

ORDINANCE 2024:1548

ORDINANCE OF THE BOROUGH OF HADDON HEIGHTS, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY ESTABLISHING NEW CHAPTER 152 ENTITLED "LEAD-BASED PAINT"

WHEREAS, the Borough of Haddon Heights (the "Borough") is a municipal corporation organized and operating under the laws of the State of New Jersey; and

WHEREAS, in July of 2021, the New Jersey State Legislature enacted P.L. 2021, c. 182, amending the Lead Hazard Assistance Act (N.J.S.A. 52:27D-437.1, *et seq.*) (the "Legislation"), specifically as to lead paint hazards in residential properties; and

WHEREAS, the Borough seeks to amend the Borough Code to require landlords within the Borough to comply with the lead-based hazard requirements of the Legislation; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Mayor and Council of the Borough of Haddon Heights are authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Borough by law; and

NOW THEREFORE BE IT ORDAINED, by the Mayor and the Council of the Borough of Haddon Heights as follows:

SECTION 1: Chapter 152, "Lead-Based Paint" is hereby repealed and restated and established as follows:

§ 152-1 LEAD-BASED PAINT.

- A. Annually, on or before January 1, all owners of a residential rental unit within the Borough, or upon change in occupancy of a residential rental unit, shall present to the Borough Fire Official notice of the last tenant turnover date, as well as a valid lead-based paint evaluation report prepared by a NJ Department of Community Affairs (DCA) certified lead evaluation contractor as defined in P.L. 2021, c. 182. Should the owner fail to provide such a report within thirty (30) days of filing, the Borough shall have said inspection performed by the Borough's designated lead evaluation contractor (DCA Certified) with the cost for same to be assessed against the landlord and payable to the Borough of Haddon Heights.
- B. Should the evaluation report identify lead-based hazards, then the owner shall remediate the hazards through abatement or lead-based hazard control mechanisms. The remediation shall be

confirmed through a subsequent lead-based hazard inspection. The identification of a lead-based hazard will result in the Borough, or the inspector retained to conduct such inspections, providing notification of same to the Commissioner of the Department of Community Affairs.

- C. No residential rental unit shall be occupied until a valid lead-based paint evaluation report prepared by a certified lead evaluation contractor as defined in P.L. 2021, c. 182 is provided or obtained by the Borough pursuant to subsection A above. Further, if the evaluation report identifies lead-based hazards, such residential rental unit shall not be occupied until remediation is deemed complete by the Borough pursuant to subsection B above.
- D. The provisions of this Section do not apply to properties exempt under P.L. 2021, c. 182, specifically properties that:
 - 1) have been certified to be free of lead-based paint.
 - 2) were constructed during or after 1978.
 - 3) are located 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) are 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.
 - 5) have a valid lead-safe certification issued in accordance with P.L. 2021, c. 182
- E. In accordance with N.J.S.A. 52:27D-437.16(h), an additional permit fee of \$25 per dwelling unit per filing with the Borough. In addition, a mandatory fee of \$20 required by the Department of Community Affairs shall be imposed and collected. The fees collected for the Department of Community Affairs shall be deposited into the Lead Hazard Control Assistance Fund.

SECTION 2:

Except as set forth in Section 1 above, the balance of the Code of the Borough of Haddon Heights shall not be affected by this Ordinance.

SECTION 3:

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4:

If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 5:

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Introduced: _____

Public Hearing: _____

Adopted: _____

Mayor Zachary Houck

ATTEST: _____
Kelly Santosusso, RMC, Borough Clerk