



**City of East Palo Alto**  
**Office of the City Manager**  
**Rent Stabilization Program**  
2415 University Avenue, 2<sup>nd</sup> floor  
East Palo Alto, CA 94303  
Tel: 650-853-3157 Fax: 650-853-3115  
rentprogram@cityofepa.org

## **Petition for Waiver of Penalty Fees**

### **Applicable to Mobile Home Parks in the City of East Palo Alto**

To seek a waiver of Rent Stabilization Registration fee penalties, complete the Petition for Waiver of Penalty Fee form below and return it to the Rent Stabilization Program Office at the above address. Explain all of the circumstances for your failure to pay all required registration fees and penalties in a timely manner. Also submit any supporting evidence to substantiate your good faith efforts to comply with the Rent Stabilization Ordinance and the regulations adopted by the Rent Board. Attach additional pages if needed for your explanation.

The 1988 Rent Stabilization Ordinance requires mobile home park owners to report registration information and pay registration fees. Applicable parts of Section 8 the Ordinance include the following provisions:

- C. There shall be an annual fee per unit, set by the Board in accordance with Section 6L of the Ordinance which shall be paid at the time that statements are submitted to the program, but no later than July 1, of each year.
- E. Every annual fee required by this Ordinance which is not paid on or before July 1, is declared delinquent and the Board shall add to said fee and collect a penalty of one hundred percent (100%) of the fee so delinquent in addition to the fee. Every ninety (90) days that the fee and penalty remain delinquent, the penalty shall be increased by one hundred percent (100%) of the original fee.
  - 1. The Board may waive the penalty in accordance with its Rules and Regulations and with Section 1947.7 of the California Civil Code, if a statement is filed and fees paid after the first notice of delinquency.
- G. Within thirty-(30) days of the filing of a complete annual statement and the paying of annual fees, the Board shall provide a Certificate of Maximum Legal Rent for each rental unit covered by this Ordinance. The certificate shall include the most recently adopted annual general adjustment. The certificate shall be mailed to the landlord and tenant of each rental unit, and may be challenged for up to ten (10) days after receipt, pursuant to Section 1947.7 of the California Civil Code; provided that the ten (10) deadline does not apply in the event of alleged fraud or misrepresentation on the part of the landlord filing the annual statement.

Section 885 of the Regulations pertaining to mobile home parks provides the following:

### **885. WAIVER OF PENALTIES FOR DELINQUENT REGISTRATION (Amended)**

- A. The Administrator shall make the determination on all penalty waiver requests. The following shall be considered good cause for a full waiver of penalties:
  - 1. The billing address of the landlord has not been corrected after the owner has notified the Board, in writing via certified mail, of a change of address.
  - 2. The determination of whether or not a property was subject to the Ordinance requires an analysis by the City Attorney. Penalties shall be waived from the date of the first written contact with the Board in which the issue was raised. No waiver will be granted, if there is already a legal opinion on the issue and/or the issue has no substantial merit.

3. Improper crediting of payments by City staff.
  4. If a landlord responds within 15 days of the first notice of delinquency or penalty billing sent by the program.
  5. Errors in billing or reconciling accounts that are directly attributable to City staff.
- B. Registration penalties must be paid in full before waiver applications can be processed. The Program Administrator may waive this requirement at his/her discretion.
- C. Time for Decision: The Program Administrator shall make a final determination on all waiver requests within 30 days of submission of a completed waiver application, including supporting documentation and penalties.

**886. PENALTIES ACCRUED AFTER SUBMISSION OF A WAIVER APPLICATION** (Amended 5/13/87)

- A. Penalties shall not accrue past the date where registration forms and fees are submitted to the Board. If penalties are not paid at the time the waiver application is submitted, interest shall accrue on penalties if not paid within 30 days of a final waiver determination.

**887. APPEAL OF ADMINISTRATOR'S DETERMINATION** (Amended 3/9/93)

- A. Landlord may appeal the Administrator's determination on his/her waiver application. Any such appeal shall be filed within 15 days from the date the decision is mailed to the landlord. Such appeal must be in writing.
1. At the time of filing the appeal, the landlord/appellant shall pay an appeal fee in the amount of \$100.00.
  2. The Rent Stabilization appeals panel shall review all appeals. An appeal decision must be rendered within 30 days for the submission of the appeal.

Date Received:

**City of East Palo Alto  
Petition for Waiver of Penalty Fees**

Name of Petitioner: \_\_\_\_\_ Phone/Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Waiver requested for property located at: \_\_\_\_\_

Provide explanations below of the circumstances to support your petition for waiver of penalties for noncompliance with deadlines for registration statements and/or payment of registration fees.

**Circumstances warranting waiver of penalty for failure to pay registration fees on time:**

**Circumstances warranting waiver of penalty for failure to file registration statements on time:**

I hereby declare under penalty of perjury under the laws of the State of California that all the information in this Request for Waiver of Penalty form is true and correct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date