

City of Perth Amboy Rent Leveling Board
Reorganization Meeting
February 5 – 7 p.m.
Via Zoom

MINUTES

1. **Call to order:** Chairperson Hubberman, 7:15 pm
2. **Notice of Meeting:** Chairperson Hubberman
3. **Pledge of Allegiance**
4. **Roll Call:** Ms. Dianne Roman, Rent Leveling Board Secretary

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|--------------------------------|----------|
| Board Member Mackiel | <u>P</u> |
| Board Member Alternate Morales | <u>P</u> |
| Board Member Rosario | <u>P</u> |
| Chair Hubberman | <u>P</u> |

City Representatives:

JN Strasser, Rent Leveling Board Attorney

Edwin Nunez, Office of Housing and Social Services

5. Hearings:

Limit testimony to 5 minutes, with an additional 5 minutes if translation is needed.

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| <u>Rosario</u> | <u>Mackiel</u> |
| Moved | Seconded |

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|--------------------------------|----------|
| Board Member Mackiel | <u>Y</u> |
| Board Member Alternate Morales | <u>Y</u> |
| Board Member Rosario | <u>Y</u> |
| Chair Hubberman | <u>Y</u> |

RI-03-24: 595 New Brunswick Avenue, Unit 201 –Tenant withdrew application

Chair Hubberman introduced case number, applicant name, and identification of the property for which the hearing is requested. The Chair asked resident if interpreter is needed – Answer: Yes, Tenant R. Lopez
(Rent Leveling Board Secretary Roman served as interpreter.)

Chair Hubberman administered Oath for Testimony to Tenant R. Lopez. Tenant R. Lopez Affirmed and provided testimony to withdraw complaint as the landlord/tenant matter has been resolved.

Chair Hubberman inquired if tenant R. Lopez is withdrawing complaint of his own free will. Tenant R. Lopez affirmed free will and stated for the record he is withdrawing his application and hearing request because the matter has been resolved.

- Record to reflect that the matter has been resolved.

RI-02-24: 306 State Street, Unit 3D

Chair Hubberman introduced case number, applicant name, and identification of the property for which the hearing is requested. The Chair asked resident if she required an interpreter/
Answer: No, Tenant M. Melendez-

Chair Hubberman administered Oath for Testimony to Tenants M. Melendez and Tenant R. Perez. Tenants M. Melendez and R. Perez affirmed.

Chair Hubberman reviewed applicant's printed materials to confirm for the record that the board and applicant have the same materials. Tenant M. Melendez confirmed.

Both Tenants M. Melendez (applicant) and R. Perez (additional) provided Testimony. Board members made inquiries to tenant Melendez.

Chair Hubberman administered Oath for Testimony to Landlord N. Mann. Landlord N. Man affirmed.

No additional printed materials were provided to the Board by the landlord Mann.

Landlord Mann provided Testimony.

Board Members (Mackiel, Rosario, Morales, and Hubberman) made inquiries to the landlord Mann.

Discussion by Board regarding rent increase and statement of facts.

Board agrees that there were illegal rent increases for the years of 2022 and 2023 in respective leases.

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|--------------------------------|----------|
| Board Member Mackiel | <u>Y</u> |
| Board Member Alternate Morales | <u>Y</u> |
| Board Member Rosario | <u>Y</u> |
| Chair Hubberman | <u>Y</u> |

Chair Hubberman polled Board: Rent rate increase for 2022 is 5%, and for 2023 is 2.5% because tenant's lease indicates tenant is responsible for water.

| | |
|--------------------------------|----------|
| Board Member Mackiel | <u>Y</u> |
| Board Member Alternate Morales | <u>Y</u> |

Board Member Rosario Y
Chair Hubberman Y

The Board agrees rental rate increases for the 2022 Lease and the 2023 Lease were impermissible and proper notice was not provided to the tenant in accordance with City Ordinances defined in Chapter 353 and summarized the following:

- For the 2022 Lease: a monthly rent of \$1,800 was impermissible. A 5% increase was the allowable rent rate. The allowable monthly rent would have been **\$1,522.50**
- For the 2023 Lease: a monthly rent of \$1,850 was impermissible. A 2.5% increase was the allowable rent rate. The allowable monthly rent would have been **\$1,560.56**.

Chair Hubberman motions for a 5 minute break for the Board to review their calculations regarding tenants' over payment of rent 2022 and 2023

Mackiel Rosario
Moved Seconded

Board Member Mackiel Y
Board Member Alternate Morales Y
Board Member Rosario Y
Chair Hubberman Y

Chair Hubberman calls meeting back to order, 9:22 pm

Rent Leveling Board Secretary Roman Conducted Roll Call

Board Member Mackiel P
Board Member Alternate Morales P
Board Member Rosario P
Chair Hubberman P

Discussion Continued:

Motion 1: The legal and permissible monthly Rent for the 2022 Lease was \$1,522.50 and the legal and permissible monthly rent for the 2023 lease was \$1,560.50

Rosario Morales
Moved Seconded

Board Member Mackiel Y
Board Member Alternate Morales Y
Board Member Rosario Y
Chair Hubberman Y

Motion 2: For the period of 7/1/22 – 4/1/23, there was an overpayment of, \$277.50 for each of these months.

Mackiel

Rosario

Moved

Seconded

Board Member Mackiel Y

Board Member Alternate Morales Y

Board Member Rosario Y

Chair Hubberman Y

Motion 3: For period the 5/1/23 – 7/1/23, there was an overpayment of \$327.50 for each of these months

Mackiel

Morales

Moved

Seconded

Board Member Mackiel Y

Board Member Alternate Morales Y

Board Member Rosario Y

Chair Hubberman Y

Motion 4: For period the 8/1/23 – 1/1/24, overpayment of \$289.44 for each of these months

Mackiel

Rosario

Moved

Seconded

Board Member Mackiel Y

Board Member Alternate Morales Y

Board Member Rosario Y

Chair Hubberman Y

Board Decision

Motion 1: The overpayment of rent by the Tenant for the period of 2022 is \$3,757.50 and the overpayment of rent by the Tenant for the period of 2023 (8/1/23 -1/1/24) is 1,736.64. The total overpayment of rent in the amount of \$5,494.14 is to be refunded to Tenant M. Melendez within 60 days.

Mackiel

Morales

Moved

Seconded

Discussion: BM Rosario inquired about 60 day period. Chair Hubberman provided a response regarding past precedent of the 60 day period.

Board Member Mackiel Y
Board Member Alternate Morales Y
Board Member Rosario Y
Chair Hubberman Y

Motion 2: Matters regarding Tenant’s Maintenance and Standards issues have been ~~rectify~~ resolved.

Rosario Mackiel
Moved Seconded

Board Member Mackiel Y
Board Member Alternate Morales Y
Board Member Rosario Y
Chair Hubberman Y

Motion 3: No penalties to be assessed to landlord.

Mackiel Rosario
Moved Seconded

Board Member Mackiel Y
Board Member Alternate Morales Y
Board Member Rosario Y
Chair Hubberman Y

6. New Business

Open
Rosario Mackiel (Carried Unanimously)
Moved Seconded

Accept Decontrol Form: 695 Sayre Ave., #28

Rosario Mackiel (Carried Unanimously)
Moved Seconded

Close New Business
Mackiel Morales (Carried Unanimously)
Moved Seconded

7. Old Business

Open

Rosario

Mackiel

(Carried Unanimously)

Moved

Seconded

Memorialization of Resolutions:

- Appointment of 2024 Rent Leveling Board Secretary Roman
- Recommendation for 2024 Rent Leveling Board attorney(s) McManimon & Strasser

Rosario

Mackiel

Moved

Seconded

Board Member Mackiel

Y

Board Member Alternate Morales

Y

Board Member Rosario

Y

Chair Hubberman

Y

Close Old Business

Makiel

Rosario

(Carried Unanimously)

Moved

Seconded

8. Communications

Open Communications

Rosario

Morales

(Carried Unanimously)

Moved

Seconded

Rent Leveling Board Secretary Roman

Provided information on communication;

- Letter received from E. Diaz/ Rent Leveling Board Secretary Roman provided response via email
- Email received from K. Kowitski
- Email copy of letter from RLB attorney to Esq. Cande Lande2020 LLC
- Email from Tiana Foxx asking for information on Rent Control. Response was provided by Rent Leveling Board Secretary Roman

Close Communications

Rosario

Mackiel

(Carried Unanimously)

Moved

Seconded

9. Open to the Public

Open Public Portion

Rosario Mackiel (Carried Unanimously)
Moved Seconded

Public Speaker 1: N.-Mann, Brooklyn, NY, provided comments and made an inquiry which was responded by the Rent Leveling Board Attorney Strasser.

Close Public Portion

Rosario Morales (Carried Unanimously)
Moved Seconded

Announcements by Rent Leveling Board Secretary Roman

10. Adjournment

Rosario Morales (Carried Unanimously)
Moved Seconded

Meeting Adjourned 9:55 pm

Next Rent Leveling Board Meeting: Monday, March 4, 2024 @ 7 pm