

Brach Eichler L.L.C.

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Attorneys for Plaintiff
334 Hudson Street Realty LLC

334 HUDSON STREET REALTY,
LLC,

Plaintiffs,

vs.

CITY OF HOBOKEN; CITY OF
HOBOKEN and the DEPARTMENT
OF HUMAN SERVICES, RENT
LEVELING AND STABILIZATION
BOARD,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: HUDSON COUNTY

DOCKET NO.:

Civil Action

**COMPLAINT
IN LIEU OF PREROGATIVE WRIT
PURSUANT TO RULE 4:69-1**

Plaintiff, 334 Hudson Street Realty, LLC ("Plaintiff" or "Hudson Street"), is the owner of the building located at 334 Hudson Street, City of Hoboken, County of Hudson, State of New Jersey ("Subject Property"), by way of Complaint against Defendants, says:

1. Plaintiffs is the owner of the building commonly known as 334 Hudson Street, City of Hoboken (the "Building"). The Building contains 8 Residential Units that are all 1 bedroom apartments.

2. Defendant, City of Hoboken ("Hoboken"), is a municipal corporation, duly organized and existing pursuant to and in accordance with the laws of the State of New Jersey.

3. The Defendant City of Hoboken, Department of Human Services, Rent Leveling and Stabilization Board (the "Board") is charged with the enforcement of Chapter 155 of the Municipal Code of the City of Hoboken (the "RCO"). As it relates to this matter, the Board is charged with making all determinations regarding Sec. 155-14 of the RCO.

4. Pursuant to Section 155-14 of the RCO, in the “the event that a landlord cannot meet his operating expenses or does not make a fair return on his investment, he may appeal to the Rent Leveling and Stabilization Board for a hardship rental increase.”

5. Consistent with the RCO, in December 2023, plaintiff filed an application pursuant to the RCO with the Board seeking a hardship rental increase for the Unit.

6. The hearing of this application was scheduled for public hearing on May 22, 2024. The hearing was thereafter rescheduled by the Board until June 12, 2024 to provide the tenants with an opportunity to review the application.

7. Prior to the June 12, 2024 hearing date, the Plaintiff filed additional documents to update the December 2023 application. Specifically, this additional information provided the board with updated income and expenses for the property through the the first quarter of 2024 to give a more complete financial picture for the property.

8. The June 12, 2024 hearing date was canceled by the Board due to a lack of quorum and was rescheduled for June 26, 2024.

9. On June 26, 2024, the Board conducted a public meeting to review the hardship application.

10. During the hearing, the Plaintiff provided the substantial evidence and testimony of property representatives to confirm that its application fully satisfied the RCO's requirements.

11. Despite that complying with those obligations, the Board denied Plaintiff's application.


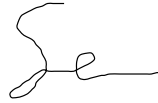
12. In so doing, the Board acted in a manner that was arbitrary, capricious and unreasonable which violated the Procedural and Substantive due process rights of Plaintiff.

13. The denial of the Application in the face of the overwhelming proofs supporting the request was arbitrary, capricious and unreasonable and has resulted in an unconstitutional application of the RCO as to Plaintiff.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally for:

- a. A declaration that the Defendant's actions violated both the Plaintiff's Procedural and Substantive Due Process rights provided for under the RCO;
- b. A declaration that the Board's June 26, 2024 Decision and subsequent resolution are void as the Defendants' actions are arbitrary, capricious and unreasonable;
- c. A declaration and Judgment the Plaintiff's hardship application is granted and that each apartment's rent be increased by a total of \$475.35 per month; and
- d. For any and all other such relief as may be granted.

Brach Eichler L.L.C.
Attorneys for Plaintiff
334 Hudson Street Realty LLC



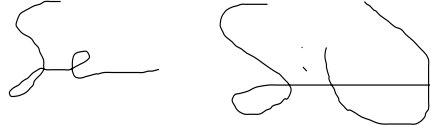
By: _____
SEAN A. SMITH, ESQ.

Dated: August 2, 2024

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:5-1(c), SEAN A. SMITH, is hereby designated as trial counsel for the within matter.

Brach Eichler L.L.C.
Attorneys for Plaintiff
334 Hudson Street Realty LLC

Handwritten signature of Sean A. Smith in black ink, consisting of a stylized 'S' followed by 'e' and 'A. SMITH'.

By: _____
SEAN A. SMITH, ESQ.

Dated: August 2, 2024

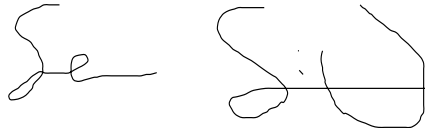
CERTIFICATION PURSUANT TO 4:5-1

I, Sean A. Smith, certify that:

I am counsel with the firm of Brach Eichler L.L.C., attorneys for the Plaintiff 334 Hudson Street Realty LLC. Upon information and belief, the matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding; and no other action or arbitration proceeding is contemplated. At this time the plaintiffs know of no other party who should be joined in the action.

I certify that the foregoing statements made by me are true. I am aware that if any of the statements made by me are willfully false, I am subject to punishment.

Brach Eichler L.L.C.
Attorneys for Plaintiff
334 Hudson Street Realty LLC



By: _____
SEAN A. SMITH, ESQ.

Dated: August 2, 2024

CERTIFICATION PURSUANT TO 4:69-4

I, Sean A. Smith, certify that:

I am counsel with the firm of Brach Eichler L.L.C., attorneys for the Plaintiff 334 Hudson Street Realty LLC. Pursuant to R. 4:69-4, I hereby certify that all necessary transcripts of the local agency proceeding have been or will be ordered.

I certify that the foregoing statements made by me are true. I am aware that if any of the statements made by me are willfully false, I am subject to punishment.

A handwritten signature in black ink, appearing to read 'Sean A. Smith', written over a horizontal line.

SEAN A. SMITH, ESQ.

Dated: August 2, 2024