



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: February 17, 2022
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
	1433 WALNUT ST	JETCO MOTORS	\$1,250	\$1,250	\$0.00
	2610 COLLEG AVE	SRIYA PROPERTIES LLC	\$2,250	\$2,250	\$0.00
	1611 SCENIC AVE	BABAK S. SANI	\$563	\$563	\$0.00
	2404 CEDAR ST	BABAK S. SANI	\$731	\$731	\$0.00
	1235 TALBOT AVE	PATRICIA UNGERN	\$150	\$150	\$0.00
TOTAL			\$4,944	4,944	\$0.00

Financial Impact: Ministerial Waivers

Approval of Acting Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$4,944**.

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
5019	1931 FAIRVIEW ST	KATHLEEN MANGOTICH	\$460	\$460	\$0
5020	2235 ROSE ST	JOEL CARTY	\$250	\$0	\$250
TOTAL			\$710	\$460	\$250

Financial Impact: Discretionary Waivers

Approval of Acting Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$460**.

Name and Telephone Number of Contact Person:

DeSeana Williams, 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: W5019	Property address: 1931 FAIRVIEW ST	Transferred: 02/25/2003
Exempt units (as of February 2021): Unit # 1 - OCCC - Tenant		
Owner(s): KATHLEEN MANGOTICH	Waiver filed by: OWNER	# of Units: 5
Other Berkeley rental property owned: None		

Late payment/penalty history: The property comprises of five units, all of which are currently rented and subject to the registration requirement. Prior to September 2020, only 4 of the units were rented. In November 2021, the owner submitted a Vacancy Registration Form for the 5th unit with a tenancy start date of 9/1/2020. This prompted prior fees and penalties for the unit. The owner paid the registration fee January 4, 2022. The owner's payment history is very solid, with the late payment of the 2021/2022 fee marking the first late payment in the last five years.

Penalties Currently Under Consideration

Reason for Penalties: LATE PAYMENT OF REGISTRATION FEE FOR FY 2019/20 & FY2021/22

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
2021/22	1	\$250.00	01/04/2022	\$250.00	\$0.00	\$250.00
2019/20	1	\$210.00	01/04/2022	\$210.00	\$0.00	\$210.00
Totals				\$460.00	\$0.00	\$460.00

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 stated that 2019-2020 fees were paid by the previous owner/manager of the property. On 7/6/2020, the owner was hospitalized with an illness after experiencing 2 weeks of extreme pain. The owner stated that they have not fully recovered from the illness and has been on disability. The illness has affected the owners work capacity and income. The owner stated that they have been working hard to catch up and will be able to stay current going forward.

Recommendation: Staff recommends waiving the penalty in full

Staff Analysis: Staff sympathizes with the situation the owner describes. The owner was able to provide proof of their illness. The owner has a great payment history and staff does not foresee any problems with compliance moving forward. Staff recommends a full waiver of the penalty.

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

JAN 04 2022

Initial: _____
Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 1931 Fairview St.

Owner: Kathleen Mangotich

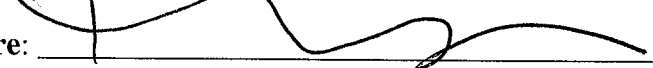
Date of acquisition, if new owner: 10/1/2019

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.

It was certified to me, in a settlement agreement, that the 2019-2020 fees had been paid by the previous owner/manager, Jack Purat. Then, in 2020 (7/6/20) I was hospitalized with GBS after 2 weeks of extreme pain. I have not fully recovered to this day and have been on disability. GBS has affected both my work capacity and income. I have been working as hard as I can to catch up and will be able to stay current going forward.

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

Date: 1/4/21 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: Katie@featherpen.com

Mailing Address: 1931 Fairview St. Berkeley CA 94703

Phone Number: 510 367-9287 Fax Number: _____

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



Video Visit
7/17/2020

Visit Information

Date & Time	Provider	Department	Encounter #
7/17/2020 2:50 PM	Kiang, Jacqueline Chin-Yin (M.D.)	INTERNAL MEDICINE IN FAB 3A	984916885

Reason For Encounter History

User	Date & Time	Reason For Encounter
Kiang, Jacqueline Chin-Yin (M.D.)	07/16/2020 01:06 PM	TELEPHONE APPOINTMENT VISIT

Diagnoses

Diagnoses	Comments
MILLER FISHER VARIANT OF GUILLAIN BARRE SYNDROME - Primary HYPONATREMIA CONSTIPATION	

Diagnoses

Visit Diagnosis Changes

529239 marked as Primary Diagnosis by KIANG, JACQUELINE C (W350610), Thu Jul 16, 2020 1:21 PM
 Added 529239 by KIANG, JACQUELINE C (W350610), Thu Jul 16, 2020 1:21 PM
 Added 516577 by KIANG, JACQUELINE C (W350610), Thu Jul 16, 2020 1:21 PM
 Added 513680 by KIANG, JACQUELINE C (W350610), Thu Jul 16, 2020 1:22 PM

Encounter Messages

No messages in this encounter

Patient Secure Message

No messages in this encounter

Video Consent

Patient has provided verbal consent to participate in this video visit.

Progress Notes

Progress Notes signed by Kiang, Jacqueline Chin-Yin (M.D.) at 7/16/2020 1:22 PM

Version 1 of 1

Author: Kiang, Jacqueline Chin-Yin (M.D.)	Service: —	Author Type: Physician
Filed: 7/16/2020 1:22 PM	Creation Time: 7/16/2020 11:32 AM	Status: Signed
Editor: Kiang, Jacqueline Chin-Yin (M.D.) (Physician)		

SCHEDULED TELEPHONE APPOINTMENT VISIT.

TAV Appointment, I called at the number provided and introduced myself. I asked for the specified patient and patient confirmed DOB and address and that indeed I was speaking to the correct person. I discussed limitations of Telephone Appointment Visits.

Kathleen Mangotich is a 61 Y year old female who has a TAV today.
Converted VAV to TAV

TELEPHONE APPOINTMENT VISIT



KAISER FOUNDATION HOSPITALS

OAK-NEW HOSPITAL
275 WEST MACARTHUR
BLVD
OAKLAND CA 94611-5641
Hospital Record

Mangotich, Kathleen
MRN: [REDACTED], DOB: [REDACTED] Sex: F
Adm: 7/6/2020, D/C: 7/13/2020



Intake Examination

Rm/Bed	MRN	Adm Date	Att Prov	DOB	Age	Sex
917-917-A 2	11001413181	7/6/20		7/10/1959	62 Y	F

Chief Complaint

Complaint	Comment
DIFFICULTY SWALLOWING	Since last night, progressively getting worse. Has had MRI for vestibular neuritis, has nodule on inner ear, with enlarged lymphnodes. States that she feels her throat muscles are getting weak, versus something being stuck. No stridor noted, but pt appears to be generally weak.

Priority

	Most Recent Value
Decision A	---
Decision B	---
Decision C	---
Decision D Vitals	---
Decision D Priority	2Emerg

Arrival Information

Expected	Arrival	Acuity	Means of arrival	Escorted by
-	7/6/2020 9:38 AM	2 Emergent	Walk-In	Partner

Arrival complaint

Allergy History as of 07/13/20

HYDROCHLOROTHIAZIDE

	Noted	Status	Severity	Type	Reaction
07/07/20 1230 Kiang, Jacqueline Chin-Yin (M.D.)	07/07/20	Active			

Comments: Hospital admission for low sodium to 108, only had 2-3 doses of HCTZ

ED Vitals

Date and Time	Temp	Temp Source	Resp	Pulse	BP	Patient Position	SpO2	O2 Delivery	Pain Score	Weight	User
07/06/20 0944	97.6 °F (36.4 °C)	Oral	22	59	135/77	--	100 %	RA-Room Air	--	-- too weak	JR
07/06/20 1100	--	--	12	58	154/85	SITTING	99 %	RA-Room Air	8	--	ASB
07/06/20 1200	--	--	11	61	141/75	--	100 %	--	--	--	ASB
07/06/20 1235	--	--	11	61	146/76	--	100 %	--	--	--	ASB
07/06/20 1300	--	--	8	61	144/87	--	100 %	--	--	--	ASB
07/06/20 1400	--	--	12	60	133/65	--	100 %	RA-Room Air	--	--	JT

Glasgow Coma Scale

Date and Time	Eye opening	Verbal response	Motor Response	Total Coma Score (Glasgow)	User
07/13/20 0840	4	5	6	--	NBT
07/13/20 0400	4	5	6	--	JTE
07/13/20 0000	4	5	6	--	JTE

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5020	Property address: 2235 ROSE ST BERKELEY CA	Transferred: 04/01/2021
Exempt units (as of February 2021): Unit # UPPER - OCCC - Owner, Unit # MAIN - NAR - Vacant		
Owner(s): JOEL CARTY	Waiver filed by: OWNER	# of Units: 3
Other Berkeley rental property owned: None		

Late payment/penalty history: The property comprises of three (3) units, with two (2) of the units currently exempt and one (1) unit currently being rented. The current owner took ownership of the property in April 2021. They paid the registration fee on January 5, 2022. This is the owners first time owning a rent controlled property. They currently do not have a payment history.

Penalties Currently Under Consideration

Reason for Penalties: LATE PAYMENT OF REGISTRATION FEE FOR FY2021/22

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
2021/22	1	\$250.00	01/05/2022	\$250.00	\$0.00	\$0.00
Totals				\$250.00	\$0.00	\$0.00

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 purchased the property in April 2021. This is their first time as homeowners. The property was split into three (3) units. The owner currently live in one (1) unit, while the other two (2) units are rented. The owner states that the property had a lot of deferred maintenance, which they have spent the last 8 months fixing. The improvements are now complete and they have been showing the space to prospective tenants. In preparing a lease agreement, the owner reached out to the Rent Board for guidance. This is when the owner discovered there was a penalty due for unpaid registration fee. The owner states that they were unaware of the registration fee and have since paid the registration fee and penalty. The owner is requesting forgiveness for the penalty due to the fact that the property changed hands and the property had a vacancy due to improvements being made.

Recommendation: Staff recommends the waiver be denied.

Staff Analysis: Staff notes that the owner did not reach out to the Rent Board upon transfer of the property in April 2021. In fact, the owner did not contact the agency regarding the property until January of this year. Had the owner inquired with the City of Berkeley about their rights and responsibilities earlier, they probably could have avoided accruing the penalty. As a landlord in a rent control city, the owner has an obligation to know the registration requirements of the Rent Ordinance. Therefore, staff recommends the waiver be denied.

JAN 18 2022

Initial: _____
Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 2235 ROSE ST BERKELEY, 94709

Owner: JOEL CARTY

Date of acquisition, if new owner: 4/1/21

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 PURCHASED THIS PROPERTY IN APRIL 2021. THIS IS OUR FIRST TIME AS HOMEOWNERS!
THE PROPERTY IS SPLIT UP INTO (3) UNITS. WE LIVE IN ONE AND THE OTHER TWO ARE RENTAL
UNITS. THE PROPERTY HAD A LOT OF DEFERRED MAINTANCE, WE HAVE SPENT THE LAST
8 MONTHS FIXING IT UP. THE IMPROVEMENTS ARE NOW COMPLETE AND WE HAVE BEGAN TO SHOW
THE THE SPACE TO PROSPECTIVE TENNANTS. IN PREPARING A LEASE AGREEMENT I LOOKED TO THE
RENT BOARD FOR GUIDANCE. WE DISCOVERED THERE WAS A PENALTY FEE DUE FOR LATE REGISTRATION
WE WAS UNAWARE OF THE REGISTRATION FEE AND HAVE SINCE PAID THE \$500 FEE. I AM REQUESTING
FORGIVENESS FOR THE PENALTY DUE TO THE FACT THAT THE PROPERTY CHANGED HANDS AND THE PROPERTY
HAD VACANCY DUE TO IMPROVEMENTS BEING MADE. THANK YOU FOR YOUR TIME AND CONSIDERATION!
I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Date: 1/1/2022 Signature: Joel Carty

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: JOEL CARTY3@GMAIL.COM

Mailing Address: 2235 ROSE ST. BERKELEY CA, 94709

Phone Number: 805-895-3845 Fax Number: _____