

MINUTES OF THE CALDWELL RENT REVIEW BOARD

February 21, 2018

OATH OF OFFICE:

Annette Evans – Tenant Member
Andrew D. Linden – Homeowner Member

Meeting called to order **7:07PM**

ROLL CALL

PRESENT: Councilman Cole, Ms. Evans, Mr. Galante, Ms. Pemrick and Mr. Linden

ALSO PRESENT: Mr. Angelo, Esq (standing in for Mr. Russo)

ABSENT: Ms. D'Ambolia and Mr. Russo, Esq.

Mr. Galante read the portion of the Open Public Meeting Act

Pledge of Allegiance

MINUTES:

August 16, 2017

Minutes of the Rent Review Board meeting accepted and approved.

Ms. Evans, Mr. Galante and Mr. Linden voted in the affirmative, Ms. Pemrick abstained.

ELECTION OF OFFICERS:

Mr. Galante nominated Ms. Pemrick as Vice-chairman of the Rent Review Board, seconded by Mr. Linden. All in favor.

Ms. Pemrick nominated Mr. Galante as Chairman of the Rent Review Board, seconded by Mr. Linden. All in favor.

CORRESPONDENCE:

Rent Review Board Schedule meeting date for 2018

Board approved the meeting dates.

DISCUSSION ITEM:

Letters to Ms. Zascone, Ms. Pemrick, Ms. Carpenter and Mr. Lang

The Board discussed letters that were sent to complainants in August.

Ms. Pemrick did not receive a letter that was sent in August and she believes Ms. Zascone did not either.

Discussion was on mail being delivered and not being received.

Mr. Galante asked if there were any updates with Mr. Lang's complaint and Ms. Carpenter's complaint and the Board Secretary responded there have not been.

Ms. Pemrick discussed Mr. Lang's complaint. Mr. Lang has moved in the interim and has purchased a home. He did indicate that he would come back for the hearing of the complaint because he believed the issues were so important. Ms. Pemrick feels that the Board should write a letter to him and also send to the rental agent. After discussion this was not advised.

Ms. Pemrick testified that according to the ordinance initially the Rent Board reviews the complaint and then only after they determine that it is sufficient do they consider holding a hearing. The tenants in the Building, rightly or wrongly, thought that the initial meeting of the Board would be to determine whether or not there would be a hearing which they didn't necessarily think they needed to attend. The language in the ordinance has to be clear as to the procedure.

Mr. Galante responded that we should note this in our ordinance review so it can be clearer.

Ms. Pemrick continued that Mr. Lang did not show up because I believe his complaint was filed on July 13th which was too late to fulfil the time required in the Ordinance to be heard at the August meeting.

Mr. Linden responded the Board could dismiss Mr. Lang's complaint without prejudice.

Ms. Pemrick read from the ordinance section 182-5 Powers and duties of the Board "no hearing shall be held in connection herewith, unless the same is specifically required by the Board upon notice to the parties". It creates the idea that you first look at the complaint and you decide what you're going to do about it if it has merits to be heard, if the ordinance covers it and then you schedule a hearing.

Mr. Linden made a motion to dismiss Mr. Lang's complaint without prejudice, seconded by Mr. Galante.

Ms. Evans	Yes
Mr. Galante	Yes
Ms. Pemrick	No
Mr. Linden	Yes

NEW BUSINESS:

Proposed addition to the ordinance: Non-retaliation clause

Ms. Pemrick discussed a non-retaliation clause in the ordinance. A tenant considering filing a complaint is very concerned about retaliation from the Landlord.

Ms. Evans asked if we are talking about a law that already exists or are we talking about a new law that needs to be drafted. The Attorney responded that it sounds like an amendment to an existing ordinance.

Ms. Pemrick responded if anyone that was present or who could listen to the meeting back in August the landlord's attorney was continually asking Joanne and herself "if you don't like it leave". Mr. Galante responded that the attorney was cross examining and what they said was you signed the lease, and the previous year you signed a lease, and did you read the lease, and you said yes and that's the way the attorney put it. He was reminding you of the leases.

The Attorney asked Ms. Pemrick as to what type of retaliation are you talking about because there is a lease between a landlord and tenant. Mr. Linden responded that the anti-eviction law covers most of that. Discussion did not result in a Motion.

Current Procedures on Hearing Complaints

Ms. Pemrick asked then what are the tenants afraid of because obviously the tenants are afraid to bring complaints to this Board. Ms. Pemrick discussed issues related to tenants in the building.

In regards to Review of Ordinance Ms. Pemrick advised the Board that we have procedures to be followed for different types of complaints in the ordinance. There are certain parts in the ordinance that say initially the Board meets and decides on the sufficiency of the complaint and then has a hearing. In another section of the ordinance, such as Maintenance of Service, you go straight to a hearing. Ms. Pemrick suggested that the Board look at each section of the ordinance that refers to how a complaint should be handled and to group together for filing.

One group could be landlords hardship rent increase for capital improvement filed by tenants and a general procedure as to when we meet first to look at it and when we actually hear it.

Ms. Pemrick discussed the issue with the landlord in the Pemrick/Zascone/Carpenter/Lang complaints is that he doesn't want to put units in the apartments to allow the tenants to control and she feels he could. He also does not allow the tenants to put in window air conditioners; this makes the hardship of central AC failure very acute.

After discussion of tenant complaint procedures Ms. Pemrick will put together an excel spreadsheet with a table of what was discussed so the Board can look at for ordinance review.

Board secretary will add email address to the Tenant complaint form.

Number of complaints before Board since 2000

Ms. Pemrick would like to take a look at the number of complaints that have come before the Board since the year 2000 as to how many came from landlords and how many came from tenants a basic description of them and what happened. Her purpose is to see whether or not there is a need for a free standing Board. If a complaint comes once in five years it is very difficult to fulfil our functions for even reviewing the ordinance because the purpose of reviewing is to apply what we learned from what happened the previous year and what needs to be tinkered with in the ordinance wording.

Dwellings exempted from Ordinance

The Board discussed section 182-2 in the ordinance and it lists single family dwelling and 2-family owner occupied as an exemption. Discussion was to look at registering every rental unit. The Board asked the secretary to possibly invite Mark Guiliano to discuss this further.

Making it as easy as possible for tenants to file complaints

Ms. Pemrick discussed her personal opinion on this Board and she feels that in the last few years we have had a very unresponsive Board with regard to specially tenant complaints and she feels that we are asking more of them then we should. It should be easier for them to get the information; they need to file a complaint. They should know precisely what to do and the letters that are sent out to the tenants should be written not in legal terms but in terms that they would understand. Mr. Galante responded that the ease of filing a complaint is right on the website and the Board secretary is available anytime to answer questions.

Board secretary will fix the ordinance on the website.

Ms. Pemrick continued that we heard the complaint of Zascone and Pemrick on a Board that did not have a tenant on it at the time that it was considered. Mr. Galante responded that we are working to fix that.

Mr. Galante responded that he feels that we have been attentive to the complaints that have come before us and we can't manufacture complaints and we can only take them as they come.

Ms. Pemrick responded maybe the Board can consider having a workshop.

The Board Secretary handed out a list of landlords for the Board to look over and see if they know anyone that they can reach to and ask to be on the Board.

Did tenants have every opportunity to be heard in the Pemrick/Zascone/Carpenter/Lang complaints?

Ms. Pemrick read a sentence in the ordinance that states “tenant should have every opportunity to be heard” she thinks previously going back maybe five years it was easier to get people in the audience and it was also easier to get a Board together. What happened with the complaint in August was once the landlord presented his case, because he had experts testify who were employees of the landlord, there should have been another meeting and at the next meeting having heard the experts, of the landlord, the tenants would have known what expert testimony they needed to present for their side and then the tenants would have been able to rebut with testimony from their experts. The Board did not do that and denied the tenants every opportunity to be heard and prevented the Board from weighing the facts of both sides. There was an irregularity in the way the landlord provided his initial response. Ms. Pemrick feels that the Board did not give the tenants every opportunity to be heard.

Mr. Galante requested that the Board members look over the ordinance and we will review at the March meeting.

Ms. Pemrick made motion to adjourn meeting at 8:24p.m., seconded by **Mr. Galante**.
All in favor.