

NEPTUNE TOWNSHIP RENT LEVELING BOARD - AGENDA July 2, 2015 - 6pm

Constance Holmes calls the meeting to order and requests the Secretary to call the roll:

ROLL CALL:

Ruth Johnson _____ James Manning, Jr. _____ Morrel Massicot _____

Charles Woolfolk _____ Connie Holmes _____

Flag Salute

Chairperson Holmes announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster on January 22, 2015 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 [May's price index was 261.066, Area prices up 0.4 percent and down 0.1 percent over the year.]

Action Items:

1. Approval of Minutes – June 4, 2015.

Offered by: _____ Seconded by: _____

Vote:

Johnson _____; Manning _____; Massicot _____; Woolfolk _____; Holmes _____;

2. Formalization of Resolution – Betty Graham #004 (Illegal Rent Increase)

Offered by: _____ Seconded by: _____

Vote:

Johnson _____; Manning _____; Massicot _____; Woolfolk _____; Holmes _____;

ITEMS OF DISCUSSION:

1. Rent Leveling Board Brochure – Jim Manning

ADJOURNMENT (Time): _____

Offered by: _____ Seconded by: _____

Vote:

Johnson _____; Manning _____; Massicot _____; Woolfolk _____; Holmes _____;

NEPTUNE TOWNSHIP RENT LEVELING BOARD

Minutes – June 4, 2015

Constance Holmes, Chairperson, called the meeting to order at 6:05 pm and requested the Secretary to call the roll. The following members were present: James Manning, Jr., Ruth Johnson, Morrel Massicot and Constance Holmes. Charles Woolfolk was absent.

Ms. 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 April 16, 2015; all were in favor.

Action Items:

Hearing – Graham 1516 Monroe Avenue Apt 20A

Betty Graham a resident of 1516 Monroe Avenue Apt 20A, Neptune New Jersey 07753 (Case #004) was sworn in by Gene Anthony. The landlord Eli Frischman with an address of 691 Elizabeth Avenue, Suite 2, Newark NJ was not present but was represented by legal counsel, Andrew B. Sobel, Esq., of the Law Firm of Sobel Han, LLP.

The tenant complaint that was brought before the board had to do with an illegal rent increase in the amount of \$40.14 and insufficient notice of increase to the tenant. Testimony was provided by, Betty Graham, present and the attorney for the landlord.

The Board made the following determination:

That they had jurisdiction to hear this complaint. The Board found that the landlord was served with the complaint in this matter, and was represented by legal counsel. They found that there was jurisdiction over the landlord and that due notice was not provided.

The Board 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 found 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 Board also found that notice was inadequate and it was less than the sixty 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. Andrew B. Sobel, Esq. stated

the rent increase that Ms. Graham received would be waived and so would the increase for the other tenants who received an increase as well.

Constance Holmes excused herself from the dais.

Hearing – Constance Holmes, Elvia Thorne, Jean Shephard – Winding Ridge

Constance Holmes (Case #005), **Elvia Thorne** (Case #006) and **Jean Shephard** (Case #007), residents of Winding Ridge, Neptune New Jersey 07753 were sworn in by Gene Anthony. The Property Manager, Barbara Passwaters stated a letter was sent to the tenants and management has agreed that they would comply with the arrangements that were previously agreed to between the landlord and the tenants. Therefore, the Board did not have to make a decision on this matter.

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

Pamela D. Howard
Secretary

**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.

SECONDED BY BOARD MEMBER

AND ADOPTED ON ROLL CALL BY THE FOLLOWING VOTES:

ROLL CALL

Affirmative:

Negative:

Absent:

Dated: July 2, 2015

CONSTANCE HOLMES,

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 July 2, 2015.

ATTEST:

PAM HOWARD, Secretary