

**NEPTUNE TOWNSHIP RENT LEVELING BOARD - AGENDA OCTOBER 14, 2021- 6pm**

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

**ROLL CALL:**

Ruth Johnson \_\_\_\_\_ James Manning, Jr. \_\_\_\_\_ Naomi Riley \_\_\_\_\_  
William Whitley \_\_\_\_\_ Alt. #I Jeff Klein \_\_\_\_\_ Alt. II Wendel Thomas \_\_\_\_\_

**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, 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:** September's price index was 295.488 area prices up 0.5 percent over the month and up 3.8 percent over the year.

**Action Items**

**Approval of Minutes for August 5, 2021**

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Vote:

Johnson \_\_\_\_\_; Manning \_\_\_\_\_; Riley \_\_\_\_\_; Whitley \_\_\_\_\_;  
Alt. I Klein \_\_\_\_\_; Alt. II Thomas \_\_\_\_\_;

**Resolution(s)**

**21-04 – Resolution of the Neptune Township Rent Leveling Board of Tenants Complaint of Delroy Kerr.**

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Vote:

Johnson \_\_\_\_\_; Manning \_\_\_\_\_; Riley \_\_\_\_\_; Whitley \_\_\_\_\_;  
Alt. I Klein \_\_\_\_\_; Alt. II Thomas \_\_\_\_\_;

**DISCUSSION ITEMS:**

HEARINGS:

- A. 21-2 Jamie Cowling vs Gerald Profita Property Management Co. McNeely Property Management

**PUBLIC PARTICIPATION:**

**ADJOURNMENT (Time):** \_\_\_\_\_

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Vote:

Johnson \_\_\_\_\_; Manning \_\_\_\_\_; Riley \_\_\_\_\_; Whitley \_\_\_\_\_;

Alt. I Klein \_\_\_\_\_; Alt. II Thomas \_\_\_\_\_;



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Consumer Price Index - New York-Newark-Jersey City, NY-NJ-PA (1982-84 = 100)

All Items (1982-84=100)

All Urban Consumers - (CPI-U)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Avg
1991	143.0	143.6	143.4	143.7	144.0	144.6	145.2	145.4	145.8	145.7	146.6	146.6	144.8
1992	147.3	148.0	149.1	149.2	148.9	149.5	149.9	150.8	151.4	152.1	152.2	151.9	150.0
1993	153.0	153.6	154.1	154.0	153.8	154.2	154.3	155.3	155.3	155.5	155.4	155.6	154.5
1994	156.0	157.4	157.9	157.7	157.3	157.8	158.2	159.1	159.0	159.5	159.4	158.9	158.2
1995	159.9	160.3	160.9	161.4	161.8	162.2	162.3	162.8	163.2	163.6	163.8	163.7	162.2
1996	164.8	165.7	166.5	166.0	166.4	166.5	166.7	167.2	168.2	168.2	168.4	168.5	166.9
1997	169.1	170.1	170.7	170.2	169.9	170.3	170.8	170.8	171.7	172.3	172.0	171.9	170.8
1998	172.1	172.7	173.0	173.0	173.0	173.1	173.6	174.2	174.4	174.8	174.7	174.7	173.6
1999	175.0	175.1	175.5	176.0	176.1	176.8	177.2	177.6	178.2	178.9	178.8	178.6	177.0
2000	179.3	180.5	181.5	181.4	181.4	182.0	182.8	183.1	184.4	184.6	184.6	184.2	182.5
2001	184.9	185.3	186.4	186.6	187.3	188.3	187.8	188.1	188.0	187.8	187.8	187.3	187.1
2002	188.5	189.9	191.1	191.8	191.4	191.5	192.0	193.1	193.3	193.7	193.4	193.1	191.9
2003	194.7	196.2	197.1	196.7	196.8	196.9	197.7	199.1	199.6	200.0	199.4	199.3	197.8
2004	199.9	201.1	203.4	204.0	204.4	206.0	205.5	205.7	205.9	207.3	207.2	206.8	204.8
2005	208.1	208.9	212.4	212.5	211.4	210.7	212.5	214.1	215.8	216.6	215.3	214.2	212.7
2006	215.9	216.4	218.2	220.2	221.6	222.6	223.1	224.1	222.9	221.7	220.9	221.3	220.7
2007	221.767	223.066	224.551	225.780	227.146	228.258	228.628	228.326	228.308	228.552	229.504	229.395	226.940
2008	229.869	231.020	233.122	233.822	236.151	238.580	240.273	240.550	240.089	238.403	234.498	233.012	235.782
2009	233.402	234.663	235.067	235.582	235.975	237.172	237.600	238.282	238.568	238.380	238.777	238.427	236.825
2010	238.970	238.862	240.101	240.529	241.075	240.817	241.147	241.569	241.485	241.981	241.960	241.874	240.864
2011	242.639	243.832	245.617	246.489	248.073	248.505	249.164	250.058	250.559	250.051	249.317	248.307	247.718
2012	249.322	250.285	251.887	252.349	252.652	252.406	252.016	253.472	254.554	254.277	254.285	253.555	252.588
2013	254.807	256.234	256.589	255.967	256.270	256.911	257.326	257.659	258.504	257.069	257.377	257.284	256.833
2014	259.596	259.019	259.971	259.985	261.225	261.350	261.498	261.075	261.074	260.500	259.382	258.080	260.230
2015	258.376	259.240	259.647	259.959	261.066	261.512	261.199	261.347	261.887	261.515	261.009	259.941	260.558
2016	260.342	260.875	261.508	262.619	263.312	263.877	263.722	264.160	264.602	264.738	265.203	265.421	263.365
2017	266.917	267.662	267.582	267.948	268.183	268.666	268.051	268.657	270.059	269.575	269.381	269.564	268.520
2018	270.771	272.214	272.196	272.950	274.001	274.170	274.073	274.441	275.455	275.101	274.478	273.836	273.641
2019	275.144	275.823	276.570	277.441	278.068	278.802	278.817	279.428	279.338	279.255	279.468	279.816	278.164
2020	282.020	282.577	281.975	280.623	282.092	282.333	283.624	283.478	284.551	284.121	283.291	284.350	282.920
2021	285.525	286.474	287.481	289.493	290.991	293.872	293.553	293.927	295.488				

Urban Wage Earners and Clerical Workers - (CPI-W)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Avg
1991	140.3	140.6	140.5	141.0	141.4	142.1	142.3	142.6	143.2	143.0	144.0	143.9	142.1
1992	144.4	144.8	145.8	145.9	145.8	146.5	146.6	147.6	148.3	149.1	149.2	149.1	146.9
1993	149.9	150.3	150.7	150.7	150.4	150.7	150.7	151.7	151.8	152.1	152.0	152.1	151.1
1994	152.4	153.5	154.0	153.9	153.6	154.2	154.4	155.3	155.5	156.0	155.9	155.4	154.5
1995	156.3	156.6	157.1	157.5	158.0	158.4	158.3	158.9	159.5	159.7	159.9	159.9	158.3
1996	160.9	161.7	162.5	162.2	162.8	162.8	162.8	163.3	164.4	164.4	164.7	164.7	163.1
1997	165.1	166.2	166.6	166.1	166.0	166.2	166.6	166.7	167.7	168.1	168.0	167.7	166.8
1998	167.7	168.2	168.2	168.5	168.6	168.8	169.1	169.7	169.9	170.5	170.5	170.5	169.2
1999	170.8	170.6	170.8	171.3	171.5	172.1	172.5	173.2	173.9	174.5	174.6	174.3	172.5
2000	174.7	176.0	176.7	176.8	177.0	177.6	178.4	178.5	179.9	180.2	180.1	180.0	178.0
2001	180.6	180.8	181.8	181.9	183.0	183.8	183.5	183.5	183.6	183.3	183.3	182.8	182.7
2002	183.5	184.7	185.6	186.6	186.4	186.5	187.1	188.1	188.6	188.8	188.8	188.7	187.0

Source: U.S. Bureau of Labor Statistics (BLS).



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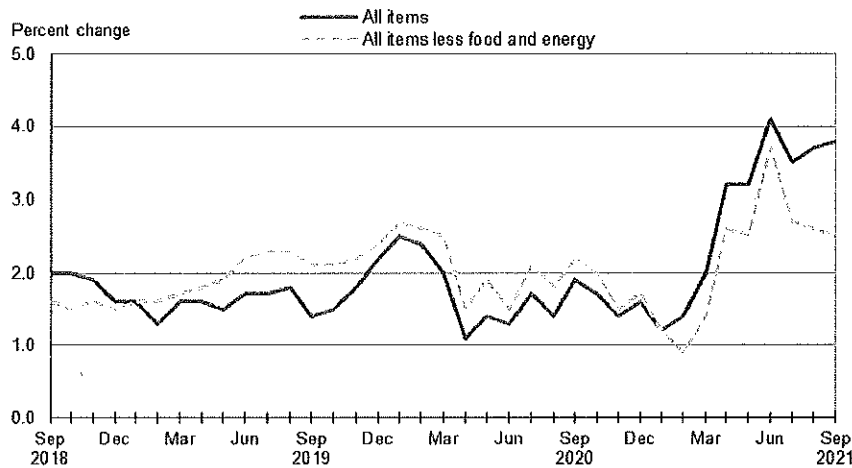
## Consumer Price Index, New York-Newark-Jersey City – September 2021

Area prices up 0.5 percent over the month and 3.8 percent over the year

Prices in the New York-Newark-Jersey City area, as measured by the Consumer Price Index for All Urban Consumers (CPI-U), increased 0.5 percent in September after inching up 0.1 percent in August, the U.S. Bureau of Labor Statistics reported today. Chief Regional Economist Martin Kohli noted that the September increase was led by higher prices for all items less food and energy. (Data in this report are not seasonally adjusted. Accordingly, month-to-month changes may reflect seasonal influences.)

Over the year, the CPI-U advanced 3.8 percent. (See [chart 1](#) and [table A](#).) The index for all items less food and energy increased 2.5 percent over the year. Energy prices jumped 22.2 percent, driven by an increase in the price of gasoline. Food prices rose 5.5 percent. (See [table 1](#).)

**Chart 1. Over-the-year percent change in CPI-U, New York-Newark-Jersey City, NY-NJ-PA, September 2018–September 2021**



Source: U.S. Bureau of Labor Statistics.

[View Chart Data](#)

### Food

Food prices rose 1.5 percent in September. Prices for food at home increased 1.3 percent, with five of the six grocery categories recording increases. Prices for food away from home rose 1.8 percent.

From September 2020 to September 2021, food prices rose 5.5 percent. Prices for food at home advanced 4.6 percent. Prices for food away from home increased 6.6 percent, the largest over-the-year increase since February 1987.

### Energy

The energy index rose 0.6 percent over the month. Household energy rose 0.3 percent, including a 3.8 percent increase in natural gas prices and a 1.7 percent decrease in electricity prices. Prices for gasoline increased 1.0 percent over the month.

Energy prices climbed 22.2 percent over the year, largely due to a 42.7-percent jump in gasoline prices. Household energy prices advanced 10.7 percent, the fastest pace in over four years. Natural gas prices were 16.0 percent higher, and electricity prices were up 5.6 percent from one year earlier.

### All items less food and energy

The index for all items less food and energy increased 0.4 percent in September. Higher prices for household furnishing and operations (2.9 percent) and new vehicles (5.0 percent) contributed to the increase.

Over the year, the index for all items less food and energy rose 2.5 percent. Higher prices for new and used motor vehicles (13.0 percent) reflected increases in both the new vehicles (12.6 percent) and used cars and trucks (25.0 percent) components. Higher prices for shelter (1.2 percent) included an increase in owners' equivalent rent (1.2 percent). Prices for household furnishings and operations were up 8.7 percent over the year.

**Table A. New York-Newark-Jersey City, NY-NJ-PA, CPI-U 1-month and 12-month percent changes, all items index, not seasonally adjusted**

Month	2017		2018		2019		2020		2021	
	1-month	12-month	1-month	12-month	1-month	12-month	1-month	12-month	1-month	12-month
January	0.6	2.5	0.4	1.4	0.5	1.6	0.8	2.5	0.4	1.2
February	0.3	2.6	0.5	1.7	0.2	1.3	0.2	2.4	0.3	1.4
March	0.0	2.3	0.0	1.7	0.3	1.6	-0.2	2.0	0.4	2.0
April	0.1	2.0	0.3	1.9	0.3	1.6	-0.5	1.1	0.7	3.2

### News Release Information

21-1839-NEW  
Wednesday, October 13, 2021

### Contacts

**Technical Information:**  
(646) 264-3600  
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(646) 264-3620

### PDF

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### Related Links

- [CPI Overview Table](#)
- [CPI Chart Package](#)

Month	2017		2018		2019		2020		2021	
	1-month	12-month	1-month	12-month	1-month	12-month	1-month	12-month	1-month	12-month
May	0.1	1.8	0.4	2.2	0.2	1.5	0.5	1.4	0.5	3.2
June	0.2	1.8	0.1	2.0	0.3	1.7	0.1	1.3	1.0	4.1
July	-0.2	1.6	0.0	2.2	0.0	1.7	0.5	1.7	-0.1	3.5
August	0.2	1.7	0.1	2.2	0.2	1.8	-0.1	1.4	0.1	3.7
September	0.5	2.1	0.4	2.0	0.0	1.4	0.4	1.9	0.5	3.8
October	-0.2	1.8	-0.1	2.0	0.0	1.5	-0.2	1.7		
November	-0.1	1.6	-0.2	1.9	0.1	1.8	-0.3	1.4		
December	0.1	1.6	-0.2	1.6	0.1	2.2	0.4	1.6		

The October 2021 Consumer Price Index for the New York-Newark-Jersey City area is scheduled to be released on Wednesday, November 10, 2021 at 8:30 a.m. (ET).

### Coronavirus (COVID-19) Pandemic Impact on September 2021 Consumer Price Index Data

Data collection by personal visit for the Consumer Price Index (CPI) program has been suspended since March 16, 2020. When possible, data normally collected by personal visit were collected either online or by phone. Additionally, data collection in September was affected by the temporary closing or limited operations of certain types of establishments. These factors resulted in an increase in the number of prices considered temporarily unavailable and imputed.

While the CPI program attempted to collect as much data as possible, many indexes are based on smaller amounts of collected prices than usual, and a small number of indexes that are normally published were not published this month. Additional information is available at

<https://www.bls.gov/covid19/effects-of-covid-19-pandemic-on-consumer-price-index.htm>.

### Technical Note

The Consumer Price Index (CPI) is a measure of the average change in prices over time in a fixed market basket of goods and services. The Bureau of Labor Statistics publishes CPIs for two population groups: (1) a CPI for All Urban Consumers (CPI-U) which covers approximately 93 percent of the total U.S. population and (2) a CPI for Urban Wage Earners and Clerical Workers (CPI-W) which covers approximately 29 percent of the total U.S. population. The CPI-U includes, in addition to wage earners and clerical workers, groups such as professional, managerial, and technical workers, the self-employed, short-term workers, the unemployed, and retirees and others not in the labor force.

The CPI is based on prices of food, clothing, shelter, and fuels, transportation fares, charges for doctors' and dentists' services, drugs, and the other goods and services that people buy for day-to-day living. Each month, prices are collected in 75 urban areas across the country from about 6,000 housing units and approximately 22,000 retail establishments—department stores, supermarkets, hospitals, filling stations, and other types of stores and service establishments. All taxes directly associated with the purchase and use of items are included in the index.

The index measures price changes from a designated reference date; for most of the CPI-U the reference base is 1982-84 equals 100. An increase of 7 percent from the reference base, for example, is shown as 107.000. Alternatively, that relationship can also be expressed as the price of a base period market basket of goods and services rising from \$100 to \$107. For further details see the CPI home page on the internet at [www.bls.gov/cpi](http://www.bls.gov/cpi) and the CPI section of the BLS Handbook of Methods available on the internet at [www.bls.gov/opub/hom/cpi/](http://www.bls.gov/opub/hom/cpi/).

In calculating the index, price changes for the various items in each location are averaged together with weights that represent their importance in the spending of the appropriate population group. Local data are then combined to obtain a U.S. city average. Because the sample size of a local area is smaller, the local area index is subject to substantially more sampling and other measurement error than the national index. In addition, local indexes are not adjusted for seasonal influences. As a result, local area indexes show greater volatility than the national index, although their long-term trends are quite similar. **NOTE: Area indexes do not measure differences in the level of prices between cities; they only measure the average change in prices for each area since the base period.**

The New York-Newark-Jersey City, NY-NJ-PA Core Based Statistical Area includes Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, and Westchester Counties in New York; Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, and Union Counties in New Jersey; and Pike County in Pennsylvania.

Information in this release will be made available to individuals with sensory impairments upon request. Voice phone: (202) 691-5200; Federal Relay Service: (800) 877-8339.

**Table 1. Consumer Price Index for All Urban Consumers (CPI-U): Indexes and percent changes for selected periods, New York-Newark-Jersey City, NY-NJ-PA, not seasonally adjusted (1982-84=100 unless otherwise noted)**

Item and Group	Indexes			Percent change from-		
	July 2021	Aug. 2021	Sept. 2021	Sept. 2020	July 2021	Aug. 2021
<b>Expenditure category</b>						
All items	293.553	293.927	295.488	3.8	0.7	0.5
All items (1967=100)	848.622	849.703	854.214			
Food and beverages	291.148	292.554	296.715	5.3	1.9	1.4
<b>Footnotes</b>						
(1) Indexes on a December 1977=100 base.						
(2) Indexes on a December 1982=100 base.						
(3) Indexes on a December 1997=100 base.						
(4) Special index based on a substantially smaller sample.						
(5) Indexes on a December 1993=100 base.						

## **NEPTUNE TOWNSHIP RENT LEVELING BOARD**

### **Minutes – AUGUST 5, 2021**

Mrs. 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, Naomi Riley, James Manning, Alternate #1 Jeff Klein; Alternate #2 Wendel Thomas. Absent: William Whitley.

Mrs. Johnson 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.

Mrs. Johnson announced that the Consumer Price Index [June's price index was 293.872, Area prices up 1.0 percent over the month and 4.1 percent over the year.

### **APPROVAL OF MINUTES – July 1, 2021**

Mrs. Riley offered a motion to approve the minutes, moved and seconded by Mr. Klein all were in favor except Mr. Manning who abstained due to the fact that he was absent for the meeting.

### **RESOLUTIONS**

None

### **DISCUSSION ITEMS**

Mr. Anthony informed Jamie Cowling vs Gerald Profita Property Management Co. McNeely Property Management that there hearing would be postponed until October 14.

Hearing – 21-1 Delroy Kerr 248-250 Myrtle Avenue Apt 9 vs Ashbrook Properties addressed the Committee and was sworn in. He stated there was a mistake with his lease and that he did not receive proper notice for his rent increase and that the lease did not show how they arrived at the calculations. He also claimed a reduction in services. The Landlord did not attend.

Mr. Kerr stated he received a Notice and new Lease providing a 30 day Notice to Quit with an increase in rent of \$9.00 effective May 1, 2021 in the Notice and \$17.00 in the Lease.

Mr. Kerr stated he noticed mold on the outside of the apartment, and the entrance to the front door since June 7, 2020 and has smelled mold in his apartment in a closet.

Mr. Kerr stated he has broken floor tiles in the bathroom, which stick to his feet and shoes.

Mr. Kerr did not notify the landlord of mold, but did inform them about the tile problem in the bathroom by text on October 9, 2020 and again on October 28, 2020, which he provided as an exhibit to the Board, for which the Landlord has not corrected nor responded to .

Mr. Manning stated improper Notice of Increase to \$853.00; was illegal, and there was a reduction in services, moved and seconded by Mrs. Riley. All were in favor.

The issue regarding the mold was considered a deficiency because proper notice was not given; therefore, the Board could not act on it.

Mrs. Johnson stated the broken tiles in the bathroom were a significant deficiency and dangerous to Mr. Kerr, and that proper Notice was given of the tile situation discovered on October 9, 2020 with appropriate text Notice on October 9, 2020 and again on October 28, 2020; without response by the Landlord, moved and seconded by Mr. Klein. All were in favor.

Mrs. Johnson stated that the Notice of Rent Increase was improper in that under the Rent Control Ordinance states 60 days' Notice must be provided for any annual rent increase, and a Notice must provide the calculations as to how the amount of increase was arrived at based on the Rent Control Ordinance, and that the rent increase from \$836.00 to \$853.00 was an illegal rent increase based on improper Notice, and that Mr. Kerr is entitled to a credit of \$17.00 per month for each month the increase was paid, and shall continue to pay \$836.00 per month until proper Notice with the proper rent calculation increase is received, moved and seconded by Mrs. Riley. All were in favor except Mr. Klein who abstained.

Mrs. Riley stated that the tile issue in the bathroom was a significant deficiency, which resulted in a reduced rental value from October 9, 2020 through the date of the hearing of August 5, 2021 of 10% of the total base rent of the subject unit, with a present monthly rent of \$836.00; or a credit of \$83.60 per month; for a total credit to the date of the hearing of August 5, 2021 of \$836.00 (10 months) and a continued 10% credit for the month of August, 2021 and continuing for each month until the bathroom tile floor situation is completely remediated and he may deduct the aforesaid credits towards future rental payments, moved and seconded by Mr. Manning. All were in favor except Mr. Klein who abstained.

Mr. Manning asked if a letter could be written to the landlord on behalf of the tenant until the Board formalizes the resolution.

Mr. Anthony confirmed that one could be written.

Mr. Klein suggested Mr. Kerr document everything.

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

### **PUBLIC PARTICIPATION**

None

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

Pamela D. Howard Secretary

RESOLUTION #21-04

**RESOLUTION OF THE NEPTUNE TOWNSHIP RENT LEVELING BOARD OF TENANT'S  
CONTINUING COMPLAINT OF DELROY KERR**

**WHEREAS**, the Neptune Township Rent Leveling Board was presented with a Complaint by DELROY KERR, residing at 248-250 Myrtle Avenue, Apt. 9, Neptune Township, New Jersey, filed on June 7, 2021 under Case No. 21-01 alleging an illegal rent increase, effective May 1, 2021, and reduced 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 August 5, 2021, after service was made upon the Landlord, namely, Ashbrook Properties, PO Box 1448, Jackson, New Jersey 08727, as submitted by the Complainant, within the time period prescribed by local ordinance; and

**WHEREAS**, on August 5, 2021, the Complainant, DELROY KERR appeared before the Neptune Township Rent Leveling Board and testified, with no one appearing on behalf of the Landlord; and

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

1. The Complainant received a Notice and new Lease providing a 30 day Notice to Quit with an increase in rent of \$9.00 effective May 1, 2021 in the Notice and \$17.00 in the Lease, in an apartment complex with the number of units which makes it subject to the Rent Control Ordinance.
2. The Complainant has noticed mold on the outside of the apartment, and the entrance to the front door since June 7, 2020 and has smelled mold in his apartment in a closet.
3. The Complainant has broken floor tiles in the bathroom, which stick to his feet and shoes.
4. The Complainant provide no Notice to the Landlord on mold, but placed the Landlord on Notice on the tile problem in the bathroom by text on October 9, 2020 and again on October 28, 2020, which he provided as an exhibit to the Board, for which the Landlord has not corrected nor responded to date; and

**WHEREAS**, the Neptune Township Rent Leveling Board, based on the aforesaid grievances and request for relief, made the following determinations:

1. That the Board found that appropriate due process Notice was given to the Landlord. Appropriate Notice 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).
2. That the Neptune Township Rent Leveling Board had subject matter jurisdiction over the Tenant and Landlord, and the Tenant/Complainant's unit was one of three or more units in the apartment complex, which makes it subject to the Rent Control Ordinance.
3. That the Complainant, DELROY KERR, has occupied a unit at 248-250 Myrtle Avenue, Apt. 9, Neptune, New Jersey, for over a year with the present rent of \$836.00 per month, and was given an improper Notice of Increase to \$853.00; which is hereby found to be illegal, and had alleged reduction in services; not yet resolved.
4. That the allegation of mold, even though it may be considered a deficiency, was not acted upon by proper Notice to the Landlord, and therefore, cannot be remedied by this Board at this time.
5. The Board does find that the broken tiles in the bathroom are a significant deficiency and dangerous to the Tenant/Complainant, and that proper Notice was given of the tile situation discovered on October 9, 2020 with appropriate text Notice on October 9, 2020 and again on October 28, 2020; without response by the Landlord.

**NOW, THEREFORE, BE IT ORDERED AND DETERMINED**, by the Neptune Township Rent Leveling Board, that the Neptune Township Rent Leveling Board hereby determines as follows:

1. The the Notice of Increased Rent was improper in that under the Rent Control Ordinance, 60 days' Notice must be provided for any annual rent increase, and a



Notice must provide the calculations as to how the amount of increase was arrived at based on the Rent Control Ordinance, and that the rent increase from \$836.00 to \$853.00 was an illegal rent increase based on improper Notice, and that the Tenant/Complainant is entitled to a credit of \$17.00 per month for each month the increase was paid, and shall continue to pay \$836.00 per month until proper Notice with the proper rent calculation increase is received; and

2. That the tile issue in the bathroom is a significant deficiency, which resulted in a reduced rental value from October 9, 2020 through the date of the hearing of August 5, 2021 of 10% of the total base rent of the subject unit, with a present monthly rent of \$836.00; or a credit of \$83.60 per month; for a total credit to the date of the hearing of August 5, 2021 of \$836.00 (10 months) and a continued 10% credit for the month of August, 2021 and continuing for each month until the bathroom tile floor situation is completely remediated.
3. The Tenant/Complainant may deduct the aforesaid credits towards future rental payments.

IT IS FURTHER ORDERED AND DETERMINED, that the municipal attorney is hereby authorized to provide the Landlord, ASHBROOK PROPERTIES, LLC, with an address of PO Box 1448, Jackson, New Jersey 08527 and the Tenant/Complainant, DELROY KERR, with an address of 248-250, Apt. 9, Myrtle Avenue, Neptune Township, New Jersey, 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 Tenant/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: October 14, 2021

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
PAM HOWARD, Secretary

I hereby certify the foregoing to be a true copy of the resolution adopted by the Neptune Township Rent Leveling Board at a meeting held on October 14, 2021.

ATTEST:

\_\_\_\_\_  
PAM HOWARD, Secretary