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AN ORDINANCE TO AMEND CHAPTER 450 OF THE CODE OF THE CITY OF CAMDEN HOUSING STANDARDS LEAD-BASED PAINT INSPECTIONS, FEES FOR INSPECTION

WHEREAS, the State of New Jersey enacted to P.L. 2021, c.182 (N.J.S.A. 52:27D-437.16 *et seq.*) ("Act"), which requires municipalities to inspect every single-family, two-family, and multiple dwelling rental units for lead-based paint hazards, by July 22, 2024 or at tenant turnover, whichever is earlier; and

WHEREAS, the purpose of the Act is to prevent the poisoning of residents by requiring that the presence of lead-based paint in interior and exterior structures built before 1978, be identified and correctly addressed by reducing and controlling lead-based paint hazards in order to prevent human exposure to such hazards; and

WHEREAS, it is in the best interests of the residents of the City of Camden, to amend the Municipal Code to require inspections for lead-based paint in residential rental dwellings in order to conform to and ensure compliance with New Jersey State law; now therefore

BE IT RESOLVED, by the City Council of the City of Camden, that:

SECTION 1. Chapter 450 which is entitled, "Housing Standards" is amended by adding thereto, a new section entitled "Lead-Based Paint Inspections", which shall read as follows:

§ 450-16. LEAD-BASED PAINT INSPECTIONS

§450-16.1. Findings

(a) Lead poisoning poses a serious public health threat to children and adults in the City of Camden, N.J.S.A 52:27D-437.

(b) According to the New Jersey Department of Health's Lead Screening Database, in the City of Camden, at least three (3) percent of children tested, who are six (6) years of age or younger, have a blood lead level greater than or equal to five (5) µg/dl, therefore all lead-based paint hazards must test through a dust wipe sampling.

(c) Even a small amount of lead can cause elevated blood lead levels resulting in serious and irreversible developmental damage, particularly in children under the age of six (6) years.

(d) Exposure to lead hazards from deteriorated lead-based paint is a primary cause of elevated blood lead levels in humans.

(e) Structures built before 1978 are the most likely to contain lead-based paint hazards.

(f) Residential properties are more likely than are nonresidential properties to be a source of exposure to lead-based paint hazards by children.

(g) Children living in older, poorly maintained homes are disproportionately at risk for lead-based paint hazards.

(h) The exposure to lead-based paint hazards in the City of Camden is most common, and presents the most serious risk, to young children residing in rental housing built before 1978. Approximately 80 percent of lead poisoning cases in New Jersey are caused by exposure to lead-based paint in homes built before 1978, which affects our low-income families the most.

(i) It is essential to the overall public health of persons in the City of Camden and particularly for children younger than six (6) years of age, that they be protected from exposure to lead-based paint hazards.

§450-16.2. Definitions

For the purposes of this Section, the following words and terms shall have the meanings set forth below, in accordance with N.J.S.A. 52:27D-437.6 and N.J.A.C. 5:28A-1.1 *et seq.*:

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 (HUD) and as conducted pursuant to N.J.A.C. 5:28A-2.3.

DWELLING

A building containing a room or rooms, suite, apartment, unit, or space that is rented and occupied, or intended to be rented and occupied, for sleeping and dwelling purposes by one (1) or more persons.

DWELLING UNIT

A unit within a building that is rented and occupied, or intended to be rented and occupied, for sleeping and dwelling purposes by one (1) or more persons.

MULTIPLE DWELLING

Any building or structure and any land appurtenant thereto, and any portion thereof, in which three (3) or more dwelling units are occupied or intended to be occupied by three (3) or more persons living independently of each other. "Multiple dwelling" also means any group of 10 or more buildings on a single parcel of land or on contiguous parcels under common ownership, in each of which two (2) dwelling units are occupied, or intended to be occupied, by two (2) persons or households living independently of each other, and any land appurtenant thereto, and any portion thereof. "Multiple dwelling" does not include those buildings and structures that are excluded pursuant to N.J.S.A. 55:13A-3(k).

PERIODIC LEAD-BASED PAINT INSPECTION

The initial inspection of all applicable dwelling units at the earlier of two (2) years from the effective date of P.L. 2021, c. 182, July 22, 2022, or tenant turnover and, thereafter, the earlier of three (3) years or upon tenant turnover, consistent with N.J.A.C. 5:28A-2.1, for the purposes of identifying lead-based paint hazards in dwellings subject to this Ordinance.

HOUSING INSPECTOR

The City of Camden Housing Inspector or designee, or any code enforcement inspector appointed by the City of Camden pursuant to N.J.S.A 40:48-2.3 *et seq.*, or any other statutory authorization to perform inspections of any building.

INTERIM CONTROLS

A set of measures designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs, or the term as it is defined pursuant to 42 U.S.C. § 4851b and the regulations adopted pursuant thereto.

LEAD ABATEMENT

A set of measures designed to permanently eliminate lead-based paint hazards, in accordance with the standards established by the Commissioner of the New Jersey Department of Community Affairs.

LEAD ABATEMENT CONTRACTOR

A firm certified by the New Jersey Department of Community Affairs to perform remediation through lead abatement or interim control work pursuant to N.J.A.C. 5:17.

LEAD ABATEMENT WORKER

An individual certified by the New Jersey Department of Health to perform lead abatement or interim control work pursuant to N.J.A.C. 8:62.

LEAD-BASED HAZARD CONTROL METHODS

Interim controls, as defined above.

LEAD-BASED PAINT

Paint or other surface coating material that contains lead in excess of 1.0 milligrams per centimeter squared or in excess of 0.5 percent by weight, or such other level, as may be established by Federal law.

LEAD-BASED PAINT HAZARD

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

LEAD EVALUATION CONTRACTOR

A person certified by the New Jersey Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:17-5.1. This includes the ability to perform dust wipe sampling.

LEAD INSPECTOR/RISK ASSESSOR

An individual certified by the New Jersey Department of Health to perform lead inspection and risk assessment work pursuant to N.J.A.C. 8:62. This includes the ability to perform dust wipe sampling.

LEAD-FREE CERTIFICATON

The certificate issued in accordance with N.J.A.C. 5:17, which states that there no lead-based paint, or that the dwelling has undergone lead abatement, in accordance with N.J.A.C. 5:17.

LEAD-SAFE CERTIFICATION

The certification issued in accordance with N.J.A.C. 5:28-2.4, which confirms that a periodic 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.

LEAD-FREE

A dwelling that has been certified to have no lead-based paint or has undergone lead abatement, in accordance with N.J.A.C. 5-17.

LEAD SAFE

A dwelling which has been found to have no outstanding lead-based paint hazards. It does not mean that the dwelling has been certified to be lead free.

MULTIPLE DWELLING

Any building or structure and land appurtenant thereto, and any portion thereof, in which three (3) or more dwelling units are occupied or intended to be occupied by three (3) or more persons living independently of each other. "Multiple Dwelling" also means any group of 10 or more buildings on a single parcel of land or on contiguous parcels under common ownership, in each of which two (2) dwelling units are occupied, or intended to be occupied, by two (2) persons or households living independently of each other, and any land appurtenant thereto, and any portion thereof. "Multiple Dwelling" does not include those buildings and structures that are excluded pursuant to N.J.S.A. 55:13A-3(k).

PERIODIC LEAD-BASED PAINT INSPECTION

Pursuant to N.J.A.C 5:28A-2.1, the initial inspection of all applicable dwelling units for the purpose of identifying lead-based paint hazards in the dwelling units, at the earlier of two (2) years from the effective date of P.L. 2021, c.182, July 22, 2022, or tenant turnover and thereafter every three years or upon tenant turnover, which is earlier;

REMEDIATION

Interim controls or lead abatement work undertaken in conformance with this Section to address lead-based paint hazards.

TENANT TURNOVER

The time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit or the time at which a new tenant enter a vacant dwelling unit.

VISUAL ASSESSMENT

A visual examination for deteriorated paint or visible surface dust, debris, or residue, and as conducted pursuant to N.J.A.C. 5:28A-2.3.

§450-16.3. Inspections for Lead-Based Paint

(a) **Inspections Authorized.** A City Official, primarily the City's Housing Inspector or the City's retained Lead Evaluation Contractor or a certified Lead Evaluation Contractor hired by the Rental Dwelling Owner shall be authorized and empowered to inspect all single family, two-family or multiple dwelling rental units in the City of Camden for lead-based paint hazards, N.J.S.A. 52:27D-437.6 and N.J.A.C. 5:28A-1.1.

(b) In accordance with N.J.S.A. 52:27D-437.16(c), certain single-family, two-family or multiple dwelling rental units shall not be subject to inspection and evaluation for the presence of lead-based paint hazards, if the unit:

(1) was constructed during or after 1978;

(2) is a single-family or two-family seasonal rental dwelling unit that is rented for less than six (6) months duration each year by tenants that do not have consecutive lease renewals;

(3) has been certified to be free of lead-based paint, pursuant to N.J.A.C. 5:17;

(4) is a multiple dwelling that was constructed prior to 1978 and has been registered with the N.J. Department of Community Affairs as a multiple dwelling for at least ten (10) years, either under the current or a previous owner, and has either:

a. no outstanding lead-based paint violations from the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law." P.L. 1967, c. 76 (N.J.S.A. 55:13A-1 *et seq.*); or

b. a current certificate of inspection issued by the N.J. Department of Community Affairs, Bureau of Housing Inspection; or

c. an open inspection with no violations for lead-based paint hazard;

(5) has a valid Lead-Safe Certification issued pursuant N.J.A.C. 5:28A-2.4. Lead-Safe Certifications are valid for two (2) years from the date of issuance.

(c) **Timing of Inspection:**

1. The Initial Inspection of all single-family, two-family and multiple dwelling rental units' subject to this section shall take place

upon Tenant Turnover or no later than July 22, 2024, whichever is earlier.

2. After the initial inspection, all such rental dwelling units shall be inspected for lead-based paint hazards each time there is Tenant Turnover, or at least once every three (3) years, whichever is earlier. However, if the landlord has a valid lead-safe certification, under N.J.A.C. 5:28A-2.4, the dwelling unit will not need to be inspected.
3. Each subsequent periodic lead-based paint inspection shall be counted from the most recent inspection which resulted in a valid lead-safe certification.

(d) Every Inspection for which the landlord, tenant, owner or agent has failed to provide access for the Inspection, shall be deemed a Failed Inspection.

(e) **Cancelation of Inspection.** Scheduled inspections or re-inspections may be canceled by the Department of Code Enforcement, if the completed Application and Fees have not been received by the City at least twenty-four (24) hours prior to the scheduled inspection, or on the last working day prior to the scheduled inspection. If the owner, landlord and/or agent cancels the inspection at the last minute, a no-show fee will be imposed.

(f) **Option for Inspection by the Owner's Certified Lead Evaluation Contractor.** A dwelling unit owner or landlord may opt, instead, to directly hire a licensed lead evaluation contractor who is certified, to conduct periodic lead-based paint inspections to satisfy the requirements of this Ordinance, N.J.S.A. 52:27D-437.16 and N.J.A.C. 5:28A-1.1 *et seq.* The Owner will provide the City with a copy of the Lead-Safe Certificate and pursuant to N.J.A.C. 5:28-2.2, pay a \$20.00 Fee which will be deposited in the New Jersey Lead Hazard Control Assistance Fund.

(g) Notwithstanding the option specified in paragraph f, the City retains the authority to conduct inspections or investigations of landlords or owners that directly hire Lead Evaluation Contractors to ensure that periodic lead-based paint hazard inspections are being performed in accordance with this chapter, where:

- (i) the owner previously opted to hire a lead evaluation contractor to perform the periodic lead-based paint inspection and failed to have the inspection completed; or
- (ii) the City determines there is a conflict of interest between the owner and their lead-evaluation contractor of choice.

(h) If no lead-based paint hazards are identified, then the dwelling will be certified as Lead-Safe on a form prescribed by the New Jersey Department of Community Affairs and supply a copy of the Lead-Safe Certification to the landlord, owner and/or agent of the dwelling. If lead-based paint hazards are identified, the City will follow the procedures specified below in **§450-16.6**, which is entitled Remediation.

(i) If a lead-based paint hazard is identified in an inspection of one (1) of the rental dwelling units in a building consisting of two- or three-dwelling units, then in accordance with N.J.S.A 52:27D-437.16g(3), the remaining dwelling units shall be inspected, unless those units have been certified to be free of lead-based paint,

(j) The Lead-Safe Certification shall be valid for two (2) years from the date of issuance, unless during the two-year certification period, a Lead Evaluation Contractor, Lead Inspector/Risk Assessor, or a local health department or public agency conducts an independent inspection or risk assessment and determines that there is a lead-based paint hazard, in which case, the certification shall become invalid.

(k) Whenever any dwelling unit is scheduled for a tenant turnover, the then-current landlord, owner and/or agent shall provide written notice to the Department of Code

Enforcement, no later than fifteen (15) calendar days prior to the scheduled date of tenant turnover, that an inspection is needed and pay all applicable and required Inspection

§450-16.4. Fees for Inspection

- (1) The fee for a dust wipe sampling inspection shall be based on the City's actual cost and may vary based on the square footage and number of bedrooms in a rental unit.
- (2) **There is an additional assessment of \$40.00 per dwelling unit which encompasses fees for the City and the State. N.J.S.A 52:27d-437.4 requires the assessment of a \$20.00 fee per dwelling unit, for the New Jersey Lead Hazard Control Assistance Fund, unless the owner demonstrates that the New Jersey Department of Community Affairs has already assessed the additional inspection fee of \$20.00. The City will assess a fee of \$20.00 to cover the administrative costs associated with the requirements of the lead-based paint inspection law.**
- (3) In a common-interest community, any inspection fee charged pursuant to this subsection shall be the responsibility of the unit owner and not the homeowner's association, unless the homeowner's association is the owner of the unit.

§450-16.5. Use of Dust Wiping or Visual Assessment Method

(a) At the time of enactment of P.L. 2021, c. 182 (N.J.S.A. 52:27D-437.16), the New Jersey Department of Community Affairs identified the City of Camden as a municipality in which at least three (3) percent of children tested, six (6) years of age or younger, have blood lead level greater than or equal to five (5) µg/dL according to the central lead screening database maintained by the New Jersey Department of Health pursuant to section 5 of P.L. 1995 c.328(C.26:2-137.6) then the City of Camden shall inspect for lead-based paint hazards through dust wipe sampling.

(b) If, in the future, the New Jersey Department of Community Affairs designates the City of Camden as a Municipality in which less than three (3) percent of children tested, six (6) years of age or younger, have a blood lead greater than or equal to five (5) µg/dL, then inspection required by this Section shall be performed through a visual assessment.

§450-16.6. Remediation

(a) If lead-based paint hazards are identified, the Department of Code Enforcement, or Lead Evaluation Contractor, shall notify the New Jersey Department of Community Affairs, Division of Local Government Services, who will review the findings in accordance with section 8 of the "Lead Hazard Control Assistance Act," P.L. 2003. (c.311 (C.52:27D-437.8).

(b) The owner, landlord, and/or agent of the dwelling shall remediate the lead-based paint hazard using lead abatement or interim controls. The owner shall choose the appropriate remediation mechanism.

(c) Interim Controls shall be performed, in accordance with the requirements of HUD at 42 U.S.C. §4851b and detailed within HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing.

(d) Abatement work shall be performed in accordance with the requirements of the Lead Hazard Evaluation and Abatement Regulations, N.J.A.C. 5:17.

(e) Any relocation of tenants required pursuant to a remediation shall be undertaken, in accordance with applicable law.

(f) Upon conclusion of the remediation, the following procedure shall be followed:

1. If the owner utilized Interim Controls for remediation, the Housing Inspector, or lead evaluation contractor, shall conduct an additional inspection within 60 days of the

initial inspection by using Dust Wipe Sampling. If the inspection shows that the lead-based paint hazard no longer exists, a Lead Safe Certification will be issued and the Certification shall be valid for a period of two (2) years from the date of issuance; and

2. If the owner utilized Lead Abatement for remediation, and a Lead Abatement Certificate has been issued in accordance with N.J.A.C. 5:17, then the Lead-Free Certificate issued at the final clearance inspection shall exempt the dwelling from future periodic lead-based paint inspections.

§450-16.7. Violations

(a) Pursuant to N.J.S.A. 52:27D-437.6 and N.J.A.C. 5:28A-4.1, the Housing Inspector is authorized to conduct investigations and issue penalties in order to ensure a rental dwelling's landlord's, owner's or agent's compliance with this Ordinance.

(b) The owner of the dwelling shall first be given a period of thirty (30) calendar days to cure any violation by conducting the required inspection or initiating any required remediation efforts.

(c) If the owner of the dwelling has not cured the violation within that time period, they shall be subject to a penalty, not to exceed one thousand dollars (\$1,000) per week, until the required inspection has been conducted or the remediation efforts have been initiated.

(d) Remediation efforts shall be considered to be initiated when the dwelling owner has hired a lead abatement contractor or other qualified party to perform lead-hazard control methods.

(e) Owners who fail to maintain valid Lead-Safe Certificates are prohibited from renewing their annual rental licenses.

§450-16.8. Owner Responsibility for Record-Keeping

The landlord, owner and/or agent shall:

(a) Provide to the Tenant and the City of Camden, evidence of a valid Lead-Safe Certification obtained pursuant to this Ordinance at the time of tenant turnover and affix a copy of such Certification as an exhibit to the tenant's lease

(b) Provide evidence of a valid Lead-Safe Certification obtained pursuant to Ordinance, as well as evidence of the most recent tenant turnover, at the time of any cyclical inspection performed pursuant to the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 *et seq.*

(c) Maintain a records of Lead-Safe Certification, which shall include the name or names of a dwelling unit's tenants, if inspection was conducted during the period of tenancy.

(d) Shall inform the City of Camden of all tenant turnover activity to ensure that any required inspection may be scheduled.

(e) Shall provide a copy of this Ordinance, and any Lead-Safe Certifications issued pursuant thereto, along with the accompanying guidance document, "Lead-Based Paint in Rental Dwellings", to any prospective owners of the dwelling during a real estate transaction, settlement, or closing.

§450-16.9. Municipal Oversight and Record-keeping Responsibility

(a) Pursuant to N.J.A.C. 5:28A-2.1(d), the Department of Code Enforcement shall exercise appropriate oversight of a landlord or owner who chooses to hire a Lead Evaluation Contractor to perform the periodic lead-based paint inspection.

(b) Pursuant to N.J.A.C. 5:28A-3.2, the Department of Code Enforcement shall maintain a record of all dwellings subject to this Ordinance, which shall include up-to-date information on inspection schedules, inspections results, and tenant turnover.

(c) The Department of Code Enforcement shall maintain a record of all Lead-Safe Certifications issued pursuant to N.J.A.C. 5:28A-2.4:

1. If a Lead Evaluation Contractor perform inspections for the City, the Lead Evaluation Contractor shall provide a copy of the Lead-Safe Certification to the City;
2. When the owner hires a Lead Evaluation Contractor to perform the inspections, the Lead Evaluation Contractor shall provide a copy of the Lead-Safe Certification to the City.

(d) The Department of Code Enforcement shall maintain a record of all Lead-Free Certification that have been issued pursuant to N.J.A.C. 5:17.

SECTION 2. Repealer. Any ordinance, section, paragraph, subsection, clause or other provision of the Municipal Code of the City of Camden which is inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.


SECTION 3. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 4. Effective date. This ordinance shall take effect upon its passage and publication in accordance with applicable law.

BE IT FURTHER RESOLVED, that pursuant to N.J.S.A. 52:27BBB-23, a true copy of this Resolution shall be forwarded to the State Commissioner of Community Affairs, who shall have ten (10) days from the receipt thereof to veto this Resolution. All notices of veto shall be filed in the Office of the Municipal Clerk.

Date of Introduction: November 16, 2023

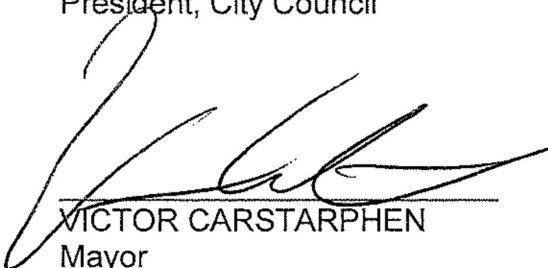
The above has been reviewed and approved as to form.



DANIEL BLACKBURN
City Attorney



ANGEL FUENTES
President, City Council



VICTOR CARSTARPHEN
Mayor

ATTEST: 

LUIS PASTORIZA
Municipal Clerk

Angel Fuentes, President
Councilperson-at-Large

Sheila Davis, Vice-President
Councilperson-at-Large

Nohemi Soria-Perez
Councilperson-at-Large

Luis Pastoriza, RMC, CMR
Municipal Clerk

Yenise E. Valdez
Assistant Municipal Clerk

Howard McCoach
Counsel-To-Council

Shanelca Boucher
Councilperson, 1st Ward

Chris Collins
Councilperson, 2nd Ward

Marilyn Torres
Councilperson, 3rd Ward

Jannette Ramos
Councilperson, 4th Ward



**MUNICIPAL CLERK
CITY OF CAMDEN
NEW JERSEY**

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MEMORANDUM

DATE: *December 14, 2023*

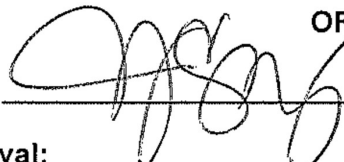

TO: *Victor Carstarphen, Mayor*

FROM: *Luis Pastoriza, Municipal Clerk*

RE: *Ordinance Final Passage – (MC-5479)*

An Ordinance to amend Chapter 450 of the Code of the City of Camden Housing Standards Lead-Based Paint Inspections, fees for inspection

In accordance with Rule XIX of the Administrative Code of the City of Camden (Rules of Procedure governing the City Council), I am delivering to you the attached ordinance adopted by City Council at a **Regular** meeting held on **12-12-2023**. Said article provides that "each ordinance shall be returned by the Mayor to the Municipal Clerk after the Mayor has affixed his /her signature thereto or after the expiration of **ten (10) days** from the date of its delivery to the Mayor in any event."

OFFICE OF THE MAYOR	
Received by: <u></u>	Date: <u>12/14/23</u>
Date of Approval: <u></u>	<u>12/15/23</u>