

**CITY OF VENTNOR
ORDINANCE NO. 011 OF 2023**

An Ordinance Amending and Supplementing the City of Ventnor Municipal Code Chapter 149, Registration of Rental Units, to Impose Inspection Requirements for Lead Based Paints.

WHEREAS, in July of 2021, Governor Murphy signed into law P.L. 2021, c. 182, which legislation amended the Lead Hazard Assistance Act (N.J.S.A. 52:27D-437.1, et seq.) as same pertains to lead-paint hazards in residential properties; and

WHEREAS, the aforesaid legislation requires municipalities to either perform inspections of certain single-family, two-family and multiple rental dwellings for lead-based hazards, or to permit the dwelling owner or landlord to directly hire a certified lead evaluation contractor; and

WHEREAS, Chapter 149, of the City of Ventnor's Code currently contains ordinances which provide oversight and control of the residential rental units in the City; and

WHEREAS, the City Commission is desirous of amending and supplementing these ordinances so as to enact a program requiring inspections on certain rental units to alleviate lead-based paint hazards in certain rentals.

NOW THEREFORE, BE IT ORDAINED, by the Commissioners of the City of Ventnor, in the County of Atlantic, State of New Jersey, as follows:

1. Chapter 149, §149-3 of the Municipal Code entitled "Application for License" shall be supplemented to add subparagraphs "H" through "L," which will read as follows:

H. At the time of the filing of the registration certificate referred to in Subsection A, or at the time of any registration amendment due to tenant turnover, every owner shall present to the Code Enforcement Office notice of the last tenant turnover date, as well as a valid lead-based paint evaluation report prepared by a certified lead evaluation contractor as set forth in Subsection K below. Should the owner fail to provide such a report within thirty (30) days of filing, the City, shall have said inspection performed with the City's cost for same to be assessed against the landlord's rental property as a municipal lien.

I. 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 City, or the inspector retained to conduct such inspections, providing notification of same to the Commissioner of Community Affairs.

J. If there are no findings of a lead-based hazard in the initial or any subsequent inspection conducted pursuant to the provisions of Subsections H and I above, the lead evaluation inspector or representative of the City shall certify the unit as lead-safe, on a form proscribed by the Department of Community Affairs. This lead-safe certification shall be valid for two years. A copy of this certification shall be provided to the tenants of the unit inspected.

K. Notwithstanding the provisions of Subsection H above, a dwelling unit in a single family, two-family, or 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) has previously been inspected, and three years will not have passed before the next required registration of the property and there has not been a tenant turnover since the last inspection;
- (3) was constructed during or after 1978;

(4) 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,” N.J.S.A. 55:13A-1 et seq.

(5) is a single-family or a two-family seasonal rental dwelling which is rented for less than six months during each year by tenants that do not have consecutive lease renewals; or

(6) has a valid lead-safe certification issued pursuant to Subsection H, above.

L. Pursuant to the provisions of N.J.S.A. 52:27D-437.16, unless a unit owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of \$20, a fee of \$20 for each inspection per unit shall be paid by the owner at the time of the registration of the unit. Said fee shall be deposited by the City into the “Lead Hazard Control Assistance Fund” established pursuant to N.J.S.A. 52:27D-437.4.

2. Any article, section, paragraph, subsection, clause, or other provision of the City of Ventnor’s Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

3. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

4. This ordinance shall take effect upon its final passage and publication as required by law.

FIRST READING: May 11th 2023

PUBLICATION: May 18th 2023

PUBLIC HEARING ADOPTION:
May 25, 2023

Mayor Lance B. Landgraf Jr.

Commissioner H. Timothy Kriebel

Commissioner Maria Mento

—

LISA H. HAND, RMC
City Clerk

