



Rent Stabilization Board

## **RENT STABILIZATION BOARD**

DATE: April 15, 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

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### **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).

**Administrative Waivers**

In accordance with Regulation 883, the Executive Director may administratively waive penalties for waiver requests that meet criteria enumerated in the regulation. The following waiver request qualifies for waiver under Regulation 883(G) 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
4966	2149 Russell Street	Guo Wei Zhu & Qileng Zhu	\$1,000	\$1,000	\$0
<b>TOTAL</b>			<b>\$1,000</b>	<b>\$1,000</b>	<b>\$0</b>

**Financial Impact: Administrative Waivers**

Approval of Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$1,000**.

**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
4940	1604 Derby Street	Willie & Julia Burns Trust	\$500	\$500	\$0
4943	2441 McKinley Ave	Randa Nasser & Riyadh Mousa	\$1,000	\$1,000	\$0
4958	1437 Oxford Street	Janine Shiue	\$147	\$147	\$0
4959	1737 San Pablo Avenue	Merritt & Schuyler Oliver	\$2,000	\$1,600	\$400
4960	1312 Carleton Street	Karuna Jaggar	\$500	\$300	\$200
4961	2214 MLK Jr. Way	Dmitri Belser & Thomas White	\$1,672	\$1,338	\$334
4963	1269 Alcatraz Avenue	Sean Chon	\$1,193	\$955	\$238
<b>TOTAL</b>			<b>\$7,012</b>	<b>\$5,840</b>	<b>\$1,172</b>

**Financial Impact: Ministerial Waivers**

Approval of Acting Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$5,840**.

**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
4944	2057 Emerson Street	Aubrey Hunter Trust	\$1,500	\$1,130	\$370
4952	515 Colusa Avenue	Sabina Steinberg	\$750	\$375	\$375
4964	2001 Allston Way	YMCA Office	\$37,500	\$33,750	\$3,750
4965	1115 Ward Street	John Paul Coffey	\$500	\$400	\$100
4967	2035 Parker Street	Karen Williams Provost	\$2,500	\$2,500	\$0
4969	2610 College Avenue	Yan Yuan	\$4,500	\$2,250	\$2,250
<b>TOTAL</b>			<b>\$47,250</b>	<b>\$40,405</b>	<b>\$6,845</b>

**Financial Impact: Discretionary Waivers**

Approval of Acting Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$40,405**.

**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**

<b>Waiver No:</b> 4944	<b>Property address:</b> 2057 EMERSON ST	<b>Transferred:</b> 10/20/2003
<b># of Units:</b> 3	<b>Exempt units (as of April 2021):</b> Unit #NA - Owner's Use Unit #REAR - Unit inactive	
<b>Owner(s):</b> LEWIS, GLADYS & AUBREY HUNTER		<b>Waiver filed by:</b> William Dawkins
<b>Other Berkeley rental property owned:</b> None		

**Late payment/penalty history:** The property is a duplex that is exempt when occupied by an owner with a recorded interest share of at least 50%; it had been claimed exempt as an owner-occupied duplex for many years. However, in the past year, Rent Board staff reviewed the ownership of owner-occupied exempt duplexes to determine which ones were owned by a trust, and reached out to these trusts to make sure that they met the standard of owner-occupancy for the purposes of exemption. This property has one rented unit and is owned in trust with multiple grantees. One of the grantees of the trust does live in the property, but her ownership share is 14%. Therefore, the property does not meet the threshold for exemption. Upon learning this, another one of the trust's grantees, Aubrey Hunter, retained a representative who filed registration forms and paid registration fees for the current year and previous two years under the agency's policy of charging fees under a three-year statute of limitations. The representative also filed a waiver request.

**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	1	\$250.00	02/11/2021	\$500.00	\$0.00	\$500.00
2019/2020	1	\$250.00	02/11/2021	\$1000.00	\$500	\$500.00
2018/2019	1	\$250.00	02/11/2021	\$1500.00	\$1000.00	\$500.00
<b>Totals</b>				<b>\$3000.00</b>	<b>\$1500.00</b>	<b>\$1500.00</b>

**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 waiver request has been filed by William Dawkins, who is the representative of one of the trust grantees, Aubrey Hunter. Mr. Dawkins describes how Mr. Hunter's interest share of 33.3% is a result of a successor trustee deed, which was attached to the waiver. He states that the property "was a stopping point for an extended family during the Great Migration. Two of the grantees are now dead ... and their estate has not been probated." He goes on to say that another trustee, Gladys Lewis, "managed the property until 2018 when age and health issues prevented her from continuing. Mr. Hunter then managed the property but was unaware" that the property had not been registered as is required.

**Recommendation:** Staff recommends waiving 75% of the penalty, or \$1130, and imposing 25%, or \$370.

**Staff Analysis:** The owner-occupied duplex exemption is complex and often misunderstood. In this case, where a trust grantee was indeed occupying the property and had reason to believe that this would cause the rented unit to be exempt, staff can understand why the owner would not have thought to inquire with the Board about registration. Furthermore, the rent charged to the tenant is very reasonable. The owners seem committed to meeting registration requirements, and staff does not foresee future issues with compliance. Staff recommends a waiver of 75%.

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-4944

RECEIVED

FEB 11 2021

Initial: MB  
Berkeley Rent Board

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

Property Address: 2057 Emerson Street, Berkeley, CA 94703

Owner: Aubrey Hunter (30.367%)

Date of acquisition, if new owner: October 20, 2003

Name & relationship of person filing request, if not owner: William Dawkins, Agent

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.

Aubrey Hunter acquired a 30.367% interest in the subject property on October 20, 2003 through a Successor Trustee Deed, a copy of which is attached. The property was a stopping point for an extended family during the Great Migration. The of the grantees are now dead (Sarah Ford, Mack Watson and John H. Watson) and their estates have not been probated.

Gladys Lewis managed the property until 2018 when age and health issues prevented her from continuing. Mr. Hunter then managed the property but was unaware it had not been registered or required to be.  
I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Date: 2 Feb 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: willdawkins@gmail.com

Mailing Address: P.O. Box 1269, Glen Ellen, CA 95442

Phone Number: 707.939.9690 Fax Number: 707.939.9697

**City Of Berkeley  
Rent Stabilization Board**

**Recommendation on Requested Waiver of Registration Penalties**

<b>Waiver No:</b> 4952	<b>Property address:</b> 515 COLUSA AVE	<b>Transferred:</b> 10/16/1998
<b># of Units:</b> 3	<b>Exempt units (as of April 2021):</b> 0	
<b>Owner(s):</b> SABINA STEINBERG		<b>Waiver filed by:</b> Sabina Steinberg
<b>Other Berkeley rental property owned:</b> None		

**Late payment/penalty history:** The owner has a uniquely poor history of nonpayment of registration fees. Not only has she failed to pay registration fees timely since 2015, but she declared bankruptcy in 2019 and as a result paid almost no registration fees at all for the past five years because the Rent Board discharged the debts she had accumulated. The payment of the 2020/2021 annual registration fee on August 20, 2020, represents the first time the owner has paid the fee in at least six years.

<b>Registration Date or Year</b>	<b>Units requiring registration at that time</b>	<b>Registration fees paid</b>	<b>Date fees paid</b>	<b>Penalties charged</b>	<b>Penalties forgiven</b>	<b>Penalties Paid</b>
2019/2020	3	\$141.49	08/16/2019	3300.21	3300.21	0.00
2018/2019	3	\$0.00	04/04/2019	5384.00	5384.00	0.00
2017/2018	3	\$0.00		3884.00	3884.00	0.00
2016/2017	3	\$0.00		2564.00	2564.00	0.00
<b>Totals (penalties previously assessed)</b>				<b>\$15132.21</b>	<b>\$15132.21</b>	<b>\$0.00</b>

**Penalties Currently Under Consideration**

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

<b>Registration Date or Year</b>	<b>Unit(s) registered late at this time</b>	<b>Registration fees paid</b>	<b>Date fees paid</b>	<b>Penalties charged</b>	<b>Penalties forgiven</b>	<b>Penalties Due</b>
2020/2021	3	\$750.00	08/20/2020	\$750.00	\$0.00	\$750.00
<b>Totals</b>				<b>\$750.00</b>	<b>\$0.00</b>	<b>\$750.00</b>

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

**Good cause claimed by owner:** The owner states that she had breast cancer in 2020 and had a double mastectomy on June 2nd. She states that she "was in the hospital for almost a week and almost two months in recovery." She states that she "unfortunately was not in the capacity of dealing with my daily obligations and missed the due date for rent registration." She concludes that she was "undergoing treatment at UCSF since then, the active phase of which ended earlier this year. I am asking the Rent Board of City of Berkeley to waive my late fees."

**Recommendation:** Staff recommends waiving 50% of the penalty, or \$375, and imposing 50%, or \$350.

**Staff Analysis:** This is a very unique case, with an owner who has a longstanding history of nonpayment of registration fees and who this year paid full registration fees for the first time in at least six years -- but after the due date. It is difficult to balance a compelling reason for late payment (cancer surgery) against the history of noncompliance and nonpayment. Both the payment history and the owner's health must be acknowledged. Therefore, staff recommends waiving 50% of the penalty, in acknowledgement of both the owner's situation and payment history.

W-4952

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/>

RECEIVED  
FEB 23 2021  
Initial: NM/ML  
Berkeley Rent Board

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

Property Address: 515 Colusa Ave, Berkeley, CA 94707

Owner: Sabina Steinberg

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.

I was diagnosed with breast cancer last year and had double mastectomy on June 2nd. I was in the hospital for almost a week and almost two month in recovery. Unfortunately, I was not in the capacity of dealing with my daily obligations and missed the due date for rent registration bill. I am undergoing the treatment at UCSF since then, the active phase of which ended earlier this year. I am asking the Rent Board of City of Berkeley to waive my late fees.

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

Date: 2/18/2021 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: SabinaSteinDesign@gmail.com

Mailing Address: 515 Colusa Ave, Berkeley CA 94707

Phone Number: 910-387-5117 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**

<b>Waiver No:</b> 4964	<b>Property address:</b> 2001 Allston Way	<b>Transferred:</b> 09/14/2020
<b># of Units:</b> 78	<b>Exempt units (as of April 2020):</b> Unit #322 Shelter Plus; Unit #420 Shelter Plus; Unit 421 Shelter Plus.	
<b>Owner(s):</b> YMCA Office		<b>Waiver filed by:</b> Cheri Mezzapelle for YMCA
<b>Other Berkeley rental property owned:</b> None		

**Late payment/penalty history:** The property in question is the Berkeley YMCA Residence, which at 75 rent-controlled units is one of the largest properties registered with the Berkeley Rent Board. The YMCA, which owns the property, is generally a very reliable owner that complies with the registration requirements. The YMCA has paid registration fees after the due date one time in the previous six years, which was their first in many years, and which was waived administratively through the Board's 60-day waiver policy.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
2019/2020	75	\$18,750	8/07/2019	\$18,750	\$18,750	\$0

**Penalties Currently Under Consideration**

**Reason for penalties:** Late payment of the 2020/2021 registration fees.

Registration Date or Year	Units requiring registration at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
2020/2021	75	\$18,750	1/14/2020	\$37,500	\$0	\$37,500

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

**Good cause claimed by owner:** The waiver has been filed by the property's Vice President and Chief Financial Officer, Cheri Mezzapelle, who states that as a result of Berkeley's Shelter in Place order, "we did not have regular workers in the buildings that accept mail." She goes on to say that "after it became apparent that the ordinance would be in place for an extended period, we installed outside mailboxes." She says that "we never received any notice or bill from your office about this. It was only when we telephoned that we received a copy of the bill and realize how late this fee was." She concludes with: "As you know, all the gyms were completely closed and we had to furlough many employees. It would be a true hardship to pay these penalties."

**Recommendation:** Staff recommends waiving 90% of the penalty, or \$33,750, and imposing 10%, or \$3,750.

**Staff analysis:** While staff understands that the pandemic has resulted in hardship for the owner, their explanation of late payment is strange. When it became apparent that this large account had not been paid on time, Rent Board staff made a number of phone calls to both the owner and the agent listed on the account to inform them of the outstanding fee and the COVID amnesty waiver policy that was available if the owner paid by September 30, 2020. Staff sent multiple emails as well, with the billing statement attached. Therefore, even if the mail was not received, it is simply not credible that the owner did not realize that this bill was so overdue -- especially given that it is a nearly \$20,000 bill that is due annually. Staff is sympathetic to the financial situation of the YMCA, and therefore recommends a waiver of 90%, which is more than the ministerial schedule would allow for the second late payment in five years.

W-4964



RECEIVED

MAR 29 2021

Initial: m 102  
Berkeley Rent Board

FOR YOUTH DEVELOPMENT®  
FOR HEALTHY LIVING  
FOR SOCIAL RESPONSIBILITY

WAIVER  
REQUEST

Rent Stabilization Program  
City of Berkeley  
2125 Milvia Street  
Berkeley, CA 94704

March 23, 2021

RE: Registration Fee  
YMCA Residence  
2001 Allston Way  
Berkeley, CA 94704

Dear Rent Stabilization Program:

Attached is the payment for the Registration Fees for 2020-21 for the Rent Stabilization Program. We respectfully request that you waive the penalties assessed to our late payment. When the "Stay at Home" ordinance began, we did not have regular workers in the buildings that accepted mail. After it became apparent that the ordinance would be in place for an extended period, we installed outside mailboxes. We never received any notice or bill from your office about this. It was only when we telephoned that we received a copy of the bill and realized how late this fee was. As you know, all the gyms were completely closed and we had to furlough many employees.

It would be a true hardship to pay these penalties.

Regards,

Cheri Mezzapelle  
Vice-President/Chief Financial Officer  
[cmezzapelle@ymcaeastbay.org](mailto:cmezzapelle@ymcaeastbay.org) 925-451-4102

**City Of Berkeley  
Rent Stabilization Board**

**Recommendation on Requested Waiver of Registration Penalties**

<b>Waiver No: 4965</b>	<b>Property address: 1115 WARD ST</b>	<b>Transferred: 03/01/2009</b>
<b># of Units: 2</b>	<b>Exempt units (as of April 2021): 0</b>	
<b>Owner(s): JOHN PAUL COFFEY</b>		<b>Waiver filed by: John Paul Coffey</b>
<b>Other Berkeley rental property owned: None</b>		

**Late payment/penalty history:** The subject property comprises two units, both of which are rented. The owner, John Paul Coffey, has owned the property since 2009. The payment of the 2020/2021 registration fee is his third late payment in the previous five years.

<b>Registration Date or Year</b>	<b>Units requiring registration at that time</b>	<b>Registration fees paid</b>	<b>Date fees paid</b>	<b>Penalties charged</b>	<b>Penalties forgiven</b>	<b>Penalties Paid</b>
2018/2019	ALL	\$500.00	09/27/2018	500.00	0.00	500.00
2016/2017	ALL	\$442.00	08/17/2016	442.00	0.00	110.00
<b>Totals (penalties previously assessed)</b>				<b>\$942.00</b>	<b>\$0.00</b>	<b>\$610.00</b>

**Penalties Currently Under Consideration**

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

<b>Registration Date or Year</b>	<b>Unit(s) registered late at this time</b>	<b>Registration fees paid</b>	<b>Date fees paid</b>	<b>Penalties charged</b>	<b>Penalties forgiven</b>	<b>Penalties Due</b>
2020/2021	2	\$500.00	11/10/2020	\$500.00	\$0.00	\$500.00
<b>Totals</b>				<b>\$500.00</b>	<b>\$0.00</b>	<b>\$500.00</b>

**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, John Paul Coffey, states that at the beginning of last year's Shelter in Place, "I was forced to sell my home for financial reasons." He describes how he had to move in with his son "twice over the next couple of months." He describes this period as "extremely stressful and chaotic." Finally, he explains that the registration billing statement "did not get to me for months and as soon as I received it, I paid it."

**Recommendation:** Staff recommends waiving 80% of the penalty, or \$400, and imposing 20%, or \$100.

**Staff Analysis:** The owner's situation does indeed sound stressful. Although this owner's payment history is not perfect, staff understands that that the loss of a home and resulting uncertainty might have played a significant role in the owner's ability to pay the registration fee timely. In recognition of these circumstances, staff recommends a waiver of 80%, which is more than the ministerial schedule would normally grant for the third late payment in the previous five years.

BERKELEY RENT BOARD  
RCVD 21 APR 10 10:44

CITY OF BERKELEY  
RENT STABILIZATION PROGRAM  
2125 Milvia Street, Berkeley, CA 94704  
PHONE: (510) 981-7368 • FAX: (510) 981-4910  
WEB:

W-4965

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 1115 WARD STREET BERKELEY CA

Owner: JOHN PAUL COFFEY / ANTHONY GREAY

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.

At the beginning of the shelter in place I was forced to sell my home for financial reasons. I then moved with my son twice over the next couple of months. It was an extremely stressful and chaotic time. The original invoice from the rent board did not get to me for months and as soon as I received it I paid it.

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

Date: 3/31/2021 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: johnpaulcoffey@gmail.com

Mailing Address: 11 Maple Lane San Anselmo CA 94960

Phone Number: 415 235 7399 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**

<b>Waiver No:</b> 4967	<b>Property address:</b> 2035 PARKER ST	<b>Transferred:</b> 01/01/1900
<b># of Units:</b> 5	<b>Exempt units (as of April 2021):</b> 0	
<b>Owner(s):</b> KAREN WILLIAMS PROVOST		<b>Waiver filed by:</b> Karen Williams Provost
<b>Other Berkeley rental property owned:</b> 2833 REGENT ST		

**Late payment/penalty history:** The property comprises five units, all of which are rented and subject to the registration requirement. The owner, Hank Williams, is the father of the current owner, Karen Williams Provost. Some years ago, Ms. Provost moved back to Berkeley from Texas to help her father out in tending to the affairs of the property. Mr. Williams died on October 6, 2020, and Ms. Provost now is the sole owner of the property. The late payment of the 2020/2021 registration marks the third late payment 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	5	\$1250.00	07/29/2019	1250.00	0.00	1250.00
2017/2018	5	\$1350.00	06/25/2018	2700.00	1350.00	1350.00
<b>Totals (penalties previously assessed)</b>				<b>\$3950.00</b>	<b>\$1350.00</b>	<b>\$2600.00</b>

**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	5	\$1250.00	03/10/2021	\$2500.00	\$0.00	\$2500.00
<b>Totals</b>				<b>\$2500.00</b>	<b>\$0.00</b>	<b>\$2500.00</b>

**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 Karen Williams Provost, who is now the sole owner of the property. She states that her father died in October 2020. She goes on to say that "several years ago, my husband O'Neil Provost and I had moved in with him to take care of him and help with managing the property at 2035 Parker St." She says that "in the final few years, he would occasionally find mail in his name, but forget to show it to us and it appears that the bill for the annual registration was one of these bills, so it did not get paid until recently." She "respectfully requests that the late fees be waived in this instance."

**Recommendation:** Staff recommends waiving the penalty in full.

**Staff Analysis:** Staff sympathizes with the situation that the owner describes. She has also provided a death certificate showing that her father died in October 2020. Now that the property has transferred to her ownership, staff does not foresee problems with late payment and noncompliance. Staff recommends a full waiver of the penalty.

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MAR 12 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-4967

Initial: \_\_\_\_\_  
Berkeley Rent Board

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

Property Address: 2035 Parker St Berkeley CA 94705

Owner: Karen Williams Provost

Date of acquisition, if new owner: 10/6/2020

Name & relationship of person filing request, if not owner: daughter of prev. 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.

My father, Henry Williams, passed away last October at the age of 98. Several years ago my husband, O'Neil Provost, and I had moved in with him to take care of him and help with managing the property at 2035 Parker St. In the final few years he would occasionally find mail in his name, but forget to show it to us and it appears that the bill for the annual registration was one of these bills, so it did not get paid until recently. We respectfully request that the late fees be waived in this instance.

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

Date: 3/11/2021 Signature: Karen Williams Provost

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: Karen @ wimberleylavender.com

Mailing Address: 2833 Regent St Berkeley CA 94705

Phone Number: 512 825 7662 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**

<b>Waiver No: 4969</b>	<b>Property address: 2610 COLLEGE AVE</b>	<b>Transferred: 07/10/2020</b>
<b># of Units: 9</b>	<b>Exempt units (as of April 2021): 0</b>	
<b>Owner(s): YAN YUAN</b>		<b>Waiver filed by: Yan Yuan</b>
<b>Other Berkeley rental property owned: None</b>		

**Late payment/penalty history:** The property comprises nine units, all of which are rental units and covered by the registration requirement. The person filing the waiver is Yan Yuan, who obtained the property on July 10, 2020. The former owner, to whom the Rent Board had sent the 2020/2021 registration billing statement, did not pay the fee that was due on July 1, 2020, and so Mr. Yuan inherited the fee and resulting penalty. Staff learned of the change in ownership in January 2021, when Mr. Yuan reached out to the Rent Board to inform the agency that he had obtained the property. At that time, staff told Mr. Yuan of the outstanding fee payment and resulting penalties. Mr. Yuan paid the registration fee of \$2,250 and filed a waiver request.

**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	9	\$2250.00	02/04/2021	\$4500.00	\$0.00	\$4500.00
<b>Totals</b>				<b>\$4500.00</b>	<b>\$0.00</b>	<b>\$4500.00</b>

**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 owner states that "I am a new owner with no other Berkeley residential rental property, and I didn't receive the original billing statement."

**Recommendation:** Staff recommends waiving 50% of the penalty, or \$2,250, and imposing 50%, or \$2,250.

**Staff Analysis:** It is unfortunate when an owner obtains a property and the previous owner has left outstanding debts to be handled by the new owner. However, this owner obtained a nine-unit residential rental property on July 10, 2020, and did not contact the Rent Board regarding the change of ownership until January 2021. Had he notified the Rent Board earlier, he might have qualified for the COVID amnesty, and/or could have avoided the second, January penalty assessed on January 1, 2021. Staff therefore recommends a 50% waiver, which holds the owner responsible for the January penalty while waiving the July penalty that the previous owner had incurred through his failure to pay the fee timely.

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Initial: Berkeley Rent Board

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

W-4969

**Request for Waiver of Late Registration Penalties**

*Please Read Important Information on Page 2*

Property Address: 260 College Ave, Berkeley, CA

Owner: YAN YUAN

Date of acquisition, if new owner: 07/10/2020

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 am a new owner with no other Berkeley residential rental property and I didn't receive the original billing statement.

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

Date: 3/28/2021 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: yanyuan.cn@gmail.com

Mailing Address: 1 Fletcher Ct, Alameda, CA 94501

Phone Number: 817-718-2412 Fax Number: \_\_\_\_\_

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