

TOWNSHIP OF LUMBERTON

ORDINANCE NO. 2024 - 08

**ORDINANCE OF THE LUMBERTON TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF LUMBERTON AMENDING AND SUPPLEMENTING
CHAPTER 232 OF THE TOWNSHIP CODE TO ADD ARTICLE III
ENTITLED "LEAD BASED PAINT INSPECTIONS"**

WHEREAS, the Township maintains existing regulations regarding rental units found under Chapter 232 entitled "Rental Properties";

WHEREAS, pursuant to P.L. 2021, c.182, all municipalities are now required to inspect every single-family, two-family, and multiple rental dwelling located built prior to 1978 and 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 Lumberton 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 Committee of the Township of Lumberton, in the County of Burlington and State of New Jersey that:

SECTION 1. Chapter 232 shall be amended to add Article III entitled "Lead-Based Paint Inspections." which shall read as follows:

Article III. Lead-Based Paint Inspections.

§232-15 Paint Inspections.

- A. The owner, landlord, and/or agent of every single-family, two-family, and/or multiple dwelling unit offered for rental within the Township shall be required to obtain an inspection of the unit for lead-based paint hazards by a lead evaluation contractor who is certified to perform lead paint inspection services by the Department of Community Affairs no later than July 22, 2024, or upon tenant turnover after the effective date of this Ordinance, whichever is earlier. Inspection shall include visual assessment and dust wipe sampling in accordance with N.J.S.A. 52:27D-437.1 et seq.
- B. The owner, landlord, and/or agent shall be further required to obtain an inspection of such a 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.
- C. Pursuant to N.J.S.A. 52:27D-437.16(e), the property owner shall present to the Construction Official:
 - 1. Notice of the last tenant turnover date at the time of cyclical inspection;

2. A valid lead-based paint evaluation report prepared by a certified lead evaluation contractor as defined in N.J.S.A. 52:27D-437.1 et seq. whenever conducted pursuant to subsection A or subsection B above; and
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.

D. Should the owner fail to provide such a report to the Construction Official, as set forth in subsection C, within thirty (30) days of filing, the Township shall have said inspection performed with the Township's cost for same to be assessed against the landlord's rental property as a municipal lien.

E. Should the evaluation report identify lead-based hazards, then the owner shall remediate the hazards through abatement or lead-based hazard control mechanisms in accordance with N.J.S.A. 52:27D-437.16(d). The remediation shall be confirmed through a subsequent lead-based hazard inspection. The identification of a lead-based hazard will result in the Township, or the inspector retained to conduct such inspections, providing notification of same to the Commissioner of Community Affairs.

F. 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 N.J.S.A. 52:27-437.1 et seq. is provided or obtained by the Township pursuant to subsection C 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 Township pursuant to subsection D above.

G. 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. Was constructed during, or after, 1978;
2. Is a single-family or two-family seasonal rental dwelling units that are rented for less than six months duration each year by tenants that do not have consecutive lease renewals;
3. Dwelling units that have been certified to be free of lead-based paint, pursuant to N.J.A.C. 5:17;
4. Is in a multiple rental dwelling unit(s) constructed prior to 1978 that have 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 have no outstanding lead paint violations from the most recent cyclical inspection performed on the multiple dwelling pursuant to the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq., and N.J.A.C. 5:10. i.; or

5. Has a valid lead-safe certification issued pursuant to this chapter. (Lead-safe certifications are valid for two years from the date of issuance pursuant to N.J.A.C. 5:28A-2.4.)

§232-16. Fees.

- A. A \$50.00 Lead Inspection application fee will be due at the time of certificate of occupancy application.
- B. \$20.00 per application will be sent to the State of New Jersey pursuant to N.J.S.A. 52:27D-437.16(h) 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.

§232-17. Violations and Penalties.

- A. If a property owner fails to initiate remediation efforts, the owner shall be given thirty (30) days to cure the violation.
- B. If the property owner has not cured the violation within thirty (30) days, the property owner shall be subject to a penalty not to exceed \$1,000.00 per week until the required 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 232-1 (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 to 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. Section 232-2. Subsection C. is hereby amended as follows (added language noted by underline thus):

(6) A copy of the completed Federal Lead Based Paint Disclosure Form, if applicable;

(7) A copy of a lead-free certificate or a valid lead-safe certification, if one is required by Article III of Chapter 232 of the Code;

(8) Such other information as may be prescribed by the Township.

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.

LUMBERTON TOWNSHIP COMMITTEE

ACTION UPON INTRODUCTION:

COMMITTEE MEMBER	MOTION	2 ND	YES	ABSTAIN	NO	ABSENT
I. Faye		X	X			
G. LaPlaca			X			
R. Rodriguez	X		X			
K. Hatfield			X			
T. Benson						X

ACTION UPON ADOPTION:

COMMITTEE MEMBER	MOTION	2 ND	YES	ABSTAIN	NO	ABSENT
I. Faye			X			
G. LaPlaca	X		X			
R. Rodriguez		X	X			
K. Hatfield						X
T. Benson			X			

CERTIFICATION

I hereby certify that the foregoing is a true copy of the Ordinance that was Introduced after First Reading at a meeting of the Lumberton Township Committee held on May 2, 2024, and adopted after a Public Hearing held at the Lumberton Township Committee Meeting of June 6, 2024.

Bobbie Quinn

Bobbie Quinn, RMC
Lumberton Township Clerk

Introduced: May 2, 2024 Published: May 10, 2024
Hearing: June 6, 2024
Adopted: June 6, 2024 Published: June 13, 2024