

City of Perth Amboy- Rent Leveling Board Meeting

Monday, June 6th, 2022

Minutes: Meeting commenced @7:00 p.m. via zoom

Welcome & Introduction: Chairperson S. Hubberman read open public meeting act and disclaimer.

Rent Leveling Board Member Roll Call:

Present: Chris Rosario, Vincent Mackiel, Kevin Kowitski, Sal Suriel, Chairperson Sharon Hubberman

Absent: Luiz Ramirez (informed RLB Secretary she may join later)

Also present: Rent Leveling Board Recording Secretary Dianne Roman and Rent Leveling Board attorney Nick Strasser.

Pledge of Allegiance

Approval of Minutes: May 2nd, 2022

Chairperson S. Hubberman indicated that the minutes are not ready for review. Moved to table minutes until next meeting.

Chris Rosario

Vincent Mackiel

1st Motion

2nd the Motion

Motion to Table Minutes: Unanimous

Topics of discussion:

Illegal Housing / Unfortunate Events/ Fires /Rental Maintenance

Chairperson S. Hubberman makes a notation and inquires if the RLB recording secretary D. Roman apprised the board members of the information for today's discussion regarding illegal housing and maintenance. RLB secretary D. Roman confirms sending an email which contained information provided by Chairperson S. Hubberman. The Board may not have had enough time to comprehensively review the contents, which included documents and templates from Jersey City, which may have added to today's discussion. RLB Secretary informed the board that the information regarding the sub-committees would be ready before the end of the week.

Chairperson S. Hubberman thanked RLB secretary D. Roman for forwarding the information and summarized concerns of unfortunate events, such as recent fires, housing stock maintenance issues, and illegal housing. These concerns prompted her to inquire about the ordinance as it relates to illegal rent, lawful base rent, and maintenance. Also, when it comes to illegal housing,

does that fall under our ordinance of being “not fit for habitation?” Chairperson S. Hubberman jumpstarted the discussion of community concerns and how the board would apply various chapters of the ordinance, and requested the Board attorney to provide information on how exactly the various sections of the ordinance may be enforced and if the sample forms of Jersey City fall within our purview.

Chairperson S. Hubberman requested feedback from the board to add to the discussion.

Board member K. Kowitski had taken notice of the frequency of fires within the city, and inquired if an investigation of the fires has found a correlation between illegal housing conditions or unsatisfactory housing conditions in rental units with the increase in fires that we are seeing?

Chairperson S. Hubberman responded that there are certain fires that are still being investigated and requested RLB recording secretary D. Roman to provide any insight or any information to address Board member K. Kowitski’s inquiry.

RLB secretary D. Roman stated that at a council meeting the Fire chief did mention that during an investigation, three units were found with illegal housing. This is not to say this is not a prevalent issue. She informed the board that she would be able to invite the Fire chief to the board’s next meeting to speak on this topic. The RLB secretary D. Roman currently serves as the City’s relocation officer. She expressed a recent example, on Hobart Street there were 8 Units, and 33 people which needed relocation. However, this case was not due to a fire or illegal housing.

Board member C. Rosario, inquired if there a way for the Rent Leveling Board to enforce this chapter without tenants filling complaints on the landlords?

Chairperson S. Hubberman asked board attorney Mr. Strasser if he would be able to address board member C. Rosario’s inquiry.

Board Attorney N. Strasser responded that the board has two mechanisms to hear about community concerns from tenants or from landlords. The board may hear from the landlord who would like a greater than the 5% in rent cap increase due to hardship or other circumstances or the tenants regarding that their rent is too high or is exceeding the ordinance cap. The Ordinance for Jersey City has a slightly different provision in their maintenance code where any tenant from Jersey City may apply to the rent leveling board for a decrease in rent. In Jersey City ordinance, it has a mechanism that says: that when the services, care or maintenance or standard of service, and any equipment in the housing space or dwelling are not substantially maintained as specified in the lease as it had been when the lease began, any tenant could apply to the rent leveling board for a decrease in rent as stated from the ordinance. If the board would like to consider this ordinance given the circumstances of the community, that is something that could be a recommendation to make to the governing body. Board Attorney N. Strasser provided more information about the code. In addition, he stated the Fire code is strictly governed by state regulation.

Chairperson S. Hubberman, thanks the board attorney N. Strasser for sharing the ordinance of Jersey City and opines that it is an actionable ordinance. Upon reviewing our ordinance she

cited there is a possible disconnect in the action of the ordinance, which reads: “During the valid life of this chapter the landlord shall maintain the same standards of service and maintenance of all real and personal property and equipment in and around the housing spaces and dwelling in the same manner as were provided the day of adoption of this chapter.” That is a part of what the landlord is supposed to uphold, yet there is another section in the ordinance which states the board shall have the power to compel enforcement of any of the section of this chapter. That is a context on a bigger basis, rather, it does not delineate the action for the tenant having to submit a petition to be heard for enforcement. How do we participate in the enforcement? Is this language too vague in the ordinance where we cannot enforce the standards without an application? Or does additional language need to be added or not added? Chairperson S. Hubberman stated this is the reason why it is important for the board members to have these discussions. It is affecting our community. While there are certain delineations here as to what our role is, it does not give the specifics, such as the actionable component. Which is the basis for her inquiry.

Board member K. Kowitski added to the inquiry and stated that he read a section of the ordinance that also enables a fine or penalty, such as penalty code. Chairperson S. Hubberman also confirmed reading the section on penalty in addition to other sections of the ordinance.

Board Attorney N. Strasser noted that in his experience he has not heard of rent leveling boards having broad powers over and above dealing with an application from a landlord or tenant. It sounds like the board would like to take a proactive step. In relation to the maintenance section, your code is somewhat vague. The way your maintenance section is written, it is really written from prior to the code being active to after the code being active as oppose to the beginning of the lease term to the duration of the lease term. If the board would like to do or have something similar to the Jersey City code, he would look into case law and the statutory provisions regarding the rent leveling board to see what is permitted. Your ordinance is vague which gives you more authority than what you are currently exercising. The Jersey City code has more specificity, which there is a benefit to having a clarity to the code. The board may consider that there might be a need to have an addition to the language in the maintenance code.

Chairperson S. Hubberman also commented on the “compelling enforcement” language section of the code and felt we can help the community by being proactive. She requested feedback from the other board members.

Board member V. Mackiel stated that since the board is trying to be for the community and keeping a vibrant housing stock (which is mostly the administration’s responsibility), we must strive to make our complaint forms to be adequate. We must keep working on the betterment of our complaint form. A primary concern from what he sees often comes down to financial needs, and that’s why people have to use the process of complaints or go through applications (ie. a landlord applying for a hardship or a capital improvement) It is usually for financial needs. Board member V. Mackiel continued to highlight points regarding the United Housing Affordability Control which was approved by the Superior Court of NJ.

Under section G, Maximum Rent and Sales Prices:

1. In establishing rent and sale prices of affordable housing units the administrative agents shall follow the procedures set forth in United Housing Affordability Control by the Superior Court Rule utilizing the regional income limits established.

2. The Maximum rent for restrictive rental units within each affordable development shall be affordable to housing earnings no more than 60% of median income of the average rent per restrictive low and moderate income shall be affordable to the household income no more than 52%.

3. The developer or the municipal sponsor of the restrictive rental units shall establish at least one rent for each bedroom type for very low income, low income, and moderate income; at least 13% of all lower and moderate-income units shall be affordable to households earning no more than 30% of median income.

Board member V. Mackiel added that it was reported in Middlesex County that Perth Amboy had the lowest median income in the County or in the State. This means quite a bit if 75% of the people living in Perth Amboy are in rental units. According to the Police Chief there are about 18,000 properties in Perth Amboy, which means that about 12,000 of those properties are rental units. If a lot of those people living in Perth Amboy have lower than median income, going forward we need solutions as to how this law (the United Housing Affordability Control) applies to our ordinance. Which means people need rental units that they can afford. Presently this is not happening in Perth Amboy. Whatever housing is being created it is very limited, however, the supply to restrictive housing is good. With 75% of the people needing rental units, we need to look at other avenues where we can apply the law, address the need for people to live in a decent manner, and control rent. Board member V. Mackiel further added that perhaps rent control is not the solution yet, however, more needs to be done to help improve the living conditions of rental units and rent control may need to be something to look at in the future. He noted in the 1980s there was a rent control law.

Board member K. Kowitski requested a point of order. Regarding general operating procedure of the meeting. For the benefit of the public and the board members, he requested that the discussion stay on topic and timely to address solutions given the length of time of the meeting.

Board member V. Mackiel responded to board member K. Kowitski and inquired if he was speaking off topic.

Chairperson S. Hubberman appreciated both board member K. Kowitski and board member V. Mackiel's feedback. The board is new and has been operating efficiently. She emphasized each board member has the opportunity to discuss openly any important community concerns each member may have received that addresses the topic of discussion. The goal is to help foster a forum where the needs of the community are addressed by each board member. Chairperson S. Hubberman requested further feedback from other board members L. Ramirez and S. Suriel.

Board member S. Suriel stated it is important for tenants and residents to bring their concerns to the rent leveling board. If a landlord is not following an ordinance, and not providing a livable

space for the tenant, the rent leveling board is a good forum for tenants to speak about their concerns if the landlord has not addressed the concern.

Regarding Illegal Housing Discussion

Chairperson S. Hubberman, made an inquiry to Board attorney N. Strasser: “What is considered fit for habitation? Which is also defined in the ordinance.” If the habitation is a basement or attic apartment, would it be considered “fit for habitation”. The ordinance references “fit for habitation” in accordance with County and State statutes, however, we do not have that resource accessible to the board (ie. What falls within the parameter of the statute?) Chairperson S. Hubberman addressed this community concern because it has become a prevalent issue and she requested feedback as to whether or not these types of apartments would be considered as illegal rent.

Board attorney N. Strasser provided information that a housing inspection office would deal with illegal apartments (basements that do not have adequate exits, windows, or attic apartments that do not have second means of exits.) Those are types of units that is generally look at by a housing inspector, of which Perth Amboy has a department. If a unit is not suitable for living, the best mechanism that addresses this matter would be a housing inspector, which would be able to issue a citation on the property and move people out of the property as necessary, which would be further handled by the municipal court. Board attorney N. Strasser requested information from the RLB Secretary D. Roman.

RLB Secretary D. Roman stated that when a complaint is reported for an illegal housing, an officer of code enforcement is sent to the property, and if there are residents that are impacted, her role is to help find emergency housing for the family that has been displaced. Ie. Relocated. RLB Secretary D. Roman informed the board she would request an officer from Code Enforcement to share information on the logistics and the process to the rent leveling board.

Board attorney N. Strasser inquired to RLB Secretary D. Roman when there is a complaint and there is a dangerous situation, ie. Lack of ventilation, not too many exits, those types of situations are checked immediately? RLB Secretary D. Roman confirmed that there is an immediate response by code enforcement.

Board attorney N. Strasser stated for suitability for housing, it is a matter of public safety. So in terms of the appropriate venue for a person who has a complaint, for the safety of the tenant, where the consequences can be more immediate, the housing inspection office it is the best venue to address “adequate living space” versus the matter being addressed by a rent leveling board, which meets monthly. Additionally, the trained housing code enforcement officers have the necessary training to assess the fitness of housing habitability, are qualified to be sworn before a municipal court, and under the law, it is the best venue to address whether an apartment is adequate for livability.

Chairperson S. Hubberman inquired further if a person is found to be living in an illegal habitat, is the rent received by that type of unit considered to be “illegal rent” as defined by our ordinance?

Board attorney N. Strasser stated that an “illegal rent” is an increase over and above the restriction placed by the ordinance. Rent is illegal because it is outside the bounds of what the rent can be increased to.

Chairperson S. Hubberman, in terms of communication, requested that there be something online that can provide both landlord and tenant an area on the website where either tenant and landlord can report their concerns or get technical help in regards to public safety (ie. Illegal housing).

RLB secretary D. Roman inquired if Chairperson S. Hubberman was referring to the placing a running banner or forms on the rent leveling board section of the City website? Maybe filing forms?

Chairperson S. Hubberman informed RLB secretary D.Roman that public forms or an area on the city website that a resident could go to, which would be helpful in terms of expediency in addressing a public safety issue, and in directing an issue to the proper venue, since the Rent leveling board does not have the jurisdiction.

Board member V. Mackiel, stated that the efficiency of our meetings usually is completed within an hour or less, we have several minutes at a time. The efficiency is just by the facts, we have done that to the best of our ability. Going forward we need to acknowledge our actual ordinance says we have to put out information that is available to the community at large. When reading the United Housing Affordability Control, that is a current legal information that affects rental units.

Chairperson S. Hubberman thanked board member V. Mackiel’s for his comments and appreciated each board member’s participation and feedback because it is a collaborative effort. She said everyone’s time is important and is valued, and we do our best to get each board members’ participation on a subject matter that is not only sensitive but seems to be a prevalent factor to our community.

Motion to Close topic of Discussion

V. Mackiel S. Suriel
1st Motion 2nd Motion

Topic of Discussion Closed: Unanimous

Motion to open Old Business

K. Kowitski V. Mackiel
1st Motion 2nd Motion

Old Business Open: Unanimous

None

Motion to Close Old Business

V. Mackiel K. Kowitski

1st Motion 2nd the Motion

Old Business Closed: Unanimous

Motion to Open New Business

V. Mackiel K. Kowitski

1st Motion 2nd Motion

New Business Open: Unanimous

Discussion:

Chairperson S. Hubberman, introduced the establishment of the rent leveling board sub-committees for 2022. This was based upon the interest that was submitted. To help transparency, good communication, and thorough understanding of our ordinance. There are three sub-committees:

1) Legislative and Good Practice 2) Bylaws and Rules 3) Community Relations. Each sub-committee will have three board members of which the current chair will sit on each sub-committee. The sub-committee will have a 2nd Chair of the Sub-committee. This 2nd Chair will preside over the sub-committee meetings and will be bringing up topics for discussion as well items that are being worked on to the board as a whole. Each 2nd Chair appointed to each sub-committee by the Rent Leveling Board Chairperson will present their topic (what was being worked on by the sub-committee) on the agenda during a regular meeting. Chairperson S. Hubberman also stated that the sub-committee's creation is an effort to be in front of and address the community's needs. She further reminded the members that we cannot have more than three (3) board members on each sub-committee in order to be in compliance with the Sunshine law. If a 2nd Chair would like the sub-committee meeting to be open to the public, then they would need to go through our RLB secretary D. Roman to ensure proper notice is sent and advertised.

Board attorney N. Strasser emphasized that the sub-committees can only have 3 board members, and if there is an instance when a sub-committee meeting would be open to the public, that the proper notice would need to be filed in accordance with the Sunshine law.

Chairperson S. Hubberman appointed the following members to each sub-committee:

- 1) Legislative and Good Practice
 - Kevin Kowitski, 2nd Chair of Sub-Committee
 - Sal Suriel
 - Sharon D. Hubberman
- 2) Bylaws and Rules
 - Luz Ramirez, 2nd Chair of Sub-Committee
 - vacant
 - Sharon D. Hubberman
- 3) Community Relations
 - Chris Rosario, 2nd Chair of Sub-Committee
 - Vincent Mackiel
 - Sharon D. Hubberman

Chairperson S. Hubberman expressed enthusiasm in this endeavor to help develop fully our rent leveling board and to help our community.

Motion to close New Business

V. Mackiel K. Kowitski

1st Motion 2nd Motion

New Business Closed: Unanimous

Motion to open to the Public

V. Mackiel C. Rosario

1st Motion 2nd Motion

No members of the public.

Motion to close the Public

V. Mackiel K. Kowitski

1st Motion 2nd Motion

Public Closed: Unanimous

Chairperson S. Hubberman asked our RLB secretary if there are any updates to be provided to the board.

RLB secretary D. Roman informed the board that on a quarterly basis her office reaches out to the larger apartment complexes to collect information on the current rates of rental units, in addition to inquiring about housing opportunities ie. vacancies. (This does not include 10 unit buildings). RLB secretary D. Roman will keep the board informed of any further updates.

Motion to Adjourn

V. Mackiel K. Kowitski

1st Motion 2nd Motion

Adjournment: Unanimous

Chairperson S. Hubberman adjourns meeting at 7:55 pm.