

**TOWNSHIP OF CRANFORD
CRANFORD, NEW JERSEY**

ORDINANCE NO. 2024-11

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CRANFORD, BY
CREATING CHAPTER 319, ARTICLE IV, TO ESTABLISH A LEAD-BASED PAINT
INSPECTION PROGRAM**

WHEREAS, pursuant to N.J.S.A. 52:27D-437.16, the Township of Cranford is obligated to maintain a lead-based paint hazard inspection program.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Cranford as follows:

SECTION 1. Chapter 319, Article IV is hereby created to read as follows:

Chapter 319 Property Maintenance

Article IV Lead Based Paint Inspections

319-19 Definitions.

The following definitions shall apply to this article:

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.

EXPLANATION – Matter struck through ~~thus~~ in the above Ordinance is not enacted and is intended to be omitted in the law. Matter underlined thus is new matter.

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 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.

319-20 Lead-based paint inspection.

- A. A lead inspector for the Township of Cranford shall inspect every single-family, two-family, and multiple rental dwelling located within the Township of Cranford for lead-based paint hazards through visual assessment and dust wipe sampling in accordance with N.J.S.A. 52:27D-437.16 *et seq.*, as may be amended from time to time.
- B. The property owner or landlord may, in lieu of having the dwelling inspected by the Township's lead inspector, directly hire a private lead inspector who is certified to provide lead paint inspection services by the Department of Community Affairs to perform the lead-based paint inspection in accordance with N.J.S.A. 52:27D-437.16 *et seq.*, as may be amended from time to time.
- C. In accordance with N.J.S.A. 52:27D-437.16(c), 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 reregistered 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, See 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.
- D. 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 Township's lead inspector or visual assessor, 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.

B. 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.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. Upon final passage and publication according to law, this ordinance shall become effective immediately.

Introduced: May 7, 2024

Adopted: June 11, 2024

Approved:

Brian Andrews, Mayor
Township Committee

Attest:

Patricia Donahue, RMC
Municipal Clerk

RECORDED VOTE

INTRODUCED

ADOPTED

Brian Andrews

Aye

Aye

Terrence Curran

Aye

Absent

Paul A. Gallo

Aye

Aye

Kathleen Miller Prunty

Aye

Aye

Gina Black

Aye

Aye