

NEPTUNE TOWNSHIP RENT LEVELING BOARD

Minutes – February 6, 2020

Mr. Manning , Chairperson, called the meeting to order at 6:00 pm and requested the Secretary to call the roll. The following members were present: Constance Holmes, Ruth Johnson, Naomi Riley, Bryan Acciani, James Manning, Alternate #1 Jeff Klein; Alternate #2 Thomas Wendel.

Ms. Manning 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.

Mr. Manning announced that the Consumer Price Index [December's price index was 278.64, **Area prices up 0.1 percent over the month and 2.2 percent over the year**]

APPROVAL OF MINUTES

Ms. Riley offered a motion, moved and seconded by Mrs. Holmes to approve the minutes of the meeting for January 2, 2020; all those that were eligible to vote voted aye; Mr. Manning and Mr. Thomas abstained.

RESOLUTIONS

AMEND RULES AND REGULATIONS

Mr. Klein offered the following resolution, moved and seconded by Mrs. Johnson that it be adopted:

RESOLUTION # 20-05

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. Thereafter, on August 1, 2019, there was an amendment to 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. There is now a need to further amend the Rules and Regulations to amend provisions concerning deposits for appeals to the Mayor and Township Committee to raise said deposits for hearing transcripts with regard to hearings involving Capital Improvement Applications or Hardship Applications made by Landlords to Three Thousand Dollars (\$3,000.00) and all other applications raised to One Thousand Dollars (\$1,000.00) in order to better cover the cost of said transcripts if final payment is not made by certain applicants.

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 said Rules and Regulations shall be amended (Paragraph XI) to raise the necessary deposit provided by an applicant for an appeal of a decision of the Rent Leveling Board for Capital Improvement and Hardship Applications from the present required deposit to Three Thousand Dollars (\$3,000.00) and for all other appeals One Thousand Dollars (\$1,000.00); unless there is a request by the applicant before the Rent Leveling Board for a hardship reduction, which may

be granted by the Board in its sole discretion. A true copy of the Rules and Regulations, and in particular the aforesaid Amendment is attached to the within Resolution as Exhibit A.

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

DISMISSAL OF APPEAL

Ms. Riley offered the following resolution, moved and seconded by Mrs. Johnson that it be adopted:

RESOLUTION # 20-06

RESOLUTION OF THE NEPTUNE TOWNSHIP RENT LEVELING BOARD RECOMMENDING TO THE TOWNSHIP COMMITTEE THE DISMISSAL OF THE APPEAL ON TENANT'S COMPLAINT OF JADUS McINTYRE

WHEREAS, the Neptune Township Rent Leveling Board was presented with a complaint by JADUS McINTYRE, residing at 1516 Monroe Avenue, Apt. 19A, 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 May 2, 2019, after service was made upon the Landlord, namely, Harlee Garden Neptune Housing, 4403 15th Avenue, Suite 192, Brooklyn, NY 11219, as submitted by the Complainant, within the time period prescribed by local ordinance; and

WHEREAS, on May 2, 2019, the Complainant, JADUS McINTYRE and witness YOLANDA BROWN, 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 on June 6, 2019, adopted Resolution 2019-06 determining certain credits be allowed to the Tenant as a result of reduced rental value caused by both mold and improper flooring in the kitchen; and

WHEREAS, although the Landlord did not participate in the aforesaid hearings, upon receipt of the aforesaid Resolution of June 6, 2019, the Landlord filed a Notice of Appeal to the governing body of Neptune Township, and requested a transcript of the aforesaid hearings before the Neptune Township Rent Leveling Board; and

WHEREAS, a deposit was made by the Landlord in the amount of \$250.00 for the invoice of the transcripts of the Board hearings and an invoice for the balance of the cost of said transcripts was forwarded in the amount of \$658.45 to the Landlord's attorney on September 27, 2019. However, to date the invoice has not been paid, and the Landlord has not proceeded on the aforesaid appeal; and

WHEREAS, the Landlord's delay in payment of the aforesaid invoice and proceeding with the aforesaid appeal is over 90 days, and by email from the attorney for the Landlord, Ragan and Ragan, W. Peter Ragan, Jr., of December 12, 2019, Mr. Ragan indicated that he "may not be the attorney much further on the appeal."

NOW, THEREFORE, BE IT RESOLVED, by the Neptune Township Rent Leveling Board, that the Neptune Township Rent Leveling Board feels that due to the Landlord's refusal to pay the balance of the transcript cost necessary to proceed with the appeal in the Jadus McIntyre matter, and the attorney for the Landlord's indication in December, 2019 that he may not proceed as the attorney for the Landlord, it seems to indicate that the Landlord has no intention of prosecuting this matter in a diligent fashion within a reasonable period of time, and the Rent Leveling Board hereby recommends to the Mayor and Township Committee that they should consider dismissing the appeal of Harlee Gardens, LLC against Jadus McIntyre for lack of prosecution.

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

DISCUSSION ITEMS

Hearing – Jamie Landsman vs Jumping Brook Apts. A brief hearing was held between Ms. Landsman, Robert Rosso, Manager of Jumping and the Attorney for Jumping Brook Apts. The matter before the Board pertained to the surcharges that were previously approved for Capital Improvements to Jumping Brook. After questions and answers between the Attorney and Ms. Landsman, Ms. Landsman voluntarily withdrew her claim.

PUBLIC PARTICIPATION

None

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

Pamela D. Howard
Secretary