

**ORDINANCE 2024-5**

**ORDINANCE OF THE TOWNSHIP OF MULLICA AMENDING AND  
SUPPLEMENTING CHAPTER 177 OF THE TOWNSHIP CODE CAPTIONED  
“PROPERTY MAINTENANCE” REGARDING REQUIREMENTS FOR INSPECTION  
OF LEAD-BASED PAINT IN CERTAIN RESIDENTIAL DWELLINGS**

**WHEREAS**, Pursuant to PL 2021, c. 182, all municipalities are now required to inspect every single-family, two-family, and multiple dwelling rental(s) located within the Township of Mullica on a recurring basis and at tenant turnover for lead-paint hazards; and

**WHEREAS**, since this is a requirement imposed on all municipalities, it is necessary for the Township of Mullica to amend Chapter 177 of the Township Code captioned “Property Maintenance” to require these inspections to comply with the law.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Township Committee of the Township of Mullica, County of Atlantic, State of New Jersey, as follows:

**Section 1.** The statements in the Preamble are hereby incorporated by reference herein.

**Section 2.** Chapter 177 of the Mullica Township Code captioned “Property Maintenance” is hereby amended and supplemented as follows:

**Section 3. Definitions.** The definitions shall apply to this article:

**ACT**

The Lead Hazard Control Assistance Act, P.L.2003, c.311 (N.J.S.A. 52:27D-437.1, et seq.), as may be amended from time to time.

**COMMON INTEREST COMMUNITY**

A real estate development or neighborhood in which the property is burdened by servitudes requiring property owners to contribute to maintenance of commonly held property or to pay dues or assessments to an owners' association that provides services or facilities to the community.

**DUST WIPE SAMPLING**

A sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development.

**LEAD INSPECTOR**

A person certified by the Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:17-1.1, et seq. This includes the ability to perform dust wipe sampling.

**LEAD-BASED PAINT HAZARD**

Any condition that causes exposure to lead from lead-contaminated dust or lead-contaminated paint that is deteriorated or present in surfaces that would result in adverse human health effects.

**LEAD-FREE CERTIFICATION**

A certification which confirms that a lead-based paint inspection was performed and that no lead-based paint exists in the dwelling unit or that all lead-based paint hazards have been fully abated.

**LEAD-SAFE CERTIFICATION**

A certification which confirms that a lead-based paint inspection was performed, and no lead-based paint hazards were found. This certification is valid for two (2) years from the date of issuance.

**TENANT TURNOVER**

The time at which all existing occupants vacate a dwelling unit, and all new tenants move into the dwelling unit.

**VISUAL ASSESSMENT**

A visual examination for deteriorated paint or visible surface dust, debris, or residue.

**VISUAL ASSESSOR**

A person that is certified to perform a visual assessment.

**Section 4. Lead-Based Paint Inspections.**

- A. Pursuant to P.L. 2021, c. 182 the Township of Mullica is required to inspect every single-family, two-family, and multiple rental dwelling(s) built prior to 1979 for lead-based paint hazards through a visual assessment, and if required, a dust wipe sampling. The owner and/or landlord, in lieu of having the dwelling inspected by the Township's lead inspector or designee, may directly hire a private lead inspector to perform the lead-based paint inspection. All inspections will otherwise be performed by the Township's lead inspector or its designee.
- B. Required Initial Inspection. The owner, landlord and/or agent of every single-family, two-family, and multiple dwelling units offered for rental shall be required to obtain this inspection of the unit for lead-based paint hazards within two (2) years of the effective date of the above law, July 2, 2022, or upon tenant turnover, whichever is earlier.
- C. Required Recurring Inspection. After the initial required inspection, the owner, landlord and/or agent of each dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three (3) years or, as soon as there is any tenant turnover, whichever is earlier, except that an inspection on tenant turnover shall not be

required if the owner has a valid lead-safe certification issued by an appropriate authority and provides a copy to the Township .

Whenever there is a tenant turnover in a single family, two family or multiple dwelling rental unit, the owner or landlord or agent shall have three (3) business days to notify the Township of the turnover and whether it will perform the lead-based test inspection and provide the Certification to the Township. Occupancy or continued occupancy of the dwelling unit is not permitted until the inspection is completed and the Certificate issued.

- D. Standards. Inspections for lead-based paint in rental dwelling unit shall be covered by the standards set forth in the Act as same may be amended from time to time.
- E. Exceptions. A dwelling unit in a single family, two-family or multiple rental dwelling shall not be subject to the inspection and evaluation for the presence of lead-based paint hazards, or for the fees for such inspection, or evaluation, if the unit:
  - 1. has been properly certified to be free of lead-based paint and a copy provided to the Township.
  - 2. was constructed during or after the year 1978 with proof of same provided to the Township.
  - 3. is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least ten (10) years, either under the current or a previous owner, and has no outstanding lead-based paint violations from the most recent cyclical inspections performed on the multiple dwelling under the Hotel and Multiple Dwelling Law N.J.S.A. 55:13A-1, et seq. , with Proof of Registration provided to the Township.
  - 4. has been issued a valid Safe Certification issued in accordance with N.J.S.A. 52:27D-437.16(d)2, and a copy provided to the Township.
- F. Remediation. If lead-based paint hazards are identified, then the owner of the dwelling shall be required to remediate the hazards through abatement or lead-based paint hazard control mechanisms in accordance with the Act. Upon the remediation of the lead-based paint hazard, the Township Code Enforcement Officer or designee, as may be applicable, or the owner's private lead inspector, shall conduct an additional inspection of the unit to certify that the hazard no longer exists.

If no lead-based paint hazards are identified, then the Township Code Enforcement Officer or designee or the owners private lead inspector shall certify the dwelling as lead safe on a form prescribed by the Department of Community Affairs, which Certification shall be valid for two (2) years and shall be filed with the Township's Code Enforcement Officer. The Township Code Enforcement Officer shall maintain up to date information on inspection schedules, inspection results, and a record of all lead-free certifications issued pursuant to N.J.A.C. 5:17-1.1 et seq.

G. Property Owner Certification. In accordance with the Act, all property owners shall:

1. Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Township of Mullica at the time of the cyclical inspection.
2. Provide evidence of a valid lead-safe certification to new tenants of the property at the time of tenant turnover and shall affix a copy of such certification as an exhibit to the tenant's lease.
3. Maintain a record of the lead-safe certification which shall include the name or names of the unit's tenant or tenants if the inspection was conducted during a period of tenancy.

H. **FEES.** The fees for a lead-based paint inspections if performed by the Township's inspector or designee shall be as follows:

1. Visual Inspection  
- \$370.00/Unit

There may be times when a municipality is designated by the DCA or other government agencies as high-risk community for lead-based paint hazards in rental dwelling units requiring an elevated test termed "Dust Wipe Sampling". A Dust Wipe Sampling means a sample collected by wiping a representative surface and tested in accordance with a method approved by HUD. If the Dust Wipe Sampling Inspection is required, the following fees apply:

**Dust Wipe Sampling Inspection** – (Includes up to 10 samples)  
-\$515.00/Unit

\*An XRF (X-Ray Fluorescence) inspection is available to the requesting party as an add-on to the visual and dust wipe inspections for an additional \$150.00/unit. An XRF inspection will allow a dwelling unity to be certified lead-based paint free and become exempt from the regulation forever.

\* A Lead-Free Certificate will only be issued if no lead-based paint is found. In the event of an "emergency" single unit inspection, LEW Environmental will utilize their best efforts to accommodate said request, however the fee to be charged will be determined on a case-by-case basis. The fees quoted herein includes a \$100 per unit fee to be paid to the Authority for administrative services provided for implementation and operation of this Shared Services Agreement and Program provided for herein and a \$20 per unit fee the Authority pays to the State of New Jersey for the Lead Hazard Control Assistance Fund for Mullica Township.

2. When a dwelling owner or landlord directly hires a private lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to satisfy the inspection requirements set forth in this Ordinance then no lead-based paint inspection fee shall be assessed, unless it is determined a further inspection is required by the Township.
3. The fee for an owner/landlord filing of a lead-safe certification or lead-free certification

with the Township shall be \$25.00.

4. In a common interest community, any inspection fee charged shall be the responsibility of the unit owner and not the Homeowner Association, unless the Association is the owner of the unit.

5. In accordance with N.J.S.A. 52:27D-437.16(h), an additional fee of \$20 per dwelling unit inspected by the Township's lead inspector or designee, or the owner and/or landlord's private lead inspector shall be assessed for the purposes of the Act, unless the owner and/or landlord demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of \$20. The fees collected pursuant to this subsection shall be deposited into the Lead Hazard Control Assistance Fund.

I. **VIOLATIONS AND PENALTIES.** In accordance with N.J.S.A. 52:27D-437.17, the penalties for a violation of this article shall be as follows:

Where a property owner has failed to conduct the inspection or initiate any remediation efforts, the owner shall be given thirty (30) days to cure the violation. If the property owner has not cured the violation after thirty (30) days, the property owner shall be subject to a penalty not to exceed One Thousand Dollars (\$1,000.00) per week until the required inspection has been completed.

**Section 5.** If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a Court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

**Section 6.** All Ordinances or parts of Ordinances that are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

**Section 7.** This Ordinance shall only take effect after final adoption and publication as required by law.

**INTRODUCTION:** March 26, 2024

**PUBLICATION:** March 27, 2024

**ADOPTION:** April 16, 2024

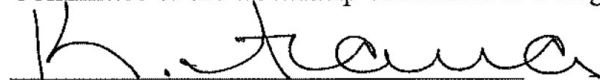
**PUBLICATION:** April 17, 2024

**EFFECTIVE:** April 17, 2024

  
Edward Haganman  
Mayor

**CERTIFICATION**

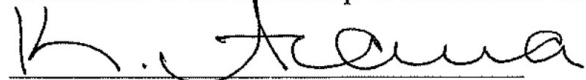
I, Krystel M. Arana, Municipal Clerk of the Township of Mullica, County of Atlantic, State of New Jersey, do hereby certify that the foregoing Ordinance 2024-5 was introduced by the Mayor and Committee of the Township of Mullica at a Regular Meeting held on Tuesday, March 26, 2024.



Krystel M. Arana  
Municipal Clerk

**CERTIFICATION**

I, Krystel M. Arana, Municipal Clerk of the Township of Mullica, County of Atlantic, State of New Jersey, do hereby certify that the foregoing Ordinance 2024-5 was adopted by the Mayor and Committee of the Township of Mullica at a Regular Meeting held on Tuesday, April 16, 2024.



Krystel M. Arana  
Municipal Clerk