



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: June 15, 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
	2407-2409 HILLSIDE	NINA MITINA	1,000.00	800.00	200.00
	1232 ASHBY	ARTEMIS YK PROPERTIES LLC	1,500.00	1,125.00	375.00
	3335 CALIFORNIA	XI CHEN	231.00	231.00	
	2907 DWIGHT	WONA MINIATI	300.00	300.00	
	1325 ADDISON	TOM WAGNER	300.00	240.00	60.00
	1842 63RD	ALTARES LLC	1,500.00		1,500.00
	2210 CURTIS	ALTARES LLC	1,000.00		1,000.00
	1419 MILVIA	MILVIA PROPERTY LLC	1,500.00	1,200.00	300.00
	2720-2722 RUSSELL	MALCOM SMITH	750.00	75.00	675.00
	2501 DANA	FELIX NEMIROVSKY	300.00	240.00	60.00
	2825 DOHR	DAVID HSU	348.00	348.00	
	94 ROCK LANE	MILAD SABETIMANI	300.00	300.00	
	1440 WALNUT	ROBERT CUBBERLY	300.00	300.00	
TOTAL			9,329.00	5,159.00	4,170.00

Financial Impact: Ministerial Waivers

Approval of the Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$5,159**.

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
W5082	1811 DELAWARE	VASUDOVAN TRUST	600.00	600.00	-
W5083	2915 BENVENUE	THOMAS CORDI	600.00	600.00	-
W5084	1625 8TH ST	NAVOTO BABITT	1,242.00		1,242.00
W5085	3001 TELEGRAPH	DWF VI VMG TELEGRAPH GARDENS LLC	5,400.00		5,400.00
W5086	2756 ACTON and 2385 OAK	YAKOV SILVERTEST	2,000.00	1,000.00	1,000.00
TOTAL			9,842.00	2,200.00	7,642.00

Financial Impact: Discretionary Waivers

Approval of the Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$2,200.00**.

Name and Telephone Number of Contact Person:

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

**June Ministerial Waiver Analysis and Recommendation Distributed at the Meeting
Item 7.b.**

Address	Details
2407-2409 Hillside	<p>The duplex located at <u>2407-2409 Hillside</u>, has been owned by the current owner since 2013. In the last five fiscal years, the owner has paid the registration fee late one time. In fiscal 21/22, the property was granted an Administrative Waiver and had 90% of the penalties waived for the registration cycle. A search of Rent Board records will show 22/23 registration was also paid late. The property owner states in their waiver that, “they have made attempts to register, and has emails from the former registration manager indicating that their property information was received.” Staff can confirm registration compliance for the 21/22 registration cycle. Unfortunately, the Rent Board records will show we did not receive the 22/23 registration payment by the July 1st deadline instead, it was received after the January penalty was applied to the account. It was at this time the property owner began making various complaints to the Rent Board Executive Director, the Board, and the City of Berkeley’s customer service lines stating he had not been able to get a hold of any Registration Staffer. After looking into this claim, it was determined that the property administrator was emailing registration staff that no longer worked at the Rent Board instead of the public inboxes. Also, the registration unit has not received a request for an appointment from this property instead the out-of-state property administrator emailed the public inbox 3 days before coming to California to let us know they were in the state. Registration staff have responded to the inquiries of the property administrator to the best of their ability. Per Rent Board Regulation 884 C, this property qualifies to have 80% of the penalties waived based on two late payments in the last five fiscal years. Staff recommends waiving 80% of the penalty.</p>
1232 Ashby	<p>The 8-unit multi-residential property located at <u>1232 Ashby</u> has been owned by the current owner since <u>November 2022</u>. Unfortunately, due to the owner’s timing of the purchase, they would have most likely missed the notifications regarding registering the property during the 22/23 Registration cycle. The first time the owner updated their records with the Rent Board to register their property was in February 2023 after the January penalty billings were sent. Per Rent Board Regulation 883 I, this property qualifies to have 75% of the penalties waived because the property has less than 10 rental units, the LLC owns no other property in Berkeley and the property was registered within 12 months of the LLC acquiring the property. Staff recommends waiving 75% of the penalties.</p>
3335 California	<p>The duplex located at <u>3335 California</u>, has been owned by the current owner since 1994. In the last five fiscal years, the owner has paid the registration fee late once. In fiscal 18-19, they were granted an Administrative Waiver. The property owner states in their waiver that, “this unit was previously owner occupied. They began renting the property in September or Aug of 2022”. The owner also states they never received a bill only the January Penalty Letter. A search of Rent Board Records will show this owner was charged pro-rated registration fees for the tenancy that started on 7/31/2022. The Rent Board Ordinance gives property owners 60 days to pay pro-rated fees. If no payment is received the property is charged a 100% penalty. Per Rent Board Regulation 884 C, this property qualifies to have 80% of the penalties waived based on two late payments in the last five fiscal years. Staff recommends waiving 80% of the penalty.</p>

June Ministerial Waiver Analysis and Recommendation

2907 Dwight	The Property located at <u>2907 Dwight Way</u> is a single-family home partially covered under Measure MM. Unfortunately, there are not five years of financial history to review for this property. In their waiver request the property manager states they never received the original billing statement. A search of Rent Board records will show that the property manager submitted a postmarked check by the July 1st deadline. Unfortunately, there was a Rent Registry Portal error that charge the account two additional penalties for the 22-23 registration cycle. Registration Administrators removed one penalty in February 2022 leaving one remaining penalty on the account. Per Regulation 883 G, this property qualifies to have 100% of the penalty removed due to staff error. Staff recommends waving 100% of the penalty fee per the regulation.
1325 Addison	The Property located at <u>1325 Addison</u> is a single-resident Condominium partially covered under Measure MM. Unfortunately, there are not five years of financial history to review for this property. A search of Rent Board Records will show the property owner paid their 21/22 registration fees late and was granted an Administrative Waiver. In their waiver request the property owner states they, “tried multiple times since last summer to talk to someone due to an ambiguity on our billing statement. A search of the Rent Board’s phone log, the Rent Registry email, and the Rent Stabilization email inboxes don't show any emails received from the property owner using the email address on the Waiver Form. The email on the waiver form is the same email listed in the contacts section of the Rent Registry Portal. At this time it is unclear what outreach attempts the property owner made. Per Regulation 884 C, this property qualifies to have 80% of the penalty removed based on two late payments in the last five fiscal years. Staff recommends waiving 80% of the penalty fee per the regulation.
1842 63rd	The Property located at 1842 63rd St is a single family home fully covered under the Berkeley Rent Ordinance. In the last 5 fiscal years, the property owner has made no late payments. The owner states in their waiver that, “they did not receive the bill or statement showing the payment due”. A search of Rent Board records will show this property is owned by an LLC that owns an additional property in the City of Berkeley. Staff also reviewed the contact information in the RentRegistry Portal. There you will see the same contact information that is also listed on the waiver form submitted. Staff also reviewed the historical property records, and can confirm the address and contact information are the same in both portals. Based on the waiver packet submitted, and the statement from the account manager, staff is unable to find a Rent Board error under Regulation 883 A-G. Staff recommends denying the penalty waiver.
2210 Curtis	The Property located at <u>2210 Curtis St</u> is a single-family home fully covered under the Berkeley Rent Ordinance. In the last 5 fiscal years, the property owner has made no late payments. The owner states in their waiver that, “they did not receive the bill or statement showing the payment due”. A search of Rent Board records will show this property is owned by an LLC that owns an additional property in the City of Berkeley. Staff also reviewed the contact information in the RentRegistry Portal. There you will see the same contact information that is listed on the waiver form submitted. Staff also reviewed the historical property records, and can confirm the address and contact information is the same in both portals. Based on the waiver packet submitted, and the statement from the account manager, staff is unable to find a Rent Board error under Regulation 883 A-G. Staff recommends denying the penalty waiver.

June Ministerial Waiver Analysis and Recommendation

1419 Milvia	<p>The Property at 1419 Milvia is a residential property made up of 3 units fully covered by the Rent Ordinance. Unfortunately, due to the owner's timing of the purchase, they would have most likely missed the notifications regarding registering the property during the 21/22 Registration cycle. The first time this owner registered with the Rent Board was in February after the January Penalty bills were sent. Also, the owner has completed registration for this property for the 22-23 registration cycle after 12 months of ownership but before the end of 24 months; and qualifies to have 80% of their penalties removed by the Executive Director under regulation 883 I. Staff recommends waiving 80% of the penalties.</p>
2720-2722 Russell	<p>The Property located at 2720/2722 Russell is a 2,3, 4-unit single-family home partially covered under Measure MM. Unfortunately, there are not five years of financial history to review for this property. In their waiver request the property manager states they never received the original billing statement. A search of Rent Board records will show that the owner submitted a check during the Administrative Waiver period. Unfortunately, there was a Rent Registry Portal error that did not record the payment as on time and penalties were charged to the account. During the 22/23 Internal Audit and Compliance Review, Registration Administrators corrected the oversight and credited the account \$675. Based on the date payment was received this property qualified to have 90% of the penalty fee removed. 90% of the penalty has already been credited to the account. No staff action is necessary at this time.</p>
2501 Dana	<p>The Property at <u>2501 Dana St #6</u> is a single-resident Condominium partially covered under Measure MM. Unfortunately, this property has not had five years of financial history to review. A search of Rent Board records will show the Trustee paid late during the 21/22 registration cycle and was granted a 100% Administrative waiver. Regrettably, the statement provided and the documentation packet submitted by the Trustee do not align. The Waiver Form is for the property located at 2501 Dana. The email the Trustee provided as evidence is for 2409/2407 Hillside and the email also references 775 Spruce. The Trustee states in their waiver that, “the Rent Board portal had incorrect information that prevented them from registering online”. The trustee also states that the documented email shows “attempts to correct their information”. The trustee did not state in their waiver what information was incorrect. Staff can confirm the owner’s name and contact information match the county records. A review of all email communication from the Trustee will show that the issue he was having with 2501 Dana was entering a new occupancy as the unit was listed as vacant when there was a tenant there. On Monday, August 30, 2021, the former registration unit manager informed the Trustee via email how to record a new tenancy by using the “Report New Occupancy” function in the portal. These instructions are included in the email chain submitted by the Trustee as evidence. The trustee also had the option of emailing or mailing a paper Vacancy Registration Form for staff to enter on his behalf. It is unclear at this time why those options were not taken to prevent penalties from accruing on the account. Per Regulation 884 C, this property qualifies to have 80% of the penalties waived based on two late payments. Staff recommends waiving 80% of the penalty fee.</p>

June Ministerial Waiver Analysis and Recommendation

2825 Dorh	The Property located at 2825 Dohr is a single-family home partially covered under Measure MM. Unfortunately, there are not five years of financial history to review for this property. In the property owner’s waiver request the state, “they never received the original billing statement”. Unfortunately, this property was not among the Measure MM Outreach mailing lists This property registered for the first time in the 22/23 registration cycle. Per Rent Board regulation 883 G, this property qualifies to have 100% of its penalties waived due to staff error. Staff recommends waiving 100% of the penalties per the ordinance.
94 Rock Lane	The single-family home located at <u>94 Rock Lane</u> has been owned by the current owner since <u>2013</u> . Prior to the passing of Measure MM, this property was exempt from the Registration Requirement. The owner states in their waiver that, “the property was rent until June 30, 2022.” Unfortunately both the property owner and Registration Administrators made errors registering this property. This property owner was incorrectly charged the fully covered registration fee, which they paid. Regrettably, the City of Berekely Fiance Department informed us that the check had been returned. It was at this time the Registration unit saw the registration fee and penalties were incorrect. Rent Board regulation 883 G, this property qualifies to have 100% of its penalties waived. Staff recommends waiving 100% of the penalties per the ordinance.
1440 Walnut	The Property located at 1440 Walnut is a single-family home partially covered under Measure MM and has been owned by the current owner since 2022. The property owner states in their waiver that, “the statement was sent to their former property manager. When this was realized, the owner corrected the information”. A review of Rent Board records will show the property owner paid the pro-rated registration fees for the 21/22 registration cycle. Unfortunately, when the 22/23 registration bills were printed, our new rent registry platform did not recognize the 21/22 completed registration and charged the property owner penalties. Rent Board regulation 883 G, this property qualifies to have 100% of its penalties waived due to staff error. Staff notes, the property owner has already paid the outstanding fee, staff recommends crediting 100% of the penalties per the ordinance.

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5082	Property address: 1811 DELAWARE ST	Transferred: 06/22/2022
Exempt units (as of February 2021): Unit # 1811 DELAWARE ST BERKELEY CA 94703 - NAR - Vacant		
Owner(s): Swamiratha & Lata Vasudavan	Waiver filed by: OWNER	# of Units: 1
Other Berkeley rental property owned: 1811 DELAWARE ST BERKELEY CA 94703		

Late payment/penalty history: No late payment history.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
FY2021-22	ALL	\$0.00	-	\$0.00	\$0.00	\$0.00
Totals (penalties previously assessed)				\$0.00	\$0.00	\$0.00

Penalties Currently Under Consideration

Reason for Penalties: Penalties incurred under prior owner.

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY 2022-23	1	-	-	\$600.00	-	\$600.00
Totals				\$600.00	\$0.00	\$600.00

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 penalties fees were incurred when the former owner rented out the studio on the property.

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

Staff Analysis: The 3-unit 2, 3, or 4 single-family home located at 1811 Delaware has been owned by the current owner since June 2022. The property owner states in their waiver that, "the property consists of an owner-occupied unit and a studio. The studio has been vacant since closing but the prior owner did not disclose the studio had been rented in the past". The prior owners left \$600 in penalties on the account and the new owners are asking the Board to waive the proper owner's penalties. Per regulation 884 (B)(7), This waiver qualifies as Discretionary. Staff recommends the Board waive 100% of the penalties.

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: 1811 Delaware St. #B, Berkeley, Ca 94703
Owner: Vasudevan Trust, Swaminatha & Lata Vasudevan Trustees
Date of acquisition, if new owner: June 22, 2022
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.

My wife & I purchased this property and closed escrow on June 22, 2022. Property consists of an owner-occupied house and a studio unit. Studio unit has been vacant and not available for rent since closing. Prior owner did not disclose that studio had been previously rented, and that registration and/or penalty fees were owed. We are preparing to re-reg, star & rent the studio & request relief of fees we were unaware of. Thank you.

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

Date: 2/7/23 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: Swamiv@gmail.com
Mailing Address: 1811 Delaware St. Berkeley Ca 94703
Phone Number: 650 387 1781 Fax Number: _____

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5083	Property address: 2915 BENVENUE AVE #C	Transferred: 09/18/2002
Exempt units (as of February 2021): Unit # NA - OCCC - Tenant		
Owner(s): THOMAS CORDI	Waiver filed by: OWNER	# of Units: 1
Other Berkeley rental property owned: None		

Late payment/penalty history: This is a partially covered unit under Measure MM. Unfortunately, there are not 5 years of payment history to review.

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
FY 2022-23	1	-	-	\$600.00	-	\$600.00
Totals				\$600.00	\$0.00	\$600.00

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

Good cause claimed by owner: The owner moved to Florida possibly and acknowledges they should have followed up regarding their PIN to register. The property owner also mentions Cancer but does not provide any additional information.

Recommendation: Staff recommends waiving 50% of the penalties.

Staff Analysis: The Property at 2915 Benvenue is a single-resident Condominium partially covered under Measure MM. Unfortunately, there are not five years of financial history to review for this property. Regrettably, the statement provided by the property owner is a little hard to understand. In their waiver, they mention that they moved to Florida and don't travel back to Berkeley often due to T-Cell Lymphoma. They also state on June 15th they spoke with a Housing counselor. In that email, the property owner had questions about tracking Rents. On August 18th, In the same email chain, the property owner informed their Housing Counselor that they did not have a PIN to register. That request was forwarded to the Registration

Unit for follow-up. The owner also states that they. "Had no excuse not register" and that they do not know why they didn't follow up sooner about the PIN. Staff also notes that the email backup was the only documentation received. The waiver packet did not include any evidence regarding Cancer treatment. Per Regulation 884 (B) (11), this waiver qualifies as Discretionary.

RECEIVED

FEB 06 2023

Initial: _____
Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 2915 BENVENUE AVE Unit C

Owner: THOMAS CORDI

Date of acquisition, if new owner: _____

Name & relationship of person filing request, if not owner: 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 moved to Florida. Since then, I have travelled to Berkeley very infrequently due to cancer (T-cell LYMPHOMA). I attempted to register online but I had no pin number. I was corresponding with Carla Crozier on July 15, 2022. I never received a letter with PIN. I arrived, studied and visited the office to register in person. I have no excuse other than fault money as to why I did not pursue the problem with Mrs Crozier. She was very helpful on the phone. I do have email from me to her

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

Date: 2/6/23 Signature: Thomas Cordi

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.

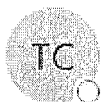
Email Address: tdc@berkeley.ca.gov

Mailing Address: 389 Cypress Drive Santa Rosa Beach, FL 32459

Phone Number: 850-570-1725 Fax Number: _____

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

 Reply  Reply All  Forward  IM



Thomas Cordi <tdc@berkeley.edu>

 Milan, Drew

Fwd: City of Berkeley Rent Board-Counseling Call Follow up

Copy of correspondence with Ms. Carla Orozco concerning my inability to register online in July 2022. I never received a letter, and I was not able to visit Berkeley until now.

Thomas Cordi

Sent from my iPad

Begin forwarded message:

From: Thomas Cordi <tdc@berkeley.edu>

Date: August 18, 2022 at 4:06:17 PM PDT

To: "Orozco, Carla" <corozco@cityofberkeley.info>

Subject: Re: City of Berkeley Rent Board-Counseling Call Follow up

Hi Carla,

I have tried to register my property at 2915 Benvenue ave c, but I have yet to receive a welcome letter with my registration number. I cannot complete the online registration without your reg number. Can you send me a welcome letter with the apn and PIN number.

Thank you,

Tom Cordi

Sent from my iPad

On Jul 15, 2022, at 11:19 AM, Orozco, Carla <corozco@cityofberkeley.info> wrote:

Hi Thomas,

We track rent ceilings, not actual rents. For your reference you can view the market medians report below.

[Data & Reports | City of Berkeley \(berkeleyca.gov\)](https://www.berkeleyca.gov/data-reports)

Thanks,
Carla

Carla Orozco

Housing Counselor, Rent Stabilization Board

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5084	Property address: 1625 8TH ST BERKELEY CA	Transferred: 04/21/2010
Exempt units (as of February 2021): Unit # B - NAR - Tenant, Unit # NA - OCCC - Owner		
Owner(s): NAVOTO BABITT	Waiver filed by: OWNER	# of Units: 3
Other Berkeley rental property owned: None		

Late payment/penalty history: In the last five fiscal years, the owner has paid the registration fee late in the 17/18, 18/19, 20/21, 21/22, and 22/23 registration cycles. Due to the number of late payments received, staff expanded the fiscal year review by an additional 5 years to see if a pattern had been established. Staff found late payments in the additional registration cycles: 16/17, 14/15, 13/14, and 12/13. In Fiscal Year 15/16, the property owner received a settlement from the Rent Board.

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: Registration Late last 5 years

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY 2022-23	0	-	-	\$1,242.00	-	\$1,242.00
Totals				\$1,242.00	\$0.00	\$1,242.00

Grounds under Regulation 884(B): (10) The landlord has paid late each year for the prior five years

Good cause claimed by owner: The owner has struggled mentally and financially since COVID.

Recommendation: Staff recommends denying the penalty waiver.

Staff Analysis: The triplex located at 1625 8th St has been owned by the current owner since 1994. In the last five fiscal years, the owner has paid the registration fee late in the 17/18, 18/19, 20/21, 21/22, and 22/23 registration cycles. Due to the amount of late payments received, staff expanded the fiscal year review by an additional 5 years to see if a pattern had been established. Staff found late payments in the additional registration cycles: 16/17, 14/15, 13/14, and 12/13. In Fiscal Year 15/16, the property owner

received a settlement from the Rent Board. In the waiver submitted by the owner they state, "They have had difficulty mentally and financially since Covid 2020"; and that "they have been depressed about not working and losing their elders". The waiver former clearly states "where possible, to document the circumstances that prevented timely payment", unfortunately, there was no evidence or documentation submitted with the waiver packet. Also, since the 20/21 registration cycle, the Board has offered a COVID Amnesty each year for property owners impacted by COVID. It is unclear why the property owner did not take advantage of any of these waiver periods to have outstanding penalties removed. Per Rent Board regulation 884 (B) (11), this waiver qualifies as Discretionary. Staff recommends denying the waiver based on the pattern of late registration payments.

RECEIVED

FEB 17 2023

Initial: _____
Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 1625 8th Street

Owner: NAVOTO BABITT 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.

To whom it may concern; Please Forgive me from my TARDINESS IN RESPONDING TO PAYMENT FEES. It's been TOUGH FOR me mentally and financially since covid in 2020 and have been trying to rebound since. Depression around not working and loosing my elder has been tragic for me and my family. It's been Also hard trying to Finish the 2ND unit to get it rented out and still trying to conclude permit work. Timing And Funding plus education in this LANDLORDSHIP Has not been in my favor. please WAIVE the penalties THAT HAS been charged to me. I'm working HARDER TO EDUCATE MYSELF SO I CAN HANDLE THIS BUSINESS AND THIS DOES NOT KEEP HAPPENING. ONCE AGAIN I APOLOGIZE FOR NOT HANDLING THIS MATTER SOONER. THANK YOU FOR CONSIDERING, Navoto Babitt

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

Date: 2/14/2023 Signature: Mr. Navoto L. Babitt

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: MRPUTTNUTT@GMAIL.COM

Mailing Address: P.O. BOX 2097 BERKELEY CA. 94702

Phone Number: 510-757-8662 Fax Number: _____

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

Public

Request for Waiver of Late Registration Penalties – Information Please Read Before Completing the Waiver Request

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

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.

Examples of good cause for a full or partial waiver of penalties include: • *you had a death or illness in the family* • *you are a new owner with no other Berkeley residential rental property* • *you didn't receive the original billing statement* • *you thought that the property or unit was exempt from registration* • *you didn't know about the requirement to pay a prorated registration fee on a previously exempt unit.*

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, 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.

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

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 to make that request.

* The referenced regulations can be found at: Chapter 8: Rent Registration

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5085	Property address: 3001 TELEGRAPH AVE	Transferred: 01/31/2022
Exempt units (as of February 2021): Unit # 401 - SEC8-V - Rent Subsidized Tenant, Unit # 304 - SEC8-V - Rent Subsidized Tenant		
Owner(s): BRAD VAUGHN	Waiver filed by: PROPERTY MANAGER	# of Units: 38
Other Berkeley rental property owned: 2161 Allston Way BERKELEY CA 94704, 3001 TELEGRAPH AVE BERKELEY CA 94704, 2310 FULTON ST BERKELEY CA 94704		

Late payment/penalty history: This is a Measure MM property. Unfortunately, there are not five years of payment history to review.

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: Property Owner owns 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
FY 2022-23	0	-	-	\$5,400.00	-	\$5,400.00
Totals				\$5,400.00	\$0.00	\$5,400.00

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

Good cause claimed by owner: Property Manager states change of ownership was not processed and invoice was sent to the prior ownership.

Recommendation: Staff recommends denying the penalty waiver.

Staff Analysis: The 38-unit property at 3001 Telegraph is a combined store, office, and residential property partially covered by Measure MM. DWF VI VMG Telegraph Gardens LLC has owned this property since January 2022. Unfortunately, there are not 5 years of Payment History to review. In the waiver submitted by the property manager, they state, "The change of ownership was not processed and an invoice was sent to prior ownership". The documentation submitted along with the waiver discusses Below Market Rate units and the processing of an unapplied check. The packet did not include a previously

submitted Amended Registration Statement Form (ARS). Unfortunately, the Rent Board does not have an ARS on file with the new property manager. Rent Board records show the property contact information was updated using Real Quest records. While researching the property and LLC, staff found that the Authorized Agents for DWF VI VMG Telegraph Gardens LLC are the same Authorized Agents for DIVCO West LLC. DIVCO WEST LLC owns 2161 Allston and 2312 Fulton. The total number of units for all three properties is 172. All three properties paid the 21/22 registration fees on time and 2161 Allston also was granted a fiscal year 22-23 administrative correction of \$9,000. Per Regulation 884 (B)(6) this waiver qualifies as discretionary. Based on the totality of the circumstances, the staff recommends the Board deny the waiver.

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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: 3001 Telegraph Ave., Berkeley CA 94705

Owner: DWF VI VMG, Telegraph Gardens, LLC

Date of acquisition, if new owner: 01/28/2022

Name & relationship of person filing request, if not owner: Kristen Parsons, Accounting Mgr.

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.

Change of ownership was not processed and invoice was sent to prior ownership.

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

Date: 11/18/2022 Signature: Kristen Parsons

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: kristen@livevmg.com

Mailing Address: 2312 Fulton St, Ste C, Berkeley CA 94704

Phone Number: 530 760 9350 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

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

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Examples of good cause for a full or partial waiver of penalties include: • *you had a death or illness in the family* • *you are a new owner with no other Berkeley residential rental property* • *you didn't receive the original billing statement* • *you thought that the property or unit was exempt from registration* • *you didn't know about the requirement to pay a prorated registration fee on a previously exempt unit.*

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Full waiver is granted: The account is cleared, 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.

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

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**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5086	Property address: 2385 OAK ST BERKELEY CA	Transferred: 07/26/2012
Exempt units (as of February 2021): None		
Owner(s): YAKOV SILVERTEST	Waiver filed by: OWNER	# of Units: 2
Other Berkeley rental property owned: None		

Late payment/penalty history: In the last 5 fiscal years, the property owner has paid the registration fee late three times for 2756 Acton. In the 17/18, registration cycle they were charged both July and January penalties. In the 18/19 registration cycle, they were charged a July penalty and were granted an administrative waiver which removed 55% of the penalties. The 20/21 registration fees were also submitted late and the property was granted a waiver. The property at 2385 Oak was granted a statute of limitation credit and the Rent Board removed \$8,508 of outstanding fees 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: Death of property owner's daughter a few years ago.

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY 2022-23	2	-	-	\$1,000.00	-	\$1,000.00
FY 2022-23	2	-	-	\$1,000.00	-	\$1,000.00
Totals				\$2,000.00	\$0.00	\$2,000.00

Grounds under Regulation 884(B): (1) The good cause asserted in the waiver request is a death or illness in the landlord's family.
(8) The penalty has accrued because registration fees have not been paid for three or more fiscal years

Good cause claimed by owner: The property owner's daughter passed away a few years ago and she was the one who handled all the paperwork and bills.

Recommendation: Staff recommends waiving 50% of the penalties

Staff Analysis: The properties located at 2756 Acton and 2385 Oak St are single-family homes fully covered under the Berkeley Rent Ordinance. In the last 5 fiscal years, the property owner has paid the registration fee late three times for 2756 Acton. In the 17/18, registration cycle they were charged both July and January penalties. In the 18/19 registration cycle, they were charged a July penalty and were granted an Administrative waiver which removed 55% of the penalties. The 20/21 registration fees were also submitted late and the property was granted a waiver. The property at 2385 Oak was granted a statute of limitation credit and the Rent Board removed \$8,508 of outstanding fees on the account. In the waiver submitted by the property owner, they state that “their daughter passed away a few years ago and she was the one who handled the paperwork”. Staff notes the Waiver Form clearly states that “where possible to attach evidence to document the circumstance that prevented timely payment”. Unfortunately, the waiver submitted by the owner did not include any documentation for staff to review or verify. Based on the waiver packet submitted, and the statement from the property owner, this waiver qualifies as discretionary under Regulation 884 (B)(1) AND 884 (B)(8). Staff recommends the Board waive 50% of the penalties based on the totality of the circumstances, history of late payments, and death of the property owner’s daughter.

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

FEB 24 2023
Initial: mp
Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 2756 Acton St.

~~Owner:~~ → 2385 Oak St
OAK
Date of acquisition, if new owner: _____

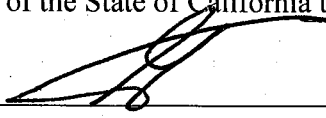
Yakov Silvertst
2608 MCGEE AV
BERKELEY CA 94703

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.

My daughter passed away a couple of years ago
and she used to handle all my paperwork and bills.
its been a difficult adjustment and catching up period
I apologize for unintentionally not paying on time.
my english is bad and I wasn't aware
I've been struggling with deep depression. I ask you
kindly to please wave/cancel penalty

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

Date: 2.21.2023 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: _____

Mailing Address: _____

Phone Number: _____ Fax Number: _____

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