Rent Stabilization Board

RENT STABILIZATION BOARD
Regular Meeting
Thursday, July 21, 2022
7:00 p.m.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Government Code Section 54953(e)(3), City Council Resolution 70,030-N.S., and City of Berkeley Rent Stabilization Board (Rent Board) Resolution 21-29, this meeting of the **Rent Board** will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Resolutions and the findings contained therein that the spread of COVID-19 continues to be a threat to the public health and that holding meetings of City legislative bodies in person would present imminent risks to the health and safety of the public and members of legislative bodies. **Therefore, there will not be a physical meeting location available.**

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: https://us06web.zoom.us/j/81553526289?pwd=SjJQbVVRWG5RMFNzdy9qdTFzLy91UT09. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "Rename" to rename yourself to be anonymous. To request to speak, use the "Raise Hand" icon by rolling over the bottom of the screen.

To join by phone: Dial 1-669-900-6833 and enter Meeting ID: 815 5352 6289 and Passcode: 247686. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

To submit an e-mail comment, send it to amueller@cityofberkeley.info with the Subject line in this format: "RENT BOARD MEETING PUBLIC COMMENT ITEM." Please observe a 150-word limit. Written comments will be entered into the public record. Email comments must be submitted to the email address above by 5:00 p.m. on the day of the meeting in order to be included.

Please be mindful that this meeting will be recorded, and all other rules of procedure and decorum will apply for Rent Board meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with Government Code Section 54953, 54956, and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to DéSeana Williams, Executive Director, at (510) 981-7368. The Rent Board may take action related to any subject listed on the Agenda.

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AGENDA

*Times allotted for each item are approximate and may be changed at the Board's discretion during the course of this meeting.

1. **Roll call** – 1 min.*

2. **Land Acknowledgment Statement**: The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.

3. **Approval of Agenda** – 1 min.*

4. **Introduction of recently-hired Rent Board staff** – 5 min.*

5. **Public Comment** – 2 min. per speaker for ***non***-agendized items*

6. **Public Comment** – 2 min. per speaker for items on the agenda*

7. **APPEAL** – **7:30 p.m.****
   ***This appeal will not be heard before 7:30 p.m. but may be heard any time thereafter.*

   Case No. E-99 (1146-1160 Hearst Avenue)

   Appellant landlord ("landlord") filed an appeal of a hearing decision denying exemption of registration requirements under Measure MM for 26 rental units located on 3 parcels, 1146-50 Hearst Ave., 1154-56 Hearst Ave., and 1160 Hearts Ave ("property"). On appeal, the landlord reiterates his claim that the property is wholly exempt, in perpetuity, from the Rent Ordinance pursuant to a settlement agreement between the landlord and the

Rent Stabilization Board ("Board"). The landlord's petition and appeal fail to establish that the settlement agreement issues the property a blanket exemption to the Rent Ordinance, and otherwise fails to provide any other reason for exemption from Measure MM registration obligations. Therefore, the Hearing Examiner's decision should be affirmed.

8. CONSENT ITEMS – 1 min.*

a. Approval of the June 16, 2022 regular meeting minutes

b. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director/Registration Unit Manager)

Ministerial Waivers

Waiver No.	Property Address
	66 MENLO
	2116 ROOSEVELT
	2398 BANCROFT WAY
	1411 SPRUCE
	2958 HILLEGASS
	2313 6TH STREET
	1437 VIRGINIA
	1767 EUCLID #6
	2022 EMERSON
	2530 DWIGHT
	2112 MCKINLEY #C
	1620 MILVIA ST
	1717 BLAKE
	1641 ALLSTON WAY
	2711 FOREST AVE
	1323 SANTA FE
	2422 BONAR
	1221 CURTIS
	1523 PRINCE ST
	1921 HARMON
	367 VASSAR
	2326 LE CONTE
	2215 MARIN AVE
	3205 CALIFORNIA ST
	1659 JULIA
	2325 ROOSEVELT
	2218 ASHBY AVE
	1916 CEDAR
	1614 FRANCISCO
	2335 RUSSELL

2636 WARRING ST
2724 GARBER
2711 CALIFORNIA
1919A RUSSELL
2734 MILVIA
1009 KEITH
2021 HEARST

Discretionary Waivers

Waiver No.	Property Address
W5031	3025 DEAKIN
W5032	2112 VIRGINIA
W5033	2721 CHANNING
W5034	1240 ORDWAY
W5035	1203 SHATTUCK #B
W5036	1655 BELVEDERE
W5037	1204 EVELYN AVE
W5038	2383 VIRGINIA ST
W5039	2204 MCGEE
W5040	2644 DWIGHT
W5041	1612 PARKER
W5042	1636 MLK JR WAY
W5043	1780 SPRUCE
W5044	2501 HILGARD
W5045	2733, 2727 & 2729 STUART
W5046	1602 ASHBY
W5047	1449 CEDAR
W5048	1350 ACTON

9. ACTION ITEMS

from Board Members, Committees, Executive Director or Staff

Public comment will also be heard prior to the Board's vote on each action item listed below – 1 min. per speaker.

a. Recommendation to adopt Resolution 22-21 to establish a COVID-19 and one-time Administrative Correction Cycle amnesty period of 90 days for fully covered and Measure MM units to automatically waive penalties associated with late payment of Registration Fees for those landlords that were not able to pay the fees due to financial hardship associated with COVID-19 or the requirement of an administrative correction (Budget & Personnel Committee and Executive Director) – 15 min.*

b. Discussion and possible action to amend the Board's 2022 Regular Meeting Schedule by canceling the regular meeting scheduled for August 18, 2022 (Chair Simon-Weisberg) – 5 min.*

10. INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA

from Board Members, Committees, Executive Director or Staff

NOTE: The Board may vote to move Information Items to the Action calendar.

a. Update on the Tenant Survey project – *Verbal* (Executive Director) – 3 min.*

b. 2022-2023 Year Over Year Registration Fee Collection Comparison report (Executive Director/Registration Unit Manager) – 5 min.*

c. Updated Commissioner attendance at Board and Committee meetings through the 2nd quarter of 2022 (Board Secretary) – 1 min.*

d. Updated Appendix B of Rent Board Regulations, Chapter 12 (Executive Director) – 1 min.*

e. Updated Appendix C of Rent Board Regulations, Chapter 12 (Executive Director) – 1 min.*

f. June 2022 report by the *Tech, Bias, and Housing Initiative* titled, "Sold to the Highest Bidder – How Tech is Cashing in on the American Dream" (Chair Simon-Weisberg) – 1 min.*

g. July 13, 2022 *California Department of Justice Division of Law Enforcement* Information Bulletin: "Protecting Tenants Against Unlawful Lockouts and Other "Self-Help Evictions" (Chair Simon-Weisberg) – 1 min.*

h. Date to submit agenda topics/items for September's regular Rent Board meeting: **Friday**, **September 2nd at 5:00 p.m.** NOTE: This is a hard deadline and will be enforced.

11. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

a. Budget and Personnel Committee (Commissioner Chang, Chair) – 5 min.*
Next regularly-scheduled meeting: Monday, Sept. 12th at 5:30 p.m.

July 12th agenda

b. Eviction/Section 8/Foreclosure Committee (Commissioner Mendonca, Chair) – 5 min.*

Next regularly-scheduled meeting: Thursday, July 28th at 5:30 p.m.

c. Legislation, IRA/AGA & Registration Committee (LIRA Committee)
(Commissioner Kelley, Chair) – 5 min.*
Next regularly-scheduled meeting: TBA

d. Outreach Committee (Commissioner Laverde, Chair) – 5 min.*
Next regularly-scheduled meeting: Wednesday, August 10th at 5:30 p.m.

July 20th agenda

e. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Chair TBA) – 3 min.*
Regularly-scheduled meeting date: TBA

f. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board – 5 min.*
(Mayor Arreguín and Chair Simon-Weisberg, Committee Co-Chairs)
Next regularly-scheduled meeting: Wednesday, Sept. 28th at 3:00 p.m.

July 12th agenda packet

g. Ad Hoc Committee on Rent Board Technology Issues (Commissioner Selawsky, Chair) – 3 min.*
Next meeting date: TBA

h. Ad Hoc Committee on the Status of Virtual Meetings (Chair TBA) – 3 min.*
Next meeting date: TBA

i. Updates and Announcements – 3 min.*

j. Discussion of items for possible placement on future agenda – 5 min.*

12. ADJOURNMENT

COMMUNICATIONS DISCLAIMER:

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please

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7:00 p.m.

Minutes - *Unapproved*

1. **Roll call** – Chair Simon-Weisberg called the meeting to order at 7:03p.m.
   Aimee Muller called roll.
   Commissioners present: Alpert (logged on at 8:12 p.m., logged off at 10:30 p.m.), Chang (logged on at 7:11 p.m.), Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg.
   Commissioners Absent: None.
   Staff present: Brown, Bursell, Eberhart, Mueller, Williams.

2. **Land Acknowledgment Statement**: The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.

   The Land Acknowledgement Statement was played aloud.

3. **Approval of Agenda**

   M/S/C (Selawsky/Kelley) APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: MOVE ACTION ITEMS 8.d. AND 8.e. TO THE TOP OF THE ACTION CALENDAR. Roll call vote. YES: Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Alpert, Chang. Carried: 7-0-0-2.

4. **Public Comment** – ***non***-agendized items. Omowale Fowles spoke in support of preserving space near Ashby BART for the Berkeley Flea Market.

5. **Public Comment** – items on the agenda. Sylvia Chapman spoke in support of the Tenant Opportunity to Purchase Act (TOPA). Omowale Fowles spoke in support of

TOPA. Krista Gulbransen, Executive Director of the Berkeley Property Owners Association (BPOA), spoke of the difficulty of commenting on agenda items with no corresponding documents in the packet. Negeene Mosaed spoke in support of TOPA. "Della" spoke in support of TOPA.

6. **SPECIAL PRESENTATION**: **Update on the campaign to pass the Tenant Opportunity to Purchase Act (TOPA)** by the Northern California Land Trust

Hewot Shankute and Michael Trujillo of the East Bay Community Law Center (EBCLC), and Sarah Scruggs of the Northern California Land Trust presented and took feedback from the Board. Chair Simon-Weisberg announced she would be sending a letter to Council in support of TOPA.

7. **CONSENT ITEMS**

a. Approval of the May 19, 2022 regular meeting minutes

b. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director/Registration Unit staff)

Ministerial Waivers

Waiver No.	Property Address
N/A	2501 HILGARD
N/A	1900 BERRYMAN
N/A	1628 TYLER
N/A	1526 JULIA
N/A	932 DELAWARE
N/A	2601 COLLEGE
N/A	1408 MILVIA
N/A	1760 UNIVERSITY
N/A	45 ALTA
N/A	2612 HILLEGASS

Discretionary Waivers

Waiver No.	Property Address
W5025	1313 CURTIS
W5026	2270 SHATTUCK
W5027	818 DELAWARE
W5028	2665 SHASTA
W5029	2914 ADELINE
W5030	2919 ACTON

M/S/C (Laverde/Mendonca) APPROVE ALL CONSENT ITEMS AS WRITTEN. Roll call vote. YES: Chang, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; Abstain: None; ABSENT: Alpert. Carried: 8-0-0-1.

8. ACTION ITEMS

from Board Members, Committees, Executive Director or Staff

Public comment on action items: Krista Gulbransen, Executive Director of the BPOA, thanked Anne Omura, Executive Director of the Eviction Defense Center (EDC), for her thoughtful work on obtaining rent relief for tenants and small property owners during the pandemic. "Della" conveyed her appreciation for the information conveyed this evening. Sylvia Chapman thanked EDC and EBCLC for their proactive work on TOPA, anti-displacement, and preserving affordable housing. Omowale Fowles commented on the Board stipend adjustment item.

Items 8.d. and 8.e. were heard at the start of the action calendar and voted on together. Items 8.f., 8.g., 8.h., and 8.i. were heard and voted on together.

a. Discussion and possible action to adopt Resolution 22-12 revising Resolution 14-16 to increase Commissioners' monthly stipend and to adjust this stipend on January 1 of each year beginning in 2023 in an amount based on the Consumer Price Index (Budget & Personnel Committee and Executive Director)

M/S/C (Kelley/Laverde) INCREASE THE BOARD'S MONTHLY STIPEND FROM $500 TO $1,384.10 BEGINNING IN JULY 2022. Roll call vote. YES: Chang, Johnson, Kelley, Laverde, Mendonca, Walker, Selawsky, Simon-Weisberg; NO: Alpert; ABSTAIN: None; ABSENT: None. Carried: 8-1-0-0.

b. Discussion and possible action to adopt Resolution 22-12 revising Resolution 14-16 to include a technology stipend for Commissioners every four years beginning July 1, 2022 and to adjust this stipend on a four-year cycle in an amount based on the Consumer Price Index (Budget & Personnel Committee and Executive Director)

M/S/C (Chang/Simon-Weisberg) ADOPT RESOLUTION 22-12 AS AMENDED BY AN EARLIER VOTE OF THE BOARD TO REVISE THE BOARD'S MONTHLY STIPEND AMOUNT FROM $500 TO $1,384.10 WITH ANNUAL CPI INCREASES STARTING ON JANUARY 1, 2023. Roll call vote. YES: Chang, Johnson, Kelley, Selawsky, Walker, Simon-Weisberg; NO: Alpert; ABSTAIN: Laverde, Mendonca; ABSENT: None. Carried: 6-1-2-0.

c. Recommendation to adopt Resolution 22-13 approving the Rent Board's Fiscal Year (FY) 2022-2023 Line-Item Budget, Staffing Model and Maximum Expenditure Level, following a presentation by staff (Budget & Personnel Committee and Executive Director)

Following a presentation by Lief Bursell, the Board took the following action:

M/S/C (Selawsky/Laverde) ADOPT RESOLUTION 22-13 AS WRITTEN. Roll call vote. YES: Chang, Johnson, Kelley, Laverde, Mendonca, Walker, Selawsky, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Alpert.
Carried: 8-0-0-1.

d. Following a presentation by the Eviction Defense Center:
Recommendation to adopt Resolution 22-14 authorizing the Executive Director to modify the contract with the Eviction Defense Center by extending the term through June 30, 2023, and increasing the contract by an amount not to exceed $435,500 for FY 2022-2023 (Eviction/Section 8/Foreclosure Committee and Executive Director) – ***Items 8.d. and 8.e. were heard and voted on together at the start of the action calendar.***

Following presentations by Anne Omura of EDC and Meghan Gordon of EBCLC, the Board took the following action:

M/S/C (Laverde/Mendonca) ADOPT RESOLUTIONS 22-14 AND 22-15 AS WRITTEN. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None; RECUSED: Selawsky*. Carried: 8-0-0-0-1.

*Commissioner Selawsky recused himself because his son works for EDC.

e. Following a presentation by the East Bay Community Law Center:
Recommendation to adopt Resolution 22-15 authorizing the Executive Director to modify the contract with the East Bay Community Law Center by extending the term through June 30, 2023, and increasing the contract by an amount not to exceed $432,500 for FY 2022-2023 (Eviction/Section 8/Foreclosure Committee and Executive Director) – ***Items 8.d. and 8.e. were heard and voted on together at the start of the action calendar. See vote under item 8.d.***

f. Recommendation to adopt Resolution 22-16 authorizing the Executive Director to modify the contract with Brian Augusta & Associates for legislative advocacy services by extending the term through June 30, 2023, and increasing the contract by an amount not to exceed $60,000 for FY 2022-2023 (Executive Director) – ***Items 8.f., 8.g., 8.h., and 8.i. were heard and voted on together.***

M/S/C (Johnson/Chang) ADOPT RESOLUTIONS 22-16, 22-17, 22-18, AND 22-19 AS WRITTEN. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Walker, Selawsky, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

g. Recommendation to adopt Resolution 22-17 authorizing the Executive Director to modify the contract with Berkeley Community Media to capture and telecast all Board meetings by extending the term through June 30, 2023, and increasing the contract by an amount not to exceed $22,000 for FY 2022-2023 (Executive Director) – ***Items 8.f., 8.g., 8.h., and 8.i. were heard and voted on together. See vote under item 8.f.***

h. Recommendation to adopt Resolution 22-18 authorizing the Executive Director to modify the contract with QuickCaption, Inc. for remote closed captioning of all televised Board meetings and informational webinars by extending the term through June 30, 2023, and increasing the contract by an amount not to exceed $8,000 for FY 2022-2023 (Executive Director) – ***Items 8.f., 8.g., 8.h., and 8.i. were heard and voted on together. See vote under item 8.f.***

i. Recommendation to adopt Resolution 22-19 authorizing the Executive Director to increase the purchase order with ACRO Services Corporation for a total amount not to exceed $30,000 to allow for full-time temporary support of the Registration Unit during the registration period from May 30, 2022, through August 31, 2022 (Budget & Personnel Committee and Executive Director) – ***Items 8.f., 8.g., 8.h., and 8.i. were heard and voted on together. See vote under item 8.f.***

j. Recommendation to adopt Resolution 22-20 adjusting General Counsel Matt Brown's salary according to the terms of his existing employment agreement (Chair Simon-Weisberg & Vice Chair Alpert)

M/S/C (Chang/Kelley) ADOPT RESOLUTION 22-20 AS WRITTEN. Roll call vote. YES: Chang, Johnson, Kelley, Laverde, Mendonca, Walker, Selawsky, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Alpert.
Carried: 8-0-0-1.

After the motion on Resolution 22-20 was made, but before the vote, the following was stated for the record:

A motion has been made and seconded regarding the modification of an existing employment agreement with Matt Brown, General Counsel of the Berkeley Rent Stabilization Board, by adopting Resolution 22-20.

Pursuant to Government Code 54953(c), a summary of compensation must be orally reported prior to taking final action. The proposed modification adjusts the General Counsel's monthly salary of $19,021.58 to $19,592.21 effective during the pay cycle beginning in July of 2022 when the salary increase for the Staff Attorney III city classification is implemented. This salary adjustment is made pursuant to Paragraph 3 of Mr. Brown's existing employment agreement, which articulates the parties' intent to maintain his salary at least 15% above that of a Staff Attorney III. All other terms of the employment agreement will remain the same. A copy of the amendment to the employment agreement will be made

available once all the parties have signed the agreement.

9. INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA
from Board Members, Committees, Executive Director or Staff

THE CHAIR PROPOSED MOVING THE ITEMS BELOW TO THE NEXT MEETING WITHOUT OBJECTION.

a. Update on the annual registration process for fully-covered units and Measure MM units for FY 2022-2023 – *Verbal* (Executive Director)

b. April 28, 2022 Owner Move-in Eviction Tracking Report (January 2019 - December 2021) (Eviction/Section 8/Foreclosure Committee & Executive Director)

c. Rent Board's participation in the 35th Annual Berkeley Juneteenth Festival on Sunday, June 19th from 11:00 a.m. to 7:00 p.m. – *Verbal* (Executive Director)

d. Update on the Rent Board's presentation at the May 20, 2022 "Rent Stabilization: Lessons Learned from Implementing Rent Stabilization Policies" webinar (Minneapolis/St. Paul) from 9:00 a.m. - 11:00 a.m. Pacific Time – *Verbal* (General Counsel)

e. Date to submit agenda topics/items for June's regular Rent Board meeting: **Monday**, **July 11th at 5:00 p.m.** NOTE: This is a hard deadline and will be enforced.

10. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

THE CHAIR PROPOSED MOVING THE ITEMS BELOW TO THE NEXT MEETING WITHOUT OBJECTION.

a. Budget and Personnel Committee (Commissioner Chang, Chair)
Next regularly-scheduled meeting: Monday, Sept. 12th at 5:30 p.m.

June 6th agenda

b. Eviction/Section 8/Foreclosure Committee (Commissioner Mendonca, Chair)
Next regularly-scheduled meeting: Thursday, June 23rd at 5:30 p.m.

c. Legislation, IRA/AGA & Registration Committee (LIRA Committee)
(Commissioner Kelley, Chair)
Next regularly-scheduled meeting: TBA

d. Outreach Committee (Commissioner Laverde, Chair)
Next regularly-scheduled meeting: Wednesday, June 15th at 5:15 p.m.

June 15th agenda

e. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Chair TBA)
Regularly-scheduled meeting date: TBA

f. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board (Mayor Arreguín and Chair Simon-Weisberg, Committee Co-Chairs)
Next regularly-scheduled meeting: Monday, June 22nd at 3:00 p.m.

g. Ad Hoc Committee on Rent Board Technology Issues (Commissioner Selawsky, Chair)
Next meeting date: TBA

June 6th agenda

h. Ad Hoc Committee on the Status of Virtual Meetings (Chair TBA)
Next meeting date: TBA

i. Updates and Announcements

j. Discussion of items for possible placement on future agenda

11. CLOSED SESSION: Public Employee Evaluation of Performance pursuant to California Government Code Section 54957(b)(1).

Title: Executive Director

The Chair announced the Board would be convening in closed session pursuant to California Government Code Section 54957(b)(1) to discuss public employee evaluation and performance for the Executive Director.

Upon return to open session, the Chair announced the Board took no reportable action

12. ADJOURNMENT

M/S/C (Kelley/Johnson) ADJOURN THE MEETING. Roll call vote. YES: Chang, Johnson, Kelley, Laverde, Mendonca, Walker, Selawsky, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Alpert. Carried: 8-0-0-1.

The meeting adjourned at 1:04 a.m.

Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: July 21, 2022

TO: Honorable Members of the Rent Stabilization Board

FROM: DeSeana Williams, Executive Director

BY: Amanda Eberhart, Registration Unit Manager

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
	66 MENLO	RAQUEL BOURNHONESQUE	300.00		300.00
	2116 ROOSEVELT	JOSHUA HARRIS	750.00		750.00
	2398 BANCROFT WAY	WESLEY HOUSE BERKELY LLC	4,800.00		4,800.00
	1411 SPRUCE	NANA SHIOMI	300.00	300.00	
	2958 HILLEGASS	DAT VU	300.00	150.00	150.00
	2313 6TH STREET	ROSANNE BOTHA	300.00	300.00	
	1437 VIRGINIA	KEVIN LEUNG	300.00	150.00	150.00
	1767 EUCLID #6	JOSEPH SHIRAN	300.00	150.00	150.00
	2022 EMERSON	JOYCE GORDON	300.00	150.00	150.00
	2530 DWIGHT	JOHN CORERIS	1,200.00	600.00	600.00
	2112 MCKINLEY #C	GNP INVESTMENTS	300.00	150.00	150.00
	1620 MILVIA ST	RICHARD COLTON	500.00	250.00	250.00
	1717 BLAKE	SWEE AL HADITHY	2,000.00		2,000.00
	1641 ALLSTON WAY	MEHDI SHABANI	1,000.00		1,000.00
	2711 FOREST AVE	KAREN SHARPE	500.00		500.00
	1323 SANTA FE	DONNA YAMAGATA	300.00	300.00	
	2422 BONAR	FATHI SAID	600.00	300.00	300.00
	1221 CURTIS	BETTY ISABELLE	300.00	150.00	150.00
	1523 PRINCE ST	DEBORAH JOHNSON	600.00	300.00	300.00
	1921 HARMON	RICHARD ZEVALLOS	500.00		500.00
	367 VASSAR	JEAN RADAKOVICH	3,000.00	150.00	150.00
	2326 LE CONTE	DARWIN GLOABAL LIMITED LLC	300.00	300.00	
	2215 MARIN AVE	WILLIAM	300.00	300.00	

		HELLENDALE			
	3205 CALIFORNIA ST	TAYCON PROPERTIES	3,000.00		3,000.00
	1659 JULIA	JULIA XU	2,000.00		2,000.00
	2325 ROOSEVELT	BEN AND AMELIA NARDINELL	840.00		840.00
	2218 ASHBY AVE	TEMMX LLC	672.00		672.00
	1916 CEDAR	LAURA BATISTICH	500.00		500.00
	1614 FRANCISCO	ADLAI LEIBY	600.00	600.00	
	2335 RUSSELL	RUSSELL ST BERKELEY LLC	500.00	500.00	
	2636 WARRING ST	LESLIE HASSETT	300.00	150.00	150.00
	2724 GARBER	LUGO FAMILY TRUST	300.00	300.00	
	2711 CALIFORNIA	ANDREW REDFERN	600.00	300.00	300.00
	1919A RUSSELL	B MCKEE	231.00		231.00
	2734 MILVIA	ROBIN ROOM	450.00		450.00
	1009 KEITH	JIAN SHAO	300.00	150.00	150.00
	2021 HEARST	HEIDI CHOW	300.00	150.00	150.00
TOTAL			**$26943**	**$6,150**	**$20,793**

Financial Impact: Ministerial Waivers

Approval of Executive Director's recommendations will decrease the Board's current accounts receivable by **$6,150.00.**

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
W5031	3025 DEAKIN	SAVVY PROPERTIES	300.00	300.00	
W5032	2112 VIRGINIA	FENG LIN	1,500.00		1,500.00
W5033	2721 CHANNING	S&T FRATERNITY MANAGEMENT	3,420.00	1,710.00	1,710.00

W5034	1240 ORDWAY	MARIO ANICAMA	300.00	300.00	
W5035	1203 SHATTUCK #B	LINDA KOHN	500.00	500.00	
W5036	1655 BELVEDERE	THE ALLADIN TRUST	500.00	500.00	
W5037	1204 EVELYN AVE	PAULINE WALLACE	500.00	500.00	
W5038	2383 VIRGINIA ST	DAVID KORMAN	1,428.00	1,428.00	
W5039	2204 MCGEE	ASSU ZVIK	1,000.00	1,000.00	
W5040	2644 DWIGHT	SQUARE ONE MANAGEMENT	462.00	462.00	
W5041	1612 PARKER	FERY SHALILEH	3,500.00		3,500.00
W5042	1636 MLK JR WAY	JUDY HAN	2,750.00	2,750.00	
W5043	1780 SPRUCE	JUDY HAN	5,000.00	5,000.00	
W5044	2501 HILGARD	SNOW WHITE PROPERTIES	2,000.00		2,000.00
W5045	2733, 2727 & 2729 STUART	ILIANA MONTUAK	750.00	750.00	
W5046	1602 ASHBY	LEONG MING	1,500.00	1,500.00	
W5047	1449 CEDAR	RITA SHUSTER	300.00	300.00	
W5048	1350 ACTON	GEORGE HONGELL	500.00	500.00	
TOTAL			**$26,210**	**$17,000**	**$9,210**

Financial Impact: Discretionary Waivers

Approval of Executive Director's recommendations will decrease the Board's current accounts receivable by **$17,000**.

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: W5031	**Property address:** 3025 DEAKIN ST BERKELEY	**Transfered:** 01/01/1900
Exempt units (as of February 2021): None		
Owner(s): undefined KRASZULYAK, M &	**Waiver filed by:** PROPERTY MANAGER	**# of Units:** 1
Other Berkeley rental property owned: 1939 FRANCISCO ST BERKELEY CA 94709, 2714 ALCATRAZ AVE BERKELEY CA 94705, 2211 HASTE ST BERKELEY CA 94704, 2209 HASTE ST BERKELEY CA 94704, 2220 HASTE ST BERKELEY CA 94704, 2222 HASTE ST BERKELEY CA 94704, 2309 PRINCE ST BERKELEY CA 94705, 2307 PRINCE ST BERKELEY CA 94705, 3025 DEAKIN ST BERKELEY CA 94705, 2332 CHANNING WAY BERKELEY CA 94704, 2333 CHANNING WAY BERKELEY CA 94704, 2033 HEARST AVE, BERKELEY, CA 94709		

Late payment/penalty history: In the last 5 fiscal years, this property has not paid late.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
-	-	-	-	-	-	-
Totals (penalties previously assessed)				**$0.00**	**$0.00**	**$0.00**

Penalties Currently Under Consideration

Reason for Penalties: The Measure MM check was accidently mailed to the Finance Department

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2021-22	1	$0.00	-	$300.00	$0.00	$300.00
			Totals	**$300.00**	**$0.00**	**$300.00**

Grounds under Regulation 884(B): (12) The property is on the inventory of potentially hazardous soft story buildings, as defined in the Soft Story Ordinance (Berkeley Municipal Code Chapter 19.39), but the landlord is not in compliance with that ordinance. For the purposes of this Regulation, compliance with the Soft Story Ordinance means that the landlord has notified tenants and posted a notice as required by B.M.C. section 19.39.060, and submitted an Initial Screening and seismic engineering evaluation report as required by B.M.C. section 19.39.070, by the applicable deadline under B.M.C. section 19.39.090

Good cause claimed by owner: Initial check was mailed to the wrong department in error.

Recommendation: Staff recommends waiving the penalty fees.

Staff Analysis: The property owner made a good faith attempt to pay the Measure MM fees on time.

Unfortunately, the check was sent to the Berkeley Finance Department and cashed. By the time Rent Board Staff located the misapplied check, penalty fees had already been applied to the account.

RECEIVED

MAR 24 2022

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/

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 3025 Deakin Street

Owner: Savvy Properties L.P.

Date of acquisition, if new owner: _____

Name & relationship of person filing request, if not owner: Erica Cortez, Leasing Consultant at Savvy Properties

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.

Please see attached letter.

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

Date: 03/24/2022 **Signature:** Erica Cortez

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: leasing@savvyproperties.com

Mailing Address: 2333 Channing Way, Ste. 34, Berkeley, CA 94704

Phone Number: 510-845-7997 Fax Number: _____

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

Savvy
Property Management

03/24/2022

Dear Rent Board,

We are writing to request a full waiver of the penalties applied for the property at 3025 Deakin Street regarding late payment of the Measure MM fee.

Firstly, we sincerely apologize for not paying the Measure MM fee by the July 1 deadline and want you to know that we never intended to be late on this payment. Unfortunately, our office did not receive the initial bill for 3025 Deakin Street with the bills for our other properties. We are a small company that manages several properties in the City of Berkeley under Measure MM. For each of these other units, the payment requested was submitted on time with the relevant forms.

Additionally, our staff has been impacted by COVID-19 and is severely short staffed. We received the notice on February 28, 2022 indicating the charge was past due. Once we were informed of our oversight, we immediately sent $150 by mail for this fee, and the check was cashed March 2, 2022.

However, we did realize some errors in review of the past due bill that we received. 3025 Deakin Street is a single-family home and is stated as such on the registration forms submitted to the Rent Stabilization Program. However, this property was billed as two units. We tried to reach to Berkeley Rent Stabilization office several times by phone and left voicemails regarding the incorrect amount billed to have it corrected. Ultimately, these attempts failed, and we were only able to receive a corrected bill by appearing in person at the Rent Stabilization office on March 8, 2022.

In addressing the bill errors, the staff also indicated that they had still not received the $150 payment that we had sent in February, but we discovered that our payment submitted for the Measure MM fee was instead cashed by the Finance Treasury in error on March 2, 2022.

The Rent Board staff suspected that the payment was misapplied by the Finance department to some unknown charge or credited, not knowing that it was intended as a payment for Measure MM, although Measure MM was indicated in the memo. This situation is currently being addressed between the Finance department and the Rent Board staff. We now understand part of this mistake was that our check should have been sent directly to the Rent Stabilization office. However, none of our other Measure MM payments that were sent to the Finance department to our knowledge had any issues being properly applied. Therefore, it was an honest mistake by our staff and by no means an intention to delay the process further, and this is not expected to happen again.

Given these issues and our sincere attempts to ensure this payment is received, we humbly request the late penalties for this property be waived. We again apologize profusely as it was in no way our intention to pay late or cause any issues that would delay the receiving of our payment. We hope the issue can be resolved as soon as possible.

Sincerely,

Erica Cortez

Erica Cortez
Leasing Consultant
Savvy Properties
2333 Channing Way, Ste. 34
Berkeley, CA 94704
510-845-7997
CalDRE#01523343

City Of Berkeley
Rent Stabilization Board

Recommendation on Requested Waiver of Registration Penalties

Waiver No: **W5032**	**Property address:** 2112 VIRGINIA ST	**Transfered:** 05/17/2019
Exempt units (as of February 2021): Unit # 4 - OOCC - Tenant, Unit # 3 - OOCC - Owner		
Owner(s): FENG LIN	**Waiver filed by:** OWNER	**# of Units:** 4
Other Berkeley rental property owned: None		

Late payment/penalty history: In fiscal year 18/19, this property owner paid registration fees late and was granted an administrative waiver.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
-	-	-	-	-	-	-
Totals (penalties previously assessed)				**$0.00**	**$0.00**	**$0.00**

Penalties Currently Under Consideration

Reason for Penalties: Late Last 5 years

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2021-22	4	$750.00	03/22/2022	$1,500.00	$0.00	$1,500.00
Totals				**$1,500.00**	**$0.00**	**$1,500.00**

Grounds under Regulation 884(B): (10) The landlord has paid late each year for the prior five years

Good cause claimed by owner: Property owner claims they mailed a check for the 21/22 registration fees that was never cashed.

Recommendation: Staff recommends denying the penalty waiver.

Staff Analysis: This property owner has previously paid registration fees late once in the last 5 fiscal years and was granted an administrative waiver. For fiscal year 21/22 the property owner claims to have sent a check for 21/22 registration fees that was never cashed. The property owner did not provide a copy of the check or any back up detail to show the check remained uncashed until March 2022 when they received the second penalty notice.

RECEIVED

MAR 22 2022

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/

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 2112 Virginia St, Berkeley CA 94709

Owner: Feng Lin

Date of acquisition, if new owner: 5/17/2019

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.

Hi, I mailed out a check for 2021/2022 registration in June 2021 (check #142). However I just realized that the check has never been cashed when I recieved a letter to set up online account for my property, and I saw on the page that there's an outstanding balance of $2250. Is there any way the penalties can be waived since this is the first time. This is my only property and the penalty amount is kind of a lot for me especially with the past two years ~~beigh~~ being tough. Thank you so much!

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

Date: 3/21/2022 **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: 2112virginiast@gmail.com

Mailing Address: 2112 Virginia St #3, Berkeley CA 94709

Phone Number: 510-599-2163 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: W5033	**Property address:** 2721 CHANNING WAY	**Transfered:** 03/01/1979

Exempt units (as of February 2021):

Unit # 11 - SUMMER - Tenant,
Unit # 9 - SUMMER - Tenant,
Unit # 2A - SUMMER - Tenant,
Unit # 4 - SUMMER - Tenant,
Unit # 1B - SUMMER - Tenant,
Unit # 13 - SUMMER - Tenant,
Unit # 15 - SUMMER - Tenant,
Unit # 12 - SUMMER - Tenant,
Unit # 6 - SUMMER - Tenant,
Unit # 8 - SUMMER - Tenant,
Unit # 10 - SUMMER - Tenant,
Unit # 3 - SUMMER - Tenant,
Unit # 14 - SUMMER - Tenant,
Unit # 7 - SUMMER - Tenant,
Unit # A - SUMMER - Tenant,
Unit # 1A - SUMMER - Tenant,
Unit # B - SUMMER - Tenant,
Unit # 5 - SUMMER - Tenant

Owner(s): undefined ABRACADABRA	**Waiver filed by:** PROPERTY MANAGER	**# of Units:** 18

Other Berkeley rental property owned: None

Late payment/penalty history: In the last 5 fiscal years, the property owner has not paid registration fees late.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
-	-	-	-	-	-	-
Totals (penalties previously assessed)				**$0.00**	**$0.00**	**$0.00**

Penalties Currently Under Consideration

Reason for Penalties: Soft Story

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2021-22	18	$1,260.00	03/04/2022	$2,160.00	$0.00	$2,160.00
Totals				**$2,160.00**	**$0.00**	**$2,160.00**

2125 Milvia Street, Berkeley, California 94704
TEL: (510) 981-7368 (981-RENT), TDD: (510) 981-6903, FAX: (510) 981-4910
E-MAIL: rent@cityofberkeley.info, INTERNET: www.cityofberkeley.info/rent/

Grounds under Regulation 884(B): (12) The property is on the inventory of potentially hazardous soft story buildings, as defined in the Soft Story Ordinance (Berkeley Municipal Code Chapter 19.39), but the landlord is not in compliance with that ordinance. For the purposes of this Regulation, compliance with the Soft Story Ordinance means that the landlord has notified tenants and posted a notice as required by B.M.C. section 19.39.060, and submitted an Initial Screening and seismic engineering evaluation report as required by B.M.C. section 19.39.070, by the applicable deadline under B.M.C. section 19.39.090

Good cause claimed by owner: In June 2021 their Board had a lot of turnover. During the transition, the registration billing statement was lost.

Recommendation: Staff recommends waiving 50% of the penalties

Staff Analysis: This property is a non profit Fraternity, that has rented units consistently since 1989. In June 2021 the property manager notes that there was a lot of Board turnover and unfortunately the registration statement was lost during that transition. The new property management team made no attempts to reach out to RSB staff to be sent a new statement until penalty notices were sent in March 2022.

RECEIVED
MAR 04 2022
Initial: _____
Berkeley Rent Board

S&T Fraternity Management
P.O. Box 6688
Moraga, CA 94570-6688
925-217-7772

Smith & Taylor

March 2, 2022

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

FROM: S&T Fraternity Management Authorized Agent for
Abracadabra House Association

RE: Appeal on Penalties for RSB 2021-2022
Parcel # 05518690070 Billing Code JEFKUE

Our client, the Abracadabra House Association, is a non-profit corporation that owns the above referenced fraternity house at 2721 Channing Way.

The Board Corporation consists of alumni volunteers. In June of last year the Board had turnover and contracted with our company to assist them in managing the property for the fraternity. During the transition of management, the invoice for their 2021-2022 RSB fees was lost. The invoice was just recovered and the original amount due is enclosed with check # 0012.

We request elimination or a significant reduction in the $3,420 penalties assessed due to the board transition amid Covid challenges. $3,420 is a major expense for this non-profit corporation that their operating budget can ill afford.

Thank you for your consideration of this appeal and for updating the mailing address for all COB billing to PO Box 6688, Moraga, CA 94570.

Going forward, we will ensure that we pay the COB fees on their behalf on a timely basis.

Diana Smith

Diana Smith for Abracadabra House Association

City Of Berkeley
Rent Stabilization Board

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5034	**Property address:** 1240 ORDWAY ST	**Transfered:** 01/01/1900
Exempt units (as of February 2021): None		
Owner(s): MARIO ANICAMA	**Waiver filed by:** OWNER	**# of Units:** 1
Other Berkeley rental property owned: 1240 ORDWAY ST BERKELEY CA 94706		

Late payment/penalty history: In the last 5 fiscal years, this property owner has not paid registration fees late.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
-	-	-	-	-	-	-
Totals (penalties previously assessed)				**$0.00**	**$0.00**	**$0.00**

Penalties Currently Under Consideration

Reason for Penalties: Illness

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2021-22	1	$150.00	02/17/2022	$300.00	$0.00	$300.00
Totals				**$300.00**	**$0.00**	**$300.00**

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 property owner was undergoing cancer treatment.

Recommendation: Staff recommends waiving the penalties.

Staff Analysis: Property owner was undergoing cancer treatment and had a number of significant health issues during the 21/22 registration season.

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
MAR 02 2022
Initial: _____
Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 1240 Ordway - Berkeley - Ca

Owner: MARIO Anicama

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 am very sorry I didnt pay the Berkeley registration due, BUT this was bcause of my poor Health.
iN First place I got Kidney Cancer surgery while I was Treat it for Spinal problems and Mononeuropathy which is very painful, I im sending the result, which this kind of sickness it is very Hard for me to Remember and Keep Track of things

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

Date: 2/28/22 **Signature:** Mario Anicama

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: _____

Mailing Address: 993 Kilkenny Way - Pinole - Ca 94564

Phone Number: (510) 724-7660 or cell (510) 621-8815 Fax Number: _____

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

Enclosing Hospital Result

[redacted] [redacted]

MRI lumbar spine with and without contrast

Status: Final result

JMH PACS images

(Link Unavailable) Show images for MRI lumbar spine with and without contrast

Study Result

Narrative

MRI LUMBAR SPINE W WO CONTRAST: [redacted] 8:45 AM

HISTORY: G57.93: Unspecified mononeuropathy of bilateral lower limbs

COMPARISON: None.

TECHNIQUE: MRI of the lumbar spine was performed before and after the intravenous administration of contrast. 7.5 cc of Gadavist were administered. 0 cc of Gadavist was discarded.

FINDINGS:
Five lumbar type vertebral bodies. Lumbar lordosis is normal. There is 6 mm anterolisthesis of L4 on L5.

The T12 vertebral body demonstrates approximately 20% height loss. The L1 vertebral body demonstrates approximately 20% height loss. The L2 vertebral [redacted]

[redacted] [redacted]

L5-S1: Broad-based disc bulge. Moderate facet arthropathy. No significant canal narrowing. The disc bulge and facet arthropathy cause mild right and moderate left neural foraminal narrowing.

The conus medullaris terminates at the level of L1 and demonstrates normal signal.

Impression

1. Chronic compression fractures at T12-L4.

2. Degenerative disc disease at L2-L3 through L5-S1.

3. Facet arthropathy at L3-L4 through L5-S1, severe at L4-L5.

[redacted] [redacted] [redacted]

Date collected: 01/08/2021 1519 Local

TESTS	RESULT	FLAG	UNITS	REFERENCE INTERVAL	LAB
BUN/Creatinine Ratio	23			10-24	
Sodium	140		mmol/L	134-144	01
Potassium	4.2		mmol/L	3.5-5.2	01
Chloride	105		mmol/L	96-106	01
Carbon Dioxide, Total	24		mmol/L	20-29	01
Calcium	9.4		mg/dL	8.6-10.2	01
Protein, Total	7.1		g/dL	6.0-8.5	01
Albumin	4.3		g/dL	3.7-4.7	01
Globulin, Total	2.8		g/dL	1.5-4.5	
A/G Ratio	1.5			1.2-2.2	
Bilirubin, Total	0.7		mg/dL	0.0-1.2	01
Alkaline Phosphatase	89		IU/L	39-117	01
AST (SGOT)	25		IU/L	0-40	01
ALT (SGPT)	18		IU/L	0-44	01
Sjogren's Ab, Anti-SS-A/-SS-B					
Sjogren's Anti-SS-A	<0.2		AI	0.0-0.9	01
Sjogren's Anti-SS-B	<0.2		AI	0.0-0.9	01
TSH	0.986		uIU/mL	0.450-4.500	01
Rheumatoid Arthritis Factor					
RA Latex Turbid.	<10.0		IU/mL	0.0-13.9	01
Anti-CCP Ab, IgG + IgA (RDL) A	<20		Units	<20	02
			Negative:	<20	
			Weak Positive:	20 - 39	
			Moderate Positive:	40 - 59	
			Strong Positive:	>59	
Anti-Jo-1 Ab (RDL)	<20		Units	<20	02
			Negative:	<20	
			Weak Positive:	20 - 39	
			Moderate Positive:	40 - 80	
			Strong Positive:	>80	
Uric Acid	4.3		mg/dL	3.8-8.4	01
	Therapeutic target for gout patients: <6.0				
	Please note reference interval change				
Antinuclear Antibodies Direct					
ANA Direct	**Positive Abnormal**			Negative	01
Sedimentation Rate-Westergren	16		mm/hr	0-30	01
C-Reactive Protein, Quant	2		mg/L	0-10	01

Blood Bacteria

Blood Bacteria

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LabCorp

Patient Report

[redacted]

Patient Details
[redacted]
Gender: M
Patient ID:

Specimen Details
Date collected: 01/08/2021 1519 Local
Date received: 01/08/2021
Date entered: 01/08/2021
Date reported: 01/16/2021 0910 ET

[redacted]

General Comments & Additional Information
Total Volume: Not Provided

Fasting: No

No appt pending

Ordered Items
CBC With Differential/Platelet; Comp. Metabolic Panel (14); Sjogren® Ab, Anti-SS-A/-SS-B; TSH; Rheumatoid Arthritis Factor; Anti-CCP Ab, IgG + IgA (RDL); Anti-Jo-1 Ab (RDL); Uric Acid; Antinuclear Antibodies Direct; Sedimentation Rate-Westergren; C-Reactive Protein, Quant; Venipuncture

TESTS	RESULT	FLAG	UNITS	REFERENCE INTERVAL	LAB
CBC With Differential/Platelet					
WBC	5.9		x10E3/uL	3.4-10.8	01
RBC	5.29		x10E6/uL	4.14-5.80	01
Hemoglobin	15.5		g/dL	13.0-17.7	01
Hematocrit	45.2		%	37.5-51.0	01
MCV	85		fL	79-97	01
MCH	29.3		pg	26.6-33.0	01
MCHC	34.3		g/dL	31.5-35.7	01
RDW	13.4		%	11.6-15.4	01
Platelets	173		x10E3/uL	150-450	01
Neutrophils	63		%	Not Estab.	01
Lymphs	26		%	Not Estab.	01
Monocytes	9		%	Not Estab.	01
Eos	2		%	Not Estab.	01
Basos	0		%	Not Estab.	01
Neutrophils (Absolute)	3.7		x10E3/uL	1.4-7.0	01
Lymphs (Absolute)	1.5		x10E3/uL	0.7-3.1	01
Monocytes(Absolute)	0.5		x10E3/uL	0.1-0.9	01
Eos (Absolute)	0.1		x10E3/uL	0.0-0.4	01
Baso (Absolute)	0.0		x10E3/uL	0.0-0.2	01
Immature Granulocytes	0		%	Not Estab.	01
Immature Grans (Abs)	0.0		x10E3/uL	0.0-0.1	01
Comp. Metabolic Panel (14)					
Glucose	91		mg/dL	65-99	01
BUN	19		mg/dL	8-27	01
Creatinine	0.81		mg/dL	0.76-1.27	01
eGFR If NonAfricn Am	84		mL/min/1.73	>59	
eGFR If Africn Am	97		mL/min/1.73	>59	

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City Of Berkeley
Rent Stabilization Board

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5035	**Property address:** 1203 SHATTUCK AVE	**Transfered:** 01/01/1979
Exempt units (as of February 2021): Unit # 1203 SHATTUCK AVE BERKELEY CA 94709 - OOCC - Owner		
Owner(s): LINDA KOHN	**Waiver filed by:** OWNER	**# of Units:** 2
Other Berkeley rental property owned: None		

Late payment/penalty history: In fiscal year 19/20, this property owner paid the registration fee late and also received a 100% penalty waiver for this fiscal year.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
-	-	-	-	-	-	-
Totals (penalties previously assessed)				**$0.00**	**$0.00**	**$0.00**

Penalties Currently Under Consideration

Reason for Penalties: Illness

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2021-22	2	$250.00	03/14/2022	$500.00	$0.00	$500.00
			Totals	**$500.00**	**$0.00**	**$500.00**

Grounds under Regulation 884(B): (12) The property is on the inventory of potentially hazardous soft story buildings, as defined in the Soft Story Ordinance (Berkeley Municipal Code Chapter 19.39), but the landlord is not in compliance with that ordinance. For the purposes of this Regulation, compliance with the Soft Story Ordinance means that the landlord has notified tenants and posted a notice as required by B.M.C. section 19.39.060, and submitted an Initial Screening and seismic engineering evaluation report as required by B.M.C. section 19.39.070, by the applicable deadline under B.M.C. section 19.39.090

Good cause claimed by owner: Property owner has two illness during the 21/22 registration season.

Recommendation: Staff recommends waiving the penalty fees.

Staff Analysis: Property owner paid the FY 19/20 registration fees late and also received a 100% administrative waiver for FY 19/20. During the 21/22 registration season, the property owner is claiming illness unfortunately, no supporting documentation was provided to RSB staff. Staff recommends waiving 100% of the penalty fee.

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MAR 14 2022

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/

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2 APN: 060245503700

Property Address: 1203 SHATTUCK AVE B. 94709

Owner: LINDA KOHN

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.

DUE TO ME HAVING BEEN SICK TWICE DURING THIS PERIOD, I FELL BEHIND IN KEEPING ORDER IN MY PAPERS AND THE ORIGINAL WAS FILED AS PAID. I HEREBY REQUEST A WAIVER FOR THE $500.- PENALTY DUE TO MY HEALTH ISSUES AND MY AGE (89 YRS.)

THANK YOU
Linda H. Kohn

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

Date: 3-10-2022 **Signature:** Linda H. Kohn

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: DANEGULD@GMAIL.COM

Mailing Address: 1442A WALNUT ST. # 391

Phone Number: 510-717-4908 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: W5036	**Property address:** 1655 BELVEDERE AVE	**Transfered:** 05/17/2018
Exempt units (as of February 2021): Unit # NA - OOCC - Tenant		
Owner(s): THE ALLADIN TRUST	**Waiver filed by:** OWNER	**# of Units:** 2
Other Berkeley rental property owned: 1653 BELVEDERE AVE BERKELEY CA 94702		

Late payment/penalty history: In the last five fiscal years, this property owner has not paid the registration fee late.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
-	-	-	-	-	-	-
Totals (penalties previously assessed)				**$0.00**	**$0.00**	**$0.00**

Penalties Currently Under Consideration

Reason for Penalties: Soft Story

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2021-22	2	$25.00	02/24/2022	$500.00	$0.00	$500.00
Totals				**$500.00**	**$0.00**	**$500.00**

Grounds under Regulation 884(B): (12) The property is on the inventory of potentially hazardous soft story buildings, as defined in the Soft Story Ordinance (Berkeley Municipal Code Chapter 19.39), but the landlord is not in compliance with that ordinance. For the purposes of this Regulation, compliance with the Soft Story Ordinance means that the landlord has notified tenants and posted a notice as required by B.M.C. section 19.39.060, and submitted an Initial Screening and seismic engineering evaluation report as required by B.M.C. section 19.39.070, by the applicable deadline under B.M.C. section 19.39.090

Good cause claimed by owner: Property owner submitted a good faith payment in June 2021. Unfortunately, the check was returned for insufficient funds.

Recommendation: Staff recommends waiving the penalty fees.

Staff Analysis: In the last five fiscal years, this property owner has not paid the registration fee late. For the FY 21/22 Registration season, the property owner sent a good faith payment in June 2021. Unfortunately, the check was returned for insufficient funds. When the penalty notices were sent in February 2022, the owner paid the outstanding fee, and the insufficient funds fee.

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RENT STABILIZATION PROGRAM
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FEB 24 2022
Initial: _____
Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 1655 Belvedere Avenue Berkeley CA 94702

Owner: Murtuza Alladin (The Alladin Trust)

Date of acquisition, if new owner: 2018

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.

Hello - I am requesting a waiver of the penalties assessed for late payment as a result of a returned check. It was a complete oversight on my part for not paying attention to my bank statement and noticing that the $250 check bounced. I have come in personally paid the $250 plus $28 NSF. I will ensure this does not happen again.

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

Date: 2/22/2022 **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: ali.alladin@gmail.com

Mailing Address: 1655 Belvedere Avenue Berkeley CA 94702

Phone Number: 415-830-7938 **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: W5037	**Property address:** 1204 EVELYN AVE	**Transfered:** 04/09/2014
Exempt units (as of February 2021): Unit # NA - OOCC - Owner		
Owner(s): PAULINE WALLACE	**Waiver filed by:** OWNER	**# of Units:** 2
Other Berkeley rental property owned: None		

Late payment/penalty history: Property owner paid the FY 19/20 registration fees late and also received a 100% administrative waiver for FY 19/20.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
-	-	-	-	-	-	-
Totals (penalties previously assessed)				**$0.00**	**$0.00**	**$0.00**

Penalties Currently Under Consideration

Reason for Penalties: Soft Story

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2021-22	2	$250.00	03/21/2022	$500.00	$0.00	$500.00
Totals				**$500.00**	**$0.00**	**$500.00**

Grounds under Regulation 884(B): (12) The property is on the inventory of potentially hazardous soft story buildings, as defined in the Soft Story Ordinance (Berkeley Municipal Code Chapter 19.39), but the landlord is not in compliance with that ordinance. For the purposes of this Regulation, compliance with the Soft Story Ordinance means that the landlord has notified tenants and posted a notice as required by B.M.C. section 19.39.060, and submitted an Initial Screening and seismic engineering evaluation report as required by B.M.C. section 19.39.070, by the applicable deadline under B.M.C. section 19.39.090

Good cause claimed by owner: During the FY 21/22 Registration season, this property owner experienced a number of hardships.

Recommendation: Staff recommends waiving the penalties.

Staff Analysis: This property owner paid the FY 19/20 registration fees late and also received a 100% administrative waiver for FY 19/20. During the 21/22 registration season, the property owner had a number of hardships that ranged from loss of hours due to COVID to death of family members.

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MAR 21 2022

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/

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 1204 Evelyn Ave, Berkeley, CA 94706

Owner: Pauline Wallace

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 am experiencing financial difficulties due to reduced hours at my work due to the impact of Covid-19 and the lockdown. In addition I had to take care of my cousin who had heart failure and eventually passed away last year. This not only has an emotional impact on me but also has severe financial repercussions. I ask you to understand that I cannot pay the 100% penalty's for rental registration. Between my cousins hospital bills, funeral expenses and home expenses I ask you not to take action to recover the debt I owe you.

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

Date: 3/16/22 **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: paulinewallaceuk@gmail.com

Mailing Address: 1093 East 42nd Street, Brooklyn, New York 11210

Phone Number: 516-425-3725 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: W5038	**Property address:** 2383 VIRGINIA ST	**Transfered:** 01/01/1900
Exempt units (as of February 2021): Unit # NA - OOCC - Tenant		
Owner(s): DAVID KORMAN	**Waiver filed by:** OWNER	**# of Units:** 7
Other Berkeley rental property owned: None		

Late payment/penalty history: In the last 5 fiscal years, this property owner has not paid any registration fees late.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
-	-	-	-	-	-	-
			Totals (penalties previously assessed)	**$0.00**	**$0.00**	**$0.00**

Penalties Currently Under Consideration

Reason for Penalties: Soft Story

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2021-22	7	$0.00	03/01/2022	$1,428.00	$0.00	$0.00
			Totals	**$1,428.00**	**$0.00**	**$0.00**

Grounds under Regulation 884(B): None

Good cause claimed by owner: The owner worked with the previous Registration and PIU supervisors to exempt 3 of his units. During their transition, this paperwork must have been lost.

Recommendation: Staff recommends waiving 100% of the penalty fee.

Staff Analysis: For fiscal year 21/22, the owner was charged $1500 for six 6 units. While reviewing the property file and waiver statement, this owner referenced working with the previous Registration and PIU supervisors to correctly identify 3 of his units that should have been exempt. Unfortunately, there isn't any complete hard copy evidence to support this. The current Reg and PIU supervisors found partial information confirming his exempt units. Also, the owner did make a partial payment for 21/22 registration fees on time.

W5039

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MAR 07 2022
Initial: _____
Berkeley Rent Board

LETTER OF BILLING APPEAL

5 Mar. 2022

To: City of Berkeley Rent Stab. Program

Atention: Nathan Dahl, Moni Laud, Allison Prietto

From: David Korman, Property Owner Billing Code KORWIL
7-Units at 2383 Virginia st, Berkeley

RE: Appeal Plea for review of recent bill for overdue registration fees, fines and penalties believed to be erroneously levied.

Dear Staff:

Having spoken to Mr. Dahl and Ms. Laud recently about my alarm at this sudden bill, a copy of which is enclosed, I received on or around Feb 15, 2022 for allegedly past registration fees in arrears. I just wish to re-iterate that my fees payment for 2021-22 was vetted and approved by Ms Prietto who granted an exemption deduction for overpaid dues in 2020 for vacant units that I paid dues for but remained vacant for all of 2020-21.

My last interaction on this matter was I believe in June of 2021, over 6 months ago, and I assumed this was a settled matter. I hitherto did not receive any other correspondence from your office notifying me of a problem or of past due charges, which obviously denied me any opportunity to remedy any issues in a timely manner.

I request that File notes and payment history be reviewed to adjudicate this matter.

Let it be known that although I wish to challenge these fines and fees, I have, in good faith and to preempt any further sanctions, sent payment of this current bill in the amount of $2.178.00 via check #459 USPS mail Feb 20, 2022.

Please advise me as to further actions requested to facilitate a resolution and refund or credit.

Thank You,

David Korman
510-393-8879
davekorman@gmail,com

City Of Berkeley
Rent Stabilization Board

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5039	**Property address:** 2204 MCGEE AVE BERKELEY	**Transfered:** 12/28/2001
Exempt units (as of February 2021): None		
Owner(s): ASSAF ZVIK	**Waiver filed by:** OWNER	**# of Units:** 2
Other Berkeley rental property owned: None		

Late payment/penalty history: In the last 5 years, this property owner has not made any late registration payments.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
-	-	-	-	-	-	-
Totals (penalties previously assessed)				**$0.00**	**$0.00**	**$0.00**

Penalties Currently Under Consideration

Reason for Penalties: Soft Story

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2021-22	2	$500.00	04/11/2022	$1,000.00	$0.00	$1,000.00
Totals				**$1,000.00**	**$0.00**	**$1,000.00**

Grounds under Regulation 884(B): (12) The property is on the inventory of potentially hazardous soft story buildings, as defined in the Soft Story Ordinance (Berkeley Municipal Code Chapter 19.39), but the landlord is not in compliance with that ordinance. For the purposes of this Regulation, compliance with the Soft Story Ordinance means that the landlord has notified tenants and posted a notice as required by B.M.C. section 19.39.060, and submitted an Initial Screening and seismic engineering evaluation report as required by B.M.C. section 19.39.070, by the applicable deadline under B.M.C. section 19.39.090

Good cause claimed by owner: During the owners divorce proceedings, the 21/22 registration fees were to be paid by his wife. After the divorce settlement, the owner reached out to RSB staff to confirm payment registration fees and found out the account was past due.

Recommendation: Staff recommends waiving the penalties.

Staff Analysis: Unfortunately, during the 21/22 registration season the property owner went through a divorce. During that time, registration fees were to be paid by the owners wife. After the divorce settlement, the property owner was informed by RSB staff the 21/22 registration fees had not been paid

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APR 11 2022

Initial: _____
Berkeley Rent Board

Dear Rent Board Members,

My name is Assi Zvik.

I am writing regarding the property 2204 - 2206 McGee.

There has been an oversight of paying rent board fees.

During my divorce proceedings my wife took over managing this property and assured me she would pay all bills and fees.

However, after my divorce settlement I have now taken custody of this property.

I am asking for forgiveness due to divorce proceedings of the extra fine I have been assessed approximately $1000.00.

And I would like to pay the orginal $500 fees and close the matter as soon as possible.

Thanks

Assi Zvik.

ASSAF ZVIK
4317 SANTA RITA RD
EL SOBRANTE, CA 94803

2204 MCGEE AVE
BERKELEY, CA 94703

Received On	Description	Check Number	Receipt Amount	Receipt No
04/11/2022	CK #4002: 21/22 REG FEE $500	4002	$500.00	00001940

If not cash payment, attach check below

2125 Milvia Street, Berkeley, California 94704
TEL: (510) 981-7368 (981-RENT), TDD: (510) 981-6903, FAX: (510) 981-4910
EMAIL: rent@cityofberkeley.info, INTERNET: www.cityofberkeley.info/rent/

City Of Berkeley
Rent Stabilization Board

Recommendation on Requested Waiver of Registration Penalties

Waiver No: **W5040**	**Property address:** 2644 DWIGHT WAY	**Transfered:** 03/14/2019
Exempt units (as of February 2021): Unit # 18 - FREE - Tenant, Unit # 7 - FREE - Tenant		
Owner(s): SIDHARDHA LAKIREDDY	**Waiver filed by:** PROPERTY MANAGER	**# of Units:** 27
Other Berkeley rental property owned: None		

Late payment/penalty history: In the last 5 fiscal years, the property owner has not made any late registration payments.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
-	-	-	-	-	-	-
Totals (penalties previously assessed)				**$0.00**	**$0.00**	**$0.00**

Penalties Currently Under Consideration

Reason for Penalties: Soft Story

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2021-22	26	-	04/05/2022	$462.00	$0.00	$462.00
Totals				**$462.00**	**$0.00**	**$462.00**

Grounds under Regulation 884(B): (12) The property is on the inventory of potentially hazardous soft story buildings, as defined in the Soft Story Ordinance (Berkeley Municipal Code Chapter 19.39), but the landlord is not in compliance with that ordinance. For the purposes of this Regulation, compliance with the Soft Story Ordinance means that the landlord has notified tenants and posted a notice as required by B.M.C. section 19.39.060, and submitted an Initial Screening and seismic engineering evaluation report as required by B.M.C. section 19.39.070, by the applicable deadline under B.M.C. section 19.39.090

Good cause claimed by owner: This unit was previously exempt and occupied by a family member. When the family member moved out, the property owner made a mistake in when the pro-rated fees were due.

Recommendation: Staff recommends waiving the penalties.

Staff Analysis: For the 21/22 registration season, this property had an exempt unit that a family member had occupied for 14 years. When that family member moved out in August of 2021, the unit was charged

prorated fees. Unfortunately, the unit had been exempt for so long the property owner made a mistake in the due date of the pro rated fees

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APR 13 2022
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/

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 2644 Dwight Way Berkeley, CA 94704

Owner: Dr. Vikram Lakireddy MD & Sidhardha Lakireddy

Date of acquisition, if new owner: Sometime in 2002

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.

Registration has consistently been paid in timely fashion since acquisition of the property. In this particular case, a family member had been living in unit 7 at the property for more than 14 years and hence it was expempt as there was no rent or compensation collected for the unit. This family member vacated the unit in late August of 2021, after registration fees were due (June 30th), so registration fee was for this particular unit was not paid. And frankly it did not occur to anyone that a registration fee was now due until cor by rent board staff approximately 1 week ago. Once contacted the registration fee and penalty were promptly paid. It was an honest oversight on one unit

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

Date: 04/08/2022 **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: accounting@squareonemanagement.com

Mailing Address: 2040 Bancroft Way #301 Berkeley, CA 94704

Phone Number: 510-900-5209 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: **W5041**	**Property address:** 1612 PARKER ST BERKELEY	**Transfered:** 11/18/1994
Exempt units (as of February 2021): Unit # B - NAR - Tenant, Unit # D - FREE - Tenant		
Owner(s): FERY SHALILEH	**Waiver filed by:** OWNER	**# of Units:** 8
Other Berkeley rental property owned: None		

Late payment/penalty history: This property owner has paid registration fees late in fiscal years 20/21 and 21/22.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
-	-	-	-	-	-	-
Totals (penalties previously assessed)				**$0.00**	**$0.00**	**$0.00**

Penalties Currently Under Consideration

Reason for Penalties: Late Last 5 years

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2021-22	8	$0.00	-	$3,500.00	$0.00	$3,500.00
Totals				**$3,500.00**	**$0.00**	**$3,500.00**

Grounds under Regulation 884(B): (10) The landlord has paid late each year for the prior five years

Good cause claimed by owner: Owner states health issues and check was sent but lost in the mail.

Recommendation: Staff recommends denying the penalty waiver.

Staff Analysis: In the last 5 fiscal years this property owner has paid the the 20/21 and the 21/22 registration fees late. The account remained outstanding until the 22/23 cycle when the property owner paid the outstanding registration fees. For the 21/22 registration season, the property owner claims to have sent the payment but it was lost in the mail. The owner is also claiming to have health issues during the 21/22 registration cycle that prevented them from paying. However, the property owner did not submit any documentation to the Rent Board verify their health issues. Also, in doing a deeper look into this properties account. This property will routinely miss two or three registration cycles at a time then make a payment to bring the account current. This property also has been granted waivers and a settlements in previous fiscal years to remove penalties as well.

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JUN 23 2022

Initial: _____
Berkeley Rent Board

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CITY OF BERKELEY
RENT STABILIZATION PROGRAM
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WEB: https://rentboard.berkeleyca.gov

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 1612 PARKER

Owner: FERY SHALILEH

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 the circumstances 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 SENT THE CHECK APARENTLY GOT COST IN THE MAIL. DUE TO MY HEALT ISSUES LIKE THIS HAPPENED. PLEASE, REMOVE THESE PENALTIES.

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

Date: 6-23-22 **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: feryshal@comcast.net

Mailing Address: 2598 Sacramento St. Berkeley CA 94702

Phone Number: 510-220-0267 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: W5042	**Property address:** 1636 MLK JR WAY BERKELEY	**Transfered:** 08/04/1995
Exempt units (as of February 2021): None		
Owner(s): PEGGY HAN ET AL c/o JUDY	**Waiver filed by:** OWNER	**# of Units:** 14
Other Berkeley rental property owned: None		

Late payment/penalty history: In the last 5 fiscal years, this property owner paid registration fees late in the 17/18 registration cycle.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
-	-	-	-	-	-	-
Totals (penalties previously assessed)				**$0.00**	**$0.00**	**$0.00**

Penalties Currently Under Consideration

Reason for Penalties: Illness

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2020-21	14	$3,500.00	04/28/2021	$2,750.00	$0.00	$2,750.00
			Totals	**$2,750.00**	**$0.00**	**$2,750.00**

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 property owner's husband was diagnosed with Cancer during the 20/21 registration season. As his primary caretaker, she missed the registration deadline.

Recommendation: Staff recommends waiving the penalties.

Staff Analysis: This property owner is elderly. During the 20/21 registration season, this property owner's husband was diagnosed with Cancer. As his primary caretaker she missed the deadline to pay registration fees.

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BERKELEY RENT BOARD
RCVD 2022 JUN 10 AM 10:28

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 1636 MLK JR. WAY

Owner: Judy HAN

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.

In May of 2020 my husband was diagnosed with cancer and during this time I was consumed with his health and care. I am a senior citizen and have always paid on time in the past. Due to my Age I was also unable to pay on-line.

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

Date: 6/10/2022 **Signature:** Judy Han

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: _____

Mailing Address: P.O. Box 5079 / Richmond, CA 94805

Phone Number: 510-502-5592 Fax Number: _____

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City Of Berkeley
Rent Stabilization Board

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5043	**Property address:** 1780 SPRUCE ST BERKELEY	**Transfered:** 09/23/1987
Exempt units (as of February 2021): None		
Owner(s): JUDY HAN	**Waiver filed by:** OWNER	**# of Units:** 14
Other Berkeley rental property owned: None		

Late payment/penalty history: In the last five five fiscal years, this property owner paid the 17/18 registration fees late.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
-	-	-	-	-	-	-
Totals (penalties previously assessed)				**$0.00**	**$0.00**	**$0.00**

Penalties Currently Under Consideration

Reason for Penalties: Illness

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2020-21	14	$3,500.00	04/28/2021	$5,000.00	$0.00	$5,000.00
Totals				**$5,000.00**	**$0.00**	**$5,000.00**

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: In the 20/21 registration season this property owner's husband was diagnosed with Cancer. As his primary caretaker, she missed the registration deadline.

Recommendation: Staff recommends waiving the penalties.

Staff Analysis: This property owner is elderly. During the 20/21 registration season, this property owner's husband was diagnosed with Cancer. As his primary caretaker she missed the deadline to pay registration fees.

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2022 JUN 22 AM 10:28

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 1780 Spruce St.

Owner: Judy Han

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.

In May 2020 my husband was diagnosed with cancer and during this time I was consumed with his health and care. I am a senior citizen and have always paid on time in the past. Due to my age I was also unable to pay on-line.

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

Date: 6/10/2022 **Signature:** Judy Han

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: _____

Mailing Address: P. O. Box 5079 / Richmond, CA 94805

Phone Number: 510-502-5592 Fax Number: _____

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City Of Berkeley
Rent Stabilization Board

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5044	**Property address:** 2501 HILGARD AVE	**Transfered:** 04/05/2017
Exempt units (as of February 2021): None		
Owner(s): ZHEN LI	**Waiver filed by:** PROPERTY MANAGER	**# of Units:** 4
Other Berkeley rental property owned: 2503 HILGARD AVE BERKELEY CA 94709, 2507 HILGARD AVE BERKELEY CA 94709, 2505 HILGARD AVE BERKELEY CA 94709		

Late payment/penalty history: In the last 5 fiscal years, this property has paid the registration fees late four out of the 5 years.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
-	-	-	-	-	-	-
Totals (penalties previously assessed)				**$0.00**	**$0.00**	**$0.00**

Penalties Currently Under Consideration

Reason for Penalties: Late Last 5 years

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2021-22	4	$1,000.00	02/25/2022	$2,000.00	$0.00	$2,000.00
Totals				**$2,000.00**	**$0.00**	**$2,000.00**

Grounds under Regulation 884(B): (10) The landlord has paid late each year for the prior five years

Good cause claimed by owner: Former property management staff either left the country or was under COVID quarantine and did not collect the registration fee.

Recommendation: Staff recommends denying the penalty waiver.

Staff Analysis: In the last 5 fiscal years, this property has paid the registration fees late 4 of the 5 years. The property has been granted both administrative and COVID waivers in those last 5 years. For the 21/22 registration season, the former property manager is stating the former property manager left the country or was was under COVID quarantine and did not collect the registration fees

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Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 2501 HILGARD AVE BERKELEY CA 94709

Owner: SNOW WHITE PROPERTIES LLC

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 the circumstances 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 always My Agent who took care of the property. I guess it was during that time. My Agent went back to China, And forgot to collect the files. or maybe covid quarantin ~~She~~ My Agent ~~didn't~~ come to collect the mail.
NOW I decided to take care of the property myself. I've already changed ~~my~~ the mail address. Phone. and email information as required. I will pay on time from this year.

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

Date: 6/17/2022 **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: linda1izhen0117@gmail.com

Mailing Address: 377 Lunada Dr, Los Altos CA 94022

Phone Number: (571) 776-9933 Fax Number: _____

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City Of Berkeley
Rent Stabilization Board

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5045	**Property address:** 2727 STUART ST BERKELEY	**Transfered:** 01/09/2018
Exempt units (as of February 2021): None		
Owner(s): MONTAUK FAMILY TRUST	**Waiver filed by:** OWNER	**# of Units:** 3
Other Berkeley rental property owned: 2729 STUART ST BERKELEY CA 94705, 2733 STUART ST BERKELEY CA 94705		

Late payment/penalty history: In fiscal year 18/19 this property owner paid the registration fee late and also was granted a 100% administrative waiver.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
-	-	-	-	-	-	-
Totals (penalties previously assessed)				**$0.00**	**$0.00**	**$0.00**

Penalties Currently Under Consideration

Reason for Penalties: Soft Story

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2021-22	3	$750.00	07/19/2021	$750.00	$0.00	$750.00
Totals				**$750.00**	**$0.00**	**$750.00**

Grounds under Regulation 884(B): (12) The property is on the inventory of potentially hazardous soft story buildings, as defined in the Soft Story Ordinance (Berkeley Municipal Code Chapter 19.39), but the landlord is not in compliance with that ordinance. For the purposes of this Regulation, compliance with the Soft Story Ordinance means that the landlord has notified tenants and posted a notice as required by B.M.C. section 19.39.060, and submitted an Initial Screening and seismic engineering evaluation report as required by B.M.C. section 19.39.070, by the applicable deadline under B.M.C. section 19.39.090

Good cause claimed by owner: The property owner did not earn any income between October 2020 and June 2021.

Recommendation: Staff recommends waiving the penalties.

Staff Analysis: In fiscal year 18/19 this property owner paid the registration fee late and also was granted a 100% administrative waiver. From October 2020 to June 2021, this property owner had not earned any income and was unable to pay the registration fees.

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WEB: https://www.cityofberkeley.info/rent/

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 2733 Stuart St., Berkeley (also 2727-29 Stuart)

Owner: Iliana and Lance Montauk

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 didn't earn any income from Oct 1, 2020 until June 2021. I apologize very much for having been late with this payment. I was so stressed that I fell behind with bills.

I sent this waiver in Oct 2021 but got a letter recently saying that my waiver was not on file so I am resubmitting it.

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

Date: 4/10/2022 **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: imontauk@gmail.com

Mailing Address: 3035 Bateman St., Berkeley, CA 94705

Phone Number: 510-847-1369 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: W5046	**Property address:** 1602 ASHBY AVE BERKELEY	**Transfered:** 07/29/2008
Exempt units (as of February 2021): Unit # NA - SEC8-V - Tenant		
Owner(s): LAAM LP c/o MING, HARRY	**Waiver filed by:** EXECUTOR OF ESTATE	**# of Units:** 4
Other Berkeley rental property owned: 3005 CALIFORNIA ST BERKELEY CA 94703, 3003 CALIFORNIA ST BERKELEY CA 94703, 3001 CALIFORNIA ST BERKELEY CA 94703		

Late payment/penalty history: This property owner paid the 17/18 and 19/20 registration fees late.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
-	-	-	-	-	-	-
Totals (penalties previously assessed)				**$0.00**	**$0.00**	**$0.00**

Penalties Currently Under Consideration

Reason for Penalties: Death

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2021-22	4	$750.00	04/04/2022	$1,500.00	$0.00	$1,500.00
Totals				**$1,500.00**	**$0.00**	**$1,500.00**

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 primary owner was experiencing severe health issue and sadly passed away in January 2022.

Recommendation: Staff recommends waiving the penalty fees.

Staff Analysis: This property owner paid the 17/18 and 19/20 registration fees late. Unfortunately, during the 21/22 registration season the property owner was experiencing severe health issue and ultimately passed away January 2022. Staff recommends waiving the penalty fees.

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Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 1602 Ashby Ave - 3001, 3003, 3005 California St. Berkeley CA 94703

Owner: Leong Ming / Harry Ming

Date of acquisition, if new owner: 2/16/2022 ?

Name & relationship of person filing request, if not owner: Executor of Estate

If, after reading the information on Page 2, you believe that you are entitled to a waiver of some or all of your late registration penalties, use the space below to explain why. Attach evidence, where possible, to document an extenuating circumstance that prevented timely payment, such as hospitalization or death in the family. It is your responsibility to convince the Board that your waiver should be granted, so state all facts and circumstances that support your case. **Please print or type clearly.** Attach an additional sheet of paper if needed.

This property ~~[illegible]~~ owner, Harry Ming, was unable to make payments, as a senior his health ~~was~~ and cognitive abilities were declining. He recently passed away, and I, Leong Ming was made executor of the estate. The registration fees were unknown to me until last week, and am requesting a waiver for late penalties.

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

Date: 4/1/2022 **Signature:** Leong Ming

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: 415lming@gmail.com

Mailing Address: 845 Vallejo st. San Francisco, CA 94133

Phone Number: (415) 297-1155 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: W5047	**Property address:** 1449 CEDAR ST BERKELEY	**Transfered:** 01/01/1900
Exempt units (as of February 2021): None		
Owner(s): RITA SHUSTER	**Waiver filed by:** OWNER	**# of Units:** 1
Other Berkeley rental property owned: 1449 CEDAR ST BERKELEY CA 94702		

Late payment/penalty history: In the last 5 fiscal years, the property owner has not paid any registration fees late.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
-	-	-	-	-	-	-
Totals (penalties previously assessed)				**$0.00**	**$0.00**	**$0.00**

Penalties Currently Under Consideration

Reason for Penalties: Illness

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2021-22	1	$150.00	04/27/2022	$300.00	$0.00	$300.00
Totals				**$300.00**	**$0.00**	**$300.00**

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: During the 21/22 registration season, the property owner was hospitalized and unable to pay the fees before the deadline.

Recommendation: Staff recommends waiving the penalty fees.

Staff Analysis: In the last five fiscal years, this property owner has not paid the registration fees late. This property owner is also an elderly woman. Unfortunately in the 21/22 registration season, the property owner was hospitalized due to a fall and unable to pay the registration fees on time.

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Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 1449 Cedar St Berkeley, CA

Owner: Rita Shuster

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.

See Attached

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

Date: 4/14/22 **Signature:** Rita Shuster

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: ribs707@gmail.com

Mailing Address: 943 Regal Rd, Berkeley, CA 94708

Phone Number: 510-295-3659 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: W5048	**Property address:** 1350 ACTON ST BERKELEY	**Transfered:** 10/28/2010
Exempt units (as of February 2021): Unit # C - NAR - Vacant, Unit # A - NAR - Vacant		
Owner(s): GEORGE HONGELL	**Waiver filed by:** OWNER	**# of Units:** 4
Other Berkeley rental property owned: None		

Late payment/penalty history: This property owner has paid registration fees late every year in the last 5 fiscal years.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
-	-	-	-	-	-	-
			Totals (penalties previously assessed)	**$0.00**	**$0.00**	**$0.00**

Penalties Currently Under Consideration

Reason for Penalties: Late Last 5 years

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2021-22	4	$500.00	07/08/2021	$500.00	$0.00	$500.00
			Totals	**$500.00**	**$0.00**	**$500.00**

Grounds under Regulation 884(B): (10) The landlord has paid late each year for the prior five years

Good cause claimed by owner: The owner misplaced the registration statement.

Recommendation: Staff recommends denying the penalty waiver.

Staff Analysis: This property owner has paid the registration fees late every year in the last five fiscal years. This property has also been grated various admin waivers over those 5 years. For the 21/22 registration season, the property owner lost the registration statement.

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Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 1350 ACTON ST.

Owner: George Hongell

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 misplaced the payment request.

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

Date: 4/28/22 **Signature:** George Hongell

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: ghongell18@gmail.com

Mailing Address: 824 Walker Ave, Oakland, Ca 94610

Phone Number: 510-763-7486 Fax Number: N/A

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

Rent Stabilization Board
Office of the Executive Director

M E M O R A N D U M

DATE: July 21, 2022

TO: Honorable Members of the Rent Stabilization Board

FROM: DeSeana Williams, Executive Director

SUBJECT: Proposed Resolution to establish a COVID-19 and one-time Administrative Correction Cycle amnesty period of 90 days for fully covered and Measure MM units to automatically waive penalties associated with late payment of Registration Fees for those landlords that were not able to pay the fees due to financial hardship associated with COVID-19 or the requirement of an administrative correction.

Recommendation:

That the Board adopt proposed Resolution 22-21 to authorize a COVID-19 and one-time administrative correction cycle amnesty period through September 30, 2022, for fully covered rental units and partially covered Measure MM units in which staff shall waive penalties for all rental units where a landlord failed to pay the Fiscal Year 2022/2023 Registration Fee by July 1, 2022, if the landlord alleges financial hardship associated with the COVID-19 pandemic or owns a property that staff has indicated requires an administrative correction.

Background and Need for Rent Stabilization Board Action:

The Rent Board is a Special Fund Department and collects most of its revenue from Registration Fees. Chapter 6 of the Rent Ordinance provides that "[t]he board shall finance its reasonable and necessary expenses by charging landlords annual registration fees in amounts deemed reasonable by the board."[1] Chapter 8 of the Rent Ordinance establishes the rules for the collection of annual Registration Fees. All fees are due on July 1 of each calendar year. If a fee is not paid on or

[1] Berkeley Municipal Code (BMC) Section 13.76.060N.

before July 1, it is declared delinquent and assessed a 100% penalty. Landlords can request that the Board waive all or part of the penalty upon showing good cause for late payment.[2]

Proposal for Amnesty

The Board adopted Resolution 20-14 in 2020, establishing an amnesty period for landlords affected by the COVID-19 pandemic who failed to pay their Registration Fees timely. The amnesty program was very successful that year and allowed staff to settle delinquent accounts for 310 rental units and collect over $75,000 in Registration Fees.[3] The COVID-19 proposal this year for fully and Partially (Measure MM) covered units mirrors the amnesty program that the Board adopted two years ago. This year, staff are also proposing an administrative correction cycle to allow Landlords and Registration Unit staff an opportunity to review any potential clerical errors associated with Landlord's accounts.

Given the impact of the continuing constraints that are still being felt by the public due to COVID-19, staff has continued to receive a number of communications from landlords expressing concerns that they would have trouble paying the Board's Registration Fee due to ongoing account concerns, vacancies and financial hardships of tenants.

Typically, the Board has forgiven the vast majority of penalties for landlords who fail to pay their Registration Fees on time under its two-tiered waiver process. The Board adopted Regulation 883 that allows staff to administratively waive penalties on delinquent accounts in accordance with a schedule that factors in how many times the landlord has paid late during the previous six years – the fewer times a landlord has paid late; the greater amount of penalty may be administratively waived. The elected Commissioners do not review these cases; Regulation 883 grants staff the authority to waive a certain amount of penalties based on the schedule. Landlords have until August 31 (60 days from the date the fee is due) to avail themselves of the administrative waiver process established by Regulation 883.

The second mechanism for landlords to apply for a waiver of penalties is to establish good cause for failure to pay the Registration Fee on time.[4] Landlords must apply to the Board for a discretionary waiver under the terms established by Regulation 884. The elected Commissioners review each case and determine whether to grant the landlord's request to waive all or part of the penalty.

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[2] BMC Section 13.76.080F.

[3] It is important to note that Registration Unit staff spends a significant amount of time on compliance efforts each year following the July 1st deadline, so not only did the amnesty period allow for the collection of important revenue for the agency, it also eased some of staff's burden as it relates to processing delinquent accounts.

[4] BMC Section 13.76.080F.

While the Rent Ordinance is a voter-adopted initiative, and the 100% penalty on delinquent accounts for Registration Fees is hard-coded in the Ordinance, Commissioners have regularly articulated that compliance is more important than imposing a punitive application of the law. For that reason, the Board generally waives most penalties when landlords apply for discretionary waivers.

The global pandemic and resulting widescale economic shutdown caused by the spread of the novel coronavirus COVID-19 has caused a number of unexpected account concerns and vacancies in rental property. Landlords have expressed to the elected Commissioners and staff alike that they are experiencing economic difficulties due to the vacancies. Moreover, it is safe to assume that landlords have similarly experienced other economic hardships associated with the pandemic and resultant shelter-in-place orders.

Berkeley's City Council granted tenants financially impacted by the global pandemic eviction relief through the COVID-19 Emergency Response Ordinance (BMC Section 13.110), initially adopted on March 17, 2020, and amended several times since. This and subsequent state legislation protect tenants from eviction for nonpayment of rent if the tenant was financially impacted by the shelter-in-place orders, had to care for dependents, or became ill due to COVID-19 during the local State of Emergency.

The proposed Regulation would allow landlords of fully covered units and Measure MM units an amnesty period to pay their Registration Fees if they failed to pay them by July 1, 2022. The amnesty period would extend to September 30, 2022 – all penalties for late payment of fees for Fiscal Year 2022/2023 would be waived.

In order to qualify for a waiver of penalties under the current proposal, landlords would have to declare under penalty of perjury that the reason they did not pay the Fiscal Year 2022/2023 Registration Fee by July 1, 2022, arose from any of the following financial impacts caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, including:

- A material decrease in household income caused by layoffs or a reduction in the number of compensable hours of work; or
- A material decrease in household income caused by caregiving responsibilities; or
- A material decrease in business income caused by a reduction in opening hours or consumer demand; or
- Material out-of-pocket medical expenses.

Staff is also asking the Board for an administrative correction cycle to review property accounts and make any necessary corrections. If a property has been identified as needing an administrative correction, the proposed Administrative Correction cycle will allow landlords of

fully covered and Measure MM units an amnesty period to pay their Registration Fees if they failed to pay them by July 1, 2022. The amnesty period would extend to September 30, 2022 – all penalties for late payment of fees for Fiscal Year 2022/2023 would be waived.

As it did last year, this proposal will grant relief to a number of landlords who have been financially affected by the COVID-19 pandemic and its resultant shelter-in-place orders from Registration Fee penalties hard-coded in the Rent Ordinance. Moreover, this proposal will

relieve staff and the Board from reviewing a number of waiver applications that would likely be granted. Therefore, this proposal also promotes administrative efficiency.

Conclusion

Landlords have been economically affected by the impacts of the COVID-19 pandemic, particularly as it relates to their ability to collect rents from tenants who may be unable to pay during this time. Furthermore, landlords' ability to effectively pay required fees has been hampered by the need to actively administratively correct property files during the open registration period.

To encourage landlords to comply with the Rent Ordinance's registration requirements and to recognize the economic and administrative impact of the current health crisis, the committee should recommend this proposal to allow landlords relief from penalties they would otherwise owe under the requirements of the ordinance. A COVID-19 and administrative correction cycle amnesty program will aid the agency's efforts to register more units and ensure we have the most reliable information in order to communicate with this community regarding the rights and responsibilities associated with the Rent Ordinance.

The Budget & Personnel Committee reviewed this proposal on July 12, 2022, and recommended that the Board adopt it.

Proposed Resolution 22-21 is attached.

Name and Telephone Number of Contact Person:

DéSeana Williams, Executive Director (510) 981-4949
Rent Stabilization Board

RESOLUTION 22-21

ESTABLISHING AN AMNESTY PERIOD TO WAIVE FISCAL YEAR 2022/2023 REGISTRATION FEE PENALTIES FOR LANDLORDS OF FULLY COVERED AND MEASURE MM UNITS WHO WERE FINANCIALLY IMPACTED BY COVID-19 OR REQUIRE AN ADMINISTRATIVE CORRECTION

BE IT RESOLVED by the Rent Stabilization Board of the City of Berkeley (the "Board") as follows:

WHEREAS, on April 21, 2022, the Board adopted the 2022/2023 Registration Fee of $250 for all fully covered units and $150 for almost all Measure MM units that are required to be registered; and

WHEREAS, it is hard-coded in the Rent Ordinance (Berkeley Municipal Code (BMC) Section 13.76.080F.) that the annual Registration Fee is due on July 1st of each calendar year, and there is a 100% penalty for failure to timely pay; and

WHEREAS, BMC Section 13.76.080F. gives the elected Commissioners authority to waive penalties associated with late payment of annual Registration Fees when landlords can show good cause for failure to timely pay; and

WHEREAS, in 1983 the Board adopted Rent Board Regulation 883 which grants Board staff the authority to administratively waive penalties based on a schedule that takes into account how many times the landlord has paid late over the previous six years if landlords pay the Registration Fee by August 31st of each year; and

WHEREAS, all landlords are still entitled to file a waiver application to the elected Board to have the Commissioners review and determine whether there was good cause for late payment of the Registration Fee; and

WHEREAS, the Board generally waives a majority of the Registration Fee penalties when reviewing discretionary waivers and has most often taken the position that encouraging compliance is more important than imposing statutory penalties; and

RESOLUTION 22-21

ESTABLISHING AN AMNESTY PERIOD TO WAIVE FISCAL YEAR 2022/2023 REGISTRATION FEE PENALTIES FOR LANDLORDS OF FULLY COVERED AND MEASURE MM UNITS WHO WERE FINANCIALLY IMPACTED BY COVID-19 OR REQUIRE AN ADMINISTRATIVE CORRECTION (Page 2)

WHEREAS, the global pandemic and resulting widescale economic shutdown caused by the spread of the novel coronavirus COVID-19 has caused a number of unexpected vacancies in rental property; and

WHEREAS, Landlords have expressed that they are experiencing economic difficulties due to the vacancies, and it is safe to assume that landlords have similarly experienced other economic hardships associated with the pandemic and resultant shelter-in-place orders; and

WHEREAS, Berkeley's City Council granted tenants relief through the COVID-19 Emergency Response Ordinance (BMC Section 13.110) which protects tenants from eviction for nonpayment of rent if the tenant has been financially impacted by the shelter-in-place orders, had to care for dependents, or became ill due to COVID-19 during the local State of Emergency; and

WHEREAS, a complete waiver of Fiscal Year 2022/2023 Registration Fee penalties shall be granted if landlords of fully controlled and Measure MM units pay the fee by September 30, 2022, and if they declare that under penalty of perjury that they have been financially impacted by the COVID-19 pandemic that may have impacted their business or household income or have had their property file designated as an Administrative Correction; and

WHEREAS, the Board will extend the waiver period established in Regulation 883 from August 31, 2022, to September 30, 2022, for fully controlled units and Measure MM units so that the deadline to pay Registration Fees and have penalties administratively waived is the same for both the amnesty period established this year and the long-standing administrative waiver procedures outlined in Regulation 883.

RESOLUTION 22-21

ESTABLISHING AN AMNESTY PERIOD TO WAIVE FISCAL YEAR 2022/2023 REGISTRATION FEE PENALTIES FOR LANDLORDS OF FULLY COVERED AND MEASURE MM UNITS WHO WERE FINANCIALLY IMPACTED BY COVID-19 OR REQUIRE AN ADMINISTRATIVE CORRECTION (Page 3)

NOW, THEREFORE, BE IT RESOLVED, the Board hereby establishes that Board staff may waive all penalties associated with late payment of the Fiscal Year 2022/2023 Registration Fee for fully controlled and Measure MM units under the following conditions:

1. Landlords must declare under penalty of perjury that the reason they did not pay the Fiscal Year 2022/2023 Registration Fee by July 1, 2022, arose from any of the following financial impacts caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, including:
   - A material decrease in household income caused by layoffs or a reduction in the number of compensable hours of work; or
   - A material decrease in household income caused by caregiving responsibilities; or
   - A material decrease in business income caused by a reduction in opening hours or consumer demand; or
   - Material out-of-pocket medical expenses.
2. For an Administrative Correction, Staff shall be granted the authority to waive the penalties upon a compliance and accuracy review of property accounts for fully covered and Measure MM units that require any necessary corrections.
3. Staff shall be granted the authority to waive the penalties upon receipt of the landlord's declaration under penalty of perjury of COVID-19 financial impact (the elected Board will not have to review these claims); and
4. Landlords must pay the Fiscal Year 2022/2023 Registration Fee by September 30, 2022, in order to avail themselves of the complete waiver established by this Resolution; and

RESOLUTION 22-21

ESTABLISHING AN AMNESTY PERIOD TO WAIVE FISCAL YEAR 2022/2023 REGISTRATION FEE PENALTIES FOR LANDLORDS OF FULLY COVERED AND MEASURE MM UNITS WHO WERE FINANCIALLY IMPACTED BY COVID-19 OR REQUIRE AN ADMINISTRATIVE CORRECTION (Page 4)

BE IT FURTHER RESOLVED, Landlords shall continue to have the option to have their Registration Fee penalties administratively waived pursuant to Rent Board Regulation 883 which establishes a schedule that takes into consideration how many times the landlord has paid late over the previous six years and has nothing to do with waiving penalties pursuant to a COVID-19 claim of financial impact or any other reason for late payment; and

BE IT FURTHER RESOLVED, that the Board hereby extends the timeframe for administrative waiver of Registration Fee penalties articulated in Rent Board Regulation 883 to September 30, 2022, for both fully controlled and Measure MM rental units (allowing for a 90-day waiver period rather than the 60-day waiver period established in the regulation).

BE IT FURTHER RESOLVED, that, other than extending the timeframe for waiver of penalties for the Fiscal Year 2022/2023 Registration Fee for all units that are required to be registered, Rent Board Regulation 883 shall operate as adopted.

Dated: July 21, 2022

Adopted by the Rent Stabilization Board of the City of Berkeley by the following vote:

YES:
NO:
ABSTAIN:
ABSENT:

_____
Leah Simon-Weisberg, Chairperson
Rent Stabilization Board

Attest: _____
DéSeana Williams, Executive Director

Rent Stabilization Board

DATE: July 21, 2022

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: DéSeana Williams, Executive Director
BY: Amanda Eberhart, Registration Unit Manager

SUBJECT: Year Over Year Comparison of Registration Fees Collected as of July 14, 2022

YEAR OVER YEAR Fee Collection Comparison - As of July 14, 2022			
Registration Year	**Fee Per Unit**	**Collected by July 14**	**Number of Properties For Penalty Billing (Approximate)**
2017/2018	$270	$5.12 million	456
2018/2019	$250	$4.64 million	512
2019/2020	$250	$4.72 million	444
2020/2021	$250	$4.61 million	438
2021/2022	$250	$4.62 million	445
2022/2023	$250	$4.88 million	1,180

2022/2023 ONLY – Current Outstanding balances:

Current year fees:	$879,472
Prior Year fees:	$195,295
Penalties:	$2,268,333.36 (includes 100% penalty on current/prior year fees)
Credits:	$(35,414.28)
TOTAL:	**$3,307,936.08**

Commissioner Attendance at Rent Stabilization Board Meetings Public
Through Q2 of 2022

2021	Soli ALPERT	James CHANG	Xavier JOHNSON	Andy KELLEY	Paola LAVERDE	Mari MENDONCA	John SELAWSKY	Leah SIMON-WEISBERG	Dominique WALKER
January 20	Present	Present	Present	Present	Present	Present	Present	Present	Present
February 17	Present	Present	Present	Present	Present	Present	Present	Present	Present
March 17	Present	Present	Present	Present	Present	Present	Present	Present	Present
April 11	Absent*	Present	Present	Present	Absent*	Present	Present	Present	Present
April 21	Present	Absent*	Present	Present	Present	Present	Present	Present	Present
May 19	Present	Present	Present	Present	Present	Present	Present	Present	Present
June 16	Present	Present	Present	Present	Present	Present	Present	Present	Present
July 21									
August 18									
September 15									
October 20									
November 17									
December 15									

***** = Absent ***with*** compensation ****** = Absent due to a medical reason ***Bold and italicized*** = Special Meeting

Public

Commissioner Attendance
Rent Stabilization Board COMMITTEE Meetings
January - March (Q1)

COMMITTEES	Soli ALPERT	James CHANG	Xavier JOHNSON	Andy KELLEY	Paola LAVERDE	Mari MENDONCA	John SELAWSKY	Leah SIMON-WEISBERG	Dominique WALKER
Budget & Personnel									
Tuesday, February 15, 20222		Present					Present	Present	Present
Tuesday, March 8, 2022		Present					Present	Present	Present
Tuesday, March 29, 2022		Present					Present	Present	Absent
Eviction / Section 8 / Foreclosure									
Thursday, March 24, 2022					Present	Present	Present		Absent
IRA / AGA / Registration									
Wednesday, January 12, 2022	Present		Present	Present				Present	
Wednesday, February 9, 2022	Present		Present	Present				Present	
Wednesday, March 9, 2022	Present		Present	Present				Present	
Outreach									
Wednesday, January 19, 2022		Present		Present	Present	Present			
Wednesday, February 16, 2022		Present		Present	Present	Present			
Wednesday, March 16, 2022		Presnet		Present	Present	Present			
4 x 4 Joint Committee on Housing (City Council/Rent Board)									
Tuesday, Janiary 11, 2022	Present		Present	Present				Present	
Wednesday, February 23, 2022	Present		Present	Present				Present	
2 x 2 Committee on Housing (BUSD/Rent Board)									
This Committee did not meet this quarter.									

Public

Commissioner Attendance
Rent Stabilization Board COMMITTEE Meetings
January - March (Q1)

COMMITTEES	Soli ALPERT	James CHANG	Xavier JOHNSON	Andy KELLEY	Paola LAVERDE	Mari MENDONCA	John SELAWSKY	Leah SIMON-WEISBERG	Dominique WALKER
Ad Hoc Committee on Technology Issues									
Monday, January 24, 2022							Present	Present	

^ = Meeting cancelled due to lack of a quorum

* = Absent with compensation

= Not a member of this Committee at this time

Public

Commissioner Attendance
Rent Stabilization Board COMMITTEE Meetings
April - June (Q2)

COMMITTEES	Soli ALPERT	James CHANG	Xavier JOHNSON	Andy KELLEY	Paola LAVERDE	Mari MENDONCA	John SELAWSKY	Leah SIMON-WEISBERG	Dominique WALKER
Budget & Personnel									
Tuesday, May 17, 2022		Present					Present	Present	Present
Monday, June 6, 2022		Present					Present	Present	Present
Eviction / Section 8 / Foreclosure									
Thursday, April 28, 2022					Present	Present	Present		Present
LIRA									
This Committee did not meet this quarter.									
Outreach									
Wednesday, April 20, 2022		Present		Present	Present	Present			
Wednesday, May 18, 2022		Present		Present	Present	Present			
Wednesday, June 15, 2022		Absent*		Present	Present	Present			
4 x 4 Joint Committee on Housing (City Council/Rent Board)									
Monday, April 18, 2022	Present		Absent	Present				Present	
Tuesday, May 3, 2022	Present		Present	Present				Present	
2 x 2 Committee on Housing (BUSD/Rent Board)									
This Committee did not meet this quarter.									
Ad Hoc Committee on Technology Issues									
Monday, June 6, 2022							Present	Present	

^ = Meeting cancelled due to lack of a quorum

* = Absent with compensation

= Not a member of this Committee at this time

Rent Stabilization Board

APPENDIX B

DATE: July 21, 2022

TO: Members of the Rent Stabilization Board, Program Staff and the Public

FROM: DéSeana Williams, Executive Director

SUBJECT: U. S. Bureau of Labor Statistics CPI Information

CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS (CPI-U)
SAN FRANCISCO-OAKLAND-SAN JOSE, ALL ITEMS LESS SHELTER 1982-84=100

NEW SCALE	JUNE
1979	73.2
1980	83.3
1981	89.7
1982	97.3
1983	99.7
1984	104.1
1985	107.6
1986	109.2
1987	111.1
1988	116.6
1989	122.8
1990	127.5
1991	133.3
1992	138.2
1993	142.1
1994	143.7
1995	147.6
1996	150.7
1997	153.5
1998	155.2
1999	158.8
2000	163.7

NEW SCALE	JUNE
2001	169.7
2002	169.1
2003	172.9
2004	178.4
2005	180.6
2006	190.0
2007	196.33
2008	207.473
2009	205.878
2010	211.081
2011	217.252
2012	221.915
2013	225.872
2014	230.971
2015	231.934
2016	233.095
2017	237.107
2018	244.644
2019	253.308
2020	255.063
2021	268.989

Rent Stabilization Board

APPENDIX C

DATE: July 21, 2022

TO: Rent Stabilization Board Commissioners, RSB Staff and the Public

FROM: DéSeana Williams, Executive Director

SUBJECT: HUD Lower Income Limits

Pursuant to Regulation 1274.5 (1)(b)(ii), the applicable household income limits which determine eligibility for a hardship phase-in are listed below:

Household Size	Income Limit
1 person	$74,200
2 people	$84,800
3 people	$95,400
4 people	$106,000
5 people	$114,500
6 people	$123,000
7 people	$131,450
8 people	$139,950

5/17

2125 Milvia Street, Berkeley, California 94704
TEL: (510) 981-7368 TDD: (510) 981-6903 FAX: (510) 981-4940
E-MAIL: rent@ci.berkeley.ca.us INTERNET: www.ci.berkeley.ca.us/rent/

tech, bias, and housing initiative

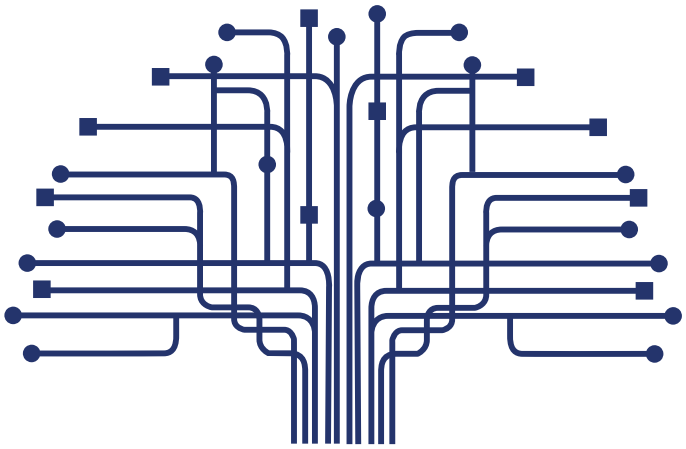
Sold to the Highest Bidder

How Tech is Cashing In on the American Dream

June 2022

TECHEQUITY COLLABORATIVE

To learn more about the Tech, Bias, and Housing Initiative go to housing.techbias.org



TECHEQUITY COLLABORATIVE

At TechEquity Collaborative, our mission is to mobilize tech workers and companies to advance structural change that addresses economic inequity at its roots.

We do this in three ways:

Education

We create educational spaces in which the tech community can deepen their understanding of structural inequities, the history behind them, and the solutions we can enact together.

Public Policy

We advocate for public policy that addresses structural inequity in our economy. We work on issues that have a nexus with tech and the economy, with a focus on housing and workforce & labor.

Corporate Practice

We research, develop, and promote equitable corporate practices that build equity and opportunity in the broader economy.

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Key Takeaways

- Private equity and venture capital-backed companies are buying up homes at a mass scale and renting them out to the very people whom they have priced out of the market. The top firms have bought and rented an estimated 300,000 single-family homes since the Great Recession as of 2019.[1]
- Tech is enabling this emerging class of corporate landlords, allowing them to rapidly scale by automating property management, home flipping, and other key aspects of the housing market.
- Venture-backed tech companies are capitalizing off increasingly desperate renters and would-be homeowners by offering largely unregulated products that purport to put people on a path to homeownership.
- The largest corporate landlords are buying and renting out homes concentrated in zip codes that average 40.2% Black, three times the national Black population of 13.4%.[2]
- **Recommendations:** Since the harms created by tech in this sector are inextricably linked with the rise of financialization in housing, many of the solutions involve establishing guardrails on corporate ownership. We need to:
  - Increase transparency and regulations on tech-enabled housing practices
  - Make renter data publicly available
  - Create common-sense regulations on the corporate rental and real estate market
  - Decommodify large swaths of our housing stock
  - Enact reparations to Black people to redress systemic harm.
- **Conclusion:** Tech-driven housing financialization is pushing homeownership further out of reach and widening wealth inequality fast—we need to move faster to create systemic solutions to the housing crisis.

Introduction

Behind the country's persistent housing crisis are corporate actors often invisible to the rest of us. For years, the public conversation about the increasingly unaffordable housing market has focused on stagnant wages, the rising cost of living, and the lack of supply. While true, all of these forces are in part fueled by the Wall Street gamble that housing could become the next great asset class for corporations and the world's ultrarich.

Buying a home is still a major source of wealth creation for everyday Americans, but that wealth increasingly goes to corporate entities and institutional investors instead of households looking for a pathway to intergenerational financial stability. Private equity and venture capital are entering the landlord profession, flipping portfolios of homes for profit, and providing "innovative" new home-buying services that escape the regulatory scrutiny that we expect for traditional homebuying products. The matter of who owns our homes affects everything from how quickly a repair is made, to the size of the racial wealth gap and the health of the global economy.

As private equity investors came to understand the value of America's housing stock as an asset class, they also realized the power of technology to optimize their returns. Algorithms and other software have been put to use to lower the cost of ownership and increase profit share—all at the expense of renters and homebuyers. Venture capital investors soon entered the fray, funding startups that champion business models that exacerbate the problem and take advantage of increasingly desperate renters and would-be homeowners.

Without deeper scrutiny and regulation, we will continue to see large investors putting homeownership further out of reach of families, using tech and "innovative" new business models to accelerate their scale, and creating disproportionate harm for the tenants whose stability they now control.

Corporate actors have long engaged in practices that extract wealth from Black communities and other communities of color—contracts for deed, predatory mortgages, redlining, the list goes on. That aspect of the commodification of the housing market is not new. What is new is the speed and scale that tech brings to these longstanding practices, accelerating housing injustices at a rate that is hard for communities and lawmakers to catch up.

Investors See Housing as an Asset, Not a Right

Housing has long been treated as a commodity. But the emergence and expansion of large investors entering the market and gobbling up single-family homes to convert them to an asset class that can be traded on is a relatively new and foreboding problem.

That raison d'être for homeownership—foremost as a way to put a roof over one's head and secondarily as a vehicle for wealth creation and financial stability for families—has been inverted in recent years. As low interest rates made borrowing money cheap, institutions with mass amounts of capital realized that buying up housing was an easy way to put that cash to work.

The emergence of institutional-backed home purchases is often called the "financialization of housing." A UN report expands on its definition as:

> "The expanding role and unprecedented dominance of financial markets and corporations in the housing sector is now generally referred to as the "financialization of housing"...[which] refers to structural changes in housing and financial markets and global investment whereby housing is treated as a commodity, a means of accumulating wealth and often **as security for financial instruments that are traded and sold on global markets.** It refers to the way capital investment in housing increasingly disconnects housing from its social function of providing a place to live in security and dignity and hence undermines the realization of housing as a human right. It refers to the way housing and financial markets are oblivious to people and communities, and the role housing plays in their well-being."
>
> (*Emphasis added*)

Corporate owners buy homes in order to store and expand global private capital. Appreciating land values, however, is a slow game. To make a quick buck, corporate owners are finding new ways to derive profit from home sales, further commodifying and financializing shelter.

Private Equity Uses Taxpayer Dollars to Enrich Themselves and Swallow Up Single-Family Housing

The roots of financialization of housing stock go back to the Great Recession. When financial institutions bundled individual mortgages into highly profitable mortgage-backed securities, private capital gained an entrée to the housing system and its then-untapped potential as an asset for corporate wealth creation.

Those bundles, however, were based on artificially and temporarily low mortgage rates. When the rates went up, those who purchased at the top of the market found they owed more than their home was worth. Unable to afford the payment on their adjustable-rate mortgages when interest rates skyrocketed, many were forced into foreclosure. Home values plummeted as homes consistently sold for less than they had just a few years prior.[3] The U.S. averaged 10,000 foreclosures a day in 2008, and 35 million evictions during the Great Recession.[4]

With so many abandoned homes and too few buyers, the Feds worried about the impact low vacancy rates would have on local communities. In February 2012, the Federal Housing Finance Agency (FHFA) announced a bulk sale pilot program called REO (Real Estate Owned)-to-Rental. This pilot allowed private equity to purchase the glut of foreclosed homes in hard-hit areas, marking a shift from individual and small investor sales to large investor owners.

The new investor owners were required to rent the properties out; suddenly, they became some of the largest landlords in the country.

FHFA intended for the REO-to-Rental pilot to rehabilitate the distressed single-family market. In its announcement, FHFA stated the program would stabilize communities by ensuring that purchasers had the "financial capacity and operational expertise to manage properties."[5] Investors claimed they would professionalize the landlord trade, bringing more rigor to a profession typically done by people with day jobs and a loose understanding of landlord-tenant law. Private capital could bring families back into vacant homes.

And so private equity firms, who played a central role in the foreclosure crisis by creating a mass market for financial securities backed by mortgage debts, stood to profit again when they scooped up foreclosed homes at bargain prices. Federal agencies subsidized the transfer of the housing stock to profit-maximizing entities on the shortsighted gamble that filling up vacant homes would ultimately be better for communities in the near term.

Corporate Landlords Scale Up and Buy Hundreds of Thousands of Homes

Private equity seized on the opportunity presented by the REO-to-Rental Pilot Initiative. Private equity firms including Blackstone, Colony Capital, Starwood Capital, and Tricon have bought and rented an estimated 300,000 single-family homes as of 2019.[6] Blackstone, one of the largest single-family rental operators, invested $8.9 billion to expand its housing portfolio.[7]

Rather than viewing the foreclosure crisis as a warning about the effects of allowing Wall Street to invest in housing as a financial commodity, the government laid the groundwork for an even more aggressive form of housing financialization.

Using Tech to Scale the Financialization of the Rental Market

Traditional real estate investors were not interested in the REO-to-Rental subsidy. The cost of managing thousands of single-family units in different states and regulatory environments didn't balance with the revenue potential, in their view. "How can you operate and create scale in that situation...I don't know how anybody can monitor thousands of houses," said one billionaire real estate investor in 2013.[8]

The scale of these investor owners' portfolios was too large to support one-to-one relationships between individual property managers and tenants. So they relied on a new suite of tech tools that automated management. Digital systems to screen applicants, accept payments, issue evictions, vet repair requests, and more all emerged in response to this new corporate ownership structure.

With new digital tools and thousands of data points, investor owners were now also able to use algorithms to optimize for profit. One investigation found that between 2016 and 2018, American Homes 4 Rent (one of the largest corporate landlords in the country) increased rents 11%, despite a 6% increase in the top 30 rental markets in the same period. The company owned 70% more units in 2018 than 2014, yet collected 150% more in rent.[9]

Tech's role in the expansion of corporate homebuying isn't limited to maximizing profit through property management. With proprietary data on what's happening in the outsized portions of the markets they control, private investors can also monitor markets at scale—checked against data that only they have (such as real-time rental payments for 10% of the local market).[10] Armed with large datasets shored up with private information, corporate actors can submit highly competitive bids on single-family homes.

Institutional landlord acquisition models use proprietary data "in combination with target yield and other investor specifications to identify desirable properties and generate prices. Such software allowed Single Family Rental (SFR) companies to scale-up portfolios rapidly and deploy capital to the right submarkets and neighborhoods."[11]

In 2013, Invitation Homes, the largest single-family rental operator in the US, bundled the rent debt of 3,207 homes and sold it for $500 million. It was private equity's first foray into securitizing our rents, or bundling individual debt into an asset that investors could buy. The rent securitization mirrored mortgage bundling that led to the foreclosure crisis. Moody's gave the Invitation Homes bond a AAA rating.

With the securitization of rent debt, Invitation Homes created a financial asset that could be traded and sold, in addition to the existing commodification that let private equity extract scalable revenue from increasing rents and fees.

"One fact is abundantly clear," remarked one analysis of this unprecedented sale, "with home prices up from the levels at which properties were bought and continuing to rise, institutional investors need to add moderate leverage to deliver attractive returns to their equity investors."[12]

That was in 2013. Home costs have risen 42% since then.[13]

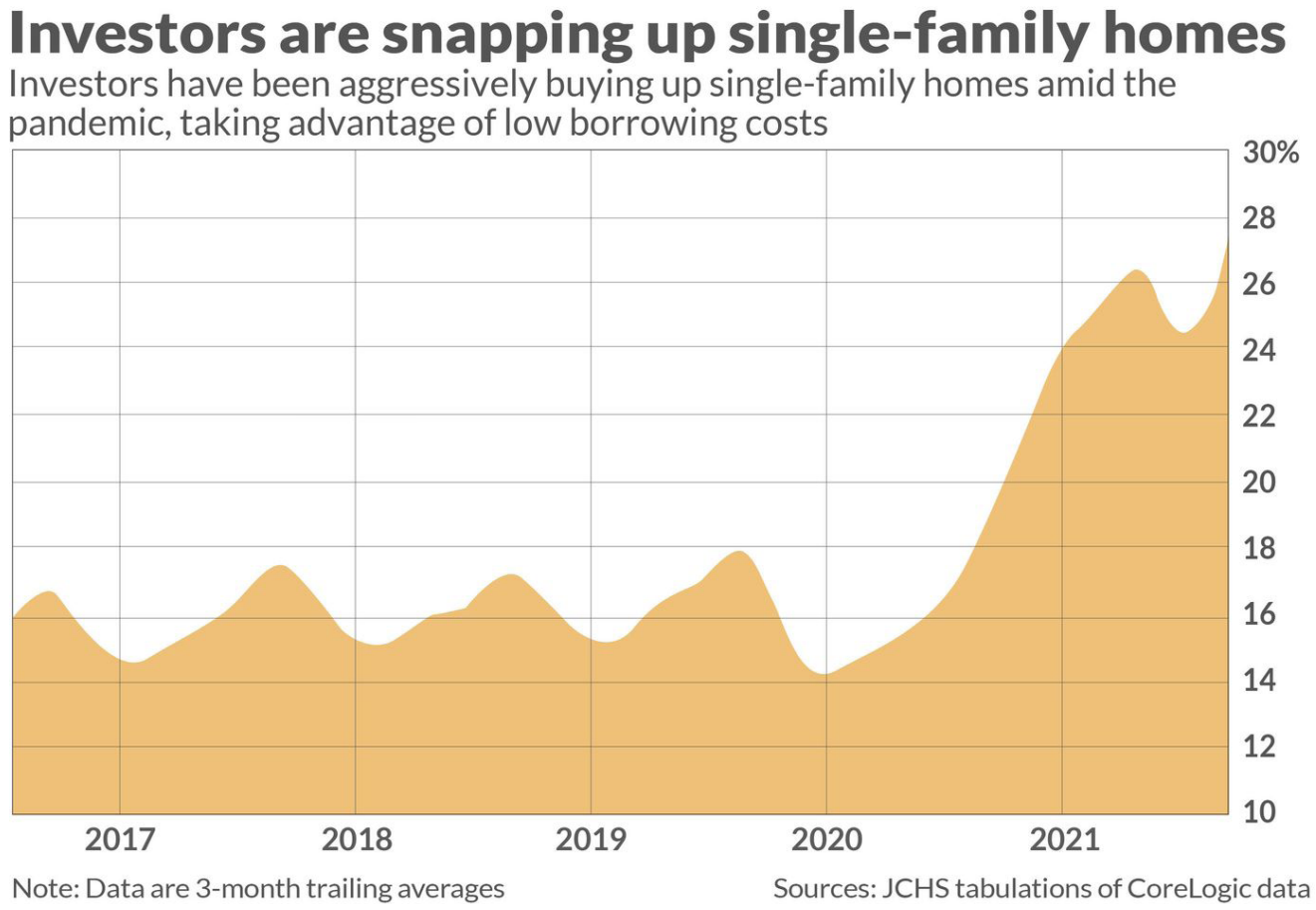
Agencies like Fannie Mae and Freddie Mac have entrenched private equity's control over the housing market. Initially tasked by Congress with making homeownership more accessible and affordable, the agencies have now also provided taxpayer-backed financing to private equity. In 2017, Fannie Mae gave a $1B loan to Invitation Homes.[14] The decision sparked so much backlash that Fannie Mae announced that they would end their support for large investors in the single-family rental market.[15]

Private equity took easy access to distressed homes through the REO-to-Rental program and used tech to create powerful market data systems that let them wield immense power not just as landlords, but as actors across the homebuying process.

The Larger Investor Community Enters the Fray

By 2019, private equity had proven the skeptics wrong: it was in fact possible to manage a large portfolio of rental properties if you had the right tools. "Technology has disrupted the real estate industry, and the single-family rental sector may be a case in which resulting efficiencies have a big impact," said the same investor who doubted the ability to manage thousands of units a few years prior.[16] No longer financially distressed, the country's housing stock began to entice those interested in applying tech-driven efficiencies to other aspects of the home sale process.

A study of large investors found that 30% were interested in expanding to rentals, driven by anticipated rental growth.[17] This highlights the paradox of the expanded role of corporate actors in housing. Private equity acquires would-be starter homes and turns them into rentals, leaving supply even more restricted for prospective homebuyers. Without options, some of those homebuyers remain renters. The competition that private capital creates locks people out of homeownership, growing the renter class and further incentivizing more investors to enter the market.

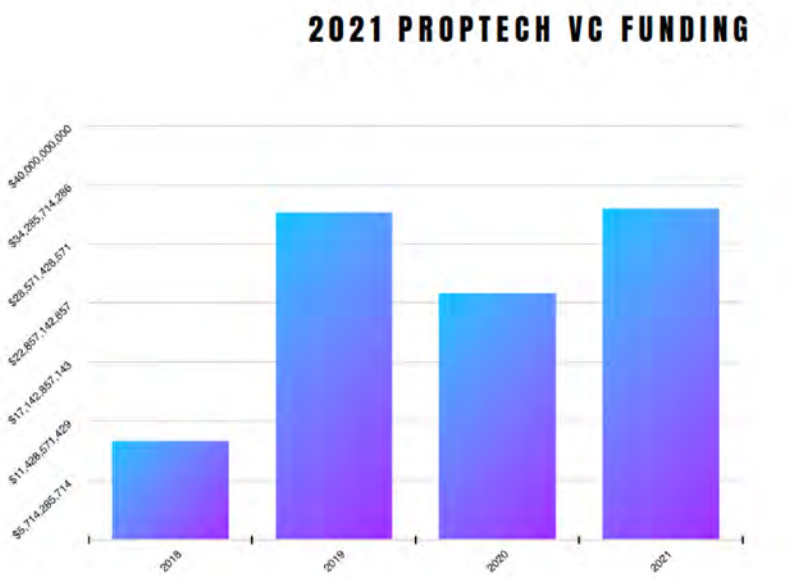


Source: The State Of The Nation's Housing 2022 by Joint Center for Housing Studies

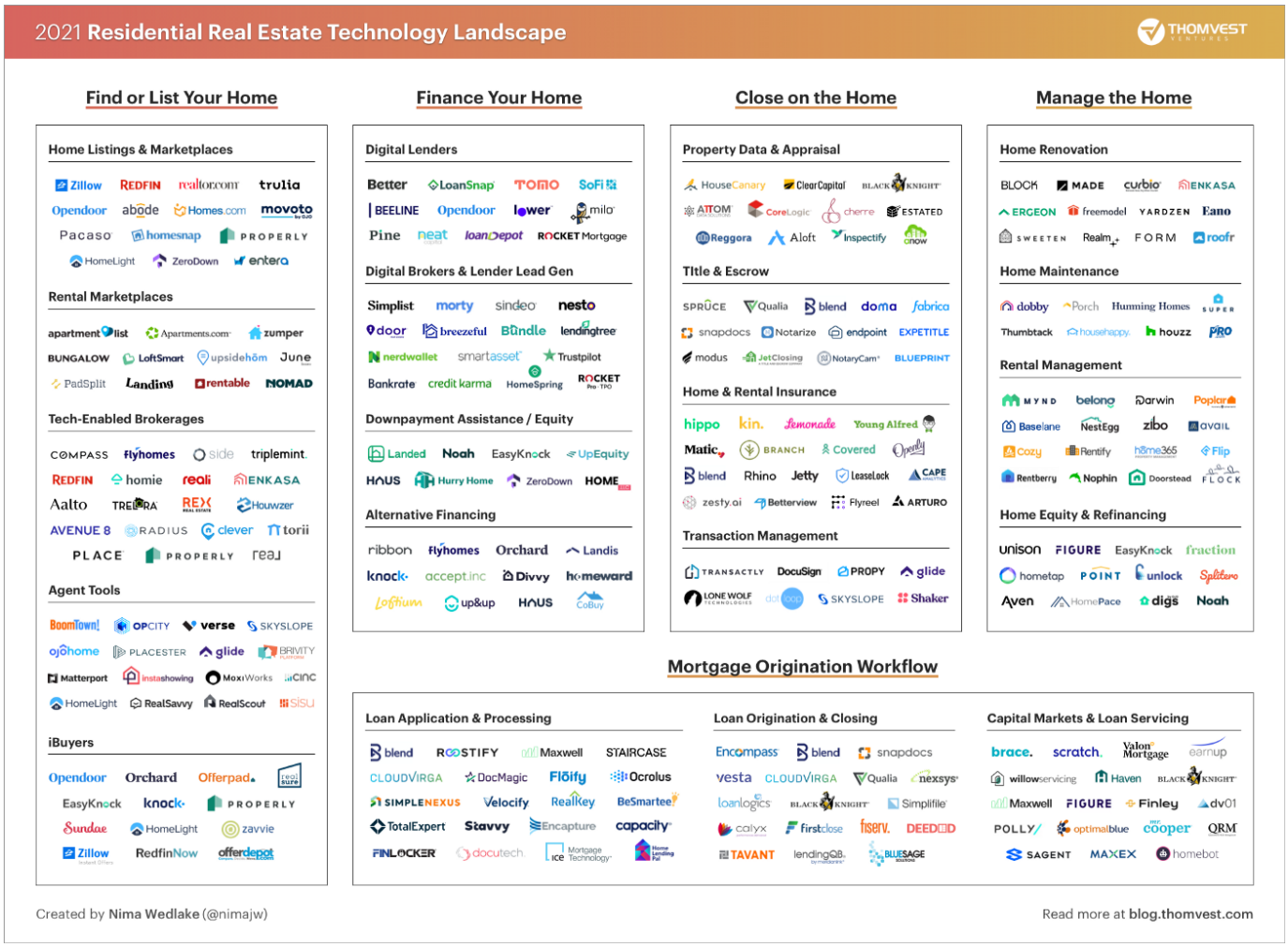
Venture Capital Fuels Homebuying "Innovation"

Much of this was made possible by unprecedented levels of venture capital going into tech-driven housing startups, often referred to as the PropTech sector. Because of monetary policy and tax cuts that provided piles of available cash for investors, venture capital has exploded in recent years. In 2021, venture-backed companies in the real estate and PropTech space raised $21 billion and, according to Crunchbase, 125 PropTech companies were acquired in the past year—the highest amount of acquisition in the last five years.[18] Many of the companies in this space are developing "innovative" business models for home-buying (and other aspects of the housing system).

With its resources, venture capital is bringing a business style that sits in existential tension with many of the companies' stated goals: addressing the affordability crisis and creating more housing. Venture capital demands speed and scale, creating an environment where these new companies are further distorting the housing market. As the balance of power in the housing market shifts away from individual buyers and owners, venture capital is funding business models that take direct advantage of this dynamic.



Venture capital has more than doubled its investment in the PropTech space since 2018.
Source: 2021 Real Estate Technology Venture Capital Report, CRETI



One landscape of the VC-backed proptech companies. Source: Thomvest

Tech-Enabled Housing Models

The rise of tech-enabled corporate models that are exacerbating housing inequality falls broadly into three categories:

Digital Property Management

As corporate landlords realize tech's potential to financialize every aspect of what was a "passively managed industry for 30, 40 years, up until the institutional players came in," they are finding new profit centers.[19] Landlords are automating every aspect of renting from increasing monthly payments to treating tenant fees as an unlimited revenue source and using tenant data to deepen their market share.

The Property Management industry is valued at $88.4 billion annually—and is expected to grow.[20] An industry of that size is appealing to venture-backed companies; new companies are eagerly joining the fray and existing companies are growing their in-house capacity to provide streamlined property management to tenants.[21] The growth of corporate landlords is made possible both by large sums of capital flowing in but also by a quick, scaled way to manage thousands of tenants via new venture-backed tech tools. While the tools' ease of use is appealing, the unintended consequences and potential harms of automating the landlord-to-tenant relationship become fairly stark.

In 2020, Graystar tenants filed a class action lawsuit against the company for charging $100 penalties on rent paid one minute late. The company would also apply rental payments to outstanding fees rather than rent, then assess additional $100 fees when the monthly rental amount was short without tenants' knowledge.[22] Invitation Homes directed tenants to do-it-yourself repair videos to cut maintenance costs.[23] Between 2014 and 2018, American Homes 4 Rent increased its fee revenue from tenants more than 1000%, despite increasing its portfolio just 70% in the same timeframe.[24]

Corporate landlord reliance on digital management systems to indifferently ratchet up rents and fees is fueling the renter instability crisis. The five largest single-family operators increased fees per year by approximately 40% from 2018 to 2021, leading the number of their tenants in rental arrears to increase from 11.3% to 19.1% and tenants in fee arrears to increase from 10% to 20.7% over the same time period.[25]

Individual landlords already benefit from immense power differentials that enable them to raise rents and evict with some limits. Taking a landlord to court requires significant time and money, which is why the vast majority of tenants in eviction court are undefended. Now consider corporate landlords, who are tasked with delivering profit back to shareholders. Their incentive to pursue evictions, rent increases, and fines and fees shoots up. So too does the deck stacked against those tenants who are now tasked with taking Wall Street—and its high-powered attorneys—to court in order to stay in their homes.

The heightened power differentials help explain why the Federal Reserve Bank of Atlanta, whose city frequently tops the list of most concentrated iBuying and corporate landlord markets, found that private equity-funded landlords were as much as 18% more likely to issue evictions than other non-equity backed corporate owners, who were still more likely to evict than small landlords.[26]

Private equity-backed landlords are using their power to affect the regulatory and market conditions, too. Blackstone, the Wall Street firm that established Invitation Homes, spent just shy of $7 million to defeat a 2018 ballot measure in California that would have allowed rent control in single-family rentals; their corporate contributions accounted for $1 of every $7 the campaign received.[27] Indeed, one analysis of where private equity concentrates in local housing markets ventures that "investors are likely more attracted to locations where tenant rights laws are more favorable for landlords."[28] Their lobbying arms invest heavily in keeping it that way.

iBuying

The large datasets created in the wake of the REO-to-Rental program allowed for the rise of a new kind of algorithm-driven investor company: the iBuyer.

Generally, iBuying relies on proprietary acquisition algorithms that use consumer data to competitively price home offers. iBuyers like OfferPad and OpenDoor make the cumbersome process of selling a home much easier for the seller. Once an offer is accepted and a deal is closed, the iBuyer makes minor improvements (if at all) and flips to new buyers, in theory making a profit on the transaction. The process from initial offer to resale typically happens quickly, sometimes within a matter of weeks. Despite some superficial renovations, the homes haven't actually appreciated in value. Instead, iBuyers speculate that buying slightly below market rate and selling for a small markup will combine, over an entire portfolio of purchased homes, to favorable revenue gains.

It is a flashy, massive cash-infused spin on home flipping. What sets it apart is the scale. Companies offer homeowners a streamlined sale—eschewing the need for a broker or a mortgage lender.

iBuyers, offering cash, offer a bit under fair market value in exchange for their convenience proposition. With their massive datasets and algorithmic analysis, they know exactly what the next buyer is willing to pay—at least in theory.

However, the algorithm doesn't always know best. Last year, Zillow drew headlines when it announced it would sell off properties that its rapid acquisition algorithm had overvalued, leading it to overpay for 7,000 single-family homes.[29] The company sold its portfolio to private equity for a loss (2,000 of those homes went to Pretium Partners, one of the three largest corporate landlords today) and shuttered its iBuying platform, laying off 25% of its workforce in November 2021.[30] Some celebrated the public failure of Zillow's iBuying program. Yet, Zillow appears to be the exception to the rule.

Zillow's competitors—Opendoor, Offerpad, and RedFin—have all increased their transactions in 2021—53%, 58%, and 230% respectively since 2019.[31] iBuyers nearly doubled their purchases between Q2 and Q3/4 of 2021, even as Zillow exited the market.

iBuyer purchases before and during the pandemic. Source: The iBuyer Report

iBuyers are a proportionately small yet salient player in the housing market. iBuying accounted for just 1.3% of all home sales at its all-time national high in 2021.[32] But iBuyers are fueling the transfer of homes from families to corporate landlords.

A survey conducted by the U.S. House Subcommittee on Oversight and Investigations of the five largest corporate landlords of single-family homes—Invitation Homes, American Homes 4 Rent, FirstKey Homes (owned by Cerberus Capital Management), Progress Residential (owned by Pretium Partners), and Amherst Residential—found that "they tended to sell homes primarily through bulk sales to other institutional investors, and very rarely sold homes to their own tenants or to individual homebuyers. The five companies purchased 21.9% of their homes through bulk sale, sold 61.5% of their homes through bulk sale, and sold 0.5% of their homes to their tenants."[33]

In markets with concentrated iBuyer presence, they are making it harder for would-be homeowners to compete—and for sellers to get fair market value for their homes. The pandemic created a sellers market in which homes frequently sold above asking, yet those who sold to iBuyers received an average of 0.22% less than market value.[34]

iBuyers concentrate on Sun Belt cities, notably Atlanta and other areas that were also the focus of the federal REO-to-Rental program. In the last quarter of 2021, investors accounted for 41% of the market in Atlanta, 38% in San Jose, and 36% in Phoenix and Las Vegas.[35] In Atlanta specifically, iBuyers were 60% more likely to flip homes to corporate buyers in communities of color than in white neighborhoods.[36] This trend bears out nationally, with the largest corporate landlords that buy from iBuyers concentrated in zip codes that average 40.2% Black, three times the national Black population of 13.4%.[37]

The vestiges of de jure segregation still affect housing distribution in cities across the nation. This focus on starter home communities, which disproportionately overlaps with communities of color, is exacerbating racial disparities in the housing market, making it even harder for Black and brown Americans to purchase homes and build generational wealth.

While corporate landlords and iBuyers own a small percentage of the national market, their year-over-year growth has doubled.[38] The practice of purchasing would-be middle-class starter homes, funneling those homes to corporate landlords, and focusing on communities of color is harmful and warrants greater scrutiny.

Alternative Pathways to Ownership

With homeownership increasingly out of reach for everyday people, prospective homebuyers are turning to alternative models that promise to get them on the property ownership ladder—but these models come with their own opportunities and risks.

Rent-to-Own Repackages Racist Business Practices of the Past

Rent-to-own companies such as Divvy, Landis, and many others lease homes to tenants and (in theory) apply their monthly rent payments towards a down payment on the house. The conversion rate to homeownership, however, is largely unknown. Without available information, it's hard to know if that's because participants are still making payments as part of the program, or if the costs and program terms are too onerous to meaningfully facilitate homeownership. In the meantime, there's little scrutiny on the contracts.

These models have troubling similarities to Jim Crow-era contracts-for-deed schemes which preyed on Black homeowners who were locked out of the traditional mortgage market. In 1960s Chicago for example, contract home sales—which set up the buyer as having all the responsibility of owning the home but none of the financial benefit of equity or resale value—came to prominence at a time when banks wouldn't approve Black people for home mortgages.[39] The terms of those contracts often penalized participants for minor errors, which caused purchasers to lose the house along with all the equity they had already put into it. The new generation rent-to-own companies sells a troublingly similar product which we believe, without the appropriate consumer protections, has the potential to replicate predatory models of the past.

Fractional Ownership Models Raise Concerns About Access to Homeownership

Companies such as Altacasa and Pacaso offer fractional ownership (usually one-eighth) of a home co-owned with strangers. The companies are angling to put vacation homeownership within reach of more people and streamline some of the hassles of owning a second home. For Altacasa, the lowest one-eighth share runs at 144,000 euros, getting buyers 44 nights each year at the property.[40]

Tech-Enabled Housing Models

While these companies got their start in the vacation home market, they have signaled their intent to expand into the primary-residence market. The pitch is that fractional ownership can put the American Dream back in reach of the people who private equity has priced out. It's not clear yet exactly how this model might work, but it raises serious equity concerns given the uneven power differential between corporate owners and increasingly desperate middle-class homebuyers eager to get their foot on the bottom rung of the property ladder.

What Should We Do About It?

With renter stability and the likelihood of homeownership so far out of reach, more households are being lured into predatory schemes. Private equity took the government's foreclosure subsidy, and applied tech efficiencies and avarice to extract more profit out of renters. With the help of venture-backed tech companies, they created digitally-enabled tools with the potential to give unique advantages to the powerful—not just in the rental management business, but across all aspects of the home-buying process.

The impacts to housing stability today and economic stability tomorrow have global implications. In 2019, the UN Special Rapporteur on Adequate Housing, Leilani Farha, and the UN Working Group on Business & Human Rights sent a letter to Blackstone outlining its role in creating a global housing crisis through its aggressive issuance of evictions, its effect on the availability of affordable homes, and its model pushing middle class households out of their homes.[41] Farha made housing financialization a focus of her tenure as the UN Rapporteur, highlighting "how the transformation of real estate into an asset class traded on global markets has triggered housing insecurity and homelessness crises in many cities around the world."

To find our way out of this, we must examine and enact public policy interventions that focus both on tech and tech companies' unique role in exacerbating housing inequity but also on the conditions that empower and enrich corporate owners, creating the market for tech actors to profit.

Solutions

1. Guardrails on tech-enabled housing practices can protect consumers
2. Steep taxes on corporate buyers can enable individual homeowners to compete
3. Better public data on the rental market can help us fix what we don't know
4. Common-sense controls on the corporate rental and real estate market can reduce harmful impact on renters
5. Reparations to Black Americans and investments in public housing can close the widening racial wealth gap

1. Guardrails on Tech-Enabled Housing Practices Can Protect Consumers

As new ownership schemes emerge, consumers and the public must have assurances that these models are not predatory. The housing crisis of 2008 gave rise to the Consumer Financial Protection Bureau which enforces much stricter guidelines for how financial products are presented to potential homebuyers. Mortgage paperwork became much clearer and checks and balances were instituted so loanees knew what they were signing up for. We need the same sort of protections and transparency in the market for new ownership schemes as well. Consumer protection agencies should demand access to customer contracts and require better disclosures from the companies.

We also need better information about how well these schemes actually measure up to their stated claims about serving as a launching pad into homeownership. Much as mortgage lenders do, companies selling these products should be required to report data about who they serve and how many of them are actually building wealth through their services. Without oversight, transparency and intentionality we are concerned that these new models will recreate the racist outcomes of similar models born during the Jim Crow era.

2. Steep Taxes on Corporate Buyers Can Enable Individual Homeowners to Compete

It is currently far too easy for corporate buyers to swoop in with all-cash offers that are too enticing for sellers to turn down, making it almost impossible for buyers using a traditional mortgage to compete. Adding some friction to the transaction, in the form of a tax on corporate buyers, or additional steps in the purchase process, would disincentivize corporate buyers and put individual buyers on a more equal playing field. One proposed law in California would tax corporate landlords 25% of their gross receipts in recognition of the fact that "real estate interests have received billions of dollars in tax breaks, and 10 of the largest landlords in California have increased their wealth by billions of dollars during the pandemic and have amassed $191 billion

cash on hand and available to purchase additional properties."[42] In the state's 2022 legislative session, a bill was introduced to tax those who flip homes within 5 years of purchasing it. Other models might impose a transfer tax on corporate buyers at the time of purchase. Money raised through taxes could fund down payment assistance programs or other efforts to help regular Americans gain access to wealth through homeownership.

3. Better Public Data on the Rental Market Can Help Us Fix What We Don't Know

There are virtually no publicly available, easy-to-decipher data sets on the rental market in the United States that collate unit information, rental costs, eviction data, and ownership type. There are rental registries in some municipalities, primarily for enforcing rent increase maximums on rent-controlled properties; yet the patchwork of jurisdictions that have rent control means that a dwindling number of units fall under these types of laws.

Many housing experts have made a strong case that a federal rent registry could have avoided the months-long delays and problems disbursing critical aid to vulnerable renters in the pandemic-fueled crisis.[43] Additionally, TechEquity has argued that rental registries are key to understanding the rental market, creating better, targeted policy and implementation of existing housing laws, and creating smarter, more realistic plans for housing development by targeting the communities that need it most.[44] In California, the state housing agency—the Housing and Community Development Department—issued a 10-year data strategy outlining the need for a stronger data infrastructure in order to take a data-driven approach to affirmatively furthering fair housing, measuring displacement, and designing and targeting programs to end homelessness.[45]

You cannot fix what you cannot measure—we know that having publicly-accessible data on the housing market can help identify problems, more accurately target solutions, and ensure critical resources are quickly deployed to those who need them most. Corporate investors have figured out how to harness the power of big data to optimize profit; the rest of us should have access to data about the housing market so we can ensure it works for everyone, not just the investor class.

4. Common-Sense Controls on the Corporate Rental and Real Estate Market Can Reduce Harmful Impact on Renters

Policymakers are heeding the lessons of the Great Recession; in 2020, California enacted a bill giving tenants, nonprofits, government, and other non-corporate entities the opportunity to purchase foreclosed homes before corporate buyers.[46] With corporate homeowners redoubling their purchases during the pandemic, such legislation surely mitigated some of the further corporatization of the housing stock. As this paper has outlined, however, the REO-to-rental model has evolved since 2012. So too must the approach to address harm.

State campaigns in California aim to fix loopholes in landlord-tenant law and stabilize renters whose units have recently been sold. Research has found that 51% of building-wide evictions, known as Ellis Act Evictions in California, occurred within the first year of new ownership, echoing the rent hikes that tenants experienced

living in corporate-owned homes post-Recession.[47] Ongoing efforts[48] (however difficult they may be[49]) to protect renters by preventing Ellis Act evictions within the first five years of ownership could disincentivize further rental speculation.

In addition, the move by Invitation Homes to combine the rental debt from its properties into a new type of financial bond for investor purchase—harkening back to the sham mortgage-backed securities that ultimately led to the foreclosure crisis—demands attention. To keep investors happy, corporate landlords need to bring in a steady stream of (ideally increasing) rental revenue. If they don't, the bonds are secured by the units' underlying mortgages, meaning if investors don't profit they could seize those mortgages and evict tenants anyway.

Though it is unclear how widespread rent-backed bond securities have become, the historical precedents and increasing renter instability whether the bet succeeds or fails warrants monitoring not just by financial regulators but housing regulators, as well. At a minimum, we need greater reporting requirements for those that are corporatizing the rental market. Rental profiteers must report on vacancy rates, rental amounts, eviction rates, tenant demographics, and geographic concentrations in publicly available reports, in addition to SEC filings. Governments must monitor the impact to human rights as it does the impact to financial markets.

5. Reparations to Black Americans and Investments in Public Housing Can Close the Widening Racial Wealth Gap

The racial wealth gap has dramatically expanded in the wake of the 2008 housing crisis and subsequent rise of corporate homeownership.[50] This devaluation of assets in Black communities was driven by predatory lending, and has now created the conditions for private equity to profit by snapping up homes in these communities and turning them into rental properties.

The only way to redress these harms—and the decades of housing bias and wealth stripping that preceded them—is to enact policies that shift wealth back to the people who call these communities home. The conversation about reparations is beginning to gain traction nationwide. California's groundbreaking reparations task force recently released its findings which focused heavily on housing and recommended redress through financial compensation and new policies that support Black homeownership.[51]

As we look to constrain the reach of corporate investors in the housing market, we must also invest in new publicly-owned models that place more of the housing stock out of reach of private investors. California's proposed Social Housing Act, which would provide permanently affordable housing to people at all income levels, is reinvigorating the principle that housing is a human right.[52] At the national level, the Homes for All Act would spur the construction of new permanently affordable housing and invest in community efforts to combat displacement and gentrification.

Rent-to-own companies such as Divvy, Landis, and many others lease homes to tenants and (in theory) apply

Conclusion

The rise of tech-driven solutions in homebuying and ownership, and the ascendance of venture capital in the sector, is causing harm. At a macro level, we are experiencing a massive wealth shift from the middle class to the capital class through the financialization of housing. As corporate owners push homeownership further out of reach, the ability for people to achieve financial and housing stability is eroding. Tech-driven housing financialization poses existential questions about human rights and economic fairness.

Tenants are in more precarious situations than before, despite paying even more for rent. Homebuyers are competing for aging and limited supply against corporate capital, bringing the homeownership rate even lower. Home sellers are lured into uncertain financial agreements. All of this is being enabled and exacerbated by private equity investors. At the same time, venture-backed tech companies are capitalizing on the desperation everyday Americans feel about housing.

While the commodification of housing long predates the rise of the PropTech sector, it is clear that tech, tech companies, and the investors who support them have accelerated the corporate commodification of housing and exacerbated wealth inequality.

Given the speed at which the tech industry moves, regulation must move faster if we have any hope of stopping the damage before designing systemic solutions for housing justice. Advocates have been sounding the alarm on these issues for years.[53] Increasingly, people are taking notice. Fannie Mae discontinued its loan services to private equity firms. In California, the legislature passed a bill in 2020 to give nonprofits, individuals, and governments the right to purchase foreclosed properties.[54] While the previously mentioned bill to tax those who flip homes within 5 years of purchasing failed to consider the unintended consequences to individual homeowners, its stated intent to regulate corporate buyers is a sign of progress. Ultimately, without a State recognition that housing is a human right, as well as a commitment to decommodify housing, anti-Black housing practices will continue to be "innovated" to transfer homes—and wealth—into fewer and fewer hands.

The immense power differentials between corporations and housing seekers are weaponized to ensure a permanent and growing renter class so investors realize ever-higher profits. Investors, and even the government agencies and journalists who cover these issues, often point to the increasing percentage of Americans who rent their homes. It's necessary, they intimate, that someone offers more homes for rent because that's where demand is.

But pausing to reflect on why illuminates an ecosystem that uses large sums of cash to create market dominance, swallowing what we once considered starter homes—predominantly in communities of color—and transferring them to corporate landlords with a track record of harm. Far from an organic trend, the increasing number of renters is a problem in part created by the corporatization of housing, rather than one it addresses.

As the world finally recognizes the racial wealth gap and its inextricable link to our long legacy of extractive housing practices, one has to wonder—are we going to fix this problem? Or are we just letting these companies and investors transfer wealth from households to their own pockets?

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Rob Bonta, Attorney General

California Department of Justice DIVISION OF LAW ENFORCEMENT John D. Marsh, Chief		**INFORMATION BULLETIN**
Subject: **Protecting Tenants Against Unlawful Lockouts and Other "Self-Help Evictions"**	*No.* 2022-DLE-05 *Date:* July 13, 2022	*Contact for information:* Division of Public Rights Consumer Protection Section Nicklas.Akers@doj.ca.gov

TO: ALL CHIEFS OF POLICE AND CALIFORNIA SHERIFFS

Law enforcement officers are sometimes called to the scene of disputes between residential landlords and tenants because a landlord has changed the locks on a rental property or forced the tenant out through other means. These so-called "self-help evictions" are not merely civil matters – they violate California criminal and civil laws.

This bulletin provides legal guidance about steps law enforcement officers can take to prevent and respond to unlawful lockouts and self-help evictions.

Legal Basis for This Guidance

It has long been the law in California that a tenant can be removed from a rental property only after there has been a court judgment and a writ of possession has been issued. (Code of Civ. Proc. §§ 712.010, 715.010 et seq., 1159 et seq.; Civ. Code § 789.3; Penal Code § 418.) Even then, only the Sheriff or Marshal, or their deputies, may evict a tenant. No one else, including a police officer, property owner, property manager, or realtor, may remove a tenant from their rental unit or force a tenant to leave. This is not only a civil matter but also a criminal matter, so law enforcement should intervene to enforce the law and stop self-help evictions.

Penal Code § 418 makes it a misdemeanor to use, encourage, or assist another to use "any force or violence in entering upon or detaining any lands or other possessions of another." **Penal Code § 602.5** makes it a misdemeanor to enter or remain in a residence without the consent of "the person in lawful possession," meaning the tenant. **Civil Code § 789.3** prohibits a landlord from changing the locks, shutting off the water or utilities, moving a tenant's belongings into the yard or street, or removing exterior doors or windows, in order to force a tenant out. Landlords who do so are liable for a penalty of $100 per day that the violation continues, plus the tenant's actual damages. As explained in Civil Code § 1940.2, landlords may also violate **Sections 484 and 518 of the Penal Code** when influencing a tenant to vacate. Illegal evictions may also violate local ordinances in your city or county.

It is important to note that landlords cannot force out a tenant even if the tenant owes rent, has received an eviction notice, or is breaching the lease. In all cases the landlord must use the court process to legally evict a tenant.

How to Respond

- Police officers should never help a landlord evict a tenant by force or threats. Only the Sheriff, Marshall, or their deputies may evict, and they may only do so with a court order.
- Do not ask the tenants to leave their home.
- Advise the landlord or other persons involved that it is a misdemeanor to force tenants out of a rental property. Instruct them to allow the victims back into the home.
- Advise the landlord to seek legal advice if they have an issue with the tenant or to lawfully evict the tenant.
- Write a report about the incident even if no arrest is made.

When There Is a Dispute About Who Lives in the Home

If there is a dispute about whether a victim of a lockout lives in the rental unit, it may be appropriate to ask the individual to demonstrate their connection to the property. Keep in mind that lawful tenants may not always have ready proof that they live in the unit. Verbal agreements are common, and many tenants do not have a written lease or rent receipts.

Victims should be allowed to show a range of documentation, such as an ID, mail, utility bill, vehicle registration, paystub, or other proof to show that they live in the rental unit. They may need access to the unit to get such documents. Alternatively, if the landlord refuses to admit that the individual lives there, neighbors may be able to verify who lives in the unit.

When the Owner Also Lives in the Home

In general, tenants who rent a room in a home, whether from a master tenant or the homeowner, are entitled to the same protections against self-help evictions. Like other tenants, they may only be evicted through the court process. The only exception is for a "lodger," which is a single person who lives in a home with the homeowner and no other tenants, where the homeowner has full access to and control of all areas of the dwelling. (Penal Code § 602.3; Civil Code § 1946.5.) To treat someone as a lodger, specific legal requirements must be met. Law enforcement officers should consult with their agency's legal counsel if this issue arises.

Victim Services

Victims of illegal lockouts may need additional support to understand their rights or respond to the court eviction process. Officers should refer tenants to legal aid organizations in the area, which can be found at www.LawHelpCA.org or at the self-help desk at your local courthouse.

Rent Stabilization Board

RENT STABILIZATION BOARD
BUDGET & PERSONNEL COMMITTEE MEETING

Tuesday, July 12, 2022

5:00 p.m.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE.

Pursuant to Government Code Section 54953(e)(3), City Council Resolution 70,030-N.S., and Berkeley Rent Stabilization Board (Rent Board) Resolution 21-29, this meeting of the Rent Board's **Budget & Personnel Committee** (Committee) will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, **there will not be a physical meeting location available.**

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: https://us06web.zoom.us/j/81716850739?pwd=K0pSL1U5bnY4enRTOVIxa1R3VHNHZz09. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "Rename" to rename yourself to be anonymous. To request to speak, use the "Raise Hand" icon by rolling over the bottom of the screen.

To join by phone: Dial 1-669-900-6833 and enter Webinar ID: 817 1685 0739 and Passcode: 407996. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Committee Chair.

To submit an e-mail comment to be read aloud during Public Comment, email amueller@cityofberkeley.info with the Subject line in this format: "PUBLIC COMMENT ITEM FOR BUDGET & PERSONNEL COMMITTEE". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. Email comments must be submitted to the email address above **by 3:00 p.m.** on the day of the Committee meeting in order to be included.

Please be mindful that this will be a public meeting, and all rules of procedure and decorum will apply for meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with Government Code Section 54953 and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to DéSeana Williams, Executive Director of the Rent Board, at 510-981-7368 (981-RENT). The Committee may take action related to any subject listed on the Agenda.

Rent Stabilization Board

RENT STABILIZATION BOARD

BUDGET & PERSONNEL COMMITTEE MEETING

Tuesday, July 12, 2022 – 5:00 p.m.

AGENDA

1. Roll Call
2. Land Acknowledgment Statement: *The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-Chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.*
3. Approval of agenda
4. Public Comment
5. Approval of June 6, 2022, meeting minutes (attached to agenda)
6. Discussion and possible action regarding recommendation to full Board to establish an amnesty period and COVID-19-related waiver process for late payment of the Fiscal Year 2022-2023 Registration Fee (to be distributed)
7. Future agenda items
8. Discussion and possible action to set next meeting
9. Adjournment

STAFF CONTACT: DéSeana Williams, Executive Director (510) 981-7368

COMMITTEE: James Chang (Chair), John Selawsky, Leah Simon-Weisberg, Dominique Walker

Public

Rent Stabilization Board

RENT STABILIZATION BOARD
OUTREACH COMMITTEE MEETING

Wednesday, July 20, 2022

5:30 p.m.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE.
Pursuant to Government Code Section 54953(e)(3), City Council Resolution 70,030-N.S., and Berkeley Rent Stabilization Board (Rent Board) Resolution 21-29, this meeting of the Rent Board's **Outreach Committee** (Committee) will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Resolution and the findings contained therein that the spread of COVID-19 continues to be a threat to the public health and that holding meetings of City legislative bodies in person would present imminent risks to the health and safety of the public and members of legislative bodies. Therefore, **there will not be a physical meeting location available**.

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: https://us06web.zoom.us/j/86565427446?pwd=Q3hXMEhVMFZoTWprVmxRV2ZHcW9IZz09. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "Rename" to rename yourself to be anonymous. To request to speak, use the "Raise hand" icon by rolling over the bottom of the screen.

To join by phone: Dial 1-669-900-6833, enter Webinar ID: 865 6542 7446 and Passcode: 697205. If you wish to comment during the Public Comment portion of the agenda, Press *9 and wait to be recognized by the Committee Chair.

To submit an e-mail comment to be read aloud during Public Comment, email mlaw@cityofberkeley.info with the Subject line in this format: "PUBLIC COMMENT ITEM FOR OUTREACH COMMITTEE". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. Email comments must be submitted to the email address above **by 3:30 p.m.** on the day of the Committee meeting in order to be included.

Please be mindful that this will be a public meeting and all other rules of procedure and decorum will apply for meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with Government Code Section 54953 and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to DéSeana Williams, Executive Director, at (510) 981-7368 (981-RENT). The Committee may take action related to any subject listed on the Agenda.

Public

Rent Stabilization Board

RENT STABILIZATION BOARD
OUTREACH COMMITTEE MEETING

Wednesday, July 20, 2022 – 5:30 p.m.

AGENDA

1. Roll call (2 min)

2. Land Acknowledgment Statement: *The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.*

3. Approval of the Agenda (2 min)

4. Approval of the Minutes of the June 15, 2022 Meeting (5 min)

5. Public Comment (5 min)

6. Staff Report: Recent and Upcoming Webinars, Workshops (15 min)

   a. Juneteenth 2022 Annual Event a Success

   b. Fair Chance Ordinance Webinars for Tenants (partnered with JustCities and EBCLC) (PowerPoint presentation attached)

   c. "National Night Out" (Tuesday, August 2, 2022) https://berkeleyca.gov/community-recreation/news/national-night-out-2022

d. Solano Stroll, Sunday, September 11th, 2022 10am- 5pm
https://www.solanoavenueassn.org/events/solano-avenue-stroll/

e. Other Community Events:

i. Cal Outreach at "Calapalooza" date not confirmed, partner with Basic Needs Center and Public Service Center (Aug or September);
ii. Indigenous People's Day Pow-Wow October 10th (literature available);
iii. "Civics Day" October 15th, City Departments in the Park (staff to table)

7. Eviction Moratorium and Ellis Act Eviction Update (10 min)

8. Tenant Survey, Presentation and Q &A with Consultant Dr. Stephen Barton (30 min)

(additional proposed questions attached)

9. Next Meeting Date: August 10, 2022 at 5:30 p.m. (2 min)

10. Future Agenda Items (3 min)

11. Adjournment (2 min)

STAFF CONTACT: Moni T. Law, Housing Counselor (510) 981-4906

COMMITTEE: James Chang, Andy Kelley, Paola Laverde (Chair), Mari Mendonca

4x4 Joint Task Force Committee on Housing
City Council and Rent Board

4 X 4 JOINT TASK FORCE COMMITTEE ON HOUSING
CITY COUNCIL/RENT STABILIZATION BOARD

Tuesday, July 12, 2022 – 10:00 a.m.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE.

Pursuant to Government Code Section 54953(e)(3), City Council Resolution 70,030-N.S., and Rent Board Resolution 21-29, this meeting of the City Council and Rent Stabilization Board's **4 x 4 Joint Task Force Committee on Housing** (Committee) will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Resolutions and the findings contained therein that the spread of COVID-19 continues to be a threat to the public health and that holding meetings of City legislative bodies in person would present imminent risks to the health and safety of the public and members of legislative bodies. Therefore, **there will not be a physical meeting location available.**

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To join by phone: Dial 1-669-900-6833 and enter Webinar ID: 814 5745 4729 and Passcode: 831356. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Committee Chair.

To submit an e-mail comment to be read aloud during Public Comment, email btran@cityofberkeley.info with the Subject line in this format: "PUBLIC COMMENT ITEM FOR 4 X 4 COMMITTEE". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. Email comments must be submitted to the email address above **by 8:00 a.m.** on the day of the Committee meeting in order to be included.

Please be mindful that this will be a public meeting and all rules of procedure and decorum will apply for meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with Government Code Section 54953 and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to DéSeana Williams, Executive Director of the Rent Board, at (510) 981-7368 (981-RENT). The Committee may take action related to any subject listed on the Agenda.

4x4 Joint Task Force Committee on Housing
City Council and Rent Board

AGENDA

4 X 4 JOINT TASK FORCE COMMITTEE ON HOUSING
CITY COUNCIL/RENT STABILIZATION BOARD

Tuesday, July 12, 2022 – 10:00 a.m.

1. Roll call

2. Land Acknowledgment Statement: *The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.*

3. Approval of the agenda

4. Public comment on non-agenda matters

5. Approval of May 3, 2022 Committee meeting minutes (see attachment)

6. Discussion and possible policy recommendation to Council regarding Relocation Ordinance and suggested additions from previous discussion regarding Tenant Habitability Plan Ordinance (requested by Mayor Arreguín and Chair Simon-Weisberg)

7. Discussion regarding the pandemic "eviction cliff" (requested by Mayor Arreguín)

8. Discussion of possible future agenda items

9. Confirm next meeting date

10. Adjournment

COMMITTEE MEMBERS:

Mayor Jesse Arreguín
City Councilmember Kate Harrison
City Councilmember Rigel Robinson
City Councilmember Terry Taplin
Rent Board Chairperson Leah Simon-Weisberg
Rent Board Vice-Chairperson Soli Alpert
Rent Board Commissioner Xavier Johnson
Rent Board Commissioner Andy Kelley

4x4 Joint Task Force
Committee on Housing
City Council and Rent Board

4 X 4 JOINT TASK FORCE COMMITTEE ON HOUSING
CITY COUNCIL/RENT STABILIZATION BOARD

Tuesday, May 3, 2022 – 2:30 p.m.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE.

Pursuant to Government Code Section 54953(e)(3), City Council Resolution 70,030-N.S., and Rent Board Resolution 21-29, this meeting of the City Council and Rent Stabilization Board's **4 x 4 Joint Task Force Committee on Housing** (Committee) will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Resolutions and the findings contained therein that the spread of COVID-19 continues to be a threat to the public health and that holding meetings of City legislative bodies in person would present imminent risks to the health and safety of the public and members of legislative bodies. Therefore, **there will not be a physical meeting location available.**

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: https://us06web.zoom.us/j/87660974031?pwd=Z251QTZvcDR0QUFJbGVoMGxLaFN6Zz09. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "Rename" to rename yourself to be anonymous. To request to speak, use the "Raise hand" icon by rolling over the bottom of the screen.

To join by phone: Dial 1-669-900-6833 and enter Webinar ID: 876 6097 4031 and Passcode: 059116. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Committee Chair.

To submit an e-mail comment to be read aloud during Public Comment, email btran@cityofberkeley.info with the Subject line in this format: "PUBLIC COMMENT ITEM FOR 4 X 4 COMMITTEE". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. Email comments must be submitted to the email address above **by 12:30 p.m.** on the day of the Committee meeting in order to be included.

Please be mindful that this will be a public meeting and all rules of procedure and decorum will apply for meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with Government Code Section 54953 and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to DéSeana Williams, Executive Director of the Rent Board, at (510) 981-7368 (981-RENT). The Committee may take action related to any subject listed on the Agenda.

4x4 Joint Task Force
Committee on Housing
City Council and Rent Board

4 X 4 JOINT TASK FORCE COMMITTEE ON HOUSING
CITY COUNCIL/RENT STABILIZATION BOARD

Tuesday, May 3, 2022 – 2:30 p.m.

Minutes To Be Approved

1. Roll call: RB Chair Simon-Weisberg called the meeting to order at 2:32 p.m.
   Present: Mayor Arreguín, RBC Alpert, CM Harrison, RBC Johnson, RBC Kelley, CM Robinson, RB Chair Simon-Weisberg, CM Taplin.
   Absent: None.
   Staff present: Matt Brown, Lief Bursell, Nate Dahl, Stefan Elgstrand, Jen Fabish, Matthew Siegel, Be Tran.

2. Land Acknowledgment Statement: *The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.*

   The land acknowledgement statement was played aloud.

3. Approval of the agenda: M/S/C (Robinson/Harrison) Approve the agenda as written. Roll call vote. YES: Arreguín, Alpert, Harrison, Johnson, Kelley, Robinson, Simon-Weisberg, Taplin; NO: None; ASBSTAIN: None; ABSENT: None. Carried: 8-0-0-0.

4. Public comment on non-agenda matters: There were two speakers.

5. Approval of April 18, 2022 Committee meeting minutes (see attachment): M/S/C (Robinson/Alpert) Approve the minutes as written. Roll call vote. YES: Arreguín, Alpert, Harrison, Johnson, Kelley, Robinson, Simon-Weisberg, Taplin; NO: None; ASBSTAIN: None; ABSENT: None. Carried: 8-0-0-0.

6. Discussion and possible action on a memorandum regarding the potential for adding more rent controlled units under CA Civil Code Section 1954.52(b) (Vice-Chair Alpert, see attachment): The committee discussed this item at length and decided to incorporate any action it might take into its motion on item 7.

7. Discussion and possible action to recommend various amendments to the Rent Stabilization and Eviction for Good Cause Ordinance to be placed on the November 2022 general election ballot (Rent Board staff, see attachment): M/S/C (Arreguín/Simon-Weisberg) To advance to Rent Board staff and the City Attorney to research and draft amendments to the Rent Stabilization and Eviction for Good Cause Ordinance as recommended by the Rent Stabilization Board and reflected in the attached staff memo including 1) the amendment proposed by Vice-Mayor Harrison to apply rent control in cases of demolition as required by Senate Bill 330 or other applicable state law, 2) to enable the application and enforcement of rent control if voluntarily agreed to between a property owner and the City of Berkeley, 3) to apply just cause for eviction protections to all rental units in the City of Berkeley. Roll call vote. YES: Arreguín, Alpert, Harrison, Johnson, Kelley, Robinson, Simon-Weisberg, Taplin; NO: None; ASBSTAIN: None; ABSENT: None. Carried: 8-0-0-0.

8. Adjournment: M/S/C (Robinson/Kelley) Adjourn the meeting. Roll call vote. YES: Arreguín, Alpert, Harrison, Johnson, Kelley, Robinson, Simon-Weisberg, Taplin; NO: None; ASBSTAIN: None; ABSENT: None. Carried: 8-0-0-0.

   The meeting adjourned at 3:59 p.m.

COMMITTEE MEMBERS:

Mayor Jesse Arreguín	Rent Board Chairperson Leah Simon-Weisberg
City Councilmember Kate Harrison	Rent Board Vice-Chairperson Soli Alpert
City Councilmember Rigel Robinson	Rent Board Commissioner Xavier Johnson
City Councilmember Terry Taplin	Rent Board Commissioner Andy Kelley

Jesse Arreguin
Mayor

Leah Simon-Weisberg
Chair, Berkeley Rent Board

Tenant Habitability Plan for City of Berkeley Proposal Discussion

What is the purpose of Tenant Habitability Plan:

1. Prevent permanent displacement when **substantial repairs** are needed;
2. Allow and facilitate substantial repairs while requiring mitigation of the possible negative impact on tenants of said repairs
3. Prevention of unsafe and harassing approaches to construction whether for the purposes of new construction or substantial repairs while tenants remain at property.
4. Create objective standards and processes to best prevent unsafe and harassing approaches to construction.
5. Respond to the recent phenomena of infill projects where tenants are in occupancy. (Harper Street)

When does a landlord need to fill out a tenant habitability plan?

Situations of work inside, outside or adjacent to occupied unit:

1. Planned Repair by landlord
2. Planned Construction by landlord
3. Requested Repairs by tenant
4. Emergency Repairs
5. Tenant complains about unsafe or nuisance construction

Timeframes for notification can be different for the different kinds of work

Option 1) An approved tenant habitability plan is required before **any work** is done to a property with a building that has one or more residential dwelling units. (Simple check-box if no buildings are tenant occupied).

Option 2) RHSP definition: An approved tenant habitability plan is required before **any work** to any dwelling which is rented, leased, let or hired out to be occupied for consideration.

What "work" should trigger the requirement that the landlord must fill out form and provide mitigation?

Menu of Options:

1. Any work requiring a permit.

2. Substantial repair and mediation: seismic retrofits, elevator repairs, and when hazardous materials such as lead paint or asbestos are being remediated.

3. Any work in the following section:

   Berkeley Code Sections Referenced:
   Berkeley Code sections that could be referenced: Title 19 – Buildings and Construction.
   - Berkeley Building Code BMC Chapter 19.29
   - Berkeley Residential Code BMC Chapter 19.30
   - Berkeley Electrical Code BMC Chapter 19.32
   - Berkeley Mechanical Code BMC Chapter 19.34
   - Berkeley Plumbing Code BMC Chapter 19.36
   - BMC Chapter 19.38: Seismic Hazard Mitigation Program for Unreinforced Masonry Buildings
   - BMC Chapter 19.39: Potentially Hazardous Buildings Containing Soft, Weak, or Open Front Stories
   - BMC Chapter 19.50: Elevators-buildings with ten or more units and two or more stories

4. Requiring habitability plan submittal when a property with a tenant occupied structure receives a **notice of violation for code violations** including unpermitted work and other housing code violations. In Berkeley work without permit can be cited by either a building inspector or a housing inspector, both of which are in the Planning Department.

5. Requiring mitigations when work is being done **adjacent to a tenant's unit** for a sustained period of time.

6. Requiring a habitability plan for work on properties that have a structure with a **dwelling unit will cover the ADU situations** we heard about where a tenant could not access their unit or tenant parking spaces were temporarily or

permanently removed due to ADU construction. Building permits are required for all ADUs so no specific requirement for ADUs needs to be included to cover this situation.

Who should Administer the program?

Berkeley Departments that could administer habitability plan requirements:

- Permit Service Center (within Planning Department)
- Housing Code Enforcement and Rental Housing Safety Staff (both are also within Planning Department)
- HHCS (as long as they are involved in Relocation Ordinance)
- Rent Board, Rent Board Hearings unit best to assist with hearing/complaint process

Distributed at the Meeting
Item 6.

UPDATE ON TENANT HABITABILITY AND PLAN IMPLEMENTATION

Jesse Arreguin
Mayor

Leah Simon-Weisberg
Chair
Berkeley Rent Stabilization

Revise Berkeley B.M.C. Chapter 13.84 ("Relocation Ordinance") to better protect tenants during construction due to necessary repairs, new construction of ADUs and other additional housing units.

4x4 Housing Task Force, July 12, 2022

REVIEW

1. We reviewed memo accessing the gaps in our relocation ordinance when tenants are facing **repairs** in their units and **construction**
2. **Reviewed Recommendations**

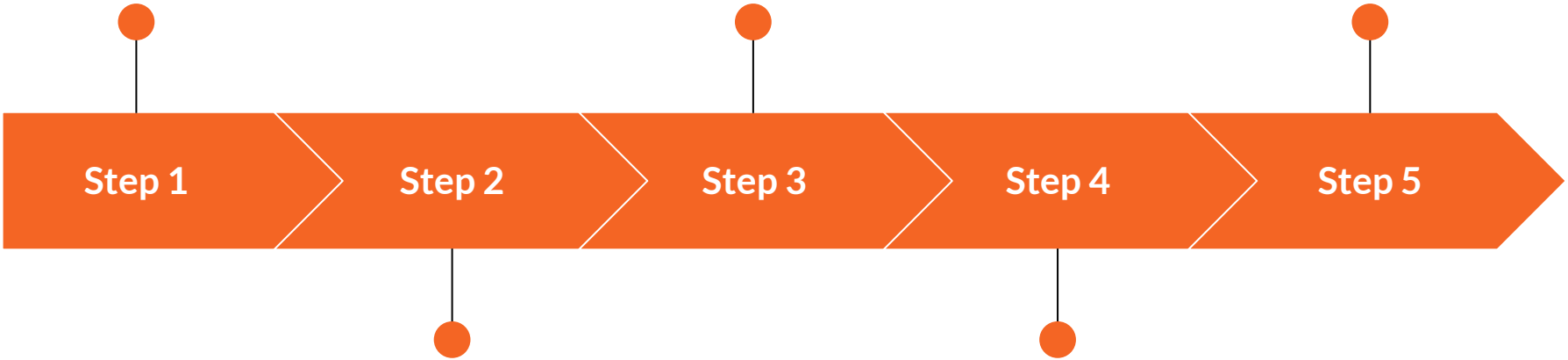
Goals for next meeting

Reminder of what a Tenant Habitability Plan

Provide THP to permitting agency

Landlord may apply for permit

Construction begins!



5 days for agency to approve or deny based on objective standards

Approved THP served on tenant 60 days before work can commence with Notice of Primary Renovation Work;
THP plan, summary of plan and relocation option if work will last more than 30 days.

Tenant Habitability Plan
City of Berkeley Proposal

What is the purpose of Tenant Habitability Plan:

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Context and consideration:

Situations of work inside, outside or adjacent to occupied unit:

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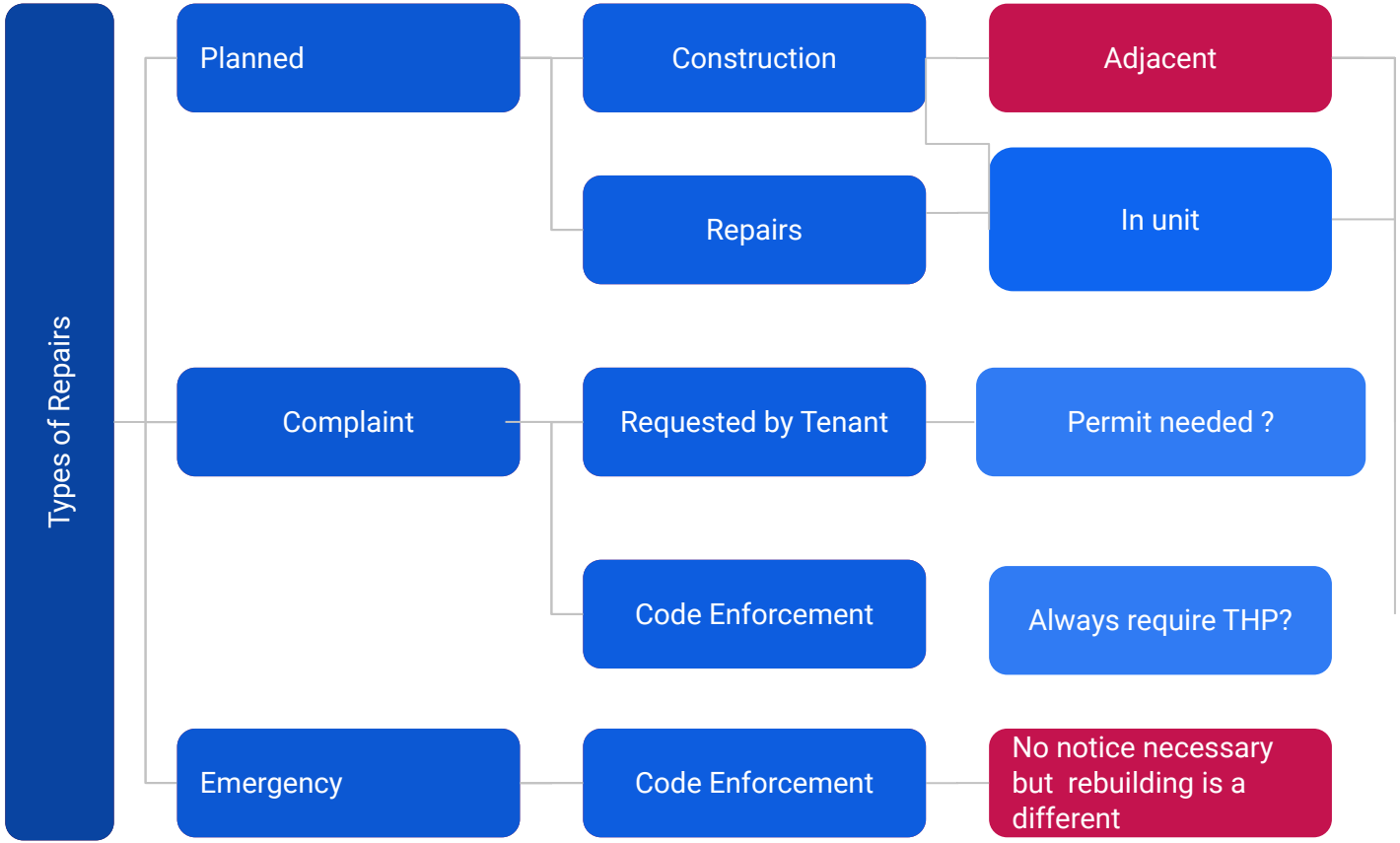
3. **Requested Repairs by tenant**
4. **Emergency Repairs**
5. **Tenant complains about unsafe or nuisance construction**


Types of Repairs
Planned
Construction
Adjacent
Repairs
In unit
Complaint
Requested by Tenant
Permit needed ?
Code Enforcement
Always require THP?
Emergency
Code Enforcement
No notice necessary but rebuilding is a different

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Direction for next steps?