

CITY OF NEW BRUNSWICK

RENT CONTROL BOARD

January 24, 2012

MINUTES

I. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)

Meeting called to order at 7:03 pm by Morris Kafka, Chair, and read Public Announcement.

II. ROLL CALL

MEMBER:	PRESENT	ABSENT
Scott Elias	X	
Catherin Feaster	X	
David Gomez	X	
Carmen Lopez	X	
Wendy Stelatella	X	
Morris Kafka	X	

Ben Bucca, Esq.

Ingé Schwarz, Secretary

III. SALUTE TO THE FLAG

IV. REORGANIZATION OF MEMBERS:

The board members nominated for position of Chairperson

Motion to nominate Morris Kafka as Chairperson by Scott Elias and second motion by Wendy Stelatella

ALL IN FAVOR

The board members nominated for position of Vice Chairperson

Motion to nominate Wendy Stelatella as Chairperson by Morris Kafka and second motion by Catherine Feaster

ALL IN FAVOR

The board members nominated for position of Board Attorney

Motion to nominate Benjamin Bucca as Board Attorney by Morris Kafka and second motion by Catherine Feaster

ALL IN FAVOR

The board members nominated for position of Secretary

Motion to nominate Ingé Schwarz as Board Attorney by Wendy Stelatella and second motion by Scott Elias

ALL IN FAVOR

V. APPROVAL OF MINUTES

The Board approved the minutes for the October 25, 2011 meeting.

Motion to approve minutes by David Gomez and second motion by Scott Elias. (All in favor)

VI. REVIEW OF RENT CONTROL ACTIVITIES

Ingé Schwarz provided the 4th quarter benchmarking report outlining the total fees, units, properties, Vacancy Decontrols, summonses issued, court fees, etc for 2011. Total # of units registered for 2011: 10,639, Total # of properties registered for 2011: 3,572, Total registration fees for 2011: 267,300.00, Total Fees: \$274,795.00.

VII. COMMUNICATIONS & REPORTS

RESOLUTIONS OF MEMORIALIZATION OF APPROVAL FOR:

- Complaint #11-008– **98 Redmond St Apt. #1; Blaira Rodriguez (tenant) vs. Shirley Lane (landlord) ‘Illegal Rent Increase and Mandatory Extra Charges:** Illegal Rent Increase; board determined no illegal rent increase, error on form when filing in 2011; Mandatory Extra Charges; board informed landlord that she cannot have tenants pay for water and sewer with only 1 meter. Tenant resided in unit for 2 months rent free, board did not deem a refund of the \$650.00 for water and sewer per 2 months of free rent. There is no refund or credit due and no rent freeze. Unit’s allowable base rent is \$1,000/mo.

Motion to Approve made by Wendy Stellatella and second motion by Catherine Feaster

MEMBER:	YES	NO	ABSTAIN	ABSENT
Scott Elias	X			
Catherine Feaster	X			
David Gomez	X			
Carmen Lopez				
Wendy Stellatella	X			
Morris Kafka			X	

VIII. OLD BUSINESS:

NO OLD BUSINESS

IX. NEW BUSINESS:

- A. BOARD APPROVED THE 2012 RENT CONTROL BOARD SCHEDULE WITH CHANGES IN DECEMBER TO HOLD THE MEETING ON THE 28TH INSTEAD OF THE 25TH (4TH TUESDAY) CHANGE SEPTEMBER’S MEETING TO THE 18TH INSTEAD OF THE 25TH (YOM KIPPUR, 4TH TUESDAY)

- B. BOARD REVIEWED 7 PAGE MAILING PACKET FOR ANNUAL MAILER

- C. **COMPLAINT # 11-009 ~ 15B HAMPTON RD. – KECIA WILLIAMS (TENANT) VS. FRED ROCKSON (LANDLORD) ‘ILLEGAL RENT INCREASE’**

Landlord not present for this complaint. Asked for 2nd adjournment afternoon of meeting, providing an email of a conflict, which was received by him on January 6, 2012. Board members determined that ample time was given for meeting (in November and January) and felt that landlord did not deem this complaint to be of importance. Board members decided to hear tenants testimony.

Kecia Williams sworn in and provided testimony that she, her husband, mother and 2 children moved into unit July 15, 2010. The unit was offered at \$1,750/mo as a 3 bedroom. While her husband was doing work on unit A, for the landlord, Ken Krug, electric and fire sub-code official, stopped in at the premises and put a ‘stop work order’ on this. These are only legal 2 bedrooms and there is no zoning approval or permits taken out to alter the # of bedrooms. In August of 2011, landlord increased rent to \$1,775/mo without 30 notice. Kecia testified that once the landlord received the letter and complaint, he sent back the \$25 and kept the rent at \$1,750/mo.

Board deliberated intently on the past rental registration forms submitted, the inconsistencies with how the units were registered, prices given and what utilities the landlord pays for. After debating and discussing what legal rent is, what it should be AND if landlord should be invited back to testify, it was determined by the board members that the past years he had registered this unit @ \$1,750, however he did do an illegal rent increase in 2008. The \$1200/mo, landlord claimed, was an error for the other unit, Section 8 tenant, and he only stated the Section 8 portion, instead of the entire rent being paid (omitted \$550/mo.).

The board came to a determination to vote on a Motion that the allowable rent is set at **\$1,694.35** (no increases given, as no increases were taken during course of last 3 years). Overcharge is \$55.65/mo for 19 months (July 2010 through January 2012). A credit is due to the tenant in the amount of **\$1,057.35** (\$55.65 x 19) and will be credited to the allowable rent paid for the next 3 months (February, March and April 2012). The credit applied to the rent is in the amount of \$352.45 per month, making the rent paid by the tenants for those 3 months **\$1,341.90**

As of May 1, 2012, the rent will return to the allowable base rent of **\$1,694.35/mo** as well as a two (2) year rent freeze imposed as of February 1, 2012 through January 2014. No allowable increases are allowed or any Vacancy Decontrols will be approved for this unit. Should the tenant voluntarily vacate the premises prior to the 3 month credit being applied, landlord is required to refund the tenant the difference in full.

Motion to made by **Wendy Stelatella** and second motion was made by **Scott Elias**

MEMBER:	YES	NO	ABSTAIN	ABSENT
Scott Elias	X			
Catherine Feaster alternate			X	
David Gomez	X			
Carmen Lopez	X			
Wendy Stelatella	X			
Morris Kafka	X			

D. COMPLAINT #11-010` 64 REMSEN AVE. – LUISA TORRES (TENANT) VS. JANE WANG (LANDLORD) ‘ILLEGAL RENT INCREASE’ – ADJOURNMENT REQUEST BY BOTTH ATTORNEYS TO MEET FOR MEDIATION.

E. COMPLAINT #11-011 1050 GEORGE ST. APT. #17-I (THE COLONY HOUSE) –DREW MURRAY (TENANT) VS. BPT, LLC – JOE SPADACCINI (LANDLORD) ‘STANDARD OF SERVICE’ – ADJOURNMENT REQUEST BY COLONY HOUSE MANAGER, DIANE PRYCE.

Motion to adjourn meeting made by **Scott Elias** and second motion was made by **Wendy Stelatella**.
(All in favor)

MEETING ADJOURNED 8:53PM .

FUTURE MEETING SCHEDULE – TUESDAY, FEBRUARY 28, 2012