

COUNTY OF BERGEN
BOROUGH OF PARAMUS
ORDINANCE No. 2024-04

AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 197 WITH A NEW
ORDINANCE TITLED "CERTIFICATES REQUIRED PRIOR TO THE RESALE OF
PROPERTY AND REQUIREMENTS FOR RESIDENTIAL TENANCIES"

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Paramus that Chapter 197 of the Code of the Borough of Paramus is amended by deleting the existing section and replacing it with the following:

ARTICLE I. SALE OF PROPERTY

§ 197-1 Certificate required prior to resale.

Prior to the resale of all residential properties within the Borough of Paramus, a certificate of compliance from the Building Department shall be required.

§ 197-2 Inspections; form; certificate of compliance.

Before issuing a certificate of compliance, the Construction Code Official or designee shall conduct an inspection of the property to determine conformance with Chapter 429, Zoning; § 363-5, Unlawful acts; sewer cleaning registration, Subsection G; and other ordinances and regulations of the Borough. Also, the Fire Official or designee shall inspect property for conformance with New Jersey P.L. 1991, c. 92, Smoke-Sensitive Alarm Devices. Attached is the Borough certificate of compliance form which is to become part of this chapter. This form may be revised from time to time without the necessity of a revision to this chapter.

§ 197-3 Fee; certificate of compliance.

The applicant shall pay the sum of \$100. to the Borough of Paramus to cover the administrative costs of inspections and issuance of the certificate of compliance.

§ 197-4 Continued certificate of occupancy.

Prior to the occupancy of a new tenant in commercial properties, a continued certificate of occupancy from the Building Department shall be required.

§ 197-5 Inspections; form; continued certificate of occupancy.

Before issuing a continued certificate of occupancy, the Construction Code Official, Zoning Official, Electrical Inspector, Plumbing Inspector and Fire Inspector shall conduct an inspection of the property to determine conformance with Chapter 429, Zoning, and other ordinances and regulations of the Borough. Attached is the Borough continued certificate of occupancy form which is to become part of this chapter. This form may be revised from time to time without the necessity of a revision to this chapter.

§ 197-6 Fee; continued certificate of occupancy.

The applicant shall pay the sum of \$300 to the Borough of Paramus to cover the administrative costs of inspections and issuance of the continued certificate of occupancy.

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Attachments:

[Attachment 1 - Certificates of Compliance](#)

ARTICLE II. RENTAL OF RESIDENTIAL PROPERTY

§ 197-7 Certificate of occupancy of residential tenancy.

Prior to the occupancy of a new tenant in residential properties, a certificate of occupancy of a residential tenancy from the Building Department shall be required.

§ 197-8 Inspections; form.

- A. Before issuing a certificate of occupancy of a residential tenancy, the Construction Code Official or designee shall conduct an inspection of the property to determine conformance with Chapter 429, Zoning, and other ordinances and regulations of the Borough. Also, the Fire Official or designee shall inspect property for conformance with New Jersey P.L. 1991, Chapter 92. Attached is the Borough certificate of occupancy of a residential tenancy form which is to become part of this chapter. This form may be revised from time to time without the necessity of a revision to this chapter. If the tenant desires to register and otherwise utilize services available to residents through the Borough of Paramus and/or its agencies, a certificate of occupancy of a residential tenancy shall be required.
- B. No certificate of occupancy shall be required for housing approved solely for senior citizen occupancy.

§ 197-9 Fees.

The applicant/tenant shall pay the sum of \$100 to the Borough of Paramus to cover the administrative costs of inspections and issuance of the certificate of occupancy of a residential tenancy.

§ 197-10 Violations and penalties.

- A. Any person, firm or corporation who or which shall violate any of the provisions of this chapter shall, upon conviction, be subject to the penalties provided by § 1-15 of this Code.
- B. The issuance of either a certificate of compliance for residential resale or a continued certificate of occupancy shall not preclude the imposition of penalties upon the subsequent discovery of violations.

Article III. LEAD-BASED PAINT INSPECTIONS

§ 197-11 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMISSIONER

The Commissioner of the Department of Community Affairs.

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DCA

Department of Community Affairs.

DEPARTMENT

Department of Community Affairs.

DOH

The New Jersey Department of Health.

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 (HUD).

DWELLING

A building containing a room or rooms, or suite, apartment, unit, or space, that is rented and occupied or intended to be rented and occupied for sleeping and dwelling purposes by one or more persons.

DWELLING UNIT

A unit within a building that is rented and occupied or intended to be rented and occupied for sleeping and dwelling purposes by one or more persons.

INTERIM CONTROLS

A set of measures designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs and as it is defined under 42 U.S.C. § 4851b and regulations implemented pursuant thereto.

LEAD ABATEMENT

A set of measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by N.J.A.C. 5:17.

LEAD ABATEMENT CONTRACTOR

A firm certified by the Department to perform lead abatement work pursuant to N.J.A.C. 5:17.

LEAD ABATEMENT WORKER

An individual certified by the New Jersey Department of Health (DOH) to perform lead abatement work pursuant to N.J.A.C. 8:62.

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LEAD EVALUATION CONTRACTOR

A firm certified by the Department to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:17. This includes the ability to perform dust wipe sampling.

LEAD FREE

A dwelling or dwelling unit has been confirmed to have fully abated all lead-based paint hazards or that no lead-based paint exists in the dwelling or dwelling unit.

LEAD INSPECTOR or RISK ASSESSOR

An individual certified by DOH to perform lead inspection and risk assessment work pursuant to N.J.A.C. 8:62. This includes the ability to perform dust wipe sampling.

LEAD SAFE

A dwelling has no outstanding lead-based paint hazards, but the dwelling is not necessarily lead free.

LEAD-BASED HAZARD CONTROL METHODS

Interim controls, as defined above. Note that this definition is specific to lead-based paint inspections in rental dwellings and is not to be confused with the lead hazard control work as defined within the Department's regulations for Lead Hazard Evaluation and Abatement, N.J.A.C. 5:17.

LEAD-BASED PAINT

Paint or other surface coating material that contains lead in excess of 1.0 milligrams per centimeter squared or in excess of 0.5% by weight, or such other level as may be established by federal law.

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-SAFE CERTIFICATION

The certification issued pursuant to the regulations promulgated pursuant to P.L. 2021, c. 182, which confirms that a periodic inspection, as defined below, was performed, and no lead-based paint hazards were found. This certification is valid for two years from the date of issuance.

MULTIPLE DWELLING

Any building or structure and any land appurtenant thereto, and any portion thereof, in which three or more dwelling units are occupied or intended to be occupied by three or more persons living independently of each other.

Multiple dwelling also means any group of ten or more buildings on a single parcel of land or on contiguous parcels under common ownership, in each of which two dwelling units are occupied or intended to be occupied by two persons or households living independently of each other, and any land appurtenant thereto, and any portion thereof.

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Multiple dwelling does not include those buildings and structures that are excluded by statute (See N.J.S.A. 55:13A).

PERIODIC LEAD-BASED PAINT INSPECTION

The initial inspection of all applicable dwelling units at the earlier of two years from the effective date of P.L. 2021, c. 182, July 22, 2022, or tenant turnover, and thereafter the earlier of three years or upon tenant turnover for the purposes of identifying lead pursuant to P.L. 2021, c. 182.

PERMANENT LOCAL AGENCY

A local, municipal agency maintained for the purpose of conducting inspections and enforcing laws, ordinances, and regulations concerning buildings and structures within its jurisdiction. This may include local building agencies, health agencies, and housing agencies.

REMEDIATION

Interim controls or lead abatement work undertaken in conformance with this chapter to address lead-based paint hazards. Remediation is often used synonymously with interim controls and does not include abatement; however, in the context of P.L. 2021, c. 182, remediation is defined as encompassing both interim controls and abatement.

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.

§ 197-12 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.

§ 197-13 Required initial inspection.

The owner, landlord and/or agent of every single-family, two-family, and/or multiple dwelling unit 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 the law, July 2, 2022, or upon tenant turnover, whichever is earlier. In any event, the first inspection must take place on or before July 22, 2024.

§ 197-14 Required recurring inspection.

A. After the initial inspection required, 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, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification.

B. In accordance with P.L. 2021, c. 182, single-family, two-family, and multiple rental dwellings must be inspected for lead-based paint hazards, except for the following:

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(1) Dwellings that were constructed during or after 1978.

(2) Single-family and two-family seasonal rental dwellings which are rented for less than six-months duration each year by tenants that do not have consecutive lease renewals. This exemption for seasonal rental dwellings does not extend to seasonal multiple dwellings.

(3) Dwellings that have been certified to be free of lead-based paint pursuant to N.J.A.C. 5:17-3.16(b) either after an abatement is completed or an evaluation has confirmed that there is no lead-based paint in the dwelling.

(4) Multiple rental dwellings that have been registered with the Department of Community Affairs for at least 10 years and have no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law" (N.J.S.A. 55:13A-1). Cyclical inspections currently occur every five years in multiple dwellings.

(a) This means that all multiple dwellings constructed prior to 1978 and registered with the Department for at least 10 years that have a certificate of inspection issued by the Department of Community Affairs, Bureau of Housing Inspection, are exempt from this requirement. A certificate of inspection means there are no outstanding violations.

§ 197-15 Testing requirements.

For nonexempt units, after the initial inspection, units shall be inspected pursuant to the following:

A. An inspection upon tenant turnover is not required if the owner has a valid lead-safe certificate;

B. Lead-safe certificates are valid for two years;

C. If the lead-safe certificate has not expired upon tenant turnover, the next inspection will be three years from the prior inspection.

D. If the lead-safe certificate has expired upon tenant turnover (i.e., more than two years after the issuance of the certificate, but before the three-year mark), an inspection is required upon tenant turnover;

E. An inspection upon tenant turnover will reset the three-year inspection requirement, or reletting of the dwelling, whichever event is first to occur;

F. If it is determined upon inspection that no lead-based paint hazards exist in a dwelling, the lead evaluation contractor or local enforcing agency shall certify the dwelling unit as lead-safe. The lead-safe certification is valid for a period of two years.

§ 197-16 Remediation of lead-based paint hazards.

If lead-based paint hazards are found during an inspection, the owner of the dwelling unit

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shall remediate the lead-based paint hazard by using lead-based paint hazard control methods including interim controls or abatement, as outlined in this chapter.

§ 197-17 Interim controls.

A. Interim controls are statutorily mandated measures designed to temporarily reduce human exposure to lead-based paint hazards.

B. Interim controls may also be appropriate if the housing unit is slated for demolition or renovation;

C. Interim control measures include the following:

(1) Paint stabilization: All deteriorated pain on exterior surfaces shall be stabilized in accordance with the HUD Guidelines.

(2) Smooth and cleanable surfaces:

(a) All surfaces, such as floors, stairs, and interior windowsills, that are rough, pitted, or porous shall be made smooth;

(b) Minor surface damage may be correctable by spackling and recoating. If more practical the area shall be covered or coated with plastic, sheet vinyl, linoleum, or another comparable material.

§ 197-18 Abatement.

A. If interim controls are unlikely to be effective, then abatement procedures shall be implemented.

B. All abatement work must be undertaken in accordance with the state regulations for lead hazard evaluation and abatement, which are described in N.J.A.C. 5:17.

C. Abatement:

(1) The removal of lead-based paint by mechanical methods. Acceptable procedures include wet scraping, wet sanding, and nonabrasive blasting.

(2) Abatement constitutes the systematic removal of any building component which contains a lead-based paint hazard.

(a) New components shall not be brought into the working area until all dust-generating activity is completed and has been cleaned to ensure the new component is not exposed to lead hazards.

(3) Required procedures include enclosing lead-based paint hazards behind other materials.

(a) Drywall, fiberboard, or its functional equivalent may be used for interior wall enclosures; moisture-resistant green board shall be used in damp

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areas.

(b) Old flooring must be covered with one-half inch or thicker plywood before any other floor covering is added.

§ 197-19 Post remediation inspection.

A. After remediation, whether through interim controls or abatement, the Borough or lead evaluation contractor shall perform an additional inspection within 60 days of the initial periodic lead-based paint inspection to conclude there are no other lead-based paint hazards.

B. Upon reinspection of remediated dwellings, using interim controls, if it is determined that no lead-based paint hazards are found, the Borough or inspector shall certify the dwelling to be lead safe pursuant to P.L. 2021, c. 182. The certificate will be valid for two years.

C. Pursuant to N.J.A.C. 5:17-9.1, post abatement results and the receipt of the lead abatement clearance certificate, issued at the final clearance inspection shall exempt the dwelling from future inspections pursuant to P.L. 2021, c. 182.

§ 197-20 Recordkeeping and investigations.

A. Municipal recordkeeping.

(1) The Borough shall maintain records of all rental dwellings, their inspection schedules, and whether a lead-based paint hazard exists.

(2) The Borough shall also maintain a copy of any lead-safe certificates as municipal public record.

B. Municipal investigations.

(1) Failure to comply with the requirements of P.L. 2021, c. 182, shall result in the issuance of penalties.

(2) If a property owner has failed to comply with the requirements of this chapter, the property owner shall be given 30 days from the date of the determination to cure any violation by either obtaining a new inspection or by initiating remediation.

(3) If the violations are not remediated within 30 days, the 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. Remediation efforts are considered initiated when the owner has hired a lead abatement contractor or other qualified party to perform lead-hazard control methods.

§ 197-21 Inspection schedule.

A. Notice. Whenever any rental dwelling unit is scheduled for a change in its

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occupancy, the then current owner shall provide written notice to the rental inspection officer that an inspection is needed at least 20 days prior to the scheduled change.

B. Time for inspections. All inspections and reinspection's shall take place within ten working days of the requested inspection. Inspection fees shall be paid prior to the inspection. No inspections or reinspection's shall take place unless all fees are paid. Scheduled inspections or reinspection's may be canceled by the Borough unless the completed application and required fees have been received by the Borough at least 24 hours prior to the scheduled inspection or on the last working day prior to the scheduled inspection. Every inspection where the landlord, tenant, owner, or agent has failed to provide access for inspection shall be deemed a failed inspection.

§ 197-22 Fees.

Notwithstanding any other fees due pursuant to this chapter, the following fees shall be paid:

A. Fees for inspections. Lead-based paint inspection: In addition to the general inspection fees due pursuant to this section, an additional fee in the amount of \$320 shall be paid for each lead-based paint inspection, of which \$20 will be sent to the Lead Hazard Control Assistance Fund. Said fee shall be dedicated to meeting the costs of implementing and enforcing this subsection and shall not be used for any other purpose. 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 Sec. 22-346(c)(1)(b), in which case an administrative fee of \$40 shall be collected along with a fee of \$20 to be collected and tendered to the Lead Hazard Control Assistance Fund.

§ 197-23 Certificate.

A copy of the lead safe certificate is attached hereto and incorporated herein as if set forth in its entirety.

Section 2. If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

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Section 4. This Ordinance shall take effect upon final passage and publication according to law.

Attest:

Approved:

ANNEMARIE KRUSZNIS, RMC
Borough Clerk

CHRISTOPHER DI PIAZZA,
Mayor

Introduced: February 6, 2024
Adopted: February 20, 2024