

City of Perth Amboy – Rent Leveling Board Meeting
Tuesday, March 8th, 2022
Minutes: Meeting commenced @ 7:07 p.m. via zoom

Welcome: Chairperson S. Hubberman read open public meeting act.

Roll Call, Kevin Kowitski, Chris Rosario, Sal Suriel, Luz Ramirez, Vincent Mackiel and Chairperson Sharon Hubberman, Esq. and Dianne Roman (recording secretary to the RLB and City representative)

Pledge of Allegiance

Motion to table approval of February 7th, 2022 Minutes for next meeting:

Sharon Hubberman Kevin Kowitski
Motion 2nd the Motion

Topics of discussion:

310 Alpine Street (discussion on withdrawal)

Chairperson Hubberman informs the board that the applicant for 310 Alpine Street has withdrawn her hardship request. The Chairperson reads the withdrawal email from the applicant to the board.

Chairperson Hubberman comments, “It is important to provide clarity on the questions posed during the February 7th hardship hearing meeting,” She explains that it is the duty of the board to properly discern the information required for the understanding of the hearing as the board is tasked with reviewing these cases and making recommendations. Ordinance 353-8 section and 353-1, along with assistance from the board attorney and the definition of operating expenses as it relates to Perth Amboy. Ordinance 353-6 grants the board the power to determine the reasonableness of rental increase.

Mr. Mackiel makes note that proper documentation of receipts and paperwork are necessary for the hearing process. He acknowledges the difficulty of acquiring the proper documentation throughout the process, as well as how overwhelming it can be.

Mr. Kowitski adds, “The information that was provided to the client, which helped drive her decision to withdraw. In the letter sent, she specifically mentions the information that was sent.” Mr. Kowitski requests that this be added to the record along with the clarification of the definition of debt servicing. He further states that the copy of the code that is being sent to the applicant is not necessary or helpful. Instead, he suggests a plain language explanation to be provided to alleviate the confusion and stress of the process for the applicant.

Mrs. Hubberman asks for the city attorney to provide the correct definition of debt servicing for the board.

Mr. McManimon states that debt servicing includes principal and interest on whatever the loan is. He explains that there was confusion in the last meeting on whether the principal is included. This was the explanation that was provided to the applicant as well.

Motion to deliver letter to 310 alpine hardship applicant acknowledging the withdrawal of her application

Vincent Mackiel Luz Ramirez
Motion 2nd the Motion

Motion to Open Old Business

Luz Ramirez Sal Suriel
Motion 2nd the Motion

Mr. Kowitski explains that the definition for cost of debt as presented during the last meeting (the hearing) was not accurate. He says, “The definition of cost of debt provided was not the one provided in debt servicing. At the time we understood it as the cost of debt is the interest or fees associated with loans, not the principle – the loan itself is the debt, not the cost of debt. The fee of debt servicing is inclusive of any debt, be that the debt of managing the debt itself” He again suggests for plain language definitions and to revise the ordinance.

The chairperson agrees with Mr. Kowitski, and adds that an area in the hardship application be included with plain language definitions to facilitate the application process and help residents understand. She suggests, after reviewing the application, that a defined list of what is considered operational expenses be included and within this remove mortgages from it. She underscores that the board is responsible for facilitating to the public the information and services that will best serve them.

She proposes that for the next meeting, the board discuss the language of the application and ordinance extensively. Following this, draft a resolution with these proposed changes to then make a recommendation to the council.

Mr. Kowitski adds to this proposal, requesting a revision of the purpose of the ordinance and what the board aims for it to achieve for city landlords and renters. In this, the board can ensure that the new language implemented contributes to effectively serving the needs of residents. He asks the board, “When was the operating cost definition within the ordinance implemented?”

Chairperson Hubberman answers the question; “The Council of Perth Amboy implemented article 2 on October 18th of 1983.”

Mrs. Roman asks the board attorney Mr. McManimon, “Are there any upcoming opportunities, or would you recommend that members of the board form a subcommittee dedicated to these matters. Would that be appropriate?”

Mr. McManimon asserts that the formation of a subcommittee is possible and allowable. Mr. McManimon, along with his team of attorneys, reviewed the ordinance in preparation for the board’s recommendation to council regarding the allowable rent increase. This, however, was done in an effort to address any inconsistencies within the ordinance – not to revise the language or make it more accessible as the board is now seeking to do.

Chairperson Hubberman agrees with this proposal, and confirms with Mr. McManimon that only three members of the board can sit on the subcommittee.

Chairperson Hubberman asks Board Secretary Mrs. Roman about the local housing stock The fire department and code enforcement were going to provide to the board with data on the local housing stock and from this how many are multifamily, two families, etc. The Chairperson would like to know what percent of the housing stock falls under the rent leveling ordinance, and if this information has been made available to the board yet.

Mrs. Roman states that this information has not been provided as of yet, and will follow up with both the fire department, code enforcement, as well as the tax assessor to see if he has a delineation of all the multi dwelling units.

Motion to close Old Business

Vincent Mackiel Kevin Kowitski
Motion 2nd the Motion

Motion to Open New Business

Vincent Mackiel Kevin Kowitski
Motion 2nd the Motion

New Business

Establish hearing date for new application/ Neville Street

Chairperson Hubberman shares the details of a new hearing application that has been brought to the board. The application was submitted by a tenant disputing a rental increase to the unit they occupy. She requests for the board attorney to provide any updates pertaining to this application’s hearing date.

Mr. McManimon does not have updated information on the establishment of a hearing date for this complaint. He suggests to the board that a notice be sent to the landlord, who lives outside of the state of New Jersey, to inform them of Perth Amboy’s allowable rental increase cap and the tenants complaint.

The Chairperson asks Mrs. Roman if the tenant is present on the call, to which Mrs. Roman states that they are not on call. Mrs. Roman sent an email to the tenant informing them of the board meeting.

The Chairperson asks Mr. McManimon if a hearing has to be done before or after the expiration of the tenant’s lease, and if whatever charges are incurred to the tenant during this time will then be reversed. Within this, she would like to know if the hearing for the tenant on Neville street can be held during the next board meeting.

Mr. McManimon explains that through code 353-6, the board has the power to require reimbursements to tenants by landlords.

The chairperson asks for clarification, “What if the lease is not signed?” She asks what effect this would have on the tenant and if they would be defaulted to a month-to-month lease contract.

Mr. McManimon clarifies that the code does not state anything otherwise, it is within the board’s power to require reimbursements to tenants by landlords.

Chairperson Hubberman agrees with Mr. McManimon’s previous suggestion of expeditiously mailing notice to the landlord on the terms of the perth amboy code in regards to rental increases, along with notifying them that a tenant has requested a hearing due to the increase in rent.

Motion to hold Neville Street Hearing for Monday April 4th, 2022

Vincent Mackiel Kevin Kowitski
Motion 2nd the Motion

Motion to send Notice via expedient letter to Neville street Landlord

Vincent Mackiel Sal Suriel
Motion 2nd the Motion

Motion to close NB

Vincent Mackiel Kevin Kowitski
Motion 2nd the Motion

Motion to Open to the Public

Vincent Mackiel Chris Rosario
Motion 2nd the Motion

Motion to close to the Public

Vincent Mackiel Kevin Kowitski
Motion 2nd the Motion

Motion to adjourn the meeting

Kevin Kowitski Chris Rosario
Motion 2nd the Motion

Adjourn @ 7:51pm