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April 21, 2023

**Via E-Mail**

Ronald S. Ladell, Sr. Vice President  
AvalonBay Communities, Inc.  
517 US-1, Suite 5500  
Iselin, New Jersey 08830

**Re: 800 Madison Street, Hoboken, NJ; Rent Control Exemption Status**

Dear Mr. Ladell:

This Firm has been retained by the City of Hoboken (the "City") to investigate the exemption status of the Avalon Hoboken building located at 800 Madison Street, Hoboken, New Jersey, 07030 (the "Property") from Chapter 155 of the City Code (the "Rent Control Ordinance"). In that connection, please accept this correspondence as the City's formal notice that the Property is subject to the City's Rent Control Ordinance.

Pursuant to N.J.S.A. 2A:42-84.1, et seq. (the "Act"), a newly constructed multiple dwelling may claim an exemption from a municipal rent control or rent leveling ordinance. To properly claim an exemption pursuant to the Act, the owner of the property is required to satisfy two express conditions: (i) notify the prospective tenants prior to entering into any lease the building is exempt from rent control; and (ii) notify the municipal construction official of the owner's claim of exemption.

N.J.S.A. 2A:42-84.4 explicitly provides:

the owner of any multiple dwelling claiming an exemption from a rent control or rent leveling ordinance pursuant to this act **shall file with the municipal construction official, at least 30 days prior to the issuance of a certificate of occupancy for the newly constructed multiple dwelling, a written statement of the owner's claim of exemption from an ordinance under this act**, including therein a statement of the date upon which the exemption period so claimed shall commence, such information as may be

Ronald Ladell, Sr. Vice President  
April 21, 2023  
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necessary to effectively locate and identify the multiple dwelling for which the exemption is claimed, and a statement of the number of rental dwelling units in the multiple dwelling for which the exemption is claimed. The owner shall, at least 30 days prior to the date of the termination of the exemption period afforded pursuant to this act, file with the municipal construction official a notice of the date of termination of the exemption period for the affected multiple dwelling.

(emphasis added).

The City has reviewed its records with respect to the Property and recognized the Property failed to comply with N.J.S.A. 2A:42-84.4. Specifically, the Certificate of Occupancy was issued to the Property on September 8, 2009. As such, a letter claiming the exemption for the Property pursuant to the Act would have been due on or before August 9, 2009. However, the City did not receive a letter on behalf of the owner of the Property claiming the exemption until October 20, 2010, over one (1) year after the mandatory deadline. Therefore, the Property is in violation of the Act as the exemption letter was not timely filed pursuant to N.J.S.A. 2A:42.84.4. Enclosed for your consideration as **Exhibit "A"** is the Certificate of Occupancy issued for the Property and **Exhibit "B"** the subject letter claiming the exemption on file with the City's Clerk's Office.

Based on the foregoing, the owner of the Property's failure to timely file an exemption letter pursuant to the Act subjects the Property to the City's Rent Control Ordinance. As such, please proceed accordingly in compliance with the City's Rent Control Ordinance.

Thank you for your attention to this matter.

Very truly yours,



Ramon E. Rivera

Encls.

cc: Client (via E-Mail)

# **EXHIBIT “A”**



City of Hoboken  
 94 Washington Street-1st Floor  
 Hoboken NJ 07030-4585  
 201-420-2066

**CERTIFICATE  
 IDENTIFICATION**

Date Issued: 09/08/2009  
 Control #: 17187  
 Permit #: 20070289

Block: 88 Lot: 30 Qualification Code: \_\_\_\_\_  
 Work Site Location: 800-830 MADISON ST  
HOBOKEN  
 Owner in Fee: BLOCK 88 DEVELOPMENT LLC  
 Address: 423 WEST 55TH STREET, 12TH FL  
NEW YORK NY 10019  
 Telephone: 212 949-5000  
 Agent/Contractor: AJD Construction  
 Address: 948 Highway 36  
Leonardo NJ 07737  
 Telephone: 732 291-9800  
 Lic. No./ Bldrs. Reg.No.: \_\_\_\_\_ Federal Emp. No.: 22-2169550  
 Social Security No.: \_\_\_\_\_

Home Warranty No: ON FILE  
 Type of Warranty Plan:  State  Private  
 Use Group: R-2  
 Maximum Live Load: \_\_\_\_\_  
 Construction Classification: 2B  
 Maximum Occupancy Load: 220U  
 Certificate Exp Date: \_\_\_\_\_  
 Description of Work/Use:  
SIX (6) STORY BLDG., TWO HUNDRED TWENTY (220) UNITS WITH TWO HUNDRED AND TWENTY TWO (222) PARKING SPACES AS PER PLAN AND ZONING APPROVAL OF 8/28/09.  
 Update Desc. of Wk/Use: \_\_\_\_\_

**CERTIFICATE OF OCCUPANCY**

This serves notice that said building or structure has been constructed in accordance with the New Jersey Uniform Construction Code and is approved for occupancy.

**CERTIFICATE OF APPROVAL**

This serves notice that the work completed has been constructed or installed in accordance with the New Jersey Uniform Construction Code and is approved. If the permit was issued for minor work, this certificate was based upon what was visible at the time of inspection.

**TEMPORARY CERTIFICATE OF OCCUPANCY/COMPLIANCE**

If this is a temporary Certificate of Occupancy or Compliance, the following conditions must be met no later than \_\_\_\_\_ or will be subject to fine or order to vacate:

*Alfred N. Arezzo*

Alfred N. Arezzo Construction Official

U.C.C 260 (rev. 5/03)

1 - APPLICANT 2 - OFFICE 3 - TAX ASSESSOR

**CERTIFICATE OF CLEARANCE-LEAD ABATEMENT 5:17**

This serves notice that based on written certification, lead abatement was performed as per NJAC 5:17, to the following extent:

- Total removal of lead-based paint hazards in scope of work
- Partial or limited time period(\_\_\_\_ years); see file

**CERTIFICATE OF CONTINUED OCCUPANCY**

This serves notice that based on a general inspection of the visible parts of the building there are no imminent hazards and the building is approved for continued occupancy.

**CERTIFICATE OF COMPLIANCE**

This serves notice that said potentially hazardous equipment has been installed and/or maintained in accordance with the New Jersey Uniform Construction Code and is approved for use until \_\_\_\_\_

Fees: \$12,486.00

Paid  Check No.: 100164

Collected by: RR

# **EXHIBIT “B”**

**JOHN J. CURLEY LLC**

Attorneys at Law

**John J. Curley**

Harborside Financial Center  
1202 Plaza Ten  
Jersey City, NJ 07311

**JCurley@curlaw.com**

Tel: (201) 217-0700  
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October 20, 2010

**CLAIM OF RENT CONTROL EXEMPTION  
FOR NEWLY CONSTRUCTED MULTIPLE DWELLING**

Alfred Arezzo, Construction Official  
City of Hoboken  
City Hall  
94 Washington Street  
Hoboken, NJ 07030

0 - 31 2010

Property: 800 Madison Street, Hoboken, New Jersey  
Block 88 - Lots 1 to 32  
Owner: 800 Madison Street Urban Renewal, LLC  
Our File No. 295.9960

Dear Mr. Arezzo:

I represent the owner of the above property upon which there is a newly constructed multiple dwelling. I am submitting this letter as the written statement of the owner's claim of exemption from the Hoboken Rent Control Ordinance pursuant to N.J.S.A. 2A:42-84.1, et seq.

The date upon which the exemption period claimed pursuant to the statute commenced is September 8, 2009 or, if earlier, the date of first issuance of a temporary or permanent certificate of occupancy for any part of the multiple dwelling. The property address of the multiple dwelling and the lot and block designation on the Hoboken Tax Map are set forth above. An exemption is claimed from the Hoboken Rent Control Ordinance for 217 rental dwelling units in the multiple dwelling.

In that there is no initial mortgage financing for this project, the period of exemption from the Hoboken Rent Control Ordinance shall be thirty (30) years from the completion of construction.

Please advise if any filing fees or any additional information or documentation is required in order to claim the exemption set forth in this letter.