

Wilentz Shareholder Robert Beckelman Secures Appellate Division Reversal of Rent Control Ruling for Hoboken Apartment Building

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Robert Beckelman, Shareholder on the Wilentz [Real Estate](#) and [Redevelopment](#) teams, represented the owner of a 144-unit apartment building in Hoboken challenging a decision by the Hoboken Rent Leveling and Stabilization Board that it was not exempt from rent control, pursuant to State statute, due to its alleged failure to file a claim for the exemption under the statute.

The case arose when a tenant of the building sought a legal rent calculation from the Hoboken Rent Control Officer, asserting that his lease did not include notice of the exemption and that the owner had failed to file a claim for such exemption with the City, pursuant to N.J.S.A. 2A:42-84.3 and 84.4, respectively, of a State statute exempting newly-constructed multiple dwellings from local rent control for up to 30 years. The lack of notice in the lease was an error that was immediately corrected, and the owner submitted evidence that the exemption claim had been filed with the City. The owner appealed the determination to the Board, which not only affirmed the rent calculation for that tenant but rejected the owner's evidence and argument that the prior owner had filed the claim for the exemption, declaring the entire building subject to rent control.

Mr. Beckelman filed an action in Hudson County Superior Court, which affirmed the Board's decision. Mr. Beckelman then appealed the trial court decision to the Appellate Division. While affirming the rent calculation for the tenant in question based upon the lack of notice in that tenant's lease, the Appellate Division held that the Board's finding about the owner's failure to provide an exemption claim to the City was inadequately explained and unsupported by sufficient record evidence and vacated that portion of the Board's decision. As a result, the Board's decision to revoke the exemption and finding that the entire building was subject to rent control was reversed.

Results achieved in prior matters are not meant to be a guarantee of success as the facts and legal circumstances vary from matter to matter.

Practices

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