

NEPTUNE TOWNSHIP RENT LEVELING BOARD

Minutes – July 2, 2015

Constance Holmes, Chairperson, called the meeting to order at 6:00 pm and requested the Secretary to call the roll. The following members were present: James Manning, Jr., Morrel Massicot, Ruth Johnson and Constance Holmes. Charles Woolfolk was absent.

Mrs. Holmes stated that the notice requirements of R.S. 10:4-18 have satisfied by the publication of the required advertisement in The Coaster on January 15, 2015 posting the notice on the Board in the Municipal Complex and filing a copy of the said notice with the Municipal Clerk.

APPROVAL OF MINUTES

Mr. Manning offered a motion, moved and seconded by Mrs. Johnson to approve the minutes for June 4, 2015; all were in favor.

ACTION ITEMS

Mr. Anthony read the following resolution in its entirety. The resolution was offered by Mr. Manning, moved and seconded by Mrs. Holmes:

**RESOLUTION OF TENANT COMPLAINT
OF BETTY GRAHAM**

WHEREAS, Betty Graham resides at 1516 Monroe Avenue, Bldg. 2, Apt. 20A, filed a tenant complaint on April 15, 2015, alleging an illegal increase in rent in violation of Section 4-30.2 of the Township of Neptune's Rent Control/Protective Tenancy Ordinance and demanding relief pursuant to the aforesaid ordinance for an illegal increase in rent; and

WHEREAS, a hearing on the aforesaid complaint was scheduled and heard on June 4, 2015, after appropriate notice was provided to the landlord by the Complainant pursuant to the notice and time requirements of the Neptune Township Rent Control Ordinance; and

WHEREAS, the landlord, Eli Frischman, c/o Neptune Housing Associates was represented by legal counsel, Andrew B. Sobel, Esq., of the Law Firm of Sobel Han, LLP, during said hearing, with the tenant, Betty Graham, present during the said hearing, and the latter provided testimony during the aforesaid hearing with an opportunity for cross-examination by the Board and the landlord's attorney; and

WHEREAS, the two issues raised in the aforesaid complaint were namely an illegal rent increase and insufficient notice, the latter of which was provided by letter

of March 24, 2015; providing an increase in rent of Forty Dollars and Fourteen Cents (\$40.14) effective May 1, 2015.

NOW, THEREFORE, BE IT RESOLVED, by the Neptune Township Rent Leveling Board that based on the testimony and representations made by the respective parties, 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 at least one year earlier than the filing of the complaint in this matter, if not earlier, and was at that time subject to the Township of Neptune's Rent Control/Protective Tenancy Ordinance. At the time the complaint was filed, there were over five apartment units existing in the subject apartment complex. Therefore, the Board determined that it had jurisdiction to hear this complaint. The Board also found that the landlord was served with the complaint in this matter, and was represented by legal counsel. Therefore, the Board found that there was jurisdiction over the landlord and that due notice was provided.

2. The Neptune Township Rent Leveling Board has factually determined that the proposed increase by the landlord from One Thousand Three Dollars and Forty-eight Cents (\$1,003.48) to One Thousand Forty-three Dollars and Sixty-two Cents (\$1,043.62) a month for an increase of Forty Dollars and Fourteen Cents (\$40.14) per month was inappropriate and in violation of the Rent Leveling Board Ordinance. The Board finds that due to a decline in the Consumer Price Index from January, 2014 to January, 2015, there should be no proposed increase for May 1, 2015. The aforesaid lack of increase is based on the calculations set forth more fully as follows:

- A. Anniversary date of original tenancy relationship was the first of May for rent control purposes only.
- B. CPI published January 1, 2015 – 258.376.
- C. CPI published January 1, 2014 – 259.596
- D. Difference in CPI – (-0.5)
- E. Percentage change per Rent Control Ordinance –

0 divided by 259.596 = 0 (Board does not calculate below zero)

F. $0 \times \$1003.48 = \underline{\$0.00}$ per month.

G. New rent rounded to the nearest dollar – is the past rent of One Thousand Three Dollars and Forty-eight Cents (\$1,003.48) and shall continue until May 1, 2016.

3. The Neptune Township Rent Leveling Board hereby finds that the Board did have jurisdiction over the landlord through service of process and subject matter jurisdiction with regard to the subject apartment unit being subject to the Rent Control Ordinance. The Board has made a determination that the appropriate rent non-increase is based on the traditional anniversary date of the first of May of each year as based on the notice from the landlord.

4. The Neptune Township Rent Leveling Board also found that notice was inadequate in that it was less than the sixty (60) day requirement under the Ordinance, but that since there was no increase in rent as a result of calculations, the notice requirement for 2015 is not relevant.

IT IS ORDERED AND DETERMINED, that the Municipal Attorney is hereby authorized to provide the landlord, Neptune Housing Associates, through its attorney, Andrew B. Sobel, Esq., with an email address of asobel@sobelhan.com, and a mailing address of Sobel Han, LLC, 120 Sylvania Avenue, Ste. 304, Englewood Cliffs, NJ 07632 and the tenant, Betty Graham, at a mailing address of 1516 Monroe Avenue, Bldg. 2, Apt. 20A, Neptune Township, New Jersey 07753, with written notice of the decision of the Neptune Township Rent Leveling Board effective the date of execution of this Resolution by supplying the landlord and the tenant with a copy of the Resolution provided by the Board pursuant to Section 4-30.7 of the Rent Control Ordinance, and that the landlord shall have the right of an appeal in writing of the Board's decision to the Neptune Township Committee within twenty (20) days of the date of the determination.

ADOPTED ON ROLL CALL BY THE FOLLOWING VOTES:

ROLL CALL

Affirmative: Ruth Johnson, James W. Manning, Jr. Morrel Massicot, Constance Holmes

Negative: -----

Absent: Charles Woolfolk

DISCUSSION ITEMS

The Board discussed the brochure that Mr. Manning created for the Rent Leveling Board. He stated he would email the brochure to everyone so that they could look at it.

Mr. Anthony stated he recently finished a flyer for Red Bank. He mentioned what he had and offered to share it with the Board.

Mr. Anthony and the Board discussed capital improvements under rent control. He also reported that the Mr. Robert Jones, 1516 Monroe Avenue Apt 7a , was threatened with eviction because the Board granted a credit for reduction in services. He informed Mr. Jones that the attorney for the apartment complex had advised him that he would drop the case. He still advised him to go to court.

Mrs. Johnson discussed a rumor she heard about one of the apartment complexes in town. Mr. Anthony stated he would look into it.

Mr. Anthony reported that he called DCA and found out that Winding Ridge still has not filed an application for conversion.

Mr. Manning offered a motion to adjourn the meeting at 6:41 pm, moved and seconded by Mrs. Holmes. All were in favor.

PUBLIC PARTICIPATION

No Comments.

Mr. Manning offered a motion to adjourn the meeting, moved and seconded by Mr. Massicot. All were in favor.

Pamela D. Howard

Secretary