

## **NEPTUNE TOWNSHIP RENT LEVELING BOARD**

### **Minutes – May 2, 2019**

Mrs. Riley called the meeting to order at 6:04 pm and requested the Secretary to call the roll. The following members were present: Ruth Johnson, Connie Holmes, Catherine McAphee, James Manning Jr. , Naomi Riley and Jeff Klein.

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

Mrd. Riley announced the Consumer Price Index [March's price index was 276.570, area prices up 0.3 percent over the month and up 1.6% 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 April 4, 2019; all that were eligible to vote were in favor.

### **RESOLUTIONS**

Mr. Manning offered the following resolution, moved and seconded by Mrs. Johnson:

Resolution #19-05

### **RESOLUTION OF THE NEPTUNE TOWNSHIP RENT LEVELING BOARD OF TENANT'S COMPLAINT OF RHONDA ROBINSON**

WHEREAS, the Neptune Township Rent Leveling Board was presented with a Complaint by RHONDA ROBINSON, residing at 3633 Highway 33, Apt. 295, 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 and heard on April 4, 2019, after service was made upon the Landlord by Certified Mail/Return Receipt Requested, namely, J. B. Neptune Holdings, LLC, 3633 Highway 33, Suite 317, Neptune Township, New Jersey 07753, as submitted by the Tenant (hereinafter referred to as the "Complainant") within the time period prescribed by local ordinance; and

WHEREAS, on April 4, 2019 the Complainant, RHONDA ROBINSON, appeared before the Neptune Township Rent Leveling Board and testified, and the Property Manager, Robert Russo, appeared on behalf of the Landlord, J. B. Neptune Holdings, LLC, 3633 Highway 33, Suite 317, Neptune Township, New Jersey 07753 and testified; and

WHEREAS, the Neptune Township Rent Leveling Board, per the aforesaid Complaint, received the following grievances and requests for relief:

1. That the Complainant, who had been living in the subject unit since October, 2013 had lack of adequate heat, with temperatures at 65 degrees to 69 degrees from January 1, 2019 through February 2, 2019 in the kitchen and bedroom, with the

heat on in the living room on and off at 70 degrees and the bathroom at 69 degrees, with general temperature approximately 65 degrees for the aforesaid period. The Complainant did not present any proof of what the actual temperature was at any point in time anywhere in the apartment and did not have evidence from Municipal Code Enforcement or witnesses.

2. That the electrical system with regard to the thermostats, which are in each room, did not work properly and caused the circuit breaker to cut off occasionally or cause variation of heat in each room; even though all thermostats were set at the same temperature. On both the heating and electrical system there was testimony which is unrefuted that the Landlord has acted to address these problems on a continuous basis, but the Complainant has not presented any witnesses concerning an electrical contractor or report to assist us in determining the electrical problem.
3. The Complainant complained that when the upstairs neighbor was using his washing machine it causes a rocking of the Complainant's apartment ceiling and other portions of the apartment. Testimony was unrefuted that the Office Manager appeared a number of times at the upstairs Tenant's apartment to determine the problem, and has been unable to determine any problem with regard to the washing machine or dryer.

NOW, THEREFORE, BE IT RESOLVED, by the Neptune Township Rent Leveling Board, that the Neptune Township Rent Leveling Board has found the following facts:

1. That the Board finds that appropriate due process notice was given to the Landlord. Appropriate notice by Certified Mail/Return Receipt Requested was made in accordance with the law set forth more fully in the case of Ivy Hill Park, Section 3 v. Abutidze, 371 N.J. Super. 103 (2004), as acknowledged by the Landlord's attorney, at the address provided to all Tenants.
2. That the Neptune Township Rent Leveling Board has subject matter jurisdiction over the Complainant and Landlord, and the Complainant has been a Tenant in the subject apartment since October, 2013, and the Complainant's unit is one of well over five (5) residential units in the apartment complex.
3. That the Complainant, RHONDA ROBINSON, has occupied the unit at 3633 Highway 33, Apt. 295, Neptune Township, New Jersey, since October, 2013, and has experience heat, electrical and upstairs neighbor noise since at least January 1, 2019 and has been paying rent in the amount of \$1,020.00 a month and has notified the Landlord of the heating, electrical and neighborhood problems, and the Landlord has, on numerous occasions addressed said problems; though apparently has not found a satisfactory solution to any of them to date.
4. That the Board finds that the Complainant provided insufficient evidence as to the lack of sufficient heat in the subject property and even with her testimony indicated that the heat levels were between 65 and 70, which are at levels allowed by the State of New Jersey during the subject months, and therefore, find no basis for a reduction in services at this time with regard to heat, but encourages the Landlord to address the issue of multiple thermostats, and how to maintain heat evenly throughout the apartment unit.
5. That the Board finds that there was insufficient evidence establishing what the electrical problem was, but that one does exist; though no rental value can be determined, and finds that the Landlord needs to address the electrical problem in the near future by hiring an electrical contractor to address the wiring of thermostats, but cannot provide any relief in the form of reduced services to the Tenant at this time.

6. That the Board finds that the problem with the upstairs neighbor is one beyond the scope of the Board's ability to remedy and represents a contractual issue between the Tenant and the Landlord for peaceful and quiet habitation.

The Neptune Township Rent Leveling Board hereby finds that the above referenced alleged reduced services do not represent a reduced rental value, as set forth above, and that the Complainant, RHONDA ROBINSON, shall not be entitled to credits towards rents due and owing in the future or at present at this time.

IT IS FURTHER ORDERED AND DETERMINED, that no credits shall be assessed in favor of the Complainant due to the reasons set forth more fully above. However, it is strongly suggested that some of the deficiencies, though not significant or subject to sufficient evidence, may be more than merely inconveniences, and that the Landlord should correct and address those issues as soon as possible so as to avoid a future complaint with sufficient evidence on the part of the Complainant.

IT IS FURTHER ORDERED AND DETERMINED, that the municipal attorney is hereby authorized to provide the Landlord, J. B. Neptune Holdings, through its Property Manager, Robert Russo, LLC, 3633 Highway 33, Suite 317, Neptune Township, New Jersey 07753, and the Complainant, RHONDA ROBINSON, 3633 Highway 33, Apt. 295, 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.

The resolution was adopted on the following vote: McAphee, Aye; Holmes, Aye; Manning, Aye; Johnson, aye; Riley, aye; Klein, Aye.

PUBLIC PARTICIPATION

None

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

Pamela D. Howard  
Secretary