



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: February 18, 2021
TO: Honorable Members of the Rent Stabilization Board
FROM: Matt Brown, Acting Executive Director
BY: Allison Pretto, Senior Management Analyst
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
4931	1520 Woolsey Street	Yong Huang	\$542	\$434	\$108
4935	2317 Le Conte Avenue	Berkowitz Revocable Trust	\$1,323	\$1,323	\$0
4936	1327 Haskell Street	John Sylvester	\$1,000	\$800	\$200
4938	1412 Kains Avenue	Hewen Guo	\$1,000	\$800	\$200
4939	2411 6 th Street	L & N Ents LLC	\$500	\$500	\$0
TOTAL			\$4,365	\$3,857	\$508

Financial Impact: Ministerial Waivers

Approval of Acting Executive Director's recommendations will decrease the Board's current accounts receivable by **\$3,857**.

Discretionary Waivers

For the waiver requests listed below, staff recommendations are attached and presented to the full Board for its approval. With respect to these cases, the determination of good cause to waive some or all of the penalties depends on the totality of the circumstances.

Waiver	Property Address	Owner	Penalty Assessed	Penalty Waived	Penalty Imposed
4933	1819 9 th Street	Merritt Oliver	\$1,000	\$1,000	\$0
4937	1232 Ashby Avenue	Samuel Williams Sr. Trust	\$210	\$210	\$0
TOTAL			\$1,210	\$1,210	\$0

Financial Impact: Discretionary Waivers

Approval of Acting Executive Director's recommendations will decrease the Board's current accounts receivable by **\$1,210**.

Name and Telephone Number of Contact Person:

Matt Brown, Acting Executive Director
Rent Stabilization Board
2125 Milvia Street, Berkeley, CA 94704
(510) 981-7368

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: 4933	Property address: 1819 9TH ST	Transferred: 03/11/2013
# of Units: 4	Exempt units (as of February 2021): 0	
Owner(s): MERRITT OLIVER		Waiver filed by: Merritt Oliver
Other Berkeley rental property owned: None		

Late payment/penalty history: The property comprises four units, all of which are rented and subject to the registration requirement. The owner paid the registration fee on October 8, 2020 -- eight days after the expiration of the amnesty period for late registration due to COVID-19. The owner's payment history is very solid, with the late payment of the 2020/2021 fee marking the second late payment in the last five years.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
2017/2018	ALL	\$1080.00	08/30/2017	1080.00	0.00	1080.00
Totals (penalties previously assessed)				\$1080.00	\$0.00	\$1080.00

Penalties Currently Under Consideration

Reason for Penalties: Late Payment of 2020/2021 Annual Registration Fee

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
2020/2021	4	\$1000.00	10/08/2020	\$1000.00	\$0.00	\$1000.00
Totals				\$1000.00	\$0.00	\$1000.00

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 states that "the past year has been especially difficult due to Covid-19." The owner, who is also a realtor, stated that "my sales industry was turned upside down and, as a result, my work & rental income were a huge unknown. As it turned out, I receive no sales income the 2nd half of the year." The owner goes on to say that they "left the Bay Area due to soaring cases" in California and therefore "missed any late notification from your office." The owner says that the future registration fees will be paid timely, and the current fees are paid.

Recommendation: Staff recommends that the penalty be waived in full.

Staff Analysis: Staff empathizes with the challenges faced in the rental industry as a result of Covid-19. The owner explains why the payment was not turned in within the 90-day amnesty period, and states that future payments will be made in a timely manner. These facts, in combination with the owner's good payment history, compel staff to recommend a full waiver of the penalties.

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JAN 21 2021

Initial: MO
Berkeley Rent Board

W-4933

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

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

Property Address: 1819 9th st

Owner: merritt oliver

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 an extenuating circumstance 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.

This past year has been especially difficult due to covid-19. My sales industry was turned upside down and, as a result, my work & rental income were a huge unknown. As it turned out, I received no sales income the 2nd half of the year. Additionally, I left the Bay Area in May due to soaring cases in our state (I remain out of state today) and missed any late notice communication from your office. The registration is current now and I plan to pay 2021 on time. Please waive my late penalties this once under these extenuating circumstances. Thank you for your consideration in this matter.

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

Date: 1/21/2021 | 10:31:50 AM PST

DocuSigned by:
M. Oliver
183411572-2114447

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: merritt@redoakrealty.com

Mailing Address: 2697 NE Wilcox Ave, Terrebonne, OR 97760

Phone Number: 510-507-1470 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: 4937	Property address: 1232 ASHBY AVE	Transferred: 06/09/1994
# of Units: 8	Exempt units (as of February 2021): Unit #A - Owner Occupied Unit #A - Owner Occupied Unit #B - Section 8 Verified Unit #C - Section 8 Verified	
Owner(s): SAMUEL WILLIAMS SR. TRUST		Waiver filed by: Phyllis Yvonne Williams
Other Berkeley rental property owned: None		

Late payment/penalty history: The property, which comprises eight units, was owned since 1994 by the late Samuel Williams. In May 2020, the owner was billed \$750 for three rental units; the fee was paid timely on June 10, 2020. On December 29, 2020, the owner's daughter filed a Vacancy Registration form, indicating that a fourth unit #D, which had been formerly been claimed exempt as Vacant/Unavailable, had been rented out as of September 1st, 2020. Because more than 60 days had gone by since the tenancy start date, a penalty was assessed on the pro-rated fee due for registration of Unit #D. The owner's daughter paid the pro-rated fee and filed a waiver request of the penalty.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
2018/2019	ALL	\$460.00	02/25/2019	210.00	0.00	210.00
Totals (penalties previously assessed)				\$210.00	\$0.00	\$210.00

Penalties Currently Under Consideration

Reason for Penalties: Late Payment of 2020/2021 Pro-rated Registration Fee - 1 unit

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
2020/2021	1	\$210.00	12/29/2020	\$210.00	\$0.00	\$210.00
Totals				\$210.00	\$0.00	\$210.00

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 waiver request has been filed by Phyllis Williams, the daughter of the Samuel Williams, who died on September 2, 2020. Ms. Williams states that Unit #D had been vacant and undergoing "massive renovations" since December 19, 2019. She states that it was rented on September 1, 2020, and then her father passed away the next day, "leaving me as the trustee of his affairs." She says that she was "unable to administer much of the paperwork and ongoing accounting for several months while handling his transition." She asks that the penalty be waived.

Recommendation: Staff recommends waiving the penalty in full.

Staff Analysis: The owner has provided a death certificate, which proves that Mr. Williams died the day after this unit was rented. It is understandable that Ms. Williams as trustee may not have been able to deal with her father's passing and the handling of his affairs in time to register this unit. She did, however, file the necessary paperwork and pay the fees within four months. Staff doesn't anticipate future late payments, and recommends a full waiver.

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2125 Milvia Street, Berkeley, CA 94704
PHONE: (510) 981-7368 • FAX: (510) 981-4910
WEB: <https://www.cityofberkeley.info/rent/>

FEB 02 2021

Initial: mw
Berkeley Rent Board

W-4937

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

Property Address: 1232 D Ashby Avenue

Owner: Phyllis Yvonne Williams, TTE

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 an extenuating circumstance 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.

1232 D Ashby Ave was vacant from 12/31/2019 until September 1, 2020 for massive renovations. On Sept 2, 2020 my father passed away leaving me as the Trustee of his affairs. I was unable to administer much of the paperwork and ongoing accounting for several months while handling his transition. Please waive the 100% late fee for unit 1234 D. Attached is the death certificate. Thank you

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

Date: 1/26/2021 Signature: Phyllis Williams

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: antyvonne@aol.com

Mailing Address: 2422 Hillhurst Drive, West Hills, CA 91307

Phone Number: 818-425-0322 Fax Number: N/A

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