrease the Board's current accounts receivable by **\$27,644.20**.

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
W5134	1802 Cedar St	Sam Cohen	\$688.00	\$688.00	\$0.00
W5135	1370 University Ave	Avanath Acton	\$26,468.00	\$13,234.00	\$13,234.00
W5136	956 Euclid Ave	Yoram Litwin	\$568.00	\$568.00	\$0.00

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TOTAL	\$27,724.00	\$14,490.00	\$13,234.00
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Financial Impact: Discretionary Waivers

Approval of Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$14,490.00**.

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

December Waivers

Ministerial

Address	Details
2710 Claremont Blvd	This property was a rented single-family home that became exempt August 2024. The owner has owned this property since 2023. The owner stated that they did not receive any notice regarding the registration fee or penalties. 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.
1819 Carleton St	This property consists of three units with two rented and one exempt. The owner has owned this property since 2023. The owner stated they received their first notice from the Rent Board on September 17, 2024. Being new property owners, They were still learning the local regulations. They are requesting a waiver of the penalty fees because they believe they have always been diligent in paying other city fees and because they did not receive timely notice about this particular requirement. The owner stated this was a one-time oversight, as they have always been conscientious about paying fees like RHSP, Fire Prevention, and Business License fees. 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.
1403 Carleton St	This property consists of six units with three rented and three exempt. The owner has owned this property since 2024. The owner stated that the property was managed by different management companies in the last 4 years. They stated that many of the notices were missed. The new owner has since paid all the registration fees. 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.
1626 Russell St	This property consists of three rented units. The owner has owned this property since 2006. The owner stated they mistakenly paid a significant higher penalty for the previous year. They believe the error occurred because they were unaware of the late payment. They also stated they did not receive any prior notice of the delinquency. They believe they should only be charged for one unit for the 2023/2024 registration year because they occupied one of the units. Additionally, they stated the excessive penalty is a significant burden on them. 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.
1701 62nd St	The property is a rented single-family home that is covered by Measure MM. The owner has owned this property since 2019. The property manager reported that the owner and their property are new clients of theirs. They claim to have sent payment for the registration fee prior to the deadline, but the payment was received and processed afterward. This property does not have a record of late payments. 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.

Public

<p>1221 Shattuck Ave</p>	<p>The property is a rented single-family home covered by Measure MM. The owner has owned this property since 2004. The owner stated their financial issues stem from the commercial tenant at 984 University Ave. They claim the tenant has a history of non-payment, which was exacerbated by the pandemic-related eviction moratorium. They feel the tenant exploited the legal process to avoid paying rent for nearly three years. The owner stated they recently regained possession of the property, but the legal costs have left them unable to pay the significant penalties and fees. The owner's stated they are retired and rely on rental income to maintain their properties and cover expenses like insurance, taxes, and legal fees. The owner has a history of late payments. Staff recommends waiving 60% of the penalties because this is the third late payment within the prior five years per regulation 884 C.</p>
<p>1440 67th St</p>	<p>This is a rented single-family home covered by Measure MM. The owner has owned this property since 1993. The owner noted that the invoice was sent to the property address and not their mailing address. The claims the tenant did not inform them of the invoice. 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.</p>
<p>2529 Etna St</p>	<p>This property consists of six units with four rented and two exempt. The owner has owned this property since 2022. The property owner reported that, in June 2024, they paid registration fees for a rental unit that had been previously exempt. The lease for this unit commenced in May 2024. Subsequently, the owner received a bill for the unit, which included a penalty fee. Having already fulfilled the registration fee requirement, the owner is requesting a waiver of the penalty fee. 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.</p>
<p>1700 Francisco St</p>	<p>This property consists of two units with one rented and one exempt. The owner has owned this property since 2022. The owner reported that they separated from their spouse last year and some of the mail is being forwarded to the spouse's new address. As a result, they missed the Rent Board invoice. 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.</p>
<p>1280 Delaware St</p>	<p>This property is a rented single-family home covered by Measure MM. The owner has owned this property since 2021. The owner stated that their family decided to rent their house in late 2023. At the same time, they were expecting their second child, who was born seven days before the unit was rented. These events caused the owner to forget to update the occupancy status of the unit for the 2023/2024 registration year. Additionally, the owner claims they did not receive the invoice for the 2024/2025 registration fee to their new mailing address. 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.</p>
<p>1822 Berkeley Way #3</p>	<p>This property is a rented condo covered by Measure MM. The owner has owned this property since 2003. The property owner asserts that they did not receive the invoice for the 2023-2024 registration year. They further claim to have received communication from the Rent Board in September, which indicated that payment was required to be postmarked on the same day the notice was received. 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.</p>

Public

2523 10th St	This property consists of two rented units. The owner has owned this property since 2017. The property owner reported that, since October 2020, only two and not three units have been rented. The previous management company, terminated in March, failed to forward the notice about registration to the owner. Consequently, the owner was unaware of the registration fee until September 18th. Due to this oversight the owner is 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.
2133 California St	This property was a rented single-family home that became exempt November 2024. The owner has owned this property since 2008. The owner stated that they mailed their registration payment but for some reason it did not arrive at our office. 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.
1519 6th St	This property consists of two rented units. The owner has owned this property since 2005. The property owner reported not receiving the original invoice due to a typo in their mailing address. They were out of the country from September 22 to October 10, 2023, and received the past-due notice during this time. The owner has provided proof of their travel. 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.
1331 Dwight Way	This property is a rented single-home covered by Measure MM. The owner has owned this property since 2013. The owner claims to have contacted the Rent Board this past summer regarding the outstanding balance on their account. 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.
3001 Deakin St	This property consists of six rented units. The owner has owned this property since 2011. The property manager reported that the son of the deceased owner, Mei-Li Chien, recently discovered an outdated notice that was mailed to 45253 Tom Blalock St. #301 Fremont, CA 94539, which should be removed from your records due to it being an old mailing address. The son informed the property manager that he contacted the Rent Board over a year ago to update the mailing address to K&S Co. Inc. at 1035 San Pablo Ave. #12 Albany, CA 94706. Due to the oversight and the significant delay, they believe the penalties are unwarranted. 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.
2509 Dana St	This property consists of six rented units. The owner has owned this property since 1991. The property manager reported that they did not receive the invoice for registration fees from the Rent Board. Despite requesting an update to the mailing address, the change was not made. 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.
2811 Dohr St	This property consists of seven units with two units rented and five units exempt. The owner has owned this property since 2015. The owner reported that they recently relocated after residing in Berkeley since 2015. The property remained vacant during the COVID-19 pandemic. They claim to have been unaware of the registration requirements and did not receive any notifications from the Rent Board. 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
1802 Cedar St	The owner explained that they had been absent for eight years due to a battle with cancer. They noted that the individual entrusted with their affairs had overlooked the bill. Additionally, the owner stated that their mail delivery has been irregular since the onset of the COVID-19 pandemic. In light of these circumstances, they request that the penalties be waived. Due to the owner's terminal illness, staff recommends waiving the full penalties.
1370 University Ave	Avanath Acton, LP acquired the property on July 1, 2021. As this was their first property in the city, they were unaware of the city's rent stabilization program registration requirements. In late 2023, the company was contacted by the Rent Board regarding unpaid fees for the past two years. After several discussions with the Rent Board, they learned about the registration process and how to report rental information. The owner claims that the online portal incorrectly listed the property as having double the number of units. This led to an inflated initial invoice. After correcting the unit count and identifying units exempt from fees, a revised invoice was issued, which the company paid. The company is now requesting that the penalties on the revised invoice be waived, citing their unintentional oversight and commitment to future compliance with the program. It is the owner's responsibility to become acquainted with the rules and regulations of the Rent Ordinance. Staff recommends waiving 50% of the penalties.
956 Euclid Ave	The property owner explained that her husband, who was also a co-owner, passed away in February 2024. In the months leading up to his passing, he required significant medical attention, necessitating increased care from her, his caregiver, and his nurse. Due to the challenges of this difficult year and frequent hospital visits, the owner inadvertently missed important communications and mail. Given these circumstances, she respectfully requests a waiver of the penalties. Due to the owner's challenging situation, staff recommends waiving all penalties.

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5134	Property address: 1802 CEDAR ST BERKELEY	Transferred: 01/01/1900
Exempt units (as of February 2021): Unit # NA - COMM - Manager, Unit # NA - OCCC - Owner		
Owner(s): SAM COHEN	Waiver filed by: PROPERTY OWNER	# of Units: 5
Other Berkeley rental property owned: None		

Late payment/penalty history: 2020/2021, 2022/2023, 2023/2024, and 2024/2025

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	10/03/2024	\$688.00	\$0.00	\$0.00
2023/2024	ALL	\$870.00	11/03/2023	\$870.00	\$0.00	\$870.00
2022/2023	ALL	\$750.00	10/26/2022	\$1,000.00	\$250.00	\$750.00
2020/2021	ALL	\$750.00	02/22/2021	\$1,500.00	\$1,140.00	\$360.00
Totals (penalties previously assessed)				\$4,058.00	\$1,390.00	\$1,980.00

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	5	\$688.00	10/03/2024	\$688.00	\$0.00	\$0.00
Totals				\$688.00	\$0.00	\$0.00

Grounds under Regulation 884(B): None
Good cause claimed by owner: The owner explained that they had been absent for eight years due to a battle with cancer. They noted that the individual entrusted with their affairs had overlooked the bill. Additionally, the owner stated that their mail delivery has been irregular since the onset of the COVID-19 pandemic. In light of these circumstances, they request that the penalties be waived.

Recommendation: Staff recommends waiving 100% of the penalties

Staff Analysis: Due to the owner's terminal illness, staff recommends waiving the full penalties.

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5135	Property address: 1370 UNIVERSITY AVE,	Transferred: 07/16/2021
Exempt units (as of February 2021): Unit # 411 - SEC8-V - ,		
Owner(s): AVANATH ACTON	Waiver filed by: OWNER REPRESENTATIVE	# of Units: 71
Other Berkeley rental property owned: None		

Late payment/penalty history: 2022/2023, 2023/2024, and 2024/2025

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
FY2024-25	26	\$5,512.00	10/15/2024	\$5,512.00	\$0.00	\$0.00
FY2023-24	26	\$4,628.00	03/11/2024	\$9,256.00	\$0.00	\$0.00
FY2022-23	26	\$3,900.00	03/11/2024	\$11,700.00	\$0.00	\$0.00
Totals (penalties previously assessed)				\$26,468.00	\$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	26	\$5,512.00	10/15/2024	\$5,512.00	\$0.00	\$5,512.00
FY2023-24	26	\$4,628.00	03/11/2024	\$9,256.00	\$0.00	\$9,256.00
FY2022-23	26	\$3,900.00	03/11/2024	\$11,700.00	\$0.00	\$11,700.00
Totals				\$26,468.00	\$0.00	\$26,468.00

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

Recommendation: Staff recommends waiving 50% of the penalties

Staff Analysis: It is the owner's responsibility to become acquainted with the rules and regulations of the

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5136	Property address: 956 EUCLID AVE BERKELEY	Transferred: 03/22/2018
Exempt units (as of February 2021): None		
Owner(s): YORAM LITWIN	Waiver filed by: PROPERTY OWNER	# of Units: 1
Other Berkeley rental property owned: 956 EUCLID AVE BERKELEY CA 94708		

Late payment/penalty history: 2023/2024 and 2024/2025

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	\$212.00	07/26/2024	\$212.00	\$0.00	\$0.00
FY2023-24	ALL	\$178.00	07/26/2024	\$356.00	\$0.00	\$0.00
Totals (penalties previously assessed)				\$568.00	\$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	1	\$212.00	07/26/2024	\$212.00	\$0.00	\$212.00
FY2023-24	1	\$178.00	07/26/2024	\$356.00	\$0.00	\$356.00
Totals				\$568.00	\$0.00	\$568.00

Grounds under Regulation 884(B): None

Good cause claimed by owner: The property owner explained that her husband, who was also a co-owner, passed away in February 2024. In the months leading up to his passing, he required significant medical attention, necessitating increased care from her, his caregiver, and his nurse. Due to the challenges of this difficult year and frequent hospital visits, the owner inadvertently missed important communications and mail. Given these circumstances, she respectfully requests a waiver of the penalties.

Recommendation: Staff recommends waiving 100% of the penalties

Staff Analysis: Due to the owner's challenging situation, staff recommends waiving all penalties.