

NEPTUNE TOWNSHIP RENT LEVELING BOARD

Minutes – September 1, 2016

Ruth Johnson , Chairperson, called the meeting to order at 6:00 pm and requested the Secretary to call the roll. The following members were present: Ruth Johnson, Catherine McAphee, Connie Holmes, Morrel Massicott and Jeff Klein. 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 [July's price index was 263.868, area prices down 0.1 percent over the month and up 1.0% over the year].

APPROVAL OF MINUTES

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

RESOLUTIONS

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

**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 Tuesday, 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 Tuesday, 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

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

**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:

1. 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

Hearing – Sue Johnson, 16-17 vs Neptune Housing Associates

Sue Johnson and her son Mario Johnson were present as well as Alvin Kim, attorney for Neptune Housing Associates, who provided very little input while Ms. Johnson gave her testimony.

Mr. Anthony stated the court order does not supersede the law and the problem with the consent order is that the judge doesn't get involved. He stated the tenant could not be made to pay an illegal increase nor could she agree to something that was illegal. He stated based on the CPI her rent should be \$989 and she must be given 60 days notice because she hasn't received notice yet.

Mrs. Holmes agreed that Ms. Johnson should pay the amount that was legal.

Mr. Klein stated in his opinion Ms. Johnson was given a bonus because they were not enforcing the increase. He agreed with the court to throw out the back monies. He went on to state that she went 2 ½ years without an increase and he did not feel comfortable that it was not considered by the courts. He felt the arbitrated agreement should be enforced and the amount they agreed to should be the amount of rent going forward. He stated the lease was written improperly as far as the dates of the lease.

Mr. Anthony stated he was concerned as to whether there was a confirmed consent.

Mrs. Holmes stated in some cases where she lived the increase has been zero and stated nothing accounts to a \$24 increase. She felt the rent increase should be \$9 and the Board should void the agreement.

Mr. Anthony stated the bottom line was that they could not enter into an illegal agreement.

Mr. Klein stated State Law might go above us.

Mr. Anthony stated the rent control ordinance supersedes State Law.

Mr. Klein stated he was happy the landlord waived \$3,000 but stated every landlord has to put improvements into their property.

Mr. Anthony stated that was irrelevant and doesn't matter. He stated he was concerned with how the landlord would treat the tenant.

Mrs. Johnson questioned whether the landlord could retaliate against the tenant.

Mr. Anthony stated just because one part of the agreement was illegal doesn't make the whole the whole agreement illegal.

Mrs. Holmes read a portion of the ordinance pertaining to rent increases.

Mr. Anthony discussed the vacancy decontrol portion of the ordinance and the notice that must be given.

Mr. Klein offered a motion, moved and seconded by Mrs. Johnson to enforce the consent order of the courts. The motion failed because the rest of the members voted against it.

Mrs. Holmes offered a motion to honor the rent control ordinance and to go by the correct CPI Index, moved and seconded by Mr. Massicott; all were in favor with the exception of Mrs. Johnson and Mr. Klein.

Mr. Anthony stated this would go into effect when proper notice is given and it has to give the formula and the breakdown. It will be effective upon notice and proof of calculation.

Mrs. Holmes offered a motion that it would be effective 60 days after notice, moved and seconded by Mrs. Johnson; all were in favor with the exception of Mr. Klein who abstained.

Mr. Anthony stated she should pay \$979 until she receives notice and proof of calculations. Mrs. Holmes stated she should get the late fees corrected.

Mrs. Holmes offered a motion to close the hearing, moved and seconded by Mr. Massicott; all were in favor.

PUBLIC PARTICIPATION

Ms. Hollmes announced that September 17th was Neptune Day and the Board would have a table. Anyone interested in coming out could help man the table.

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

Pamela D. Howard
Secretary