

BOROUGH OF HASBROUCK HEIGHTS

MINUTES

March 20, 2018

A Meeting of the Rent Leveling Board of the Borough of Hasbrouck Heights was held on Tuesday, March 20th, at 7:15 p.m. at Borough Hall, 320 Boulevard, Hasbrouck Heights, NJ.

Chairman William Pols declared the meeting in Session and Acting Borough Clerk Laurie Varga stated that the meeting complied with the Sunshine Law, adequate notice of this meeting having been made to all members of the Board and transmitted to The Record and on March 12, 2017.

ROLL CALL: Present: Rent Leveling Board: Mr. Polls, Mr. Fanale, Mr. Dinallo, Mr. Monteleone
Absent: Mr. Derboghossian, Mr. Di Chiara

Borough Attorney: Mr. Chandless

Applicant: Mrs. Boswell

Attorney for Michigan Ave. Realty, LLC: Joel Rosen

SALUTE TO THE FLAG AND PLEDGE OF ALLEGIANCE: Mr. Pols led in the Salute to the Flag and Pledge of Allegiance.

NEW BUSINESS: None

RE-ORGANIZATION OF THE BOARD:

**RENT LEVELING BOARD OF THE
BOROUGH OF HASBROUCK HEIGHTS
RESOLUTION NO. 1
MARCH 20, 2018**

**RE-ORGANIZATION OF THE BOARD AND
APPOINTMENT OF ITS OFFICERS AND ADOPTION OF
ITS PROCEDURAL RULES**

WHEREAS, a quorum of the Rent Leveling Board of the Borough of Hasbrouck Heights now being duly constituted and composed of its current membership having been otherwise duly appointed for their respective terms as prescribed by ordinance, this Body has convened for its first meeting of the year 2018,

NOW, THEREFORE, BE IT RESOLVED, by the Rent Leveling Board of the Borough of

Hasbrouck Heights that it does hereby organize itself for the year 2018, and does hereby appoint as its officers for this year the following members respectively:

CHAIRMAN: William Pols

VICE-CHAIRMAN: David Fanale

BE IT FURTHER RESOLVED, that it does hereby appoint the following to serve in the following respective capacity to this Board for the year 2018:

SECRETARY: Laurie Varga

BE IT FURTHER RESOLVED, that it does hereby adopt as its procedural rules the current edition of Roberts' Rules of Order.

Date: March 20, 2018

William Pols
Chairman

A motion to approve the resolution was made by Mr. Fanale, seconded by Mr. Pols and unanimously carried.

CORRESPONDENCE: 1) Review Application of Marie Boswell, 11 Michigan Avenue:
Re: Landlord failed to decrease my rent pursuant to 9(b) after
it no longer provided heat in or about 2010.

Mr. Chandless shared some background on the application which was that the building's heating system was replaced with individual units in each apartment and it became the responsibility of the individual tenants to pay for heat.

Mr. Chandless asked Mr. Rosen if he was aware of the letter of settlement that the Landlord forwarded to Mrs. Boswell. Mr. Rosen stated that the heating was changed in 2010 and that pursuant to her lease, Mrs. Boswell was required to pay utilities. She had not been required to pay the utilities prior to the system being turned over. Mr. Rosen confirmed that there was an acknowledgement by his client that Mrs. Boswell as well as other tenants in the building were now obligated to pay as were other tenants in the building and there were offers of settlement made by Mr. Rosen's client to resolve any issues there were. Mr. Chandless advised that this was something that was suggested by someone on this Board at a prior hearing. Mr. Chandless handed out pertinent sections of the Rent Leveling Ordinance. The thought was that Mrs. Boswell's rights were under section 9, however, after consideration, he feels that the section that covers Mrs. Boswell's concern is Section 1F which is about services and also Section 8. Mr. Chandless went on to say that it seems that the Landlord never had the right to increase although it may have been modest. Mr. Rosen advised that the services were the same. Mr. Chandless disagreed and added that she was not charged for heat and then suddenly in 2010 had to pay for heat. Mr. Fanale advised that his understanding is that the requirement for the tenant to pay for heat constituted an increase in rent. Mr. Chandless advised that this Board does not have jurisdiction to determine the amount. Under Mr. Rosen's theory, there is a question of when you all of a sudden have to pay for the fuel to heat the premises is that a failure to provide a service. Mr. Rosen advised that

contractually the tenant was always obligated to pay for heat. Mr. Chandless advised that since she was not always obligated to pay, it was a service provided and since it was taken away, it was a degradation in service covered in Section 8. Mr. Chandless said that in his estimation, what this board can do to order that the increases be reversed. The board can't do otherwise. Mr. Rosen questioned who gets the refund, the Department of Housing? Mr. Chandless indicated that since Mrs. Boswell had to pay for the heat, she should get the refund. Mr. Rosen advised that since Mrs. Boswell receives Section 8 housing assistance, this should go through her case worker. Mr. Chandless suggested that Dawn come up with an amount and run it by the Housing Authority. Mr. Chandless polled the Board, asking if they believe that by requiring Mrs. Boswell to pay for utilities in connection with the heat, constitutes a deprivation of services. All members of the Board agreed. Mr. Rosen felt that the Board Members were not participating. Mr. Chandless advised that he will prepare a resolution. Mr. Rosen felt that a resolution should have been prepared in advance. Mr. Chandless advised that he was not in a position to read the minds of the Board. Mr. Fanale said that we're dealing with a degradation in services and in his opinion the tenant should have never been required to pay for heat and that the increase was not only the 2.5% and the amount that the tenant had to pay for rent. The added increase should not have happened. Mr. Monteleone asked about the portion of rent that Mrs. Boswell pays vs. the amount of subsidy that is paid. Mr. Chandless advised that it seems to be equitable that Mrs. Boswell needs to be paid in some fashion. Mr. Rosen cautioned that Mr. Chandless should be careful as he was looking at some papers and they show that in some cases, Mrs. Boswell's rent went down. Mrs. Varga shared that the rent was lowered because the Landlord originally charged Mrs. Boswell a 5% increase and when she received the letter as a qualifying Senior Citizen, the decrease was made. Mr. Rosen advised that his client offered Mrs. Boswell money. He believes that if the lease says that she has to pay utilities, he does not believe that she can get a reduction in rent and not have to pay for the utilities. Mr. Fanale advised that he has not seen the document that says that she has to pay utilities. Mr. Rosen advised that if she is going to have to pay for utilities, she would probably be better to take the credit that his client is offering rather than the reduction in rent on a long term basis. Mr. Chandless agreed that this is not something that the Board can determine. Mr. Chandless continued to contend that the heat was a service provided and that was taken away. Mr. Chandless asked Mr. Rosen, about his statement that "a lump sum might be beneficial". Mrs. Rosen responded that "Without doing the actual math, Mrs. Boswell might want to determine which is a better alternative, rent roll back vs. lump sum payment. Mr. Moneteleone confirmed that Mrs. Boswell is paying the utility directly to Public Service as well as her portion of the rent. Mrs. Boswell confirmed that previously she only paid for the cooking gas. Mr. Chandless said on the record that Mr. Rosen's client indicated that this was not purposely overlooked, they just were not informed. Mr. Chandless asked the Board if they would allow him to prepare a resolution and submit at a future meeting which would be 4/17/18. Mr. Rosen asked that he be provided with a copy of the resolution and Mr. Chandless advised most certainly. Mr. Chandless requested a motion which was made by Mr. Fanale, seconded by Mr. Pols and unanimously carried.

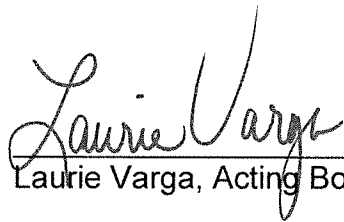
Mrs. Boswell asked if she still had to pay PSEG. Mr. Fanale advised her that she needs to

continue to pay. She contacted the county but they have not been helpful. Mr. Fanale advised her that she may have to go to Small Claims Court to recoup her money. On April 17th the Resolution will be presented and voted upon. Mr. Fanale suggested that Mrs. Boswell find an attorney that she can speak with. Mr. Chandless mentioned having the Health Officer comment on this. The thermostat is in the kitchen and discussion ensued about where the thermostat should be located. Mr. Chandless asked Mr. Monteleone if he could ask the question about the thermostat to the construction official.

Mr. Pols requested a motion to adjourn which was made by Mr. Fanale, seconded by Mr. Monteleone and unanimously carried.

The meeting was adjourned at 8:07 p.m.

I, Laurie Varga, Acting Borough Clerk of the Borough of Hasbrouck Heights, do hereby certify that the foregoing Minutes are to the best of my knowledge a true account of the Rent Leveling Board meeting held on March 20, 2018.


Laurie Varga, Acting Borough Clerk