

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: June 17, 2024

Final Decision Date Deadline: June 17, 2024

STATEMENT OF THE ISSUE: At the November 17, 2021, Regular Meeting of the Richmond Rent Board, the Board adopted Regulation 425, titled, "Waiver of Delinquent Residential Housing Fee Assessment. As required by Regulation 425, the Executive Director or his or her designee shall review all late fee waiver requests and issue a recommendation for the Rent Board to approve the waiver, in full or in part, or deny the waiver, based on the Landlord's reason for requesting the waiver and their payment history. Attached to this recommendation for the month of June 2024, are the compiled late fee waiver requests and associated documentation.

INDICATE APPROPRIATE BODY

- | | | | | |
|---|---|--|--|---|
| ☐ City Council | ☐ Redevelopment Agency | ☐ Housing Authority | ☐ Surplus Property Authority | ☐ Joint Powers Financing Authority |
| ☐ Finance Standing Committee | ☐ Public Safety Public Services Standing Committee | ☐ Local Reuse Authority | ☒ Other: <u>Rent Board</u> | |

ITEM

- | | | |
|---|--|--|
| ☐ Presentation/Proclamation/Commendation (3-Minute Time Limit) | | |
| ☐ Public Hearing | ☐ Regulation | ☒ Other: <u>CONSENT CALENDAR</u> |
| ☐ Contract/Agreement | ☐ Rent Board As Whole | |
| ☐ Grant Application/Acceptance | ☐ Claims Filed Against City of Richmond | |
| ☐ Resolution | ☐ Video/PowerPoint Presentation (contact KCRT @ 620.6759) | |

RECOMMENDED ACTION: APPROVE late fee waiver(s) for June 2024 pursuant to Regulation 425 - Rent Program (Fred Tran/510-620-6537).

AGENDA ITEM NO:

G-7.

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Late Fee Waiver Summary – June 2024 Board Meeting

Property Street	Property Owner	Date of Request	Reason for Request	Recommendation to Approve or Deny	Late Fee Amount	Total Late Fees Waived if Approved	Recommended Late Fee Amount (if any)
1 2368 Grant Ave., 1810 & 2527 Rheem Ave, 612 20 th St.	William Shie	September 28, 2023	Previously enrolled property was not billed	Full waiver of late fees	\$500.00	\$500.00	None
2 9 Properties Listed	Helen and Steve Shie	September 28, 2023	Previously enrolled property was not billed	Full waiver of late fees	\$1,888.00	\$1,888.00	None
3 1175 26th Street	Auro Bhatt	September 18, 2023	New Owner, did not receive invoice	Full waiver of late fees	\$1,618.00	\$1,618.00	None
4 646 37th Street	Vicki Briesacker	September 27, 2023	Wrong mailing address	Full waiver of late fees	\$365.50	\$365.50	None

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To: Members of the Richmond Rent Board

From: Fred Tran, Deputy Director

Re: Late Fee Waiver Recommendation – 2368 Grant Avenue, 2527 Rheem Avenue, 1810 Rheem Avenue, and 612 20th Street

Date: June 17, 2024

Late Fee Waiver Recommendations Pursuant to Regulation 425

As required by Regulation 425, the Executive Director or his or her designee shall review all late fee waiver requests and issue a recommendation for the Rent Board to approve the waiver, in full or in part, or deny the waiver, based on the Landlord's reason for requesting the waiver and their payment history. Attached to this recommendation are the compiled late fee waiver requests and associated documentation including the table below with details on each month's request.

Summary of Late Fee Waiver Requests and Recommendation for June 2024:

Property Owner	Date of Request	Reason for Request	Recommendation to Approve or Deny	Late Fee Amount	Total Late Fees Waived if Approved	Recommended Late Fee Amount (if any)
William Shie	September 28, 2023	Previously enrolled property was not billed	Full waiver of late fees	\$500.00	\$500.00	None

Good Cause and Late Payment History

Regulation 425 requires a showing of Good Cause prior to waiving any late fee assessment. Good Cause is defined as the taking of reasonable efforts, while acting with due diligence to remit timely payment of the Residential Rental Housing Fee. In other words, it is an evaluation of whether the Landlord took reasonable efforts and acted with due diligence in their attempt to pay the Residential Rental Housing Fee. Regulation 425 guides this inquiry by requiring the Executive Director evaluate applicable enumerated factors (Attachment 1) prior to deciding of whether there exists Good Cause to grant the request. Finally, Regulation 425 establishes that a Rent Program billing error would always constitute Good Cause to waive the late fee assessment.

Claim of “Good Cause”

In the request dated September 28, 2023, (Attachment 1) William Shie, the property owner of 2368 Grant Avenue, 2527 Rheem Avenue, 1810 Rheem Avenue, and 612 20th Street indicated that the properties were enrolled and not billed. He had paid and it appears that the payment may not have been processed. Staff informed them of the outstanding invoice. Payment was made on September 28 for outstanding balances.

Payment History

Where a requestor has made timely payments in the prior two (2) fiscal years, their request shall be ministerially granted. Such requests do not require a showing of Good Cause and are not subject to the provisions of Regulation 425 (D) and Regulation 425 (E). Regulation 425 (D) and (E), provide the factors required when making a determining of good cause.

In this case, the owner had not previously submitted a Late Fee Waiver request.

Evaluation of Owner’s Claim of Good Cause

No Late Fee waiver request shall be granted unless there is a sufficient demonstration of Good Cause. In their consideration, the Executive Director must evaluate the following factors, whenever present, when making a determination of Good Cause:

1. *Whether the failure to remit timely payment was due to a Rent Program billing error, such as an incorrect address, an incomplete invoice, or an invoice sent to the wrong owner;*
2. *Whether the requestor is a successor in interest who has not received an invoice.*
3. *Whether the requestor is experiencing a financial hardship that is caused by circumstances beyond the Landlord’s control;*
4. *Whether the requestor experienced a medical emergency, medical treatment, hospitalization, or death in the family within the billing period;*
5. *Whether the requestor had submitted a request for an Administrative Determination of Exempt/Applicability Status within the billing period;*
6. *Whether the requestor’s Tenant(s) have experienced a COVID-19 related financial hardship that has impacted the Tenant’s ability to pay Rent;*
7. *Late payment History.*
8. *Any other circumstances relevant to the inquiry of Good Cause.*

Rent Program staff confirmed the base Residential Rental Housing Fee for the outstanding Fiscal Years was paid on September 28, 2023 when notified of the amount due.

Rent Program staff verified with Contra Costa County records that 2368 Grant Avenue, 2527 Rheem Avenue, 1810 Rheem Avenue, and 612 20th Street are all designated as single-family homes that were built in 1922, 1951, 1941, and 1949, respectively.

The owner demonstrated Good Cause that warrants a waiver of late fees with a timely payment when they receive the invoice and enrollment forms for all properties on December 19, 2018. The fees were paid immediately once informed of the outstanding amount.

Staff Recommendation

William Shie demonstrated good faith efforts to come into compliance by contacting the Rent Program to inquire about the Program, paying the Residential Rental Housing Fees when the invoice was provided, and enrolling with the Program. Considering these factors, staff recommend that a full waiver of late fees in the amount of \$500.00 be granted.

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CITY OF RICHMOND RENT PROGRAM

Richmond

Request to Remove Late Fees

Property Owner Name:

William Shie

FRJC #:

Property Owner Phone Number or Email:

☒ The Property Owner is requesting the removal of all late fees on their account.

☐ The Property Owner is requesting the removal of partial late fees on their account totaling \$ _____

Check all that apply (required for request to be complete):

☐ New Owner, did not receive invoice

☐ Wrong Mailing Address - Please provide correct address: _____

☐ Owner believed property was exempt from the Rent Ordinance

☐ Financial hardship, caused by circumstances beyond the Landlord's control, such as natural disaster, destruction, or major damage to the Rental Property not due to the Landlords actions, bankruptcies, and disputes over ownership of the property.

☐ Hospitalizations or medical treatments of the Landlord or Landlord's family during the fee billing period, or a death in the family within the fee billing period

☐ The landlord was billed for a fewer number of units because of errors in property records maintained by the Rent Program where the error was not attributable to information supplied by the Landlord. The penalties are waived only for unbilled units; the billed units should be paid on time.

☒ A previously enrolled property was not billed as a result of staff error.

☐ An invalid or erroneous account number was assigned, which resulted in billing errors or improper crediting of payments by the landlord.

☐ The determination of whether or not the property was subject to the Ordinance required an analysis through the existing Administrative Determination of Exempt Status process. Penalties will be waived only while the determinations pending. If the Landlord raised the issue requiring administrative determination, penalties will be waived only from the date of the first written contact with the Board in which the issue was raised. Waiver of penalties will not be granted if the staff determines that the issue raised is already settled and/or has no substantial merit. If the issue was raised by Rent Board staff, the waiver period commences on the date on which the administrative determination was requested by the staff. In all situations in which a determination was requested, the waiver period terminates when the Landlord is notified of the determination regarding the status of his/her property.

☐ The property owner was unable to collect some or all of the rent due to the COVID-19 pandemic and the resulting hardship led to non-payment of the Rental Housing Fee. In this case, the property owner must declare under penalty of perjury, in detail, how COVID-19 has impacted their business (i.e. how many month's tenants didn't pay rent, illness in the family or self, etc.)

☒ Other: A paper check was sent for FY 21-22, 22-23 but never cashed. Will pay online going forward.

Declaration & Signature:

I declare under penalty of perjury under the laws of the State of California that every statement in this Late Fee Waiver Request is true and correct to the best of my knowledge and belief.

X Signature of Landlord/Property Manager: William Shie

Date: 9, 28, 2023

Printed Name: William Shie

Rent Program Staff Use Only:

The late fee amount on the account is a total of \$ _____

Staff Member Name: _____

Date: ____/____/____

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To: Members of the Richmond Rent Board

From: Fred Tran, Deputy Director

Re: Late Fee Waiver Recommendation – 1233 S. 55th Street, 560 20th Street, 779 34th Street, 451 40th Street, 1535 Garvin Avenue, 2367 Humphrey Avenue, 3815 Solano Avenue, 2737 Wendell Avenue, and 2356 Emeric Avenue

Date: June 17, 2024

Late Fee Waiver Recommendations Pursuant to Regulation 425

As required by Regulation 425, the Executive Director or his or her designee shall review all late fee waiver requests and issue a recommendation for the Rent Board to approve the waiver, in full or in part, or deny the waiver, based on the Landlord's reason for requesting the waiver and their payment history. Attached to this recommendation are the compiled late fee waiver requests and associated documentation including the table below with details on each month's request.

Summary of Late Fee Waiver Requests and Recommendation for June 2024:

Property Owner	Date of Request	Reason for Request	Recommendation to Approve or Deny	Late Fee Amount	Total Late Fees Waived if Approved	Recommended Late Fee Amount (if any)
Helen and Steve Shie	September 28, 2023	Previously enrolled property was not billed	Full waiver of late fees	\$1,888.00	\$1,888.00	None

Good Cause and Late Payment History

Regulation 425 requires a showing of Good Cause prior to waiving any late fee assessment. Good Cause is defined as the taking of reasonable efforts, while acting with due diligence to remit timely payment of the Residential Rental Housing Fee. In other words, it is an evaluation of whether the Landlord took reasonable efforts and acted with due diligence in their attempt to pay the Residential Rental Housing Fee. Regulation 425 guides this inquiry by requiring the Executive Director evaluate applicable enumerated factors (Attachment 1) prior to deciding of whether there exists Good Cause to grant the request. Finally, Regulation 425 establishes that a Rent Program billing error would always constitute Good Cause to waive the late fee assessment.

Claim of “Good Cause”

In the request dated September 28, 2023, (Attachment 1) Helen and Steve Shie, the property owners of 1233 S. 55th Street, 560 20th Street, 779 34th Street, 451 40th Street, 1535 Garvin Avenue, 2367 Humphrey Avenue, 3815 Solano Avenue, 2737 Wendell Avenue, and 2356 Emeric Avenue indicated that the properties were enrolled and not billed. They had paid and it appears that their payment may not have been processed. Staff informed them of the outstanding invoice. Payment was made on September 28 for outstanding balances.

Payment History

Where a requestor has made timely payments in the prior two (2) fiscal years, their request shall be ministerially granted. Such requests do not require a showing of Good Cause and are not subject to the provisions of Regulation 425 (D) and Regulation 425 (E). Regulation 425 (D) and (E), provide the factors required when making a determining of good cause.

In this case, the owner had not previously submitted a Late Fee Waiver request.

Evaluation of Owner’s Claim of Good Cause

No Late Fee waiver request shall be granted unless there is a sufficient demonstration of Good Cause. In their consideration, the Executive Director must evaluate the following factors, whenever present, when making a determination of Good Cause:

1. *Whether the failure to remit timely payment was due to a Rent Program billing error, such as an incorrect address, an incomplete invoice, or an invoice sent to the wrong owner;*
2. *Whether the requestor is a successor in interest who has not received an invoice.*
3. *Whether the requestor is experiencing a financial hardship that is caused by circumstances beyond the Landlord’s control;*
4. *Whether the requestor experienced a medical emergency, medical treatment, hospitalization, or death in the family within the billing period;*
5. *Whether the requestor had submitted a request for an Administrative Determination of Exempt/Applicability Status within the billing period;*
6. *Whether the requestor’s Tenant(s) have experienced a COVID-19 related financial hardship that has impacted the Tenant’s ability to pay Rent;*
7. *Late payment History.*
8. *Any other circumstances relevant to the inquiry of Good Cause.*

Rent Program staff confirmed the base Residential Rental Housing Fee for the outstanding Fiscal Years was paid on September 28, 2023 when notified of the amount due.

Rent Program staff verified with Contra Costa County records that:

1233 S. 55th Street is a Fourplex built in 1960;
560 20th Street is a Single-Family Home built in 1906;
779 34th Street is a Single-Family Home built in 1942;
451 40th Street is a Single-Family Home built in 1943;
1535 Garvin Avenue is a Single-Family Home built in 1918;
2367 Humphrey Avenue is a Single-Family Home built in 1940;
3815 Solano Avenue is a Single-Family Home built in 1926;
2737 Wendell Avenue is a Single-Family Home built in 1950, and
2356 Emeric Avenue is designated as single-family home built in 1925.

The owner demonstrated Good Cause that warrants a waiver of late fees with a timely payment when they receive the invoice and enrollment forms for all properties on December 18 and 19, 2018. The fees were paid immediately once informed of the outstanding amount.

Staff Recommendation

Helen and Steve Shie demonstrated good faith efforts to come into compliance by contacting the Rent Program to inquire about the Program, paying the Residential Rental Housing Fees when the invoice was provided, and enrolling with the Program. Considering these factors, staff recommend that a full waiver of late fees in the amount of \$1,888.00 be granted.

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Request to Remove Late Fees

FRJC #:

☒ The Property Owner is requesting the removal of all late fees on their account.

☐ The Property Owner is requesting the removal of partial late fees on their account totaling \$

Check all that apply (required for request to be complete):

- ☐ New Owner, did not receive invoice
- ☐ Wrong Mailing Address - Please provide correct address: _____
- ☐ Owner believed property was exempt from the Rent Ordinance
- ☐ Financial hardship, caused by circumstances beyond the Landlord's control, such as natural disaster, destruction, or major damage to the Rental Property not due to the Landlord's actions, bankruptcies, and disputes over ownership of the property.
- ☐ Hospitalizations or medical treatments of the Landlord or Landlord's family during the fee billing period, or a death in the family within the fee billing period
- ☐ The landlord was billed for a fewer number of units because of errors in property records maintained by the Rent Program where the error was not attributable to information supplied by the Landlord. The penalties are waived only for unbilled units; the billed units should be paid on time.
- ☒ A previously enrolled property was not billed as a result of staff error.
- ☐ An invalid or erroneous account number was assigned, which resulted in billing errors or improper crediting of payments by the landlord.
- ☐ The determination of whether or not the property was subject to the Ordinance required an analysis through the existing Administrative Determination of Exempt Status process. Penalties will be waived only while the determinations pending. If the Landlord raised the issue requiring administrative determination, penalties will be waived only from the date of the first written contact with the Board in which the issue was raised. Waiver of penalties will not be granted if the staff determines that the issue raised is already settled and/or has no substantial merit. If the issue was raised by Rent Board staff, the waiver period commences on the date on which the administrative determination was requested by the staff. In all situations in which a determination was requested, the waiver period terminates when the Landlord is notified of the determination regarding the status of his/her property.
- ☐ The property owner was unable to collect some or all of the rent due to the COVID-19 pandemic and the resulting hardship led to non-payment of the Rental Housing Fee. In this case, the property owner must declare under penalty of perjury, in detail, how COVID-19 has impacted their business (i.e. how many month's tenants didn't pay rent, illness in the family or self, etc.)

☒ Other: A physical check was mailed but not cashed for FY21-22 attached. No statement was received 22-23

Declaration & Signature: _____

Declaration & Signature:

I declare under penalty of perjury under the laws of the State of California that every statement in this Late Fee Waiver Request is true and correct to the best of my knowledge and belief.

Signature of Landlord/Property Manager: Helen Shiu

Date: 9/28/2023

Printed Name: Helen Skie

Rent Program Staff Use Only:

The late fee amount on the account is a total of \$

Staff Member Name: _____ Date _____

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To: Members of the Richmond Rent Board

From: Fred Tran, Deputy Director

Re: Late Fee Waiver Recommendation – 1175 26th Street

Date: June 17, 2024

Late Fee Waiver Recommendations Pursuant to Regulation 425

As required by Regulation 425, the Executive Director or his or her designee shall review all late fee waiver requests and issue a recommendation for the Rent Board to approve the waiver, in full or in part, or deny the waiver, based on the Landlord's reason for requesting the waiver and their payment history. Attached to this recommendation are the compiled late fee waiver requests and associated documentation including the table below with details on each month's request.

Summary of Late Fee Waiver Requests and Recommendation for June 2024:

Property Owner	Date of Request	Reason for Request	Recommendation to Approve or Deny	Late Fee Amount	Total Late Fees Waived if Approved	Recommended Late Fee Amount (if any)
Auro Bhatt	September 18, 2023	New Owner, did not receive invoice	Full waiver of late fees	\$1,618.00	\$1,618.00	None

Good Cause and Late Payment History

Regulation 425 requires a showing of Good Cause prior to waiving any late fee assessment. Good Cause is defined as the taking of reasonable efforts, while acting with due diligence to remit timely payment of the Residential Rental Housing Fee. In other words, it is an evaluation of whether the Landlord took reasonable efforts and acted with due diligence in their attempt to pay the Residential Rental Housing Fee. Regulation 425 guides this inquiry by requiring the Executive Director evaluate applicable enumerated factors (Attachment 1) prior to deciding of whether there exists Good Cause to grant the request. Finally, Regulation 425 establishes that a Rent Program billing error would always constitute Good Cause to waive the late fee assessment.

Claim of "Good Cause"

In the request dated September 18, 2023, (Attachment 1) Auro Bhatt, the property owner of 1175 26th Street indicated that he is the new owner of the property and did not

receive invoice. Staff informed them of the outstanding invoice. Payment was made on October 5, 2023 for the outstanding balance.

Payment History

Where a requestor has made timely payments in the prior two (2) fiscal years, their request shall be ministerially granted. Such requests do not require a showing of Good Cause and are not subject to the provisions of Regulation 425 (D) and Regulation 425 (E). Regulation 425 (D) and (E), provide the factors required when making a determining of good cause.

In this case, the owner had not previously submitted a Late Fee Waiver request.

Evaluation of Owner's Claim of Good Cause

No Late Fee waiver request shall be granted unless there is a sufficient demonstration of Good Cause. In their consideration, the Executive Director must evaluate the following factors, whenever present, when making a determination of Good Cause:

1. *Whether the failure to remit timely payment was due to a Rent Program billing error, such as an incorrect address, an incomplete invoice, or an invoice sent to the wrong owner;*
2. *Whether the requestor is a successor in interest who has not received an invoice.*
3. *Whether the requestor is experiencing a financial hardship that is caused by circumstances beyond the Landlord's control;*
4. *Whether the requestor experienced a medical emergency, medical treatment, hospitalization, or death in the family within the billing period;*
5. *Whether the requestor had submitted a request for an Administrative Determination of Exempt/Applicability Status within the billing period;*
6. *Whether the requestor's Tenant(s) have experienced a COVID-19 related financial hardship that has impacted the Tenant's ability to pay Rent;*
7. *Late payment History.*
8. *Any other circumstances relevant to the inquiry of Good Cause.*

Rent Program staff confirmed the base Residential Rental Housing Fee for the outstanding Fiscal Years was paid on October 5, 2023 when notified of the amount due.

Rent Program staff verified with Contra Costa County records that 1175 26th Street are all designated as a multi-family residence that was built in 1962.

The owner demonstrated Good Cause that warrants a waiver of late fees with a timely payment when they receive the invoice and enrollment forms for all properties in October 2021. The fees were paid immediately once informed of the outstanding amount.

Staff Recommendation

Auro Bhatt demonstrated good faith efforts to come into compliance by contacting the Rent Program to inquire about the Program, paying the Residential Rental Housing Fees when the invoice was provided, and enrolling with the Program. Considering these factors, staff recommend that a full waiver of late fees in the amount of \$1,618.00 be granted.

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CITY OF RICHMOND RENT PROGRAM

City of
Richmond



Request to Remove Late Fees

Property Owner Name:

FRJC #:

Property Owner Phone Number or Email:

MR. AURO BHATT

- ☒ The Property Owner is requesting the removal of all late fees on their account.
- ☐ The Property Owner is requesting the removal of partial late fees on their account totaling \$_____

Check all that apply (required for request to be complete):

- ☒ New Owner, did not receive invoice
- ☒ Wrong Mailing Address - Please provide correct address: _____
- ☐ Owner believed property was exempt from the Rent Ordinance
- ☐ Financial hardship, caused by circumstances beyond the Landlord's control, such as natural disaster, destruction, or major damage to the Rental Property not due to the Landlords actions, bankruptcies, and disputes over ownership of the property.
- ☐ Hospitalizations or medical treatments of the Landlord or Landlord's family during the fee billing period, or a death in the family within the fee billing period
- ☐ The landlord was billed for a fewer number of units because of errors in property records maintained by the Rent Program where the error was not attributable to information supplied by the Landlord. The penalties are waived only for unbilled units; the billed units should be paid on time.
- ☐ A previously enrolled property was not billed as a result of staff error.
- ☐ An invalid or erroneous account number was assigned, which resulted in billing errors or improper crediting of payments by the landlord.
- ☐ The determination of whether or not the property was subject to the Ordinance required an analysis through the existing Administrative Determination of Exempt Status process. Penalties will be waived only while the determinations pending. If the Landlord raised the issue requiring administrative determination, penalties will be waived only from the date of the first written contact with the Board in which the issue was raised. Waiver of penalties will not be granted if the staff determines that the issue raised is already settled and/or has no substantial merit. If the issue was raised by Rent Board staff, the waiver period commences on the date on which the administrative determination was requested by the staff. In all situations in which a determination was requested, the waiver period terminates when the Landlord is notified of the determination regarding the status of his/her property.
- ☐ The property owner was unable to collect some or all of the rent due to the COVID-19 pandemic and the resulting hardship led to non-payment of the Rental Housing Fee. In this case, the property owner must declare under penalty of perjury, in detail, how COVID-19 has impacted their business (i.e. how many month's tenants didn't pay rent, illness in the family or self, etc.)
- ☐ Other: _____

Declaration & Signature:

I declare under penalty of perjury under the laws of the State of California that every statement in this Late Fee Waiver Request is true and correct to the best of my knowledge and belief.

Signature of Landlord/Property Manager: _____

Date: _____

Printed Name: _____

MR. AURO BHATT

Rent Program Staff Use Only:

The late fee amount on the account is a total of \$_____

Staff Member Name: _____

Date: ____/____/____

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To: Members of the Richmond Rent Board

From: Fred Tran, Deputy Director

Re: Late Fee Waiver Recommendation – 646 37th Street

Date: June 17, 2024

Late Fee Waiver Recommendations Pursuant to Regulation 425

As required by Regulation 425, the Executive Director or his or her designee shall review all late fee waiver requests and issue a recommendation for the Rent Board to approve the waiver, in full or in part, or deny the waiver, based on the Landlord's reason for requesting the waiver and their payment history. Attached to this recommendation are the compiled late fee waiver requests and associated documentation including the table below with details on each month's request.

Summary of Late Fee Waiver Requests and Recommendation for June 2024:

Property Owner	Date of Request	Reason for Request	Recommendation to Approve or Deny	Late Fee Amount	Total Late Fees Waived if Approved	Recommended Late Fee Amount (if any)
Vicki Briesacker	September 27, 2023	Wrong mailing address	Full waiver of late fees	\$365.50	\$365.50	None

Good Cause and Late Payment History

Regulation 425 requires a showing of Good Cause prior to waiving any late fee assessment. Good Cause is defined as the taking of reasonable efforts, while acting with due diligence to remit timely payment of the Residential Rental Housing Fee. In other words, it is an evaluation of whether the Landlord took reasonable efforts and acted with due diligence in their attempt to pay the Residential Rental Housing Fee. Regulation 425 guides this inquiry by requiring the Executive Director evaluate applicable enumerated factors (Attachment 1) prior to deciding of whether there exists Good Cause to grant the request. Finally, Regulation 425 establishes that a Rent Program billing error would always constitute Good Cause to waive the late fee assessment.

Claim of "Good Cause"

In the request dated September 27, 2023, (Attachment 1) Vicki Briesacker, indicated that she is the trustee of the trust of 646 37th Street. Due to the mailing address not being updated, she did not receive an invoice. Staff informed her of the outstanding

invoice and the Program requirements. Payment was made on October 5, 2023 for the outstanding balance.

Payment History

Where a requestor has made timely payments in the prior two (2) fiscal years, their request shall be ministerially granted. Such requests do not require a showing of Good Cause and are not subject to the provisions of Regulation 425 (D) and Regulation 425 (E). Regulation 425 (D) and (E), provide the factors required when making a determining of good cause.

In this case, the owner had not previously submitted a Late Fee Waiver request.

Evaluation of Owner's Claim of Good Cause

No Late Fee waiver request shall be granted unless there is a sufficient demonstration of Good Cause. In their consideration, the Executive Director must evaluate the following factors, whenever present, when making a determination of Good Cause:

1. *Whether the failure to remit timely payment was due to a Rent Program billing error, such as an incorrect address, an incomplete invoice, or an invoice sent to the wrong owner;*
2. *Whether the requestor is a successor in interest who has not received an invoice.*
3. *Whether the requestor is experiencing a financial hardship that is caused by circumstances beyond the Landlord's control;*
4. *Whether the requestor experienced a medical emergency, medical treatment, hospitalization, or death in the family within the billing period;*
5. *Whether the requestor had submitted a request for an Administrative Determination of Exempt/Applicability Status within the billing period;*
6. *Whether the requestor's Tenant(s) have experienced a COVID-19 related financial hardship that has impacted the Tenant's ability to pay Rent;*
7. *Late payment History.*
8. *Any other circumstances relevant to the inquiry of Good Cause.*

Rent Program staff confirmed the base Residential Rental Housing Fee for the outstanding Fiscal Years was paid on October 5, 2023 when notified of the amount due.

Rent Program staff verified with Contra Costa County records that 646 37th Street are all designated as a single-family residence that was built in 1956.

The owner demonstrated Good Cause that warrants a waiver of late fees with a timely payment when they receive the invoice and updated the enrollment form for the property in October 2023. The fees were paid immediately once informed of the outstanding amount.

Staff Recommendation

Vicki Briesacker demonstrated good faith efforts to come into compliance by contacting the Rent Program to inquire about the Program, paying the Residential Rental Housing Fees when the invoice was provided, and enrolling with the Program. Considering these factors, staff recommend that a full waiver of late fees in the amount of \$365.50 be granted.

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Request to Remove Late Fees

Property Owner Name: Mark Cheley Trust

FRJC #: [REDACTED]

Property Owner Phone Number or Email: [REDACTED]

- ☒ The Property Owner is requesting the removal of all late fees on their account.
- ☐ The Property Owner is requesting the removal of partial late fees on their account totaling \$_____

Check all that apply (required for request to be complete):

- ☐ New Owner, did not receive invoice
- ☒ Wrong Mailing Address - Please provide correct address: [REDACTED]
-
- ☐ Owner believed property was exempt from the Rent Ordinance
- ☐ Financial hardship, caused by circumstances beyond the Landlord's control, such as natural disaster, destruction, or major damage to the Rental Property not due to the Landlords actions, bankruptcies, and disputes over ownership of the property.
- ☒ Hospitalizations or medical treatments of the Landlord or Landlord's family during the fee billing period, or a death in the family within the fee billing period
- ☐ The landlord was billed for a fewer number of units because of errors in property records maintained by the Rent Program where the error was not attributable to information supplied by the Landlord. The penalties are waived only for unbilled units; the billed units should be paid on time.
- ☐ A previously enrolled property was not billed as a result of staff error.
- ☐ An invalid or erroneous account number was assigned, which resulted in billing errors or improper crediting of payments by the landlord.
- ☐ The determination of whether or not the property was subject to the Ordinance required an analysis through the existing Administrative Determination of Exempt Status process. Penalties will be waived only while the determinations pending. If the Landlord raised the issue requiring administrative determination, penalties will be waived only from the date of the first written contact with the Board in which the issue was raised. Waiver of penalties will not be granted if the staff determines that the issue raised is already settled and/or has no substantial merit. If the issue was raised by Rent Board staff, the waiver period commences on the date on which the administrative determination was requested by the staff. In all situations in which a determination was requested, the waiver period terminates when the Landlord is notified of the determination regarding the status of his/her property.
- ☐ The property owner was unable to collect some or all of the rent due to the COVID-19 pandemic and the resulting hardship led to non-payment of the Rental Housing Fee. In this case, the property owner must declare under penalty of perjury, in detail, how COVID-19 has impacted their business (i.e. how many month's tenants didn't pay rent, illness in the family or self, etc.)
- ☒ Other: Owner passed away and Trustee of Mark Cheley Trust was unaware of program.

Declaration & Signature:

I declare under penalty of perjury under the laws of the State of California that every statement in this Late Fee Waiver Request is true and correct to the best of my knowledge and belief.

Signature of Landlord/Property Manager: Kati Bruecker

Date: 09 / 27 / 23

Printed Name: Vicki Briesacker

Rent Program Staff Use Only:

The late fee amount on the account is a total of \$

Staff Member Name: _____ Date: / /

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