

TOWN OF CLINTON
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE # 23-16

Amending and Supplementing Chapter 70 of the Code of the Town of Clinton Regarding Requirements for Inspection for Lead-Based Paint

WHEREAS, the Town of Clinton regulates residential units, including rental units, through Chapter 70 of the Town Code, entitled “Dwellings, Unit Rental of;”

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

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

NOW THEREFORE BE IT ORDAINED, by the Mayor and Town Council of the Town of Clinton, County of Hunterdon, State of New Jersey, as follows:

Section 1. Section 70-3 of the Town Code entitled “Application for Landlord’s Registration Statement,” shall be amended by adding additional application requirements by adding subsections (H) and (I):

(H) Owners / landlords of dwelling units subject to the lead-based paint inspection requirements of Town Code Section 70-17 shall provide up-to-date information on any anticipated tenant turnover dates and results of previously conducted lead-based paint inspections.

(I) copies of any lead-free certifications issued pursuant to N.J.A.C. 5:17.

Section 2. Section 70-17 of the Town Code entitled, “Lead-Based Paint Inspections,” shall be added as follows:

A. Required Inspections.

1) Required Initial Inspection. The owner, landlord, and / or agent of every single-family, two-family, and / or multifamily dwelling unit (as defined in Chapter 88 of the Town Code) 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 P.L. 2021, c. 182 (i.e. by July 22, 2024), or upon tenant turnover, whichever is earlier.

2) Required Recurring Inspection. After the initial inspection required by Section 70-17(A)(1) above of the Town Code, 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.

- B. 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., as may be amended from time to time.
- C. 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 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,” P.L.1967, c.76 (C.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 in accordance with N.J.S.A. 52:27D-437.16(d)(2). Lead-safe certificates are valid for two years. If the lead-safe certificate has expired, and there will be a tenant turnover, an inspection will be necessary before the three-year inspection cycle deadline.
- D. Lead-Based Paint Inspector.
- 1) Creation of Office. The Office of Clinton Lead-Based Paint Inspector is hereby established.
 - 2) Appointment. The Mayor shall nominate, with the advice and consent of the Town Council, and appoint a Lead-Based Paint Inspector. The Lead-Based Paint Inspector can be an individual or a corporate entity. The Lead-Based Paint Inspector can be an appointed employee of the Town or a contracted vendor.
 - 3) Term of Office. The term of office of the Lead-Based Paint Inspector shall run from the date of the appointment to the 31st day of December immediately following such appointment.
- E. Application and Notice. Whenever any rental dwelling unit subject to this Section 70-17 is scheduled for a change in occupancy, the then current owner shall provide written notice to the Rental Housing Officer that an inspection is needed at least 20 days prior to the scheduled change. Such notice shall be made with a completed application on a form to be provided by the Rental Housing Officer.
- F. Time for inspections. The Town shall designate 6 days per year, approximately every two months, where the Town’s Lead-Based Paint Inspector shall be available to conduct inspections of dwelling units. If the owner or landlord of a dwelling unit requires inspections outside of such time period, they shall 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 this section

Inspection fees shall be paid prior to the inspection. No inspections or re-inspections shall take place unless all fees are paid. Scheduled inspections or re-inspections may be canceled by the Town unless the completed application and required fees have been received by the Town at least 24 hours prior to the scheduled inspection or on the last working day prior to the scheduled inspection.

- G. Failure to show for an inspection. A no-show for a scheduled lead paint inspection shall be subject to a \$50 re-inspection fee in addition to all other inspection fees. A no-show inspection means:
- 1) The owner/agent fails to meet inspector within 10 minutes of the appointed time for inspection or reinspection;
 - 2) The owner/agent does not have a key or is unable to give the Lead Paint Inspector or designee access to the premises for the scheduled inspection or reinspection; or
 - 3) Electrical power to a premises is disconnected.
- H. Production of Lead-Safe Certifications. In accordance with N.J.S.A. 52:27D-437.16(e), property owners shall:
- 1) Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Rental Housing Officer at the time of the cyclical inspection required pursuant to the Hotel and Multiple Dwelling Law (N.J.S.A. 55:13A-1 et seq.).
 - 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 or tenants' 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.
- I. If lead-based paint hazards are identified, then the owner of the dwelling shall remediate the hazards through abatement or 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 Town Lead-Based Paint Inspector 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. The fee for such additional inspection shall be charged consistent with the fee schedule adopted pursuant to subsection (L) below.
- J. If no lead-based paint hazards are identified, then the Town Lead-Based Paint Inspector 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 Rental Housing Officer and Lead-Based Paint Inspector.

K. Records. The Town Lead-Based Paint Inspector shall maintain up-to-date information on inspection schedules, inspection results, tenant turnover and a record of all lead-free certifications issued pursuant to N.J.A.C. 5:17. § 171-29.

L. Fees for lead-based paint inspections.

- 1) In addition to all other fees due under this Chapter 70, additional fees in the following amounts shall be paid for each lead-based paint inspection. Said fee shall be dedicated to meeting the costs of implementing and enforcing this section and shall not be used for any other purpose.
 - i. Fees for a New Jersey Certified Lead Paint Inspector / Risk Assessor Inspection and Lead Wipe Sample Analysis shall be set by resolution each year by the Town Mayor and Council to reflect actual charges for such services by the appointed Lead-Based Paint Inspector.
 - ii. New Jersey Department of Community Affairs Inspection Fee - \$20 per unit. This fee shall be waived if the property owner or landlord can provide proof that the Department of Community Affairs has already assessed such fee pursuant to N.J.S.A. 52:27D-437.10.
- 2) 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 this section, in which case only a fee for filing a lead-safe certification in the amount of \$20 shall be due.
- 3) 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.

M. Violations and Penalties.

- 1) The Town and the Housing Enforcement Officer shall be authorized to conduct investigations and issue penalties to enforce a property owner's failure to comply with N.J.S.A. 52:27D-437.16 or this Section.
- 2) In accordance with N.J.S.A. 52:27D-437.19, the penalties for a violation of this section shall be as follows:
 - i. If a property owner has failed to conduct the required inspection or initiate any remediation efforts, the owner shall be given 30 days to cure the violation.
 - ii. If the property owner has not cured the violation after 30 days, the property owner shall be subject to a penalty not to exceed \$1,000 per week

until the required inspection has been conducted or remediation efforts have been initiated.

- iii. The time to cure a violation may be extended at the discretion of the Town of the property owner is proceeding diligently and in good faith to cure such violations.

Section 3. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5. This Ordinance shall take effect upon final passage and publication according to law.