

## **NEPTUNE TOWNSHIP RENT LEVELING BOARD**

### **Minutes – August 1, 2019**

Mrs. Riley 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, Jeff Klein and Naomi Riley. Absent: James Manning Jr. and Connie Holmes.

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.

Mrs. Riley announced the Consumer Price Index [June's price index was 278.802, area prices up 0.3 percent over the month and up 1.7% over the year].

### **APPROVAL OF MINUTES**

Mr. Klein offered a motion, moved and seconded by Mrs. Johnson to approve the minutes of the meeting for June 6, 2019; all that were eligible to vote were in favor.

### **RESOLUTIONS**

Mr. Anthony stated basically there were deficiencies but the Board could not act upon them because Ms. Seward was receiving a subsidy and she's waiting on Code Enforcement.

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

Resolution # 2019-07

### **RESOLUTION OF THE NEPTUNE TOWNSHIP RENT LEVELING BOARD OF TENANT'S COMPLAINT OF ROSE SEWARD**

**WHEREAS**, the Neptune Township Rent Leveling Board was presented with a complaint by ROSE SEWARD, residing at 1516 Monroe Avenue, Apt. 18A, 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 June 6, 2019, after service was made upon the Landlord, namely, Harlee Garden Neptune Housing, 4403 15<sup>th</sup> Avenue, Suite 192, Brooklyn, NY 11219, as submitted by the Complainant, within the time period prescribed by local ordinance; and

**WHEREAS**, on June 6, 2019, the Complainant, ROSE SEWARD appeared before the Neptune Township Rent Leveling Board and testified, with no one appearing on behalf of the Landlord and no witnesses; and

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

1. That the Complainant's unit is one of 12 units in the apartment complex, and she has lived in the complex since February 1, 2016 and has had complaints with the Township of Neptune Code Enforcement Department resulting in Notices of Violation since December of 2018 for various maintenance issues, and has during the time period allowed by the Rent Leveling Board Ordinance, had problems concerning mold and mildew, floors arising up, which has caused the Complainant who has asthma, coughing and sneezing spells and difficulty breathing at times
2. That the Complainant has made Complaints with the Neptune Township Code Enforcement Department, who issued a Notice of Violation and Order to Correct, dated December 26, 2018 concerning leaks in the bathroom ceiling and the need to replace bathroom ceiling tiles, buckling floor in the hallway between the bathroom and the bedroom, and the need to repair chain guard on the front door, with a further violation issued on January 28, 2019 for the same offenses.
3. That the Complainant indicated that the rent from February 1, 2016 through 2018 was \$1,095.00 per month, and commencing January 1, 2019 was \$1,142.00 per month, but that she does not pay rent and that a sponsor pays the rent under the category of "Hurricane Sandy Victim," which allows housing to take place on a temporary basis until her house is rebuilt, which is expected within this year.

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

- i. That the Board finds 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), as indicated by certified mail receipts attached to the Complaint.
- ii. That the Neptune Township Rent Leveling Board has subject matter jurisdiction over the tenant and Landlord, and the tenant/Complainant has been a tenant in the subject apartment complex, and the tenant/Complainant's unit is one of well over five (5) residential units in the apartment complex.
- iii. That the Complainant, ROSE SEWARD, has occupied a unit at 1516 Monroe Avenue, Apt. 18A, Neptune, New Jersey, since February 1, 2016, at a present rent of \$1,142.00 per month, of which, all rent is paid by

“Sandy Funds” and the Complainant has alleged reduction in services not yet totally resolved.

With regard to reduced services above the Board finds:

1. The Board finds that it is unrefuted that there is mold and mildew issues in the subject property and based on the Notices of Violation by the Code Enforcement Department of Neptune Township, a leak in the bathroom ceiling and floor buckling in the hallway between the bathroom and the bedroom and repair needed to the chain guard on the front door.
  
2. The Board finds it difficult to act under the Ordinance with regard to relief sought by the Complainant. Under the Reduction of Service Clause of the Rent Control Ordinance, the only relief under the said clause for reduced services is a reduction or credit to rent due and owing and/or paid by the tenant. In the instant matter, the tenant/Complainant is not paying the rent. There is a possible remedy under the Penalty Clause of the Rent Control Ordinance which provides for a recommendation by the Rent Leveling Board to the Township Committee to pass a Resolution ordering the Code Enforcement Department to issue Summonses for violation of the Rent Control Ordinance. Such Summonses would be heard by the Municipal Court of Neptune Township, which may result in an issuance of fines and other penalties
  
3. The Board however finds that despite that fact that it could request the Township Committee to require Code Enforcement to issue Summonses for violations of the Rent Control Ordinance, and may have to do so in the future, the Code Enforcement Department has already issued Notices of Violation and apparently Summonses against the Landlord for violations of the Property Maintenance Ordinance, which in some cases overlaps in terms of what the violation is in the Reduced Services Clause of the Rent Control Ordinance, but is treated separate and distinct in terms of Ordinance violations, and therefore, it might be appropriate to allow the Code Enforcement Department of the Township of Neptune to finalize its legal actions before the Rent Board takes any action with regard to violation of the Rent Control Ordinance.

The Neptune Township Rent Leveling Board hereby finds that it would be most appropriate to allow the Code Enforcement Department of Neptune Township to complete its investigation and legal action against the Landlord with regard to similar violations related to the Property Maintenance Ordinance of the Township of Neptune, rather than the Rent Control Ordinance of Neptune Township, to determine whether those actions may result in remedies for the tenant/Complainant and remediation of the apartment before any further action be taken by the Rent Leveling Board of Neptune Township, and that the Neptune Township Rent Leveling Board shall stay any further action with regard to the Complaint filed by the tenant/Complainant, ROSE SEWARD, Case No. 19-03, filed on March 29,

2019, until the Code Enforcement Department completes its actions, but shall retain jurisdiction to hear this matter further upon complete adjudication of the Neptune Township Code Enforcement Department's Complaint, Summons No. SC-019077, with the understanding that the Board does find that the allegations made by the tenant/Complainant represent reduced services, but postpones its decision concerning relief under the Rent Control Ordinance at this time.

**IT IS FURTHER ORDERED AND DETERMINED**, that the municipal attorney is hereby authorized to provide the Landlord, Harlee Garden Neptune Housing, 4403 15<sup>th</sup> Avenue, Suite 192 Brooklyn, NY 11219, with a new address of 5308 13<sup>th</sup> Avenue, Ste. 469, Brooklyn, NY 11219, and the tenant/Complainant, ROSE SEWARD, 1516 Monroe Avenue, Apt. 18A, 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 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: Ruth Johnson

AND ADOPTED ON ROLL CALL BY THE FOLLOWING VOTES: Naomi Riley

ROLL CALL

Affirmative: McAphee, Johnson, Riley, Klein

Negative:-----

Absent: Holmes, Manning

Dated: August 1, 2019

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NAOMI RILEY, CHAIRWOMAN

ATTEST:

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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 August 1, 2019.

ATTEST:

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PAM HOWARD, Secretary

Mr. Anthony announced that with this resolution the landlord has the responsibility to notify tenants and the Township of Neptune of change of address.

Mrs. Riley offered the following resolution, moved and seconded by Mrs. McAphee:

Resolution # 2019-08

**RESOLUTION AMENDING THE RULES  
AND REGULATIONS OF THE  
RENT LEVELING BOARD**

WHEREAS, the present Rules and Regulations of the Neptune Township Rent Leveling Board were adopted on December 17, 2013. The Rules and Regulations were amended on November 3, 2016 to provide for a Hardship Application Form, and again on February 2, 2017 to provide for a Capital Improvement Form. Thereafter, on March 1, 2018, it was amended to provide for a specific amount of copies to be provided to the Rent Board Secretary, and on May 3, 2018 it was amended with regard to the Landlord's Application for a Hardship or Capital Improvement, including in addition to the original application, attachments and exhibits, copies of the application and all attachments and exhibits are to include copies of all applications and attachments and exhibits for all regular members of the Rent Leveling Board, as well as additional copies for all appointed alternate members and a copy for the Board Attorney. There is now a need to further amend the Rules and Regulations to amend Clause VII, entitled "Notice" to add (E.) to place responsibility on the landlord for notifying both tenants and the municipality of any change of address, and that failure to do so will deny the landlord the argument on appeal that the landlord was not properly served with notice at their most recent address.

NOW, THEREFORE, BE IT RESOLVED, that the Neptune Township Rent Leveling Board of the Township of Neptune hereby amends the Rules and Regulations as set forth more fully in the attached copy of the Rules and Regulations to this Resolution, to provide that Clause VII, entitled "Notice" (E.) place responsibility on the landlord for notifying both tenants and the municipality of any change of address, and that failure to do so will deny the landlord the argument on appeal that the landlord was not properly served with notice at their most recent address.

A true copy of the Rules and Regulations, and in particular the Amendment to Paragraph VII, entitled "Notice" (E.) is attached to the within Resolution as Exhibit A.

OFFERED BY BOARD MEMBER: Naomi Riley

SECONDED BY BOARD MEMBER: Catherine McAphee

AND ADOPTED ON ROLL CALL BY THE FOLLOWING VOTES:

ROLL CALL

Affirmative: McAphee, Johnson, Riley, Klein

Negative: -----

Abstain:-----

Absent: Holmes, Manning

Dated: August 1, 2019

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NAOMI RILEY, Chairwoman

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 August 1, 2019.

ATTEST:

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

DISCUSSION ITEMS

Appeal of Harlee Gardens vs Jadus McIntyre – Mr. Anthony stated he could not hear the appeal and that Michael Celli would have to handle it and it would be up to the Township Committee to decide. He stated the landlord could not stop the credits until coming before the board regarding remediation.

PUBLIC PARTICIPATION

None

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

Pamela D. Howard  
Secretary