

CITY OF NEW BRUNSWICK

RENT CONTROL BOARD

February 28, 2012

MINUTES

I. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)

Meeting called to order at 7:00 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. APPROVAL OF MINUTES

The Board approved the minutes for the January 24, 2012 meeting.

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

V. REVIEW OF RENT CONTROL ACTIVITIES

Ingé Schwarz provided the updated benchmarking report for the board members. An unusually busy February. As of today's date total registration fees collected for 2012 rental registrations are \$40,825.00. Total 2011 rental registration fees collected are \$925.00. YTD fees collected are \$42,055.00. Total # of properties registered for 2012 is 672. For a comparison, in 2011, January monies collected were \$360 and February monies collected were \$7,385.

VI. COMMUNICATIONS & REPORTS

RESOLUTIONS OF MEMORIALIZATION OF APPROVAL FOR:

- Complaint #11-009– **15 B Hampton Rd; Nathaniel & Kecia Williams (tenants) vs. Fred Rockson (landlord)** 'Illegal Rent Increase' Illegal Rent Increase; board determined an illegal rent increase and the allowable rent that the landlord should have charged was **\$1,694.35/mo.** An Overcharge of \$55.65 per month or total overcharge of \$1,057.35 for the 19 months tenants have lived there. Credit back to tenant in the amount of \$352.45/mo for the months of February, March and April 2012. Thereafter tenant to pay \$1,694.35/mo. 2 year rent freeze.

Motion to Approve made by Scott Elias and second motion by David Gomez

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

VII. OLD BUSINESS:

NO OLD BUSINESS

VIII. NEW BUSINESS:

A. COMPLAINT # 11-010 ~ 64 REMSEN AVE. –LUISA TORRES & CONSTANTINO GARCIA (TENANTS) VS. QIAN WANG (LANDLORD) ‘ILLEGAL RENT INCREASE’

Both parties were present at the meeting. Tenants, Constantino Garcia and Luisa Torres were represented by Lorena Gaibor from Catholic Charities as their translator. Landlord, Qian (Jane) Wang was represented by her attorney, Michael Balzano, from George Barrood’s office.

Ben Bucca, board attorney, swears in tenants and translator. Ms. Torres explained why she filed the complaint, that she suspected that the rent could be too high. Moved in on March 1, 2011 and signed a lease and current on rent for \$2,100.00/month. As of date, they are still residing at this rental. She and her husband live there with their 5 children. Counsel had no questions of tenants.

Ben Bucca, board attorney, swears in landlord and attorney. Ms. Wang testifies that the rent she is charging is \$2,100.00/mo and that the tenants are current on their rent. She purchased property in 2005, she manages property and she files all the rental registration forms. She has no rent ledger, besides what she provided to her attorney for her last tenant. Mr. Balzano recognizes that Ms. Wang’s rents have greatly fluctuated and accounted to the \$1580/mo as a clerical error, whereas the rent on the lease was \$2580/mo and she included the \$1000 above from the example. Testimony surrounds Ms. Wang has had many troubles with tenants and has tried to help them out. The \$500 rent was helping out a Rutgers student who needed a place to stay. She testified that she was just being honest with the rent she was collecting. Mr. Balzano requested that the board members look at the last allowable rent of \$1,874.60. After many questions and board deliberation, the board members wanted to find a reasonable allowable rent as to not cause the landlord to foreclose on her property. \$500/mo being an unreasonable rent. The board members reflected back to the first rent of \$1820/mo and went from there. A break was called to allow Ben to speak with the tenants and Ms. Gaibor.

The board came to a determination to vote on a Motion that the allowable rent is set at **\$1,921.47/mo.** This amount was based off of the last allowable rent of \$1,874.60 in 2009 and allowing the only allowable increase of 2.5% in 2010. Overcharge is \$178.53/mo for 12 months (March 2011 through February 2012). A credit is due to the tenant in the amount of **\$2,142.36** (\$178.53 x 12) and will be credited to the allowable rent paid for the next 6 months (March 2012 thru August 2012). The credit applied to the rent is in the amount of \$357.06 per month, making the rent paid by the tenants for those 6 months **\$1,564.41.** Further the landlord agreed to dismiss the Eviction proceedings in the Special Civil Part of Superior Court and the tenants agreed to vacate by August 31, 2012.

As of September 1, 2012, the rent will return to the allowable base rent of **\$1,921.47/mo** as well as a two (2) year rent freeze imposed as of March 1, 2012 through February 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 6 month credit being applied, landlord is required to refund the tenants the difference in full.

Motion to made by **Scott Elias** and second motion was made by **David Gomez**

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

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

MEETING ADJOURNED 8:11PM .