



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: July 7, 2003

TO: Honorable Members of the Rent Stabilization Board

FROM: IRA/AGA Committee

SUBJECT: Procedures for Treating Appeals that do not Conform with the Payment Provisions of Regulation 1242 (C) at the Time of Filing

Recommendation:

That the Board adopt the attached resolution which establishes a procedure for cases in which a party files a full and complete appeal within the time limitations outlined in Regulation 1242 (C) but fails to include adequate payment or request a waiver of the filing fee.

Background and Need For Rent Stabilization Board Action:

Recently, staff inadvertently accepted an appeal over the counter that was filed timely and generally met the requirements of Regulation 1242 except that no appeal fee was paid nor was a request to waive the fee submitted at the time of filing. The full fee was paid within a few days after the initial filing of the appeal but after the 30 days from the receipt of the Hearing Examiner's decision. Because of the combination of staff's failure to catch the error at the time of filing and the quick compliance by the appellant, the Executive Director determined that the appeal should be deemed timely filed and could proceed. Apparently, variations of this type of situation have occurred from time to time over the years.

While the Executive Director felt comfortable with the determination to accept this appeal in this case, he did not wish to establish a precedent for other cases that may not reflect the wishes and policy of the Board. Consequently, the question was posed to the IRA/AGA Committee at their June 26, 2003 meeting. After discussion, the Committee unanimously requested that staff prepare a resolution for consideration by the full Board stating that it is the Board's policy that an appellant who submits a timely appeal without the filing fee or fee waiver application shall be given written notice that if the fee or waiver application is not received within 10 days of the date of the notice, the appeal will be dismissed. The Committee indicated that in all other regards the appeal must be full and completely meet the requirements outlined in Regulation 1242. The Committee also indicated that the fee or fee waiver application was still expected within 30 days of the Hearing Examiner's decision and should be

required by staff accepting petitions. The proposed procedure would only apply to cases of oversight and/or inadvertence.

Financial Impact:

None

Name and Telephone Number of Contact Person:

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