

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
RENT STABILIZATION BOARD

REGULAR MEETING : TRANSCRIPT OF
: :
: :
-----: PROCEEDINGS

UNION CITY MUNICIPAL COURT
3715 Palisade Avenue
Union City, New Jersey

Monday, September 9, 2024
Commencing at 6:55 p.m.

M E M B E R S P R E S E N T:

JUAN MILAN, CHAIRMAN
NORMA GUEVARA, COMMISSIONER
YAMIRUS HOLGUIN, COMMISSIONER
YDALY POZO, COMMISSIONER
ROSANA COLON, COMMISSIONER

M E M B E R S A B S E N T:

SANDRA VASQUEZ, VICE CHAIRPERSON

A L S O P R E S E N T:

NEIL D. MAROTTA, ESQ., Board Counsel
KENNEDY NG, Administrator
CHRISTINA M. RIVERA, ESQ., Tenant Advocate
FRANCOIS NUNEZ, Staff Member
KENNY CABALLERO, Staff Member
CASMILA SOLIS, Staff Member
JOSE GONZALEZ, Interpreter

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NO

EXHIBITS

MARKED

1 MR. NG: Good evening, everybody. This
2 is the meeting of the Rent Leveling Board.
3 Today's date is 9/9/24 and the time is 6:55. We
4 are in the Municipal Court Chambers, 3715 Palisade
5 Avenue, Union City, New Jersey. Pursuant to the
6 Open Public Meetings Act, adequate notice of this
7 meeting was provided to The Bergen Record, The
8 Jersey Journal and the North Hudson Reporter more
9 than 72 hours in advance of the meeting and is
10 posted at the municipal office. The notice
11 includes the date, time, location, and to the
12 extent known the agenda of the meeting.

13 Please rise for the flag salute.

14
15 (Whereupon, the Pledge of Allegiance was
16 recited.)

17
18 MR. NG: We'll do the roll call.

19 Commissioner Norma Guevara.

20 COMMISSIONER GUEVARA: Yes.

21 MR. NG: Commissioner Ydaly Pozo.

22 COMMISSIONER POZO: Yes.

23 MR. NG: Commissioner Yamirus Holguin.

24 COMMISSIONER HOLGUIN: Present.

25 MR. NG: Commissioner Sandra Vasquez is

1 not present and we'll be talking about our Vice
2 Chairman Sandra Vasquez, probably at the end of
3 the meeting.

4 Commissioner Rosana Colon, she is on her
5 way, delayed in traffic.

6 Interpreter, Mr. Jose Gonzalez, here?

7 MR. GONZALEZ: Present.

8 MR. NG: Very good. I believe that
9 we -- and Mr. Chairman, Juan Milan.

10 CHAIRMAN MILAN: Present.

11 MR. NG: We have a quorum. Mr. Marotta,
12 I don't know if we're going to be following the
13 agenda the way it is or if you recommend to adjust
14 it?

15 MR. MAROTTA: From what I understand, we
16 only have two matters that are on tonight. I see
17 a gentleman here, what matter are you on, sir?

18 AUDIENCE MEMBER: I just want to have
19 the right to speak.

20 CHAIRMAN MILAN: He's trying to do a
21 citizen's presentation.

22 MR. MAROTTA: I just didn't want you to
23 sit --

24 CHAIRMAN MILAN: Does that mean that
25 three cases are being adjourned or tabled?

1 MR. MAROTTA: Correct. Two are being
2 adjourned and I believe one has been resolved.

3 MR. NG: Mr. Marotta, can you say which
4 one we're adjourning?

5 MR. MAROTTA: I'm going to ask Casmila,
6 I have a different agenda.

7 MR. NG: Which one?

8 MR. MAROTTA: I have a different agenda
9 in my office.

10 MS. SOLIS: Matters that were adjourned,
11 114 43rd Street.

12 MR. NG: 114 43rd Street has been
13 adjourned.

14 MR. MAROTTA: That was also first time
15 on, correct?

16 MS. SOLIS: First time on.

17 CHAIRMAN MILAN: Do we have a reason,
18 Casmila?

19 MS. SOLIS: Yes. Her husband is having
20 a medical procedure done.

21 CHAIRMAN MILAN: Okay, fine. And it's
22 the first time, so fair. Do we need to make a
23 motion to adjourn or is it granted just by --

24 MR. MAROTTA: I think the office granted
25 it because of the circumstances and it being a

1 first time adjournment.

2 CHAIRMAN MILAN: Okay, sounds good.

3 MR. NG: Any other one? Just that one.

4 MS. SOLIS: That one.

5 MR. MAROTTA: I thought there was
6 another one.

7 MR. NG: I believe, according to one of
8 my staff, 415 6th Street have been resolved --

9 MR. MAROTTA: Resolved.

10 MR. NG: -- in the office.

11 CHAIRMAN MILAN: And the resolution, it
12 was like a dispute against the decision, I'm
13 assuming, of the administrators and they made --

14 MR. MAROTTA: Correct. And when we met,
15 we adjusted the rent based on the proofs that were
16 presented and both parties understand what that is.

17 CHAIRMAN MILAN: Fine.

18 MR. NG: Mr. Marotta, so we have 907
19 18th Street, apartment 3. Casmila, 907 18th
20 Street, apartment 3, the application was about
21 rent dispute?

22 MS. SOLIS: Yes.

23 MR. NG: That one is adjourned too?

24 MS. SOLIS: You could say it's
25 adjourned. Remember we tried to settle with the

1 landlord at the office, but everything is going to
2 resolve when we reach out to Mr. Lopez.

3 MR. NG: The lawyer.

4 MR. MAROTTA: So it's pending in the
5 office -- review is pending in the office to see
6 if we can finalize. And Mr. Lopez represents the
7 property owner and he is providing information on
8 the case.

9 MR. NG: Now, I remember. We put it in
10 the agenda, but we believe that it was going to be
11 part of tonight, but it was pending to have a
12 meeting in our office with the lawyer, Mr. Lopez.
13 And he spoke to us that he's going to bring some
14 documentation to solve the problem internally.

15 CHAIRMAN MILAN: Okay, fine. So you
16 guys are waiting for a meeting with Mr. Lopez?

17 MR. MAROTTA: Correct.

18 CHAIRMAN MILAN: Okay. Sounds good. So
19 then the two that are remaining are 2709-15
20 Central Avenue.

21 MR. NG: Mr. Marotta, can we start with
22 2709-15 Central Avenue because I think it will be
23 very fast. So we can stay with the capital
24 improvement, 818 22nd Street?

25 MR. MAROTTA: Absolutely.

1 **2709-15 CENTRAL AVENUE -**

2 **OWNER OCCUPANCY:**

3
4 MR. MAROTTA: Okay. So we have 2709-15
5 Central Avenue, all apartments. The question here
6 is owner occupancy. The tenants are the parties
7 that filed the appeal in this matter, not the
8 landlord. The landlord appears not to be here
9 tonight. I checked with Casmila and there is
10 proof of mailing.

11 MR. NG: Time out. Let me swear in the
12 interpreter in case any of the tenants do not
13 speak English.

14 CHAIRMAN MILAN: Let's swear or affirm
15 the interpreter.

16
17 J O S E G O N Z A L E Z, an interpreter of the
18 SPANISH language, after having been duly sworn,
19 did interpret the following testimony:

20
21 MR. NG: Mr. Gonzalez, I just wanted to
22 know if the tenants belong to this address, if
23 they need an interpreter, that's why we swore you
24 in. Thank you.

25 CHAIRMAN MILAN: Then please provide, I

1 guess --

2 MR. NG: We can continue. Thank you.

3 MR. MAROTTA: So the issue here is owner
4 occupancy. The complaint originated with tenants
5 who came into the office and advised that the
6 landlord did not live there. An inspection was
7 conducted on the premises --

8 MR. NG: Can we accommodate, probably if
9 we can --

10 CHAIRMAN MILAN: Are all three tenants
11 or just the --

12 MS. RIVERA: They're all tenants, but
13 she needs the interpreter.

14 MR. MAROTTA: So this matter originated
15 on a complaint from tenants sometime ago. They
16 came to the office and claimed that the owner did
17 not live there and they wanted a calculation on
18 their rent. An inspection was conducted of the
19 premises. The office went to the building and --

20 (Cell phone alert.)

21 MR. MAROTTA: Susan Colditz is ready.

22 CHAIRMAN MILAN: Let's wrap up this one
23 and then we'll call her.

24 MR. MAROTTA: And the office conducted
25 an inspection and the property owner was there and

1 claimed that the apartment that she showed to them
2 was her apartment. The tenant that had brought
3 the original complaint was there, but did not
4 comment when asked if the property owner lived
5 there.

6 Subsequently, a letter went out from our
7 office saying that the property was owner
8 occupied, based upon the inspection that was
9 conducted. And then two tenants filed an appeal
10 of that claiming that it is not owner occupied and
11 providing proofs in that regard. And they are
12 here to testify tonight --

13 CHAIRMAN MILAN: Okay.

14 MR. MAROTTA: -- regarding the matter.
15 One other issue that was raised was that it is a
16 seven-unit property, not a six-unit property. If
17 it's a seven-unit property, it does not matter if
18 it is owner occupied.

19 So the issue -- and the fact is if it
20 was owner occupied, the occupancy goes way back
21 before the ordinance changed, okay. So at that
22 time, owner occupied six-units was exempt from
23 rent control, okay. So the mailing went out to
24 the property owner timely and we have the tracking
25 evidence from the USPS that it was delivered to a

1 person. We do not have the green card, okay.

2 CHAIRMAN MILAN: What do we have as
3 proof? If it's not the green back, what do you
4 have as proof?

5 MR. MAROTTA: We do a tracking on the
6 certified mail number.

7 CHAIRMAN MILAN: Okay.

8 MR. MAROTTA: And it's able to say that
9 it was delivered, okay. And it says it was
10 delivered and received by a person.

11 CHAIRMAN MILAN: Someone that signed,
12 but we can't make out a signature.

13 MR. MAROTTA: Somebody who signed, but
14 it doesn't show that. We don't know who signed
15 because it's not the green card.

16 MR. NG: Mr. Marotta, I understand the
17 discussion is about signing the green card now. I
18 believe that now the UPS or whatever, they changed
19 a little bit the way with the green card. That
20 nobody have to sign it, they put it by the mailbox
21 and that's it. So it's very hard now.

22 MR. MAROTTA: But the regular mail did
23 not come back, correct?

24 MS. SOLIS: No.

25 MR. MAROTTA: So since the regular mail

1 did not come back, it's presumed to have been
2 received. The issue -- one of the issues are that
3 the letter did not have an apartment number, but
4 nor did the landlord's documentation.

5 I'm just going to check one more spot to
6 see if the registration statement had the
7 landlord's number. And the registration statement
8 does not show the landlord's number. So the
9 question is whether or not notice was received.
10 The oddity is that the landlord was in the rent
11 control office today and I guess there was an
12 assumption that she knew about the meeting. And
13 nobody, to my knowledge, brought it up to her
14 because they assumed she knew about the meeting.

15 So the question before the board is we
16 have the tenants present their side of the story
17 and make a determination or do we carry the matter
18 with a provision that the property owner is
19 defaulting if she doesn't appear at the next
20 meeting?

21 CHAIRMAN MILAN: Part of me wants to
22 say -- go ahead.

23 MR. MAROTTA: Just one more thing, we
24 did call and leave messages now at two numbers
25 that were provided by the tenants and no answer.

1 CHAIRMAN MILAN: No answer. See my
2 feeling is we have the tenant here, I almost don't
3 want to make her waste her time since she came
4 out. Part of me wants to say let's hear what her
5 testimony is, if tenant advocate is ready?

6 MS. RIVERA: Yes, I am.

7 CHAIRMAN MILAN: And then let's present.
8 And based on what we hear, we'll decide whether we
9 want to give that extra chance to the landlord to
10 come in. But at least we have her testimony then,
11 so she -- if she doesn't have to be back next time
12 or whatever.

13 MR. MAROTTA: The fact is the landlord
14 did not provide an apartment number, and we mailed
15 it accordingly. So you know --

16 CHAIRMAN MILAN: Yeah, we definitely
17 have that. But let's look at it, let's see how
18 cut and dry it is.

19 MR. MAROTTA: Sure.

20 CHAIRMAN MILAN: And we'll go from
21 there.

22 MR. MAROTTA: Okay. Now, the only
23 request I have that since Ms. Colditz is available
24 now, that we switch to the other matter, which is
25 the capital improvement matter.

1 MR. NG: Mr. Marotta, just for the
2 record, Commissioner Rosana Colon arrived at
3 7:10 p.m.

4 COMMISSIONER COLON: Good evening.

5 MR. MAROTTA: So I would like to proceed
6 with that since Ms. Colditz is available.

7 CHAIRMAN MILAN: Is available, okay.
8 And that might also give a chance since phone
9 calls were made, maybe the landlord realizes that,
10 oh, I was supposed to be there.

11 MR. MAROTTA: Yeah.

12 CHAIRMAN MILAN: Would you mind that, to
13 sit down for a while back there and then come back
14 in a while? No problem, go ahead, thank you.

15 MR. MAROTTA: Okay.

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**818 22ND STREET - ALL APARTMENTS -
CAPITAL IMPROVEMENT:**

CHAIRMAN MILAN: Let's go to the capital improvement, 818 22nd Street. And can we call Ms. Colditz, our accountant?

MR. MAROTTA: All right. You're before the board and we have Mr. McCaskill up at the board.

MS. COLDITZ: Okay.

MR. MAROTTA: And we're ready to proceed on this matter. Can we have you sworn in?

S U S A N C O L D I T Z, after having been duly sworn or affirmed, did testify as follows:

MR. MAROTTA: Can we have Mr. McCaskill sworn in as well?

L A N C E M c C A S K I L L, after having been duly sworn or affirmed, did testify as follows:

MR. MAROTTA: Great, okay. Mr. McCaskill, it's your application for a capital improvement surcharge, correct?

1 MR. McCASKILL: Correct.

2 MR. MAROTTA: Can you proceed?

3 MR. McCASKILL: So in the previous
4 meeting, one of the questions I had was around the
5 lifespan of an asset, the useful life of the
6 boiler and specifically the hot water heater. Ms.
7 Colditz had submitted in her analysis that the
8 lifespan of these are 27 and a half years. Based
9 on some email exchanges with Ms. Colditz's
10 admission that it's according to the IRS and Turbo
11 Tax, where she's pulling that 27 and a half years
12 for the asset life.

13 And so I don't know that we ever
14 followed up on this, Neil, but what I'm
15 questioning here is really kind of the common
16 sense of it, right, because 27 and a half years is
17 realistically not how long a boiler or hot water
18 heater lasts. A hot water heater realistically
19 lasts about ten years. I submitted at the
20 previous meeting the prior hot water heater, which
21 was replaced 11/13/2013, which I submitted to the
22 board. So I replaced it exactly ten years later.

23 So it doesn't -- what doesn't really
24 make too much sense to me is really having all
25 these concurrent charges, right. So I know as we

1 went through the hardship application, Ms. Rivera
2 kept stating that what's appropriate for tax
3 deduction purposes is not appropriate under this
4 ordinance for rent increase purposes. So although
5 27 and a half years might be appropriate for tax
6 deduction purposes, I would submit that it's not
7 appropriate for this capital improvement
8 surcharge. Because I don't find it appropriate to
9 charge a tenant for an improvement that was ended
10 with its useful life 17 and a half years ago.

11 Also with tax deduction purposes, I'd be
12 able to recover the rest of my deduction or
13 depreciation when I dispose of these units. And I
14 didn't find it would be appropriate to charge a
15 lump sum at the time that I dispose of these units
16 at the end of their ten-year life.

17 And so based on that, if the surcharge
18 is amortized based on the lifespan of 27 and a
19 half years, then I would end up having multiple
20 concurrent surcharges all stacked on top of each
21 other, when I realistically have to replace this
22 water heater. So I wouldn't be able to fully
23 recover the cost in rent at the time that I have
24 to replace it. And similarly with the boiler. So
25 I didn't find it appropriate --

1 MR. MAROTTA: The boiler -- you have the
2 last time that the hot water heater was replaced
3 ten years ago. Do you have the information on the
4 boiler?

5 MR. McCASKILL: I filed an OPRA with the
6 building department for all historical building
7 files, that was not in there. So I don't know
8 exactly when it was replaced. But based on the
9 rough estimates that the plumbers who did the
10 install provided to me --

11 MR. MAROTTA: Do you have anything
12 particularly addressing, some kind of report or
13 treatise, that says boiler's useful life depending
14 on the type of point boiler is so many years?

15 MR. McCASKILL: Not aside from what the
16 plumber provided me.

17 MR. MAROTTA: See, what the plumber
18 said, the plumber is not here. And it's to the
19 crux the matter, okay. Since it goes to the
20 definite aspect of the matter, hearsay evidence
21 would be not sufficient to express that.

22 MR. McCASKILL: And boiler, it's a
23 little closer, it may end up at the 27 and a half
24 years, it may not. But I know that the hot water
25 heater is what I have a bigger issue with because

1 that's nowhere close to the realistic life of a
2 hot water heater.

3 MR. MAROTTA: Okay. I understand your
4 point, it's been presented at this point. I don't
5 have any further questions.

6 MR. McCASKILL: Can I just --
7 realistically, I think it's far more appropriate
8 to use the useful life of ten years for the hot
9 water heater. I would submit 20 years for the
10 boiler, but I get that I don't have evidence to
11 support that like I do the hot water heater. But
12 that's what I would submit, ten years for the hot
13 water heater and 20 years for the boiler.

14 CHAIRMAN MILAN: Question for you. The
15 ten years, is your evidence basically that you
16 decided to change it after ten years though or
17 what else are you --

18 MR. McCASKILL: No, it went down. The
19 tenants reported to me that they were out of hot
20 water, I was actually away on travel at this time.
21 And so I responded within 24, 48 hours to replace
22 the hot water heater.

23 CHAIRMAN MILAN: It just wasn't working?

24 MR. McCASKILL: It went out.

25 CHAIRMAN MILAN: It went out, okay. And

1 just, again, like, almost same question, did you
2 file because sometimes, you know, you could have
3 hot water heater that just wasn't up to par, but
4 in general, it's what have you seen in best
5 practices, publications, anything? Do you have
6 anything to show for how long they normally take
7 or how much are they -- like when you buy it, does
8 it say this should last, you know, marketing?

9 MR. McCASKILL: I did look into that and
10 I wasn't able to find anything with this
11 particular hot water heater. But I'm just going
12 based on my experience with this property. It's
13 one hot water heater that supports four apartments
14 and it gets used a lot. So it's going to just
15 wear more.

16 CHAIRMAN MILAN: Right. But you're
17 aware that you're basically going on anecdote,
18 based on your own experience.

19 MR. McCASKILL: Sure. Right, but that's
20 what's occurred within this building and the
21 capital improvement that I'm submitting for this
22 building. Because some buildings might have
23 multiple hot water heaters for multiple
24 apartments, but this building, all hot water is
25 supplied by a single hot water heater unit.

1 CHAIRMAN MILAN: Do we have Ms. Colditz
2 give her report?

3 MR. MAROTTA: Yes, I think we should.

4 CHAIRMAN MILAN: Let's see what she
5 says.

6 MR. MAROTTA: But does --

7 CHAIRMAN MILAN: I'm sorry.

8 MS. RIVERA: That's okay. The only
9 thing I was going to say was that if 27 and a half
10 years is a standard that's been used by the board
11 previously for capital improvements, then that's
12 the standard that should remain. And that's the
13 standard that the accountant used in the
14 calculation. And I know that the ordinance defers
15 to both the accountant and yourself as the board
16 members to determine that.

17 The other thing I was going to say was
18 that just because the boiler or the hot water
19 heater rather was replaced in 2013 does not mean
20 that that's necessarily the course that it should.
21 Technology is way different now than it was in
22 2013. I think that I think if the standard has
23 been 27 and a half years, it should continue. And
24 we don't know the basis of this hot water heater
25 and its replacement and whether it was 27 years

1 when it was replaced in 2013. So I think there's
2 a lot of speculation. And I don't think that that
3 speculation should be assessed to the tenants.

4 MR. NG: Christina, the day that we
5 discussed that with Susan in the office --

6 MR. MAROTTA: Are you going to testify?

7 MR. NG: I just want to read something
8 because I did my homework and I search about the
9 life --

10 CHAIRMAN MILAN: Okay. Like the
11 question I asked --

12 MR. NG: Yeah.

13 MR. MAROTTA: I'm just going to ask you
14 to be sworn in.

15

16 K E N N E D Y N G, after having been duly sworn
17 or affirmed, did testify as follows:

18

19 MR. NG: I search on Google, artificial
20 intelligence program that we have, perhaps they
21 have come up with something. The hot water
22 heater's lifespan is between eight years to
23 twelve years. But some can last up to 20 or 20
24 some years with regular maintenance.

25 CHAIRMAN MILAN: Okay, the scope is big.

1 MR. NG: It all depends the brand. If
2 you buy a cheap one, probably it will last eight
3 to ten years, but if you buy a good one and you
4 maintain it, it can last more than 20 years.
5 That's what I wanted to say.

6 CHAIRMAN MILAN: Fair enough, as far as
7 that. Thanks for doing the research. Okay.
8 Let's hear Ms. Colditz, let's see what her report
9 is.

10 MR. MAROTTA: Okay.

11 MS. COLDITZ: I did some research after
12 I received the email from Mr. McCaskill and I
13 reviewed the 10 and the 20 years. And I find that
14 a typical water heater is ten years, it could be
15 up to 20 years. So it's along the same lines as
16 what Kennedy is saying. But I think the 20 years
17 was for a tankless water heater and I don't
18 believe that's what this is.

19 So the other thing that as far as the
20 boiler, if you start researching how long a boiler
21 lasts, it could be 15 to 20 years, it could be
22 more. It's, you know, it's just based on the
23 boiler you bought. So, you know, looking at this,
24 I mean some of them say 30 years, 20 to 30 years.
25 And looking at this, when I researched the 10 and

1 20 years, you know, if you follow a gap, it's your
2 estimate, it's not a given number. And, you know,
3 if I were to do -- you know a for-profit
4 corporation and they put in a new boiler, I would
5 put 20 years on it. But this is attached to real
6 estate property. When it's attached to real
7 estate property, it should be 27 and a half years.
8 So that's the research I did. I would recommend
9 the 27 and a half years.

10 CHAIRMAN MILAN: Okay.

11 MS. COLDITZ: Because it's real estate
12 property.

13 CHAIRMAN MILAN: Ms. Colditz, question
14 for you. Based on what is 27 and a half years,
15 you said based on your research, but what in your
16 research told you 27 and a half years should be
17 the number that you use?

18 MS. COLDITZ: I reviewed the IRS codes.
19 And for tax purposes they usually have the 27 and
20 a half years for anything that attaches to the
21 property as capital improvement. Also if you do
22 your taxes, you can use an accelerated method,
23 whichever one your accountant would choose to use.
24 But everything I researched, even the gap, when I
25 researched it, it also noted in small letters that

1 this common for assets that are not real estate
2 property.

3 CHAIRMAN MILAN: In this case, it is
4 real estate property.

5 MS. COLDITZ: That's why I recommend the
6 27 and a half years because it is real estate
7 property.

8 CHAIRMAN MILAN: Okay. Anything else
9 that you want to bring forth now or that's pretty
10 much what it is?

11 MR. MAROTTA: Susan, anything else?

12 MS. COLDITZ: Nope.

13 CHAIRMAN MILAN: Mr. McCaskill?

14 MS. COLDITZ: I'm giving you my
15 recommendation and why it's my recommendation.

16 MR. McCASKILL: Ms. Colditz, are you
17 recommending 27 and a half years for both the hot
18 water heater and the boiler?

19 MS. COLDITZ: It has to be, yes, because
20 it's attached to a real estate property.

21 MR. McCASKILL: And then can you
22 confirm -- you acknowledge that with tax
23 deductions, there's avenues that a landlord or
24 building owner can go down to accelerate the
25 depreciation. There's also a provision where when

1 disposing of particular units, that we can recover
2 the balance of the remainder of that depreciation;
3 is that correct?

4 MS. COLDITZ: Yes. As far as, you know,
5 having -- depleting the old one, that would be
6 whatever the method you use for your tax
7 accountant.

8 MR. McCASKILL: Right. And so I guess
9 my question is in terms of rent surcharge or rent
10 increase, I wouldn't -- if we go with this 27 and
11 a half years, but realistically I don't have a
12 tankless hot water heater, I can read the model
13 number into the record.

14 MR. MAROTTA: I think that was already
15 understood.

16 MR. McCASKILL: Right, right.

17 MS. COLDITZ: Yes, we know.

18 MR. McCASKILL: It's not 20 years.

19 MS. COLDITZ: We understand that.

20 MR. McCASKILL: And I've submitted the
21 permits and everything as part of my application.
22 But my question is what do I do with the remainder
23 of the rent because I have to then replace this
24 realistically sooner than 27 and a half years,
25 although the IRS and the tax deduction treats it

1 as 27 and a half years for their useful life.
2 When I realistically have to replace it and I come
3 back before this board in ten, twelve years maybe,
4 am I then -- then we would have multiple
5 surcharges stacked on top of each other. I mean
6 I'm assuming I wouldn't be able to charge a lump
7 sum to the tenants at the time of disposal. I
8 think that would be rather inappropriate.

9 So how would we factor that in terms of
10 a rent surcharge and how do we make sure that the
11 tenants are paying for what they're using while
12 they're using it and not something that was
13 replaced 17 and a half years ago?

14 MS. COLDITZ: You would have to go back
15 and look at how you handled everything on your
16 taxes. I wouldn't be able to answer how many
17 years you had, how many years you used it, what
18 you have to deplete. That's something you got to
19 sit down with your tax accountant and discuss.

20 As far as the surcharge on the rent,
21 we're just doing this for purposes of your
22 increase in rent.

23 MR. MAROTTA: Surcharge.

24 MS. COLDITZ: How you handle that would
25 be determined by your accountant.

1 MR. McCASKILL: Right, so okay. I mean
2 so again my position here is I don't think what
3 Ms. Colditz is presenting here is based on tax
4 deduction purposes. I'm going to join here with
5 Ms. Rivera, what she stated on the record several
6 times during the hardship application, what's
7 appropriate for tax deductions purposes is not
8 appropriate for rent increase purposes.

9 MR. MAROTTA: All right.

10 MS. RIVERA: I would just like to
11 respond to that. I mean we're all dealing with
12 speculation. If this water heater was just
13 installed, we don't know if it's going to break in
14 10 or 12 years. And I think to put that
15 speculation in order to increase -- a rent
16 increase -- or justify a rent increase based on
17 capital improvement, I don't think is fair. It's
18 based on speculation and nothing really concrete.

19 CHAIRMAN MILAN: Okay. One question,
20 Ms. Colditz. Do you have or can you easily give
21 me at least a ballpark figure on what will be the
22 increase if we treat the boiler and the hot water
23 heater as 27 and a half years of depreciation, as
24 opposed to the numbers that Mr. McCaskill is
25 putting forward, the 10 and 20?

1 MS. COLDITZ: The 27 and a half years
2 will be annually \$723.77. Monthly, it's \$60.31
3 for each apartment, which there are four
4 apartments, it's 15.08 a month for each apartment.

5 CHAIRMAN MILAN: 15.08.

6 MS. COLDITZ: For each apartment.

7 CHAIRMAN MILAN: And for the 10 and 20
8 if you have it.

9 MS. COLDITZ: If it's 10, comes up
10 annually 1,300.37. Monthly it's 108.36. And for
11 each apartment it's \$27.09.

12 CHAIRMAN MILAN: Okay. So we're talking
13 roughly about twelve and a half, 12.50.

14 MS. COLDITZ: About \$12.01 difference.

15 MR. McCASKILL: Could I state one more
16 thing for the record? The model number of this
17 hot water heater is FCG-75400. And the
18 manufacturer doesn't even warranty this for more
19 than six years.

20 MR. MAROTTA: One I'd like to finish,
21 okay, and then I'd ask a question. But anything
22 further on that?

23 CHAIRMAN MILAN: I think we have the
24 information we need from the accountant.

25 MR. MAROTTA: The question I have is do

1 you have anything from a professional or an expert
2 to state that what this useful life is?

3 MR. McCASKILL: I do not. I have the
4 model number of the hot water heater and the
5 warranty associated with that. The manufacturer's
6 not warranting it beyond that.

7 MR. MAROTTA: Okay.

8 MR. McCASKILL: I have what I submitted
9 with the application, the permit, the receipt.
10 Same thing with the boiler.

11 MR. MAROTTA: Okay.

12 CHAIRMAN MILAN: See, but -- if an
13 expert was here, one of the questions I would ask
14 is, okay, we see the model that Mr. McCaskill
15 bought. If he had gone to you before and asked
16 for a recommendation, would you have recommended
17 something that would lasted a lot more and what
18 would that have been, that kind of question. Just
19 to get a sense of is it because this -- you bought
20 a particular hot water heater that maybe only
21 lasts for that long for whatever reason.

22 MR. MAROTTA: There's a couple different
23 factors that go into something of that nature.
24 One is the ability for the property owner to pay.

25 CHAIRMAN MILAN: Of course.

1 MR. MAROTTA: So they might not be able
2 to afford the more expensive one. The more
3 interesting thing is the comment made by Mr. Ng
4 that with maintenance it might be extended longer.
5 And that's really where I think an expert's
6 testimony would be able to -- by an expert, I'm
7 saying a plumber.

8 CHAIRMAN MILAN: Someone that deals with
9 this day in day out.

10 MR. MAROTTA: I'm not talking about
11 somebody from Stevens.

12 CHAIRMAN MILAN: Maybe even though the
13 marketing says six years, maybe they could, with
14 good maintenance, it could last --

15 MR. MAROTTA: We don't know that.

16 CHAIRMAN MILAN: A heck of a lot more.
17 All those factors kind of put us into a very
18 speculative thing. So anything else, Ms. Rivera?

19 MS. RIVERA: No.

20 CHAIRMAN MILAN: Is this the only
21 decision that we're doing in this case? Nothing
22 else that goes on, that's it?

23 So make a motion that we close --

24 MR. NG: Do we need Susan anymore?

25 CHAIRMAN MILAN: I think we're --

1 MR. MAROTTA: I think if we're going to
2 be another two minutes --

3 CHAIRMAN MILAN: Do you have closing
4 testimony?

5 MS. RIVERA: I don't think. I think we
6 argued our positions.

7 CHAIRMAN MILAN: Anything for you, any
8 closing arguments?

9 MR. McCASKILL: I'll just add that even
10 with Ms. Rivera's counter on speculation she
11 ballparked it at 10 to 12 years. I don't find 27
12 and -- even with maintenance, I don't find 20
13 years anywhere close to realistic.

14 MS. RIVERA: I didn't ballpark.

15 MR. McCASKILL: Can he confirm that what
16 he entered in AI is for a four-unit, a fully
17 occupied four-unit building?

18 MR. MAROTTA: I think that would be more
19 speculation.

20 MR. McCASKILL: Right. That's why I
21 don't think like -- review what he submitted.

22 CHAIRMAN MILAN: It would depend on how
23 much you trust AI at this point --

24 MR. MAROTTA: Good point.

25 CHAIRMAN MILAN: I know we're doing it a

1 lot, in almost everything in life. But it's still
2 at a level where I'm not sure if it's
3 permissible --

4 MR. MAROTTA: I do not.

5 CHAIRMAN MILAN: -- as expert opinion.

6 MR. MAROTTA: I do not rely upon AI.
7 I've had it presented and cases are not real,
8 quotes are not real.

9 MR. McCASKILL: As a follow-up question
10 because I know -- depending on whatever is decided
11 here, if the board decides to go with the 27 and a
12 half years that Ms. Colditz has submitted, like
13 how is this treated when I do -- I am fully
14 nitridating I'm going to have replace this well
15 before 27 and a half years, how is that going to
16 be treated with this rent increase?

17 MR. MAROTTA: I would say we would have
18 to address it at that time. I don't --

19 CHAIRMAN MILAN: Otherwise, it's
20 speculation. Obviously, if it ends up lasting
21 18 years, we have to treat it a lot different than
22 in six years.

23 MR. NG: It may last more than --

24 CHAIRMAN MILAN: Maybe 30 years.

25 MR. NG: -- more than 27.

1 CHAIRMAN MILAN: Who knows. Obviously,
2 we would treat it very differently from -- if in
3 six years, you're back here, asking for -- hey,
4 look, I told you this is what happened, what do I
5 do now.

6 MR. MAROTTA: Yeah.

7 CHAIRMAN MILAN: It's a speculation --
8 like Ms. Rivera said, it's kind of an area of very
9 high speculation. It's very hard to decide how
10 we're going to look at it, unless we have as many
11 facts as we can when that happens.

12 So I make a motion that we close
13 testimony and go into deliberation.

14 MR. NG: Motion was made by our
15 chairman, Mr. Milan. I need a second.

16 COMMISSIONER POZO: Second.

17 MR. NG: Second by Commissioner Ydaly
18 Pozo. Roll call.

19 Commissioner Norma Guevara.

20 COMMISSIONER GUEVARA: Yes.

21 MR. NG: Commissioner Ydaly Pozo.

22 COMMISSIONER POZO: Yes.

23 MR. NG: Commissioner Yamirus Holguin.

24 COMMISSIONER HOLGUIN: Yes.

25 MR. NG: Commissioner Rosana Colon.

1 COMMISSIONER COLON: Yes.

2 MR. NG: Chairman Juan Milan.

3 CHAIRMAN MILAN: Yes.

4 MR. NG: Motion has passed.

5 CHAIRMAN MILAN: Okay. The way I look
6 at it is I understand the points of Mr. McCaskill,
7 they are actually proper in following them because
8 his own experience and the marketing brochures
9 he's reading on the machine he bought seem to
10 point to a much smaller level. However, we don't
11 know that. And what I have in front of me as far
12 as the report from the accountant is this is based
13 on the IRS. I mean we might not all like
14 everything the IRS does, but we kind of have to
15 follow it in most areas of our lives.

16 And that is there specifically for real
17 estate and this is -- that what we're talking
18 about here. So we might disagree with the 27 and
19 a half years, but I think it's codified in the
20 recommendations, from not only the IRS, even Turbo
21 Tax seems to follow it. So it's hard to go
22 against that evidence. And also I remember that
23 in some cases we have used that previously.

24 So we have the precedent that that has
25 been -- and, again, don't ask me to quote one, but

1 I do remember that 27 and a half years and similar
2 discussions a long time ago albeit, but still they
3 were the same principal as the IRS has used that
4 number. Our accountants have used that number.
5 And whether we think that machines last less or
6 more now, there's a lot of different opinions. I
7 used to change batteries in cars like six,
8 seven years. Now, every two or three, I have to
9 change it.

10 So Mr. McCaskill might end up being
11 right and we may be back here in six years saying
12 oops, we have to come up with a new resolution
13 now. But as far as following the standards, I
14 think we have no choice but to go with the 27 and
15 a half years that's prescribed by the IRS and
16 Turbo Tax for this area, and that's brought
17 forward by our accountant.

18 MR. MAROTTA: Okay. Can we have a --
19 can you phrase that as a motion.

20 CHAIRMAN MILAN: First let me -- I want
21 to hear if they disagree. No sense putting it out
22 there if they're all saying no. I put a water
23 heater that died.

24 MR. MAROTTA: Yeah, two years.

25 COMMISSIONER POZO: I agree.

1 CHAIRMAN MILAN: I make a motion that we
2 go with the numbers provided in the report by our
3 accountant of 27 and a half years, based on the
4 fact that it is the recommendation of IRS and
5 Turbo Tax, which are for real estate, which are
6 generally accepted institutions when it comes to
7 governing this areas.

8 MR. NG: Motion was made again by our
9 chairman, Mr. Milan.

10 COMMISSIONER COLON: I second it.

11 MR. NG: Second by Commissioner Rosana
12 Colon. Roll call.

13 Commissioner Norma Guevara.

14 COMMISSIONER GUEVARA: Yes.

15 MR. NG: Commissioner Ydaly Pozo.

16 COMMISSIONER POZO: Yes.

17 MR. NG: Commissioner Yamirus Holguin.

18 COMMISSIONER HOLGUIN: Yes.

19 MR. NG: Commissioner Rosana Colon.

20 COMMISSIONER COLON: Yes.

21 MR. NG: Chairman Juan Milan.

22 CHAIRMAN MILAN: Yes.

23 MR. NG: Motion has passed.

24 CHAIRMAN MILAN: Thank you.

25 MR. MAROTTA: Susan, thank you very

1 much.

2 MS. COLDITZ: No problem, you're
3 welcome.

4 CHAIRMAN MILAN: Let's break for a
5 couple minutes.

6

7 (Whereupon a short recess was taken.)

8

9 CHAIRMAN MILAN: Let's go back on the
10 record. Just as an addition to the case of 818
11 22nd Street, capital improvement, the increase
12 will be effective November 1st.

13 MR. MAROTTA: Thank you.

14 CHAIRMAN MILAN: Because it has to be
15 after 30 days from the resolution -- from the
16 decision.

17 MR. MAROTTA: So what I recommend is
18 that on the registration statement, when you file
19 it, I think there's a category for capital
20 improvement, just to keep track of it.

21 MS. RIVERA: Also, just want to point
22 out I'm advised by Ms. Reyes she sent in her rent,
23 it hasn't been cashed. She's concerned that you
24 didn't receive it. Did you receive it?

25 MR. McCASKILL: Yeah, for September.

1 MS. RIVERA: Yes.

2 MR. McCASKILL: She's good.

3 CHAIRMAN MILAN: Okay. Thank you.

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1 **2709-15 CENTRAL AVENUE -**

2 **OWNER OCCUPANCY:**

3
4 MR. MAROTTA: You can come back up.

5 CHAIRMAN MILAN: Let's continue with the
6 cases of 2709-15 Central Avenue, owner occupancy.

7 MR. MAROTTA: So it is the tenant's
8 appeal. But what I'd like to do is call our
9 administrator to testify as to what transpired.

10 CHAIRMAN MILAN: Okay.

11 MR. MAROTTA: That would be part of the
12 case. And then we can proceed, the tenant's can
13 present their evidence.

14 MR. NG: So, Neil, when you say the
15 administrator to testify, it's about the --

16 MR. MAROTTA: Inspection.

17 MR. NG: The inspection that I did. So
18 for the record, I didn't do the inspection by
19 myself, I went with one of my staff that I always
20 use for special inspections, Kenny. I don't know
21 if we're going do it together?

22 MR. MAROTTA: However you'd like -- I
23 think I would ask you to testify, you're here.

24 MR. NG: Okay. I just want to involve
25 him.

1 MR. MAROTTA: I know, I appreciate it.

2 CHAIRMAN MILAN: I'm sure Kenny does,
3 too.

4 MR. NG: You can ask me?

5 MR. MAROTTA: It's up to you.

6 MR. NG: No.

7 CHAIRMAN MILAN: I mean if both of you
8 went there and corroborate --

9 MR. MAROTTA: Okay. So my understanding
10 with regards to this property -- again, for the
11 record, 2709-2715 Central Avenue -- you had
12 received a complaint from a tenant requesting the
13 legal rent for the unit and whether it is subject
14 to rent control, correct?

15 MR. NG: Yes. And also the complaint
16 was that the tenants stated the owner was not
17 living in the building.

18 MR. MAROTTA: Okay. And, in fact,
19 didn't two of the tenants that reside there come
20 to the office and meet with you?

21 MR. NG: Yeah, they came to the office
22 and I believe Mr. -- Kenny was in the meeting. I
23 don't know if you were in the meeting that --

24 MR. MAROTTA: Yes. I was, yes.

25 MR. NG: So I got two now.

1 MR. MAROTTA: Do you recall what the
2 tenant stated?

3 MR. NG: In the building?

4 MR. MAROTTA: Concerning the -- yes.

5 MR. NG: So first of all, we notified
6 the tenants and the landlord 48 hours before we
7 went to the building. So when we went to the
8 building, early in the morning, the landlord was
9 by the door, also couple of tenants were by the
10 door waiting for us.

11 We went to the second floor to verify if
12 the landlord was living in one of the apartments
13 in the second floor. And to do that -- I remember
14 that the two tenants that went to my office
15 complaining about what you just said, we knocked
16 the door, one of the tenants come out, it was a
17 gentleman -- the lady was not there, was
18 working -- and the tenant was by the door. He
19 opened the door, the landlord was outside with us.
20 And we asked the tenant and that tenant was the
21 one who went to my office complaining that the
22 landlord was not living in the building.

23 So the apartment apparently that the
24 landlord said that she was occupying was the
25 apartment across that apartment that the tenant

1 opened the door. So we asked the tenant, now is
2 the opportunity that I'm here, Kenny was there, to
3 tell me if -- in front of the landlord -- if the
4 landlord live there. And that gentleman didn't
5 say not even a word. Kenny is here as my witness.
6 He didn't answer, he want didn't want to answer.
7 I didn't know if he was in panic that he didn't
8 expect that I would confront him in front of the
9 landlord. He didn't say anything.

10 And I said to the landlord, if you don't
11 mind, can I go into your apartment that you're
12 saying that you live there. And in that apartment
13 was another person that was cooking. And she
14 showed me the apartment. I didn't see anything
15 like an office, I saw a regular apartment with a
16 sofa and a bed, somebody cooking. Even I think
17 they were preparing their breakfast or brunch.
18 And I ask again the tenant who was in my office a
19 couple days before, tell me if you see her coming
20 into that apartment every day. Just to verify if
21 the landlord is living there. He didn't say
22 anything. And then I ask can you call the other
23 lady that came to my office with you. He didn't
24 answer.

25 Now, at that point, I went back to my

1 office -- because I went for that purpose.

2 MR. MAROTTA: Of course.

3 MR. NG: I went to my office, I went
4 back, wrote a note that for me, for me that day,
5 the landlord live in that apartment. That's what
6 I saw.

7 MR. MAROTTA: Great, thank you.

8 Okay. Do you have any questions?

9 MS. RIVERA: How long ago was that?

10 MR. NG: I don't remember. Kenny, if
11 you remember?

12

13 K E N N Y C A B A L L E R O, after having been
14 duly sworn or affirmed, did testify as follows:

15

16 MR. CABALLERO: I believe we sent out
17 the letter in March of '24.

18 MR. NG: March of '24.

19 MR. MAROTTA: The letter determining
20 that the property --

21 MR. CABALLERO: Was owner occupied.

22 MR. NG: Based on my --

23 MR. CABALLERO: Based on the inspection
24 we did.

25 MR. MAROTTA: That is the letter that is

1 appealed from and that's why we're here today?

2 MR. CABALLERO: Correct.

3 MR. MAROTTA: Okay.

4 MS. RIVERA: I don't have any other
5 questions for Mr. Ng right now. So I'm ready to
6 present my tenants.

7 MR. MAROTTA: Great, okay. Please
8 proceed.

9 MS. RIVERA: So, you know, we'll start
10 with this tenant here who's sitting back there, if
11 she wants to come up.

12

13 D I A N A R O S A D O, after having been duly
14 sworn or affirmed, did testify as follows:

15

16 MS. RIVERA: Ms. Rosado, where do you
17 currently reside?

18 MS. ROSADO: My address is 2713 Central
19 Avenue. I know you have different numbers, but
20 it's 2713, apartment 1B.

21 MS. RIVERA: And what floor is that
22 apartment on?

23 MS. ROSADO: It's on -- it's outside,
24 it's on the sidewalk level.

25 MS. RIVERA: Okay.

1 MS. ROSADO: On the sidewalk.

2 MS. RIVERA: So this property has two
3 buildings on it, one is --

4 MS. ROSADO: No. It has the main
5 entrance, which is a -- the lobby entrance and
6 then on the side, on the sidewalk, there are two
7 apartments, one is mine.

8 MS. RIVERA: And how long have you lived
9 there?

10 MS. ROSADO: I'm going on six years.

11 MS. RIVERA: Six years?

12 MS. ROSADO: Five and a half, six years
13 in January.

14 MS. RIVERA: Okay. So first, let me ask
15 you how many apartments are in this building all
16 together?

17 MS. ROSADO: Seven.

18 MS. RIVERA: So count them for the board
19 and describe the layout of the building?

20 MS. ROSADO: Sure. You come in the
21 front, there's a small lobby. On the left,
22 there's one apartment, on the right, there's
23 another apartment. Stairs go up to the second
24 floor, it's just two floors. There's one
25 apartment to the left, one apartment in the

1 center, and one apartment to the right, that's
2 five. Come out and you go left on the sidewalk
3 and there's two apartments. One is a small studio
4 and then in the corner is my apartment.

5 MS. RIVERA: Okay. Now, have you --

6 MR. MAROTTA: I'm sorry, just to
7 clarify. Are they both -- both those apartments
8 on the ground floor?

9 MS. ROSADO: Yes.

10 MR. MAROTTA: Are there any apartments
11 above them?

12 MS. ROSADO: No -- well, it would be the
13 apartments that are on the second floor. Above me
14 and above the other gentleman that lives on the
15 sidewalk level. We have --

16 MR. MAROTTA: The ground floor?

17 MS. ROSADO: Yes. We have direct access
18 to the street.

19 MR. MAROTTA: Okay.

20 MS. RIVERA: Okay. And below your
21 ground floor level, is there a basement?

22 MS. ROSADO: There's a basement.

23 MS. RIVERA: Okay. And have -- so the
24 landlord is saying that she lives in apartment --
25 which apartment on the second floor?

1 MS. ROSADO: I'm not sure of the number.
2 It would be like one -- she's the one who knows
3 because she lives right next door. But it would
4 be the one as you go up on the left, all the way
5 on the left.

6 MS. RIVERA: Okay. And to your
7 knowledge, there's currently another tenant there
8 now?

9 MS. ROSADO: Yes.

10 MS. RIVERA: Okay. When did that tenant
11 move in?

12 MS. ROSADO: Probably beginning of the
13 year.

14 MS. RIVERA: Okay. So it would have
15 been before --

16 MS. ROSADO: The inspection.

17 MS. RIVERA: -- the inspection. Before
18 that tenant moved in, who was in that apartment --
19 or rather what was in that apartment?

20 MS. ROSADO: The landlady ran her
21 business out of the apartment.

22 MS. RIVERA: And what business was that?

23 MS. ROSADO: She does tarot cards and
24 you know that sort of thing.

25 MS. RIVERA: Have you ever been in that

1 apartment before?

2 MS. ROSADO: Absolutely.

3 MS. RIVERA: And describe the layout of
4 that apartment and what was in the apartment?

5 MS. ROSADO: When you come in, first
6 door to your left is a small bathroom. You go in
7 and -- right now, after she renovated it, so she
8 could rent it out. There was no kitchen, there
9 was just a space. Now she put a small kitchen
10 there. It was sort of like a living area. And
11 then there was another straight ahead, there is
12 another room, which would be now considered a
13 bedroom, yeah.

14 MS. RIVERA: What was in that room?

15 MS. ROSADO: That room, the table where
16 she read the cards, took care of her customers,
17 and statues of saints and stuff like that.

18 MS. RIVERA: Okay. And when she rented
19 that apartment to the new tenant, did she close
20 her business?

21 MS. ROSADO: Nope.

22 MS. RIVERA: Where is her business now?

23 MS. ROSADO: She moved it to the
24 basement.

25 MS. RIVERA: Okay. And have you been in

1 the basement area where that is?

2 MS. ROSADO: I have.

3 MS. RIVERA: And describe what the
4 basement area where her business is run out of,
5 what does that look like?

6 MS. ROSADO: She renovated the basement
7 before she relocated her business, it's -- you go
8 down narrow steps. And to the right, there's an
9 entrance. You could go -- if you make a left, you
10 go all the way to the back where the boilers are.
11 But as you come in to the entrance, there is a big
12 room, which is sort of like a waiting room. And
13 then the back, she has her little office space and
14 with candles and saints and everything she has.

15 MS. RIVERA: So you believe that she
16 does not live there and she has never lived there;
17 is that correct?

18 MS. ROSADO: Never lived there.

19 MS. RIVERA: Well, at least for the
20 six years you've been living there, right?

21 And where do you believe -- why do you
22 believe that she has not lived there?

23 MS. ROSADO: First of all, there was
24 never a bed upstairs and there was never a kitchen
25 upstairs.

1 MS. RIVERA: Okay.

2 MS. ROSADO: So her car comes in and it
3 leaves at night. And I also have a letter with
4 her address in Newark.

5 MS. RIVERA: What address is that?

6 MS. ROSADO: It's in Broad Street,
7 somewhere, but she has --

8 MS. RIVERA: Okay. So you have an
9 address in Newark where you believe she lives?

10 MS. ROSADO: Correct.

11 MS. RIVERA: Okay. And is there
12 anything else you would like to tell the board?

13 MS. ROSADO: Yes, of course, I have a
14 lot to say. My apartment has never been included
15 in any of the inspections that have been going
16 there. They list all of the apartments, except
17 for mine, make it sound like a six apartment
18 building and that she lives there, of course, as
19 she's saying. So I have -- I did not have that
20 inspection that they went to. And I did not have
21 the second inspection.

22 So what I did for the second inspection
23 was knowing that -- I mean imagining, speculating,
24 imagining that that was the reason, I waited for
25 the inspector outside. And I told him I live

1 here, this is my apartment. And so she came right
2 out and told me, oh, when you went to ask for a
3 rent reduction, your apartment was listed at that
4 time, but now it's not listed. I said no, you
5 didn't, that's why.

6 So, yeah. Basically that she said --
7 you know, she keeps telling me that she wants me
8 to leave.

9 MR. MAROTTA: Do you have any documents
10 that you're looking to introduce?

11 MS. RIVERA: I don't have any documents
12 for this.

13 MS. ROSADO: You should have the letter
14 with the proofs where she lives. I did leave it
15 here with Casmila, Casmila has it.

16 MS. RIVERA: Let me see what I have.

17 MS. ROSADO: And the inspection notice
18 where my apartment is not listed, all the other
19 apartments are listed. This is her address.

20 MS. RIVERA: I'm going to show you this
21 document, it's tenant lease verification form from
22 the DCA, the Department of Community Affairs?

23 MS. ROSADO: That was something that was
24 sent to --

25 MS. RIVERA: I'm going to mark this T-1.

1 (Tenant lease verification form
2 marked T-1.)

3

4 MR. MAROTTA: I just would like -- can
5 you lay a foundation of how this was obtained?

6 MS. RIVERA: You provided that, did --

7 MS. ROSADO: I provided it because that
8 is a letter that she had sent to Ilia, the other
9 tenant.

10 MR. MAROTTA: Okay. Is Ms. Ocegüera --
11 is she going to testify?

12 MS. RIVERA: Yes.

13 MR. MAROTTA: Okay, great.

14 MS. ROSADO: This is where, when the
15 inspection came, they listed all of the apartments
16 instead of mine.

17 MS. RIVERA: You're apartment what?

18 MS. ROSADO: My apartment is 1B.

19 MS. RIVERA: So I'm going mark this T-2.

20

21 (Notice to all tenants marked T-2.)

22

23 MS. ROSADO: It makes it look like
24 there's only six apartments in the building.

25 MS. RIVERA: How did you obtain this

1 document?

2 MS. ROSADO: It was posted.

3 MS. RIVERA: It was posted?

4 MS. ROSADO: In the lobby. Since I
5 don't have to go in the lobby, but --

6 MS. RIVERA: I'm going to -- so your
7 apartment is missing, it's not listed?

8 MS. ROSADO: Yeah.

9 MR. NG: Just for clarification, I am
10 not a building inspector. We went there for one
11 reason, to verify if the owner was living in that
12 particular apartment. And we went to that
13 apartment because a couple people, tenants, went
14 to my office and was not her -- no, it was not
15 you. It was another lady with another gentleman.
16 So I'm not part of that inspection that she's
17 talking about.

18 MS. ROSADO: Right, this is --

19 MR. NG: I didn't go there to count
20 apartments. I went there to verify that the
21 landlord was living there. And for me, she was
22 living in there. And I give the opportunity to
23 the tenant that complained if the -- to tell me.
24 And that's --

25 MR. MAROTTA: I appreciate the

1 clarification. Just for further clarification,
2 what has been marked T-1 is a Department of
3 Community Affairs tenant lease verification form.
4 So it's from the DCA, the State of New Jersey,
5 it's dated January 19, 2023.

6 And what's been marked as T-2 is a
7 notice to all tenants. And there are units
8 listed, it's also from the DCA. And it does not
9 have a 1B listed on the document.

10 CHAIRMAN MILAN: I don't know if -- keep
11 my questions at the end of the testimony, but just
12 in case, let me throw this one out there. In the
13 registration form they did for 2022 to 2023 at
14 least -- and I think the one before I saw -- let's
15 go with that one, that's the one for 2022 and the
16 one for 2023, they both have 1B listed as one of
17 the six apartments. So what is the seventh? If
18 it's not 1B that's missing there, what is the
19 seventh apartment that's not there?

20 MS. ROSADO: It's the one that she was
21 occupying as a business.

22 MS. RIVERA: What apartment -- so that
23 would be 2L, 2R, what's the apartment number for
24 that one?

25 MS. ROSADO: Um...

1 CHAIRMAN MILAN: No, you don't ask her.
2 She needs to first go through the lawyer and
3 second --

4 MS. ROSADO: I'm sorry, I'm sorry.

5 CHAIRMAN MILAN: The reporter has to --

6 MS. ROSADO: I know it's the one on the
7 left where she had her business, where she had her
8 thing.

9 CHAIRMAN MILAN: We can get that from
10 the testimony --

11 MS. ROSADO: I apologize.

12 CHAIRMAN MILAN: -- the other tenant
13 later on.

14 MS. RIVERA: Okay. I have nothing else
15 for this tenant.

16 MR. MAROTTA: Okay. Would you like to
17 call your next witness?

18 MS. RIVERA: My next witness.

19

20 L E E I A O C E G U E R A, after having been
21 duly sworn or affirmed, did testify as follows
22 through the interpreter:

23

24 MS. OCEGUERA: L-E-E-I-A

25 O-C-E-G-U-E-R-A.

1 MS. RIVERA: Where do you currently
2 reside?

3 MS. OCEGUERA: 2713 Central Avenue,
4 apartment 2R.

5 MS. RIVERA: And how long have you lived
6 in that apartment?

7 MS. OCEGUERA: Eight years.

8 MS. RIVERA: Okay. You live on the
9 second floor?

10 MS. OCEGUERA: Yes.

11 MS. RIVERA: How many apartments are on
12 that floor?

13 MS. OCEGUERA: On the second floor,
14 there's three.

15 MS. RIVERA: What numbers are they -- or
16 what are the identification?

17 MS. OCEGUERA: It's 2R, mine. The door
18 that she used to do her things was 2L. With a
19 marker she wrote 2R because they kept knocking on
20 my door. They kept thinking it was my apartment
21 where she had her stuff. And the other one, I
22 don't remember.

23 MS. RIVERA: Do you have that written
24 down somewhere?

25 MS. OCEGUERA: No.

1 MS. RIVERA: Okay. But there's three
2 apartments?

3 MS. OCEGUERA: Yes.

4 MS. RIVERA: Okay. And have you been in
5 her apartment before it's been rented to this new
6 tenant?

7 MS. OCEGUERA: Yes.

8 MS. RIVERA: And can you describe
9 whether there -- the arrangement of the apartment?

10 MS. OCEGUERA: She fixed it, yes. Last
11 year, there was an inspection that they hadn't
12 done before, the other inspectors. It seems like
13 they said she couldn't do her business there. So
14 she remodeled the basement, moved her stuff, and
15 she started renovating the apartment, put floors,
16 painted, speakers, she did a lot of renovations to
17 rent it out.

18 MS. RIVERA: Okay. Now, I'm going to
19 show you this document marked T-2. This is the
20 notice to all tenants. This was in the lobby of
21 the building?

22 MS. OCEGUERA: Um-hum.

23 MS. RIVERA: And it looks like it has
24 two apartments designated as 2R, one is 2R and
25 then it looks like 2 rooming, rooming -- I don't

1 know.

2 MS. OCEGUERA: I don't know. I thought
3 it was strange, too.

4 MS. RIVERA: And so to your knowledge,
5 where does she reside? The landlord, when I say
6 she?

7 MS. OCEGUERA: I have the address here.
8 2023, I asked for help from the mayor, they gave
9 me this to fill out, that the owner needed to sign
10 it and here is her address.

11 MS. RIVERA: Okay. And she -- you're
12 saying that the landlord completed this bottom
13 portion?

14 MS. OCEGUERA: Yes. And this is the
15 original because I didn't go turn that in.

16 MS. RIVERA: Okay. And did you see her
17 fill it out personally?

18 MS. OCEGUERA: Yes, her granddaughter
19 filled it out and she signed it.

20 MS. RIVERA: I'd like to mark this T-3,
21 but I don't want to mark it because this is her
22 only copy.

23 MR. NG: Christina, the handwriting is
24 the granddaughter or is the landlord handwriting
25 or other person?

1 MS. OCEGUERA: It's the granddaughter's
2 handwriting. She was there, but the signature is
3 the owner's.

4 MS. RIVERA: They both filled it out and
5 she signed it in front of you, the granddaughter
6 filled it out in front of you?

7 MS. OCEGUERA: Yes. And she gave it to
8 me right there.

9 MS. RIVERA: So this is a clearer copy
10 of T-1, so we don't need to mark it.

11 Is there anything else you want to tell
12 the board about whether she lives there and
13 whether there's seven apartments or six? Can you
14 clarify for them?

15 MS. OCEGUERA: Yes, I would like to say
16 more.

17 MS. RIVERA: Go ahead.

18 MS. OCEGUERA: The day that I came to
19 see the attorney, I came with my husband. I told
20 him that years before, I had come. The same day
21 when I came to rent control, and I did it with the
22 letters from the mayor, I only came to find out is
23 there rent control on this apartment. I was told
24 that I needed to bring ID, I didn't have it at the
25 time. I said, okay, I'll be back. When I got

1 home, closing the door, the woman shut the door on
2 me. Why did I go to rent control, how did she
3 know? I closed the door on her, I didn't argue
4 with her.

5 So years passed. The lady who lived in
6 1L kept saying there is rent control on this
7 apartment, don't let them steal your money. I got
8 the energy, I came this year and the lady Diana
9 also said go to rent control. That's when I came.
10 I did all the paperwork, I wanted to talk to the
11 attorney, I was able to talk to the attorney. I
12 understood that when he said or when he told me
13 and my husband that he was going to send an
14 inspection for that, to find out if the lady lived
15 there. They were going to knock on her door, on
16 the tenants to ask. That's what I understood.

17 I'm sorry, I'm very upset, very upset.
18 I trust my husband. It's my husband's word
19 against --

20 MR. NG: I wanted to clarify. She's not
21 talking about my inspection. This is building
22 department inspections, she's saying you --

23 MS. OCEGUERA: The gentleman, you were
24 the ones that --

25 CHAIRMAN MILAN: Hold on.

1 MR. MAROTTA: I'm sorry, I'm sorry. One
2 moment, please.

3 CHAIRMAN MILAN: One at a time,
4 otherwise the record gets jumbled.

5 MR. MAROTTA: If there needs to be
6 clarification --

7 MR. NG: Neil, she's saying you did.

8 MR. MAROTTA: I understand that, she
9 wasn't there, but we can clarify.

10 MR. NG: Okay.

11 MS. OCEGUERA: The gentleman who went,
12 okay. He said the people were outside, they
13 knocked on my door. I came out, what I did was,
14 she's the lady, she lives in this apartment, okay,
15 this and that and that was it. They went
16 upstairs, they knocked on my husband's door. He
17 opens the door. I wasn't there, I was working.
18 And said he was the one, this is the apartment
19 that complained at rent control. So my husband
20 was why are you singling me out.

21 If he needs to knock on all the doors
22 and ask if the lady lives here. I think he didn't
23 say anything because he was singled out. And she
24 kept looking at him. We just finished seeing them
25 with the attorney, him with the other gentleman.

1 I don't remember if it was him or the other one, I
2 don't remember.

3 Then why did you come here to ask me?
4 We already went and complained, they have to ask
5 all the tenants, not just me. When he went to
6 close the door, she made the comment, these, I'm
7 waiting for the classes to finish, I'm going to
8 kick them out. That's the only thing my husband
9 heard when he was closing the door that she
10 commented to them. He didn't open the door.

11 The day before, yes, the neighbor
12 noticed that late at night, one day before, she
13 started carrying stuff to the apartment that she
14 just rented out. They were talking with the lady,
15 I don't know what happened. She put stuff in
16 there, so that she could say that she lived there.
17 I didn't know this. I don't know if she put
18 friends up or what she put up, where she says she
19 lives. Why when she answered in the letter, it
20 seems that she lives in 1L. So how many lies are
21 there? Does she live upstairs or 1L? But the
22 lady Casmita lives in 1L. I don't know why so
23 many lies.

24 Ever since the beginning, something was
25 so strong. There's so many things that I got that

1 there was rent control, it's been approximately
2 500 to \$600 during eight years that this lady is
3 taking away from me for my rent. That's why she's
4 so worried about saying she lives there, that
5 there's no rent control, and there's less
6 apartments, I don't understand. It really bothers
7 me.

8 MS. RIVERA: Okay. So to your
9 knowledge, how many apartments are there, in fact,
10 in this building?

11 MS. OCEGUERA: Seven.

12 MS. RIVERA: Okay. And where are they?

13 MS. OCEGUERA: Two on the street. The
14 streets are directly and the doors are directly to
15 the street. Two on the first floor and three on
16 the second floor.

17 MS. RIVERA: I have nothing further. Do
18 you have any follow-up questions?

19 MR. MAROTTA: Okay, thank you.

20 CHAIRMAN MILAN: The three apartments
21 are presently all, as far as you know, are all
22 with tenants that live inside?

23 MS. OCEGUERA: Second floor, yes.

24 CHAIRMAN MILAN: In the first floor, are
25 there definitely four apartments? Are there

1 tenants living in each of the four apartments as
2 far as you know?

3 MS. OCEGUERA: Yes.

4 MS. RIVERA: Now, there's -- just to
5 clarify --

6 MR. MAROTTA: Ground floor.

7 MS. RIVERA: There's two on the first
8 floor and then two on the ground floor.

9 CHAIRMAN MILAN: Ground floor, yeah.
10 I'm just going by the fact they're all called one.
11 Okay.

12 MR. MAROTTA: I do have a quick
13 question.

14 CHAIRMAN MILAN: Go ahead.

15 MR. MAROTTA: I'm going to refer you to
16 what's been marked as T-1. I believe you
17 testified that this was filled out by the
18 granddaughter?

19 MS. OCEGUERA: I think it was her grand
20 daughter.

21 MR. MAROTTA: Were you there when it
22 happened?

23 MS. OCEGUERA: Yes. I had just got back
24 from the mayor's office, they were there.

25 MR. MAROTTA: Okay. And did you see --

1 did you read the document?

2 MS. OCEGUERA: Yes.

3 MR. MAROTTA: And this was provided to
4 you at that time?

5 MS. OCEGUERA: Yes, they gave it to me
6 here.

7 MR. MAROTTA: And the person that filled
8 it out put the address of 1316 Broad Street,
9 Newark, New Jersey?

10 MS. OCEGUERA: Yes.

11 MR. MAROTTA: Okay. No further
12 questions.

13 CHAIRMAN MILAN: Okay.

14 MS. RIVERA: And then the landlord
15 signed it?

16 MS. OCEGUERA: She signed it.

17 MR. MAROTTA: Okay, thank you.

18 MS. OCEGUERA: And the handwriting, the
19 granddaughter did it. If she reads a letter,
20 she's going to say that's not my handwriting.
21 It's not her handwriting because it was the
22 granddaughter who filled it out.

23 MR. MAROTTA: But you saw the landlord
24 sign it?

25 MS. OCEGUERA: When she finished filling

1 it out, she said here and she signed it.

2 MR. MAROTTA: Okay, thank you.

3 CHAIRMAN MILAN: That's it for the
4 tenant?

5 MS. RIVERA: That's it for this tenant.

6 CHAIRMAN MILAN: Do you have a third
7 tenant?

8 MS. RIVERA: Is there anything that you
9 can add that's different than what you heard?
10 Everything is pretty much consistent.

11 CHAIRMAN MILAN: Okay.

12 MS. RIVERA: So there's nothing new.

13 CHAIRMAN MILAN: Nothing new, okay.
14 We'll go with that. Question for the
15 administrators. When you -- I know that you guys
16 only went for one purpose and one purpose only.
17 But did you get a chance to see the layout of the
18 seven apartments and whether it looks like seven
19 or six?

20 MR. NG: If you go to that address where
21 we went, I didn't imagine there was an apartment
22 in the back.

23 CHAIRMAN MILAN: Around in the back.

24 MR. NG: I know the City of Union City
25 very well. And I asked the tenants that were

1 there and the lady who was the owner, can you show
2 me the layout. This is the first floor and the
3 second floor where I live. And because I went
4 there to verify if the landlord was there, I have
5 no businesses to go around.

6 CHAIRMAN MILAN: Right, right. You're
7 not a building inspector department. You're going
8 for --

9 MR. NG: I just go for a specific
10 inspection when I want to see with my eyes. And I
11 just went in one time. I don't know about other
12 inspections. If you went with the building
13 department and I don't remember seeing her there,
14 I just -- I saw a gentleman who opened the door,
15 who was you like a mummy, not talking, nothing.

16 CHAIRMAN MILAN: He didn't want to talk.

17 MR. NG: That's what I saw.

18 MS. OCEGUERA: Why did you say you
19 didn't go?

20 MR. NG: I don't think you understand --

21 CHAIRMAN MILAN: Well, let's --

22 MR. NG: Let's qualify. I didn't say
23 that I didn't go. How many times I say that I
24 went there for a specific reason. That you didn't
25 understand, that's your business. Thank you.

1 CHAIRMAN MILAN: Okay. I make a motion
2 that we close, unless anyone else has questions of
3 any of the participants here? Okay. Make a
4 motion that we close testimony and go into
5 deliberation.

6 MR. NG: Motion was made by our
7 chairman, Mr. Milan.

8 COMMISSIONER HOLGUIN: I second.

9 MR. NG: Second by Commissioner Yamirus
10 Holguin. Roll call.

11 Commissioner Norma Guevara.

12 COMMISSIONER GUEVARA: Yes.

13 MR. NG: Commissioner Ydaly Pozo.

14 COMMISSIONER POZO: Yes.

15 MR. NG: Commissioner Yamirus Holguin.

16 COMMISSIONER HOLGUIN: Yes.

17 MR. NG: Commissioner Rosana Colon.

18 COMMISSIONER COLON: Yes.

19 MR. NG: Chairman Juan Milan.

20 CHAIRMAN MILAN: Yes.

21 MR. NG: Motion has passed.

22 CHAIRMAN MILAN: Okay. The way I look
23 at this, forgetting whether it's owner occupied or
24 not, seven apartments, it's under rent leveling.

25 MR. MAROTTA: Absolutely.

1 CHAIRMAN MILAN: We see here six
2 apartments in the forms, but every testimony I
3 heard today says that there are three on the
4 second floor, forgetting the back and forward,
5 first floor, where they're listing four already.
6 There's two others and then there's the third
7 apartment on the second floor. And if there are
8 three apartments on the second floor and there
9 were only six listed there, there's seven.
10 Because there are four on the first floor, that's
11 where the arguing was a little bit like it's the
12 one on the side and all that. But on the second
13 floor, every one seems to agree that there are
14 three apartments. And that one of them may or may
15 not be owner occupied. But there's still seven.

16 MR. MAROTTA: I do have one question on
17 for clarification to follow-up on what counsel
18 asked. You asked if there was a basement
19 underneath --

20 MS. RIVERA: Yes, the ground floor.

21 MR. MAROTTA: -- the ground floor units
22 that are on the right?

23 MS. RIVERA: Yes.

24 MR. MAROTTA: Okay. And Ms. Rosado's,
25 in fact. And I just have a question whether that

1 basement that is under her apartment, does she
2 have access to that and is it connected to the
3 full basement for the whole building?

4 MS. RIVERA: So we can ask either or
5 both.

6 MR. MAROTTA: I'd ask Ms. Rosado because
7 it's her apartment has a separate entrance.

8 MS. ROSADO: It is --

9 CHAIRMAN MILAN: You're still under
10 oath.

11 MS. ROSADO: It is the basement for the
12 entire building.

13 MR. MAROTTA: And the --

14 MS. ROSADO: The basement covers the
15 entire building.

16 MR. MAROTTA: You have access to that?

17 MS. ROSADO: No, we don't have -- the
18 tenants don't have access to that. But since she
19 has her business, she's running her business from
20 down there, I sometimes go and give her the rent
21 check down there.

22 MR. MAROTTA: Okay, thank you.

23 CHAIRMAN MILAN: So it's an office for
24 all intents and purposes down there?

25 MS. ROSADO: You might call it something

1 like that.

2 CHAIRMAN MILAN: Okay. So going back to
3 this, it looks pretty clear there's seven. I
4 don't want to put you guys back on the spot, but
5 you did go to the second floor because obviously
6 that is where she was claiming that she is a
7 tenant. Did it look like three apartments as far
8 as you could tell? Or was it very hard to tell?

9 MR. CABALLERO: When we went originally
10 it was more like -- when we went downstairs, we
11 knocked on all doors. We didn't put nobody on the
12 spot. We basically asked every tenant do you
13 reside here, yes. Okay. Does she reside here.
14 That's when they had the opportunity to say yes
15 she lives here or no. So when we went upstairs,
16 it was two units that we were introduced --

17 CHAIRMAN MILAN: Two units, but she did
18 show you a third unit where she said she lived, so
19 it's three units?

20 MR. CABALLERO: Yes.

21 CHAIRMAN MILAN: I think seven is seven.

22 MR. MAROTTA: Yeah.

23 CHAIRMAN MILAN: You know, numbers are
24 pretty hard to -- I mean she doesn't have the
25 owner occupied one here, yet she has six. Six

1 plus one is seven.

2 MR. MAROTTA: Correct.

3 CHAIRMAN MILAN: So I would have to make
4 a motion that we basically, I guess, that we
5 disregard the letter that was drafted by
6 administration in this case and set it back to it
7 is not owner occupied.

8 MR. MAROTTA: Are you going to make a
9 decision as to owner occupancy or is your decision
10 going to be solely based upon the fact that it's
11 seven units or both?

12 CHAIRMAN MILAN: I'm making only on the
13 fact that it's seven units. I think to get -- if
14 I were to go beyond that, I would really need to
15 give a chance to the owner --

16 MR. MAROTTA: Yes.

17 CHAIRMAN MILAN: -- to prove that they
18 don't live there.

19 MR. MAROTTA: Or do.

20 CHAIRMAN MILAN: Or does. And I mean I
21 see that in the file she does have a lot of
22 records from like 2012 where it says she lived
23 there. But we almost have to repeat that
24 exercise, but I think it's kind of meaningless if
25 seven, in the ordinance says you're not -- you

1 don't have any benefit from being owner occupied,
2 you still are under rent leveling.

3 MR. NG: Do we have the opportunity to
4 speak to someone in building department to clarify
5 if those apartments are legally seven or six?

6 MR. MAROTTA: For purposes of rent
7 control, if they're being utilized, then it won't
8 matter whether they're legal or not, we've already
9 ruled on that. So I believe -- but we often
10 request the building department to do an
11 inspection for the purposes of calculating how
12 many apartments are in the building.

13 CHAIRMAN MILAN: I think if we are to be
14 thorough and not open ourselves to being reviewed
15 and found lacking, it would probably make sense
16 to, rather than closing it right now, since
17 there's a discrepancy, to have either someone from
18 the building department go to those apartments
19 and, you know, certify that yes there's seven or I
20 only saw six.

21 MR. NG: I'd be more than happy because
22 by just closing the case, I don't want to put the
23 board in a bad spot, it's seven, it's seven. What
24 about if building says six?

25 MR. MAROTTA: Correct.

1 MR. NG: Then --

2 CHAIRMAN MILAN: I think so, and you
3 guys are -- with all due respect, that's not your
4 area of jurisdiction. So we probably should --

5 MR. NG: I understand 100 percent.

6 CHAIRMAN MILAN: -- let them do it. So
7 I think I would table it. I think the owner
8 occupied is not a real -- we don't have to go into
9 the minute thing of does she really live there or
10 not because it's -- if it's seven, it's moot, it's
11 academic. Whereas if it's six, then we may have
12 to go and cross that bridge. But as of now, it's
13 pretty clear to me that if you have six and then
14 you put her own, even if she was claiming it,
15 that's seven.

16 MR. NG: If inspector goes from building
17 department and they say seven, we don't have to
18 come back here.

19 MR. MAROTTA: It would have to be
20 presented, but not bringing --

21 CHAIRMAN MILAN: Present it, but
22 technically what you have to do is rescind your
23 letter because you're back to where you were
24 before.

25 MR. NG: I have no issue with that.

1 CHAIRMAN MILAN: So I think I would like
2 to probably table it and wait until someone
3 from -- if you can ask -- I don't know what the
4 proper procedure is. But if someone could ask the
5 building department to send someone.

6 MR. NG: I'll work on that tomorrow
7 morning.

8 CHAIRMAN MILAN: So if everybody is in
9 accordance, we can definitely table it and let
10 building say seven or six. If it's seven, it's a
11 done deal. If it's six, then we may have to -- if
12 they come back and let us know it's six, we may
13 ask to the landlord to bring a bunch of records.
14 Because she's going have to prove then that she
15 does live there seriously.

16 MR. MAROTTA: Correct.

17 CHAIRMAN MILAN: I'm making a motion to
18 table it while someone from the building
19 department corroborates that it is seven
20 apartments.

21 COMMISSIONER POZO: I second it.

22 MR. NG: Our chairman, Mr. Milan, made
23 the motion and second by Commissioner Ydaly Pozo.
24 Roll call.

25 Commissioner Norma Guevara.

1 COMMISSIONER GUEVARA: Yes.
2 MR. NG: Commissioner Ydaly Pozo.
3 COMMISSIONER POZO: Yes.
4 MR. NG: Commissioner Yamirus Holguin.
5 COMMISSIONER HOLGUIN: Yes.
6 MR. NG: Commissioner Rosana Colon.
7 COMMISSIONER COLON: Yes.
8 MR. NG: Chairman Juan Milan.
9 CHAIRMAN MILAN: Yes.
10 MR. NG: Motion has passed.
11 CHAIRMAN MILAN: Okay.
12 MS. OCEGUERA: Am I going to get a
13 letter?
14 CHAIRMAN MILAN: They have to get an
15 inspection. They're going to ask someone from the
16 building department to go to apartment by
17 apartment to see if it's seven or six. They want
18 to prove whether it's six or seven. That's what
19 they're doing, but people have to go. Okay.
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OTHER BUSINESS:

CHAIRMAN MILAN: I make a motion that we take public testimony, if there's any?

MR. MAROTTA: We have a resolution.

CHAIRMAN MILAN: But yeah --

MR. NG: Motion was made by Mr. Milan.
Any second?

COMMISSIONER POZO: Second.

MR. NG: Commissioner Ydaly Pozo.

Commissioner Norma Guevara.

COMMISSIONER GUEVARA: Yes.

MR. NG: Commissioner Ydaly Pozo.

COMMISSIONER POZO: Yes.

MR. NG: Commissioner Yamirus Holguin.

COMMISSIONER HOLGUIN: Yes.

MR. NG: Commissioner Rosana Colon.

COMMISSIONER COLON: Yes.

MR. NG: Chairman Milan.

CHAIRMAN MILAN: Yes.

MR. NG: Motion passed.

CHAIRMAN MILAN: Is there anyone that wants to avail themselves of the right to speak in public?

MR. NG: There's nobody.

1 CHAIRMAN MILAN: Seeing no one, I make a
2 motion that we close the public section of the
3 meeting.

4 COMMISSIONER COLON: I second that.

5 MR. NG: Second by Commissioner Rosana
6 Colon.

7 Commissioner Norma Guevara.

8 COMMISSIONER GUEVARA: Yes.

9 MR. NG: Commissioner Ydaly Pozo.

10 COMMISSIONER POZO: Yes.

11 MR. NG: Commissioner Yamirus Holguin.

12 COMMISSIONER HOLGUIN: Yes.

13 MR. NG: Commissioner Rosana Colon.

14 COMMISSIONER COLON: Yes.

15 MR. NG: Chairman Milan.

16 CHAIRMAN MILAN: Yes.

17 MR. NG: Motion has passed.

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1 **RESOLUTION:**

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3 CHAIRMAN MILAN: I know we have a
4 finding of facts resolution?

5 MR. MAROTTA: That was our last meeting
6 in July.

7 CHAIRMAN MILAN: So still pretty fresh.

8 MR. MAROTTA: If everybody read that, so
9 you can vote on it.

10 CHAIRMAN MILAN: Yamirus the only one
11 that is listed --

12 MR. MAROTTA: Rosana, Norma, and you.
13 So if you could read that.

14 At this point, I request a motion to
15 memorialize the resolution, that it is an accurate
16 depiction of what occurred at that meeting and of
17 the vote.

18 CHAIRMAN MILAN: I make a motion that we
19 accept the findings of the fact resolution and
20 conclusions of law for 123 44th Street, Apartment
21 1, in order to memorialize the decision that was
22 made at the board's meeting from July 2024.

23 MR. NG: So motion was made by our
24 chairman, Mr. Milan.

25 COMMISSIONER COLON: Second.

1 MR. NG: Second by Commissioner Colon.

2 MR. MAROTTA: Thank you.

3 MR. NG: Commissioner Norma Guevara.

4 COMMISSIONER GUEVARA: Yes.

5 MR. NG: Commissioner Ydaly Pozo.

6 COMMISSIONER POZO: Abstain.

7 MR. NG: Commissioner Yamirus Holguin.

8 COMMISSIONER HOLGUIN: Abstain.

9 MR. NG: Commissioner Rosana Colon.

10 COMMISSIONER COLON: Yes.

11 MR. NG: Chairman Juan Milan.

12 CHAIRMAN MILAN: Yes.

13 MR. NG: Three yes, two abstain.

14 CHAIRMAN MILAN: Passes.

15 MR. MAROTTA: Okay.

16 CHAIRMAN MILAN: Any other resolutions?

17 MR. MAROTTA: No. There's a discussion.

18 MR. NG: Okay. So I can talk about

19 Sandra.

20 So I just wanted to tell the board and
21 staff, lawyers, that our vice chairman Sandra
22 Vasquez has resigned. And she sent a letter of
23 resignation to the mayor explaining the details
24 why, personal reasons -- for good things, not for
25 nothing bad. And I have the letter that she asked

1 me to read it to the board with all the respect
2 and that's what I'm going to do. This letter was
3 addressed to the mayor of the city, Mr. Brian P.
4 Stack. And it says:

5 I hope this letter finds you well. I'm
6 writing to formally announce my resignation from
7 my position as vice chairperson of the City of
8 Union City rent leveling board effective
9 immediately. This decision has not been easy for
10 me, but after careful consideration I have decided
11 to step down due to personal reasons. I wanted to
12 express my sincere gratitude for the opportunities
13 and experience that I have had while serving as a
14 board member of the Union City Rent Stabilization
15 Board. I have learned a great deal and I'm proud
16 to have been a part of such a dedicated community.
17 I appreciate your understanding and support during
18 this time. Thank you for the opportunity to serve
19 on the board and for your understanding. I look
20 forward to staying in touch with everybody and
21 wish you and the City of Union City Rent Leveling
22 Board continued success. Sandra Vasquez.

23 So the mayor received it and send it to
24 our lawyers, Scarinci firm, and I believe CC you,
25 CC me. And this is what it is. My idea is that

1 if we can write a letter on behalf of all of us
2 just to say thanks to Ms. Vasquez.

3 MR. MAROTTA: Yes, that's nice.

4 MR. NG: She's been here many years.

5 CHAIRMAN MILAN: That would be nice.

6 MR. NG: I start in 2016, she was here.

7 CHAIRMAN MILAN: I would say over ten,
8 definitely over ten.

9 MR. NG: And she always here, you know,
10 she never missed.

11 CHAIRMAN MILAN: Very professional.
12 That's a sad loss in a way, but
13 hopefully for the best for her. And we definitely
14 will miss her.

15 MR. MAROTTA: Absolutely.

16 MR. NG: I think she's moving out of the
17 country.

18 CHAIRMAN MILAN: We'll definitely miss
19 her.

20 MR. NG: I will tell her.

21 CHAIRMAN MILAN: It's a lot better than
22 the last three, where we were remembering members
23 who passed away. So this is better. And we're
24 happy for her. And that's a decision she made for
25 her best, that's great. Anything else that anyone

1 has?

2 MR. NG: Not that I know. Maybe -- we
3 good for next month, we good for --

4 MR. MAROTTA: October 5th.

5 MR. NG: But I believe we have a couple
6 months that Susan told me, November and
7 December --

8 MR. MAROTTA: October 7th.

9 MR. NG: -- we maybe have to change the
10 date because of conflicts of the days in the
11 schedule that she had previously when we schedule
12 the entire year.

13 MR. MAROTTA: Okay.

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ADJOURNMENT :

CHAIRMAN MILAN: I make a motion to
adjourn.

COMMISSIONER POZO: Second.

MR. NG: All in favor?

(All Board Members indicate in the
affirmative.)

(Whereupon the meeting was adjourned at
8:45 p.m.)

C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing is a true and accurate transcript of the testimony and proceedings as taken stenographically by me at the time, place, and on the date hereinbefore set forth.

SUSAN BISCHOFF, CCR, RPR
LICENSE NO. 30XI00233700