

CITY OF HOBOKEN
HOBOKEN RENT LEVELING & STABILIZATION BOARD
TRANSCRIPT
OF
PROCEEDINGS

MEETING CALLED TO ORDER:

A. CALL TO ORDER

B. RESOLUTIONS

1. RESOLUTION TO AMEND REG. 10:54(A)

2. RESOLUTION FOR APPEAL OF LEGAL RENT
CALC. - 730 HUDSON STREET, UNIT 50

C. PUBLIC COMMENT

D. APPEALS AND OTHER MATTERS

1. JORDAN 1200 CLINTON APPEAL OF
EXEMPTION STATUS

2. PUBLIC COMMENT

E. NEW BUSINESS

1. RESOLUTION TO REQ. DIGITIZATION OF REGS.

F. CLOSED SESSION TO DISCUSS
LEGAL MATTERS (IF ANY)

G. ADJOURNMENT.

SEPTEMBER 13, 2023
City Hall Lower Level
Hoboken, New Jersey
Commencing at 6:30 p.m.

BOARD MEMBERS PRESENT:

RAFI CORDOVA, CHAIRMAN

JENNY LABENDZ, VICE-CHAIRWOMAN

HEATH URBAN, COMMISSIONER

JESSE ROSSO, COMMISSIONER (absent)

ERIC OSBORN FOCHT, COMMISSIONER (absent)

RENY ROSADO, COMMISSIONER (absent)

DEBORAH KOMAROW, COMMISSIONER

MIGDALIA PAGAN-MILANO, COMMISSIONER, ALT. 1

SARAH WELLS, COMMISSIONER, ALT. 2 (absent)

APPEARANCES:

RICHARD BIRCH, ESQ.,

Attorney for the Board.

ALSO PRESENT:

VANESSA FALCO

KYLE CHAPMAN, BOARD SECRETARY

THERESA L. TIERNAN, RMR, CCR
(201) 925-7474

I N D E XAGENDAPAGE

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G. ADJOURNMENT

1 CHAIRMAN CORDOVA: Hello, everybody.

2 I would like to advise all of those
3 present that notice of this meeting has been
4 provided to the public in accordance with the
5 provisions of the Open Public Meetings Act and that
6 notice was published in the Jersey Journal and
7 City's website. Copies were also provided in the
8 Star Ledger, The Record, and also placed on the
9 bulletin board in the lobby of city hall.

10 Good evening, everybody. Kyle.

11 BD. SECRETARY CHAPMAN: Yes. So I'll
12 take attendance.

13 CHAIRMAN CORDOVA: Yes.

14 BD. SECRETARY CHAPMAN: So, Heath
15 Urban?

16 COMMISSIONER URBAN: Yes.

17 BD. SECRETARY CHAPMAN: Deborah
18 Komarow?

19 COMMISSIONER KOMAROW: Here.

20 BD. SECRETARY CHAPMAN: Migdalia
21 Pagan-Milano?

22 COMMISSIONER PAGAN-MILANO: Present.

23 CHAIRMAN CORDOVA: Pagan.

24 BD. SECRETARY CHAPMAN: I know, I know.
25 I'm going to get it.

1 Sarah Wells?
2 Jesse Rosso?
3 Reny Rosado?
4 Eric Osborn?
5 Jenny Labendz?
6 VICE-CHAIRPERSON LABENDZ: Present.
7 BD. SECRETARY CHAPMAN: Rafi Cordova?
8 CHAIRMAN CORDOVA: Present.
9 MS. FALCO: That's it.
10 CHAIRMAN CORDOVA: You're done.
11 BD. SECRETARY CHAPMAN: We're done.
12 Okay. Sorry.
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1 CHAIRMAN CORDOVA: Good. All right.

2 So I'm going to switch the order a
3 little bit, unless anybody has an objection, and
4 we're going to take the resolution number 2 first.

5 Resolution for appeal of legal rent
6 calculation, 730 Hudson, Unit 50. Anybody against
7 making that change? Okay, good.

8 VICE-CHAIRPERSON LABENDZ: It was sent.

9 CHAIRMAN CORDOVA: All right.

10 You've got to stop talking, please.

11 VICE-CHAIRPERSON LABENDZ: Sorry.

12 CHAIRMAN CORDOVA: You're completely
13 out of order.

14 Any questions? Any observations about
15 this resolution? Can we just go to vote?

16 All right. Call the vote, please.

17 BD. SECRETARY CHAPMAN: Heath Urban?

18 COMMISSIONER PAGAN-MILANO: I'm sorry,
19 I'm sorry.

20 CHAIRMAN CORDOVA: Sure.

21 COMMISSIONER PAGAN-MILANO: I'm not
22 finding it. Can you -- is it --

23 CHAIRMAN CORDOVA: It's the resolution
24 of the rent leveling -- give me one second. Appeal
25 of legal rent calculation, 730 Hudson Street, Unit

1 50. It's number 2 on the agenda.

2 COMMISSIONER PAGAN-MILANO: Two. Okay.
3 Thank you.

4 BD. SECRETARY CHAPMAN: I have a copy,
5 if you need.

6 COMMISSIONER PAGAN-MILANO: That would
7 be great.

8 Okay.

9 BD. SECRETARY CHAPMAN: Okay.

10 ATTORNEY BIRCH: Chair, are you asking
11 for a motion to approve the resolution? Do you want
12 to ask that from somebody, the members of the Board?

13 VICE-CHAIRPERSON LABENDZ: Chair?

14 ATTORNEY BIRCH: Yeah.

15 CHAIRMAN CORDOVA: I didn't hear what
16 he said.

17 ATTORNEY BIRCH: Do you want to have a
18 motion to approve the resolution?

19 CHAIRMAN CORDOVA: We can do that,
20 yeah.

21 VICE-CHAIRPERSON LABENDZ: Motion to
22 approve the resolution.

23 CHAIRMAN CORDOVA: Do I have a second?

24 COMMISSIONER PAGAN-MILANO: Second.

25 CHAIRMAN CORDOVA: So nobody has

1 anything to discuss about it, now that we have a
2 motion on the table?

3 ATTORNEY BIRCH: Can we just be a
4 little bit more specific about which resolution
5 we're approving?

6 CHAIRMAN CORDOVA: Okay. The appeal,
7 for the third time, the appeal of the legal rent
8 calculation for 730 Hudson Street, Unit 50. It's
9 the number 2 on the agenda on the resolutions.

10 Everybody on the same page? Yeah?
11 Okay.

12 ATTORNEY BIRCH: Is there a second?

13 CHAIRMAN CORDOVA: Yeah.

14 COMMISSIONER PAGAN-MILANO: Second.

15 MS. FALCO: Migdalia seconded.

16 CHAIRMAN CORDOVA: Yeah, we're already
17 discussing the motion, if there was a discussion to
18 be had.

19 COMMISSIONER KOMAROW: Can we just call
20 a vote, make a motion to call a vote?

21 CHAIRMAN CORDOVA: Seeing none, let's
22 call the vote.

23 BD. SECRETARY CHAPMAN: Heath Urban?

24 COMMISSIONER URBAN: Abstain.

25 BD. SECRETARY CHAPMAN: Deborah

1 Komarow?

2 COMMISSIONER KOMAROW: Yes.

3 BD. SECRETARY CHAPMAN: Migdalia?

4 COMMISSIONER PAGAN-MILANO: Yes.

5 BD. SECRETARY CHAPMAN: Jenny?

6 VICE-CHAIRPERSON LABENDZ: Yes.

7 BD. SECRETARY CHAPMAN: Rafi?

8 CHAIRMAN CORDOVA: Yes.

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1 CHAIRMAN CORDOVA: Okay. Now, the
2 other change is I will propose that we have the
3 public comment at this moment, so the public can
4 comment on the resolution that we're about to vote
5 on, resolution to amend regulation 10:54(A), legal
6 rent calculation.

7 Anybody object to that? No? Okay. So
8 let's open public comment.

9 Ms. Fallick, you want to come forward
10 please? State your name and last name for the
11 record, please.

12 MS. FALLICK: Cheryl Fallick. This is
13 for all public comment, right? All general.

14 CHAIRMAN CORDOVA: This is general,
15 yeah, not for the case.

16 MS. FALLICK: So, Mr. Chair, I'm going
17 to try to be succinct, but I have a little history.
18 It may take a little bit more than five minutes, if
19 you'll indulge me if I'm in the middle of it, the
20 five minute mark.

21 CHAIRMAN CORDOVA: Go ahead, go ahead.

22 MS. FALLICK: So the first resolution
23 for the regulation 10:54(A), I certainly am actually
24 delighted to see that there will be a regulation
25 that does allow notification to the tenants. I have

1 a question that needs to be answered just ensuring
2 that this, the date that this should have passed is
3 passed, will be visible, and if not, if there could
4 be language added prior to this regulation passage
5 that tenants had no opportunity or awareness, just
6 so the time frame when tenants were not ever advised
7 of the calculation and never had, somehow or other
8 if it's either the date of the regulation or
9 wording.

10 The other concern I have, and this is
11 kind of a larger concern, is that this regulation
12 talks about something about intentional omission,
13 something. A section that was intentionally
14 omitted, one, 10:54(A) in the whole 03, it's a blank
15 section right now in your regulations, but it
16 actually does have a history, and the history is --

17 CHAIRMAN CORDOVA: Wait one second.
18 Are you talking about 10:54-03 left intentionally
19 omitted, that top part?

20 MS. FALLICK: That part of it. This
21 was -- now, this new aspect has been put in there,
22 but is there any way for the general public or a
23 tenant, for example, to know what that history was,
24 because it was unrelated to this. I'm aware, and I
25 can also share that what was originally there was

1 removed by court order, so there's history. It's
2 there. And I can also share with you that removed
3 by court order happened around 2003, it was before
4 the last rent regulation officer's tenure, so she
5 wasn't necessarily aware of it.

6 CHAIRMAN CORDOVA: Uh-huh.

7 MS. FALLICK: And then around 2015 a
8 tenant, impacted by what the court had said you
9 can't do, was able to come to the Rent Leveling
10 Board and say I'm entitled to this legal rent
11 calculation. What it originally was was it said
12 that once a tenant vacated they could not get a
13 legal rent calculation. In this particular case,
14 the tenant was erroneously displaced for profit, and
15 after she was displaced and went through all that
16 trauma, she filed a legal rent calculation, was
17 denied, and it was her day at the Board where she
18 was able to do the research and point to this.

19 So I think it's important that
20 landlords and tenants, in this case it was a tenant
21 obviously, have the capacity to say ooh, there was
22 something there, what was there, is it applicable,
23 should I know about it, whenever something is coming
24 up. So I hesitate, I mean, I think it's pretty
25 simple, just change the numbers.

1 And then lastly, there's some language
2 in there that's a little confusing. It says -- and
3 I guess this says: The tenant shall have 30 days
4 from service of said notice to supply whatever
5 information it deems necessary to support the rent
6 billing charged to the tenant or any other relevant
7 information and documentation.

8 I know that the tenants going to want
9 to support what they're being charged, they might --
10 I mean, they're just being notified, so maybe it
11 should be reworded to talk about whether the tenant
12 wants to contest or question their charge or provide
13 any information, because it looks like they're
14 supportive of it for some crazy reason.

15 Any way, I just think generally history
16 is helpful. It's important. We do have a push
17 right now in some cases to eliminate history, I
18 don't like it, it's bad, it's hurt tenants, it's
19 hurt tenants with 155-2H, I can assure you,
20 unrelated to this.

21 And then the other resolution for the
22 other regulation, which I know hasn't gone to
23 corporation counsel but, Mr. Chair, if you could
24 just sort of address it. The language in that says
25 something about these things have been deleted and

1 omitted and struck and this and that, but there's
2 still a history, and if we're going to digitize to
3 eliminate, delete it by court order is actually
4 critical to our history of what may happen in the
5 future.

6 Thank you very much. I hope that
7 wasn't too far over.

8 CHAIRMAN CORDOVA: No. That's good.
9 Thank you.

10 Anybody else? Seeing none, motion to
11 close public portion.

12 VICE-CHAIRPERSON LABENDZ: Motion.

13 CHAIRMAN CORDOVA: Do I have a second?

14 COMMISSIONER PAGAN-MILANO: Second.

15 CHAIRMAN CORDOVA: Everybody in favor?

16 (Unanimous affirmative voice vote taken at
17 this time.)

18 CHAIRMAN CORDOVA: Okay. So everybody
19 knows what happened, accidentally both regulations
20 were placed on the portal for the public to see,
21 should have been just the one we're voting on
22 tonight, but that's why Ms. Fallick is commenting on
23 both, because they were both there. Whether it's a
24 good thing or not I don't know. But taking the one
25 that we're actually discussing at this moment, well,

1 first, do I have a motion to vote on this
2 regulation?

3 VICE-CHAIRPERSON LABENDZ: Motion to
4 approve the regulation.

5 CHAIRMAN CORDOVA: Do I have a second?

6 COMMISSIONER KOMAROW: I second.

7 CHAIRMAN CORDOVA: Okay. Jenny Labendz
8 motioned and Deborah Komarow seconded.

9 Okay. Now we open the discussion.
10 Anybody wants to say anything? Go ahead.

11 VICE-CHAIRPERSON LABENDZ: Just since a
12 few points were raised, I disagree that the wording
13 is misleading because it mirrors the -- it mirrors
14 all the wording that comes from elsewhere in the
15 ordinance -- in the ordinance and the regulations.
16 And on a practical level, it just says that the
17 tenant has -- has the ability to document their
18 version of things. And especially since this has
19 already been circulated to corporation counsel and
20 administration and been approved, I don't think
21 there's a reason to change that wording.

22 And but in terms of the intentional
23 omitted on the digitization, since -- this is
24 expressed on the agenda, since later on we have a
25 resolution to request digitization of the

1 regulations of Chapter 155, I think the places where
2 it says "intentionally omitted" are not -- certainly
3 in the regulations as they exist now, it says "left
4 intentionally blank," doesn't say deleted by court
5 order, but in the digitization process or in the
6 records, the clerk who digitizes it, if this passes
7 and that happens, should presumably, you know,
8 include whatever history is relevant. I have not
9 found in other places, for better or for worse, that
10 you can just retrieve previous versions, but, you
11 know, and I don't think that's -- I don't think that
12 does any damage to the regulations that we're
13 talking about. I think it's not a problem nor do I
14 think it's a substantive change to say -- to have
15 the regulation number instead of 03 make it 06,
16 which is there's -- at present there's only five
17 sections of that regulation, so there's no problem
18 making it 06 other than it's just out of logical
19 order. 2A, perhaps.

20 CHAIRMAN CORDOVA: Is there a 5?

21 VICE-CHAIRPERSON LABENDZ: What?

22 CHAIRMAN CORDOVA: There's a 5, right?

23 VICE-CHAIRPERSON LABENDZ: A 3, 4, 5,
24 yup.

25 CHAIRMAN CORDOVA: Okay. So it would

1 be 06.

2 VICE-CHAIRPERSON LABENDZ: Yeah, so
3 either 06 or 2A or an expansion of Section 2, which
4 talks about the notification to the landlord. It
5 seems to me it should be back to back.

6 CHAIRMAN CORDOVA: Uh-huh.

7 VICE-CHAIRPERSON LABENDZ: It's hard
8 enough to read these -- to read these texts. Having
9 them out of logical order would probably make it
10 worse, so maybe 2A.

11 CHAIRMAN CORDOVA: Yeah. Richard, now
12 I have a question, would that be a substantive
13 change or would that not be a substantive change?

14 ATTORNEY BIRCH: No, it wouldn't be a
15 substantive change, but I would just want to just
16 reiterate that sometimes when those things are
17 intentionally omitted, it just's because there could
18 be some other reference to those items within other
19 parts of the ordinance. So if you start, like,
20 messing with the numbers and the letters and stuff,
21 there might be other references to it within the
22 ordinance, and then if there's other parts of it,
23 then the people are going to go to that referenced
24 part and then say, oh, actually, this doesn't make
25 any sense; whereas, like, I think this might be why

1 it's intentionally omitted, and then everything else
2 is --

3 CHAIRMAN CORDOVA: That's what happened
4 with the 2A situation, so we want to avoid that, and
5 I think that's what Ms. Fallick was talking about,
6 to respect the intentionally omitted of 03. Now,
7 the question is do we put it as 06 or 2A so that
8 it's right behind number 2?

9 ATTORNEY BIRCH: Well, if the
10 resolution was approved by corporation counsel, I'm
11 sure that they reviewed the ordinance and made sure
12 that everything lined up specifically so.

13 CHAIRMAN CORDOVA: But it would have
14 been 2 and 3. Now we're saying -- see, it lined
15 specifically because it was 2 and then 3. But now
16 we're saying that we don't want it in 3 because we
17 said intentionally omitted, so we need to put it
18 somewhere else, and since there's a 5, it would have
19 to be 6 or we would to have create a 2A.

20 ATTORNEY BIRCH: Sorry to the Chair,
21 the way that I'm reading the resolution is that
22 because it's left intentionally omitted --

23 CHAIRMAN CORDOVA: Yeah.

24 ATTORNEY BIRCH: -- that's why they're
25 inserting it into that section, so there is no other

1 part of the ordinance that -- where it references
2 it. So it might have been intentionally omitted
3 because it got replaced by court order, it got
4 struck down by court order, but this can replace it
5 as part of that section of the ordinance.

6 COMMISSIONER KOMAROW: So we should
7 leave it.

8 ATTORNEY BIRCH: So yeah, you should
9 leave it as is.

10 CHAIRMAN CORDOVA: But then when we
11 lose track of the fact that there was something
12 there that was omitted by court order.

13 ATTORNEY BIRCH: But, I mean,
14 ordinances are, you know, amended all the time, so,
15 I mean, there -- and there's sometimes there's,
16 like, a little bit of a history where it says, like,
17 amended on this date by this resolution or this
18 ordinance. But as far as, like, a detailed history
19 of it, there's not really -- that's unusual.

20 CHAIRMAN CORDOVA: Because if you look
21 at the -- if you look at all the packet with the
22 regulations, they have, for example, they include
23 everything, this is what we're talking about, they
24 include everything that's been stricken and it's,
25 you know, there's a history of what was there.

1 VICE-CHAIRPERSON LABENDZ: Share.

2 CHAIRMAN CORDOVA: It says deleted by
3 court order, or it says, you know, it's still
4 preserved even though it's not relevant anymore to
5 preserve, you know, the history of the regulations
6 as they evolved.

7 You were first and then Commissioner
8 Komarow.

9 VICE-CHAIRPERSON LABENDZ: Well, it
10 will come you mean later, but that's actually
11 improper in terms of digitization to have these, I
12 mean, that's part of the reason for the
13 digitization. It's incredibly hard to read through
14 these things and have handwritten notes when things
15 were added and big cross-outs and then repetitions
16 of the same thing over and over. And in the
17 regulation, that's not how it's done in any of the
18 digitized regulations.

19 A separate issue would be if the -- if
20 we request a history of the regulations or add a --
21 or add a regulation that makes clear this issue that
22 tenants who have been evicted can request legal rent
23 calculation, I don't think that's necessary only
24 because it's in the ordinance that you have two
25 years after --

1 CHAIRMAN CORDOVA: There's another
2 example, there are many of them.

3 VICE-CHAIRPERSON LABENDZ: Right. But
4 that's only in the regulations, not in the
5 ordinance.

6 CHAIRMAN CORDOVA: In the regu- -- I'm
7 talking about regulations, right?

8 VICE-CHAIRPERSON LABENDZ: Right. But
9 the history of the regulations is not -- they've
10 been deleted so they're not, like, they're not
11 relevant and they serve more to confuse anyone
12 rather than to aid them. So, you know, if there's a
13 prerogative, there's a usefulness in having a
14 narrative logged somewhere of the history of the
15 evolution of regulations, that's separate from when
16 the laws are being presented to the rent control
17 officer, the rent control Board, and the public,
18 they should be as accessible and only what is
19 actually the law now should be --

20 CHAIRMAN CORDOVA: I agree. But what
21 if a case -- if you want to go back and see what was
22 happening in 2011 and what the regulations were
23 then, as opposed to what it's now because it might
24 be relevant for something, I mean, the law, you
25 know, it changes, but it also goes back to

1 precedence and things as they were before.

2 VICE-CHAIRPERSON LABENDZ: Then you'd
3 request it from the city clerk.

4 CHAIRMAN CORDOVA: So there's got to be
5 a history, it has to be a history somewhere in which
6 we preserve all the deleted sections as opposed to,
7 you know.

8 COMMISSIONER PAGAN-MILANO: Yeah, city
9 clerk, city clerk.

10 COMMISSIONER KOMAROW: Excuse me.

11 CHAIRMAN CORDOVA: Yeah, go ahead.

12 COMMISSIONER KOMAROW: Thank you,
13 Commissioner. I hear what you're saying, so maybe
14 there should be, like, an appendices someplace where
15 this is. But I think Commissioner Labendz's point
16 is is that we want this current, updated,
17 streamlined, understandable version, or digestible
18 because this stuff is confusing enough, and to
19 Richard's point about that it's following the way it
20 is now, proper legal, you know, procedure or order
21 or logic. But maybe there's a place where we can
22 have an appendices where we can record all of these
23 things, where we can have appendix after appendix
24 after appendix, and that can be people -- can then
25 go off and reference it if they want to do research.

1 But I think we should have the current
2 version as clean and straightforward as possible for
3 the public, and everybody else, for the Board to
4 use, and then we can maybe discuss at another point
5 about some way doing the historical preservation,
6 which I'm suggesting that maybe we have appendices
7 section someplace where that stuff can be.

8 CHAIRMAN CORDOVA: The reason I'm
9 saying is, like, last year, for example, we had --
10 and you were with us -- we approved a regulation
11 for, like, a month and a half, and then it got
12 rescinded, but for a month and a half it was there.
13 So if somebody's case falls within that month and a
14 half, and we don't preserve that, then, you know
15 what I'm saying, like who -- how do you reference
16 back to what was there, if it's gone?

17 ATTORNEY BIRCH: So the City would have
18 a record of it and if it comes to it, if there's
19 some sort of calculation where, you know, the Board
20 decides that, oh, we need to look at something, that
21 can be, you know, that can be easily shared.

22 CHAIRMAN CORDOVA: But what about the
23 public? The public will not get access to that, the
24 public will not see any of that. If we digitize and
25 get rid of all this, you know, sections, the public

1 will not be aware that there was something there.

2 COMMISSIONER KOMAROW: Chair, my
3 suggestion is not to get rid of everything, but to
4 have a separate section where we can have history,
5 whatever you want to quote.

6 CHAIRMAN CORDOVA: To create -- then we
7 would have to create anew section --

8 COMMISSIONER KOMAROW: To create
9 appendices where it can track back. But we need to
10 have, like, the most current document that people
11 can use that follows, you know, the proper order,
12 but then we can possibly have this other section,
13 which has the history which will preserve it, and
14 that will lead to pointing back to the current
15 places in the ordinance where it would impact.

16 CHAIRMAN CORDOVA: Okay.

17 COMMISSIONER KOMAROW: That's my
18 suggestion.

19 CHAIRMAN CORDOVA: Commissioner
20 Labendz?

21 VICE-CHAIRPERSON LABENDZ: I would just
22 say either way those are there's two separate
23 issues. One is the digitization, there's a standard
24 way of digitizing the laws, and that is with the
25 ECode 360, and it does not include -- it includes

1 references to when things were added and when things
2 were removed. It does not include a whole history.
3 If there's a -- and digitizing the regulations means
4 the current, in place regulations. If you want to
5 work on establishing a history that is publicly
6 accessible without needing to, you know, call the
7 clerk or do OPRA requests, that's -- that's fine,
8 but that's a separate --

9 CHAIRMAN CORDOVA: We could just tell
10 them that -- we could do that.

11 VICE-CHAIRPERSON LABENDZ: That's a
12 separate issue. I don't think that -- I don't think
13 it's nearly as relevant as all that, but I just want
14 to make sure that we separate the issues so that we
15 can --

16 CHAIRMAN CORDOVA: Well, it's relevant
17 right now because we have to vote on this and it
18 says 03.

19 VICE-CHAIRPERSON LABENDZ: Yeah.

20 CHAIRMAN CORDOVA: And we would like to
21 banish that --

22 VICE-CHAIRPERSON LABENDZ: Right.

23 CHAIRMAN CORDOVA: -- as opposed to put
24 it in a different number.

25 VICE-CHAIRPERSON LABENDZ: Right. But

1 either way, like, the specific thing that we're
2 talking about that was replaced --

3 CHAIRMAN CORDOVA: Yeah.

4 VICE-CHAIRPERSON LABENDZ: -- in the
5 ordinance, if the issue was -- the regulations don't
6 make new law, they just apply the law in whatever
7 way is necessary and clarified. So if there was a
8 regulation that said that once you move out you
9 can't request a legal rent calculation, I presume
10 that was struck down by a court order because it
11 is -- the opposite is said in the ordinance. I
12 don't know what the situation was then, if those
13 were new aspects of ordinance. But the fact is that
14 we lose nothing by taking out that someone made a
15 mistake and said a rule that you can't do that
16 isn't, you know, isn't currently there. And if
17 someone has a case from certain time period, and it
18 comes up that someone claims, well, the law was
19 different then, then they can contact the city clerk
20 and get, you know, all their records of what was
21 filed when and but --

22 CHAIRMAN CORDOVA: You don't see a
23 problem with 2H, what happened with 2H in the City
24 Council?

25 VICE-CHAIRPERSON LABENDZ: I don't

1 think that's -- I don't think that's --

2 CHAIRMAN CORDOVA: That's exactly what
3 we're doing here.

4 VICE-CHAIRPERSON LABENDZ: I'll tell
5 you why it's a different issue, because in the
6 ordinance itself, there's a reference back to
7 something that was left intentionally blank. This
8 is a regulation, there's no reference back to it,
9 there's no way that someone could be confused and
10 say oh, now, now 3 is there and that changes
11 anything. There is no other regulation that points
12 to it, there's nothing in the ordinance, the
13 ordinance can't point to the regulations. And so we
14 lose nothing by making it 03. If -- I'm perfectly
15 comfortable making it 2A, but if our attorney says
16 leave it at 3 and that's better or that's more
17 streamlined, then I have no problem. I don't think
18 anything is lost by leaving it at 3.

19 CHAIRMAN CORDOVA: Commissioner
20 Komarow?

21 COMMISSIONER KOMAROW: Yes. I was just
22 going to suggest that I think the point you're
23 making we should maybe bring -- discuss it into the
24 that section.

25 CHAIRMAN CORDOVA: We're discussing

1 this resolution right now.

2 COMMISSIONER KOMAROW: I understand. I
3 think the attorney said it has passed legal muster
4 as is, that it should be left as is, that it should
5 be the 03, and then we can address --

6 CHAIRMAN CORDOVA: Well then let me --
7 okay. Let me explain how the process works because
8 I don't think that -- it goes back, it comes here,
9 we send it there, they approve it, it comes back to
10 us --

11 COMMISSIONER KOMAROW: I understand.

12 CHAIRMAN CORDOVA: -- we have revisions
13 or anything else then we can send it back to them,
14 and they take a second look --

15 COMMISSIONER KOMAROW: Yeah, I
16 understand.

17 CHAIRMAN CORDOVA: -- and they approve
18 it again and send it -- so this is not, like, set in
19 stone. We can make a change and send it to the
20 corporation counsel, they can look over it and say
21 yeah or nay.

22 COMMISSIONER KOMAROW: Okay.
23 Understood. Thank you for explaining it. I think
24 our Board attorney has expressed that it is in --
25 this is structured and mapped out in the proper

1 legal form. So this whole thing about it's not like
2 our agenda where we can do 2 and then do 2A, that's
3 not how the law works. So he's saying it matches
4 correctly. Because when you start introducing new
5 2A or 06 or whatever, that can screw up with the
6 whole master ordinance.

7 So I'm going to propose that we vote on
8 it as is. I'm hearing this other points about
9 history and preserving it, I think we can discuss it
10 in a digitization section of the agenda and create a
11 way of preserving the history.

12 CHAIRMAN CORDOVA: So you're making a
13 motion?

14 COMMISSIONER KOMAROW: Yeah, I'm making
15 a --

16 ATTORNEY BIRCH: There's already a
17 motion on the floor.

18 COMMISSIONER KOMAROW: Okay. Can we --
19 so I guess.

20 CHAIRMAN CORDOVA: So anybody else?
21 Heath, do you have anything to say?

22 COMMISSIONER URBAN: No.

23 CHAIRMAN CORDOVA: No? Migdalia?

24 COMMISSIONER PAGAN-MILANO: No, I agree
25 with Deborah.

1 CHAIRMAN CORDOVA: Okay.

2 COMMISSIONER PAGAN-MILANO: Yeah.

3 COMMISSIONER KOMAROW: So can we call a
4 vote?

5 CHAIRMAN CORDOVA: You need to be
6 quiet. You need to be in order. Okay? I decide
7 when the votes are called.

8 Call the vote.

9 BD. SECRETARY CHAPMAN: Heath Urban?

10 COMMISSIONER URBAN: No.

11 BD. SECRETARY CHAPMAN: Deborah
12 Komarow?

13 COMMISSIONER KOMAROW: Yes.

14 BD. SECRETARY CHAPMAN: Migdalia?

15 COMMISSIONER PAGAN-MILANO: Yes.

16 BD. SECRETARY CHAPMAN: Jenny?

17 VICE-CHAIRPERSON LABENDZ: Yes.

18 BD. SECRETARY CHAPMAN: Rafi?

19 CHAIRMAN CORDOVA: No.

20 VICE-CHAIRPERSON LABENDZ: It passes.

21 CHAIRMAN CORDOVA: Yeah, it passes.

22 COMMISSIONER KOMAROW: It passes.

23 BD. SECRETARY CHAPMAN: It passes,
24 majority passes.

25 CHAIRMAN CORDOVA: Yeah, it passes

1 three to two.

2 This doesn't mean that it cannot be
3 amended in the future, people, so, you know, it's
4 not set in stone either. If this point gets brought
5 up the food chain and they agree with the change, we
6 can resubmit and then reevaluate, which is what I
7 intend to do.

8 Thanks. And let's move on.

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1 CHAIRMAN CORDOVA: Okay. Are the
2 parties here for Jordan, 1200 Clinton, appeal of
3 exemption status?

4 VOICE: The majority of the tenants
5 are.

6 CHAIRMAN CORDOVA: They are? Who is --
7 all of you?

8 VOICE: We're all tenants.

9 CHAIRMAN CORDOVA: Okay.

10 VOICE: My unit's not listed on here,
11 and we sent the appeal and paid for the application,
12 so I don't know if that's a typo, but we're in 425
13 and it says 427, so I don't know if you need to add
14 425 or 427 should be brought up.

15 MS. FALCO: What is your name?

16 VOICE: It was sent in by David Ander.
17 I'm his wife, Amanda Katz.

18 ATTORNEY BIRCH: So I'm just going to
19 say that you can feel free to come in and make any
20 kind of comment. I mean, the broad exemption status
21 applies to all the tenants, even the ones that
22 aren't here tonight, so feel free to speak.

23 (Simultaneous crosstalk.)

24 CHAIRMAN CORDOVA: I just want to note
25 for the record that the Rent Control Officer, Diane

1 Nieves Carreras, is not here tonight.

2 Okay. Have you -- is someone in
3 charge? I mean, who is going to present the case?
4 Okay. So you want to come up here, please?

5 ATTORNEY BIRCH: You may want to make
6 sure that there's representation for the Jordan
7 first? Not that they would speak first, but just
8 make sure that there's somebody --

9 CHAIRMAN CORDOVA: Why?

10 ATTORNEY BIRCH: Just for the record.

11 CHAIRMAN CORDOVA: I was informed by
12 the office that the case was between the City and
13 the tenants, that the Jordan wasn't a party to the
14 case.

15 ATTORNEY BIRCH: Well, what I'm just
16 saying, for procedural purposes, we recognize the
17 tenants are here.

18 CHAIRMAN CORDOVA: Uh-huh.

19 ATTORNEY BIRCH: We have counsel for
20 the Jordan here.

21 CHAIRMAN CORDOVA: Okay.

22 ATTORNEY BIRCH: Just to put his name
23 on the record just so that --

24 CHAIRMAN CORDOVA: Oh, I didn't know.

25 ATTORNEY BIRCH: Yeah, that's what I

1 was saying.

2 CHAIRMAN CORDOVA: Okay. I didn't
3 know, but he could be anybody sitting there.

4 (Laughter.)

5 ATTORNEY BIRCH: That's what I'm
6 saying.

7 CHAIRMAN CORDOVA: Raise your hand and
8 make yourself known.

9 ATTORNEY BIRCH: Just so we can enter
10 his appearance.

11 CHAIRMAN CORDOVA: Okay. I had no
12 idea.

13 ATTORNEY VERDIBELLO: Good evening.
14 Robert Verdibello from the law firm of Connell Foley
15 on behalf of the landlord.

16 CHAIRMAN CORDOVA: Okay. You can sit
17 down there or up here is fine, too. I mean,
18 whatever you prefer.

19 ATTORNEY VERDIBELLO: I'm sure either
20 way you won't see me.

21 CHAIRMAN CORDOVA: Okay. And if you
22 will swear them in.

23 E V A N K I R S C H, being first duly sworn or
24 affirmed by the Notary, testifies as follows:

25 Z A C H A R Y G O T L I B, being first duly sworn or

1 affirmed by the Notary, testifies as follows:

2 CHAIRMAN CORDOVA: We want to hear
3 everything and anything you want to tell us.

4 MR. GOTLIB: That's nice. We might be
5 here all night.

6 CHAIRMAN CORDOVA: We might.

7 MR. GOTLIB: We could order dinner.

8 CHAIRMAN CORDOVA: On you.

9 (Laughter.)

10 CHAIRMAN CORDOVA: Okay. No, start.

11 MR. GOTLIB: Good evening. My name is
12 Zachary Gotlib. I'm a resident of the Jordan. I
13 first want to thank you all for taking the time to
14 hear our case. As someone who has been working
15 intermittently on behalf of the residents of the
16 Jordan for over six months, I know firsthand how
17 much work has gone into this, so thank you.

18 With that said, I'd like to first bring
19 to your attention why we're here and how we got
20 here. Beginning in 2021, we noticed that the Jordan
21 began increasing rent in some instances in excess of
22 \$800 per month. As you are aware, pursuant to
23 Article 155-38 of Hoboken code, there was a
24 moratorium on rents effective until May 2022. This
25 rent increase directly violated that ordinance.

1 As you are also aware, in early 2022 it
2 was determined that our neighboring complex, the
3 Rivington, was subject to rent control as they did
4 not file the necessary paperwork in compliance with
5 NJSA Article 2A:42-84.4 in filing of owner's claim
6 of exemption with the town.

7 In light of this, we noticed that upon
8 renewals, the Jordan began requiring tenants to sign
9 rent control amendments. We found this to be
10 strange since this was the first time they had
11 appeared, and if you look closely, every other
12 attachment to the lease was called an addendum, but
13 this was called an amendment.

14 As you are also well aware, in order to
15 be exempt from rent control under NJSA, the owner
16 must comply with two express conditions, these
17 conditions include, one, the filing of a claim of
18 exemption with the town, and, two, provide an actual
19 notice to tenants. As I already noted, we are only
20 here to discuss whether the Jordan provided actual
21 tenants -- actual notice to tenants of its exemption
22 from rent control in accordance with NJSA 42-84.3
23 and not whether they filed proper paperwork with the
24 town.

25 NJSA Section 22A:42-84.3 provides "The

1 owner of any multiple dwelling exempted from a rent
2 control or rent leveling ordinance pursuant to this
3 act shall, prior to entering into any lease with a
4 person for tenancy of any premises located in a
5 multiple dwelling, furnish the prospective tenant
6 with a written statement that the multiple dwelling
7 in which the premises is located is exempt from rent
8 control or rent leveling for such time as may remain
9 in the exemption period. Each lease offered to a
10 prospective tenant for any dwelling unit therein,
11 during the period the multiple dwelling is so
12 exempted, shall contain a provision notifying the
13 tenant of this exemption."

14 I want to draw your attention to two
15 specific items noted in this language. One, the
16 code specifically states that the owner shall prior
17 to entering into any lease with a person furnish
18 such notice. Not after entering into a lease. Two,
19 the code specifically states that each such lease
20 must contain this language.

21 I'd like to add that the Jordan did not
22 comply with NJSA Article 2A:42-84.3, as it did not
23 provide notice of its rent control exemption status
24 to tenants prior to entering into leases, as
25 required by the ordinance. This is evidenced by the

1 fact that had they been in compliance there would be
2 no need to include amendments to our leases on
3 renewal providing this information that they were
4 required to provide prior to entering into leases to
5 be exempt from rent control. This very fact, that
6 they included these amendments on renewal, is an
7 admission on the Jordan's part that they had not
8 been complying with rent control.

9 When we filed our legal rent
10 calculations, we expressly stated that we were
11 filing with respect to NJSA 21:42-84.3 on the basis
12 that the Jordan failed to provide actual notice to
13 tenants. In response, the rent control officer
14 stated that, quote, based on the two existing
15 documents of the exemption on file, the office does
16 not dispute the exemption of rent control for the
17 Jordan.

18 However, this is not what we had been
19 disputing. We were not and are not arguing that the
20 Jordan failed to file proper paperwork with the
21 town. We continue to argue that the Jordan failed
22 to provide proper notice to tenants in compliance
23 with law. This argument was wholly ignored by the
24 rent control officer in contradiction of this
25 ordinance. The rent control officer did not even

1 make reference to section 84.3, the very basis of
2 our legal rent calculation. As noted in Section
3 2A:42-84.5, in part, it is the intent of P.L.1987,
4 c.153 that the exemption from rent control or rent
5 leveling ordinances under P.L.1987, c.153 shall
6 apply to any form of rent control. And no
7 municipality, county, or other political subdivision
8 of the state or agency or instrumentality thereof
9 shall adopt any ordinance, resolution, or rule or
10 regulation, or take any action to limit, diminish,
11 alter, or impair any exemption afforded.

12 If this Board were to hold that the
13 Jordan is exempt from rent control, it would
14 contradict the express provisions of NJSA and the
15 noted legislative intent. The finding would mean
16 that there would be no point to include Article
17 2A:42-84.3 in the code. Clearly this is not the
18 case.

19 While this case may be novel to the
20 town of Hoboken, we can look to neighboring
21 jurisdictions for guidance. In *Willow Ridge*
22 *Apartments, LLC v. Union City Rent Stabilization Bd*,
23 set forth on July 7, 2022, the Court ruled that the
24 owner never filed proper notice and did not qualify
25 for rent control exemption. The Court agreed with

1 the defendant and stated, quote, the statute also
2 includes two express provisions that require owners
3 who seek an exemption to provide notice to the
4 municipality and prospective tenants.

5 The Court went on to say, first,
6 because NJSA 2A:42-84.1 to 84.6 created ad new right
7 to rent control exemption, strict compliance with
8 its terms is required to qualify for the exemption.
9 And, second, it said if compliance with NJSA
10 2A:42-84.4 were not required, it would constitute a
11 meaningless surplus issue.

12 In sum, for the reasons stated above,
13 the Jordan is subject to rent control as they did
14 not provide notice to tenants prior to entering into
15 any leases and cannot be afforded protection under
16 the exemption simply by adding amendments to leases.
17 To do so would render NJSA 2A:42-84.3 completely
18 obsolete. Thus, I urge you to enforce the rent
19 control section in compliance with state law and
20 legislative intent and find that the Jordan has not
21 met its duty to provided prior notice to tenants and
22 is thus not exempt from rent control. Thank you.

23 MR. KIRSCH: Yeah. I would just add
24 two things to that. The first one is I've been a
25 tenant of the Jordan since 2018, and to be clear,

1 not a single lease has ever had until 2022 any type
2 of rent control exemption. And even if anyone
3 signed the amendment, there's no -- if someone
4 signed the amendment, like I did, there's a contract
5 of adhesion, and it has nothing to say that it's --
6 it looks backwards, so there's nothing in here
7 that's legally binding.

8 MR. GOTLIB: Once you're exempt from
9 rent control, you can't unexempt yourself by adding
10 an amendment. Once you're subject to rent control.

11 CHAIRMAN CORDOVA: Now what's going to
12 happen is that the Commissioners will ask you
13 questions.

14 MR. GOTLIB: I'm sorry.

15 CHAIRMAN CORDOVA: We're going to have
16 a Q&A. No, it's good. If you have anything else
17 that you want to add at any point --

18 MR. GOTLIB: Again --

19 COURT STENOGRAPHER: You have to let
20 him talk, I can't have you talking all at the same
21 time.

22 CHAIRMAN CORDOVA: When -- at any point
23 you can add things.

24 MR. GOTLIB: Cool.

25 CHAIRMAN CORDOVA: What's going to

1 happen is we're just going to proceed now to ask you
2 questions, but if something comes up that you want
3 to add, you may.

4 And anyone?

5 VICE-CHAIRPERSON LABENDZ: I just have.

6 CHAIRMAN CORDOVA: Commissioner
7 Labendz?

8 VICE-CHAIRPERSON LABENDZ: I just have
9 one question, and thank you for that well prepared
10 presentation. You just said that not a single lease
11 since 2018 said anything about rent control, did you
12 mean for you or do you mean that to your knowledge
13 anyone in the building --

14 MR. GOTLIB: To my knowledge not --

15 MR. KIRSCH: There are form contracts,
16 so we're all signing the same contract. In fact,
17 like, 2018 I don't have anymore because it was
18 signed by hand, now they just send them around --

19 COURT STENOGRAPHER: I'm sorry, I'm
20 having a problem understanding you. They send them
21 around?

22 MR. KIRSCH: Via DocuSign, they're all
23 the same exact. My cousin lives in the building, I
24 have his contract, matches up exactly just they
25 changed -- they filled in a couple of blanks.

1 MR. GOTLIB: And I've personally spoken
2 to over 50 tenants in the building that all have the
3 same issue, that they were not provided this
4 language in their original leases and it was added
5 after it was determined that the Rivington was
6 subject to rent control.

7 VICE-CHAIRPERSON LABENDZ: In 2018 when
8 you started leasing, that was -- you were the first
9 tenants?

10 MR. KIRSCH: No, the building probably
11 around 2015, I want to say, I have -- I know someone
12 who was an original tenant, it was 2015, 2016, I
13 want to say.

14 CHAIRMAN CORDOVA: Anybody else?

15 VICE-CHAIRPERSON LABENDZ: Can I ask if
16 anyone here was a tenant in 2016? Or 2015?

17 ATTORNEY VERDIBELLO: I don't think the
18 building was constructed at that time.

19 CHAIRMAN CORDOVA: Yeah, it was 2017.

20 ATTORNEY VERDIBELLO: The building was
21 completed in 2016.

22 VICE-CHAIRPERSON LABENDZ: The building
23 was completed in 2016?

24 ATTORNEY VERDIBELLO: I believe so.
25 Hold on.

1 VICE-CHAIRPERSON LABENDZ: So I'm
2 hesitating, I can just say because -- or I can save
3 it for the discussion, but the certificate of
4 occupancy says that it was issued in 2018, and if
5 that's the actual certificate -- authentic
6 certificate of occupancy, then no one should have
7 been living in the building before, and so you can't
8 live in a building before the certificate of
9 occupancy is issued. Now, the --

10 MS. FALCO: That's not true. You can
11 live in a building before a certificate of occupancy
12 is issued.

13 COMMISSIONER KOMAROW: You can get a
14 temporary.

15 MS. FALCO: Yes.

16 VICE-CHAIRPERSON LABENDZ: The --

17 CHAIRMAN CORDOVA: What are you trying
18 to --

19 VICE-CHAIRPERSON LABENDZ: The -- okay.
20 As far as I understand, the -- from the construction
21 office, the -- you need a certificate of occupancy
22 to start occupying the building, and the letter of
23 the claim of rent control exemption is from
24 August 2016, so the clear intent of the order -- the
25 issue may be bigger than we're dealing with right

1 here because the statute, the state statute clearly
2 states that when the building is completed, which is
3 indicated by the date of issuance of the certificate
4 of occupancy, 30 days or more before that there had
5 to have been a letter of exemption filed. So if
6 anyone was living in the building prior to, let's
7 see, September 11, 2016, then something here is
8 amiss. The date of the letter -- the letter is not
9 30 days before the completion of the building, and
10 the notification may or may not still be an issue,
11 but the whole exemption could be thrown out on that
12 account.

13 So if there is anyone who has knowledge
14 of a lease from earlier than September of 2016, that
15 would be highly relevant to this case and we should
16 see that. But right now we only have what's in
17 front of us so.

18 CHAIRMAN CORDOVA: All right. So one
19 thing is, anybody else?

20 ATTORNEY BIRCH: Chair, can I just --

21 CHAIRMAN CORDOVA: Yeah.

22 ATTORNEY BIRCH: Sorry, I have
23 something real quick. I'm just going to read the 2A
24 statute for the claim of exemption for the city.

25 CHAIRMAN CORDOVA: Uh-huh.

1 ATTORNEY BIRCH: So the statute says:
2 The owner of any multiple dwelling claiming an
3 exemption from a rent control or rent leveling
4 ordinance pursuant to this act shall file with the
5 municipal construction official at least 30 days
6 prior to the issuance of a certificate of occupancy
7 for the newly constructed multiple dwelling a
8 written statement of the owner's claim of exemption
9 from the ordinance under this act.

10 So if we're looking at the certificate
11 of occupancy, the certificate of occupancy was 2018,
12 the letter was 2016, so it's my legal opinion that
13 the building complied with that section of the
14 statute.

15 VICE-CHAIRPERSON LABENDZ: I would
16 direct your attention to the definitions in
17 2A:42-84.1, definitions. Right at the top it says:
18 As used in this Act, completion of construction
19 means issue of a certificate of occupancy pursuant
20 to Section 15 of the state Uniform Construction Code
21 Act.

22 And then gives references to that. So
23 the reference in the -- the statute later in 2 says:
24 The exemption is for 30 years following the
25 completion of construction or the amortization of

1 the mortgage, whichever is less.

2 ATTORNEY BIRCH: Chair, I think right
3 there it says "completion of construction," which we
4 have the definition means issuance of a certificate
5 of occupancy, which we have, which was 2018, and we
6 have the letter from 2016. However, Chair, I would
7 also be mindful that this is not the subject of the
8 exemption status.

9 CHAIRMAN CORDOVA: I was just going to
10 say that, that they're not questioning that, they're
11 questioning the notice to the tenants, they're
12 not --

13 MR. GOTLIB: Correct.

14 CHAIRMAN CORDOVA: Am I right?

15 ATTORNEY BIRCH: I just wanted to
16 clarify.

17 MR. GOTLIB: No, you're correct.

18 CHAIRMAN CORDOVA: You're not
19 questioning the CO and the letter of exemption,
20 you're saying the problem was that you guys were not
21 given notice, proper notice.

22 VICE-CHAIRPERSON LABENDZ: But the
23 exemption -- so if there's a lease that was entered
24 into, based on -- I mean, before a -- I mean,
25 someone else could look into if this is a violation

1 of the state Uniform Construction Code Act, I'm not
2 proficient in that, but if there's a lease entered
3 into before the certificate of occupancy was issued,
4 and there -- then -- and -- I just think this makes
5 it a challenging, you know, overall situation that
6 needs some clarification and --

7 CHAIRMAN CORDOVA: Okay, let's do this.
8 You guys are done with your presentation?

9 Any other questions for them?

10 COMMISSIONER PAGAN-MILANO: Well, I
11 just want to maybe circle back to the moratorium.
12 So in your lease you were -- so they were sort of
13 hiding the fact that by amending it --

14 MR. GOTLIB: No.

15 COMMISSIONER PAGAN-MILANO: -- to
16 reflect an increase or during that time?

17 MR. GOTLIB: No. So our argument today
18 is that they did not provide proper notice in
19 accordance with the regulation regarding rent
20 control.

21 CHAIRMAN CORDOVA: Uh-huh.

22 MR. GOTLIB: I just pointed out the
23 fact that, in addition, they have been a bad actor
24 in raising rents during the rent moratorium.

25 MR. KIRSCH: And i would just clarify

1 one point, that it's not just that they haven't
2 provided notice, it's that the statute specifically
3 says it has to be in the agreement itself, in
4 written agreement, in each lease, and hasn't been in
5 each lease.

6 CHAIRMAN CORDOVA: Commissioner
7 Komarow.

8 COMMISSIONER KOMAROW: How -- when they
9 added this additional thing, how -- do you have an
10 example of it and how did they distribute it?

11 MR. KIRSCH: Via DocuSign, when you --
12 essentially, the way they've handled this is about
13 60 days before the lease is up, so last page you can
14 see, about 60 days before your lease is up you get a
15 notice that your lease is going to come up, you
16 sign, you know, they set the rent. That's it.

17 COMMISSIONER KOMAROW: So you mean they
18 just tacked it on to the actual lease?

19 MR. KIRSCH: So they just send around
20 the full lease via DocuSign.

21 COMMISSIONER KOMAROW: Right.

22 MR. GOTLIB: And then you have to, via
23 DocuSign, sign it, wherever they tell you to sign
24 plus every page, and it's just tacked on. You can't
25 do anything about it.

1 COMMISSIONER KOMAROW: It's just an
2 extra, just a straggler.

3 MR. GOTLIB: It was actually the last
4 page.

5 COMMISSIONER KOMAROW: And it's not
6 part of the lease.

7 MR. GOTLIB: The original lease.

8 COMMISSIONER KOMAROW: And it's not in
9 the, it is in the table of consents?

10 MR. KIRSCH: I believe it is now.

11 MR. GOTLIB: Now it is.

12 COMMISSIONER KOMAROW: Is this the
13 table, I don't --

14 MR. GOTLIB: Very end. But, again, I
15 think, you know, to our point --

16 COMMISSIONER KOMAROW: Can you show me
17 where here, because I'm not seeing it. Maybe I'm
18 missing something.

19 MR. KIRSCH: Is there another page
20 perhaps?

21 COMMISSIONER KOMAROW: Here. This is
22 what you handed our secretary, Kyle, I'm giving it
23 back to you.

24 MR. KIRSCH: They must not have -- it
25 must just show up on the DocuSign. I know it showed

1 up on the DocuSign, I saw it.

2 COMMISSIONER KOMAROW: But it's totally
3 separate. It's not in the lease and it's not in the
4 table of contents. Can I see that again, please?

5 MR. KIRSCH: Absolutely.

6 MR. GOTLIB: Yeah. So it's not in the
7 original lease.

8 COMMISSIONER KOMAROW: Right.

9 MR. GOTLIB: And the ordinance clearly
10 states that it has to be prior notice.

11 COMMISSIONER KOMAROW: Understood.

12 MR. GOTLIB: And every lease has to
13 have it. So they -- what they do is, again, they
14 send you a DocuSign, and they just have you initial
15 those pages, like, 30 days before your lease
16 expires, and so one of those started sneaking in
17 that amendment into all of our new leases. I
18 actually saw this on mine, and I said, what is this,
19 this looks different, why would they be including
20 this now, why would we be required to sign
21 additional documents for renewing our lease?
22 Usually you just sign a lease renewal. And so
23 that's how we came about this whole issue.

24 CHAIRMAN CORDOVA: Commissioner
25 Labendz?

1 VICE-CHAIRPERSON LABENDZ: Chair, I'm
2 reading from the state Uniform Construction Code
3 Act, this is New Jersey revised statutes.

4 CHAIRMAN CORDOVA: Hold on one second.
5 Can we pay attention to Commissioner
6 Labendz, who is talking right now, please?

7 VICE-CHAIRPERSON LABENDZ: New Jersey
8 revised statutes 52:27D-133 -- I'm sorry, 133, 2013,
9 and it begins, this is for the State of New Jersey:
10 No building or structure hereafter constructed --
11 again, this was in 2013 -- shall be used or occupied
12 in whole or in part until a certificate of occupancy
13 shall have been issued by the enforcing agency.

14 Now, if there was a temporary
15 certificate of occupancy that enabled occupancy
16 prior to 2018, then that needs to be produced. I
17 should -- yeah, and absent that, we have no proof
18 that whatever initial certificate of occupancy was
19 issued was 30 days after it was, you know, September
20 of -- September 11, 2016, or later, because the
21 letter of exemption is August 11, 2016. And the
22 only other alternative is that the building is in
23 violation of the state Uniform Construction Code
24 Act. I don't know how that would then relate to
25 where we are now. And I recognize, I understand

1 that that's not actually the issue that the tenants
2 are bringing up, but that it seems highly relevant.

3 CHAIRMAN CORDOVA: Okay. Are we done
4 asking questions of this party? Okay, now, I --
5 Mr. -- wait -- Verdibello, I see you submitted a
6 brief.

7 ATTORNEY VERDIBELLO: Yes.

8 CHAIRMAN CORDOVA: Would you like to
9 come forward and address this and did you bring any
10 witnesses?

11 ATTORNEY VERDIBELLO: No.

12 CHAIRMAN CORDOVA: No one is here?

13 ATTORNEY VERDIBELLO: Just short
14 notice, we only received notice of this hearing on
15 Monday, I wasn't able to get representatives of my
16 client available to come here this evening.

17 CHAIRMAN CORDOVA: You mean, this past
18 Monday?

19 ATTORNEY VERDIBELLO: Yes.

20 CHAIRMAN CORDOVA: Like two days ago?

21 ATTORNEY VERDIBELLO: Yes.

22 MS. FALCO: Well, we have the --

23 ATTORNEY VERDIBELLO: You have a notice
24 date of the 5th, we have postage on that notice
25 that's dated the 6th. According to the certified

1 mail that I received, and I backtracked the mailing,
2 it was not mailed until the 8th. I did not -- my
3 office did not receive the notice until Saturday.
4 Obviously, we were closed. And on Monday morning I
5 hadn't gotten the mail yet when Ms. Falco called my
6 office to advise me that there was this hearing
7 today. So I didn't have sufficient time to gather
8 witnesses to come here this evening.

9 I would respectfully ask that this
10 matter not be decided this evening and be adjourned,
11 unless the Board wants to proceed. My understanding
12 is that this primarily a function between the Board
13 and the tenants; however, without the rent control
14 officer here who issued the determination, and
15 without the opportunity to rebut, I don't understand
16 the procedure of what's -- of how this is
17 proceeding.

18 CHAIRMAN CORDOVA: Can I see that,
19 please?

20 BD. SECRETARY CHAPMAN: Yeah. It was
21 mailed on -- it was received on Saturday.

22 ATTORNEY VERDIBELLO: Yes.

23 CHAIRMAN CORDOVA: This past Saturday.
24 And, of course, you were not in the office till
25 Monday.

1 VICE-CHAIRPERSON LABENDZ: May I ask a
2 question?

3 CHAIRMAN CORDOVA: Yeah.

4 VICE-CHAIRPERSON LABENDZ: You had said
5 or someone had said regarding the parties in the
6 case, the -- this is -- I think it's relevant to
7 clarify, and I do not know the answer, are the
8 parties in this case considered the rent control
9 officer and the tenants? Or are the parties in this
10 case, as is more standard with any kind of legal
11 rent calculation issue, the tenants and the
12 landlord?

13 CHAIRMAN CORDOVA: Okay. The rent
14 control office expressed to me that the parties were
15 the tenants and the rent officer because they were
16 questioning her decision. Now, the way I think it
17 works is that the owner or landlord has also the
18 opportunity, because the whole thing started because
19 you guys asked for legal rent calculation, right?

20 MR. GOTLIB: Yeah, we did that in
21 April.

22 CHAIRMAN CORDOVA: In April. And then
23 it was denied, and then the landlords got a notice
24 that that was happening, and then you --

25 ATTORNEY VERDIBELLO: We supplied

1 information to the rent control officer.

2 CHAIRMAN CORDOVA: You sent the brief.

3 MR. GOTLIB: No, the brief came later.

4 When we received the initial notice from the rent
5 control officer, we submitted the documentation that
6 was requested from the rent control.

7 CHAIRMAN CORDOVA: That was the
8 June 21st letter.

9 ATTORNEY VERDIBELLO: Correct.

10 CHAIRMAN CORDOVA: Okay. And then the
11 July 14th is --

12 ATTORNEY VERDIBELLO: Correct, that was
13 supplementary.

14 CHAIRMAN CORDOVA: Okay. So the
15 landlord -- so the landlord has a right to weigh in
16 on whether the rent calculation, you know, and
17 whether any evidence they have to say that no rent
18 calculations should be coming because they feel
19 they're exempt.

20 VICE-CHAIRPERSON LABENDZ: Thinking
21 they're exempt?

22 CHAIRMAN CORDOVA: They're exempt.

23 Which is another part that I just want
24 to clarify with the moratorium situation and acting
25 in bad faith. The moratorium, in my understanding,

1 and correct me if I'm wrong, Ms. Falco, was for
2 units under the rent control chapter. They were not
3 for buildings that were exempt. Now, at that time,
4 during the pandemic, the building believed it was
5 exempt from rent control. We're just solving this
6 right now. And still, as it stands, it is exempt
7 because that's what the rent officer found.

8 Now, once we're done here, it might be
9 different, but as of right now, the landlord was
10 within the rights of raising rents during the
11 moratorium because the moratorium did not include,
12 you know, buildings that were exempt.

13 MR. GOTLIB: Sure.

14 CHAIRMAN CORDOVA: It should have but
15 it didn't. In my humble opinion. So there was no
16 bad faith there. I'm in a quandary now because
17 this -- at least, I mean, I don't find this
18 sufficient notice -- go ahead.

19 MR. GOTLIB: I would just like to add
20 that we filed the rent calculation in April and
21 appealed in July.

22 CHAIRMAN CORDOVA: Yes.

23 MR. GOTLIB: They were provided over
24 three months to gather facts, to prepare, they knew
25 that there would come a time for this meeting.

1 CHAIRMAN CORDOVA: Yeah.

2 ATTORNEY VERDIBELLO: That's not true.

3 I -- that is not true. We received notice that you
4 had filed for a rent calculation. The next notice I
5 received from the rent control office was that a
6 determination was made by the rent control officer
7 that the building was exempt. In that notice there
8 was a provision that you could appeal that decision.

9 MR. GOTLIB: Correct.

10 ATTORNEY VERDIBELLO: I never received
11 any notice that any appeals were filed.

12 CHAIRMAN CORDOVA: No?

13 ATTORNEY VERDIBELLO: The next
14 correspondence I received from the Hoboken rent
15 control office was the notice that's purported to be
16 dated September 5th.

17 CHAIRMAN CORDOVA: Okay. So you were
18 not aware that they had appealed the --

19 ATTORNEY VERDIBELLO: That's correct.

20 CHAIRMAN CORDOVA: -- the decision.

21 ATTORNEY VERDIBELLO: Often times,
22 tenants don't appeal.

23 CHAIRMAN CORDOVA: Right. I know, I
24 know. That's what I'm saying, that --

25 VICE-CHAIRPERSON LABENDZ: May I ask?

1 CHAIRMAN CORDOVA: Commissioner
2 Labendz, yes.

3 VICE-CHAIRPERSON LABENDZ: But then how
4 come there's the June 21st letter that is in
5 response to the tenants in -- from your office, in
6 response to the tenants' legal rent calculation
7 request.

8 CHAIRMAN CORDOVA: It's here.

9 VICE-CHAIRPERSON LABENDZ: And then
10 there's -- that's June 21st, and then there's
11 another letter July 14th.

12 CHAIRMAN CORDOVA: That's the brief.

13 VICE-CHAIRPERSON LABENDZ: Yeah, which
14 is the brief that the chair was just referring to,
15 which goes into more detail. When was the legal
16 rent calculation decided -- or, like, when did the
17 decision from Ms. Nieves originally come?

18 ATTORNEY VERDIBELLO: I believe that
19 was June.

20 VICE-CHAIRPERSON LABENDZ: So then
21 in --

22 CHAIRMAN CORDOVA: Hold on one second.
23 He's looking.

24 Do you have that?

25 MR. GOTLIB: No, I do not.

1 CHAIRMAN CORDOVA: Do you have the date
2 of your appeal?

3 MR. GOTLIB: I do not have it with me.

4 VOICE: I can give those dates.

5 VICE-CHAIRPERSON LABENDZ: Well, we
6 have it in our files.

7 CHAIRMAN CORDOVA: We have it too, one
8 second. I was just being -- in case you had it
9 right there.

10 July 7th.

11 VICE-CHAIRPERSON LABENDZ: July 7th.

12 So --

13 CHAIRMAN CORDOVA: And then there's a
14 brief for July 15th -- 14th --

15 VICE-CHAIRPERSON LABENDZ: Yeah.

16 CHAIRMAN CORDOVA: -- that answers,
17 kind of like --

18 ATTORNEY VERDIBELLO: No, the brief
19 from July 14, I was not aware that an appeal was
20 filed. I was responding to a request from the rent
21 control officer for additional information on
22 leases, but I was not provided with a copy of any of
23 the appeals or any notice that an appeal had been
24 filed. Not until -- how could there be an appeal if
25 she hadn't issued a rent determination?

1 VICE-CHAIRPERSON LABENDZ: She had.

2 ATTORNEY VERDIBELLO: Oh, she had. But
3 I didn't -- I only had the rent determination, I
4 didn't have any notice of appeal.

5 CHAIRMAN CORDOVA: Okay, one thing, one
6 question, one thing at a time. So you have that,
7 you knew that she had made the determination.

8 ATTORNEY VERDIBELLO: Correct.

9 CHAIRMAN CORDOVA: So what prompted
10 this July 14th letter?

11 ATTORNEY VERDIBELLO: That was in
12 supplement to her initial request for information.

13 CHAIRMAN CORDOVA: What's the date of
14 the determination?

15 VICE-CHAIRPERSON LABENDZ: Well, the
16 appeal was July 7th, we don't have the original --

17 CHAIRMAN CORDOVA: Her determination
18 was previous to that.

19 VICE-CHAIRPERSON LABENDZ: Yes.

20 CHAIRMAN CORDOVA: So July 7th -- so
21 she made the determination before July 7th.

22 MR. GOTLIB: Yeah.

23 CHAIRMAN CORDOVA: Do you have that,
24 you were notified of that, I would imagine.

25 ATTORNEY VERDIBELLO: I don't know if I

1 have that. The decision I have is June 22nd, I
2 think. So on June 22nd I have a letter, a series of
3 letters from -- and then she had reached -- actually
4 it was Ramon Rivera, the counsel for the Board, who
5 had reached out to me asking for additional
6 documentation, that's what prompted me to issue the
7 July letter.

8 CHAIRMAN CORDOVA: Okay. So you got a
9 letter from Ms. Nieves saying that everything had to
10 be in by June 21st, and then you sent the letter on
11 June 21st on the dot, right?

12 ATTORNEY VERDIBELLO: Correct.

13 CHAIRMAN CORDOVA: And then you're
14 saying that Mr. Rivera reached out to you, when?

15 ATTORNEY VERDIBELLO: After July --
16 after June 22nd.

17 CHAIRMAN CORDOVA: Asking for more
18 information?

19 ATTORNEY VERDIBELLO: Correct.

20 CHAIRMAN CORDOVA: Because --

21 ATTORNEY VERDIBELLO: He asked for
22 copies of leases.

23 CHAIRMAN CORDOVA: Of leases.

24 ATTORNEY VERDIBELLO: And more
25 information. And that's what prompted me to --

1 CHAIRMAN CORDOVA: And that's what
2 prompted this.

3 ATTORNEY VERDIBELLO: Correct.

4 VICE-CHAIRPERSON LABENDZ: Do you have
5 a -- sorry. Can I?

6 CHAIRMAN CORDOVA: Okay. No, one
7 second.

8 Ms. Falco?

9 MS. FALCO: I would like to go on
10 record to say that as the acting Board secretary at
11 that time, I did not notify the attorney of any
12 appeals that were filed.

13 CHAIRMAN CORDOVA: Oh.

14 MS. FALCO: And I don't believe that
15 Diane did either. Because it was our understanding
16 in discussing this case that the appeal was -- is --
17 are the tenants appealing Diane's determination.

18 CHAIRMAN CORDOVA: Right.

19 MS. FALCO: And while we will include
20 the property owner, that is not who is appealing the
21 case. The tenants are appealing Diane's
22 determination, and those are the parties involved.

23 CHAIRMAN CORDOVA: Okay.

24 ATTORNEY BIRCH: And so, Chair, I'm
25 just going to say one more thing just as my

1 recommendation.

2 CHAIRMAN CORDOVA: Yes.

3 ATTORNEY BIRCH: Just to hear the
4 matter on the merits and not to have it essentially
5 kicked back for any possible kind of procedural
6 issues if counsel for the property is representing
7 that he would have testimony from representatives.

8 Is that true?

9 ATTORNEY VERDIBELLO: I can have --
10 again, it depends on the procedure, but if this is
11 adjourned then -- and then if you require testimony
12 from a representative of management, I can provide
13 that.

14 ATTORNEY BIRCH: Well, that's really
15 the Board's determination to make. But I'm saying
16 in terms of just the merits of the exemption status,
17 if you -- if the Board wants to hear the merits of
18 the property's representatives and the property's
19 counsel --

20 CHAIRMAN CORDOVA: Uh-huh.

21 ATTORNEY BIRCH: -- it would make sense
22 to adjourn the matter to the next rent control
23 meeting so.

24 CHAIRMAN CORDOVA: I know. But you
25 know what, what's happening, I'm seeing a pattern of

1 lawyers showing up without witnesses just to get it
2 postponed and postponed and postponed. It's not the
3 first time that it happens, and they keep on saying
4 we were not told or we were not prepared or we were
5 not -- we didn't know, and I find it hard to believe
6 that a huge, you know, that any kind of law firm is,
7 you know, doesn't know that a case is happening and
8 it's not ready with witnesses time and again and
9 again.

10 ATTORNEY BIRCH: I'll just say one more
11 thing, and then I'll let the Board make their
12 determinations. We have the evidence of when
13 counsel for the Jordan received the notice.

14 CHAIRMAN CORDOVA: Uh-huh.

15 ATTORNEY BIRCH: So that's -- that's
16 the notice that he was provided for this specific
17 date and time --

18 CHAIRMAN CORDOVA: Yeah.

19 ATTORNEY BIRCH: -- for the meeting.
20 So I'm just going to leave it at that. And then the
21 Board can do what it would like to do after that.

22 CHAIRMAN CORDOVA: Commissioner
23 Labendz?

24 VICE-CHAIRPERSON LABENDZ: Was there
25 any attempt on the part of the -- your office to

1 reach out as soon as you got the notice and was made
2 aware on Monday to ask for an adjournment or ask for
3 additional time to gather any witnesses or other
4 evidence?

5 ATTORNEY VERDIBELLO: I don't remember
6 the specifics of my conversation with Secretary
7 Falco, but I recall asking if it was possible to put
8 it off, but I remember the statement being made,
9 similar to what the Chairman just said, that cases
10 were being carried too often, and since this was a
11 matter that was primarily between the tenants and
12 the rent control officer, it was unlikely that it
13 would be adjourned. That's why I appeared here this
14 evening.

15 VICE-CHAIRPERSON LABENDZ: Okay.

16 CHAIRMAN CORDOVA: Is this what
17 happened, he asked to adjourn?

18 MS. FALCO: I don't recall him asking
19 to adjourn.

20 CHAIRMAN CORDOVA: Because all it would
21 take is a phone call, I mean, we completely --

22 MR. GOTLIB: There's a statute--

23 CHAIRMAN CORDOVA: Hold on one second.

24 MR. GOTLIB: Sorry.

25 CHAIRMAN CORDOVA: We completely

1 support any -- I mean, in the past, different
2 lawyers have called to adjourn before the meeting,
3 and we've given them the courtesy time and time
4 again. Usually it should be one time, but we've
5 done it repeatedly, and all it takes is one phone
6 call to request, I mean, kind of demand an
7 adjournment, and we've been very accommodating with
8 everybody.

9 What I don't think is fair is for
10 lawyers to come time and again discussing the City
11 money, discussing all our time, and then they come
12 and they're not prepared with witnesses or to
13 present the case. Now, if you agree that it's
14 between the City and the tenants, that's a different
15 story, but if you think that you're a party to this
16 conversation, then you could have --

17 ATTORNEY VERDIBELLO: Well, there were
18 a number of --

19 CHAIRMAN CORDOVA: -- either come
20 prepared or you could have called to adjourn the --

21 ATTORNEY VERDIBELLO: I understand.
22 Well, I was unfamiliar with your procedures so I
23 apologize for that. This is -- I have not appeared
24 repeatedly before this Board, for the record.

25 CHAIRMAN CORDOVA: Yes.

1 ATTORNEY VERDIBELLO: I have not
2 repeatedly asked for adjournment before this Board,
3 for the record.

4 CHAIRMAN CORDOVA: No, you have not,
5 for the record.

6 ATTORNEY VERDIBELLO: This is the first
7 time that I have been put in this position. I did
8 have the conversation with Secretary Falco, I don't
9 remember all the specifics of that conversation;
10 however, it was my impression that an adjournment
11 would not be granted, whether that was correct or
12 not. So now I'm being told directly that I could
13 have gotten an adjournment. I, again, am asking for
14 an adjournment now, that's obviously the Board's
15 discretion whether or not to grant that.

16 At a minimum I would like to rebut some
17 of the comments that were made here this evening by
18 the tenants as I think they are inconsistent with
19 the law, as set forth in my July brief -- or my July
20 letter to the rent control officer.

21 CHAIRMAN CORDOVA: Now, when you say
22 witnesses that you could have brought, you mean
23 people who could answer questions about --

24 ATTORNEY VERDIBELLO: Correct.

25 CHAIRMAN CORDOVA: -- the leases

1 themselves?

2 ATTORNEY VERDIBELLO: Correct.

3 CHAIRMAN CORDOVA: The people who
4 prepared them, the people who entered into the
5 contract with the tenants initially, originally?

6 ATTORNEY VERDIBELLO: That's correct,
7 yes.

8 CHAIRMAN CORDOVA: Okay.

9 ATTORNEY VERDIBELLO: I mean, the
10 leases do speak for themselves. And for the record,
11 under the New Jersey law and under the Anti-Eviction
12 Act each lease is a new lease once a lease term
13 ends, so it's not a continuation of a -- of one
14 lease. Terms and conditions can survive, but each
15 lease, under New Jersey law, creates a new tenancy.

16 VICE-CHAIRPERSON LABENDZ: Chair.

17 CHAIRMAN CORDOVA: Commissioner
18 Labendz.

19 VICE-CHAIRPERSON LABENDZ: I would
20 suggest something. Perhaps we should proceed and
21 hear whatever Mr. -- I'm sorry.

22 ATTORNEY VERDIBELLO: Verdibello.

23 CHAIRMAN CORDOVA: Verdibello.

24 VICE-CHAIRPERSON LABENDZ: Verdibello
25 is prepared to say, and then see if it's the case

1 that we need any further -- anything further to make
2 our decision and then pick up the question of
3 adjournment.

4 CHAIRMAN CORDOVA: My only concern with
5 that is that Mr. Verdibello is not a witness.

6 ATTORNEY VERDIBELLO: Correct.

7 CHAIRMAN CORDOVA: He's a lawyer.
8 Anything he says is not, is not a fact to the case.

9 VICE-CHAIRPERSON LABENDZ: Right. But
10 so then this goes back to the question. We need --
11 we need an understanding, we as a Board need an
12 understanding of who are the parties in this case.
13 Is it the City and the tenants or is it the tenants
14 and the landlord?

15 CHAIRMAN CORDOVA: Mr. Birch?

16 ATTORNEY BIRCH: Well, if the rent
17 calculation -- I would say it's between the tenants
18 and --

19 CHAIRMAN CORDOVA: The City.

20 ATTORNEY BIRCH: -- the City. However,
21 the Board, I mean the property is an interested
22 party to this calculation.

23 CHAIRMAN CORDOVA: Okay. So let's do
24 this, let's -- you guys can sit over there and let
25 Mr. Verdibello have the -- you're still under oath

1 and you're still participating, I'm just, like,
2 going to give him the table so he can sit down and
3 be comfortable as opposed to standing up there.

4 ATTORNEY VERDIBELLO: I'm used to
5 standing so.

6 CHAIRMAN CORDOVA: It's okay.

7 ATTORNEY VERDIBELLO: I'm sorry, what
8 is the procedure now? Am I --

9 CHAIRMAN CORDOVA: Well, you asked to
10 rebut some of the things that the tenants had just
11 expressed, so I'm giving you that opportunity.

12 ATTORNEY VERDIBELLO: And for the
13 record, I'm not waiving any rights to my request for
14 an adjournment or any rights to appeal --

15 CHAIRMAN CORDOVA: Understood,
16 understood.

17 ATTORNEY VERDIBELLO: -- just so that's
18 clear on the record.

19 CHAIRMAN CORDOVA: Yes, understood.
20 I'm not saying that that's the case.

21 ATTORNEY VERDIBELLO: So just as I was
22 listening, and, again, going back to my July
23 submission, there was actual notice provided in the
24 initial leases to the tenants. Each initial lease
25 that has been submitted to the rent control office

1 contains the mandatory requirement under Hoboken's
2 rent control ordinance, the advisement of rights
3 under the Hoboken rent control ordinance that's
4 required. That was provided.

5 In addition, the -- each initial lease
6 had a full copy of the Truth in Renting Statement
7 that is provided and promulgated by the New Jersey
8 Department of Community Affairs.

9 CHAIRMAN CORDOVA: Uh-huh.

10 ATTORNEY VERDIBELLO: The Truth in
11 Renting Statement clearly states on page 15, and
12 I'll read it for you from the form of initial lease
13 sample, it states, and this is from the Truth in
14 Renting Statement: Under the newly constructed
15 Multiple Dwellings Act, which is 2A:42-84.1, et.
16 seq., newly constructed multiple dwellings shall be
17 exempt from any local rent control ordinance for a
18 period of 30 years following completion of
19 construction of the building. Rents that are
20 subsidized by government funding may also --

21 COURT STENOGRAPHER: I'm sorry, you're
22 going just a little too fast. Rents that are
23 subsidized by government funding?

24 ATTORNEY VERDIBELLO: Rents that are
25 subsidized by governmental funding may also be

1 exempt from local rent control ordinances. A tenant
2 may contact the Rent Control Board or municipal
3 clerk for his/her town to find out if his/her rental
4 unit is covered by a rent control or rent leveling
5 ordinance.

6 So the tenants had notice that provided
7 them, should they want to inquire with the rent
8 control office, as to whether or not the 1200
9 Clinton was an exempt building. According to the
10 rent control office, pursuant to the rent control
11 exemption, the claim of rent control exemption that
12 was issued in 2016, the rent control office was
13 fully aware that the building was exempt. So if one
14 of the tenants had inquired, they would have been
15 provided with the information that the building was
16 exempt.

17 That plus the tenants moving into the
18 building were aware that it was a newly constructed
19 dwelling. So had they read the Truth in Renting
20 Statement, they would have, again, had direct actual
21 knowledge that the building was exempt.

22 Secondly, Hoboken's rent control
23 ordinance also has a second rent control exemption
24 for newly constructed dwellings that doesn't require
25 any claim or any exemption. The rent control

1 ordinance clearly stipulates that for newly
2 constructed buildings, that first lease is exempt
3 from rent control. That's under your Chapter 155 --
4 hold on, I'll give you the exact citation, it's in
5 my brief.

6 155-2, subsection B, and I'll read this
7 out: Newly constructed dwellings which are rented
8 for the first time, after the first rental such
9 dwelling shall be exempt from this initial rent or
10 lease agreement but all subsequent events shall be
11 subject to the provisions of this chapter in order
12 to qualify for the exemption. The newly constructed
13 dwelling must be registered by an applicant on forms
14 provided by the rent regulation officer with said
15 officer before --

16 COURT STENOGRAPHER: With said officer
17 before?

18 ATTORNEY VERDIBELLO: With said officer
19 before the first rental for said dwelling.

20 That was done, that is the form of --

21 CHAIRMAN CORDOVA: Can you repeat the
22 section, please, that you --

23 ATTORNEY VERDIBELLO: Chapter 155-2,
24 sub paragraph B --

25 CHAIRMAN CORDOVA: 2B.

1 ATTORNEY VERDIBELLO: -- as in boy.

2 CHAIRMAN CORDOVA: Okay.

3 ATTORNEY VERDIBELLO: So in this case
4 the initial leases were -- well, not automatically
5 but were by definition exempt, independent of the
6 state statute. Then on the lease renewals, that
7 additional language was added to the leases, because
8 as I said initially, under New Jersey law each new
9 lease is a new lease, it's not a continuous contract
10 because that would be illegal. In New Jersey you
11 can't have a lease term for a residential dwelling
12 of more than 18 months. So each new lease, then,
13 becomes a new contract, effectively.

14 So we were -- so my client was
15 complying with the state statute moving forward
16 because there are overlapping exemption provisions
17 because Chapter 155 also has sub paragraph H, which
18 cites to the newly constructed law, to the state
19 law, so that you have overlapping provisions in your
20 rent control ordinance. So my client was making a
21 good faith effort to comply with both provisions,
22 which is why there is no waiver here, and it -- this
23 is different from other cases cited by the tenants
24 because my client did comply with the ordinance.
25 And there was sufficient notice in those initial

1 leases for tenants to, at a minimum, inquire with
2 the rent control office as to whether or not the
3 building was exempt.

4 CHAIRMAN CORDOVA: But -- okay. Are
5 you finished?

6 ATTORNEY VERDIBELLO: Yes.

7 CHAIRMAN CORDOVA: Okay, I have a
8 question. Like, if someone's -- if the law says
9 that you have to provide directions, giving someone
10 a map and say "find your own way," does that comply?

11 ATTORNEY VERDIBELLO: Under the way the
12 state statute is written, yes, because the state
13 statute does not specify what the notice is or how
14 it's to be provided.

15 CHAIRMAN CORDOVA: But -- okay,
16 Commissioner --

17 COMMISSIONER URBAN: Yeah, thank you.

18 CHAIRMAN CORDOVA: -- Urban.

19 COMMISSIONER URBAN: Mr. Verdibello, is
20 it your position that the Truth in Renting Statement
21 that was included in the lease that informs the
22 tenants they have the option of calling or inquiring
23 to the officer whether or not their building is
24 exempt is enough to make the building exempt under
25 the statute?

1 ATTORNEY VERDIBELLO: Well, no, there's
2 two provisions, as the tenant cited. We have to --
3 the landlord has to claim the exemption first with
4 the construction code officer, and that's what's
5 cited *Willow Ridge*. *Willow Ridge* only speaks to
6 that provision because that was claiming a new
7 right. *Willow Ridge* does not go to a form of notice
8 because there is no mandatory form of notice.

9 COMMISSIONER URBAN: I can have the
10 Board attorney read back to us, the Board, what the
11 statute requires in terms of the notice. My
12 understanding, it had to be in the lease. My
13 understanding is it had to be in the lease, that if
14 your lease had instructions of where to get the
15 notice, that to me may or may not actually meet the
16 requirements of the statute. I think our Board
17 attorney may want to read that back to us.

18 ATTORNEY BIRCH: Sure, Mr. Urban. The
19 section that is referenced is: The owner of any
20 multiple dwelling exempted from a rent control or
21 rent leveling Board and is pursuant to this act
22 shall prior to entering into any lease with a person
23 for tenancy of any premises located in the multiple
24 dwelling furnish the prospective tenant with a
25 written statement that the multiple dwelling in

1 which the premises is located is exempt from rent
2 control or rent leveling for such time as may remain
3 in the exemption period. Each lease offered to a
4 prospective tenant for any dwelling unit therein
5 during the period of the multiple dwelling is so
6 exempted shall could be contain a provision
7 notifying the tenant of the exemption.

8 CHAIRMAN CORDOVA: Right. So --

9 COMMISSIONER URBAN: I'm sorry, but if
10 I may make briefly.

11 CHAIRMAN CORDOVA: Go ahead.

12 COMMISSIONER URBAN: Mr. Verdibello,
13 that strikes me as a requirement that the notice
14 shall be in the lease, not instructions -- the
15 notice that the building is exempt shall be in the
16 lease, not instructions on whether to find out
17 whether it's exempt.

18 ATTORNEY VERDIBELLO: I understand, and
19 we did provide the disclosure statement that's
20 required by the City of Hoboken.

21 COMMISSIONER URBAN: Okay. That struck
22 me as a factual dispute then. They're claiming you
23 didn't.

24 ATTORNEY VERDIBELLO: Well, it's in the
25 forms of leases that I have. And, again, that's

1 another reason why I should have a fact witness here
2 this evening.

3 CHAIRMAN CORDOVA: Well, one --

4 COMMISSIONER URBAN: I'm finished for
5 now.

6 CHAIRMAN CORDOVA: Are you finished?

7 COMMISSIONER URBAN: Yeah.

8 CHAIRMAN CORDOVA: I'm sorry, but I
9 just --

10 COMMISSIONER URBAN: Mr. Chairman, you
11 can continue.

12 CHAIRMAN CORDOVA: In between -- just
13 to get back on what he was saying. Now, the
14 disclosure statement, I believe, isn't it to be
15 given to rent control -- like, it would be --
16 wouldn't it be misleading to a tenant to have that
17 disclosure statement in your lease because that is
18 something that is given to rent controlled units,
19 not to regular units.

20 ATTORNEY VERDIBELLO: No, I believe
21 that's given to every unit in Hoboken, every rental
22 unit.

23 CHAIRMAN CORDOVA: Can you -- can we
24 look that up?

25 VICE-CHAIRPERSON LABENDZ: Yes -- point

1 of clarification.

2 CHAIRMAN CORDOVA: Yes.

3 VICE-CHAIRPERSON LABENDZ: When you say
4 "the disclosure statement," are you referring to the
5 New Jersey Truth in Renting?

6 ATTORNEY VERDIBELLO: No, there's --

7 CHAIRMAN CORDOVA: No, the Hoboken --

8 ATTORNEY VERDIBELLO: The City of
9 Hoboken promulgates a disclosure statement that --
10 and it says the purpose of this to --

11 COURT STENOGRAPHER: I'm sorry, you're
12 going to have to slow down.

13 ATTORNEY VERDIBELLO: The purpose of
14 this document is to advise you of your rights under
15 the Hoboken rent control ordinance. And there are a
16 number sub paragraphs that are included in that.
17 That's mandated to be provided to any tenant in
18 Hoboken.

19 CHAIRMAN CORDOVA: One moment. Can
20 you -- you're reading from the ordinance?

21 VICE-CHAIRPERSON LABENDZ: Yeah, yeah,
22 and it's also in the leases, I see that.

23 CHAIRMAN CORDOVA: Wait wait.

24 VICE-CHAIRPERSON LABENDZ: That it says
25 that there's a -- it's a -- this is in one of the

1 leases that I just --

2 CHAIRMAN CORDOVA: I want the actual
3 one.

4 VICE-CHAIRPERSON LABENDZ: -- that was
5 submitted, and it says -- there's a -- your rights
6 under the Hoboken rent control ordinance, and it's
7 very generic because it says any properties not
8 subject to the exemptions listed within Chapter 155
9 are subject to rent control and accordingly, you
10 know, the following. But it doesn't -- it's a
11 general statement that is not -- well, is not the
12 one that's required by the state statute of
13 exemption. That statute of -- that statute that
14 talks about the exemption says, as was read before,
15 that it has to specify that this particular
16 dwelling, it says, it's -- da, da, da, da, that the
17 multiple dwelling in which the premises is located
18 is exempt from rent control. The disclosure, the
19 notice of exemption to tenants has to say that this
20 building is exempt, like Mr. Urban was saying.

21 I did have a question, though. Your
22 claim that the -- in New Jersey you can't have a
23 lease longer than 18 months, can you cite what
24 that's based on?

25 ATTORNEY VERDIBELLO: I'll have to -- I

1 don't have that cite. I just know from practicing
2 landlord-tenant.

3 VICE-CHAIRPERSON LABENDZ: So I just,
4 you know, God bless the Internet, in 2010 the New
5 Jersey Department of Community Affairs issued a
6 lease information bulletin based on New Jersey state
7 law, and it says very clearly there is no limitation
8 to the length of the term of a lease, and
9 actually --

10 MR. COTTON: Residential leases?

11 VICE-CHAIRPERSON LABENDZ: This is,
12 yeah, residential rental properties in New Jersey,
13 and then it refers to NJSA 25:1-12, which says that
14 if a lease is for a term of more than three years,
15 it must be written. So.

16 ATTORNEY VERDIBELLO: Okay. Then I
17 misspoke. My apologies.

18 VICE-CHAIRPERSON LABENDZ: Yeah. So
19 leases can be much longer.

20 ATTORNEY VERDIBELLO: But these leases
21 are not, they're one-year term.

22 VICE-CHAIRPERSON LABENDZ: Okay, yeah
23 yeah yeah.

24 I did also want to point out, maybe
25 this is more relevant to discussion, but just that

1 it says in the state statute about the exemption
2 that it says prior to entering into any lease with a
3 person -- that's not what I was looking for -- that
4 they must furnish the prospective tenant, but a
5 current tenant that is signing another lease is not
6 a prospective tenant, and the clear intention of
7 this clause is that before any individual begins
8 living in a place, they should understand the rules
9 attached to that place. Obviously, you don't need
10 to respond to that because that's more a matter of
11 discussion that I guess we'll take up afterwards. I
12 did want to, I did want to clarify the issue of the
13 18 months.

14 And, sorry, can I ask one more question
15 or should I wait?

16 CHAIRMAN CORDOVA: You can keep on
17 going until you're done because that's the rule,
18 that's there's no time limits.

19 VICE-CHAIRPERSON LABENDZ: My question
20 is just are you aware of any information -- well, I
21 guess, never mind because you're not a fact witness,
22 I was going to ask about this, the certificate of
23 occupancy, but okay.

24 CHAIRMAN CORDOVA: You're finished?

25 VICE-CHAIRPERSON LABENDZ: I am

1 finished.

2 CHAIRMAN CORDOVA: Commissioner
3 Komarow?

4 COMMISSIONER KOMAROW: Thank you.

5 Mr. -- I'm not going to pronounce your
6 name correctly.

7 ATTORNEY VERDIBELLO: Verdibello.

8 COMMISSIONER KOMAROW: Verdibello.

9 CHAIRMAN CORDOVA: Verdibello.

10 COMMISSIONER KOMAROW: Hi,
11 Mr. Verdibello, welcome to the Rent Leveling Board,
12 we appreciate you being here. I have a real
13 question about the fact that you -- I think you
14 said, I just want to clarify, that you included the
15 truth in lending [sic]?

16 VICE-CHAIRPERSON LABENDZ: Renting.

17 ATTORNEY VERDIBELLO: I did not, my
18 client did.

19 CHAIRMAN CORDOVA: Renting.

20 COMMISSIONER KOMAROW: Okay. But
21 somebody that you're representing included it with
22 the lease.

23 ATTORNEY VERDIBELLO: Correct, correct.

24 COMMISSIONER KOMAROW: Okay. But the
25 problem is that the exemption, when you're telling a

1 tenant that if your property is under rent control
2 or not, is if you do have an exemption you need to
3 tell them the date of when the building is exempt
4 for. So where in the truth in lending handbook
5 would somebody now that this is going to come off
6 rent control on this date if you don't tell the
7 landlord -- the tenants, you know, we're exempt up
8 until this date. That's what they need to know.
9 That's what any prospective tenant needs to know.
10 So the fact that you give them a truth in lending
11 [sic] handbook.

12 ATTORNEY VERDIBELLO: Truth in renting.

13 COMMISSIONER KOMAROW: Or whatever
14 you're --

15 CHAIRMAN CORDOVA: Renting, yes.

16 COMMISSIONER KOMAROW: Your landlord,
17 your client provided, there's nothing in there that
18 gives a date.

19 ATTORNEY VERDIBELLO: Well, it does
20 provide 30 years from the date of the issue of the
21 certificate of occupancy.

22 COMMISSIONER KOMAROW: But how would a
23 prospective tenant know when you're building was
24 built?

25 ATTORNEY VERDIBELLO: The certificate

1 of occupancy is posted in the building by law.

2 COMMISSIONER KOMAROW: Okay. So you're
3 telling me that if somebody comes to rent an
4 apartment, a prospective tenant, they're supposed to
5 know what a certificate of occupancy is, they're
6 supposed to know what the date is, they're supposed
7 to know when your building was built, they're
8 supposed to know that it goes from that date for 30
9 years and expires in some magical date, that every
10 person that's coming to rent an apartment should
11 understand these things and somehow know to be
12 asking these questions? I mean, I just find that
13 really such an overreach. I can't even begin to
14 believe that anybody should expect -- that's looking
15 to come and rent a property, they should know, you
16 know, the apartment number, you know, the size of
17 it. But to expect that somebody would come in and
18 rent something, I mean, is that what you're saying,
19 that you're saying that they should understand that?

20 ATTORNEY VERDIBELLO: I'm saying they
21 have the ability to understand it. I don't know if
22 they do or not. And I -- I'm not disputing that.

23 CHAIRMAN CORDOVA: But, sir, it's like
24 saying if I order a pizza, I don't want someone to
25 give me tomatoes and flour and whatever goes in a

1 pizza, I want a pizza. So if you want to notice,
2 you want to give the notice clearly, you're going to
3 say this building is exempt because it was
4 constructed on this year and it will go -- in 30
5 years the exemption will expire on this year, and
6 it's clear.

7 And the other thing, the other way I
8 see it is in terms of finding my own way, if I get
9 your lease that has the disclosure statement, and
10 then I go to the rent control office, where it
11 says -- I'm reading it right from the chapter, it
12 says every landlord subject to the provisions of
13 this chapter, which is the rent control chapter,
14 shall be required to provide to each tenant a
15 disclosure statement on Board-approved forms
16 available to the rent -- you know.

17 So it -- the only reason to provide
18 this form is if you're under rent control. So that
19 is very confusing because if you're exempt, there's
20 no reason to provide the disclosure statement. And
21 so if I'm finding my own way because there's no
22 exemption there, then I'm going to see, oh,
23 disclosure statement, I go there. Oh, look, it says
24 that if there's a disclosure statement, I'm under
25 rent control. So I'm going to make another --

1 that's -- what I'm trying to say is that I'm making
2 an argument for being very specific and clear in
3 giving notice to the tenants that the building is
4 exempt, as opposed to letting them find their own
5 way because there's another avenue of finding or
6 making an argument that they're under rent control,
7 by giving this disclosure statement as part of the
8 lease.

9 Commissioner Labendz?

10 VICE-CHAIRPERSON LABENDZ: Yeah, Chair,
11 I just want to be clear, like, we don't -- maybe we
12 should move to discussion because our job isn't to
13 convince either party one way or another that
14 they're wrong or right but to adjudicate matters
15 among ourselves.

16 But I would like to point out that it
17 is not New Jersey law that certificates of occupancy
18 be posted in buildings. And they are generally not
19 posted in buildings. And the way that tenants or
20 the public gain access to them is by OPRA requests
21 from the city clerk, or by the building required. I
22 just wanted to make sure that that's clarified.

23 So I would --

24 CHAIRMAN CORDOVA: Yeah.

25 VICE-CHAIRPERSON LABENDZ: I don't know

1 if it's a point of order, I don't know if it's a
2 motion thing. But I would say, like, we can --

3 CHAIRMAN CORDOVA: You can motion at
4 any moment for anything that occurs to you.

5 VICE-CHAIRPERSON LABENDZ: Well --

6 CHAIRMAN CORDOVA: And then --

7 VICE-CHAIRPERSON LABENDZ: -- I just
8 stepping -- I would say --

9 CHAIRMAN CORDOVA: I do have one more
10 question.

11 VICE-CHAIRPERSON LABENDZ: Yeah, after
12 that. Yeah, no.

13 CHAIRMAN CORDOVA: What?

14 VICE-CHAIRPERSON LABENDZ: Go ahead.

15 CHAIRMAN CORDOVA: Are you finished?

16 VICE-CHAIRPERSON LABENDZ: Yes.

17 CHAIRMAN CORDOVA: Do you have a lease
18 with you, an original lease --

19 ATTORNEY VERDIBELLO: Yes.

20 CHAIRMAN CORDOVA: -- that actually has
21 a statement saying, you know, like, an exemption, a
22 notice of exemption on it other than the truth in
23 renting --

24 ATTORNEY VERDIBELLO: No. As I
25 explained, other than --

1 CHAIRMAN CORDOVA: -- and the
2 disclosure? Do you have anything --

3 ATTORNEY VERDIBELLO: No.

4 CHAIRMAN CORDOVA: -- that says clearly
5 this is -- building is exempt?

6 ATTORNEY VERDIBELLO: That came with
7 the subsequent leases, as explained in my July 14th
8 letter.

9 CHAIRMAN CORDOVA: So it was like they
10 were saying, it crept in afterwards, it was not
11 originally there.

12 ATTORNEY VERDIBELLO: Because under
13 Hoboken's overlapping rent control exemptions for
14 the initial lease, the exemption did not arise from
15 the newly constructed statute, it arose under 2B of
16 the rent control ordinance, which does not require
17 that notice.

18 CHAIRMAN CORDOVA: All right. May I
19 have a motion to go into closed session --

20 COMMISSIONER KOMAROW: Can I just --

21 CHAIRMAN CORDOVA: -- to discuss
22 pending -- one more question? Go ahead.

23 COMMISSIONER KOMAROW: So can you just
24 tell us the date that you -- that your client did
25 start adding the --

1 ATTORNEY VERDIBELLO: I don't have that
2 information.

3 CHAIRMAN CORDOVA: Okay.

4 COMMISSIONER KOMAROW: Okay. So you
5 have no -- so initial leases, no disclosure form of
6 exemption.

7 CHAIRMAN CORDOVA: I don't know if
8 that's building-wide for a certain leases that were
9 part of the initial legal rent calculation, I did
10 not see them in those leases, but I don't know if
11 that's uniform to the building.

12 COMMISSIONER KOMAROW: Okay. And then
13 it's -- but -- so you don't know then, but then at
14 some point your client did start adding, you just
15 don't know when.

16 Is that correct?

17 ATTORNEY VERDIBELLO: Correct. On
18 renewals.

19 COMMISSIONER KOMAROW: Okay. But you
20 don't know what date on renewals, right?

21 ATTORNEY VERDIBELLO: Because every
22 renewal date would be different depending on when
23 the tenant lease term runs.

24 CHAIRMAN CORDOVA: Okay. May I have a
25 motion, a motion to go into closed session to

1 discuss pending potential litigation?

2 VICE-CHAIRPERSON LABENDZ: I would
3 rather ask questions to the tenants in response to
4 some of this.

5 CHAIRMAN CORDOVA: I made a motion.
6 Can someone second it? No one? Okay.

7 COMMISSIONER PAGAN-MILANO: After her
8 questions.

9 CHAIRMAN CORDOVA: After the question,
10 all right. Ask your question. I'm being now
11 highjacked by a question.

12 VICE-CHAIRPERSON LABENDZ: Per the
13 procedure --

14 CHAIRMAN CORDOVA: Go ahead.

15 VICE-CHAIRPERSON LABENDZ: Per the
16 procedure --

17 CHAIRMAN CORDOVA: Ask your question,
18 please.

19 VICE-CHAIRPERSON LABENDZ: So my
20 question is twofold. The first is -- well, sorry, I
21 mean I have two separate questions. The first
22 question is, is any of the tenants that are here
23 tonight, themselves -- they themselves start renting
24 in 2016, or -- themselves begin renting in 2016?
25 Okay I'm seeing a no, okay.

1 But you have knowledge of other people
2 having started --

3 CHAIRMAN CORDOVA: Excuse me. You can
4 only ask questions of these two people, they've been
5 sworn in --

6 VICE-CHAIRPERSON LABENDZ: Oh, fair
7 enough.

8 CHAIRMAN CORDOVA: -- the rest of the
9 people are not part of the -- so if --you know.

10 MR. GOTLIB: My cousin, i can send him
11 a text and find out when he moved in, he's the one
12 who lived there. That's how I found out about the
13 Jordan. So I can go ask him right now if you like.
14 That's up to you. I don't know how that works, but
15 he'll tell me, it was least a year to a year and a
16 half before I moved in, that s why I said generally
17 on the time frame, so I don't know if that was, you
18 know, 2016, 2017, it was in that time frame.

19 VICE-CHAIRPERSON LABENDZ: I mean, i
20 think it would be great if while we're talking he
21 was able to -- if that's the case and he was able
22 to, you know, hop in an Uber and have, you know,
23 another relevant --

24 CHAIRMAN CORDOVA: On that, do you
25 have --

1 (Simultaneous crosstalk.)

2 CHAIRMAN CORDOVA: Hold on one second.
3 Order.

4 ATTORNEY VERDIBELLO: Just as a
5 procedural vote, I'm going to object to that as
6 hearsay because that's not his direct.

7 CHAIRMAN CORDOVA: I will too, don't
8 worry, I'm on to that. Unless he jumps in an Uber
9 and comes here.

10 VICE-CHAIRPERSON LABENDZ: Yes. That's
11 why I suggested that. But my other question was --

12 CHAIRMAN CORDOVA: Your next question.

13 VICE-CHAIRPERSON LABENDZ: So you said
14 about the amendments that were sent.

15 MR. KIRSCH: Yes.

16 VICE-CHAIRPERSON LABENDZ: And were
17 they sent with your renewals or were they sent to
18 the whole building on one particular date?

19 MR. GOTLIB: So they were sent not just
20 with renewals, newer tenants that just signed leases
21 got them in their original leases. And anyone that
22 had a renewal after the Rivington became subject to
23 rent control, they began adding at different times
24 upon renewal.

25 VICE-CHAIRPERSON LABENDZ: Upon

1 renewal.

2 MR. GOTLIB: Correct.

3 VICE-CHAIRPERSON LABENDZ: Okay.

4 CHAIRMAN CORDOVA: So if we're going to
5 speak candidly --

6 MR. GOTLIB: Yes.

7 CHAIRMAN CORDOVA: -- basically what
8 you're trying to say is that the owners of the
9 Jordan got wise to what was happened just next door
10 and they started curating things in order to prevent
11 it from happening to them.

12 MR. GOTLIB: What I'll say is that, you
13 know, Lincoln Property Company, they like to put the
14 burden on the tenant to go call, right? They have
15 \$2 billion in revenue and they proclaim on their
16 website that they're the second largest residential
17 property owner in the U.S. with over 200,000 units.

18 CHAIRMAN CORDOVA: Okay.

19 MR. GOTLIB: They should know the law
20 and they should follow it, more so than the burden
21 should be on the tenant to call the Rent Control
22 Office every time they're about to rent an
23 apartment, that would put an extreme burden on you
24 if every tenant started doing that. And that's not
25 what the law says. The law specifically says that

1 the owner is to provide notice, not the rent control
2 office.

3 CHAIRMAN CORDOVA: Duly noted.

4 ATTORNEY VERDIBELLO: If I may rebut
5 that point. But what the law does not provide is
6 a -- we'll call it a consequence if there isn't a
7 specified form of notice. The *Willow Ridge* case
8 only deals with the claim of exemption from the
9 construction code official, it does not deal with
10 any consequences from notices in the lease, that is
11 a separate provision, and that was not discussed in
12 the *Willow Ridge* case.

13 MR. KIRSCH: Yes it was and then
14 once --

15 (Simultaneous crosstalk.)

16 CHAIRMAN CORDOVA: One person at a
17 time.

18 VICE-CHAIRPERSON LABENDZ: Can I motion
19 that we move to discussion and close the Q&A
20 presentation from the --

21 CHAIRMAN CORDOVA: I think that ship
22 sailed.

23 VICE-CHAIRPERSON LABENDZ: Well, to do
24 that in a more official and clear way for everyone.

25 CHAIRMAN CORDOVA: I'm just still

1 asking if I can -- if someone would second my motion
2 to go into closed session momentarily.

3 COMMISSIONER KOMAROW: I'll second it.

4 CHAIRMAN CORDOVA: You'll second it?

5 Okay.

6 Anybody against it? No?

7 Okay. Just for a few moments, can you
8 please step outside and have a bathroom break or
9 something, order your pizza. Thank you.

10 (Closed session taken at 8:10 p.m. and ended
11 at 8:39 p.m.)

12 (Recess taken at 8:39 and ended at 8:46.)

13 CHAIRMAN CORDOVA: And we're back. Who
14 wants to begin? So what's going to happen now is,
15 like, we've heard from you guys and we've heard from
16 the landlord's attorney, and we've read all the
17 documents, so we're going to discuss the case, and
18 you get to witness it.

19 Commissioner Labendz?

20 VICE-CHAIRPERSON LABENDZ: Okay. So
21 I'd like to explain why I'm planning to, after we --
22 it is my perspective that the building is -- failed
23 to meet the requirements for the exemption for the
24 following reasons. First of all, the statute states
25 that, as was read out during the course of our

1 listening to the testimony and Q&A, the statute
2 states that the notice has to be about the specific
3 dwelling to the people, and the --

4 CHAIRMAN CORDOVA: Give me one second.
5 You're -- excuse me, point of order. You're giving
6 your reasons why you're going to vote what you're
7 going to vote?

8 VICE-CHAIRPERSON LABENDZ: Yeah.

9 CHAIRMAN CORDOVA: Okay. No, we're
10 discussing with -- that happens after we motion.

11 VICE-CHAIRPERSON LABENDZ: The
12 motion --

13 CHAIRMAN CORDOVA: Then we discuss --
14 then we discuss the motion.

15 VICE-CHAIRPERSON LABENDZ: Can I
16 motion?

17 CHAIRMAN CORDOVA: Well, let's see if
18 the discussion is over. Do we have any other --

19 VICE-CHAIRPERSON LABENDZ: I that the
20 point of order that we discussed, like, you said we
21 can discuss it or -- but we discussed this last
22 time, that we can make a motion and then discuss the
23 motion and then vote on the motion.

24 CHAIRMAN CORDOVA: Yes, exactly.

25 VICE-CHAIRPERSON LABENDZ: So then I

1 motion to declare the Jordan not exempt from rent
2 control based on failure to meet the requirements of
3 the state statute.

4 CHAIRMAN CORDOVA: You want to make
5 that more specific?

6 VICE-CHAIRPERSON LABENDZ: How more
7 specific can I be?

8 ATTORNEY BIRCH: For reference,
9 2A:42-84.3, notice of exemption to tenants?

10 VICE-CHAIRPERSON LABENDZ: Yes. Well,
11 yes. I want -- I would say the -- it's -- I don't
12 want to specify just that part because it's relevant
13 to -- it's about reading the state statute as a
14 whole. So if you want me to restate, I motion to
15 establish that 1200 Clinton, a/k/a the Jordan, is
16 not exempt from rent control because of failure to
17 meet the requirements of New Jersey revised statute
18 2A:42-84 and all of its subsections.

19 CHAIRMAN CORDOVA: Do I have a second?

20 COMMISSIONER URBAN: Second.

21 CHAIRMAN CORDOVA: Okay. So
22 Commissioner Labendz motioned and Commissioner Urban
23 seconds. All right?

24 VICE-CHAIRPERSON LABENDZ: So can I
25 proceed --

1 CHAIRMAN CORDOVA: So now you can
2 proceed to explain, yes, why your --

3 VICE-CHAIRPERSON LABENDZ: Okay. So as
4 I started to say before, the state statute says that
5 the notice to tenants has to be specific to that
6 particular building and the Truth in Renting Act
7 does not do that, and that's the major -- that's the
8 major issue. And no one has contested that all of
9 the original leases did not -- not a single one of
10 the original leases gave notice specific to the
11 building or gave any notice other than the Truth in
12 Renting Act, which does not fulfill the requirement
13 of the statute.

14 And given -- this is why I said the
15 whole statute -- given that it's all of the original
16 leases, and the argument presented on behalf of the
17 Jordan was that they still maintained that they
18 don't have to give any other notice, so there's
19 no -- there's -- while there's intention to clarify
20 their -- with those amendments, the sort of sweeping
21 policy from the beginning had been not to give the
22 specific notice, which is why I think the entire
23 building from its inception, its exemption was
24 undermined.

25 In addition, the discrepancy in the

1 tenancy versus the certificate of occupancy that was
2 presented is troubling as they were rendered before
3 2018 and, in fact, the tax assessment record online
4 says that the building was completed in 2017, and
5 that's supposed to be based on the certificate of
6 occupancy, so that discrepancy is confusing as well.
7 And if the certificate of occupancy that's dated --
8 I'm sorry, forget the last sentence.

9 The last thing I wanted to add is that
10 the -- regarding, you know, lease renewals and
11 whether it can be, whether it's a new lease, the
12 fact that it says in notice of exemption to tenants
13 that it's specifically for prospective tenants,
14 meaning before a person is a current tenant of the
15 building, they're supposed to receive notice. So
16 there was no intention at the beginning of the
17 tenancy of the building to -- and no actual
18 fulfillment of this part of the -- this part of the
19 statute.

20 I would also add that I agree with the
21 tenants' argument that based on the *Willow Ridge*
22 case and based on just, I mean, there's other cases
23 that we brought up, actually, in previous meetings,
24 that the -- since there's no separate penalty that's
25 mentioned for not -- for failing to notify tenants,

1 the obvious implication is that these requirements
2 are included in the statute because they are
3 required and you don't get what the statute is
4 offering if you don't meet all these requirements.
5 If it had said if you don't provide notice to
6 tenants you have to pay a fine or you get such and
7 such a consequence specifically, then a person could
8 make the argument that it's -- you're not -- it
9 doesn't undermine the entire exemption. But since
10 it doesn't say that, it's clearly, just like filing
11 in a timely manner, a requirement for the exemption,
12 and the fact that every original lease lacked that
13 with no argument otherwise from the building, then
14 they failed to comply with the statute's
15 requirements.

16 That's my opinion. I'm finished.

17 CHAIRMAN CORDOVA: Okay. I have a
18 point of order for myself. I jumped the public
19 portion that should have happened right before we
20 started. So I'm going to have it right now, and
21 then we'll continue. Is that okay?

22 ATTORNEY BIRCH: Is there a motion on
23 the floor?

24 CHAIRMAN CORDOVA: There is a motion on
25 the floor.

1 ATTORNEY BIRCH: So can we --

2 CHAIRMAN CORDOVA: But the thing is
3 that -- no, the public portion has to come before
4 the motions.

5 ATTORNEY BIRCH: Well, that's what I'm
6 saying, can we withdrawn that --

7 CHAIRMAN CORDOVA: We can withdraw the
8 motion?

9 ATTORNEY BIRCH: -- that motion.

10 CHAIRMAN CORDOVA: Okay.

11 VICE-CHAIRPERSON LABENDZ: Well, do we
12 need to withdraw the motion or can we make a sort
13 of --

14 CHAIRMAN CORDOVA: We can withdraw it
15 and then --

16 (Simultaneous crosstalk.)

17 VICE-CHAIRPERSON LABENDZ: I'm sorry.
18 But according to Robert's Rules, I forget the
19 terminology for, like, a sub motion to pause
20 discussion of this matter while we hear public
21 comments and then pick it up back.

22 CHAIRMAN CORDOVA: We could do that.

23 ATTORNEY BIRCH: I mean, that gets us
24 to the same.

25 CHAIRMAN CORDOVA: That works as well.

1 Okay. So do I have a motion to --

2 ATTORNEY BIRCH: You could just

3 withdraw.

4 CHAIRMAN CORDOVA: I know, it would be

5 the same thing.

6 Could I have a motion to -- to take a

7 pause.

8 COMMISSIONER URBAN: That could have --

9 would have been the same thing.

10 ATTORNEY BIRCH: I mean.

11 (Laughter.)

12 CHAIRMAN CORDOVA: Guys, this is never

13 like this.

14 COMMISSIONER URBAN: Just withdraw the

15 motion and then --

16 VICE-CHAIRPERSON LABENDZ: I don't want

17 to. Motion to pause and move into public comment.

18 COMMISSIONER PAGAN-MILANO: Second.

19 CHAIRMAN CORDOVA: Okay, second.

20 Anybody opposed?

21 COMMISSIONER URBAN: Yes, because I've

22 never heard a motion to pause before.

23 VICE-CHAIRPERSON LABENDZ: There's a

24 sub -- I can't remember the terminology, but in

25 Robert's Rules of Order, there is a motion and there

1 can be another motion, you resolve that motion, and
2 then you go back to the original motion. It's
3 absolutely standard. We've done it before when I've
4 sat on this board and in other meetings that I've
5 been a party to that follow Robert's Rules of Order.
6 It escapes me the exact terminology, but right now
7 we're in the second motion.

8 CHAIRMAN CORDOVA: All right. We're in
9 a motion that's been seconded.

10 Kyle, call the vote.

11 BD. SECRETARY CHAPMAN: Heath urban?

12 COMMISSIONER URBAN: No.

13 COMMISSIONER KOMAROW: This is to
14 pause?

15 CHAIRMAN CORDOVA: This is to pause.

16 BD. SECRETARY CHAPMAN: This is to
17 pause. I'm sorry. Migdalia?

18 COMMISSIONER PAGAN-MILANO: Yes.

19 BD. SECRETARY CHAPMAN: Deborah?

20 COMMISSIONER KOMAROW: Yes.

21 BD. SECRETARY CHAPMAN: Jenny?

22 VICE-CHAIRPERSON LABENDZ: Yeah.

23 BD. SECRETARY CHAPMAN: Rafi?

24 CHAIRMAN CORDOVA: Yes.

25 Okay, motion passes.

1 So, guys, let me just explained what
2 happened.

3 COMMISSIONER URBAN: Thank you.

4 CHAIRMAN CORDOVA: When the case is
5 over, because there was a pause in between, usually
6 we don't have that bathroom break and the -- usually
7 what happens is when everything, discussion comes to
8 an end, we have a public portion so that members of
9 the public can weigh in on what just happened. And
10 we -- I jumped that, and now we're taking that pause
11 so that anybody in the audience that wants to come
12 up and say anything about this case can do so right
13 now.

14 So, Ms. Fallick.

15 COURT STENOGRAPHER: I just have to
16 swear her.

17 CHAIRMAN CORDOVA: It's a public
18 comment, right?

19 COURT STENOGRAPHER: She's making a
20 statement and -- it's up to you guys.

21 CHAIRMAN CORDOVA: Not for public
22 comment.

23 ATTORNEY BIRCH: Yeah, it's public
24 comment.

25 CHAIRMAN CORDOVA: That goes for

1 everybody.

2 ATTORNEY BIRCH: If there was, like,
3 specific facts about the case, I mean, I would
4 probably prefer for them to be sworn in, but if
5 they're just generally speaking.

6 VICE-CHAIRPERSON LABENDZ: If that was
7 the case, they would have to be --

8 CHAIRMAN CORDOVA: Are you offering any
9 facts, Ms. Fallick?

10 MS. FALLICK: I am offering a fact.

11 VICE-CHAIRPERSON LABENDZ: Point of
12 order. Then that's not part of public comment.
13 You'd have to be sworn in as a witness to the case,
14 brought in by either us or one of the parties.

15 MS. FALLICK: It's definitely a fact.

16 VICE-CHAIRPERSON LABENDZ: But it's --
17 public comment, in the past, the way we've done it
18 and the way that we've been instructed is that
19 people can say whatever they want and we can decide
20 what to do with it or not, and this whole -- the
21 purpose of this is to allow the public to
22 participate in this public process. But it does not
23 count as part of sworn testimony in the case.

24 ATTORNEY BIRCH: I would agree with
25 that.

1 CHAIRMAN CORDOVA: You what?

2 ATTORNEY BIRCH: I would agree with
3 that.

4 CHAIRMAN CORDOVA: You would? Okay.

5 ATTORNEY BIRCH: Cheryl can just talk,
6 yes.

7 CHAIRMAN CORDOVA: All right.

8 MS. FALLICK: Mr. Chair, thank you.
9 It's actually not particularly key to this, but I'm
10 glad that you did pause because the intent of that
11 is for the public who may very information to have
12 the Board, I guess, hear it before deliberation.

13 The thing that I wanted to share, and
14 this is, I mean, I get the feeling that maybe folks
15 nowadays feel that history is confusing and
16 necessary and generally are disinterested, for my
17 purposes, I think the history helps the Board make a
18 more informed decision on whatever they're doing.
19 And since you apparently are hearing cases about
20 this exemption or the 30-year exemption or this is
21 the second time it's come up, maybe there will be
22 more, I just thought I would explain what 155-2B is
23 in case it's helpful at any time in the future.

24 155-2B, that had a previous number
25 before the ordinance was renumbered in its current

1 form, was an exemption that always existed to the
2 very earliest version of the ordinance. And at that
3 point in time, that predates 1987. So it predates
4 when the state passed the law for the 30-year
5 exemption, and Hoboken never actually addressed that
6 because it's Hoboken's -- well, it was Hoboken's
7 position that everything was rent controlled except
8 for commercial and some of your affordable housing.
9 And then the state law came in and was preempting.

10 So it's not a comparison, and maybe,
11 Mr. Chair, you may want to thing about -- because
12 now you have this other section which is going to
13 cause massive problems in the future, but there's
14 actually nothing, in my view, wrong with having a
15 process for bringing the 30-year exemptions onto the
16 ordinance. However, you are setting up a legal
17 argument that's not really applicable because it's
18 kind of ignoring our history, and our history was
19 that predates the state law, and Hoboken's rent
20 control ordinance, if Hoboken had its druthers,
21 everything would be rent controlled. And the only
22 reason certain buildings are not is because the
23 state is preempting it.

24 That's all I have to say.

25 CHAIRMAN CORDOVA: Thank you.

1 Anybody else? Nobody else? Okay,
2 seeing none, motion to close public comment.

3 VICE-CHAIRPERSON LABENDZ: Motion.

4 CHAIRMAN CORDOVA: Do I have a second?

5 COMMISSIONER PAGAN-MILANO: Second.

6 CHAIRMAN CORDOVA: Okay. Labendz and
7 Komarow.

8 Do we need to have a motion to --

9 VICE-CHAIRPERSON LABENDZ: No --

10 CHAIRMAN CORDOVA: You got to stop.

11 VICE-CHAIRPERSON LABENDZ: Sorry, point
12 of order.

13 CHAIRMAN CORDOVA: Oh, point of order.
14 Okay.

15 VICE-CHAIRPERSON LABENDZ: By Robert's
16 Rules of Order, now we are back on the original
17 motion that was being discussed. There was a
18 motion, another motion, we dealt with that, we
19 resolved that motion, now we're back to the original
20 motion. I can spend the time to pull up Robert's
21 Rules of Order, but I don't think it's necessary.

22 CHAIRMAN CORDOVA: All right.

23 COMMISSIONER URBAN: Mr. Chairman, I
24 tend to concur. I just, for clarity, just reread
25 the motion that's now on the floor so we all have

1 it. Just one more time.

2 CHAIRMAN CORDOVA: We'll humor
3 Commissioner Labendz and do that.

4 Can you read it, Kyle, or who has it?

5 ATTORNEY BIRCH: I don't know how to do
6 that.

7 CHAIRMAN CORDOVA: Okay. Terry?

8 We also don't have our attorney here,
9 we have Mr. Birch is here, like, wonderful.

10 VICE-CHAIRPERSON LABENDZ: He's serving
11 as our attorney.

12 CHAIRMAN CORDOVA: He's serving as our
13 attorney tonight but we don't have the usual
14 attorney, that's why it's like -- that's what I
15 meant. It's like, you know, when you have a
16 different player, even though they're playing the
17 same position, it's, you know.

18 COMMISSIONER URBAN: I would take the
19 motion right up to the end of the NJSA statute.

20 CHAIRMAN CORDOVA: Go ahead.

21

22 (Stenographer reads back as follows:

23 I motion to establish that 1200 Clinton,
24 a/k/a the Jordan, is not exempt from rent
25 control because of failure to meet the

1 requirements of New Jersey revised statute
2 2A:42-84 and all of its subsections.)
3

4 COMMISSIONER URBAN: She did say that,
5 I noted that, she did say all the subsections. I
6 can't vouch for all the subsections. The narrow
7 issue brought by the Petitioners was the notice, and
8 that's only .3.

9 VICE-CHAIRPERSON LABENDZ: Yeah, I just
10 want to --

11 CHAIRMAN CORDOVA: Wait.

12 COMMISSIONER URBAN: But I don't want
13 to do all the subsections because he can --

14 (Simultaneous crosstalk.)

15 CHAIRMAN CORDOVA: He's talking.
16 You're out of order.

17 COURT STENOGRAPHER: That's just what
18 she said.

19 COMMISSIONER URBAN: I'm sure that's
20 what she said. But can we do it to .3 only because
21 that's the narrow issue that the Petitioners brought
22 with just the --

23 CHAIRMAN CORDOVA: So you're bringing a
24 motion to amend the motion?

25 COMMISSIONER URBAN: Yes.

1 CHAIRMAN CORDOVA: Okay.

2 COMMISSIONER URBAN: To .3, not all the
3 subsections because I can't vouch for all the
4 subsections.

5 VICE-CHAIRPERSON LABENDZ: Point of --
6 sorry, point of information.

7 CHAIRMAN CORDOVA: Point of
8 information?

9 VICE-CHAIRPERSON LABENDZ: So the --
10 when I said "and all the subsections," meaning the
11 thing as a whole, not that they failed every single
12 point, but the thing as a whole. And the reason
13 why, I explained that the -- you have to take the
14 statute as a whole is because --

15 CHAIRMAN CORDOVA: Point of information
16 is asking a question, it's not offering a statement.
17 You said point of information. So you want the
18 information.

19 VICE-CHAIRPERSON LABENDZ: Oh, I
20 thought I'm -- so if I'm trying to clarify
21 something, I can just say, Chair, can I clarify?

22 CHAIRMAN CORDOVA: You could, but
23 that's not what we're doing right now.

24 VICE-CHAIRPERSON LABENDZ: I know. So
25 I --

1 CHAIRMAN CORDOVA: We have a motion.
2 This is its way it works. And, folks, so we're
3 learning together. This is exactly why our attorney
4 said withdraw the motion and then bring it again.
5 This pause thing doesn't work and this is why. So
6 now what happens is he makes a motion to amend, if
7 it gets a second, then we discuss that amendment.
8 And then at that point that we're discussing, then
9 you say why it shouldn't be amended. And that's how
10 it proceeds, okay? So are you making the motion to
11 amend?

12 COMMISSIONER URBAN: Yes, I'm making a
13 motion to amend the motion as read back to us by our
14 transcriber, included 2A:42-84 and all the
15 subsections. I'd like to amend that to 2A:42-84.3
16 only.

17 CHAIRMAN CORDOVA: Okay. Does he have
18 a second?

19 COMMISSIONER URBAN: I guess it fails.

20 CHAIRMAN CORDOVA: We need a moment. I
21 need to see what that says particularly before I
22 decide if I'm going to second this or not because --

23 ATTORNEY BIRCH: I read this before,
24 I'll read it again.

25 CHAIRMAN CORDOVA: Yeah, I know.

1 ATTORNEY BIRCH: The owner of any
2 multiple dwelling exempted from a rent control or
3 rent leveling ordinance pursuant to this Act shall,
4 prior to enter into any lease --

5 COURT STENOGRAPHER: Could you just
6 slow down just a little bit? You're flying.

7 ATTORNEY BIRCH: Okay.

8 Pursuant to this Act shall, prior to
9 entering into any lease with a person for tenancy of
10 any premises located in the multiple dwelling,
11 furnish the prospective tenant with a written
12 statement that the multiple dwelling in which the
13 premises is located is exempt from rent control or
14 rent leveling for such time as may remain in the
15 exemption period. Each lease offered to a
16 prospective tenant for any dwelling unit therein
17 during the period the multiple dwelling is so
18 exempted shall contain a provision notifying the
19 tenant of the exemption.

20 CHAIRMAN CORDOVA: And that, I believe,
21 is exactly what the tenants were asking for, right?
22 So I second it.

23 COMMISSIONER URBAN: Thank you.

24 Commissioner, may I add that they had a
25 very precise and narrow question that they presented

1 to us rather well, and I think we should actually
2 just stick to that question, and that question is
3 entirely contained in .3, not in all the
4 subsections, and I can't vouch for all the
5 subsections, that's why I just kind of wanted to
6 narrow it down to .3.

7 CHAIRMAN CORDOVA: Okay. So now we
8 discuss this.

9 COMMISSIONER URBAN: That was my
10 discussion.

11 CHAIRMAN CORDOVA: Commissioner
12 Labendz?

13 VICE-CHAIRPERSON LABENDZ: The reason I
14 said not to limit it to that, as I explained, is
15 that the argument of this attorney, as the argument
16 of a previous attorney when we had an analogous case
17 with the Avalon, was that you can read these clauses
18 in isolation and they don't affect each other,
19 whereas my argument, the argument that was supported
20 in the *Willow Ridge* case and in other cases that
21 were discussed last time, is that all of the
22 subsections are part of the whole, and the whole,
23 that subsection doesn't say you're exempt for 30
24 years from rent control. The whole idea is that
25 each subsection is part of the requirements

1 necessary to get what the -- this whole section is
2 offering.

3 The -- I explained that the reason, the
4 primary reason, and the reason we heard the case, is
5 because the failure of notice, but the significance
6 of the failure of notice is what's at issue, is one
7 of the things that's at issue. First we, if we
8 all -- well, I would argue, I have argued that they
9 failed to make notice. The attorney on behalf of
10 the building has said they think -- their position
11 is that Truth in Renting Act counts as notice, so
12 that's number one.

13 But there's another argument that says
14 it's not -- there's no penalty, even if we did fail
15 to give notice, there's no penalty. So it's
16 relevant to speak of the whole ordinance. That
17 being -- the whole statute, I'm sorry.

18 That being said, you could just say by
19 the state statute. They failed to meet the
20 requirements of the state statute. I don't think
21 this requires amending it, I do think it is upon
22 anyone on this Board who's hearings cases about this
23 statute to have read this three-page statute in all
24 of its parts, not to memorize it but to have it
25 accessible here and to realize what the requirements

1 are, much of it was read out loud tonight at the
2 meeting, it's not all that much longer. And I do
3 think it's important for the record that if we're
4 making this assertion, it only works if we link the
5 lack of notice to tenants to a lack of exemption for
6 the building. It has to be because we're reading
7 the statute as a whole, the way that the judge and
8 the *Willow Ridge* case determined and the Union City
9 Rent Board determined before that.

10 COMMISSIONER URBAN: Thank you,
11 Commissioner Labendz.

12 CHAIRMAN CORDOVA: Commissioner Urban?

13 COMMISSIONER URBAN: We do have a
14 motion on the floor that was seconded by the
15 Chairman to limit it to .3.

16 CHAIRMAN CORDOVA: We're discussing
17 that now.

18 COMMISSIONER URBAN: Right, and we're
19 discussing it. So the motion on the floor so -- and
20 we had a counterpoint, unless you have something
21 else to add, we should probably just have a vote
22 then.

23 CHAIRMAN CORDOVA: I have a question.
24 There's no consequences anywhere in the statute. It
25 doesn't say -- there's no penalty anywhere.

1 VICE-CHAIRPERSON LABENDZ: Right, which
2 is to say that -- and I can read to you from the
3 *Willow Ridge* case that's already been -- it's not
4 just that, there's all sort of other cases that
5 speak to if a statute provides for something and
6 then attaches to it various requirements, that it
7 is, it's legal surplusage, like a surplus, right,
8 which it would be just surplus language and a
9 disrespect to the law itself if we treated those as
10 rules that are not enforced.

11 So that's why it's a claim that some
12 lawyers are trying to make is that there's no
13 consequence to not following these rules. But rules
14 with no consequences are not rules, they're maybe
15 customs, but that's an affront to the state statute
16 as it stands, and that's been upheld in things like
17 tax cases, where someone files one day late after
18 the -- whatever the state statute says, you have to
19 file within "X" amount of days, one day late, you
20 didn't meet it, because the requirements are there
21 for a reason.

22 And these -- the argument -- I mean,
23 I'll say it as many times as necessary. It is -- it
24 has been established, precedent established that --
25 legal precedent established in the State of New

1 Jersey that all of these -- and it's a specious
2 legal argument to say otherwise, that all of these
3 subsections are requirements, that without them you
4 don't get the thing that the statute is offering.

5 And the reason why I said the statute
6 as a whole, again, is because notice to tenants on
7 its own is just, oh, you have to do something. In
8 order to understand the significance of that and
9 then to declare the building subject to rent control
10 and not exempted, you need the whole statute, you
11 need to read it together.

12 CHAIRMAN CORDOVA: But they're
13 stipulating to the other parts. I mean, they're not
14 questioning the other parts of the statute, they're
15 only questioning that one part.

16 VICE-CHAIRPERSON LABENDZ: No, they're
17 questioning the part that says they get an
18 exemption.

19 CHAIRMAN CORDOVA: They're questioning
20 the notice to tenants --

21 VICE-CHAIRPERSON LABENDZ: Right, one
22 of the subsections --

23 CHAIRMAN CORDOVA: -- exclusively,
24 right.

25 VICE-CHAIRPERSON LABENDZ: -- is you

1 get an exemption. So they're saying that the --
2 subject -- it's not that there's a heading that says
3 you get an exemption for 30 years if you're a newly
4 constructed dwelling. There's, like, all state
5 statutes that I've looked at, there's several parts,
6 there's definitions, there's the intention, and then
7 there's the details, and all the various parts that
8 are connected to it. One of the parts -- one of the
9 subsections said, one of the first ones says this is
10 the exemption that you would get if you were newly
11 constructed dwelling, these conditions, and then the
12 rest are conditions attached to that.

13 To limit it to say they violated notice
14 to tenants doesn't help us say in full that they
15 have not met the requirements of this statute. They
16 could have met some of them, but they did not meet
17 all of the requirements of the statute and,
18 therefore, what the statute offers is no longer
19 applicable.

20 CHAIRMAN CORDOVA: Commissioner
21 Komarow.

22 COMMISSIONER KOMAROW: Yeah. Maybe in
23 just another way to say it in a more streamlined way
24 is like it's kind of saying we're only going to look
25 at one little part, like, if you need, like, all

1 parts of your -- all the bones in your leg to walk,
2 you shouldn't be looking at just the ankle. You
3 know what I'm saying?

4 So I hear what she's saying. I don't
5 think we should make it so, so specific. I think
6 it's -- it all works together. They're focusing on
7 a specific part of it, but it's the whole -- you
8 need the gestalt, you need the all of it to really
9 understand it, and I think we -- and when we explain
10 why that -- then, you know, people can focus on what
11 they want to focus on. But if you make it so
12 specific, somebody might have a reason, maybe it
13 doesn't fall into exactly what's going on. I think
14 to narrow it like that is not helpful.

15 CHAIRMAN CORDOVA: Okay. Do you want
16 to vote or do you want to withdraw the motion?

17 COMMISSIONER URBAN: I just would like
18 to add that we should probably only address the
19 matters that's necessary to resolve the issue before
20 us and not go beyond it. And I think that is
21 entirely contained in the Petitioners' motion to us
22 and their argument to us, and it's contained in
23 subsection .3, not all of the subsections, and we
24 should limit our vote to that.

25 And I believe that's the motion that's

1 on the floor.

2 CHAIRMAN CORDOVA: It is. I want to
3 ask counsel his opinions.

4 ATTORNEY BIRCH: So, Chair, I think
5 either motion would suffice. I mean, as long as
6 people are going to put the reasons on the record,
7 and if, you know, I'm assuming that everybody's
8 reason would be because of whether or not the
9 property complied with 2A:42-84.3, so I think either
10 one, as long as the reasons are adequately stated by
11 each member, any -- each motion would be sufficient.

12 COMMISSIONER PAGAN-MILANO: Chair, I
13 feel like just, you know, narrowing this down is
14 really going to weaken it, so I feel like in
15 totality is best.

16 CHAIRMAN CORDOVA: Okay. Then let's
17 vote it down and we can call the vote.

18 BD. SECRETARY CHAPMAN: Okay. Heath?

19 CHAIRMAN CORDOVA: You've convinced me.

20 COMMISSIONER URBAN: Call the vote.

21 VICE-CHAIRPERSON LABENDZ: About
22 amending the motion?

23 CHAIRMAN CORDOVA: About amending.

24 COMMISSIONER URBAN: About amending it,
25 or --

1 CHAIRMAN CORDOVA: That's the one.

2 Yeah, that's the one.

3 COMMISSIONER URBAN: My motion, the .3.

4 CHAIRMAN CORDOVA: That's the one.

5 COMMISSIONER URBAN: Yes, my answer is
6 yes.

7 BD. SECRETARY CHAPMAN: Yes.

8 Migdalia?

9 COMMISSIONER PAGAN-MILANO: No.

10 CHAIRMAN CORDOVA: I changed my mind.

11 BD. SECRETARY CHAPMAN: Deborah?

12 COMMISSIONER KOMAROW: No.

13 BD. SECRETARY CHAPMAN: Jenny.

14 VICE-CHAIRPERSON LABENDZ: No.

15 BD. SECRETARY CHAPMAN: Rafi?

16 CHAIRMAN CORDOVA: No.

17 VICE-CHAIRPERSON LABENDZ: Motion
18 passes.

19 CHAIRMAN CORDOVA: Okay. Anybody has
20 anything else to say or can we proceed to a vote?
21 You don't want to state your reasons to --

22 COMMISSIONER URBAN: You said proceed
23 to a vote, we just had a vote.

24 VICE-CHAIRPERSON LABENDZ: A vote about
25 the original --

1 CHAIRMAN CORDOVA: No, we're back to
2 the original motion.

3 VICE-CHAIRPERSON LABENDZ: We're back
4 to the original motion.

5 COMMISSIONER URBAN: Oh, okay.

6 CHAIRMAN CORDOVA: So we need to say,
7 you know. Commissioner Komarow.

8 COMMISSIONER KOMAROW: Yeah. So I also
9 want to add I agree with Commissioner Labendz on
10 some of the -- on the points that she mentioned as
11 to why I believe that the Jordan does now fall under
12 the rent control ordinance, and specifically this
13 was a point that I had mentioned earlier, but that
14 there is a requirement to state the date of when the
15 exemption ends. Even if a building is exempt, if
16 there's 30 years, you need to tell, you need to
17 notice the tenants that it ends on a specific date,
18 it's not forever if you do have the exemption.

19 And so it seems, from what I see here
20 is, that there was a failure, particularly, to put
21 in this date and to say that the Truth in Renting
22 handbook, which has no dates in it, is somehow
23 sufficient, I just don't -- I just don't see that at
24 all. It needs to be specifically stated, needs to
25 be tied to the specific building. So those are some

1 of my reasonings.

2 COMMISSIONER PAGAN-MILANO: Yeah, I
3 mean, I agree that sending the tenants on a wild
4 goose chase is just unfair, you know, they should
5 have the proper documentation and notice. They
6 deserve that at least. Spending all that money on
7 their rent.

8 CHAIRMAN CORDOVA: You finished? You
9 finished?

10 COMMISSIONER PAGAN-MILANO: I am.

11 CHAIRMAN CORDOVA: Okay. So I agree
12 with my colleagues. I think that, first of all, I
13 want to put on the record that I don't think any
14 amount of witnesses that the landlord could have
15 brought would have changed our minds because, I
16 mean, my mind, because what I have here are the
17 leases, I saw 12 leases that say the same exact
18 thing and don't say the same exact thing. So it's
19 not like there was some and, you know.

20 I agree that -- I read the whole thing,
21 and there's nowhere where it says a statement of --
22 that discloses the fact that there's an exemption to
23 rent control laws on the lease, I didn't find it
24 anywhere. I don't buy the argument of the Truth in
25 Renting because of the same reason my colleagues

1 have said, that it's just, like, you know, here you
2 go, find, figure it out, kind of like, you know.
3 And a landlord of this magnitude should know better,
4 and if they don't, they should learn that they need
5 to do better.

6 Also, having the disclosure is a
7 problem for me because if I'm a tenant and I see a
8 disclosure form that is supposed to be only applied
9 to rent controlled buildings, by seeing it and then
10 reading the ordinance, I would assume, oh, okay,
11 we're under rent control here. If I have to find my
12 own way, that would be a way for me to find it that
13 I'm under the rent control, as opposed to exempt
14 from it -- exempted from it.

15 So for that reason, and, also, it's
16 just so simple to write, I mean, a five-year-old
17 could write a statement saying this building is
18 exempted from the rent control laws from this date
19 to that date, be advised and, you know, like, put it
20 in bold, front and center it, it could have been
21 very easy for anybody to see, and I don't see it
22 anywhere. I think it's disingenuous to, like I've
23 said before, if you're supposed to give directions,
24 you give directions, you just don't hand someone a
25 map and figure it out.

1 So for that reason, I -- I'm, you know.
2 We can call the vote. Everybody is done?

3 COMMISSIONER URBAN: Almost.

4 CHAIRMAN CORDOVA: You have something
5 else to say?

6 COMMISSIONER URBAN: Just one more
7 thing.

8 CHAIRMAN CORDOVA: Yeah.

9 COMMISSIONER URBAN: One of our
10 colleagues on the Board said that somehow narrowing
11 the resolution weakens it. With all due respect, I
12 think it actually provides more strengths. If we go
13 beyond what's necessary to resolve the question
14 before us, I think it provides additional fodder for
15 appeal or criticism or to argue there was some way
16 we were acting arbitrary and capricious. There's
17 all thoughtful opinions, but that's -- that's my
18 sort of response to the idea that narrowing weakens
19 it. That would be the absolute opposite for me.

20 Go ahead.

21 CHAIRMAN CORDOVA: We're also, we're
22 also allowed to -- how do I say it, and I -- like,
23 the ordinance gives us the write to seek fairness
24 and to -- what is the legal term?

25 ATTORNEY BIRCH: Yeah, equitable.

1 COMMISSIONER URBAN: What about equity,
2 thank you.

3 CHAIRMAN CORDOVA: Yeah. Equitable
4 what? What's it called?

5 COMMISSIONER URBAN: Equity.

6 CHAIRMAN CORDOVA: Equity.

7 So in order to do that, I think that
8 even if we didn't have all these things, it's only
9 fair to tenants to really to have the respect of
10 being told straightforward, in a straightforward way
11 what is and what is not, as opposed to trying to
12 curate here and there afterward and doing all kinds
13 of what are BS shenanigans.

14 Equitable authority to depart from a
15 strict interpretations of the provisions of this
16 chapter in instances where fairness requires
17 equitable intervention.

18 So that's what I was referring to. So
19 can we call the vote? Anybody else?

20 Okay, Kyle.

21 BD. SECRETARY CHAPMAN: Heath?

22 COMMISSIONER URBAN: No.

23 CHAIRMAN CORDOVA: We're voting on
24 Jenny's motion --

25 BD. SECRETARY CHAPMAN: On Jenny's

1 motion.

2 CHAIRMAN CORDOVA: -- so that everybody
3 knows, okay.

4 VICE-CHAIRPERSON LABENDZ: That they
5 are not exempt.

6 CHAIRMAN CORDOVA: That they are not
7 exempt from rent control. Okay.

8 (Simultaneous crosstalk.)

9 CHAIRMAN CORDOVA: Do you need to
10 read -- do you need it to be read again? Read it
11 again? Okay.

12 VICE-CHAIRPERSON LABENDZ: Can I just
13 restate it because I now have it in my mind?

14 CHAIRMAN CORDOVA: Yes.

15 VICE-CHAIRPERSON LABENDZ: We already
16 started voting, so -- this doesn't feel appropriate,
17 but if you're requesting it, I can --

18 CHAIRMAN CORDOVA: Well, it's just --

19 VICE-CHAIRPERSON LABENDZ: We already
20 started voting. The motion is to establish that the
21 1200 Clinton, a/k/a the Jordan, is not exempt from
22 municipal rent control for failure to comply with --
23 to meet the requirements of New Jersey revised
24 statute that we're talking about. I already said
25 the motion so I don't think there's a need to

1 officially have it restated, so we all know what
2 we're talking about. That they didn't meet their --
3 the motion is that they didn't meet the requirements
4 and, therefore, they are subject to rent control.

5 COMMISSIONER URBAN: I respectfully
6 disagree.

7 VICE-CHAIRPERSON LABENDZ: Right. You
8 voted no. We ended discussion.

9 COMMISSIONER URBAN: Right. But I
10 voted no based on the previous reading, which wasn't
11 what you just said, it was the phrase that all the
12 subsections that I voted, so that phrase was not
13 included in what you just reread.

14 VICE-CHAIRPERSON LABENDZ: Okay.

15 COMMISSIONER URBAN: That was my
16 intention, just to --

17 VICE-CHAIRPERSON LABENDZ: Yes.

18 Point of order, I think we should
19 continue the voting.

20 COMMISSIONER URBAN: Point of order, I
21 think we have two motions on the table at this
22 point.

23 VICE-CHAIRPERSON LABENDZ: No, that --
24 what I just said right now is not making a new
25 motion, it was just reiterating the thrust of the

1 motion.

2 CHAIRMAN CORDOVA: But you didn't
3 reiterate it, that's what I'm saying, it was a
4 different thing that you said you had memorized,
5 which you obviously did not.

6 VICE-CHAIRPERSON LABENDZ: After the
7 revised --

8 COMMISSIONER PAGAN-MILANO: Could the
9 court reporter read?

10 CHAIRMAN CORDOVA: They're on pins and
11 needles, these, people, let's finish it for them.

12 VICE-CHAIRPERSON LABENDZ: Okay --

13 CHAIRMAN CORDOVA: Wait one second.

14 Terry, could you please, I would never
15 do this to you again, please, just find the thing.

16

17 (Stenographer reads back as follows:

18 I motion to establish that 1200 Clinton,
19 a/k/a the Jordan, is not exempt from rent
20 control because of failure to meet the
21 requirements of New Jersey revised statute
22 2A:42-84 and all of its subsections.)

23

24 BD. SECRETARY CHAPMAN: Heath?

25 COMMISSIONER URBAN: No.

1 BD. SECRETARY CHAPMAN: Deborah?
2 COMMISSIONER KOMAROW: Yes.
3 BD. SECRETARY CHAPMAN: Migdalia?
4 COMMISSIONER PAGAN-MILANO: Yes.
5 BD. SECRETARY CHAPMAN: Jenny?
6 VICE-CHAIRPERSON LABENDZ: Yes.
7 BD. SECRETARY CHAPMAN: Rafi?
8 CHAIRMAN CORDOVA: Yes.
9 BD. SECRETARY CHAPMAN: It passes.
10 CHAIRMAN CORDOVA: We're done.
11 COMMISSIONER KOMAROW: So the motion
12 passes.
13 CHAIRMAN CORDOVA: The motion passes,
14 and there will be a resolution put forth, I mean,
15 there will be a --
16 VICE-CHAIRPERSON LABENDZ:
17 Memorialization.
18 BD. SECRETARY CHAPMAN: I'll get it.
19 MR. KIRSCH: Thank you.
20 CHAIRMAN CORDOVA: There will be in --
21 not by the next meet but the following meeting there
22 will be a resolution memorializing what happened
23 here that will be provided to you guys and to the
24 attorney, to Mr. Verdibello. And so thank you for
25 being here, you're free to go. I'm kidding. You're

1 welcome to stay, we're not done. I mean, the
2 meeting continues.

3 MS. FALCO: Can I make a comment if you
4 don't mind?

5 CHAIRMAN CORDOVA: Sure.

6 MS. FALCO: Please allow us some time
7 to figure out how we will move forward but we will
8 not have answers tomorrow morning at 9:00 a.m. This
9 is the first time this has happened, so we will
10 definitely need legal guidance on how we're going to
11 proceed.

12 MR. GOTLIB: I'll tell everyone.

13 MR. KIRSCH: Thank you.

14 CHAIRMAN CORDOVA: I mean --

15 VICE-CHAIRPERSON LABENDZ: That's not
16 the first time it's happened.

17 MS. FALCO: Well, this is the first
18 time that this has happened in this instance in this
19 way, yes, it is.

20 VICE-CHAIRPERSON LABENDZ: In 2022 we
21 declared 801 --

22 MS. FALCO: It was different from the
23 Rivington, the example.

24 VICE-CHAIRPERSON LABENDZ: No, it was
25 801 Madison. That's (indiscernible) Jefferson.

1 CHAIRMAN CORDOVA: Okay. Everybody is
2 out of order but me.

3 This is how it happens now. We arrived
4 at a decision, we're going to memorialize it in a
5 resolution in a couple of weeks. It will go to you,
6 it will go to the landlords, it will be to all the
7 parties. And then from there it will most likely,
8 you know, it depends on what anybody does, can be
9 appealed in court, and then a judge will ultimately
10 either uphold our decision or reverse our decision,
11 and then that will be that. So it's not like all of
12 a sudden anything really changed. I'm not --

13 VOICE: Could I ask a question? Sorry.

14 CHAIRMAN CORDOVA: Very quickly.

15 VOICE: So if you agreed with the
16 appeal that we made, does that mean we'll receive a
17 legal rent calculation?

18 CHAIRMAN CORDOVA: That is my
19 understanding. But this is what Ms. Falco was just
20 saying, that she needs a couple of days to clarify
21 how to go about it, but in my opinion, yes.

22 MR. GOTLIB: Could I ask a follow-up?

23 Earlier in the meeting you said that
24 they didn't violate the law because they increased
25 rents because they weren't subject to rent control.

1 CHAIRMAN CORDOVA: Yeah.

2 MR. GOTLIB: But if they are subject to
3 rent and they raised rent 25 percent on tenants, is
4 that factored into the legal rent calculation?

5 CHAIRMAN CORDOVA: Well, this is what
6 Ms. Falco is going to figure out, because this
7 happened tonight and it's a --

8 MS. FALLICK: It's not included in the
9 calculation.

10 MR. GOTLIB: Right. Okay. Thank you.

11 MS. FALLICK: You miss --

12 MR. GOTLIB: No, I understand.

13 (Simultaneous crosstalk.)

14 CHAIRMAN CORDOVA: Okay. Yes. She
15 can't really -- Terry cannot follow if people are --
16 Commissioner Labendz?

17 VICE-CHAIRPERSON LABENDZ: I want ed to
18 ask Mr. Birch if what you said is accurate, that --
19 am I understanding is that until it's reversed, it's
20 now as of tonight subject to rent control? That
21 could be reversed down the line if a judge on appeal
22 overturns it. So people are, you know, well, would
23 probably, you know -- could -- it's important to be
24 aware that that could happen, but that until such
25 time, isn't it -- our determination is binding,

1 correct?

2 ATTORNEY BIRCH: Correct.

3 CHAIRMAN CORDOVA: It is, but what they
4 were asking is about legal rent calculation.

5 VICE-CHAIRPERSON LABENDZ: No no no,
6 I'm sorry. Because you said, maybe you didn't
7 intend to say it, the way I heard it was you said
8 nothing actually changes right now, we have to wait
9 until the response of a judge. But, actually,
10 Mr. Birch was saying right now the -- based on our
11 determination, that they were never exempt.

12 CHAIRMAN CORDOVA: What I meant to say
13 is that nothing changes in terms of your rents and
14 things like that because even if you go under rent
15 control right now, the rents you're paying is the
16 rents you're paying. I mean, a legal rent
17 calculation is not going to go back and reduce your
18 rents.

19 VICE-CHAIRPERSON LABENDZ: But why not?
20 If it was an illegal rent, they have to.

21 MR. GOTLIB: It was a two-year
22 look-back.

23 VICE-CHAIRPERSON LABENDZ: If it was an
24 illegal rent that they were paying, then that's what
25 a legal rent calculation is for.

1 CHAIRMAN CORDOVA: Well, this is what.

2 MS. FALLICK: Let the rent office
3 determine that.

4 CHAIRMAN CORDOVA: Yeah, this is why I
5 don't --

6 MS. FALCO: That's not your job.

7 CHAIRMAN CORDOVA: This is not -- I'm
8 not going to say anything about this right now, this
9 is what Ms. Falco is going to figure out because --

10 VICE-CHAIRPERSON LABENDZ: You mean
11 Ms. Nieves.

12 CHAIRMAN CORDOVA: Ms. Falco --

13 VICE-CHAIRPERSON LABENDZ: The rent
14 control officer.

15 CHAIRMAN CORDOVA: Or Ms. Nieves. It's
16 a unique case. What happens usually is when a
17 building -- when an exemption ends, whatever the
18 rent a tenant is paying becomes the base rent going
19 forward, it goes right in. But this is a different
20 case because this was the landlords, you know, the
21 rents were what they were, and now you're saying --
22 you're going back. So all this has to be seen and
23 determined, so it's a unique case in that sense.
24 It's not like they -- it expired and then you're,
25 like, going forward into -- it's a different -- do

1 you understand what I'm saying?

2 MR. GOTLIB: Yeah.

3 CHAIRMAN CORDOVA: Commissioner
4 Labendz?

5 VICE-CHAIRPERSON LABENDZ: If the
6 tenants, once they get -- presuming there'll be a
7 legal rent calculation and they receive those legal
8 rent calculations, they -- as with any other legal
9 rent calculation, they have the right to appeal
10 within 20 days if they see a problem in that, like
11 anybody else, right? Because that wouldn't be a
12 double appeal because we're kicking it back. Right?
13 They -- we haven't seen a legal rent calculation.

14 CHAIRMAN CORDOVA: Right.

15 VICE-CHAIRPERSON LABENDZ: Okay.

16 CHAIRMAN CORDOVA: They can get a legal
17 rent calculation, but this is what --

18 VICE-CHAIRPERSON LABENDZ: Right. And
19 Ms. Nieves will determine how to carry that out --

20 CHAIRMAN CORDOVA: That's what
21 Ms. Falco is saying.

22 VICE-CHAIRPERSON LABENDZ: -- based
23 on -- right. Okay. But yeah.

24 CHAIRMAN CORDOVA: That's why -- the
25 whole point is, like, not that you're not going to

1 get it, it's that you're not going to get it
2 tomorrow at 9:00 a.m., you're going to give us some
3 time --

4 MR. GOTLIB: Yeah, yeah.

5 CHAIRMAN CORDOVA: -- to figure out how
6 to do this, how to go about this in a very copacetic
7 way, but you got your outcome tonight and it was,
8 you know, what it is. And in two meetings, not next
9 meeting, the following, there will be a resolution
10 that you'll be given memorializing what happened
11 here. There's also a transcript that will be
12 available to the parties in a couple of weeks, as
13 well, in a couple of weeks, that will have every
14 single word, including the pause, for your
15 entertainment pleasure.

16 So we need to proceed with our meeting.
17 Your case is over, so.

18 MR. GOTLIB: Thank you.

19 CHAIRMAN CORDOVA: Thank you.

20 VOICE: Have a good night.

21 CHAIRMAN CORDOVA: Have a good night.

22 Okay.

23 *****
24
25

1 CHAIRMAN CORDOVA: Now we're moving to
2 new business, which is a resolution to request
3 digitization of the regulations to Chapter 155.

4 VICE-CHAIRPERSON LABENDZ: Motion to
5 pass the regulation.

6 CHAIRMAN CORDOVA: Do I have a second?

7 VICE-CHAIRPERSON LABENDZ: The
8 resolution, I'm sorry. Motion to pass -- it's a
9 resolution, not a regulation.

10 COMMISSIONER KOMAROW: Do you have a
11 copy?

12 COMMISSIONER PAGAN-MILANO: Of the
13 10:54?

14 CHAIRMAN CORDOVA: I'm sorry. We don't
15 have to -- this is motion. The motion will be
16 motion not to pass, motion to send to --

17 VICE-CHAIRPERSON LABENDZ: No, I'm
18 sorry.

19 CHAIRMAN CORDOVA: -- the
20 administration.

21 VICE-CHAIRPERSON LABENDZ: I'm sorry.
22 This is the -- it's not -- yes, resolution to
23 request digitization of the regulations to
24 Chapter 155. That's not asking for a regulation.
25 It's us resolving -- passing a resolution with an

1 explanation to give to the city clerk to say we are,
2 as a Board, if everyone votes for it, requesting
3 that you digitize.

4 CHAIRMAN CORDOVA: Oh, so you don't
5 want to make it a regulation. It's a resolution.
6 Okay, I get it --

7 VICE-CHAIRPERSON LABENDZ: It's not a
8 regulation. It's not applying --

9 CHAIRMAN CORDOVA: -- I got it. All
10 right.

11 VICE-CHAIRPERSON LABENDZ: So motion to
12 request digitization of the regulations to
13 Chapter 155 for the text of the resolution that was
14 distributed.

15 CHAIRMAN CORDOVA: Okay. Do I have a
16 second?

17 COMMISSIONER PAGAN-MILANO: Second.
18 I'm kind of surprised that this isn't digitized.

19 CHAIRMAN CORDOVA: Okay. Now discuss.
20 Commission Komarow?

21 COMMISSIONER KOMAROW: Ms. Falco, are
22 you aware of this? Do you have any issues with this
23 or questions or how does the office feel about this
24 is what they're -- are you fine with it?

25 MS. FALCO: I don't know how it would

1 get done necessarily, I don't have a comment right
2 now.

3 COMMISSIONER KOMAROW: Okay.

4 MS. FALCO: But I appreciate you asking
5 me.

6 COMMISSIONER KOMAROW: We just want to
7 know how we should be cognizant of how things would
8 impact your office.

9 CHAIRMAN CORDOVA: Well, this is what
10 I -- actually, it wouldn't be Ms. Falco's office, it
11 would be the city clerk's office, it would be
12 Alyssa, right? What's her name?

13 MS. FALCO: Alyssa.

14 CHAIRMAN CORDOVA: Yeah, Alyssa
15 digitized. My only concern is that anything
16 digitized should, and I said it before and I'll say
17 it again, should preserve the history of what
18 happened, that's why the -- we have it the way it is
19 right now, with all the things that were taken out,
20 and it's important to know that a court found
21 something not, you know, not okay and struck it
22 down. And to have the -- just the things, maybe we
23 can create or put something that -- I don't know --

24 COMMISSIONER PAGAN-MILANO: That's why
25 they have the live links that you click on, and it

1 will send you to a reference.

2 CHAIRMAN CORDOVA: Right. But that's
3 not in the -- that's not part of this resolution.
4 That's what I would -- what I want is something that
5 would preserve everything, that if someone clicks on
6 the thing, you'll go, okay, for example,
7 intentionally omitted, which is we just omitted the
8 intentionally omitted bypassing the previous
9 regulation, I don't want those kinds of things to
10 continue happening.

11 Commissioner Komarow?

12 COMMISSIONER KOMAROW: Mr. Birch, can
13 you make a suggestion? Is there a way that we can
14 combine what the chairman is talking, you know,
15 these concerns with, you know, is there a standard
16 operating procedure to address this? I guess, is
17 what I'm asking.

18 ATTORNEY BIRCH: To be honest, I've
19 never -- I don't -- I have some experience with
20 other municipalities. I don't know if there's a
21 history of regulations, like, if something that was
22 invalidated, like, there's like a -- I think you
23 called it an appendices, I think.

24 COMMISSIONER KOMAROW: Yeah, well, I
25 was just suggesting that --

1 ATTORNEY BIRCH: Yeah.

2 COMMISSIONER KOMAROW: -- as a work
3 around.

4 ATTORNEY BIRCH: Yeah, I'm not really
5 familiar with that. Usually there's just, like, a
6 little note of when it was adopted, when it was
7 removed, the date, and by what, you know, by what,
8 you know, power it was either removed or, you know,
9 put into action.

10 CHAIRMAN CORDOVA: Because the previous
11 rent officer always made a big deal of including all
12 that to have as a reference, and there's been some
13 times, for example, and I'll say it again, the City
14 Council, there was a reserved spot, it's a
15 reserved -- and they just, you know, wrote over it,
16 and there was a reason it was reserved. And now
17 we're having issues because of that, because the
18 reserve -- they figured, oh, if there's nothing
19 there, let's put it there.

20 And that's what I'm saying, that if
21 we -- are we okay with obliterating anything that
22 can be formed, just starting like rebooting,
23 starting fresh, is that -- if that's okay, just tell
24 me. I mean, I just, I'm kind of like a history buff
25 and I like to keep track of things and how things

1 evolve and why, and sometimes I know that lawyers go
2 back and see different things and --

3 ATTORNEY BIRCH: I mean, the Board is
4 kind of doing this for the first time, right, so the
5 Board is -- if they're trying to digitize the
6 regulations, then the regulations would be -- it
7 would be the first time of, you know, those
8 regulations being in effect, and then it's kind of
9 just eliminating the regulations that were either
10 found to be invalid or, you know, stricken for
11 whatever reason. I mean, if they were, you know,
12 stricken or invalidated for whatever reason, I don't
13 know why you would want to go back other than to
14 know that it's not, you know, like, it doesn't pass,
15 like, legal muster or whatever the reason was.

16 But I guess I can look into it and get
17 back to you, but I personally think it would be --
18 it's confusing if you have the other regulations
19 there that were, you know, historical that have been
20 invalidated or declared, you know, invalid by a
21 court or something like that.

22 VICE-CHAIRPERSON LABENDZ: Chair.

23 CHAIRMAN CORDOVA: Okay. Go ahead.

24 VICE-CHAIRPERSON LABENDZ: The
25 standard's -- if you're talking about relationships

1 history and caring about history, as a professor of
2 history, the -- we have to look about what the
3 standard is for how loss are presented. In our
4 code, in our ordinance, it doesn't tell you the
5 whole history, but any time something new is added,
6 it tells you the date it's added. Just like in the
7 regulations, when they digitized they write when
8 things were added so that will always be there. So
9 if a person wants to see, wait, my case happened
10 before this date, then they will ask the city clerk,
11 what did it look before, what was the nondigitized
12 version?

13 So nothing is changing about that,
14 except in the explanation for why we're having this
15 resolution, is that we need the -- it is -- I mean,
16 I think it's a -- frankly, I think it borders on a
17 violation of the ordinance to keep it in a separate
18 file in very confusing handwritten and poorly
19 scanned documents, if they have the force of law,
20 not to put that within the eCode 60 when people look
21 up the ordinance.

22 In the city of Hoboken, people are
23 learning that they can go there and they can read
24 the laws. But you'd have to get really into the
25 nitty-gritty to realize, oh, wait, this whole

1 section, the regulation, what's exactly the status
2 of this, and then wading through this sort of thing.
3 To me the benefit of digitizing, following the same
4 process in eCode 360 as is specified in the
5 resolution that we all got beforehand to do -- to
6 integrate it into the eCode 360 so that it's all in
7 one place for the benefit of tenants and landlords
8 and future boards. And I myself have sat with a
9 rent control officer, flipping through, which
10 resolution is it, which resolution is it -- I'm
11 sorry, which regulation is it, which one, because
12 it's such a mess of papers or PDFs, and I think it
13 behooves everyone to have it digitized in the
14 standard way, and nobody loses any rights to say I
15 wold like to find out what is before that, and ask
16 the city clerk.

17 I would just add that in none of the
18 places, when you're saying that in other places it
19 has a little note that says, you know, deleted or
20 whatever, in many cases it just says, you know,
21 added. It doesn't say why it's deleted, it doesn't
22 say the -- on there what court order. To search up
23 you'd have to go to the Court and ask, give me the
24 dates and the details. So I think that what you're
25 saying may be something completely separate to have

1 a digital log of all the various decisions that have
2 been made. The fact that, like, we can't even get a
3 clear -- a clear answer on the certificate of
4 occupancy, when people started living in a building.
5 I think that's, like, next level of recordkeeping
6 that the City can an aspire too, but in the
7 meantime --

8 CHAIRMAN CORDOVA: That is to my point
9 exactly because what is the violation is that I sat
10 with City Council members in a room over the 2H
11 thing, and the city clerk and nobody knew what was
12 there and what was there before.

13 MS. FALLICK: I have it all.

14 CHAIRMAN CORDOVA: Okay. What I'm
15 saying is you got to -- what I'm saying is, like, if
16 you think that just asking the city clerk, if I have
17 a guarantee that this is being kept and that this
18 is -- the city clerk will, in fact, provide that
19 information when asked, then I'm fine with it. But
20 my experience has been that, okay, what was the
21 ordinance that presented that and what was taken
22 away there and what was it -- oh, we all sat there
23 for hours, nobody knew, people tried to remember,
24 the city clerk wasn't, you know, there was no --
25 nobody had the copy of the thing, and that's what

1 I'm trying to avoid.

2 That's why I think, Suzanne, you know,
3 made such a big deal of keeping all those papers
4 together with the cross-out and court order and the
5 dates, because she knew from experience how things
6 happen. And you just said, you made my case by
7 saying the construction officer couldn't find the
8 thing, it was here, it was there, you know. So if
9 we know the reality as opposed to the, you know,
10 there's a utopia in which, you know, there's a
11 utopian way in which, like, oh, everything is there,
12 I press a button and 2H comes up, then -- but we're
13 not there yet.

14 So we need to preserve all these things
15 in order to get to that point as the technology, you
16 know, evolves in the city, and as things get
17 digitized. Like this intentionally omitted that we
18 omitted today will never see the light of day, we'll
19 never know that that was there because today we
20 voted to obliterate it.

21 VICE-CHAIRPERSON LABENDZ: But it will
22 say that this regulation was amended on a certain
23 date, so if someone's case relates to before that
24 date, then they are fully empowered to then ask the
25 clerk for this physical copy. But you're saying

1 you'd rather --

2 CHAIRMAN CORDOVA: They don't have it.

3 VICE-CHAIRPERSON LABENDZ: It's fine.

4 So you can add to the resolution that you'd like to
5 add that --

6 CHAIRMAN CORDOVA: I want to make sure
7 that all the hard copies, all the --

8 (Simultaneous crosstalk.)

9 CHAIRMAN CORDOVA: What I'm trying to
10 say is that this resolution that we're seeing here
11 doesn't provide for keeping a record of what was so
12 that the city clerk's office or anybody has access
13 to it. Let's say you're a professor, you want to
14 study the history of Hoboken rent control, you want
15 to write book about it because you're inspired by
16 it. So then you have to go back somewhere to see
17 these things and to see the progression of the laws
18 and the ordinances as opposed to them getting lost.

19 VICE-CHAIRPERSON LABENDZ: So then make
20 a motion that this should also be preserved or make
21 an ask that -- preserve the hard copy somewhere.
22 But the idea that that would override the importance
23 of propagating the regulations, especially when they
24 pertain to the processes of legal rent calculations,
25 so I think that is more important. But I think,

1 also, that we both said our perspective on it and
2 that they have to rehash it.

3 (Simultaneous crosstalk.)

4 CHAIRMAN CORDOVA: No, I think they're
5 equally important. I'm not saying -- I did -- never
6 said that there shouldn't be a set of pristine this
7 is what it's now. I'm saying that I want to make
8 sure that we're not obliterating what was, that's
9 all I'm saying. I'm not saying I disagree with you,
10 I would like to see just what -- I want that
11 reference too.

12 COMMISSIONER PAGAN-MILANO: And I think
13 you're also saying that you don't trust that it will
14 get done properly.

15 CHAIRMAN CORDOVA: Yes, I'm saying that
16 as well.

17 COMMISSIONER PAGAN-MILANO: Isn't that
18 really the bottom line here?

19 CHAIRMAN CORDOVA: Yes, I'm saying that
20 too.

21 (Simultaneous crosstalk.)

22 VICE-CHAIRPERSON LABENDZ: So just add
23 that you want the hard copies preserved on file in
24 perpetuity.

25 CHAIRMAN CORDOVA: All right.

1 Commissioner Komarow?

2 COMMISSIONER KOMAROW: Yeah, I have
3 another question here. There's -- where it's the
4 second paragraph where it says that this would
5 empower the Board to supply information and
6 assistance to landlords and tenants to help them
7 comply with the provision of this chapter, I mean,
8 isn't that what the rent leveling office does -- I
9 mean isn't what the office does? Why would the
10 Board --

11 VICE-CHAIRPERSON LABENDZ: That's in
12 the ordinance. It's a quote from the ordinance.

13 CHAIRMAN CORDOVA: This is -- the
14 ordinance says that the Board is empowered to --

15 COMMISSIONER KOMAROW: Right, when
16 we're meeting with them to, right?

17 VICE-CHAIRPERSON LABENDZ: It doesn't
18 say that.

19 ATTORNEY BIRCH: (As read:) Supply
20 information assistance to landlords and tenants to
21 help them comply with the provisions of this
22 chapter.

23 COMMISSIONER URBAN: But who, who
24 provides?

25 VICE-CHAIRPERSON LABENDZ: That's the

1 rights and authorities of the board.

2 ATTORNEY BIRCH: The Rent Leveling and
3 Stabilization Board.

4 COMMISSIONER URBAN: Oh, the Board
5 does.

6 ATTORNEY BIRCH: Yeah.

7 (Simultaneous crosstalk.)

8 COMMISSIONER URBAN: It is the Board --
9 I had said I have full faith in our counsel's
10 ability to read. I'm just checking.

11 COMMISSIONER KOMAROW: The rights and
12 authority of the Board.

13 COMMISSIONER URBAN: Of the Board,
14 okay.

15 CHAIRMAN CORDOVA: So I guess -- I
16 guess I could propose that the last part say
17 something -- say something like now, therefore, the
18 Board hereby resolves to request from the office of
19 the Hoboken city clerk to digitize the regulations
20 and incorporate them into the eCode 360, Chapter 155
21 itself, clearly marked as regulations, you know,
22 as -- can I say something -- as long as the hard
23 copies and the documents are kept. Can I --

24 ATTORNEY BIRCH: As long as the hard
25 copies of the --

1 CHAIRMAN CORDOVA: Of all the
2 regulations.

3 ATTORNEY BIRCH: -- the previous --

4 CHAIRMAN CORDOVA: Yeah, the previous.

5 ATTORNEY BIRCH: -- validated
6 regulations?

7 CHAIRMAN CORDOVA: Yes, yeah, are
8 preserved.

9 ATTORNEY BIRCH: Are preserved.

10 CHAIRMAN CORDOVA: Is that?

11 VICE-CHAIRPERSON LABENDZ: Preserved
12 how?

13 ATTORNEY BIRCH: In perpetuity, is that
14 what you're saying?

15 CHAIRMAN CORDOVA: Yeah.

16 VICE-CHAIRPERSON LABENDZ: Where. Just
17 be specific, or make a separate resolution or make a
18 separate motion or ask the secretary -- not the
19 secretary, ask the director of housing or the rent
20 control officer, keep this on file, will you?

21 CHAIRMAN CORDOVA: Like pretty please?

22 ATTORNEY BIRCH: Or, like, in
23 accordance with state law.

24 COMMISSIONER PAGAN-MILANO: Uh-huh.

25 VICE-CHAIRPERSON LABENDZ: What's the

1 state law that you're referring to?

2 COMMISSIONER URBAN: Yeah, we don't --

3 ATTORNEY BIRCH: I don't know it off
4 the top of my head, but I would say it's, like,
5 seven years usually.

6 VICE-CHAIRPERSON LABENDZ: So we don't
7 have to ask them --

8 (Simultaneous crosstalk.)

9 ATTORNEY BIRCH: It's just like some
10 sort of catchall where it's in accordance.

11 CHAIRMAN CORDOVA: No, what I'm trying
12 to -- it's simple, what I'm trying to do is preserve
13 the history of Hoboken, like the historic museum
14 just did an exhibit of the fires, and they had all
15 the original articles and papers and summonses and
16 police, you know, citations and investigations and
17 forensic exhibits. I'm just saying I'm passionate
18 about rent control and I'm passionate about what we
19 do here in Hoboken, and I would like the history of
20 it preserved so that in the future people can look
21 back and say, listen, this is way it evolved, this
22 is what it's been here, it's not something that we
23 just throw in the garbage as it passes. That's all
24 I'm saying.

25 ATTORNEY BIRCH: No, I'm just trying to

1 clarify --

2 CHAIRMAN CORDOVA: That's all I want.

3 ATTORNEY BIRCH: -- what you want to
4 amend as part of this resolution so that I could
5 send it to --

6 CHAIRMAN CORDOVA: But do you think
7 that I should bring a -- I just -- is it
8 complicated? I mean, does everybody understand what
9 I just want to say?

10 VICE-CHAIRPERSON LABENDZ: But Rafi --

11 ATTORNEY BIRCH: I mean, I can --

12 (Simultaneous crosstalk.)

13 VICE-CHAIRPERSON LABENDZ: Mr. Birch,
14 can you clarify, did you say that state law requires
15 anyway the preservation of the history of seven
16 years or some such?

17 ATTORNEY BIRCH: I mean, I would have
18 to look it up but I don't believe it does, so.

19 VICE-CHAIRPERSON LABENDZ: Oh. I
20 thought you said state law does require preserving
21 things because you had said in accordance with state
22 law.

23 ATTORNEY BIRCH: Well, there's
24 preserving of documents that are like, you know,
25 city documents, but after a while it doesn't have to

1 be preserved anymore. But, I mean, if you want to
2 make it specific.

3 CHAIRMAN CORDOVA: Like taxes are seven
4 years or something.

5 ATTORNEY BIRCH: Yeah. I mean, that's
6 what I think the laws are saying, but if there's
7 something that, you know, if there's a specific
8 amount of time that you want to put in, I'm not
9 going to be -- this is going to the corporation
10 counsel so.

11 VICE-CHAIRPERSON LABENDZ: No, it
12 doesn't. It's not a regulation.

13 CHAIRMAN CORDOVA: It's a resolution.

14 VICE-CHAIRPERSON LABENDZ: It's a
15 resolution that can be delivered directly to the
16 city clerk because it's a request from the Board to
17 the city clerk.

18 ATTORNEY BIRCH: Okay.

19 CHAIRMAN CORDOVA: Commissioner Urban?

20 COMMISSIONER URBAN: Yeah, I think I'm
21 sharing some of the same concerns that the chairman
22 has. When we go from some of the scanned images,
23 and then scanned images can frustrating because you
24 can't really search them. But when I go to digitize
25 them, I'm not sure what I'm erasing. I don't

1 understand, like, I mean, I've read hard copies and
2 some of them have, like, handwritten cross-outs and
3 so forth, and I don't know exactly how that's going
4 to translate into a digital version on the screen,
5 so I can't exactly vote for this without knowing --

6 CHAIRMAN CORDOVA: Especially if
7 someone's typing them right, if someone's --

8 (Simultaneous crosstalk.)

9 VICE-CHAIRPERSON LABENDZ: I'm sorry,
10 Chair, is the --

11 COMMISSIONER URBAN: I'm still, sort
12 of, talking here.

13 But I'm sort of talking here, yeah.
14 Yeah, I just don't know. From what I've seen from
15 some of the scanned images, and it's true, we can't
16 actually search the words and sometimes that's
17 frustrating, but it's not the end of the world. And
18 to go to digitize, I'm not sure what's erased, I'm
19 not sure what's going to translate from the scanned
20 image into a text which is going to be the actual
21 statute, at least, I think it's going to be the
22 actual statute, because one of the amendments that
23 was now being proposed was to keep the scanned
24 version as well.

25 And then the second question that comes

1 up immediately in my head was, well, what if there's
2 a conflict between the historical version and what
3 was actually got into eCode 360?

4 So those are, like, two concerns I
5 have. So that's why I'm very much leaning against
6 this.

7 CHAIRMAN CORDOVA: No, that's my
8 concern too as well. I mean, you know, as a history
9 professor, you know how they transcribe texts and
10 texts evolve because of transcription, transcribing
11 mistakes, somebody will actually -- a human being
12 will type this into --

13 VICE-CHAIRPERSON LABENDZ: A human
14 being who is the city clerk of Hoboken whose job --

15 CHAIRMAN CORDOVA: Have you met the
16 city clerk of Hoboken?

17 VICE-CHAIRPERSON LABENDZ: Look, it's
18 on the -- I'm not comfortable, I'm not comfortable
19 with the assertion that we can't digitize the
20 documents because our digitizer is a moron.

21 CHAIRMAN CORDOVA: I didn't say that.

22 VICE-CHAIRPERSON LABENDZ: If we --

23 COMMISSIONER URBAN: Whoa.

24 VICE-CHAIRPERSON LABENDZ: The fact is
25 there is a clerk, right? Things get digitized. As

1 the -- as someone who works frequently with texts on
2 a daily basis that have been digitized from
3 manuscripts from the middle ages, I sometimes
4 consult a manuscript.

5 CHAIRMAN CORDOVA: Right right.

6 VICE-CHAIRPERSON LABENDZ: But the
7 advances in the ability to use, consult, learn from,
8 draw conclusions from, that have been based on the
9 digit- -- the transcribing and digitizing through
10 teams and checkers who are -- we can know who they
11 are, just like in this case, know the city clerk,
12 those advancements are astronomical compared to the
13 occasional, oh, he didn't notice that this was
14 actually a transcribing mistake, and it's this
15 letter, not that letter. I have faith, sufficient
16 faith in the city clerk that they can read, see
17 what's crossed out, they can write it, they can do
18 it in consultation with the corporation counsel, or
19 it can be overseen and approved, however they do it.
20 But this is the same city clerk that oversees the
21 digitization of our city laws and everything else
22 that we have.

23 So the idea that, like, we should
24 actually stick with this antiquated and really
25 problematic version of things, that does not help

1 the citizenry of Hoboken or the landlords that need
2 to uphold the law. And we have met both tenants and
3 landlords who are very confused by what the actual
4 laws are. And it's very nice to say, oh, it's very
5 simple, it's all online, but it's actually not so
6 simple because it's online in one form, there's the
7 ordinance, and then there's these weird handwritten
8 things that are, you know, can be very
9 overwhelming --

10 CHAIRMAN CORDOVA: Nobody is saying not
11 to digitize.

12 VICE-CHAIRPERSON LABENDZ: That's the
13 only thing this asks.

14 CHAIRMAN CORDOVA: We're saying to
15 preserve the other, that's what --

16 VICE-CHAIRPERSON LABENDZ: That's a
17 separate request.

18 CHAIRMAN CORDOVA: -- Commissioner
19 Urban and I -- so maybe we can bring this in a
20 different form.

21 COMMISSIONER KOMAROW: Yeah, thank you,
22 Chair. I think, you know, look, I think we're all
23 open to digitization, but I think this needs to be
24 looked another look, and maybe some collaboration
25 because I think how does it affect, you know, the

1 rent leveling office? Ms. Falco should be able to
2 have an opportunity to chime in if she chooses to do
3 so. Heath has brought up some things, you've
4 brought up this preservation, archiving, how do we
5 address all of that. I think this is not where it
6 needs to be so.

7 CHAIRMAN CORDOVA: So I'm going to make
8 a motion to carry, and so we can bring back
9 another --

10 COMMISSIONER KOMAROW: Another version.

11 CHAIRMAN CORDOVA: -- another version.

12 VICE-CHAIRPERSON LABENDZ: Can we just
13 vote on the motion?

14 (Simultaneous crosstalk.)

15 CHAIRMAN CORDOVA: Was there a motion
16 already on the floor?

17 VICE-CHAIRPERSON LABENDZ: Yes. I said
18 motion to pass the resolution and it was seconded --

19 (Simultaneous crosstalk.)

20 CHAIRMAN CORDOVA: There was? Okay.
21 So we need to vote -- we need to -- it was seconded
22 by who --

23 COMMISSIONER PAGAN-MILANO: By me.

24 CHAIRMAN CORDOVA: By you. Okay. So
25 we need to vote on that. And then we can make

1 another motion if that fails.

2 So you can call the vote.

3 COMMISSIONER URBAN: Just -- I'm sorry,
4 Mr. Chairman. Just quickly to be clear, I think
5 this is right, but we're voting up and down as
6 written right now?

7 CHAIRMAN CORDOVA: Yes.

8 COMMISSIONER URBAN: Okay.

9 BD. SECRETARY CHAPMAN: Heath?

10 COMMISSIONER URBAN: No.

11 BD. SECRETARY CHAPMAN: Deborah?

12 COMMISSIONER KOMAROW: No.

13 BD. SECRETARY CHAPMAN: Migdalia.

14 COMMISSIONER PAGAN-MILANO: Yes.

15 BD. SECRETARY CHAPMAN: Jenny?

16 VICE-CHAIRPERSON LABENDZ: Yes.

17 BD. SECRETARY CHAPMAN: Rafi?

18 CHAIRMAN CORDOVA: No.

19 COMMISSIONER KOMAROW: Chair, can I?

20 CHAIRMAN CORDOVA: Yes.

21 COMMISSIONER KOMAROW: Thank you,
22 Chair. I wanted to just bring under new business
23 another point that if it was possible to get the
24 documents, I want to say, Wednesday before our
25 meeting as opposed to Friday, because there just

1 doesn't seem to be enough time to prepare for the
2 Wednesday meeting by getting documents on Friday.
3 So would that be -- Kyle, is that possible to send
4 us all the information on the Wednesday before as
5 opposed to the Friday before?

6 BD. SECRETARY CHAPMAN: So already the
7 plan was to get a week ahead of these meetings so
8 that it would be, like, so close to the meetings, so
9 I was working toward to --

10 COMMISSIONER KOMAROW: So you're
11 working towards that?

12 BD. SECRETARY CHAPMAN: -- working
13 towards that.

14 COMMISSIONER KOMAROW: Okay. We would
15 appreciate -- I mean I would appreciate it. I don't
16 know --

17 BD. SECRETARY CHAPMAN: I'm just
18 getting an understanding of what it takes and
19 everything like that.

20 COMMISSIONER KOMAROW: Yeah, and you're
21 getting up to speed.

22 (Simultaneous crosstalk.)

23 BD. SECRETARY CHAPMAN: That was the
24 plan.

25 COMMISSIONER KOMAROW: Okay. great. So

1 we used to get, like, a week when Ms. Hetman was the
2 rent leveling officer, and then it somehow morphed
3 to Friday, and then I think.

4 MS. FALCO: It wasn't Wednesday, guys,
5 it was Friday that she provided the documents.
6 Wasn't it?

7 CHAIRMAN CORDOVA: It was Friday, yeah.

8 COMMISSIONER KOMAROW: Okay. We're
9 asking now for Wednesday.

10 MS. FALCO: Yeah, which is fine.

11 BD. SECRETARY CHAPMAN: It's fine, we
12 just have to see.

13 COMMISSIONER KOMAROW: Thank you, Kyle,
14 we appreciate it.

15 CHAIRMAN CORDOVA: And under new
16 business, I had another quickly two things. One is
17 the -- originally we talked about, like, having
18 little, like, subcommittee, like, if people wanted
19 to work on something. For example, this -- this
20 resolution, like, I have a -- do you remember we
21 talked about it briefly? Instead of having to
22 rehash it here, you know, like, we can work it not
23 to the quorum, of course, we could have, like, three
24 people at a time, and then bring that to the Board
25 as a whole. That's something that I want you guys

1 to think about and see how that would, you know, how
2 that would work. And --

3 VICE-CHAIRPERSON LABENDZ: Can I --

4 CHAIRMAN CORDOVA: Yeah. Go ahead.

5 VICE-CHAIRPERSON LABENDZ: I just want
6 to say given the fact that only the four or five of
7 us have been at most meetings, I think to further
8 break that down or to have subcommittees working on
9 things that -- and then the y don't show up to the
10 meetings. at the present I think that would be -- I
11 understand the ideal, but given the amount of people
12 who actually show up, I think it would actually be
13 problematic because then you have a subcommittee
14 working on something and they're not there to then
15 represent it. So I don't think we're there yet.

16 COMMISSIONER PAGAN-MILANO: That's a
17 good point.

18 MS. FALCO: You want people to commit
19 to working on something if they're got going to be a
20 part of it?

21 COMMISSIONER PAGAN-MILANO: Well, they
22 committed to this and they're not here.

23 CHAIRMAN CORDOVA: Which segues
24 perfectly into my next point, I said two points, so
25 that was one. The two is, is there a way to figure

1 out the level of commitment of the other Board
2 members, like, to see if there's a reason -- I mean,
3 if there's a valid reason that they're continuously
4 not here more two, three, four times, because I
5 think that the point of the mayor appointing another
6 alternate -- and to Migdalia's point, Migdalia said
7 I'm supposed to be an alternate, not a full member,
8 I'm supposed to be here only when not, you know, and
9 it seems like she's a full-fledged member at this
10 point because she's always having to participate
11 because people are -- seem to take that for granted.

12 So I don't know if there's a way to ask
13 or write an email saying are you still interested in
14 being part of the Rent Board or not?

15 COMMISSIONER PAGAN-MILANO: Well, isn't
16 there an absence requirement, as well, like --

17 MS. FALCO: I'm not aware.

18 COMMISSIONER PAGAN-MILANO: -- you're
19 absent a certain amount of times.

20 CHAIRMAN CORDOVA: I hear other boards
21 have --

22 MS. FALLICK: The mayor would have
23 to --

24 (Simultaneous crosstalk.)

25 CHAIRMAN CORDOVA: -- other boards have

1 a -- like, if you are absent three times without
2 a -- without a valid excuse, they --

3 COMMISSIONER PAGAN-MILANO: Or
4 notification.

5 CHAIRMAN CORDOVA: Or notification,
6 right, something like that, because we seem to be
7 the same people all the time, and the same people
8 who are absent are absent all the time. And then
9 maybe they may have great reasons to, but I just
10 want to find out if there's a, you know, there's a
11 reason why they're not committed to being here --

12 MS. FALCO: Okay. I think we should
13 have a conversation outside of here --

14 CHAIRMAN CORDOVA: Okay.

15 MS. FALCO: -- which Board members you
16 are speaking of.

17 CHAIRMAN CORDOVA: All right. We'll
18 talk afterwards.

19 BD. SECRETARY CHAPMAN: And then we can
20 communicate on how we will --

21 CHAIRMAN CORDOVA: All right.

22 COMMISSIONER URBAN: I mean, one
23 response might be to -- whether or not to reappoint
24 them might depend on how much they go to it. I
25 mean, and then that would be left up to the

1 discretion of the mayor, I assume.

2 CHAIRMAN CORDOVA: Right.

3 COMMISSIONER PAGAN-MILANO: It's also
4 not fair that it's more meetings than they've
5 actually attended for the year.

6 COMMISSIONER URBAN: Right. And that
7 could be one, you know, one consideration, whether
8 they're a Board member -- I mean, that's -- and
9 that's just totally out there.

10 CHAIRMAN CORDOVA: Anybody else has
11 anything for new business? No?

12 Do I have a motion to adjourn, to
13 close?

14 VICE-CHAIRPERSON LABENDZ: Motion to
15 adjourn.

16 COMMISSIONER KOMAROW: Second.

17 CHAIRMAN CORDOVA: Second. Everybody
18 in favor?

19 (Unanimous affirmative voice vote taken at
20 this time.)

21 THE COURT: Have a good night.

22 (Concluded at 10:03 p.m.)

23

24

25

CERTIFICATE OF OFFICER

I, THERESA L. TIERNAN, A Registered Merit Reporter, Certified Stenographic Shorthand Reporter, and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and correct transcript of the proceedings as taken stenographically by and before me at the time, place and on the date herein before set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

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