

NEPTUNE TOWNSHIP RENT LEVELING BOARD - AGENDA SEPTEMBER 1, 2016 - 6pm

Ruth Johnson calls the meeting to order and requests the Secretary to call the roll:

ROLL CALL:

Connie Holmes _____ James Manning, Jr. _____ Morrel Massicot _____

Ruth Johnson _____ Catherine McAphee _____

Alternate #1 Jeff Klein _____

Flag Salute

Chairperson Johnson announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster on January 28, 2016 posting the notice on the Board in the Municipal Complex, and filing a copy of the said notice with the Municipal Clerk.

Consumer Price Index [July's price index was 263.868, area prices down 0.1 percent over the month and up 1.0 % over the year.

Action Items:

1. Approval of Minutes – August 4, 2016.

Offered by: _____ Seconded by: _____

Vote:

Holmes _____; Manning _____; Massicot _____; _____; Johnson _____; McAphee _____;
Klein _____

2. Resolution Denise Tuesday, 16-14 vs Neptune Housing Associates

Offered by: _____ Seconded by: _____

Vote:

Holmes _____; Manning _____; Massicot _____; Johnson _____; McAphee _____;
Klein _____

3. Resolution Luis Soto, 16-16 vs Yehuda Farkas (Fisher Avenue Investments, LLC)

Offered by: _____ Seconded by: _____

Vote:

Holmes _____; Manning _____; Massicot _____; Johnson _____; McAphee _____;

Klein _____

Old Business:

DISCUSSION ITEMS:

1. Hearing – Sue Johnson vs Neptune Housing Associates – illegal rent increase

PUBLIC PARTICIPATION:

ADJOURNMENT (Time): _____

Offered by: _____ Seconded by: _____

Vote:

Holmes _____; Manning _____; Massicot _____; Johnson _____; McAphee _____;

Klein _____

RESOLUTIONS

**RESOLUTION OF THE NEPTUNE TOWNSHIP RENT LEVELING BOARD OF
TENANT'S COMPLAINT OF DENISE THUESDAY**

WHEREAS, the Neptune Township Rent Leveling Board was presented with a Complaint by Denise Thuesday, residing at 204 Stratford Avenue, Neptune Township, New Jersey, alleging reduction in services in violation of Section 4-30.9, entitled, "Standards of Service" of the Neptune Township Rent Control Ordinance, and further alleging an illegal rent increase, and seeking relief as a result thereof; and

WHEREAS, a hearing on the Complaint was scheduled for August 4, 2016, after service was made upon the landlord by Certified Mail/Return Receipt Requested, namely, Neptune Housing Associates, LLC, c/o Avery Hoffman, Neptune Housing Associates, 691 Elizabeth Avenue, Ste. 2, Newark, New Jersey 07112, as submitted by the tenant, (hereinafter referred to as the "Complainant") within the time period prescribed by local ordinance; and

WHEREAS, on August 4, 2016 the Complainant, Denise Thuesday, failed to appear before the Neptune Township Rent Leveling Board to testify or otherwise prosecute her case, even though the Board Secretary had contacted her by telephone to remind her of the hearing time and date, and the attorney for the landlord, namely Andrew B. Sobel, of the Law Firm of Sobel Han, LLC, with office located at 120 Sylvan Avenue, Suite 304, Englewood Cliffs, New Jersey 07632, did appear on behalf of the landlord.

NOW, THEREFORE, BE IT RESOLVED, by the Neptune Township Rent Leveling Board, that the Neptune Township Rent Leveling Board has ruled as follows:

1. That the Board dismisses the Complaint of Denise Thuesday, without prejudice, for her failure to prosecute the Complaint filed in this matter.

IT IS FURTHER RESOLVED AND DETERMINED, that the municipal attorney is hereby authorized to provide the landlord, Neptune Housing Associates, through its attorney, Andrew B. Sobel, Esq., with offices located at 120 Sylvan Avenue, Suite 304, Englewood Cliffs, New Jersey 07632, and the Complainant, Denise Tuesday, at her last known address of 2042 Straford Avenue, Neptune Township, NJ 07753, with a written notice of this decision by copy of this Resolution effective the date of execution of this Resolution, by supplying the same pursuant to Ordinance, and that either the landlord or the Complainant shall have a right within twenty (20) days of the date of receipt of the determination in accordance with the Neptune Township Rent Control Ordinance, Rules And Regulations of the Neptune Township Rent Leveling Board, to file an appeal before the Neptune Township Committee.

OFFERED BY BOARD MEMBER:

SECONDED BY BOARD MEMBER:

AND ADOPTED ON ROLL CALL BY THE FOLLOWING VOTES:

ROLL CALL

Affirmative:

Negative:

Absent:

Dated: September 1, 2016

RUTH JOHNSON, CHAIRWOMAN

ATTEST:

PAM HOWARD, Secretary

RESOLUTION OF THE NEPTUNE TOWNSHIP RENT LEVELING BOARD OF
TENANT'S COMPLAINT OF LUIS A. SOTO

WHEREAS, the Neptune Township Rent Leveling Board was presented with a Complaint by Luis A. Soto, residing at 259 Fisher Avenue, Apt. L, Neptune Township, New Jersey, alleging reduction in services in violation of Section 4-30.9, entitled, "Standards of Service" of the Neptune Township Rent Control Ordinance, and sought relief as a result thereof; and

WHEREAS, a hearing on the Complaint was scheduled for August 4, 2016, after service was made upon the landlord by Certified Mail/Return Receipt Requested, namely, Yehuda Farkas, t/a Fisher Avenue Investments, LLC, 428 Clifton Avenue, Lakewood, New Jersey 08701, as submitted by the tenant, (hereinafter referred to as the "Complainant") within the time period prescribed by local ordinance; and

WHEREAS, on August 4, 2016 the Complainant, Luis A. Soto, failed to appear before the Neptune Township Rent Leveling Board to testify or otherwise prosecute his case, and advised the Board Secretary by telephone that same day that he was withdrawing his Complaint due to the fact that the landlord had addressed the issues he raised in the Complaint in this matter, and the landlord or landlord's attorney having also failed to appear on August 4, 2016.

NOW, THEREFORE, BE IT RESOLVED, by the Neptune Township Rent Leveling Board, that the Neptune Township Rent Leveling Board has ruled as follows:

2. That the Board dismisses the Complaint of Luis A. Soto for his failure to prosecute the Complaint filed in this matter, and further, notes that he requested by telephone call to the Board Secretary the voluntary withdrawal of the Complaint, and therefore, the Board no longer has jurisdiction for hearing this matter.

IT IS FURTHER RESOLVED AND DETERMINED, that the municipal attorney is

hereby authorized to provide the landlord, Yehuda Farkas, t/a Fisher Avenue Investments, LLC, 428 Clifton Avenue, Lakewood, New Jersey 08701, and the Complainant, Luis A. Soto, at his last known address of 259 Fisher Avenue, Apt. L, Neptune Township, NJ 07753, with a written notice of this decision by copy of this Resolution effective the date of execution of this Resolution, by supplying the same pursuant to Ordinance, and that either the landlord or the Complainant shall have a right within twenty (20) days of the date of receipt of the determination in accordance with the Neptune Township Rent Control Ordinance, Rules And Regulations of the Neptune Township Rent Leveling Board, to file an appeal before the Neptune Township Committee.

OFFERED BY BOARD MEMBER:

SECONDED BY BOARD MEMBER:

AND ADOPTED ON ROLL CALL BY THE FOLLOWING VOTES:

ROLL CALL

Affirmative:

Negative:

Absent:

Dated: September 1, 2016

RUTH JOHNSON, CHAIRWOMAN

ATTEST:

PAM HOWARD, Secretary

MINUTES

NEPTUNE TOWNSHIP RENT LEVELING BOARD

Minutes – August 4, 2016

Ruth Johnson , Chairperson, called the meeting to order at 6:05 pm and requested the Secretary to call the roll. The following members were present: Ruth Johnson, Catherine McAphee, Connie Holmes and Jeff Klein. Morrel Massicott and James Manning, Jr. were absent.

Mrs. Johnson stated adequate notice of this meeting as required by P.L. Chapter 231 has been provided by notice in the Coaster on January 28, 2016, which was posted on the bulletin board of the Municipal Complex and filing a said notice with the Municipal Clerk.

Mrs. Johnson announced that the Consumer Price Index [May's price index was 264.022, area prices up 0.3 percent over the year].

APPROVAL OF MINUTES

Mrs. Johnson offered a motion, moved and seconded by Mrs. Holmes to approve the minutes of the meeting for July 7, 2016; all that were eligible to vote were in favor.

RESOLUTIONS

Mrs. Holmes offered a motion, moved and seconded by Mrs. Holmes to approve the following resolution; all were in favor.

RESOLUTION OF NEPTUNE TOWNSHIP RENT LEVELING BOARD OF TENANT COMPLAINT OF SUE JOHNSON

WHEREAS, Sue Johnson, residing at 2009 Milton Avenue, Neptune Township, New Jersey, filed a tenant Complaint on May 4, 2016, alleging an illegal increase in rent in violation of Section 4-30.2 of the Ordinance amending Chapter IV of the General Ordinance of the Township of Neptune creating Rent Control; Protective Tenancy and a Rent Leveling Board, and demanding relief pursuant to the aforesaid Ordinance for an illegal increase in rent; and

WHEREAS, a hearing on the aforesaid Complaint was heard on July 7, 2016 after appropriate notice was provided to the landlord by the Complainant, Sue Johnson, pursuant to the notice and time requirements of the Neptune Township Rent Control Ordinance; and

WHEREAS, both the tenant, Sue Johnson and the attorney for the landlord, namely, Andrew B. Sobel, Esq., were present at the hearing, and Sue Johnson and Mario

Johnson served as witnesses for the Complainant, and Avery Hoffman served as a witness for the landlord; and

WHEREAS, the tenant claimed in her Complaint an unfair and illegal lease renewal increase in rent. The tenant claimed an increase from \$979.00 per month to \$1,003.48 per month, but could not identify the exact date in which the increase took place. The tenant presented as evidence a copy of the Lease Agreement (T-1) dated December 1, 2008, with a monthly rent of \$840.00; a Notice of Rent Increase dated November 1, 2009 (T-2) indicating an increase in rent effective January 1, 2010 to \$865.00; a Notice of Rent Increase dated November 1, 2010 indicating a rent increase effective January 1, 2011 to \$890.00 per month (T-3) and a Notice to Quit and to Increase Rent produced and dated February 13, 2014, raising the rent from \$979.00 to \$1,038.48 effective April 30, 2014 (T-4).

NOW, THEREFORE, BE IT RESOLVED, by the Neptune Township Rent Leveling Board, that based on the evidence before the Board and the representation by the Board Attorney, the Neptune Township Rent Leveling Board has made the following determination:

1. The Neptune Township Rent Leveling Board has factually determined that the Complainant had entered into a tenancy relationship at the subject premises on Milton Avenue owned by Neptune Housing Associates for the time period necessary for filing this Complaint, and that the apartment complex owned by Neptune Housing Associates consists of a number of units allowing application of the Rent Control Ordinance.
2. The Rent Leveling Board has found that procedurally there was due process of law followed with the landlord properly served with the Complaint, as acknowledged by the landlord at the hearing.
3. The Board has factually determined that the tenant's last Notice to Quit and to Increase Rent from the landlord, as affirmed by testimony from Avery Hoffman, witness for the landlord, was dated February 13, 2014 and received thereafter, showing the contested increase from \$979.00 to \$1,003.48, which was to be effective after April 30, 2014. The Board finds that there was no increase since the February 13, 2014 Notice to Quit and Increase Rent, which went into effect May 1, 2014. Under the Rules and Regulations of the Neptune Township Rent Leveling Board, as adopted by the Board and allowed by the Rent Control Ordinance, Chapter IV, entitled, "Tenants' Complaints," Subparagraph E, "No relief shall be granted by the Board to the extent that a Complaint seeks relief for any period more than one year prior to the filing of the Complaint." The Board finds that any increase, as provided by the

evidence in this particular case, took place more than one year prior to the Complaint being filed in this matter, and therefore, the Board is barred under its Rules and Regulations from providing any relief based on the Complaint filed in this matter and the evidence submitted.

4. Therefore, the Neptune Township Rent Leveling Board denies the Complaint and relief in this matter based on the Complaint filed in this matter.

IT IS FURTHER ORDERED AND DETERMINED, that the municipal attorney is hereby authorized to provide the landlord, Neptune Housing Associates, LLC, through its attorney, Andrew B. Sobel, Esq., with office located at 120 Sylvan Avenue, Suite 304, Englewood Cliffs, New Jersey 07632, and the tenant, Sue Johnson, residing at 2009 Milton Avenue, Neptune Township, New Jersey 07753, with a written notice of this decision by copy of this resolution effective the date of execution of this resolution by supplying the same pursuant to the Rent Control Ordinance and that either the landlord or the tenant shall have a right within twenty (20) days of the date of receipt of the determination in accordance with the Rent Control Ordinance, Rules And Regulations of the Neptune Township Rent Leveling Board to file an appeal before the Neptune Township Committee.

Hearing – Denise Tuesday, 16-14 vs Neptune Housing Associates

Andrew Sobel, attorney for Neptune Housing Associates and Superintendent, Avery Hoffman arrived at 6:20pm. The tenant still had not arrived by 6:20pm even after being contacted by the Secretary. Therefore, the Board dismissed it and stated she could bring it back before the Board. A motion was offered to dismiss the complaint by Mrs. Johnson, moved and seconded by Mrs. Holmes. All were in favor.

Hearing – Luis Soto, 16-16 vs Yehuda Farkas (Fisher Avenue Investments, LLC)

The tenant did not attend but informed the Secretary by phone that he wished to withdraw his complaint because his concerns were resolved. Mrs. Johnson offered a motion to dismiss the complaint, moved and seconded by Mrs. Holmes. All were in favor.

PUBLIC PARTICIPATION

No comments

Mrs. Johnson offered a motion to adjourn the meeting, moved and seconded by Mrs. Holmes. All were in favor.

Pamela D. Howard
Secretary