



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: September 19, 2024
TO: Honorable Members of the Rent Stabilization Board
FROM: DeSeana Williams, Executive Director
BY: Basil Lecky, Community Service Specialist II
SUBJECT: Request for waiver of late registration penalties

Recommendation:

That the Board approve the attached recommendations.

Background and Need For Rent Stabilization Board Action:

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

Ministerial Waivers

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

Waiver	Property Address	Owner	Penalty Assessed	Penalty Waived	Penalty Imposed
	168 Forest Ln	SONIA RAINA	270.00	270.00	0.00
	609 San Miguel Ave	BIN YU & SHEN KENING	356.00	356.00	0.00
	627 Arlington Ave	JAECHOON CHON & YOUJEONG HONG	962.00	962.00	0.00
	1352 Hearst Ave	XIAO YANG	568.00	568.00	0.00
	1635 MLK JR Way	ZAYTUNA CLG STRATEGIC ACQUISIT	11,320.00	9,056.00	2264.00
	2818 Telegraph Ave	SYLVIA MULVIHILL TRUST c/o CASA DE MANANA	264.00	264.00	0.00
	3101 Mabel St.	DEREK BAAK	1,996.00	1,996.00	0.00
	3138 Ellis St.	S3 FOLSOM LLC	1,160.00	1,160.00	0.00
	2532 College Ave	YI ZHANG	2,900.00	2,900.00	0.00
	1520 Bancroft Way	JOHN ALEXANDER	264.00	264.00	0.00
	1214 Talbot Ave	JESSICA J. & JOHN F. STANTON FAMILY TRUST	356.00	356.00	0.00
	1522 Fairview St. #A	THE CHAN DALTON TRUST	1,580.00	1,580.00	0.00
	1900 Harmon St	YUSUF AHMAD	212.00	212.00	0.00
	1253 Burnett St	HUAXIANG ZHANG	528.00	475.20	52.80
	2228 Dwight Way	DWIGHT BLAKE BEAR	2,365.00	2,128.50	236.50
	2036 6th St	BUNTHA & HIMALAY RAJANAKHAN	144.00	144.00	0.00

	1940 Haste St	1940 HASTE STREET LLC	3,533.00	3,533.00	0.00
	1323 Henry St	ANDREW R VAMIS	1,740.00	1,740.00	0.00
	739 Channing Way	AMBER ROAN	2,962.00	2,962.00	0.00
	1620 Woolsey St	NOOR KHAN	144.00	115.20	28.80
	1625 Stannage Ave	CAROL MAFFIN	580.00	464.00	116.00
	1041 Cragmont Ave	SRINIVAS REDDY	356.00	356.00	0.00
	2113 Delaware St #B	NOAH LOWRY	356.00	356.00	0.00
TOTAL			\$34,916	\$32,217.90	\$2,698

Financial Impact: Ministerial Waivers

Approval of the Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$32,217.90**.

Name and Telephone Number of Contact Person:

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

September Waivers

Ministerial

Address	Details
168 Forest Ln	This property is an owner-occupied single-family home. The owner has owned this property since August 2020. The owner stated they moved out of state in April 2022 and were gone for 2 years. They rented their house while they were out of state and did not receive any invoice regarding the registration fees or penalties. They are now back in Berkeley occupying the house as their primary residence. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per Reg 884 C.
609 San Miguel Ave	This property is a single-family rental home covered by Measure MM. The owner, who has owned the property since April 1994, stated that the registration fee invoice was mistakenly mailed to the rental property instead of their address. As a result, penalties were assessed by the time the renter delivered the invoice to the owner. The owner has no history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per Reg 884 C.
627 Arlington Ave	This property is a rented single-family home covered by Measure MM. It is covered by Measure MM. The owner has owned the property since September 2021. The owner stated that they did not receive the initial bill because the tenants discarded it, as it was addressed to the previous owner. The owner has no history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per Reg 884 C.
1352 Hearst Ave	This property is a rented single-family home covered by Measure MM. The owner has owned it since November 2012. The owner stated that the invoice for the registration fees was sent to her mother's address, who is 96 years old. The owner has no history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior six years per Reg 883 H.1.
1635 MLK JR Way	This property consists of 9 units, 8 of which are currently rented and 1 is exempt. The owner has owned the property since August 2022. The owner stated that the property did not have any tenants at the time of purchase. Additionally, they were not informed of any outstanding fees and penalties owed to the Rent Board by the previous owner. In October 2022, they contacted the Rent Board to register the units. The owner is requesting that the penalties incurred by the previous owner be waived. This is the second late payment within the prior five years. Staff recommends waiving 80% of the penalties because this is the second late payment within the prior five years per Reg 884 C.
2818 Telegraph Ave	This property consists of 19 units, of which 18 are rented and 1 is exempt. The owner has owned the property since October 1995. Bishop Fiduciary Services has been managing the property since April 2023. While they were reviewing the Rent Board data for this rental, they discovered some discrepancies. By the end of November, they were able to correct any missing or incorrect information. They are requesting a waiver of penalties due to these discrepancies. They do not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior six years per Reg 883 H.1.

Public

3101 Mabel St.	This property consists of 10 units, of which 7 are rented and 3 are exempt. The owner has owned the property since May 2023. Prior to purchasing the property, it had been vacant for years. After acquiring it, the owner undertook renovations to bring the building into compliance with city codes. Following the renovations, the owner made numerous attempts to register the property with the Rent Board, but these efforts were unsuccessful due to a lack of communication. On January 8, 2024, the owner received information about the registration requirements and paid the full amount owed, including penalties. The owner believes that the delay in finalizing the registration and paying the fees was not due to a lack of effort on their part. They are therefore requesting that the penalties be waived. The current owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior six years per Reg 883 H.1.
3138 Ellis St.	This property consists of 6 units, with 2 rented and four exempt. The owner has owned this property since October 2019. The property manager stated that they sent the initial payment for the registration fees on June 29, 2023. However, they did not discover that their initial payment was not reconciled until they received a past-due notice on March 4, 2024. In response, they placed a stop payment on the check and issued a new one. The owner has no history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior six years per Reg 883 H.1.
2532 College Ave	This property consists of 4 rented units. The owner has owned this property since March 2022. The owner stated they were not in the United States when the registration fee was due. They also did not have access to their mail. The owner has no history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior six years per Reg 883 H.1.
1520 Bancroft Way	This property consists of 3 rented units. The owner has owned this property since May 1995. The owner stated that they were informed by staff that no payment was needed until the next registration period because the unit had not been rented previously. The owner has no history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior six years per Reg 883 H.1.
1214 Talbot Ave	This property is a rented single-family home that is covered by Measure MM. The owner has owned this property since August 2020. The owner stated that invoices were addressed to the previous owner, who used the property as a primary residence, and not them. The current owner had no way of knowing that the registration fees were accruing. Additionally, the unit was vacant undergoing remodeling until February 2024. There is no history of late payment on the account. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior six years per Reg 883 H.1.
1522 Fairview St. #A	This property is a rented condo covered by Measure MM. The owner has owned this property since July 2018. The owner stated they recently discovered a discrepancy between County records and Rent Board records. To address this issue, the owner worked with the Rent Board to correct the records and pay any outstanding fees. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior six years per Reg 883 H.1.
1900 Harmon St	This property is a rented single-family home covered by Measure MM. The owner has owned the property since January 2017. The owner stated they moved to San Ramon and did not receive notices regarding the registration fees and penalties. Once they received the invoices from the tenant, they had missed the deadline. This is the second late payment from the owner. Staff recommends waiving 90% of the penalties because this is the second late payment within the prior six years per Reg 883 H.2.

Public

1253 Burnett St	This property consists of 2 units with both units being rented. The owner has owned this property since June 2017. The owner stated that they never received an invoice regarding the registration fees and penalties. This is the second late payment from the owner. Staff recommends waiving 90% of the penalties because this is the second late payment within the prior six years per Reg 883 H.2.
2228 Dwight Way	This property consists of 10 rented units. The owner has owned this property since June 2010. The owner stated they had a change in management and made attempts to update the contact information. However, the registration fee invoices were still being sent to the old managements address. This is the second late payment from the owner. Staff recommends waiving 90% of the penalties because this is the second late payment within the prior six years per Reg 883 H.2.
2036 6th St	This property consists of 3 rented units. The owner has owned this property since March 2000. The owner stated he was not informed about the registration fee when he came to the Rent Board to register the units. The owner has no history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior six years per Reg 883 H.1.
1940 Haste St	This property consists of 6 rented units. The owner has owned this property since February 2014. The owner stated there were inaccuracies in our data base. The owner has no history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior six years per Reg 883 H.1.
1323 Henry St	This property consists of 3 rented units. The owner has owned this property since April 2022. The owner inherited the property in April 2022 and did not receive the registration fee invoice until June 2024. The current tenants passed along the invoice to the owner at that time, informing them of the overdue fees for the first time. The owner paid the 2022/23 registration fee late and did not pay the 2023/24 registration fee. Staff recommends waiving 80% of the penalties because this is the second late payment within the prior five years per Reg 884 C.
739 Channing Way	This property consists of 13 rented units covered by Measure MM. The property manager stated that they received an invoice for the registration fee in May 2024 from the previous property manager. They severed ties with the previous manager in August 2022, and any correspondence sent to the previous manager was not forwarded to them until the invoice they received in May 2024. By the time they received the invoice, penalties had already accrued. The owner has no history of late payment. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per Reg 883 C.
1620 Woolsey St	This property consists of 3 units, with 2 units rented and 1 unit exempt. The owner has owned this property since October 2003. The owner stated they were not aware they had to register the unit since registration starts July 1st. This is the owner's second late payment. Staff recommends waiving 80% of the penalties because this is the second late payment within the prior five years per Reg 884 C.
1625 Stannage Ave	This property consists of 2 units that are currently exempt. The owner has owned this property since November 2016. The owner stated they received a letter on 10/2/2023 from the Rent Board dated 9/18/2023 informing them of the past due registration fee. They opened the letter on 10/3/23 and noticed that the 10/2/23 deadline had passed. We the owner called the Rent Board regarding the late notice, they were told the Rent Board is not responsible for late delivery of mail and that they were still liable for the penalty. This is the owner's second late payment. Staff recommends waiving 80% of the penalties because this is the second late payment within the prior five years per Reg 884 C.

Public

1041 Cragmont Ave	This property is a rented single-family home covered by Measure MM. The owner has owned this property since December 2010. The owner stated They were unaware of the annual registration fee until the current tenants forwarded them the invoice. The owner does not have a history of late payment. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per Reg 884 C.
2113 Delaware St #B	This property is a rented condo covered by Measure MM. The owner has owned this property since February 2007. The owner stated they were experiencing hardship since their daughter passed away. The owner has no history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per Reg 884 C.