

MINUTES OF THE CALDWELL RENT REVIEW BOARD
April 17, 2024

A meeting of the Borough of Caldwell Rent Review Board was held electronically via ZOOM Meetings at 7:00PM on Wednesday, April 17, 2024.

PRESENT: Councilman Jurgensen, Ms. Evans, Mr. Kostecka, Mr. Irwin and Mr. Galante. Mr. Chiaia was also present.

ABSENT: None.

STATEMENT OF COMPLIANCE

PLEDGE OF ALLEGIANCE

MINUTES:

The meeting minutes from March 20, 2024 were accepted and approved by the Board.

OLD BUSINESS:

Victoratos Tenant Complaint, 501 Bloomfield Avenue

Tabled from the January 17, 2024, February 21, 2024 and March 20, 2024 Meetings

After reviewing a copy of Mr. Victoratos current Lease Agreement, the Board Members had the following comments:

The additional costs imposed on Mr. Victoratos for his 2 parking spots are outlined in #16 in the Lease Agreement under the title "parking", however, they are not detailed in Section 5 of the agreement under "rent". It is indicated in the agreement that parking is "first come; first serve". (Mr. Galante)

Mr. Irwin asked if the Borough's Ordinance states that no additional documents (riders, addendums, etc.) can be added to the Lease Agreement with regard to parking?

Mr. Galante stated that no "separately stated" parking fee is allowed. He informed the Board that he was inclined to side with the tenant in this particular case since the landlord is non-compliant with the Borough's Ordinance.

Mr. Kostecka made a motion to approve agreeing with Mr. Victoratos on his complaint that he should not be charged an additional cost for his two parking spots. Ms. Evans seconded the motion.

Upon roll call, the vote was as follows:

Ms. Evans	yes
Mr. Kostecka	yes
Mr. Irwin	yes
Mr. Galante	yes

(4 – 0 – 0) Approved.

Moscattello Tenant Complaint, 4 Provost Square

Tabled from the February 21, 2024 and March 20, 2024 Meetings

Mr. Galante provided a brief update on the progress of Ms. Moscattello's Complaint against her landlord with regard to water leakage in her apartment and in the hallway of her apartment building. The landlord had been issued by the Zoning Official, Mark Guiliano, a Violation Notice to fix the problem. He

had hired the proper equipment to make the necessary repairs, which are still in some stage of progress. The landlord's attorney had asked for and was given a postponement of the court date for the violation until April 25, 2024.

Mr. Kostecka made a motion to table Ms. Moscatello's Complaint until the next meeting date when more information could be provided with regard to a status update on the problems in the building.

Mr. Irwin seconded the motion.

Upon roll call, the votes were as follows:

Mr. Evans	yes
Mr. Kostecka	yes
Mr. Irwin	yes
Mr. Galante	yes

(4 - 0 - 0) Approved.

NEW BUSINESS:

ORDINANCE REVIEW Chapter 182. Rent Control Ordinance for the Borough of Caldwell

Mr. Galante stated that the Board had heard the commentaries of the tenants who communicated their thoughts during the previous meetings with regard to changing the Borough's Rent Ordinance. Their comments gave him pause about recommending to changes to the Ordinance because he did not want there to be unintended consequences. The consensus among the tenants who voiced their concerns was that 2 ¾% allowable annual increases on rent was palatable and allowed for the support of the community and local businesses. He proposed a variation on the previously proposed revision to the Ordinance. He asked if the Ordinance could be revised to reflect a straight 2 ¾% annual increase, no matter of the amount of monthly rent paid. In this proposal, an abatement would be provided for any Senior Tenant that is 65 years of age or older (effectively making the annual rent increase for seniors, regardless of rent paid, at 1 ¾%). Tenants would have to submit an application to the Borough Offices to qualify for the additional 1% decrease and provide documentation to the town.

Mr. Galante stated that the proposal would not dramatically impact landlords and would create a "level playing field" for seniors renting units, with seniors that own their homes because the State of New Jersey does provide a Senior Reimbursement Program on taxes to senior citizens who own their homes.

Ms. Evans and Mr. Irwin concurred with Mr. Galante.

Mr. Kostecka stated that he would be in favor of removing the tiers for rental amounts.

Councilman Jurgensen reported that he liked the simplicity of the proposal. There would be some issues that would need to be contemplated such as creating an application for seniors and discussing if there would be a qualification process based on gross adjusted income levels of the applicants.

Mr. Kostecka made a motion to draft a Resolution recommending that the allowable annual rent increase be kept at a flat rate of 2 ¾%, with a 1% decrease for Senior Citizens 65 years or older. Ms. Evans seconded the motion.

Upon roll call, the votes were as follows:

Ms. Evans	yes
Mr. Kostecka	yes
Mr. Irwin	yes
Mr. Galante	yes

(4 - 0 - 0) Approved.

The Board Members will be voting on the proposal at their May 8th meeting which is scheduled for 7:00PM IN-PERSON ONLY at 14 Park Avenue, Caldwell on the second floor. Added to the

recommendations for changes to the Ordinance will be verbiage to clarify the sections on parking/garage fees and some additional language regarding pet fees.

Mr. Kostecka made a motion to recommend adding/clarifying language to the Rent Ordinance with regard to parking and pets as indicated in the previous meeting's minutes. Mr. Irwin seconded the motion.

Upon roll call, the votes were as follows:

Ms. Evans	yes
Mr. Kostecka	yes
Mr. Irwin	yes
Mr. Galante	yes

(4 - 0 - 0) Approved.

OPEN TO PUBLIC:

1. **John Carr, a tenant in the Borough of Caldwell**, asked for clarification on the recommended changes to the Rent Ordinance with regard to parking and pets.

Mr. Galante stated that the Board was just looking to "clean up" the language of the existing Ordinance so that the intention is clear that independent raises in fees are not allowed above 2 ¾%.

Councilman Jurgensen asked Mr. Chiaia if he could include an example in the Draft Resolution that would illustrate how rent and parking costs would be calculated. Mr. Chiaia agreed.

2. **Chris, a tenant in the Borough of Caldwell**, thanked the Board for taking to heart all the tenant's concerns. He asked how the process would work for seniors to be eligible for the 1% decrease in rental increases?

Mr. Galante replied that the Borough Council would make that decision and establish the parameters for the discount. The Board would make their recommendations to the Governing Body. There would be an introduction of the Ordinance changes and then the proposed changes would be published in the newspaper. Lastly there would be a second reading and public hearing of the proposed changes before anything became finalized.

3. **Jim McGrath, a tenant in the Borough of Caldwell**, asked how residents would know when the application to apply for the discounted rent increase would be available?

Mr. Galante encouraged Mr. McGrath to keep an eye on the process by following the Council Meetings and checking the Borough of Caldwell Website.

4. **Bob Markman, tenant at 501 Bloomfield Avenue**, asked the Board Members what would happen if one spouse was 65 and the other was younger than 65? Would they still qualify for the 1% discount?

Mr. Galante replied that the Borough Council and the Borough Attorney would make that determination.

Councilman Jurgensen offered to bring the issue up to the Governing Body.

5. **Victor Victoratos, a tenant at 501 Bloomfield Avenue**, asked for an update on his complaint. He was informed that the Board had ruled in his favor earlier in the meeting and that there would be a Resolution drafted of their decision on the agenda for a vote at the next meeting.

6. **Helene Piccuito, a tenant in the Borough of Caldwell**, thanked the Board for taking tenant concerns into consideration. She asked the date for the next Rent Board Meeting?

It was announced by the Board Secretaries that the next meeting would be at 7:00PM Wednesday, May 15th on the second floor of 14 Park Avenue, Caldwell, the Borough's Health and Senior Services Building. Starting May 1, 2024 all Board Meetings will be IN PERSON ONLY.

7. **T.G. , a tenant in the Borough of Caldwell** stated that the Borough's Rent Ordinance allows for landlords to increase the rent by 25% at the onset of a new tenant moving into a unit.

Mr. Kostecka asked if any language should be included in the recommendations for revision of the Ordinance pertaining to whether landlords could mandate electronic payment of rent or if they should be required to offer tenants the opportunity to pay in person or by mail?

Mr. Galante responded that payment systems implemented for tenants to pay their rent would be a business decision to be made by the property management company.

Mr. Kostecka inquired if Disabled Veterans should be eligible for the 1% decrease as well?

Councilman Jurgensen said he would do research on existing benefits for Disabled Veterans to see if they can be allocated for housing/rental expenses.

Mr. Galante reported that there is a New Jersey State Anchor Benefit for citizens that are 65 years of age or older that qualifies them for a credit on housing rental expenses.

Mr. Galante made a motion to adjourn the meeting, seconded by Ms. Evans.

The meeting adjourned at 8:06PM.

Respectfully Submitted,

Kim Conlon
Rent Board Secretary