

## **Minutes – October 12, 2017**

Chairman Manning, called the meeting to order at 6:05 pm and requested the Secretary to call the roll. The following members were present: James Manning, Jr, Morrel Massicot, Connie Holmes, Ruth Johnson, Catherine McAphee; Alternates Jeff Klein and Naomi Riley.

Mr. Manning announced 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 12, 2017 posting the notice on the Board in the Municipal Complex, and filing a copy of the said notice with the Municipal Clerk.

Mr. Manning announced that the Consumer Price Index [August's price index was 268.657, area prices up 0.2 percent over the month and up 1.7% increase over the year]

### **APPROVAL OF MINUTES**

Mrs. Holmes offered a motion to approve the minutes of the meeting for **June 1, 2017**, moved and seconded by Mrs. McAphee. Mrs. Holmes, Mrs. Johnson, Mrs. McAphee and Mr. Klein all were in favor. The remaining members were ineligible to vote.

Mrs. Holmes offered a motion to approve the minutes of the meeting for **August 3, 2017**, moved and seconded by Mrs. Riley. Mr. Manning, Mrs. Holmes, Mrs. McAphee and Mrs. Riley all were in favor. The remaining members were ineligible to vote.

### **HEARING - CAROLYN SUBLETT VS SEBASTIAN VILLA**

Present at the hearing were Carolyn Sublett who resides at 2305 West Bangs Avenue Apt 10b and representatives of Sebastian Villa - Jacqueline Locasto, Community Manager, Thomas Lee, Superintendent and Kellie Harris, Assistant Manager.

Mr. Anthony went over reduced services that allowed the board to review the complaint for this evening. He discussed jurisdiction and stated a motion was needed to determine jurisdiction.

Mr. Klein questioned whether the Board's jurisdiction was limited as to the amount of what the tenant pays.

Mr. Anthony stated no you would reduce it at whatever the tenant is paying even though it is subsidized.

Mr. Klein asked the Community Manager if Ms. Sublett was current with her rent.

Ms. Locasto confirmed that she was.

Mr. Manning announced that Alternates could have input but could not vote this evening because all regular members were present.

Mrs. Johnson offered a motion that the board had jurisdiction to hear the matter, moved and seconded by Mr. Massicot; all were in favor.

Ms. Sublett stated when she rented the apartment it was not ready.

Ms. Locasto stated when Ms. Sublett moved in she was not employed by the company but Ms. Harris the Assistant Manager and Mr. Lee were.

Ms. Sublett provided testimony on the odor from her neighbors apartment. She stated she placed a call to the police for a health check on her neighbor. The odor was coming from his apartment and was first noticed on May 1, 2017 but became severe on August 14. It intensified once the tub was removed and the wall was opened up. It stopped around September 15<sup>th</sup>.

Mr. Lee stated she informed him the tub was backing up. He opened up the wall and called a plumber to break the bricks. She received a new tub that Saturday. He stated she complained about an odor but they didn't find anything. It was the same day she called the police. He stated he had to fix the neighbors pipes as well because they were connected.

Mr. Klein asked Mr. Lee whether he was present before Ms. Sublett moved in and were inspections done and did problems exist before she moved in.

Mr. Lee stated he inspected the apartment, painted them and updated everything. He stated basically everyone gets new units but everything happened after she moved in.

Mrs. Holmes questioned whether the tub was painted.

Mr. Lee confirmed that it was glazed and when it went bad they took care of it.

Mrs. Riley stated there were cosmetic changes but questioned whether there was a problem with the tile.

Mr. Lee stated when the tub went bad some of the tile had to be ripped off the wall. He stated Ms. Sublett was putting tape on the tile and it pulled the tiles off the wall. He stated he had to rip the tub out to put a new one in. He stated Mrs. Sublett agreed to wait and have the tile replaced then she changed her mind.

Ms. Sublett stated that was incorrect but she was able to use the bathroom and no utilities were lost.

Ms. Riley questioned whether they had a work order form.

Mr. Lee stated he had a work order dated September 7, 2017 for the drywall.

Ms. Sublett stated she noticed the water coming from the air conditioning opening in April. She stated she informed them by letter that every time it rains the water comes in.

Kellie Harris, the Assistant Manager stated she never saw the correspondence.

Mr. Lee stated he only was notified when she experienced problems regarding the tub.

Ms. Sublett stated she sent certified letters.

Ms. Sublett stated the sink in the bathroom and kitchen both were clogged.

Mr. Lee stated this happened when she first moved in and it was fixed within three days.

Ms. Sublett stated that the walls were improperly tiled and they were not level. She passed around exhibits. She stated everything was still like that tonight. Ms. Sublett also stated the trench was filled in with cement. She stated water was leaking into the hallway and inside the bathroom and the hole in the wall was still there.

Mr. Massicot asked if she pointed out these problems prior to moving in.

Ms. Sublett stated she did as far as the water spots.

As far as the grab bars Ms. Sublett stated she did not have them for a month and a half.

Mrs. Johnson questioned whether it was mandatory to have grab bars.

Ms. Sublett stated she did not use them but she did not have them for three weeks. She stated waste was flowing down the trench for two weeks and the floor of the bath tub water was coming from the other apartment bathroom.

It was decided that the bathroom wall was part of 2 & 3's complaint.

Ms. Sublett stated she needed clarification as to whether or not she was in Apartment 10B or 4C.

Kellie Harris stated Ms. Sublett was offered 4C and was called several times to let her know how much her security and rent deposit would be for that month. She stated Mrs. Sublett did not have her security deposit so they waited for three weeks before she came in with her security deposit and in between that time someone else was given the apartment. She stated she believed Ms. Sublett was homeless or leaving her home at the time so they gave her 10B and that was why there was a different name on the C/O.

Mr. Anthony broke down the complaint to seven basic things and asked Ms. Sublett the status of them to which she replied.

1. Odor issue - improved
2. Wall covered issued - resolved
3. Clogged sink - resolved
4. Air Conditioner – not resolved because it leaks when it rains
5. Tile issue – not resolved
6. Grab Bar – replaced and corrected
7. Trench - corrected

Two out of seven have been resolved.

Ms. Sublett stated she would like to tile the bathroom herself.

Ms. Locasto stated they offered to tile her entire bathroom and at first she agreed and then she changed her mind and now she's not happy.

This portion of the hearing was closed and there wasn't any additional testimony.

Mr. Klein suggested Mr. Lee get a work order and fix the air conditioner and not wait for it to rain.

The Board began their vote on whether there were significant deficiencies.

Mrs. Holmes offered a motion that the odor was not a significant deficiency, moved and seconded by Mrs. Johnson and the vote was as follows: everyone was in favor of it not being a significant deficiency with the exception of Mr. Manning who felt it was.

Mr. Manning offered a motion that the holes in the wall were a significant deficiency, moved and seconded by Mr. Massicot; all aye.

Mr. Manning offered a motion that the clogged sinks were a significant deficiency, moved and seconded by Mrs. Holmes; all aye.

Mr. Manning offered a motion that the air conditioner was a significant deficiency, moved and seconded by Mrs. Johnson; all aye.

Mr. Manning offered a motion that the improper tiled wall was not a significant deficiency, moved and seconded by Mrs. Holmes; all voted aye.

Mr. Manning offered a motion that the grab bars were a significant deficiency, moved and seconded by Mrs. Johnson; all voted aye with the exception of Mrs. Holmes.

Mr. Manning offered a motion that the trench was a significant deficiency, moved and seconded by Mrs. Johnson; all voted aye.

The Board began their vote as to whether or not the landlord responded within a reasonable amount of time to the complaints listed.

Mrs. Johnson offered a motion moved and seconded by Mrs. Holmes that the landlord acted in a reasonable time in regards to the holes in the bathroom wall to prevent any further damage; all voted aye.

Mrs. Johnson offered a motion moved and seconded by Mrs. Holmes that the landlord acted in a reasonable time in regards to the outside wall; all voted aye.

Mr. Manning offered a motion moved and seconded by Mrs. Johnson that the landlord acted in a reasonable time as far as the clogged sink; all voted aye.

Mr. Manning offered a motion, moved and seconded by Mr. Massicot that the landlord acted in a reasonable time but noted both parties gave conflicting testimony and advised the representatives for the landlord that this matter still needed to be corrected within a reasonable time and to not wait until in rains; all voted aye.

Mr. Manning offered a motion, moved and seconded by Mrs. Johnson that the landlord acted in a reasonable time as far as the grab bars; all voted aye.

Mr. Manning offered a motion, moved and seconded by Mr. Massicot that the landlord did not act within a reasonable amount of time as far as the trench near the bathtub; all voted aye.

Mr. Manning offered a motion that he felt there was value on the trench around the bathtub and the value should be based on 2% of the amount of rent she pays based on the time frame of August 14-September 30, moved and seconded by Mrs. Johnson; all voted aye.

### **DISCUSSION ITEMS**

There were none

### **PUBLIC PARTICIPATION**

There were none.

Mrs. Johnson offered a motion to adjourn the meeting moved and seconded by Mr. Manning; All were in favor.

Pamela D. Howard  
Secretary