

**REGULAR MEETING  
OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS  
WAS HELD THIS EVENING IN THE MUNICIPAL BUILDING**

**Monday, March 28, 2016**

Council President Louis Fontana called the meeting to order at 7:00 p.m. with the following members present: Joseph Maceri, William Liess, and James Damiano. Also present were Mayor Darlene Conti, Township Attorney Leslie London, Township Engineer Dennis Lindsay, and Township Administrator Charles Cuccia.

Absent: Councilmember Pamela Porter

Township Employees present: Lt. Steven Post, Fire Chief Jack Sweezy, DPW Superintendent Philip Simone, DPW Secretary Joyce Swartz, Deputy Registrar Marlene Simone, and Recreation Director John Pace

Following the Salute to the Flag, the Statement of Public Notice was read.

**STATEMENT OF PUBLIC NOTICE:** Take notice that adequate notice of this meeting was provided in accordance with N.J.S.A. 10:4-8 and N.J.S.A. 10:4-10 as follows: A notice of the meeting was prominently posted on the bulletin board at the Municipal Building, located at 225 Main Street, Little Falls, N.J. on January 8, 2016; a copy of the notice was faxed to the North Jersey Herald and News and The Record on the same date; additionally, a copy of the notice was filed in the office of the Township Clerk on said date.

**REMARKS FROM CHAIR**

Council President FONTANA proclaimed over 2,000 eggs were distributed to 257 children at the annual Easter Egg Hunt. He commended Mr. Pace and the Recreation Department on a job well done.

**COUNCIL MEMBER REPORTS**

Councilmember DAMIANO reported he received a letter from Montclair State University outlining an economic impact study, and the economic benefits bestowed upon the State of New Jersey. Councilmember DAMIANO requested a letter be sent to Montclair State University to specifically advise the Township what economic benefits the University has provided to the Township.

Councilmember MACERI congratulated the Jr. Hornets C squad on their championship and welcomed them on accepting the Proclamation from the Mayor.

Councilmember LIESS discussed preparations for the upcoming Memorial Day Parade to be held Saturday, May 28, 2016, sponsored by the VFW and our veterans.

**MAYOR'S REPORT**

At this time, Mayor Conti invited the Councilmembers, members of the Junior Hornets, cheerleaders, and coaches present themselves and accept the Proclamation.

Mayor Conti read the Proclamation for Arbor Day. She announced the Township received a letter from the Arbor Day Foundation recognizing the Township as part of the 2015 Tree City USA. She reiterated that the Freeholders Workshop will be at the Municipal Building on April, 26, 2016 at 5:30 p.m. followed by their Regular Meeting. The Mayor also requested Council approval for reappointment of Bonnie Nolan to the standard term on the Library Board.

It was moved by Councilmember Damiano, seconded by Councilmember Maceri, that Bonnie Nolan be approved as a Library Board member.

Poll: Ayes: Maceri, Liess, Damiano and Council President Fontana  
Nays: None

The Council President declared the motion passed

**ATTORNEY'S REPORT**

Ms. London had nothing to report.

**PUBLIC COMMENT**

It was moved by Councilmember Damiano, seconded by Councilmember Maceri, that the meeting be and it was opened to the public.

Poll: Ayes: Maceri, Liess, Damiano and Council President Fontana  
Nays: None

The Council President declared the motion passed.

Tricia Toomey & Bonnie Nolan- 139 Wilmore Road & 31 Prospect Street, respectively on behalf of the Library Board, invited residents to attend an Oral History project on April 2, 2016 at 10:30am to document Little Falls history past and present. An interactive website will be built and interviews recorded in collaboration with Montclair State University. Two other events include a performance of Little Women on May 14, 2016 at 1:00 p.m., and on June 11, 2016 there will be a hundredth birthday party with many activities planned.

**Meeting of March 28, 2016**

It was moved by Councilmember Damiano, seconded by Councilmember Maceri, that the meeting be and it was closed to the public.

Poll: Ayes: Maceri, Liess, Damiano, and Council President Fontana  
 Nays: None

The Council President declared the motion passed.

Council President FONTANA expressed his anticipation for the oral history project and encouraged participation.

**CONSENT AGENDA**

All items on the Consent Agenda were considered to be routine and were enacted with a single motion. Any items under REQUISITIONS carried a Treasurer’s certification as to sufficiency of funds.

**APPLICATIONS**

Raffle- Cedar Grove High School Association of Parents and Teachers, On-Premise 50/50, 4/30/16, 7-11 p.m., 245 Paterson Avenue, Little Falls

Raffle – Henry Buikema American Legion Post #121, Instant Pull Tab Raffle, Annual License 4/1/16-4/1/17, 55 Van Ness Ave., Little Falls

Raffle – Little Falls Alliance for a Better Community, On-Premise 50/50, 6/23/16, 5-9 p.m., 4-6 Woodhull Avenue, Little Falls

Red Light Permit – Edmund Pomponio, Donato Drive, Little Falls Fire Department

Blue Light Permit – Erik Holzach, Viewmont Terrace, Little Falls Fire Department

**REPORTS**

Municipal Clerk’s Report – Month of February 2016

MUNICIPAL CLERKS REPORT  
 Month of February 2016

ABC LICENSES		
OTHER LICENSES		
Business Licenses	\$870.00	
Pre-paid Business Licenses		
Raffle Licenses	\$20.00	
		\$890.00
REGISTRAR OF VITAL STATISTICS		
Fees & Permits	\$336.00	
Marriage Licenses-LF	\$9.00	
Marriage Licenses-NJ	\$75.00	
		\$420.00
MRNA		
Street Maps	\$	
Zoning Maps	\$	
Zoning Ordinances		
Document Copies	\$23.47	
Garage Sales	\$5.00	
Misc. Fees & Refunds:		
		\$28.47
TOTAL MRNA		\$28.47
TOTAL CURRENT ACCOUNT		\$1,338.47
TOTAL TO TREASURER		\$1,338.47

TAX COLLECTOR’S REPORT FOR THE MONTH OF JANUARY 2016  
**MONTHLY REPORT**

Municipality of Township of Little Falls  
 Office of the Tax Collector  
 Township of Little Falls Current Account, Lakeland Bank  
 Revenues Collector for the Month of January 2016

Categories 01-	January 1-29, 2016	2016 Year to Date
2016 Taxes	\$1,249,180.24	\$1,249,180.24
2015 Taxes	178,585.22	178,585.22
2014 Taxes	142.22	142.22
Interest	18,621.04	18,621.04
Duplicate Tax Bills	15.00	15.00
6% Penalty Fee	8,933.83	8,933.83
<b>GRAND TOTALS</b>	<b>\$1,455,477.55</b>	<b>\$1,455,477.55</b>

Delinquent 2014 Taxes \$250.00 (1) Senior Citizen Disallowance  
 Delinquent 2015 Taxes \$523,087.05 (1<sup>st</sup>-4<sup>th</sup> Qtrs.)  
**Total Delinquent Taxes \$523,337.05**

2016 Refunds this month = -\$0.00  
 2016 Year to date refunds = -\$0.00

**Breakdown of refunds for years 2013-2016 completed in 2016(see attached).**

Prepared by: \_\_\_\_\_ Dated: March 7, 2016\*.  
 Denise Whiteside, Tax Collector

\*N.J.S.A. 54:4-73 due to governing body on February 1, 2016.

**Meeting of March 28, 2016**

cc: CMFO, Mayor, Council, Administrator, Clerk, Attorney & Auditor file.

**REFUNDS IN THE YEAR 2016**

Months	2013 STCJ	2014 STCJ	2015 STCJ	2016 STCJ	2016 CBJ	Regular 2016	2016 Veteran / Widow	2016 Senior/ Disabled	Exempt 2016	2016 Homestead Benefit	Total by Months
January	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Totals</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Note: The above figures represent the months that the Tax Collector did the adjustments in the computer; the Resolution(s) may have been adopted in the next month.

STCJ = State Tax Court Judgments.  
CBJ= County Board Judgments.

**MONTHLY REPORT**

Municipality of Township of Little Falls  
Office of the Tax Collector  
Township of Little Falls Tax Collector Trust Account, Lakeland Bank  
Revenues Collector for the Month of January 2016

Categories 34-	January 1-29, 2016	2016 Year to Date
Outside Lien	\$7,837.59	\$7,837.59
<b>GRAND TOTALS</b>	<b>\$7,837.59</b>	<b>\$7,837.59</b>

**TAX COLLECTOR'S REPORT FOR THE MONTH OF FEBRUARY 2016**  
**MONTHLY REPORT REVISED APRIL 1, 2016**

Municipality of Township of Little Falls  
Office of the Tax Collector  
Township of Little Falls Current Account, Lakeland Bank  
Revenues Collector for the Month of February 2016

Categories 01-	February 1-29, 2016	2016 Year to Date
2016 Taxes	\$8,888,307.47	\$10,137,487.71
2015 Taxes	116,620.37	295,205.59
2014 Taxes	0.00	142.22
Interest	9,062.41	27,683.45
Duplicate Tax Bills	215.00	230.00
Insufficient Check Charge	40.00	40.00
6% Penalty Fee	749.91	9,683.74
<b>GRAND TOTALS</b>	<b>\$9,014,995.16</b>	<b>\$10,470,472.71</b>

Delinquent 2014 Taxes \$250.00 (1) Senior Citizen Disallowance  
Delinquent 2015 Taxes 398,969.85 (1<sup>st</sup>-4<sup>th</sup> Qtrs.)  
Delinquent 2016 Taxes 1,162,552.60 (1<sup>st</sup> Qtr.)  
**Total Delinquent Taxes \$1,561,772.45**

2016 Refunds this month = -\$0.00  
2016 Year to date refunds = -\$0.00

**Breakdown of refunds for years 2013-2016 completed in 2016(see attached).**

Prepared by: \_\_\_\_\_ Dated: March 9, 2016\*/Revised April 1, 2016.  
Denise Whiteside, Tax Collector

\*N.J.S.A. 54:4-73 due to governing body on March 1, 2016.

cc: CMFO, Mayor, Council, Administrator, Clerk, Attorney & Auditor file.

**REFUNDS IN THE YEAR 2016**

Months	2013 STCJ	2014 STCJ	2015 STCJ	2016 STCJ	2016 CBJ	Regular 2016	2016 Veteran / Widow	2016 Senior/ Disabled	Exempt 2016	2016 Homestead Benefit	Total by Months
January	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
February	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Totals</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Note: The above figures represent the months that the Tax Collector did the adjustments in the computer; the Resolution(s) may have been adopted in the next month.

STCJ = State Tax Court Judgments.  
CBJ= County Board Judgments.

Municipality of Township of Little Falls  
Office of the Tax Collector  
Township of Little Falls Tax Collector Trust 1 (Lien Monies), Lakeland Bank  
Revenues for the Month of February 2016

	2016 Deposit	2016 Year-to-Date
January 2016	\$7,837.59	\$7,837.59
February 2016	\$ 0.00	\$7,837.59
Total Collected as of February 29, 2016		\$7,837.59

**RESOLUTIONS**

Advertisement for Third Party Billing Service

**RESOLUTION [A] 16-03-28 - #1**

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE USE OF COMPETITIVE CONTRACTING FOR THE SOLICITATION OF PROPOSALS FOR THE PROVISION OF A THIRD PARTY BILLING SERVICE FOR MUNICIPAL BASIC LIFE SUPPORT (BLS) AMBULANCE SERVICES**

**WHEREAS**, the Township desires to procure the services of a Third Party Billing Service for Municipal Life Support (BLS) Ambulance Service; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-4.1, the Township may use competitive contracting in lieu of public bidding for procurement of such services; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-4.3, the Township is required to pass a resolution authorizing the use of competitive contracting; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-4.3, the competitive contracting process, including the preparation of a request for proposals (the "RFP"), solicitation of proposals, and award of a contract based upon the methodology set forth in the aforesaid RFP, must be administered by the Township's Qualified Purchasing Agent.

**NOW THEREFORE BE IT RESOLVED** by the Township Council of the Township of Little Falls, Passaic County, New Jersey as follows:

The Township hereby authorizes a competitive contracting process for the solicitation of proposals for the provision of a Third Party Billing Service for Municipal Life Support (BLS) Ambulance Service.

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Grant Writing Services

**RESOLUTION [B] 16-03-28 - #2**

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH CAPITAL ALTERNATIVES CORPORATION FOR GRANT WRITING SERVICES**

**WHEREAS**, the Township Council wishes to pursue more grants for Township improvements; and

**WHEREAS**, Capital Alternatives Corporation is a professional grants consulting firm which receives payment based on awarded grants through the firm, which would be the most cost-effective option to the Township;

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of the Township of Little Falls hereby authorizes the Mayor to execute an agreement with Capital Alternatives Corporation for Grant Writing Services.

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Mutual Aid

**RESOLUTION [C] 16-03-28 - #3**

**RESOLUTION TO AUTHORIZE THE TOWNSHIP OF LITTLE FALLS FIRE DEPARTMENT TO RECEIVE AND PROVIDE MUTUAL AID TO NEIGHBORING MUNICIPALITIES IN THE EVENT OF AN EMERGENCY**

**WHEREAS**, the State of New Jersey adopted the "Fire Service Resource Emergency Deployment Act", N.J.S.A. 52:14E-11, et seq. to establish a mechanism for the coordination of the fire service resources throughout the State to facilitate a quick and efficient response to any emergency incident or situation that requires the immediate deployment of those resources in order to protect life and property from the danger or destruction of fire, explosion or other disaster; and

**WHEREAS**, from time to time, fire departments in nearby municipalities need to call upon one another for assistance (hereinafter referred to as "mutual aid"); and

**WHEREAS**, the Director of the Division of Fire Safety within the Department of Community Affairs promulgated rules commonly referred to as the "Fire Service Resource Emergency Deployment Regulation", N.J.A.C. 5:75A-2.2, specifically requires each municipality or fire district to adopt a local fire mutual aid plan; and

**WHEREAS**, pursuant to N.J.A.C. 5:75A-2.2 (e) and (f), the Township of Little Falls shall file its local fire mutual plan with the county fire coordinator and in the instance where a local fire mutual aid plan provides for assistance to a municipality in a different county, the Township of Little Falls shall also file a copy of that plan with that county fire coordinator as well; and

**WHEREAS**, the Township of Little Falls Fire Department will prepare a mutual aid plan, which will provide and mutual aid to and from the following municipalities:

Passaic County: Totowa, Woodland Park, Pompton Lakes, Clifton, Passaic, Haledon, Paterson, Bloomingdale, Wanaque, Ringwood, West Milford, Prospect Park, North Haledon, Hawthorne, Wayne.

Essex County: Cedar Grove, Fairfield, North Caldwell, Montclair.

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Ratifying Public Assistance Checks

**RESOLUTION [D] 16-03-28 - #4**

**BE IT RESOLVED**, by the Township Council of the Township of Little Falls, that Public Assistance checks totaling \$24,458.00 issued by the Township's Welfare Director in accordance with the public assistance program for the period June 1, 2015 through December 31, 2015 are hereby ratified and approved.

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LOSAP Volunteer Member List

**RESOLUTION [E ] 16-03-28 - #5**

**APPROVING CERTIFIED LIST OF LOSAP ELIGIBLE VOLUNTEER MEMBERS OF THE LITTLE FALLS VOLUNTEER FIRE DEPARTMENT**

**BE IT RESOLVED** by the Township Council of the Township of Little Falls, that the attached certified list of volunteer members of the Little Falls Volunteer Fire Department eligible to participate in the Little Falls Length of Service Award Program is hereby approved.

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Authorization of Change Orders for William Street Pump Station

**RESOLUTION [F] 16-03-28 - #6**

**RESOLUTION AWARDED CHANGE ORDERS TO CMS CONSTRUCTION FOR IMPROVMENTS TO WILLIAM STREET PUMP STATION**

**Meeting of March 28, 2016**

**WHEREAS**, the Township Council has received a recommendation from the Township Engineer regarding the Improvements to William Street Pump Station contract to change several contract items as listed in the original specification ; and

**WHEREAS**, the Township Council has considered this recommendation in accordance with N.J.A.C. 5:30-1 et seq. and the Local Public Contracts Law; and

**WHEREAS**, the Township Council has a contract with CMS Construction for Improvements to William Street Pump Station, which were awarded by public bidding under the Local Public Contracts Law.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council authorizes a change order to CMS Construction in the amount of \$6,404.00, and further authorizes a notice of this action be printed in the official newspaper and a copy of the advertisement be filed with the Township Clerk.

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Authorization of Transfers in the 2016 Budget

**RESOLUTION [G] 16-03-28 #7**

**WHEREAS**, Title 40:4-58 of the New Jersey Statutes provides that should it become necessary, during the last two months of the fiscal year to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriation over and above the amount claimed to be necessary to fulfill the purpose of such appropriation, the Governing Body may by resolution setting forth the facts (adopted by not less than 2/3 vote of the full membership thereof), transfer the amount of such excess of those appropriations deemed to be insufficient.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Township of Little Falls, not less than 2/3 of the members thereof affirmatively concurring, that the Treasurer be and is authorized to make the attached transfers in the 2016 Budget Appropriations.

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Mr. Cuccia provided clarification as to the distinction between red light and blue light permits as per the request of Councilmember DAMIANO.

It was moved by Councilmember Liess, seconded by Councilmember Maceri, that the Consent Agenda be approved as printed.

Poll:           Ayes:           Maceri, Liess, Damiano, and Council President Fontana  
                  Nays:           None

The Council President declared the motion passed.

**REGULAR AGENDA**

**NEW BUSINESS**

Ordinance No. 1249-It was moved by Councilmember Liess, seconded by Councilmember Maceri, that there be introduced and the meeting of April 25, 2016 set as the date for public hearing on the following:

**ORDINANCE NO. 1249**

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE TO MODIFY PROVISIONS OF THE RENT CONTROL CODE**

**WHEREAS**, the Township of Little Falls (“Township”) is a public body corporate and politic of the State of New Jersey; and  
**WHEREAS**, the Township’s Code of General Ordinances (“Code”) currently establishes rent control for housing spaces (“Rent Control”) in the Township and provides for the creation of a Rent Leveling Board to enforce the provisions of the Township’s Rent Control Code; and

**WHEREAS**, the Mayor and municipal council (“Municipal Council”) of the Township deem it appropriate to modify the Rent Control Code to enhance its effectiveness; and

**WHEREAS**, the Mayor and Municipal Council of the Township have determined that it is appropriate to modify its Rent Control ordinance to allow for the appointment of a Rent Control Officer in place of the Rent Leveling Board; and

**WHEREAS**, the Mayor and Municipal Council of the Township have determined to amend Chapter 3, Subchapter 3-12.11 and Chapter 178, Subchapters 178-1, 178-2, 178-3, 178-4, 178-5, 178-6, 178-7, 178-8, 178-9, and 178-11 of the Code to modify its rent control ordinances; and

**WHEREAS**, the Municipal Council has determined to amend Chapter 3, Subchapter 3-12.11 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

§3-12.11. Rent Leveling Officer [Board].

The Rent Leveling Board as heretofore established and empowered pursuant to law (N.J.S.A. 40:55D-23 et. seq.) and ordinances of the Township is hereby dissolved [continued] and the position of the Rent Leveling Officer is hereby created.;and

**WHEREAS**, the Municipal Council has determined to amend Subchapters 178-2, 178-3, 178-4, 178-5, 178-6, 178-7, 178-8, 178-9, and 178-11 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

“§178-2. Rent increases.

Amended 8-8-2005 by Ord. No. 970; 8-10-2009 by Ord. No. 1078

- A. Establishment of rents. Establishment of rents between a landlord and a tenant to whom this chapter is applicable shall hereafter be determined by the provisions of this chapter.
- B. Annual percentage rent increase. No landlord may request or receive a percentage increase in rent for a housing space unless such rent increase is in accordance with the following provisions:
  - (1) For all tenants who resided in a housing space as of August 31, 2005, or 20 days after passage: At the expiration of a lease or at the renewal date of a periodic tenant, no landlord may request or receive a percentage increase in rent which is greater than 50% of the percentile difference between the consumer price index 90 days prior to the expiration of the lease and the consumer price index 90 days prior to the expiration of the lease and the consumer price index 90 days prior to the date the lease was entered into from such tenant.
  - (2) For all tenants who resided in a housing space on or after September 1, 2005, or 20 days after passage: At the expiration of the lease or at the renewal date of a periodic tenant, no landlord may request a percentage increase in rent which is greater than the percentile difference between the consumer price index 90 days prior to the expiration of the lease and the consumer price index 90 days prior to the date the lease was entered into from such tenant. Notwithstanding the foregoing, any such increase shall be subject to a cap of 5%.
- C. Expiration of lease. Any rental increase at a time other than at the expiration of a lease or termination of a periodic lease shall be void. Any rental increase in excess of that authorized by the provisions of this chapter shall be void. Notwithstanding any of the provisions of this chapter to the contrary, not more than one increase in rent shall be permitted in any twelve-month period on any apartment.

## Meeting of March 28, 2016

D. Notice of increase. Any landlord seeking an increase in rent shall notify the tenant of the calculations involved in computing the increase, including the consumer price index, 30 days before the expiration of the lease and the permitted rental increase.

E. Landlord certification. No landlord shall charge or receive and no tenant shall pay such rent increase under this chapter unless and until the landlord has certified to each tenant and to the Township's Rent Leveling Officer [Board] that the landlord is in substantial compliance with all municipal and state laws and regulations pertaining to the maintenance and servicing of the premises in question and, in addition, has filed with the Township's Rent Leveling Officer [Board] simultaneously with service upon the tenant a copy of the notice to the tenant.

F. New base rent. If a housing space covered by this chapter shall be vacated by the tenant, the landlord may establish a new base rent. The new occupant shall have the full protection of this chapter starting with the new base rent.

### §178-3. Tax surcharge.

A. Tax base rent adjustment. A landlord may seek a tax base rent adjustment from a tenant because of an increase in the municipal real property taxes levied on the real property in which any multiple dwelling housing space is situated only in the event that the total amount of the municipal real property taxes levied on the subject real property for any calendar year in which the increase occurs exceeds 20% of the gross income of the landlord from the real property in that calendar year. For the purpose of determining whether the municipal real property taxes exceed 20% there shall be deducted from the municipal real property taxes levied on the real property any credit payment, rebate or reimbursement from the state. No such tax base rent adjustment shall exceed the amount computed in accordance with the following provisions of this section.

B. Computation of adjustment. A landlord whose real property qualifies for the tax base rent adjustment herein provided for shall subtract from the total municipal real property taxes levied on the real property for the calendar year in which the increase occurs the total amount of the taxes levied there to for the preceding calendar year. The difference shall be divided by the total number of square feet contained in all of the dwelling units in the multiple dwelling or dwellings situated on the real property. The quotient thus produced shall be the tax increase per square foot. It shall be unlawful for any landlord to require a tenant to pay a tax base rent adjustment in excess of the product realized by multiplying the number of square feet contained in the dwelling unit occupied by the tenant by the tax increase per square foot. Notwithstanding any provision to the contrary, the Rent Leveling Officer [Board] shall not permit a tax base rent adjustment to be granted a landlord which would result in the total amount of the municipal real property [properly] taxes levied on the real property to be less than 20% of the gross income of the landlord from the real property for the calendar year.

C. Notice. Any landlord seeking a tax surcharge shall notify the tenant of the calculations involved in computing the tax surcharge, including the present property tax for the dwelling, the property tax for the dwelling for the previous year, the total number of rooms in the dwelling, the tax increase per room, the number of rooms occupied by the tenant and the maximum allowable surcharge. The landlord shall also file the same schedule and information with the Rent Leveling Officer [Board].

D. Installments. The surcharge a tenant is liable for shall be paid in equal payments in 12 monthly installments for a one-year period only, commencing the first day of the month immediately following a thirty-day notice.

E. Surcharge not considered rent.

- (1) The tax surcharge shall not be considered rent for purposes of computing cost-of-living rental increases.
- (2) In instances when tax surcharges shall have been imposed resulting from increases in municipal property taxes, proportionate reductions shall be provided in instances when municipal property taxes shall have been reduced.

F. Tax appeal. In the event of a tax appeal, the portion of a tenant's tax surcharge not being paid by the landlord to government will be held in an interest-bearing account. In the event the appeal is successful and the taxes reduced, the tenant shall receive 50% of the reduction as applied to its tax portion, after deducting all expenses incurred by the landlord in prosecuting the appeal. If a landlord who is taking a tax appeal has paid the full taxes and has charged the tenant a tax surcharge and then is successful in his appeal, the landlord shall return to the tenant the pro rata share of the tenant's surcharge. No tax surcharge shall be collected from the tenant until certified proof is supplied to the Rent Leveling Officer [Board] that all taxes are paid up to date and not tax arrearage exists.

### §178-4. Rent Leveling Officer [Board].

A. Creation. There is hereby created the position of a Rent Leveling Officer [Board] within the Township municipal offices. The position of Rent Leveling Officer shall be filled by appointment of the Mayor. The term of office of the Rent Leveling Officer shall run contemporaneous with the term of the Mayor and shall conclude on the 31<sup>st</sup> day of December of the Mayor's final year in office.[The Board shall consist of two landlords, two tenants and one member appointed by the Mayor. The Mayor shall appoint a qualified person to this Board at his sole discretion.]

B. Powers of Officer [Board]. The Rent Leveling Officer [Board] is hereby granted, and shall have and exercise in addition to other powers herein granted, all powers necessary and appropriate to carry out and execute the purposes of this chapter, including but not limited to the following:

- (1) To issue and promulgate such rules and regulations as he or she [it] deems necessary to implement the purposes of this chapter, which rules and regulations shall have the force of the law until revised, repealed or amended from time to time by such officer [the Board] in the exercise of his or her [its] discretion, provided that such rules are filed with the Township Clerk.
- (2) To supply information and assistance to landlords and tenants to help them comply with the provisions of this chapter.
- (3) To hold hearings and adjudicate applications from landlords for additional rental as determined by §178-5 of this chapter.
- (4) To hold hearings and adjudicate applications from tenants for reduced rental as determine by §178-7A of this chapter.
- (5) To enforce the provisions of this chapter and to initiate proceeding in the Municipal Court for violations.
- (6) To issue subpoenas to compel the attendance of witnesses and the production of books and records in connection with the administration of this chapter.

C. The Rent Leveling Officer [Board] shall give reasonable opportunity to be heard to both landlord and tenant before making any determination.

### §178-5. Hardship rent increase.

A. Application to Officer [Board]. Where a landlord is not making a just and reasonable return on his investment, he may apply to the Rent Leveling Officer [Board] for a hardship rent increase. The Officer [Board] shall hold a hearing in the matter upon notice to the landlord and all of the affected tenants. The Rent Leveling Officer [Board] shall receive evidence and the landlord shall have the burden of establishing that he is not making a just and reasonable return and shall submit all records required by the Rent Leveling Officer [Board]. The Rent Leveling Officer [Board], after considering all of the evidence, shall make findings of fact and conclusions. No landlord may request or receive any rent increase with respect to any housing space in any dwelling in which there exists an outstanding notice of violation of any federal, state or local fire, health or housing law, code or ordinance. The application by the landlord shall be accompanied by written evidence in support of the application, and a copy of the application shall be served upon each tenant affected at the same time the application is filed with the Rent Leveling Officer [Board]. The landlord shall, upon written request by the tenants, make all books and records for a period of five years available for inspection.

B. Hearings on applications. In conducting hearing for hardship applications, the Rent Leveling Officer [Board] shall follow the following standards:

- (1) In deciding whether this chapter permits a just and reasonable return the Officer [Board] shall consider the value of the rental property, the reasonable expense of operating the property, the income, the rate of return on the value of the property actually permitted by the rent regulation and the minimum rate of return which would be just and reasonable for that property. The

## Meeting of March 28, 2016

Officer [Board] shall make findings of fact as to the rate of return on the value of the property which the landlord will in fact receive under this chapter. The Officer [Board] shall make findings of fact as that rate of return below which an actual rate of return would be confiscatory. If the rate of return falls below the just and reasonable rate, then the Officer [Board] shall grant hardship increases in an amount which will be sufficient to permit an efficient landlord to receive a just and reasonable rate of return.

- (2) In order to establish the rate of return actually being received under this chapter, the Officer [Board] shall deduct reasonable expenses from the gross rental income and then calculate the percentage relationship between the resulting net income and the value of the landlord's property.
  - (3) In order to establish the value of the property, the Officer [Board] shall consider the value of the property in a rental housing market free of the aberrant forces which led to the impositions of controls, i.e., the worth of the property in the context of a hypothetical market in which the supply of available rental housing is just adequate to meet the needs of the various categories of persons actively desiring to rent apartments in the Township.
  - (4) In considering expenses the Officer [Board] may include, but is not limited to, expenditures for utilities, insurance, maintenance, reasonable repairs, depreciation for capital improvements, taxes, allowances for vacancies and uncollectibles and depreciation on the property.
  - (5) To the extent that this chapter permits surcharges for taxes, the surcharges shall be included in gross income and included as an operating expense or be totally disregarded so that they are excluded from gross income and excluded from operating expenses.
  - (6) Where an unreasonable expense has been incurred by the landlord, the Officer [Board] shall reject it and substitute a more reasonable alternative in its place.
  - (7) In evaluating the income permitted, each individually administered apartment complex shall be treated separately. The Rent Leveling Officer [Board] shall have the right to allocate the granted increase, if any, to the individual unit.
  - (8) The determination of the minimum rate of return which is constitutionally permitted shall depend upon findings of fact by the Officer [Board]. The Officer [Board] shall evaluate the interests of the consumer and the general public as well as the interests of the landlord. The just and reasonable rate of return must be high enough to encourage good management including the adequate maintenance of services; to furnish a reward for efficiency to discourage the flight of capital from the rental housing market; and to enable operators to maintain and support their credit. In considering a just and reasonable return, the Officer [Board] shall consider a return which is generally commensurate with returns on investments in other enterprises having corresponding risks. Additionally, the Officer [Board] shall not establish the just and reasonable return so high as to defeat the purposes of rent control nor permit landlords to demand of tenants more than the fair value of the property and services which are provided. The rate need not be established as high as existed prior to regulations nor as high as investor might obtain by placing his capital elsewhere.
  - (9) Application information. An application for a hardship increase shall include:
    - (a) The name and address of the applicant.
    - (b) The address, lot and block of the premises.
    - (c) A description of the premises including the number of units and the names of the tenants; the present rent for each unit and the date of the commencement of the occupancy of all present tenants.
    - (d) The cost of acquisition and/or constructions.
    - (e) A detailed list of all expense for the last five years.
    - (f) The gross rental for the last five years.
    - (g) A statement of rate of return for the last five years.
    - (h) A statement of rate of return deemed by the applicant to be a just and reasonable return.
    - (i) A statement of the requested increase for each apartment unit.
    - (j) A certification that the applicant is in substantial compliance with all municipal and state laws and regulations pertaining to the maintenance and servicing of the premises in question.
- [Added 8-8-2005 by Ord. No. 970; amended 8-10-2009 by Ord. No. 1078]

C. Incomplete application. The application shall be reviewed by the Officer [Board] and if it is not complete, the applicant shall be advised in writing within seven days of any deficiencies.

D. Hearing on applications. The Officer [Board] shall schedule a public hearing no later than three weeks after the submission of a complete application and shall thereafter, if required, promptly schedule additional hearing dates. Upon the conclusion of the hearings, the Officer [Board] shall, within 14 days, render a written decision which shall include appropriate findings of fact and conclusions conformable to the standards of the within regulations. A copy of the Officer's [Board] decision shall be mailed to the parties in interest by regular mail.

E. Fee for application. A filing fee as set forth in Chapter 71, Fees, shall be paid with the application for hardship increase. On any other application before the Rent Leveling Officer [Board], there shall be a filing fee as set forth in Chapter 71, Fees.

§178-6. Escrow account for professional review fees.

A. Upon submission of an application for hardship rent increase and in addition to any other fees established in this chapter, the applicant shall be required to establish an escrow account with the Township of Little Falls. The Little Falls Rent Leveling Officer [Board] is authorized to retain without pay from the Township any financial professional, real estate professional or any other professional that the Rent Leveling Officer [Board] may require in the processing of those applications. Upon receipt of the hardship rent increase application, the Rent Leveling Officer [Board] shall forward to said professional, if it deems it necessary, the application and accompanying documents within seven days of receipt of the application and documents. The professionals shall submit to the Rent Leveling Officer [Board Chairperson or his/her designee], and estimate of funds sufficient in an amount to undertake the services to be rendered. The professional shall submit the estimate of funds to the applicant simultaneously. The applicant shall immediately deposit such funds in an escrow account maintained by the Township Treasurer. Prior to drawings monies out of the escrow account, each professional engaged by the Rent Leveling Officer [Board] shall submit a voucher in accordance with N.J.S.A. 40A:5-16 et seq. to the Rent Leveling Officer [Board Chairman or his/her designee for approval].

B. The applicant may appeal, by written request, the amount of the escrow to the governing body. The governing body shall make a determination as to the reasonableness and necessity of the fee. Such appeal must be made within [with] seven days from the date the applicant receives the estimate of funds.

C. Should additional funds be required after the original funds are exhausted, the applicant shall place sufficient moneys in the aforesaid escrow account. Any moneys left in the escrow account after the determination of the application shall be returned to the applicant simultaneously with payment to the voucher(s) for the Rent Leveling Officer's [Board's] professional(s).

D. The Rent Leveling Officer [Board] shall take no formal action on any hardship rent increase application unless and until escrow funds have been deposited with the Township, and any time limitations set forth in this chapter should be extended until all such escrow funds are deposited with the Township.

§178-7. Responsibilities of landlords; deficiencies.

- A. Standard of service. During the term of this chapter the landlord shall maintain the same standard of service, maintenance, furniture, furnishings, or equipment in the housing space and dwelling as he provided or was required to do by law or lease at the date the lease was entered into.
- B. Reasonable rental value. An individual tenant or a class of tenants who are not receiving substantially the same standards of service, maintenance, furniture or furnishings or equipment may have the Rent Leveling Officer [Board] determine the reasonable rental value of the housing unit or dwelling in view of this deficiency. The tenant or class of tenants shall pay the reasonable rental value as full payment for rent until the landlord proves that the deficiency has been corrected.

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### §178-8. Restrictions and exceptions; appeals.

- A. Restrictions; exceptions.[.] No shall landlord shall, after May 21, 1973, charge any rents in excess of what he was receiving before then, except for increases authorized by this chapter. The owner of housing space or dwelling being rented for the first time shall not be restricted in the initial rent he charges. Any subsequent rental increases, however, shall be subject to the provisions of this chapter.
- B. Appeals of the Rent Leveling Officer [Board] decisions. Any person aggrieved by a final decision of the Rent Leveling Officer [Board] shall have a right of appeal to the Municipal Council of the Township and thereafter to the Superior Court of New Jersey in accordance with the rules of Court.

### §178-9. Implementation of Senior Citizens and Disabled Protected Tenancy Act.

- A. Administration. Pursuant to the provisions of N.J.S.A. 2A:18-61.26, the Rent Leveling Officer [Board] is hereby designated to act as the administrative agency.
- B. Powers and responsibilities. The Rent Leveling Officer [Board] shall have all of the powers and all of the responsibilities provided by the Senior Citizens and Disabled Protected Tenancy Act (N.J.S.A. 2A:18-61.22 et seq.).
- C. Applicability. This section shall be applicable to any applications for conversions field after the adoption of the section or pending at the time of the introduction of the section.
- D. Fees. Pursuant to the provisions of N.J.S.A. 2A:18-61.35, fees as set forth in Chapter 71, Fees, shall be paid as follows:

[Amended 12-20-2004 by Ord. No. 952; 12-22-2008 by Ord. No. 1060]

- (1) By the landlord/sponsor simultaneously with the service on the Township of a notice of intention. In the case of a notice of intention which has been filed prior to the introduction of this section, and which is pending at the time of the introduction of this section, the fee shall be payable upon billing by the Township.
- (2) By the appellant upon the filing of an appeal of a determination granting or denying an application for protected tenancy status.

### §178-11. Violations and penalties.

A willful violation of any provision of this chapter including, but not limited to, the willful filing with the Rent Leveling Officer [Board] of any material misstatement of fact, shall be liable upon conviction, to the penalty stated in Chapter 1, General Provisions, Article I. In addition, treble damages may be sought in a Court of competent jurisdiction. Such fines or damages shall be computed on the basis of a separate violation as to each leasehold.

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the Township of Little Falls, Passaic County, State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby amends Chapters 3 and 178 of the Code to read as follows:

“§3-12.11. Rent Leveling Officer.

The Rent Leveling Officer as heretofore established and empowered pursuant to law (N.J.S.A. 40:55D-23 et. seq.) and ordinances of the Township is hereby dissolved and the position of Rent Leveling Officer is hereby created.

### §178-2. Rent increases.

Amended 8-8-2005 by Ord. No. 970; 8-10-2009 by Ord. No. 1078

- C. Establishment of rents. Establishment of rents between a landlord and a tenant to whom this chapter is applicable shall hereafter be determined by the provisions of this chapter.
- D. Annual percentage rent increase. No landlord may request or receive a percentage increase in rent for a housing space unless such rent increase is in accordance with the following provisions:
- (1) For all tenants who resided in a housing space as of August 31, 2005, or 20 days after passage: At the expiration of a lease or at the renewal date of a periodic tenant, no landlord may request or receive a percentage increase in rent which is greater than 50% of the percentile difference between the consumer price index 90 days prior to the expiration of the lease and the consumer price index 90 days prior to the expiration of the lease and the consumer price index 90 days prior to the date the lease was entered into from such tenant.
  - (2) For all tenants who resided in a housing space on or after September 1, 2005, or 20 days after passage: At the expiration of the lease or at the renewal date of a periodic tenant, no landlord may request a percentage increase in rent which is greater than the percentile difference between the consumer price index 90 days prior to the expiration of the lease and the consumer price index 90 days prior to the date the lease was entered into from such tenant. Notwithstanding the foregoing, any such increase shall be subject to a cap of 5%.

C. Expiration of lease. Any rental increase at a time other than at the expiration of a lease or termination of a periodic lease shall be void. Any rental increase in excess of that authorized by the provisions of this chapter shall be void. Notwithstanding any of the provisions of this chapter to the contrary, not more than one increase in rent shall be permitted in any twelve-month period on any apartment.

D. Notice of increase. Any landlord seeking an increase in rent shall notify the tenant of the calculations involved in computing the increase, including the consumer price index, 30 days before the expiration of the lease and the permitted rental increase.

E. Landlord certification. No landlord shall charge or receive and no tenant shall pay such rent increase under this chapter unless and until the landlord has certified to each tenant and to the Township's Rent Leveling Officer that the landlord is in substantial compliance with all municipal and state laws and regulations pertaining to the maintenance and servicing of the premises in question and, in addition, has filed with the Township's Rent Leveling Officer simultaneously with service upon the tenant a copy of the notice to the tenant.

F. New base rent. If a housing space covered by this chapter shall be vacated by the tenant, the landlord may establish a new base rent. The new occupant shall have the full protection of this chapter starting with the new base rent.

### §178-3. Tax surcharge.

A. Tax base rent adjustment. A landlord may seek a tax base rent adjustment from a tenant because of an increase in the municipal real property taxes levied on the real property in which any multiple dwelling housing space is situated only in the event that the total amount of the municipal real property taxes levied on the subject real property for any calendar year in which the increase occurs exceeds 20% of the gross income of the landlord from the real property in that calendar year. For the purpose of determining whether the municipal real property taxes exceed 20% there shall be deducted from the municipal real property taxes levied on the real property any credit payment, rebate or reimbursement from the state. No such tax base rent adjustment shall exceed the amount computed in accordance with the following provisions of this section.

B. Computation of adjustment. A landlord whose real property qualifies for the tax base rent adjustment herein provided for shall subtract from the total municipal real property taxes levied on the real property for the calendar year in which the increase occurs the total amount of the taxes levied there to for the preceding calendar year. The difference shall be divided by the total number of square feet contained in all of the dwelling units in the multiple dwelling or dwellings situated on the real property. The quotient thus produced shall be the tax increase per square foot. It



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shall be unlawful for any landlord to require a tenant to pay a tax base rent adjustment in excess of the product realized by multiplying the number of square feet contained in the dwelling unit occupied by the tenant by the tax increase per square foot. Notwithstanding any provision to the contrary, the Rent Leveling Officer shall not permit a tax base rent adjustment to be granted a landlord which would result in the total amount of the municipal real property taxes levied on the real property to be less than 20% of the gross income of the landlord from the real property for the calendar year.

C. Notice. Any landlord seeking a tax surcharge shall notify the tenant of the calculations involved in computing the tax surcharge, including the present property tax for the dwelling, the property tax for the dwelling for the previous year, the total number of rooms in the dwelling, the tax increase per room, the number of rooms occupied by the tenant and the maximum allowable surcharge. The landlord shall also file the same schedule and information with the Rent Leveling Officer.

D. Installments. The surcharge a tenant is liable for shall be paid in equal payments in 12 monthly installments for a one-year period only, commencing the first day of the month immediately following a thirty-day notice.

E. Surcharge not considered rent.

- (1) The tax surcharge shall not be considered rent for purposes of computing cost-of-living rental increases.
- (2) In instances when tax surcharges shall have been imposed resulting from increases in municipal property taxes, proportionate reductions shall be provided in instances when municipal property taxes shall have been reduced.

F. Tax appeal. In the event of a tax appeal, the portion of a tenant's tax surcharge not being paid by the landlord to government will be held in an interest-bearing account. In the event the appeal is successful and the taxes reduced, the tenant shall receive 50% of the reduction as applied to its tax portion, after deducting all expenses incurred by the landlord in prosecuting the appeal. If a landlord who is taking a tax appeal has paid the full taxes and has charged the tenant a tax surcharge and then is successful in his appeal, the landlord shall return to the tenant the pro rata share of the tenant's surcharge. No tax surcharge shall be collected from the tenant until certified proof is supplied to the Rent Leveling Officer that all taxes are paid up to date and not tax arrearage exists.

### §178-4. Rent Leveling Officer.

A. Creation. There is hereby created the position of a Rent Leveling Officer within the Township municipal offices. The position of Rent Leveling Officer shall be filled by appointment of the Mayor. The term of office of the Rent Leveling Officer shall run contemporaneous with the term of the Mayor and shall conclude on the 31<sup>st</sup> day of December of the Mayor's final year in office.

B. Powers of Officer. The Rent Leveling Officer is hereby granted, and shall have and exercise in addition to other powers herein granted, all powers necessary and appropriate to carry out and execute the purposes of this chapter, including but not limited to the following:

- (1) To issue and promulgate such rules and regulations as he or she deems necessary to implement the purposes of this chapter, which rules and regulations shall have the force of the law until revised, repealed or amended from time to time by such officer in the exercise of his or her discretion, provided that such rules are filed with the Township Clerk.
- (2) To supply information and assistance to landlords and tenants to help them comply with the provisions of this chapter.
- (3) To hold hearings and adjudicate applications from landlords for additional rental as determined by §178-5 of this chapter.
- (4) To hold hearings and adjudicate applications from tenants for reduced rental as determined by §178-7A of this chapter.
- (5) To enforce the provisions of this chapter and to initiate proceeding in the Municipal Court for violations.
- (6) To issue subpoenas to compel the attendance of witnesses and the production of books and records in connection with the administration of this chapter.

C. The Rent Leveling Officer shall give reasonable opportunity to be heard to both landlord and tenant before making any determination.

### §178-5. Hardship rent increase.

A. Application to Officer. Where a landlord is not making a just and reasonable return on his investment, he may apply to the Rent Leveling Officer for a hardship rent increase. The Officer shall hold a hearing in the matter upon notice to the landlord and all of the affected tenants. The Rent Leveling Officer shall receive evidence and the landlord shall have the burden of establishing that he is not making a just and reasonable return and shall submit all records required by the Rent Leveling Officer. The Rent Leveling Officer, after considering all of the evidence, shall make findings of fact and conclusions. No landlord may request or receive any rent increase with respect to any housing space in any dwelling in which there exists an outstanding notice of violation of any federal, state or local fire, health or housing law, code or ordinance. The application by the landlord shall be accompanied by written evidence in support of the application, and a copy of the application shall be served upon each tenant affected at the same time the application is filed with the Rent Leveling Officer. The landlord shall, upon written request by the tenants, make all books and records for a period of five years available for inspection.

B. Hearings on applications. In conducting hearing for hardship applications, the Rent Leveling Officer shall follow the following standards:

- (1) In deciding whether this chapter permits a just and reasonable return the Officer shall consider the value of the rental property, the reasonable expense of operating the property, the income, the rate of return on the value of the property actually permitted by the rent regulation and the minimum rate of return which would be just and reasonable for that property. The Officer shall make findings of fact as to the rate of return on the value of the property which the landlord will in fact receive under this chapter. The Officer shall make findings of fact as that rate of return below which an actual rate of return would be confiscatory. If the rate of return falls below the just and reasonable rate, then the Officer shall grant hardship increases in an amount which will be sufficient to permit an efficient landlord to receive a just and reasonable rate of return.
- (2) In order to establish the rate of return actually being received under this chapter, the Officer shall deduct reasonable expenses from the gross rental income and then calculate the percentage relationship between the resulting net income and the value of the landlord's property.
- (3) In order to establish the value of the property, the Officer shall consider the value of the property in a rental housing market free of the aberrant forces which led to the impositions of controls, i.e., the worth of the property in the context of a hypothetical market in which the supply of available rental housing is just adequate to meet the needs of the various categories of persons actively desiring to rent apartments in the Township.
- (4) In considering expenses the Officer may include, but is not limited to, expenditures for utilities, insurance, maintenance, reasonable repairs, depreciation for capital improvements, taxes, allowances for vacancies and uncollectibles and depreciation on the property.
- (5) To the extent that this chapter permits surcharges for taxes, the surcharges shall be included in gross income and included as an operating expense or be totally disregarded so that they are excluded from gross income and excluded from operating expenses.
- (6) Where an unreasonable expense has been incurred by the landlord, the Officer shall reject it and substitute a more reasonable alternative in its place.
- (7) In evaluating the income permitted, each individually administered apartment complex shall be treated separately. The Rent Leveling Officer shall have the right to allocate the granted increase, if any, to the individual unit.
- (8) The determination of the minimum rate of return which is constitutionally permitted shall depend upon findings of fact by the Officer. The Officer shall evaluate the interests of the consumer and the general public as well as the interests of the landlord. The just and reasonable rate of return must be high enough to encourage good management including the adequate maintenance of services; to furnish a reward for efficiency to discourage the flight of capital from the rental housing market; and to enable operators to maintain and support their credit. In considering a just and reasonable return, the Officer shall consider a return which is generally commensurate with returns on investments in other enterprises having corresponding risks. Additionally, the Officer shall not establish the just and reasonable return so high as to defeat the

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purposes of rent control nor permit landlords to demand of tenants more than the fair value of the property and services which are provided. The rate need not be established as high as existed prior to regulations nor as high as investor might obtain by placing his capital elsewhere.

- (9) Application information. An application for a hardship increase shall include:
- (a) The name and address of the applicant.
  - (b) The address, lot and block of the premises.
  - (c) A description of the premises including the number of units and the names of the tenants; the present rent for each unit and the date of the commencement of the occupancy of all present tenants.
  - (d) The cost of acquisition and/or constructions.
  - (e) A detailed list of all expense for the last five years.
  - (f) The gross rental for the last five years.
  - (g) A statement of rate of return for the last five years.
  - (h) A statement of rate of return deemed by the applicant to be a just and reasonable return.
  - (i) A statement of the requested increase for each apartment unit.
  - (j) A certification that the applicant is in substantial compliance with all municipal and state laws and regulations pertaining to the maintenance and servicing of the premises in question.
- [Added 8-8-2005 by Ord. No. 970; amended 8-10-2009 by Ord. No. 1078]

C. Incomplete application. The application shall be reviewed by the Officer and if it is not complete, the applicant shall be advised in writing within seven days of any deficiencies.

D. Hearing on applications. The Officer shall schedule a public hearing no later than three weeks after the submission of a complete application and shall thereafter, if required, promptly schedule additional hearing dates. Upon the conclusion of the hearings, the Officer shall, within 14 days, render a written decision which shall include appropriate findings of fact and conclusions conformable to the standards of the within regulations. A copy of the Officer's decision shall be mailed to the parties in interest by regular mail.

E. Fee for application. A filing fee as set forth in Chapter 71, Fees, shall be paid with the application for hardship increase. On any other application before the Rent Leveling Officer, there shall be a filing fee as set forth in Chapter 71, Fees.

### §178-6. Escrow account for professional review fees.

A. Upon submission of an application for hardship rent increase and in addition to any other fees established in this chapter, the applicant shall be required to establish an escrow account with the Township of Little Falls. The Little Falls Rent Leveling Officer is authorized to retain without pay from the Township any financial professional, real estate professional or any other professional that the Rent Leveling Officer may require in the processing of those applications. Upon receipt of the hardship rent increase application, the Rent Leveling Officer shall forward to said professional, if it deems it necessary, the application and accompanying documents within seven days of receipt of the application and documents. The professionals shall submit to the Rent Leveling Officer, and estimate of funds sufficient in an amount to undertake the services to be rendered. The professional shall submit the estimate of funds to the applicant simultaneously. The applicant shall immediately deposit such funds in an escrow account maintained by the Township Treasurer. Prior to drawings monies out of the escrow account, each professional engaged by the Rent Leveling Officer shall submit a voucher in accordance with N.J.S.A. 40A:5-16 et seq. to the Rent Leveling Officer.

B. The applicant may appeal, by written request, the amount of the escrow to the governing body. The governing body shall make a determination as to the reasonableness and necessity of the fee. Such appeal must be made within seven days from the date the applicant receives the estimate of funds.

C. Should additional funds be required after the original funds are exhausted, the applicant shall place sufficient moneys in the aforesaid escrow account. Any moneys left in the escrow account after the determination of the application shall be returned to the applicant simultaneously with payment to the voucher(s) for the Rent Leveling Officer's professional(s).

D. The Rent Leveling Officer shall take no formal action on any hardship rent increase application unless and until escrow funds have been deposited with the Township, and any time limitations set forth in this chapter should be extended until all such escrow funds are deposited with the Township.

### §178-7. Responsibilities of landlords; deficiencies.

- A. Standard of service. During the term of this chapter the landlord shall maintain the same standard of service, maintenance, furniture, furnishings, or equipment in the housing space and dwelling as he provided or was required to do by law or lease at the date the lease was entered into.
- B. Reasonable rental value. An individual tenant or a class of tenants who are not receiving substantially the same standards of service, maintenance, furniture or furnishings or equipment may have the Rent Leveling Officer determine the reasonable rental value of the housing unit or dwelling in view of this deficiency. The tenant or class of tenants shall pay the reasonable rental value as full payment for rent until the landlord proves that the deficiency has been corrected.

### §178-8. Restrictions and exceptions; appeals.

- A. Restrictions; exceptions. No shall landlord shall, after May 21, 1973, charge any rents in excess of what he was receiving before then, except for increases authorized by this chapter. The owner of housing space or dwelling being rented for the first time shall not be restricted in the initial rent he charges. Any subsequent rental increases, however, shall be subject to the provisions of this chapter.
- B. Appeals of the Rent Leveling Officer decisions. Any person aggrieved by a final decision of the Rent Leveling Officer shall have a right of appeal to the Municipal Council of the Township and thereafter to the Superior Court of New Jersey in accordance with the rules of Court.

### §178-9. Implementation of Senior Citizens and Disabled Protected Tenancy Act.

- A. Administration. Pursuant to the provisions of N.J.S.A. 2A:18-61.26, the Rent Leveling Officer is hereby designated to act as the administrative agency.
- B. Powers and responsibilities. The Rent Leveling Officer shall have all of the powers and all of the responsibilities provided by the Senior Citizens and Disabled Protected Tenancy Act (N.J.S.A. 2A:18-61.22 et seq.).
- C. Applicability. This section shall be applicable to any applications for conversions filed after the adoption of the section or pending at the time of the introduction of the section.
- D. Fees. Pursuant to the provisions of N.J.S.A. 2A:18-61.35, fees as set forth in Chapter 71, Fees, shall be paid as follows:

[Amended 12-20-2004 by Ord. No. 952; 12-22-2008 by Ord. No. 1060]

- 1. By the landlord/sponsor simultaneously with the service on the Township of a notice of intention. In the case of a notice of intention which has been filed prior to the introduction of this section, and which is pending at the time of the introduction of this section, the fee shall be payable upon billing by the Township.
- 2. By the appellant upon the filing of an appeal of a determination granting or denying an application for protected tenancy status.

### §178-11. Violations and penalties.

A willful violation of any provision of this chapter including, but not limited to, the willful filing with the Rent Leveling Officer of any material misstatement of fact, shall be liable upon conviction, to the penalty stated in Chapter 1, General Provisions, Article I. In addition, treble damages

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may be sought in a Court of competent jurisdiction. Such fines or damages shall be computed on the basis of a separate violation as to each leasehold.

3. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance in to the Code. All of the remaining provisions in Chapters 3 and 178 of the Code shall remain unchanged and have full force and legal effect. All other resolutions and ordinances governing rent control in the Township enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.

4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

5. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

6. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

Poll: Ayes: Maceri, Liess, Damiano, and Council President Fontana  
Nays: None

The Council President declared the motion passed.

Ordinance No. 1250-It was moved by Councilmember Maceri, seconded by Councilmember Liess, that there be introduced and the meeting of April 25, 2016 set as the date for public hearing on the following:

**ORDINANCE NO. 1250  
AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LITTLE FALLS, ADMINISTRATION OF GOVERNMENT  
SECTION 3.7.7 POLICE DIVISION SECTION O (5) (g) PROMOTIONS**

**WHEREAS**, the Township of Little Falls (“Township”) is a public body corporate and politic of the State of New Jersey; and  
**WHEREAS**, the Township’s Code of General Ordinances (“Code”) currently provides for the establishment of a Police Division; and  
**WHEREAS**, the municipal council (“Municipal Council”) of the Township has determined to amend 3.7.7, of the Code entitled Division of Police; and

**WHEREAS**, the Municipal Council has determined to amend said Chapter of the Code to read as follows:

**O (5) (g) APPEALS OF THE PROMOTIONAL PROCESS**

Within 10 days of the results of candidates a candidate may file a written letter of appeal. Said letter must contain the reason(s) or justification(s) for an appeal and must be submitted to the appropriate authority, through the appropriate chain of command. The appropriate authority will assess the request, and make a determination of how the request will be addressed on a case – by – case basis. Such requests may address the following areas of the promotional process:

- (a) Review and re-tabulation of scored elements of the selection process.
- (b) Review any evaluation or internal document that was used in the selection process related to the appellant.
- (c) If the appeal impacts upon the results of the promotional ranking as determined by the Chief of Police (with exception if the vacancy is for the position of Chief of Police), and the appropriate authority the candidate may be permitted to be reevaluated.

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the Township of Little Falls, Passaic County, State of New Jersey, as follows:

- 1. The aforementioned recitals are incorporated herein as though fully set forth at length.
- 2. The Municipal Council hereby amends Chapter 3.7.7 of the Code of the Township of Little Falls.
- 3. It is the intent of the Municipal Council to incorporate the additions and/or supplements contained in this Ordinance in to the Code. All of the remaining provisions in Chapter 3.7.7 of the Code shall remain unchanged and have full force and legal effect. All other ordinances enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.
- 4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance
- 5. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.
- 6. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

\*\*\*\*\*

Poll: Ayes: Maceri, Liess, Damiano, and Council President Fontana  
Nays: None

The Council President declared the motion passed.

Ordinance No. 1251-It was moved by Councilmember Liess, seconded by Councilmember Maceri, that there be introduced and the meeting of April 25, 2016 set as the date for public hearing on the following:

**ORDINANCE NO. 1251  
ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS IN THE COUNTY  
OF PASSAIC, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE CHAPTER 143 PARKS AND  
RECREATION FACILITIES**

**WHEREAS**, the Township of Little Falls (“Township”) is a public body corporate and politic of the State of New Jersey; and  
**WHEREAS**, the Township’s Code of General Ordinances (“Code”) currently provides for the regulation of its Park and Recreation Facilities in the Township;

**WHEREAS**, the municipal council (“Municipal Council”) of the Township has determined to amend Chapter 143 of the Code entitled Parks and Recreation Facilities; and

**WHEREAS**, the Municipal Council has determined to amend said Chapter of the Code as follows:

143-2 Rules and Regulations for use of Parks

H- Fees- Fees for recreation programs and Facility charges and rentals are listed in Chapter 71 Fees of the Township of Little Falls

**136. XI. Consistency, Severability and Repealer**

(A) If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

(B) All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.

(C) No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this ordinance or from other law.

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the Township of Little Falls, Passaic County, State of New Jersey, as follows:

- 1. The aforementioned recitals are incorporated herein as though fully set forth at length.
- 2. The Municipal Council hereby amends Chapter 143 of the Code entitled Parks and Recreation Facilities of the Code of the

**Meeting of March 28, 2016**

- Township of Little Falls.
3. It is the intent of the Municipal Council to incorporate the additions and/or supplements contained in this Ordinance in to the Code. All of the remaining provisions in Chapter 143 of the Code entitled Parks and Recreation Facilities of the Code shall remain unchanged and have full force and legal effect. All other ordinances enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.
  4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
  5. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.
  6. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

\*\*\*\*\*

Poll: Ayes: Maceri, Liess, Damiano, and Council President Fontana  
 Nays: None

The Council President declared the motion passed.

Ordinance No. 1252-It was moved by Councilmember Damiano, seconded by Councilmember Liess, that there be introduced and the meeting of April 25, 2016 set as the date for public hearing on the following:

**ORDINANCE NO. 1252**  
**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE CHAPTER 71 FEES**

**WHEREAS**, the Township of Little Falls (“Township”) is a public body corporate and politic of the State of New Jersey; and  
**WHEREAS**, the Township’s Code of General Ordinances (“Code”) currently provides for the regulation of its Fees in the Township;  
**WHEREAS**, the municipal council (“Municipal Council”) of the Township has determined to amend Chapter 71 of the Code entitled Fees; and

**WHEREAS**, the Municipal Council has determined to amend said Chapter of the Code as follows:

71-2 Fees Schedule

Chapter 143 Parks and Recreation Facilities

Day Camp Fees:

½ day Daily	\$25.00
Full day Daily	\$50.00
½ day Weekly	\$70.00
Full Day Weekly	\$140.00
Before May 31st	
½ day session monthly	\$230.00
Full day session monthly	\$460.00
After May 31st	
½ day session monthly	\$250.00
Full day session monthly	\$500.00

**136. XI. Consistency, Severability and Repealer**

- (A) If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.  
 (B) All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.  
 (C) No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this ordinance or from other law.

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the Township of Little Falls, Passaic County, State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby amends Chapter 71 of the Code entitled Fees of the Code of the Township of Little Falls.
3. It is the intent of the Municipal Council to incorporate the additions and/or supplements contained in this Ordinance in to the Code. All of the remaining provisions in Chapter 71 of the Code entitled Fees of the Code shall remain unchanged and have full force and legal effect. All other ordinances enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.
4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
5. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.
6. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

\*\*\*\*\*

Poll: Ayes: Maceri, Liess, Damiano, and Council President Fontana  
 Nays: None

The Council President declared the motion passed.

**PAYMENT OF BILLS**

It was moved by Councilmember Maceri, seconded by Councilmember Liess, that the Council approve the following:

**RESOLUTION [BL]**

**BE IT RESOLVED** by the Township Council of the Township of Little Falls the Council having received the Treasurer’s certification of the availability of funds for payment of all bills presented, that payment of all bills approved by the Finance Committee be and is hereby authorized, subject to the availability of funds and subject to the appropriate and available appropriation in the line item.

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Poll:           Ayes:           Maceri, Liess, Damiano and Council President Fontana  
                  Nays:           None

The Council President declared the motion passed.

**EXECUTIVE SESSION**

It was moved by Councilmember Damiano, seconded by Councilmember Liess, that the Council approve the following:

**RESOLUTION [EX]**

**WHEREAS**, N.J.S.A. 10:4-12 allows for a Public Body to go into executive session during a Public Meeting; and  
**WHEREAS**, the Governing Body of the Township of Little Falls has deemed it necessary to go into executive session to discuss certain matters which are exempted for the Public; and

**WHEREAS**, the regular meeting of this Governing Body with reconvene;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Little Falls will go into executive session for the following reason(s) – no action taken.

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Poll:           Ayes:           Maceri, Liess, Damiano and Council President Fontana  
                  Nays:           None

The Council President declared the motion passed.

The Council entered Executive Session at 7:22 p.m.

At 7:51 p.m. the Council returned and it was moved by Councilmember Maceri, seconded by Councilmember Damiano, that the meeting return to Open Session.

There being no further business to come before the meeting, it was moved by Councilmember Damiano, seconded by Councilmember Liess, that the meeting be and it was adjourned at 7:51 p.m.

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Municipal Clerk  
Cynthia Kraus