

BOROUGH OF CLOSTER
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 2023:1324

**AN ORDINANCE OF THE BOROUGH OF CLOSTER IN THE COUNTY OF BERGEN,
STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 87 OF
THE BOROUGH CODE REGARDING REQUIREMENTS FOR INSPECTION OF
LEAD-BASED PAINT IN CERTAIN RESIDENTIAL DWELLINGS**

WHEREAS, the Borough of Closter (the “Borough” or “Closter”) maintains Chapter 87 entitled “Property Maintenance” of the Closter Code, specifically the Property Maintenance Code; and,

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

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

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Closter, County of Bergen, State of New Jersey, that:

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

Section 2. Chapter 87 of the Borough’s Code, entitled "Property Maintenance" shall hereby be amended and supplemented as follows:

Article 87-18. Lead-Based Paint Inspections.

§ 18-1 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, or upon tenant turnover, whichever is earlier.

§ 18-2 Required Recurring Inspection. After the initial inspection required by Section 18-1 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.

§ 18-3 Standards. Inspections for lead-based paint in rental dwellings units shall be governed by the standards set forth in N.J.S.A. 55:13A-1 et seq., as may be amended from time to time.

§ 18-4 Exceptions. A dwelling unit in a single-family, two-family, or multiple dwelling shall not be subject to inspection and evaluation for the presence of the lead-based paint hazards, or for the fees for such inspection or evaluation, if the unit:

- a. has been certified to be free of lead-based paint;
- b. was constructed during or after 1978;
- c. 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 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.;
- d. 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,
- e. has a valid lead-safe certification issued in accordance with N.J.S.A. 52:27D-437.16(d)(2).

§ 18-5 If lead-based paint hazards are identified, then the owner of the dwelling shall remediate the hazards through abatement of lead-based paint hazard control mechanisms in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the lead-based paint hazard, the Borough 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.

§ 18-6 If no lead-based paint hazards are identified, then then the Borough Code Enforcement Officer or designee or the owner's private lead inspector shall certify the dwelling as lead safe on a form prescribed by the Department of Community Affairs, which shall be valid for two years and shall be filed with the Borough's Code Enforcement Officer. The Borough Code Enforcement Officer shall maintain up-to-date information on the inspection schedules, inspection results, tenant turnover and a record of all lead-free certifications issued pursuant to N.J.A.C. 5:17.

§ 18-7 In accordance with N.J.S.A. 52:27D-437.16(e), property owners shall:

- a. Provide evidence of a valid safe-lead certification and the most recent tenant turnover to the Borough of Closter at the time of the cyclical inspection;
- b. 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 or tenants' lease;
- c. 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.

§ 18-8 Fees.

a. Notwithstanding any other fees due pursuant to this Chapter, a fee in the amount of \$200.00 shall be paid for each lead-based paint inspection. There shall also be a \$50.00 reinspection fee. Said fees shall be dedicated to meeting the costs of implementing and enforcing this subsection and shall not be used for any other purpose. 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 18-1 in which case a \$50.00 filing fee shall be paid. (Refer to b)

b. The fee for filing a lead-safe inspection certification or lead-free certification shall be \$50.00.

c. In a common interest community, any inspection fee charged shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.

d. An additional \$20.00 fee shall be collected and sent to NJ State Lead Hazard Control Assistance Fund. NJAC 5:28A-2.2(b)

§ 18-9 Violations and Penalties. In accordance with N.J.S.A. 52:27D-437.19, the penalties for a violation of Article shall be as follows:

a. If a property owner has failed to conduct the required inspection or initiate any remediation efforts, the owner shall be given thirty (30) days to cure the violation.

b. If the property owner has not cured the violation after thirty (30) days, the property owner shall be subject to penalty not to exceed \$1,000.00 per week until the required inspection has been conducted or remediation efforts have been initiated.

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.

Councilperson	Motion	Second	Yes	No	Absent	Abstain
Councilwoman Amitai						
Councilwoman Chung						
Councilman Devlin						
Councilwoman Latner						
Councilwoman Witko						
Councilman Yammarino						

Introduced: September 27, 2023.

Adopted: October 11, 2023.

ATTEST:

APPROVED:

Stephanie Evans, Borough Clerk

John C. Glidden, Jr., Mayor

Certified to be a true copy of an Ordinance adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held on October 11, 2023.

Stephanie Evans, Borough Clerk