



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: March 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 |
|--------------|-----------------------------|------------------------|------------------|----------------|-----------------|
| 4932 | 1434 6 th Street | Greg Hutchings | \$1,000 | \$800 | \$200 |
| 4948 | 1322 Curtis Street | Xaoxin Rong | \$500 | \$500 | \$0 |
| 4950 | 1569 Arch Street | Arch Street Apartments | \$4,000 | \$4000 | \$0 |
| 4951 | 1802 Cedar Street | Sam Cohen | \$1,140 | \$1140 | \$0 |
| 4953 | 1441 Oxford Street | 1441 Oxford Street LLC | \$1000 | \$800 | \$200 |
| 4954 | 1615 McGee Ave | Rosa Mengesha | \$542 | \$434 | \$108 |
| TOTAL | | | \$8,182 | \$7,674 | \$508 |

Financial Impact: Ministerial Waivers

Approval of Acting Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$7,674**.

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 |
|--------------|------------------------------|-------------------------------------|------------------|----------------|-----------------|
| 4942 | 1418 67 th Street | Catamount Properties LLC | \$1,000 | \$500 | \$500 |
| 4945 | 1528 Alcatraz Avenue | Alessio Lisi | \$2,000 | \$1,600 | \$400 |
| 4946 | 2756 Acton Street | Yakov Silvertest | \$500 | \$450 | \$50 |
| 4955 | 1934 Stuart Street | Lucia Howard & Margaret Majua Trust | \$1,750 | \$1,580 | \$170 |
| 4956 | 2905 King Street | Ori Tzvieli | \$3,000 | \$1,800 | \$1,200 |
| 4957 | 2922 Dohr Street | Melissa Hope Young | \$500 | \$450 | \$50 |
| TOTAL | | | \$8,750 | \$6,380 | \$2,370 |

Financial Impact: Discretionary Waivers

Approval of Acting Executive Director's recommendations will decrease the Board's current accounts receivable by **\$6,380**.

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: 4942 | Property address: 1418 67TH ST | Transferred: 09/30/2020 |
| # of Units: 3 | Exempt units (as of March 2021): Unit #1 - Occupied Rent Free | |
| Owner(s): CATAMOUNT PROPERTIES 2018 LLC | | Waiver filed by: Natalia Carney, Property Manager |
| Other Berkeley rental property owned: None | | |

Late payment/penalty history: The property comprises three units, two of which are rented. The third is occupied by the former owner. The property had long been claimed exempt as "Vacant/Unavailable for Rent." However, the former owner registered it for the first time in February 2020, paying past-due registration fees and a penalty settlement only after the Rent Board filed a lawsuit against him. The property was foreclosed on, and the current owner obtained it in a trustee sale in September 2020. The previous owner did not pay the registration fees for the 2020/2021 prior to the foreclosure. The new owner, Catamount Properties LLC, did not inquire out about the past-due registration fees until January 2021. The new owner explained that they had obtained the property in foreclosure, paid the registration fees, and are seeking a waiver.

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 | 2 | \$500.00 | 01/28/2021 | \$1000.00 | \$0.00 | \$1000.00 |
| Totals | | | | \$1000.00 | \$0.00 | \$1000.00 |

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 person filing the waiver is Natalia Carney, on behalf of Catamount Properties LLC. She states that the property was purchased in September 2020 in a trustee sale, and that the previous owner "failed to pay the registration fees for 2 rental units before the deadline." She states that "the new owner is slowly learning about the rental conditions of the property and has submitted the payment for the annual registration." The owner "is requesting a full waiver of the penalty fees, given that it was not the owner at the time the fees were due."

Recommendation: Staff recommends waiving 50% of the penalty, or \$500, and imposing 50%, or \$500.

Staff Analysis: While it is unfortunate that the current owner obtained a property in September with both fees and penalties outstanding, staff notes that the owner did not reach out to the Rent Board upon transfer of the property. In fact, the owner did not contact the agency regarding this three-unit property until the following January. Had the owner inquired with the City of Berkeley about their rights and responsibilities earlier, they probably could have avoided accruing a January penalty on the outstanding fee. Therefore staff recommends waiving 50% of the penalty, which essentially waives the penalty incurred by the former owner, while holding the owner accountable for the penalty that accrued in January.

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JAN 28 2021

Initial: [Signature]
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://www.cityofberkeley.info/rent/>

W-4942

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

Property Address: 1418 67th St. Berkeley CA 94702

Owner: Catamount Properties 2018, LLC

Date of acquisition, if new owner: 09/30/2020 deed 10/19/2020

Name & relationship of person filing request, if not owner: Nataba Carney Property Manager

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.

The property "1418 67th St. Berkeley CA 94702" was purchased on 09/30/2020 in a Trustee Sale by Catamount Properties 2018, LLC. The previous owner, Theodore A. Kattchee failed to pay the registration fees for 2 rental units before the deadline. The new owner is slowly learning about the rental conditions of the property and has submitted the payments for the annual registration, yet is also requesting a full waiver of the penalty fees given that it was not the owner at the time the fees were due.

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

Date: 1/27/2021 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: NCarney@Wedgewood-Inc.com

Mailing Address: 2015 Manhattan Beach Blvd. Redondo Beach CA 90278

Phone Number: 415 310 4876 ol
310-640-3070 ext 2110 Fax Number: 424-218-0880

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**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

| | | |
|---|---|--------------------------------------|
| Waiver No: 4945 | Property address: 1528 ALCATRAZ AVE | Transferred: 05/01/2015 |
| # of Units: 4 | Exempt units (as of March 2021): None. | |
| Owner(s): ALESSIO LISI | | Waiver filed by: Alessio Lisi |
| Other Berkeley rental property owned: None | | |

Late payment/penalty history: The property comprises four units, all of which are rented. The current owner, Alessio Lisi, obtained the property in 2015. The late payment of the 2020/2021 annual registration fee marks his third late payment since he purchased the property.

| Registration Date or Year | Units requiring registration at that time | Registration fees paid | Date fees paid | Penalties charged | Penalties forgiven | Penalties Paid |
|---|--|-------------------------------|-----------------------|--------------------------|---------------------------|-----------------------|
| 2019/2020 | 4 | \$1000.00 | 07/29/2019 | 1000.00 | 550.00 | 450.00 |
| 2018/2019 | 4 | \$1000.00 | 08/15/2018 | 1000.00 | 900.00 | 100.00 |
| Totals (penalties previously assessed) | | | | \$2000.00 | \$1450.00 | \$550.00 |

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 | 02/16/2021 | \$2000.00 | \$0.00 | \$2000.00 |
| Totals | | | | \$2000.00 | \$0.00 | \$2000.00 |

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 year "has been very challenging for me and my family." He states that "overall, we lost 70% of our income." He goes on to say that even with the reduction, he was able to "reduce, suspend, and even forgive past rent due." He states that he "missed the notice of payment" and hopes that the Board will waive the resulting \$2,000 penalty. He says such a waiver "would help me, my family, and my tenants."

Recommendation: Staff recommends waiving 80% of the penalty, or \$1,600, and impose 20%, or \$400.

Staff Analysis: The owner's payment history is less than stellar, and the owner fails to mention that he "missed" the billing statement because he did not notify the Rent Board of his new mailing address until February 2021. If he had kept the Rent Board records up to date, he might have received the billing statement in a more timely manner, and might even have been able to take advantage of the COVID amnesty that the Board offered in 2020. Staff does understand that 2020 was a difficult year for collection of rent, however, and that the owner's income was reduced as a result. In recognition of this fact, staff recommends a waiver of 80%, which is more than the 60% that the ministerial schedule would allow for the 3rd late payment in the previous five years.

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FEB 16 2021

Initial: NM/ml
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://www.cityofberkeley.info/rent/>

W-4945

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 1528 ALCATRAZ AVE, BERKELEY

Owner: ALESSIO LISI

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.

DEAR BOARD MEMBERS, THIS YEAR IS BEEN VERY CHALLENGING, FOR ME AND MY FAMILY. OVERALL, WE LOST 70% OF OUR INCOME. EVEN WITH THIS REDUCTION, I WAS ABLE TO REDUCE, SUSPEND, AND EVEN FORGIVE PAST RENT DUES. ALL IN ALL, I MISSED THE NOTICE OF PAYMENT FOR THE RENT STABILIZATION PROGRAM. I WOULD LIKE TO REQUEST TO REMOVE THE ADDITIONAL \$1000 FINE ASSESSED TO MY ACCOUNT. THIS WOULD HELP ME, MY FAMILY, AND MY TENANTS

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

Date: 1-15-2021 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: alessiolisi@gmail.com

Mailing Address: 2972 CLARA DRIVE, PALO ALTO, CA

Phone Number: 650 995 4970 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: 4946 | Property address: 2756 ACTON ST | Transferred: 05/19/2008 |
| # of Units: 2 | Exempt units (as of March 2021): 0 | |
| Owner(s): YAKOV SILVERTEST | | Waiver filed by: Yakov Silvertest |
| Other Berkeley rental property owned: 2113 DELAWARE ST #B | | |

Late payment/penalty history: The owner's payment history for this two-unit property is poor. He has paid the fee after the due date for four out of the previous four years. It should be noted, however, that in 2017 the owner actually attempted to pre-pay his registration fees: On January 3, 2017, his daughter, who was managing the property at that time, paid \$500 to register both units for the upcoming 2017/2018 registration year. The fee had not yet been determined by the Board at that point, but he wanted to avoid future penalties. As it turned out, the fee was determined to be \$270 per unit for 2017, so his payment fell \$40 short. He eventually paid this shortfall and additional penalties on April 5, 2018.

The owner appears to have initially filled out this waiver request in November 2020, after paying the registration fee on October 9, 2020. However, the waiver request was not received until February 16, 2021. And indeed, there is an additional narrative that was written in as an addendum to the waiver right before he submitted it in February.

| Registration Date or Year | Units requiring registration at that time | Registration fees paid | Date fees paid | Penalties charged | Penalties forgiven | Penalties Paid |
|---|--|-------------------------------|-----------------------|--------------------------|---------------------------|-----------------------|
| 2018/2019 | 2 | \$500.00 | 08/22/2018 | 500.00 | 275.00 | 225.00 |
| 2017/2018 | 2 | \$40.00 | 04/05/2018 | 80.00 | 0.00 | 80.00 |
| 2016/2017 | 2 | \$468.00 | 07/26/2016 | 468.00 | 257.00 | 211.00 |
| Totals (penalties previously assessed) | | | | \$1048.00 | \$532.00 | \$516.00 |

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 | 2 | \$500.00 | 10/09/2020 | \$500.00 | \$0.00 | \$500.00 |
| Totals | | | | \$500.00 | \$0.00 | \$500.00 |

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 owner, in the first part of his waiver request that was written in November 2020, says that his daughter, who manages the property, "has been in the hospital with terminal cancer. I have been by her side as our world is being turned upside down and as such our payments have become delinquent." He goes on to say that "I have always paid in full and on time to this point." He concludes that these are "unprecedented times. We will get back on track." In what appears to be an addendum to the request, written right before it was actually submitted to the Rent Board in February 2020, the owner adds: "Unfortunately in the [mean]time my daughter passed away very sad. She passed away on 1/29/21."

Recommendation: Staff recommends waiving 90% of the penalty, or \$450, and imposing 10%, or \$50.

Staff Analysis: The owner has clearly gone through a very difficult time with the terminal illness and death of his daughter. Furthermore, while the owner has a history of late payment, he has made at least one attempt to pre-pay his fees, and has generally managed to resolve the penalties through the 60-day waiver process. Balancing the owner's payment history against the circumstances, staff recommends waiving 90% of the penalty.

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FEB 16 2021

Initial: m
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://www.cityofberkeley.info/rent/>

W-4946

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

Property Address: 2156 ACTON ST. BERKELEY, CA 94702

Owner: YAKOV SILVERTEST

Date of acquisition, if new owner: N/A

Name & relationship of person filing request, if not owner: N/A

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.

I AM REQUESTING THE WANER OF MY DELINQUENT FEES
AS MY DAUGHTER WHO MANAGES THE PROPERTIES FOR ME
HAS BEEN IN THE HOSPITAL WITH TERMINAL CANCER. I
HAVE BEEN BY HER SIDE AS OUR WORLD IS BEING TURNED
UPSIDE DOWN AS SUCH OUR PAYMENTS HAVE BECOME
DELINQUENT. I HAVE ALWAYS PAID IN FULL AND ON TIME
TO THIS POINT. PLEASE FORGIVE ME DURING THESE
UNPRECEDENTED TIMES. WE WILL GET BACK ON TRACK.

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

Date: 11/12/20 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: YSILVERTEST@GMAIL.COM

Mailing Address: 2608 MCGEE AVE. BERKELEY, CA 94703

Phone Number: (510) 917-9516 Fax Number: N/A

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

unfortunatly in the mid time my daughter
passd away very sad she passd away
ON THE 1.29.21

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

| | | |
|--|---|--------------------------------------|
| Waiver No: 4955 | Property address: 1934 STUART ST | Transferred: 06/12/2015 |
| # of Units: 8 | Exempt units (as of March 2021): Unit #LOWER - Unit inactive | |
| Owner(s): LUCIA HOWARD / MARGARET MAJUA TRUST | | Waiver filed by: Lucia Howard |
| Other Berkeley rental property owned: None | | |

Late payment/penalty history: The building in question comprises 7 units, all of which are rented. The owner's payment history is spotty; the late payment of the 2020/2021 fee marks her third in the previous five years.

| Registration Date or Year | Units requiring registration at that time | Registration fees paid | Date fees paid | Penalties charged | Penalties forgiven | Penalties Paid |
|---|---|------------------------|----------------|-------------------|--------------------|-----------------|
| 2019/2020 | 7 | \$1750.00 | 06/26/2019 | 126.00 | 0.00 | 126.00 |
| 2018/2019 | 7 | \$1172.00 | 01/14/2019 | 1172.00 | 0.00 | 722.00 |
| Totals (penalties previously assessed) | | | | \$1298.00 | \$0.00 | \$848.00 |

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 | 7 | \$1750.00 | 08/11/2020 | \$1750.00 | \$0.00 | \$1750.00 |
| Totals | | | | \$1750.00 | \$0.00 | \$1750.00 |

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 says that she "did not realize that my payment was late as I had believed, from reading the City of Berkeley website, that fees and taxes were postponed due to Covid." She goes on to say that she had several tenants out of work "and was trying to work out delayed and partial payments, so had a big reduction in income." She says that as soon as she realized that the payment deadline itself had not been extended, she paid the fee "apparently a little over month late." In addition, she states that she had to "upgrade the units and the internet as everyone is now working from home most of the time."

Recommendation: Staff recommends waiving 90% of the penalty, or \$1,580, and imposing 10%, or \$170.

Staff Analysis: Given the owner's request for waiver, it seems that she would have qualified for the Board's COVID amnesty if she had turned in the declaration with her payment in August. She cites a reduction in income due to her tenants' inability to pay rent, and she paid the fee within the 90 days that the amnesty period allowed. Staff feels, however, that between her payment history and inattention to detail on the payment deadline, some penalty is due, and recommends imposing 10% of the penalty.

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FEB 10 2021

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/>

W-4955

Initial:
Berkeley Rent Board

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

Property Address: 1934 Stuart Street, Berkeley

Owner: Lucia Howard

Date of acquisition, if new owner: June 2015

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.

I did not realize that my payment was late as I had believed, from reading the City of Berkeley website,
that fees and taxes were postponed due to Covid. I also had several tenants out of work, and was trying to work out
delayed and partial payments, so had a big reduction in income. However, I paid as soon as I realized that the
payment date had not been extended, apparently a little over a month late, and would appreciate receiving a
waiver of these very expensive penalties. I have also had to upgrade the units, and the internet as everyone
is now working from home most of the time.

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

Date: Feb. 2, 2021 Signature: *Lucia Howard*

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: lucia@aceland.com

Mailing Address: 1150 Estates Drive, Lafayette, CA 94549

Phone Number: 510 332 3218 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: 4956 | Property address: 2905 KING ST | Transferred: 03/01/2002 |
| # of Units: 2 | Exempt units (as of March 2021): 0 | |
| Owner(s): TZVIELI ORI/LORI | Waiver filed by: Ori Tzvieli | |
| Other Berkeley rental property owned: 2225 Woolsey Street | | |

Late payment/penalty history: This property comprises two units, both of which are rented. The property qualifies for an owner-occupied duplex exemption when the owner lives on the property as their principal residence.

The property came to the Rent Board's attention when staff sent out a mailing to verify the exemption status of owner-occupied duplexes that are owned in trust. The Rent Board sent a verification letter to this owner regarding his property at 2225 Woolsey Street. The owner contacted staff member for additional information, and learned that he does qualify for the owner-occupancy exemption at 2225 Woolsey. However, in the course of the explanation the owner-occupied duplex exemption, the owner said that his other duplex at 2905 King Street likely required registration. The owner had owner-occupied this duplex upon purchase, but had vacated in 2010. The owner said that only now did he realize that the exemption no longer applied when the owner does not reside at the property. The staff member directed the owner to the Registration Unit to register the property. The owner was charged for fees and penalties under the agency's statute of limitations policy, which limits fees to three registration years and limits penalties to only two assessments per registration period. The owner submitted all registration forms, paid registration fees for the three years, and is seeking a waiver of the penalties.

Penalties Currently Under Consideration

Reason for Penalties: Late Payment of 2018/2019, 2019/2020, & 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 | 2 | \$500.00 | 02/24/2021 | \$1000.00 | \$0.00 | \$1000.00 |
| 2019/2020 | 2 | \$500.00 | 02/24/2021 | \$2000.00 | \$1000.00 | \$1000.00 |
| 2018/2019 | 2 | \$500.00 | 02/24/2021 | \$3000.00 | \$2000.00 | \$1000.00 |
| Totals | | | | \$6000.00 | \$3000.00 | \$3000.00 |

Grounds under Regulation 884(B): (8) The penalty has accrued because registration fees have not been paid for three or more fiscal years.

Good cause claimed by owner: The owner states that he bought the property in 2001 and lived there until 2010. He states that "unfortunately, I had a misunderstanding of the Golden Duplex law - I thought these properties were in perpetuity exempt from rent control but I recently learned that is not the case and we were supposed to register the property once we moved out." The owner goes on to describe how he "self-reported the situation and registered the property as well as paying the past 3 years of registration fees." He points out that "throughout our 10 years as landlords, we have never raised the rents more than what is allowed under Berkeley rent control allowances and have kept the property in great shape and been on great terms with the tenants."

Recommendation: Staff recommends waiving 60% of the penalty, or \$1,800, and imposing 40%, or \$1,200.

Staff Analysis: Because owner-occupied duplexes are exempt from all aspects of the Berkeley Rent Ordinance, their owners often do not have a lot of contact with the Berkeley Rent Board. As a result, they often are unaware of the registration requirements. This owner has two properties that can potentially qualify as owner-occupied exempt, and his explanation that he didn't realize that the exemption "travels" with the owner is understandable. However, this owner moved out of the subject property eleven years ago, which is quite a long period of time to remain unaware of the registration requirement. The owner had more than a decade to at least inquire about his property's registration status. Furthermore, by limiting the current fees and penalties charged to three years, the Board has already chosen not to pursue payment of the fees or penalties that would have been due for the first seven years that this property was subject to the registration requirement. Because of the length of time that passed since he vacated, the owner bears responsibility for some amount of this penalty. Staff recommends that the Board waive 60%.

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/>

W-4956

RECEIVED

FEB 24 2021

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Initial: Berkeley
Property Address: 2905 King St. Berkeley CA 94705

Owner: Ori Tzvieli

Date of acquisition, if new owner: 2001

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.

We own a Golden Duplex at the address above. We bought the property in 2001 and lived in it moving out in 2010. Unfortunately I had a misunderstanding of the Golden Duplex law - I thought these properties were in perpetuity exempt from rent control but I recently learned that is not the case and we were supposed to register the property once we moved out. As soon as we learned I in good faith called and self-reported the situation and registered the property as well as paying the past 3 years of registration fees (\$1500 for the 2 units). Although we now know that we were not properly registered, throughout our 10+ years as landlords we have never raised the rents more than what is allowed under Berkeley rent control allowances and have kept the property in great shape and been on great terms with the tenants. We are asking for waiver of \$3000 late fees due to the financial burden and our good faith self report

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

Date: 2/24/2021 Signature: Ori Tzvieli

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: otzvieli@hotmail.com

Mailing Address: 2225 Woolsey St. Berkeley CA 94705

Phone Number: 5106848347 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: 4957 | Property address: 2922 DOHR ST | Transferred: 06/14/1996 |
| # of Units: 3 | Exempt units (as of March 2021): Unit #A - Shelter Plus Program | |
| Owner(s): HOPE YOUNG | | Waiver filed by: Melissa Hope Young |
| Other Berkeley rental property owned: None | | |

Late payment/penalty history: The property comprises three units. Two are registered rental units, and the third is occupied by a tenant on the Shelter Plus program. The owner's payment history is good. The late payment of the 2020/2021 registration fee is only her second in the previous five years.

| 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 | \$500.00 | 07/30/2018 | 500.00 | 500.00 | 0.00 |
| Totals (penalties previously assessed) | | | | \$500.00 | \$500.00 | \$0.00 |

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 | 2 | \$500.00 | 07/13/2020 | \$500.00 | \$0.00 | \$500.00 |
| Totals | | | | \$500.00 | \$0.00 | \$500.00 |

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 owner states that her delay in paying the registration fee "was not deliberate, and I have acted in good faith." She says that the late payment was a result of a combination of factors which include her own health problems "of major depression, anxiety & pinched nerve in my neck." She states that she also is a caregiver of "my 85-year-old brother who had recently been diagnosed with terminal lung cancer" as well as "my 78-year-old cousin who has liver & skin cancer, diabetes, emphysema, & asthma." She says that "along with the pandemic, fires, & protests, I was overwhelmed." Finally, she says that she usually pays her bills online and on schedule. "However, I inadvertently paid this bill on July 5th. I thought I had scheduled this bill when I received it."

Recommendation: Staff recommends waiving 90% of the penalty, or \$450, and imposing 10%, or \$50.

Staff Analysis: The owner's payment history is good, and staff is sympathetic to the challenges she faced with her own health, her relatives' health, and the difficulties of the 2020 overall. While some penalty is due, staff recommends that in consideration of the owner's circumstances, the waiver be increased to 90% instead of the 80% that the ministerial schedule would allow for the second late payment in the previous five years.

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MAR 04 2021

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/>

W-4957

Initial: Berkeley Rent Board

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

Property Address: 2922 POHR St. Berkeley, Calif 94605

Owner: Melissa Hope Young

Date of acquisition, if new owner: N/A

Name & relationship of person filing request, if not owner: N/A

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.

I am requesting a full (or partial) waiver of the late registration penalty. My delay was not deliberate & I have acted in good faith. Due to my health problems of major depression, anxiety & pinched nerve in my neck; and my caregiving responsibilities for my 85 yr old brother who had ~~had~~ recently been diagnosed with terminal lung cancer & my ^{78 yr old} cousin who has liver & skin cancer, diabetes, emphysema & asthma; along with the pandemic, fires & protest, I was overwhelmed. I normally pay my bills online or schedule automatic payments. However, I inadvertently paid this bill on July 5th. I thought I had scheduled this bill when I received it.
I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Date: 2/23/2021 Signature: [Handwritten 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: hopeyoung9@aol.com

Mailing Address: 4133 DAK Hill Road

Phone Number: 510 715-7718 Fax Number: 510 ~~715~~ 638-7508

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