

APPROVED

3-15-23
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MAYOR

**ORDINANCE NO. 2023-06
AMENDING AND SUPPLEMENTING CHAPTER 116
OF THE TOWNSHIP CODE**

WHEREAS, the Township maintains existing regulations regarding rental units found under Chapter 116 entitled "Rental Units";

WHEREAS, pursuant to P.L. 2021, c.182, all municipalities are now required to inspect every single-family, two-family, and multiple rental dwelling built prior to 1978 and 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 Township of Florence to amend the Township Code at this time to require inspections for lead-based paint in residential rental dwellings to conform with New Jersey State law;

NOW THEREFORE BE IT ORDAINED by the Council of the Township of Florence, in the County of Burlington and State of New Jersey that:

SECTION 1. Chapter 116 shall be amended to add Article IV entitled "Lead-Based Paint Inspections." which shall read as follows:

Article VI. Lead-Based Paint Inspections.

§116-35 Inspections.

A. A Lead Evaluation Contractor retained by the Township shall inspect every single-family, two-family, or multiple rental dwelling located in the Township of Florence for lead-based paint hazards through visual assessment and dust wipe sampling in accordance with N.J.S.A. 52:27D-437.1 et seq.

B. In lieu of having the dwelling inspected by the Township's Lead Evaluation Contractor, 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 perform the lead-based paint inspection in accordance with N.J.S.A. 52:27D-437.1 et seq.

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 registered with the Department of Community Affairs as a multiple dwelling for at least ten (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 (Lead-safe certifications are valid for two years from the date of issuance pursuant to N.J.A.C. 5:28A-24.)

D. The owner, landlord and/or agent of every single-family, two-family, or multiple rental dwelling unit offered for rental shall be required to obtain an inspection of the unit for Lead-based Paint Hazards no later than July 22, 2024, or upon a tenant turnover after the effective date of this Ordinance, whichever is earlier.

E. The owner, landlord, and/or agent of every single-family, two-family, or multiple rental dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three (3) 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.

F. If lead-based paint hazards are identified, then the owner, landlord, and/or agent of the dwelling shall remediate the lead-based paint hazard using lead abatement or lead-based control methods in accordance with N.J.S.A. 52:27D-437.16(d).

G. If no lead-based paint hazards are identified, then the Township's Lead Evaluation Contractor shall certify the dwelling as lead-safe on a form prescribed by the Department of Community Affairs, which shall be valid for two years.

H. Pursuant to N.J.S.A. 52:27D-437.16(e), property owners shall:

- (1) Provide evidence of valid lead-safe certification and the most recent tenant turnover at the time of the inspection
- (2) Provide evidence of a valid lead-safe certification obtained pursuant to this Section to new tenants of the property at the time of tenant turnover unless not required to have had an inspection by a Lead Evaluation Contractor or permanent local agency pursuant to §116-35(C).
- (3) Maintain records of lead-safe certification, which shall include name(s) of the unit tenant(s), if inspection was conducted during a period of tenancy.

I. Fees.

- (1) The fee for a visual inspection and dust wipe sampling inspection performed by the Township's Lead Evaluation Contractor shall be based on the Township's actual costs following a procurement by the Township of a certified Lead Evaluation Contractor and may vary based on the square footage and number of bedrooms in a rental unit and shall be set forth in the Township Code at Chapter 2 "Fees" and a separate Township administrative fee for every dwelling unit inspected by the Township's Lead Evaluation Contractor or the owner's private lead evaluation contractor.
- (2) In accordance with N.J.S.A. 52:27D-437.16(h), an additional fee of \$20.00 per dwelling unit inspected by the Township's Lead Evaluation Contractor or the owner's private lead evaluation contractor shall be addressed for the purpose of the Lead Hazard Control Assistance Act, unless the owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of \$20.00. The fees collected pursuant to this subsection shall be deposited into the Lead Hazard Control Assistance Fund.
- (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 homeowners' association, unless the association is the owner of the unit.

§116-36 Violations.

Penalties for violation of §116-35 shall be as follows:

- A. If a property owner has failed to conduct the required inspection or initiate any remediation as required by N.J.S.A. 52:27D-437.1 et seq. the owner shall have 30 days to cure the violation.
- B. If a property owner fails to cure the violation after 30 days, the property owner shall be subject to a penalty not to exceed \$1,000.00 per week until the required inspection has been conducted or remediation efforts have been initiated.
- C. Remediation efforts shall be considered to be initiated when the unit owner/landlord or agent has hired a Lead Abatement Contractor or otherwise qualified party to perform Lead-hazard Control Methods.

SECTION 2. Section 116-3 (Definitions) is hereby amended to add the following definitions:

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 and conducted pursuant to N.J.A.C. 5:28A-2.3.

Lead Abatement - Measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by the Commissioner of Community Affairs in compliance with standards promulgated by the appropriate federal agencies.

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. 5:171.1 et seq.

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

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 enters a vacant dwelling unit.

Visual Assessment - A visual examination for deteriorated paint or visible surface dust, debris, or residue, including XRF (X-ray fluorescence) analysis.

SECTION 3. Paragraph C (8) of §116-30 is hereby amended as follows (Deletions noted by strikethrough ~~thus~~; added language noted by underline thus):

8. For each such rental unit the landlord shall provide:

- (a) A description by number or letter and floor of each such rental unit.
- (b) The name, age and gender of each and every tenant in each unit, including children.
The information contained in the landlord registration form must set forth information for each unit within the rental property and must include all tenants in each unit.
- (c) The square footage of living space within each such rental unit and the number of rooms.
- (d) Provide a detailed floor plan with the exact number of sleeping rooms contained in each rental unit and the exact number of sleeping accommodations contained in each of the sleeping rooms, identifying each sleeping room specifically by number and location within the apartment or dwelling and by the square footage thereof. This information shall be provided with the initial landlord registration form and shall be updated as part of the annual renewal process should the floor plan change. If no changes to the floor plan were made during the course of the preceding year, then the registrant shall not be required to submit an updated floor plan.
- (e) Whether such rental unit is equipped with a kitchen.
- (f) Whether the rental unit is equipped with a fire-suppression or fire sprinkler system, a fire extinguisher, a carbon monoxide alarm, a smoke detector alarm, fixed fire escape ladders or systems for emergency egress.
- (g) The term on the lease and a copy of the current continued certificate of occupancy (CCO).
- (h) A copy of the most recent valid certificate of inspection issued by the State of New

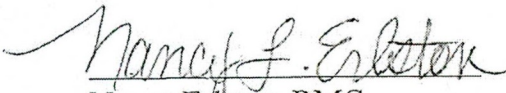
Jersey Bureau of Housing, Department of Community Affairs, if applicable.

- (i) A certification as to who is paying the property taxes and water/sewerage charges.
- (j) The information referenced in Subsections C(8)(a) through (i) hereof may be provided by attaching the landlord registration statement mandated by N.J.S.A. 46:8-28 certifying that the information contained therein remains true and accurate or, in the event of any change, amend said registration certificate accordingly.
- (k) A copy of the completed Federal Lead Based Paint Disclosure Form, if applicable.
- (l) A copy of a lead-free certificate or a valid lead-safe certification, if one is required by Article IV of Chapter 116 of the Code.
- (m) Such other information as may be prescribed by the Township on the appropriate landlord registration form or otherwise by ordinance or resolution.

SECTION 4. If any section, paragraph, subsection, clause, or provision of this Amendment shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective;

SECTION 5. If any ordinances or parts thereof are in conflict with the provisions of this Ordinance those provisions shall be repealed to the extent of such conflict.

SECTION 6. This Ordinance shall take effect upon passage and publication in accordance within applicable law.


Nancy Erlston, RMC,
Township Clerk


Bruce Garganio, Council President

TOWNSHIP OF FLORENCE

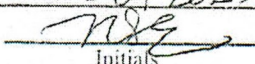
ORDINANCE 2023-06

ORDINANCE NO. 2023-06

AN ORDINANCE OF THE TOWNSHIP OF FLORENCE AMENDING AND SUPPLEMENTING CHAPTER 116 OF THE TOWNSHIP CODE TO ADD ARTICLE IV ENTITLED "LEAD BASED PAINT INSPECTIONS"

Take Notice that the Ordinance identified above 2023-06, which amends and supplements Chapter 116 of the Township Code to Add Article IV entitled "Lead Based Paint Inspections", has received final adoption by the Township Council and was approved by the Mayor of the Township of Florence, County of Burlington, State of New Jersey, following a public hearing held on March 15, 2023 at 7:00 P.M. in the Municipal Complex, Council Chambers, 711 Broad Street, Florence, New Jersey.

Nancy L. Erlston, RMC
Township Clerk

Ordinance No.	<u>2023-06</u>
Advertised in Burlington County Times on:	<u>MARCH 19, 2023</u>
Effective Date:	<u>APRIL 8, 2023</u>
	<u></u> Initials