



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: December 21, 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 a "Discretionary Waiver." If none of the 12 listed categories apply to the property, the waiver shall be granted/denied in a ministerial manner based upon the formula outlined in Regulation 884(C). The Board may only alter these ministerial waivers if the staff has incorrectly applied the criteria listed in Regulation 884 (B) (1-12).

Ministerial Waivers

In accordance with Regulation 884, the Executive Director reviews waiver requests that do not meet the criteria enumerated in Regulation 883. The following waiver request will be decided Ministerially unless the Board has reason to believe the underlying basis of the recommended assessment is inappropriate. Please see the attached Ministerial Waiver Analysis and Recommendation for additional details.

Waiver	Property Address	Owner	Penalty Assessed	Penalty Waived	Penalty Imposed
	2715 GRANT	HE CAL AGENTS REALTY, INC	668.00		668.00
	1417 PRINCE	HERBERT KING	542.00		542.00
	2119 DELAWARE ST #B	HELEN YA ZHAO	120.00		120.00
	1341 ASHBY	HAYAT MARIANI	178.00	178.00	
	1619 FAIRVIEW	GARY E. & CARMN H WON	3,160.00	3,160.00	
	3042 - 3048 WHEELER	VASILIOS & WENDY KINIRIS	1,160.00	464.00	696.00
	1202 CURTIS	PABLO TELLO	580.00	580.00	
	1643 PRINCE	BUENA VISTA AVE LLC	1,500.00	1,200.00	300.00
	2541 DANA	JENGYU WANG WEIGUANG NIU	-	-	-
	2515 REGENT	SAHIL MEHTA	500.00	500.00	
	2414 DWIGHT	SAHIL MEHTA	1,750.00	1,750.00	
	1913 BERRYMAN	ABDUL GASSAMA	750.00	750.00	
	1782 UNIVERSITY	1776 UNIVERSITY AVE LLC	878.00		878.00
	1480 10TH	GRACE ERGENBRIGHT	540.00	540.00	
TOTAL			12,326.00	9,122.00	3,204.00

Financial Impact: Ministerial Waivers

Approval of the Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$9,122.00**.

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
W5101	1865 EUCLID	1865 EUCLID LLC	12,000.00	12,000.00	
W5102	3114-3120 MLK	CINDY ZHANG	2,000.00	1,600.00	400.00
W5103	3111 HARPER	JONNA BROWN	870.00	870.00	
W5104	1259 CARRISON	MURTHY SAMA	1,000.00	1,000.00	
W5105	1313 MLK	EULA LEKAS	2,320.00		2,320.00
W5106	1717 EUCLID	EULA LEKAS	3,480.00		3,480.00
W5107	940 BANCROFT	JASON BOYTE	1,250.00	1,250.00	
W5108	2542 CHILTON	STEVEN CHAN	300.00	300.00	
TOTAL			23,220.00	17,020.00	6,200.00

Financial Impact: Discretionary Waivers

Approval of the Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$17,020.00**.

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 Recommendation and Analysis

Address	Details
2715 GRANT	<p>The duplex located at 2715 Grant has been owed by the current owner since 2018. Unfortunately, there are not five years of fiscal history to review. This property was owner-occupied and exempt from the registration requirement of the ordinance. The property manager states in their waiver that, “They registered the tenancy for this property on March 3, 2022 and never received confirmation”. The property manager included a copy of the payment they made in March 2023. A search of Rent Board records will show the penalties incurred on the account were for late tenancy registration. On January 31, 2023, the property manager informed the Rent Board that a new tenancy had started at 2715 Grant. Staff notes, the tenancy update was made in the Rent Registry portal by the property manager. Rent Board records will show this unit had been owner occupied and has been exempt from the registration requirement of the ordinance since 1980. The Ordinance instructs property owners to update the Rent Board on any change in status to the property within 60 days to avoid penalties. In this case, the new tenancy that started at 2715 Grant had a start date of 3/1/2022. In order for the property to not incur registration fees, this new tenancy would have had to register with the Rent Board no later than 5/1//2022. Unfortunately, this unit was registered on January 31, 2023. The property was charged \$668 in penalties for the late registration of unit at 2715 Grant. Regrettably, the penalties assessed to the account are accurate based on the tenancy start date. Staff recommends denying the penalty waiver.</p>
1417 PRINCE	<p>The duplex located at 1417 Prince has been owed by the current owner since 1996. Unfortunately, there are not five years of fiscal history to review. This property was owner-occupied and exempt from the registration requirement of the ordinance. The property owner states in their waiver that, “His wife handled all the residential property transactions. He tried to handle everything himself but was unaware of the registration fee”. The property owner also states that, “ they also thought they were exempt from RHSP and never received a billing statement”. A search of Rent Board records will show the penalties incurred on the account were for late tenancy registration. On March 3, 2023, the property owner informed the Rent Board that a new tenancy had started at 1417 Prince St, unit NA. Rent Board records will show this unit had been owner occupied and has been exempt from the registration requirement of the ordinance since 1996. The Ordinance instructs property owners to update the Rent Board on any change in status to the property within 60 days to avoid penalties. In this case, the new tenancy that started at 1417 Prince St, unit NA had a start date of 6/1/2022. In order for the property to not incur registration fees, this new tenancy would have had to register with the Rent Board no later than 8/1//2022. Unfortunately, this unit was registered on March 21, 2023. The property was charged \$542 in penalties for the late registration of unit at 1417 Prince St, unit NA. Regrettably, the penalties assessed to the account are accurate based on the tenancy start date. Staff recommends denying the penalty waiver.</p>

Ministerial Waiver Recommendation and Analysis

<p>2119 DELAWARE ST #B</p>	<p>The condo at 2119 Delaware St # B has been owed by the current owner since 2021. Unfortunately, there are not five years of fiscal history to review. The property owner states in their waiver that “before August 2022, the unit was inhabited by their son and that there should be no prior fee for that tenancy.” The property owner also states that “from Aug 2022 until now, there should be no penalty fee because they turned in the necessary forms to register the tenancy and received no notice indicating fees were due”. The property owner is also requesting a refund of \$240. The property manager included a copy of the bill showing \$120 in prior registration fees, \$120 in previous penalties, and \$178 in current year fees. The receipt shows \$418 paid to the Rent Board on 6/23/23. Additionally, the property owner submitted the lease for unit B, confirming a tenancy start date of 8/5/2022. A search of Rent Board records will show the penalties incurred on the account were for late tenancy registration. On June 23, 2023, the Rent Board received a new Vacancy Registration Form (VR) stating that a new tenancy had started at 2119 Delaware St # B. Staff notes a registration admin logged the tenancy on the same day the VR was submitted. Historical Rent Board records will show this unit had been Costa Hawkins exempt from the registration requirement of the ordinance since 2008. The Ordinance instructs property owners to update the Rent Board on any change in status to the property within 60 days to avoid penalties. In this case, the new tenancy that started at 2119 Delaware St # B began on 8/5/2022. This new tenancy would have had to register with the Rent Board by 10/5/2022 for the property not to incur registration penalties. Unfortunately, the VR for this unit was registered on June 23, 2023. The property was charged \$240 in prorated fees and penalties for the late registration of unit B at 2119 Delaware St. Regrettably, the pro-rated registration fees and penalties assessed to the account are accurate based on the tenancy start date and when the Rent Board received documentation of the new tenancy. Staff recommends denying the penalty waiver.</p>
<p>1341 ASHBY</p>	<p>The single-family home at 1341 Ashby has been owned by the current owner since 2003. Unfortunately, there are not five years of fiscal history to review. The property registered for the property paid registration fees for the first time in 2023. The owner also states that “they were eight days late, but to impose a 100% penalty for eight days is not right”. Per regulation 883 H, this property qualifies to have 100% of the penalty waived because the payment Of the registration fee due on July 1st is made without deliberate delay by September 30th of the same year, and all other balances due are paid within that time; the executive director will waive the penalties based on a landlord's payment history. For the first late payment within the prior six years, 100% of the penalty is waived. Staff recommends waiving 100% of the penalty.</p>
<p>1619 FAIRVIEW</p>	<p>The quadruplex located at 1619 Fairview has been owned by the current owner since 2017. In the last five fiscal years, the property owner has paid the registration fees late for the 17/18, 18/19, and 19/20 registration cycles. The property qualified for automatic waivers in the 17/18 and 18/19 cycles. Also in the 20/21 registration cycle, the property owner submitted a waiver that was also granted by the Board. The owner also states in their waiver that “they attempted to pay the fees online, but was unable to set up the account. They emailed the registration unit and did not receive a reply”. A search of Rent Board records will show, that the assigned Registration Admin was not able to respond to the technical assistance request before the deadline. Per regulation 883 G, this property qualifies to have 100% of the penalty waived because other errors in billing or reconciling accounts are directly attributable to the Rent Board or City Staff. Staff recommends waiving 100% of the penalty.</p>

Ministerial Waiver Recommendation and Analysis

3042-3048 WHEELER	The quadruplex located at 3042-3048 Wheeler has been owned by the current owner since 2004. In the last five fiscal years, the property owner has paid the registration fees late for the 17/18, and 18/19 registration cycles. The property received COVID-19 Amnesty for the 21/22 registration cycle and paid the 23/24 registration fees on 7/20/23. The owner states in their waiver that “they missed the deadline and did not notice the high penalty. They usually pay on time and are requesting a one-time waiver”. The owner also states in their waiver, “They attempted to pay online but the portal was not working and they forgot about it afterward”. Per regulation 884 C, this property qualifies to have 40% of the penalty fees waived for the fourth late payment in 5 years. Staff recommends waiving 40% of the penalty.
1202 CURTIS	The duplex located at 1202 Curtis St has been owned by the current owner since 1997. In the last five fiscal years, the property owner has not paid any registration fees late. The owner states in their waiver that “they did not get a bill and on top of that had been hospitalized twice”. Staff notes, that the property owner did not include any additional documentation for the Board to review. Per regulation 884 C, this property qualifies to have 100% of the penalty fees waived for no late payments in the last five years. Staff recommends waiving 100% of the penalty
1643 PRINCE	The multi-residential property located at 1643 Prince has been owned by the current owner since 2018. In the last five fiscal years, the property owner has paid the registration fee late twice in both the 19/20 and 22/23 registration cycles. The owner states in their waiver that “they did not receive an invoice because it was mailed to an old address”. A search of Rent Board records will show the billing contact designated in the Rent Registry portal to receive notices and billing statements is the ‘Primary Owner’. Rent Board records will also show that the address, email, and phone number for the primary owner are the same in the Rent Registry portal and the Rent Board historical database. Staff notes, that the only indication of a different address the Rent Board received is on the waiver form. Staff also notes that the ordinance instructs property owners to notify the Rent Board within 60 days of any change in property status to avoid incurring penalties on the account. Per regulation 884 C this property qualifies to have 80% of the penalties waived for two late payments within the last five fiscal years. Staff recommends waiving 80% of the penalty.
2541 DANA	The quadruplex located at 2541 Dana has been owned by the current owner since 2022. Unfortunately, there are not five years of fiscal history to review for this property. The owner states in their waiver that “they Bought the property on February 16, 2022, and started their renovation right after. They never received any billing statement from the Rent Board on this property until April 4, 2023.” Staff notes, that the property owner submitted no additional documentation for the board review and that the registration cycle is from July 1st to June 30th of each year. A search of Rent Board records will show that on June 1, 2023, new tenancy information was entered for units 1, 3, and NA. The property owner was charged a pro-rated fee of 21 dollars for each unit for the last month of the 22/23 registration cycle totaling \$63. There were no penalties charged to the account and the pro-rated charges are correct based on the tenancy start date. No action is necessary at this time.

Ministerial Waiver Recommendation and Analysis

2515 REGENT	The triplex located at 2515 Regent has been owned by the current owner since 2022. Unfortunately, there are not five years of fiscal history to review for this property. The owner states in their waiver that “The billing statements were sent to the wrong address”. A search of Rent Board records will show an error in the contact details for the historical database. Unfortunately, the error transferred to the current Rent Registry Portal and impacted the billing statement being mailed. Per regulation 883 G, this property qualifies to have 100% of the penalties waived because other errors in billing or reconciling accounts are directly attributable to the Rent Board or City Staff. Staff recommends waiving 100% of the penalty.
2414 DWIGHT	The multi-residential property located at 2414 Dwight has been owned by the current owner since 2020. Unfortunately, there are not five years of fiscal history to review for this property. The owner states in their waiver that “The billing statements were sent to the wrong address”. A search of Rent Board records will show an error in the contact details for the historical database. Unfortunately, the error transferred to the current Rent Registry Portal and impacted the billing statement being mailed. Per regulation 883 G, this property qualifies to have 100% of the penalties waived because other errors in billing or reconciling accounts are directly attributable to the Rent Board or City Staff. Staff recommends waiving 100% of the penalty.
1913 BERRYMAN	The quadruplex located at 1913 Berryman has been owned by the current owner since July 20, 2022. Unfortunately, there are not five years of fiscal history to review for this property. The owner states in their waiver that “They bought the property at the end of July and the first notice they received from the Rent Board was the penalty bill in September”. Staff confirmed the date of closing and noted that based on the closing date the property owner would not have had sufficient notice to pay the registration fee. Per regulation 883 G, this property qualifies to have 100% of the penalties waived because other errors in billing or reconciling accounts are directly attributable to the Rent Board or City Staff. Staff recommends waiving 100% of the penalty.
1782 UNIVERSITY	The property located at 1782 University has been owned by the current owner since December 2021. Unfortunately, there are not five years of fiscal history to review. This property was owner-occupied and exempt from the registration requirement of the ordinance. The owner states in their waiver that, “The property was owner-occupied by the previous owner. When the new owner took over the property they did not know the property had to be registered with the Rent Board”. A search of Rent Board records will show the penalties incurred on the account were for late tenancy registration. On July 11th, the property owner informed the Rent Board that a new tenancy had started at 1782 University. Rent Board records will show this unit had been owner-occupied and has been exempt from the registration requirement of the ordinance since 1994. The Ordinance instructs property owners to update the Rent Board on any change in status to the property within 60 days to avoid penalties. In this case, the new tenancy that started at 1782 University had a start date of 8/1/2022. For the property to not incur registration fees, this new tenancy would have had to register with the Rent Board no later than 10/1/2022. Unfortunately, this unit was registered on July 11, 2023. The property was charged \$878 in penalties for the late registration of unit NA at 1782 University. Regrettably, the penalties assessed to the account are accurate based on the tenancy start date. Staff recommends denying the penalty waiver.

Ministerial Waiver Recommendation and Analysis

1480 10TH	<p>The single-family home located at 148010th has been owned by the current owner since 2011. Unfortunately, there are not five years of fiscal history to review. This property previously had a section 8 tenancy and was exempt from the registration requirement of the ordinance since 1996. The owner states in their waiver that, "The City was mailing bills to the tenants and that the City failed to reach out to the owner or management to deliver the invoices. No attempt was made to reach the owner via phone or email. As soon as K&S heard of the delinquency payment was made promptly". Staff notes, that no additional documentation was submitted for the Board's review and that the Ordinance instructs property owners to update the Rent Board on any change in status to the property within 60 days to avoid penalties on the account. This includes changes in ownership. Additionally, it is not the Rent Board's responsibility or policy to reach out to property owners when properties have sold. A search of Rent Board records will show the Rent Registry has no tenant names listed in the portal. No billing statements were addressed to the tenants living on the property. The billing statements were addressed to the prior owner. Rent Board will also show that on 8/25/21, the former property owner added a unit to the property and was charged a pro-rated fee. Regrettably, the pro-rated fee was not paid by the former property owner within 60 days, and was charged a penalty of \$240. A review of the property records will also show, the 22/23 registration statements were sent to the prior owner. The Rent Board ordinance charges an additional penalty every 6 months if the registration fee remains unpaid. Staff notes the 22/23 registration statements were mailed to the former property owner and payment of those fees was not received until March 2023 when the current owner paid. Per regulation 884 C, this property qualifies to have 100% of the penalties waived for no late payments on the property in the last five fiscal years. Staff recommends waiving 100% of the penalty.</p>
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**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5101	Property address: 1865 EUCLID AVE BERKELEY	Transferred: 11/02/2021
Exempt units (as of February 2021): None		
Owner(s): 1865 EUCLID LLC	Waiver filed by: PROPERTY MANAGER	# of Units: 24
Other Berkeley rental property owned: 2398 PARKER ST BERKELEY CA 94704, 1717 OXFORD ST BERKELEY CA 94709, 2525 BENVENUE AVE BERKELEY CA 94704, 2644 DWIGHT WAY BERKELEY CA 94704, 2501 BENVENUE AVE BERKELEY CA 94704, 2437 PIEDMONT AVE BERKELEY CA 94704, 2539 COLLEGE AVE BERKELEY CA 94704, 2750 DWIGHT WAY BERKELEY CA 94704		

Late payment/penalty history: The property has made no late payments since the 2008-09 registration cycle.

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

Penalties Currently Under Consideration

Reason for Penalties: Owns or manages more than 11 units						
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	24	\$0.00	-	\$12,000.00	\$0.00	\$12,000.00
Totals				\$12,000.00	\$0.00	\$12,000.00

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

Good cause claimed by owner: The former owner never forwarded the registration documents.

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

Staff Analysis: The multi-residential property located at 1865 Euclid Ave has been owed by the current owner since November 2021. In the last five registration cycles, this property has not paid late. The property manager states in their waiver that, "The former owners never forwarded any communication regarding registration". A search of Rent Board records will show the penalties incurred on the account were for non-payment of the 22/23 registration fees. Staff notes as of July 2023, there are no outstanding registration fees

on the account. Per regulation 884 B (6) this waiver qualifies as discretionary because the landlord requesting the waiver owns or manages 11 or more units. Staff recommends waiving 100% of the penalties for this account for no late payments since the 2008-2009 registration cycle.

RECEIVED

JUL 10 2023

Initial: _____
Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 1865 Euclid Ave.

Owner: 1865 Euclid LLC

Date of acquisition, if new owner: November 2, 2021

Name & relationship of person filing request, if not owner: Olga Volodina - Accountant

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.

We took ownership of this property towards the end of 2021. The previous ownership never forwarded any mail regarding Registration fees and we did not receive any despite the transfer of ownership occurring more than 7 months prior to the due date. We manage several properties in Berkeley and historically pay on time and register our rents as required. In other words, please accept that there is was no fraudulent intent or willful disregard for the truth. It was simply an administrative oversight. So we ask that you please waive the late fees. Thank you for your time.

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

Date: 07/10/2023

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: olga@squareonemanagement.com

Mailing Address: 2040 Bancroft Way Suite 301, Berkeley, CA 94704

Phone Number: 510-900-5202

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: W5102	Property address: 3114 MLK JR WAY BERKELEY	Transferred: 12/30/2021
Exempt units (as of February 2021): None		
Owner(s): CINDY ZHANG	Waiver filed by: OWNER	# of Units: 4
Other Berkeley rental property owned: None		

Late payment/penalty history: No registration payment was received for the 22/23 registration cycle.

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

Penalties Currently Under Consideration

Reason for Penalties: New Owner						
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	4	\$0.00	-	\$2,000.00	\$0.00	\$2,000.00
Totals				\$2,000.00	\$0.00	\$2,000.00

Grounds under Regulation 884(B): None
Good cause claimed by owner: The owner was unaware of the Registration Requirement of the Ordinance.

Recommendation: Staff recommends waiving 50% of the penalties
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Staff Analysis: The four-unit property located at 3114-3120 MLK Jr Way is a fully covered property that has been owned by the current owner since 2021. The owner states in their waiver "They are new property owners and the letter dated April 10, 2023, is the first time we were informed about the required annual payments to the Rent Board". They also stated in their waiver, "We feel strongly that we should not be penalized for the previous owner's negligence and failure to pay." Unfortunately, the property owner submitted no additional documentation for the Board to review to confirm their statements. A search of current and historical Rent Board records will show the current property owner paid the 19/20, 20/21, and 21/22 registration fees all on time. A review of the payment history will show, that the Rent Board received no payment for the 22/23 registration cycle. Also, the historical Rent Registry will show the current ownership has remained unchanged and is the same in the new Rent Registry portal. The records will also

show that this property's billing information was sent to a property manager whose billing code was "TONDAN". This is reflected in both databases. The new Rent registry will show the property manager's contact information was updated to reflect the owner's information in May 2023. The Rent Board records will also show that billing code "TONDON" was listed under the 22/23 collections project for properties with an outstanding balance with the Rent Board (Please see attached collections letter and bill). During the collections project, the Registration Unit offered to waive 50% of the penalties so that properties could comply with the Registration Requirement of the Rent Ordinance. Unfortunately, the owner did not want to take the settlement offer at that time. Per regulation 883 J, properties that have been identified for Collections are offered the same settlement waiver with the Board. This property qualifies to have 50% of the penalty waived. Staff recommends waiving 50% of the penalty. The above recommendation and analysis were submitted to the Board for the November Board meeting. As noted, above the property owner submitted no documentation for the registration supervisor to review at the time of submission. On November 14, 2023, after receiving the preliminary staff recommendation, the property reached out to the Rent Board to submit additional documentation. Unfortunately, the additional documentation submitted by the property owner all had 2023 dates and corresponded to when they registered the property as noted in the initial recommendation. Staff can confirm the old property owner and the new property owner have the same last name. This caused the property to look like it had the same owners since 2019. Staff also notes, that there are 4 tenants on the property that have tenancy start dates between 2011 and 2021. After the new documents were turned in, the Registration Supervisor confirmed via email that the property owner did not attempt to reach out to the Rent Board after the ownership purchase even though four tenants were living on the property. The property owner consistently stated via email, "We simply didn't know what we didn't know". Per regulation 884 B (11) This waiver qualifies as discretionary because the Executive Director, or her designee, recommends that the interest of justice require that a greater or lesser amount be waived. Staff notes, that it is the responsibility of the property owner to update their information with the Rent Board so that it is current, and that the property owner did not reach out to the Rent Board to ensure all registration requirements were being met even though there were tenants living on the property. Staff notes that under Regulation 883 (I), this property qualifies to have 80% of their penalties waived for a new owner that has registered their property within 24 months. Staff also notes, that billing code "TONDON" was listed under the 22/23 collections project for properties with an outstanding balance with the Rent Board (Please see attached collections letter and bill). During the collections project, the Registration Unit offered to waive 50% of the penalties so that properties could comply with the Registration Requirement of the Rent Ordinance. Per regulation 883 J, properties that have been identified for Collections are offered the same settlement waiver with the Board.

RECEIVED

MAY 01 2023

Initial: KB
Berkeley Rent Board

Public
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: 3114-3120 Martin Luther King Jr Way

Owner: Cindy Zhang

Date of acquisition, if new owner: 12/30/2021

Name & relationship of person filing request, if not owner: Cindy Zhang (self) & Gordon Yu (Spouse)

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.

We are new owners of this property and letters dated April 10, 2023 is the very first time we are informed about the required annual payments to the Rent Board. We have no issues with the payment due for 2022-2023 (\$1160) but are requesting City of Berkeley to collect the previous amounts due and its respective penalties from the previous owner. We feel strongly that we should not be penalized for the previous owner's negligence and failure to pay. We request a waiver for any and all fees and penalties associated with property that was due from previous owner.

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

Date: 5/1/2023 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: ggyuyu@gmail.com

Mailing Address: 5798 Shadow Ridge Drive, Castro Valley, CA 94552

Phone Number: 415-215-5817 Fax Number: _____

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

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5103	Property address: 3111 HARPER ST BERKELEY	Transferred: 08/09/2007
Exempt units (as of February 2021): None		
Owner(s): JONNA BROWN	Waiver filed by: OWNER	# of Units: 3
Other Berkeley rental property owned: None		

Late payment/penalty history: In the last five fiscal years, the property owner has paid the registration fees late for the 19/20, and the 20/21 registration cycles. The property received COVID-19 Amenity for the 21/22 registration cycle. In that cycle the property also received a settlement that waived 40% of the penalties on the property. For the 22/23 registration cycle, the property owner also received a settlement for the penalties on the account.

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
FY 23/24	3	\$1,620.00	07/11/2023	\$870.00	-	\$870.00
Totals				\$870.00	\$0.00	\$870.00

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

Good cause claimed by owner: The property owner experienced a cardiac emergency.

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

Staff Analysis: The triplex located at 3111 Harper has been owned by the current owner since 2007. In the last five fiscal years, the property owner has paid the registration fees late for the 19/20 and the 20/21 registration cycles. The property received COVID-19 Amenity for the 21/22 registration cycle. In that cycle, the property also received a settlement that waived 40% of the penalties on the property. For the 22/23 registration cycle, the property owner also received a settlement for the penalties on the account. The owner

also states in their waiver that “they tried to pay by phone on 6/30 but needed a reset link that never came. On 7/1, the property owner had a cardiac emergency and was admitted to the hospital.” The property owner submitted documentation for the Board to review to confirm her statement. The property owner also stated, “They tried to call on 7/3 and left a voicemail but didn't receive a call back”. Staff notes that the Registration Unit is extremely busy on the registration due date. A search of Rent Board records will show that the property owner left a voicemail on the Registration Unit's voicemail on 7/3 and paid the registration fees on 7/11. Per regulation 883 H, this property would qualify for the automatic waiver of 55% based on the payment date, and this is the fourth late payment in the last six fiscal years. This property also falls under regulation 884 B (1) because the good cause asserted in the waiver request is a death or illness in the landlord's family.

*Property Address: 3111 Harper Street Berkeley, Ca 94703

*Owner: Jonna Brown

Date of acquisition, if new owner: NA

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

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.

Tried to pay by phone on 6/30, then tried to pay online but needed to reset and each time I requested the link it never came. On 7/1 I had a cardio emergency and was admitted to the hospital. On Monday 7/3 I was still hospitalized but tried again to call for help left voicemail and didn't receive a call back. I was discharged on 7/5 and came in as soon as physically able. Notice from Dr. Attached.

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

*Date: 7/7/23

*Signature: 

The information entered below **must be clearly printed or typed** in order to receive the Executive Director's recommendation to the Rent Board on your penalty waiver request one week prior to the Board's consideration of your request at its monthly meeting. The recommendation will also include the date, time, and location of the meeting should you choose to attend and address the Commissioners.

Email Address: jonna.r.brown@gmail.com

Mailing Address: 340 Lester Avenue Oakland, Ca 94606

Phone Number: 510.219.9508. Fax Number: _____

RECEIVED

AUG 03 2023

Initial: _____
Berkeley Rent Board

July 5, 2023

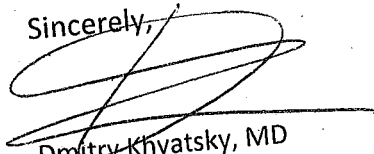
RE: Brown, Jonna

DOB: 2/10/1963

To Whom It May Concern:

Ms. Jonna Brown was admitted to Alta Bates Summit Medical Center on 7/2/2023. She will be discharged today 7/5/2023. Please excuse her from any work or responsibilities that she was unable to tend to during her hospitalization. Feel free to contact me if you have any further questions or concerns.

Sincerely,



Dmitry Khvatsky, MD
Hospitalist
Alta Bates Hospital
510-204-1893

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5104	Property address: 1259 CARRISON ST	Transferred: 08/15/2004
Exempt units (as of February 2021): Unit # A - SEC8-V - Rent Subsidized Tenant, Unit # D - SEC8-V - Rent Subsidized Tenant		
Owner(s): Murthy Sama	Waiver filed by: OWNER	# of Units: 4
Other Berkeley rental property owned: 1433 9TH ST BERKELEY CA 94710, 1403 CARLETON ST BERKELEY CA 94702		

Late payment/penalty history: In the last five fiscal years, the property owner paid pro-rated registration fees and penalties for Unit B but missed the full 22/23 registration payment. Staff notes, no other late payments have been received on the the property.

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
22/23	2	-	-	\$1,000.00	-	\$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: Mistakes made by the former property manager caused the penalties on the account. The owner states that the property manager is no longer working for the owner.

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

Staff Analysis: The quadruplex located at 1259 Carrison has been owned by the current owner since 2010. In the last five fiscal years, the property owner paid pro-rated registration fees and penalties for Unit B but missed the full 22/23 registration payment. The owner states in their waiver that “ \$462 fees were paid in June 2022 and they had one empty unit.” The property owner also states in their waiver, “Please waive the penalty fees as it was a bad management company that has been very unprofessional”. A search

of Rent Board records will show on June 29, 2022 property manager MG used the Rent registry portal to update the tenancy registration for Unit B to vacant as of August 1, 2021. On July 20, 2022, the registration unit received a vacancy registration form from the property manager MG informing the Rent Board that a new tenancy would begin in Unit B as of August 1, 2022. Staff processed the vacancy registration form on August 2, 2022. Based on the date the unit became vacant as noted by MG, the property was charged \$231 in prorated registration fees and \$231 in prorated penalties for the late registration of Unit B. Rent Board records will also show Unit B had not been subject to the registration requirement of the ordinance as the previous tenant was section 8. A review of the property's payment history will show the property manager paid the prorated fees for Unit B of \$462 instead of the 22/23 registration cycle. The \$462 covered the 21/22 registration fees for unit B. Regrettably these fees are accurate based on the the information provided to the Rent Board. Staff notes that property manager MG missed the 22/23 full registration payment. This caused the account to be charged both July and January penalties of \$1000. Per regulation 884 B(11), this waiver qualifies as Discretionary because the Executive Director or his or her designee recommends that the interest of Justice require a greater or lesser amount be waived. Staff recommends waiving 100% of the penalty based on the confirmed email communications from the owner and property manager back in July of 2023 regarding the missed tenancy registration.

RECEIVED

JUL 03 2023

Initial: _____
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: 1259 Carrison St Berkeley

Owner: Murthy Sama

Date of acquisition, if new owner: _____

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

If, after reading the information on Page 2, you believe that you are entitled to a waiver of some or all of your late registration penalties, use the space below to explain why. Attach evidence, where possible, to document the circumstances that prevented timely payment, such as hospitalization or death in the family. It is your responsibility to convince the Board that your waiver should be granted, so state all facts and circumstances that support your case. **Please print or type clearly.** Attach an additional sheet of paper if needed.

#462 the fees were paid on June 2022. We had one unit empty and paid fees ^{\$250} in 2023 when occupied.

Please, ~~we~~ cannot waive my fees as it was a bad management company that has been very unprofessional & sorry for their mistake, I have changed the company and hope the new one is better.

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

Date: 7/3/23 Signature: 

The information entered below **must be clearly printed or typed** in order to receive the Executive Director's recommendation to the Rent Board on your penalty waiver request one week prior to the Board's consideration of your request at its monthly meeting. The recommendation will also include the date, time and location of the meeting should you choose to attend and address the Commissioners.

Email Address: msama @ srijeris.com

Mailing Address: PO

Phone Number: _____ Fax Number: _____

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

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5105	Property address: 1313 MLK JR WAY BERKELEY	Transferred: 12/13/1996
Exempt units (as of February 2021): Unit # 4 - NAR - Tenant		
Owner(s): EULA LEKAS	Waiver filed by: OWNER	# of Units: 9
Other Berkeley rental property owned: None		

Late payment/penalty history: In the last five fiscal years, the property owner has paid the registration fee late every year. In fiscal year 17/18, they were charged both penalties and received a small claims settlement. The property owner also was charged both penalties in the 18/19 and 19/20 cycles as well. The property owner paid late in the 20/21 registration cycle and received a small claims settlement. A search of the payment history will show that the property owner paid late in the 21/22 and 22/23 cycles. In the 22/23 registration cycle, the property received a legal settlement that removed \$72,171.52 in penalties from the account.

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

Penalties Currently Under Consideration

Reason for Penalties: Late Last 5 years and Illness.

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY 23/24	9	-	-	\$2,320.00	-	\$2,320.00
Totals				\$2,320.00	\$0.00	\$2,320.00

Grounds under Regulation 884(B): (1) The good cause asserted in the waiver request is a death or illness in the landlord's family.
(10) The landlord has paid late each year for the prior five years

Good cause claimed by owner: The property owner thought the registration due date was July 15th.

Recommendation: Staff recommends denying the penalty waiver.




Staff Analysis: The multi-residential property located at 1313 MLK has been owned by the current owner

since 2001. In the last five fiscal years, the property owner has paid the registration fee late every year. In fiscal year 17/18, they were charged both penalties and received a small claims settlement. The property owner was also charged penalties in the 18/19 and 19/20 cycles. The property owner paid late in the 20/21 registration cycle and received a small claims settlement. A search of the payment history will show that the property owner paid late in the 21/22 and 22/23 cycles. In the 22/23 registration cycle, the property received a legal settlement that removed \$72,171.52 in penalties from the account. The owner states in their waiver that "they became distracted and confused over actual date due to health diagnosis. Kept assuming reg fee due 7/15". The property owner submitted documentation for June's doctor's appointments. Unfortunately, none of the appointments were on the registration due date. Per regulation 884 B(10) this waiver qualifies as discretionary because the landlord has paid late each year for the prior five years. The waiver also falls under 884 B(1) because the good cause asserted in the waiver request is a death or illness in the landlord's family. Staff recommends denying the penalty waiver based on the number of previous late payments, the 22/23 settlement of \$72,151.52, and none of the doctor's appointments were on the registration due date.



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

Request for Waiver of Late Registration Penalties

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

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

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

Partial waiver is granted: **The denied amount must be resolved within 30 days or the waiver may be rescinded and the full amount of penalties reinstated.** While any penalties remain outstanding, the property is considered not registered. This means, among other things, that you may not impose rent increases, may not evict tenants, and may be subject to tenant petitions for rent withholding.
 *Initial Here
- 5) For questions about waivers please call Amanda Eberhart at (510) 981-4904 or email at AEberhart@cityofberkeley.info.
- 6) **Communications Disclaimer:**
This document will be included in the Rent Board's agenda packet and, as such, will become part of the City's electronic records, which are accessible through the City's website. This means that any e-mail addresses, names, addresses, and other information you provide will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, please call the Rent Board's Registration Unit at (510) 981-7368 or email RentRegistry@cityofberkeley.info to make that request.
 *Initial Here
- 7) The referenced regulations can be found at: Chapter 8: Rent Registration

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

*Property Address: 1313 MLIC

*Owner: EULA LEKAS

Date of acquisition, if new owner: _____

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

If, after reading the information on Page 1, you believe that you are entitled to a waiver of some or all of your late registration penalties, use the space below to explain why. Attach evidence, where possible, to document the circumstances that prevented timely payment, such as hospitalization or death in the family. It is your responsibility to convince the Board that your waiver should be granted, so state all facts and circumstances that support your case. All Board decisions are final.

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

BECAME DISTRACTED + CONFUSED OVER ACTUAL DATE
DUE TO HEALTH DIAGNOSES. KERT ASSUMING REG FEES
DUE 7/15.

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

*Date: 7/10/2013 *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: eula.lekas@gmail.com

Mailing Address: 4241 COOLIDGE AVE OAKLAND CA 94602

Phone Number: 5103931657 Fax Number: —



Date printed: 7/11/2023
Kaiser Permanente
Member name: Eula I Lekas
Date of birth: 3/16/1957
MRN: 110000718470

Past Visits

The purpose of notes in the medical record is to convey information about your medical care to health care providers. This note may contain medical terms, abbreviations, and codes. You may also see notes that occur outside of a visit to coordinate your care. Please discuss any questions or concerns you have with your health care provider..

Last 3 months

JUN 26 2023 Office Visit
ARAM ROY CANIN MD
ONCOLHEMATOLOGY/ONCOLOGY

JUN 21 2023 Office Visit
STACEY TEICHER NP
ONCOLHEMATOLOGY/ONCOLOGY

JUN 20 2023 Scheduled Telephone Encounter
ONCOLOGY/TELEPHONE APPOINTMENT

JUN 16 2023 Telephone Appointment Visit
SUJAY BANERJEE MD
ADULT MEDICINE

JUN 15 2023 AACC Telephone
LEINA S RICHARD MA
ADULT MEDICINE

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5106	Property address: 1717 EUCLID AVE BERKELEY	Transferred: 01/25/1995
Exempt units (as of February 2021): None		
Owner(s): EULA LEKAS	Waiver filed by: OWNER	# of Units: 12
Other Berkeley rental property owned: None		

Late payment/penalty history: In the last five fiscal years, the property owner has paid the registration fee late every year. In fiscal year 17/18, they were charged both penalties and received a small claims settlement. The property owner was also charged both penalties in the 18/19 and 19/20 cycles. The property owner paid late in the 20/21 registration cycle and received a small claims settlement. A search of the payment history will show that the property owner paid late in the 21/22 and 22/23 cycles. In the 22/23 registration cycle, the property received a legal settlement that removed \$79,266.72 in penalties from the account.

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

Penalties Currently Under Consideration

Reason for Penalties: Late Last 5 years and illness.

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY 23/23	0	-	-	\$3,480.00	-	\$3,480.00
Totals				\$3,480.00	\$0.00	\$3,480.00

Grounds under Regulation 884(B): (1) The good cause asserted in the waiver request is a death or illness in the landlord's family.
(10) The landlord has paid late each year for the prior five years

Good cause claimed by owner: The property owner thought the registration due date was July 15th.

Recommendation: Staff recommends denying the penalty waiver.

Staff Analysis: The multi-residential property located at 1717 Euclid has been owned by the current

owner since 1995. In the last five fiscal years, the property owner has paid the registration fee late every year. In fiscal year 17/18, they were charged both penalties and received a small claims settlement. The property owner was also charged penalties in the 18/19 and 19/20 cycles. The property owner paid late in the 20/21 registration cycle and received a small claims settlement. A search of the payment history will show that the property owner paid late in the 21/22 and 22/23 cycles. In the 22/23 registration cycle, the property received a legal settlement that removed \$79,266.72 in penalties from the account. The owner states in their waiver that "they became distracted and confused over actual date due to health diagnosis. Kept assuming reg fee due 7/15". The property owner submitted documentation for June's doctor's appointments. Unfortunately, none of the appointments were on the registration due date. Per regulation 884 B(10), this waiver qualifies as discretionary because the landlord has paid late each year for the prior five years. The waiver also falls under 884 B(1) because the good cause asserted in the waiver request is a death or illness in the landlord's family. Staff recommends denying the penalty waiver based on the number of previous late payments, the 22/23 settlement of \$79,266.72, and none of the doctor's appointments on the registration due date. +

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

JUL 21 2023

Initial: _____
Berkeley Rent Board

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

Request for Waiver of Late Registration Penalties

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

- 1) **Before submitting a waiver request, you must pay all outstanding registration fees and file all registration forms.**
 *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.
 *Initial Here
 - 4) **Procedure for Discretionary Waivers:** Staff will review your waiver request and make a recommendation to the Board. If a circumstance outlined in Regulation 884 applies, staff will send you a copy of the recommendation about a week before the Board meeting. You may submit a written response to the recommendation. The Board will review the staff recommendation and any response, and issue a decision. You are not required to, but may, attend and address the Board. Staff will mail you the Board's decision, which cannot be further appealed.
- Full waiver is granted:** The account is cleared or credited, your eligibility for annual general adjustments (AGAs) is restored, and you are deemed in compliance from the date the waiver application was completed.
- Partial waiver is granted:** The denied amount must be resolved within 30 days or the waiver may be rescinded and the full amount of penalties reinstated. While any penalties remain outstanding, the property is considered not registered. This means, among other things, that you may not impose rent increases, may not evict tenants, and may be subject to tenant petitions for rent withholding.
 *Initial Here
- 5) For questions about waivers please call Amanda Eberhart at (510) 981-4904 or email at AEberhart@cityofberkeley.info.
 - 6) **Communications Disclaimer:**
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 *Initial Here
 - 7) The referenced regulations can be found at: Chapter 8: Rent Registration

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

*Property Address: 1777 EUCLID

*Owner: CLEO LEKAS

Date of acquisition, if new owner: _____

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

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.

BECAME DISTRACTED & CONFUSED OVER ACTUAL DATE
DUE TO HEALTH DIAGNOSIS, KAPT ASSUMING RENT FEES DUE
7/15.

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

*Date: 7/10/2023 *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: ewalalekas@gmail.com

Mailing Address: 4941 COOLIDGE AVE OAKLAND CA 94602

Phone Number: 510 3431457 Fax Number: _____

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5107	Property address: 940 BANCROFT WAY	Transferred: 03/05/2010
Exempt units (as of February 2021): Unit # NA - OCCC - Owner		
Owner(s): JASON BOYTE	Waiver filed by: OWNER	# of Units: 2
Other Berkeley rental property owned: None		

Late payment/penalty history: In the last five fiscal years, this property owner has paid the registration fees late in the 21/22 and 22/23 cycles.

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
FY2021-22	2	\$0.00	-	\$1,250.00	\$0.00	\$1,250.00
Totals				\$1,250.00	\$0.00	\$1,250.00

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

Good cause claimed by owner: The property owner experienced a personal hardship going through a divorce and his parents fell ill.

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

Staff Analysis: The duplex located at 940 Bancroft has been owned by the current owner since 2018. In the last five fiscal years, this property owner has paid the registration fees late in the 21/22 and 22/23 cycles. The owner states in their waiver, "They experienced a personal hardship going through a divorce and that the property owner's parents also experienced illnesses that impacted the property owner's ability to pay the registration fees on time." 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. Staff recommends waiving 100% of the penalty.

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WEB: <https://rentboard.berkeleyca.gov>

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

Property Address: **940 BANCROFT WAY BERKELEY, CA 94710**

Owner: **JASON W. BOYTE**

Date of acquisition, if new owner: **11/20/2018**

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

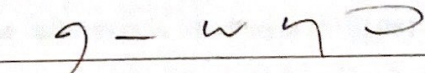
If, after reading the information on Page 2, you believe that you are entitled to a waiver of some or all of your late registration penalties, use the space below to explain why. Attach evidence, where possible, to document the circumstances that prevented timely payment, such as hospitalization or death in the family. It is your

SEE _____

ADDENDUM _____

PAGE 3

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

Date: 10/14/23 Signature: 

The information entered below **must be clearly printed or typed** in order to receive the Executive Director's recommendation to the Rent Board on your penalty waiver request one week prior to the Board's consideration of your request at its monthly meeting. The recommendation will also include the date, time and location of the meeting should you choose to attend and address the Commissioners.

Email Address: JWBOYTE@GMAIL.COM

Mailing Address: 940 BANCROFT WAY BERKELEY, CA 94710

Phone Number: 415-216-8478 Fax Number: N/A

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

Request for Waiver of Late Registration Penalties – Information

Please Read Before Completing the Waiver Request

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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*). But 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.

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For questions about waivers please call Amanda Eberhart at (510) 981-4904.

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* The referenced regulations can be found at: [Chapter 8: Rent Registration](#)

Addendum

Dear Rental Board,

I want to apologize for not addressing this situation sooner. These past years have been especially brutal, and I have had a very hard time. Just sitting down to organize my thoughts on what I've gone through the past few years has me emotional. I appreciate the kindness and helpfulness I've experienced with employees in the Rental Stabilization Board. I've been worried about this situation and I didn't know what to expect when I came in to clear up this matter.

As I've said, this has been a tough time. I am a recently-divorced single father of a now-12 year-old. He's in the Berkeley Unified School District. The sole reason I decided to stay in Berkeley despite the financial challenges as a single person was the school system here. My son has thrived here at Rosa Parks Elementary, and now recently King Middle School. I've sacrificed so much to keep him here. I do it because I believe giving him a quality education is one of the most important things I can do for him as a parent.

During the separation and divorce, I stayed in the 944 unit, while my now ex-wife stayed upstairs at 940, where I currently live. The transition was very difficult, with a lot of challenges between us. I didn't get important mail, and I was surprised to find several unpaid bills when mail started to flow once again.

Once such issue was the rental stabilization fees. These were very confusing to me — they were sent to both 940 and 944 Bancroft Way, and had different labels such as 940 LOWER, which didn't make sense, while each referenced 940 Bancroft, which wasn't even the rental. While these notices seemed to be for separate units I thought I'd paid them appropriately.

Then Covid hit, and my already difficult world turned upside down. I was working a challenging job that required 60-80 hours a week consistently. I had to then juggle that with homeschooling my son and caring for his physical and emotional needs. The two responsibilities had me quite literally working all waking hours of the day and through the weekends each and every week. I was worn out and barely holding on. I tried to automate bills, but this fell through the cracks. Notices started to come in, and I'd try to call, but I'd be pulled away. I actually hoped to be fired so I could take unemployment and focus on my son, but fortunately or unfortunately it didn't happen. I worked harder than I have in my entire life.

Also during this time, my elderly parents' health suffered. My father in Arizona and my mother in Fresno both experienced injuries and hospitalizations. My father has had two strokes and a heart attack in the last two years alone, and I've had to rush down to help him and get his care sorted out. Unfortunately, I don't have his papers here in California. He has them all in Arizona.

In short, with all these pressures, I was having a slow-motion mental breakdown, and I just didn't handle this situation properly. I had no intention to get away with anything, I just didn't have the energy to figure out the problem. It is the sad truth. I will say that while I was suffering, I gave my all to the wellbeing of my son, who is healthy and well-adjusted after several difficult years.

I ask you kindly to please extend some grace on the matter of penalties. I really can't afford them. I have paid the fees, a total of 500 dollars, and I believe I now understand what I need to do going forward so this won't happen again. I finally had to quit my stressful job and have started a new one as a barber's apprentice. I'm getting my license through the State Board. While this will be a better, healthier path forward for me, I cannot afford the cost of the fees at this time. I recently had to borrow money from my father to pay for my homeowner's insurance. Things are extremely tight, and I don't know how I'd be able to make ends meet.

I hope you understand the mental state I've been in these last years, and how I truly did not intend to not pay what was due. I still struggle to come out of the fog of these last years, but I'm hopeful now in a way I haven't been in a long time. I ask you to please extend leniency.

I greatly appreciate your consideration, and I once again apologize for not handling this earlier.

Sincerely,

Jason Boyte

10/14/2023

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5108	Property address: 2542 CHILTON WAY	Transferred: 03/20/2023
Exempt units (as of February 2021): None		
Owner(s): Steven Chan	Waiver filed by: OWNER	# of Units: 1
Other Berkeley rental property owned: 2542 CHILTON WAY BERKELEY CA 94704		

Late payment/penalty history: No late payment history. The property was purchased in March 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: Did not own when penalty was assessed.

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY 22/23	1	-	-	\$300.00	-	\$300.00
Totals				\$300.00	\$0.00	\$300.00

Grounds under Regulation 884(B): (7) The landlord requesting the waiver was not the owner of the property when the penalty first accrued

Good cause claimed by owner: The previous property owner left a penalty balance on the account.

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

Staff Analysis: The single-family home located at 2542 Chilton has been owned by the current owner since March 2023. Unfortunately, there are not five years of fiscal history to review for the property. The owner states in their waiver, "They purchased the home in March 2023. The previous owner left a penalty balance on the account". Per regulation 884 B (7), this waiver qualifies as discretionary because the landlord requesting the waiver was not the property owner when the penalty first accrued. Staff recommends waiving 100% of the penalty.

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: 2542 Chilton Way, Berkeley CA 94704

Owner: Steven Chan

Date of acquisition, if new owner: 03/20/2023

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

If, after reading the information on Page 2, you believe that you are entitled to a waiver of some or all of your late registration penalties, use the space below to explain why. Attach evidence, where possible, to document the circumstances that prevented timely payment, such as hospitalization or death in the family. It is your responsibility to convince the Board that your waiver should be granted, so state all facts and circumstances that support your case. **Please print or type clearly.** Attach an additional sheet of paper if needed.

I purchased and became the owner of 2542 Chilton Way on March 20, 2023. There is an overdue registration fee and penalties for the 2022-2023 year from the previous owner. I have no information to believe that the home was required to be registered for the 2022-2023 year. I would like to request that the fee and penalty be waived. If the fee cannot be waived, I would like to request that the penalty be waived. I have attached a copy of my grant deed showing transfer of property to my name on March 20, 2023.

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

Date: 04/29/2023 **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.

Please do not include my email/address/phone in public records

Email Address: steven_c_chan@yahoo.com

Mailing Address: 2542 Chilton Way, Berkeley CA 94704

Phone Number: (646) 345-7132 **Fax Number:** _____

RECORDING REQUESTED BY:

Old Republic Title Company - Montclair

Escrow No.: 1116038236
APN: 055-1837-018

When Recorded Mail Document and Tax Statements to:

STEVEN CHOON CHAN & SHAO-YI WANG
2542 Chilton Way
Berkeley, CA 94704

2023032153

03/20/2023 10:43 AM

3 PGS



OFFICIAL RECORDS OF ALAMEDA COUNTY

MELISSA WILK, CLERK-RECORDER

RECORDING FEES: \$20.00

TOTAL TAX: \$20,205.50

COUNTY TAX PORTION: \$1,380.50

CITY TAX PORTION: \$18,825.00

ELECTRONICALLY RECORDED

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

Grant Deed

The undersigned grantor(s) declare(s):

Documentary Transfer Tax is \$1,380.50

computed on full value of property conveyed, or

computed on full value less of liens and encumbrances remaining at time of sale.

Unincorporated area: City of Berkeley \$18,825.00

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Carol Ann Kessler, Successor Trustee of the Kessler Family Trust dated January 22, 1997

hereby GRANT(S) to

STEVEN CHOON CHAN and SHAO-YI WANG, husband and wife, as community property with right of survivorship

that property in City of Berkeley, Alameda County, State of California, described as:

*** See "Exhibit A" attached hereto and made a part hereof. ***

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