

**TOWNSHIP OF CEDAR GROVE
ORDINANCE #22-898**

AGENDA ITEM #3(a)

October 3, 2022

PASSED ORDINANCE NO. 22-898

**AMENDING AND SUPPLEMENTING CHAPTER 198 OF THE TOWNSHIP CODE
REGARDING REQUIREMENT FOR INSPECTION OF LEAD-BASED PAINT IN
RESIDENTIAL DWELLINGS**

WHEREAS, the Township of Cedar Grove (the “Township”) maintains Chapter 198 entitled “Property Maintenance, Residential” of the Township Code; and

WHEREAS, pursuant to P.L. 2021, c.182, all municipalities are required to inspect every single-family, two-family, and multiple rental dwelling located within the municipality on a recurring basis and at tenant turnover for lead-based paint hazards; and

WHEREAS, it is in the best interests of Township residents to amend the Township Code at this time to require inspections for lead-based paint in residential rental dwellings to conform with the State law.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey, that:

Section 1. The aforementioned recitals are incorporated in their entirety, as if restated herein.

Section 2. Chapter 198 of the Township Code, entitled “Property Maintenance, Residential”, shall hereby be amended and supplemented, as follows:

§ 198-8. Lead-Based Paint Inspections.

- A. Required Initial Inspection.** The owner, landlord and/or agent of every single-family, two-family, and/or multiple dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards within two years of the effective date of the law, July 2, 2022, or upon tenant turnover, whichever is earlier.
- B. Required Recurring Inspection.** After the initial inspection required by Section 198-8(A), the owner, landlord and/or agent of such dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three years, or at tenant turnover, whichever is earlier, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification.
- C. Standards.** Inspections for lead-based paint in rental dwelling units shall be governed by the standards set forth in N.J.S.A. 52:27D-437.1 et seq., and N.J.S.A. 55:13A-1 et seq.

D. Exceptions. A dwelling unit in a single-family, two-family, or multiple rental dwelling shall not be subject to 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 certified to be free of lead-based paint;
- (2) was constructed during or after 1978;
- (3) is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least 10 years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the “Hotel and Multiple Dwelling Law”, N.J.S.A. 55:13A-1, et seq.;
- (4) is a single-family or two-family seasonal rental dwelling which is rented for less than six months duration each year by tenants that do not have consecutive lease renewals; or
- (5) has a valid lead-safe certification issued in accordance with N.J.S.A. 52:27D-437.16(d)(2).

E. Fees. Notwithstanding any other fees due pursuant to this Chapter, the following fees shall be paid:

- (1) **Inspection Fee.** A dwelling owner or landlord shall owe a fee in the amount of \$200.00 shall be paid for each lead-based paint inspection conducted by the Township. Said fee shall be dedicated to meeting the costs of implementing and enforcing this subsection and shall not be used for any other purpose.
- (2) **Administrative Fee.** Alternatively, a dwelling owner or landlord may directly hire a private lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to satisfy the requirements of Section 198-8(A) in which case a \$50 administrative fee shall be paid. Said fee shall be dedicated to the costs of monitoring compliance with this subsection.

Section 3. Severability. If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 4. Repeal of Prior Ordinances. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

Section 5. Effective Date. This ordinance shall take effect after final passage and publication as provided by law.

INTRODUCED BY: Deputy Mayor Zichelli
SECONDED BY: Councilwoman Skabich

ROLL CALL VOTE				
COUNCILMEMBER	YES	NO	ABSTAIN	ABSENT
Peterson	X			
Skabich	X			
Tanella				X
Zichelli	X			
Maceri	X			