**ORDINANCE O018-2023**

**WASHINGTON TOWNSHIP**
**GLOUCESTER COUNTY**

**ORDINANCE AMENDING CHAPTER 185 OF THE CODE OF THE TOWNSHIP OF WASHINGTON ENTITLED "RENTAL PROPERTY AND LANDLORD REGISTRATION"**

***WHEREAS,*** the Township of Washington ("Township") 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*** Chapter 185 of the Township Code governs the registration requirements of rental properties within the Township; and

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

***WHEREAS,*** pursuant to N.J.S.A. 40:48-2, the Township Council of the Township of Washington 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 Township by law; and

***NOW, THEREFORE, BE IT ORDAINED*** by the Township Council of the Township of Washington, County of Gloucester and State of New Jersey:

**SECTION 1:** Chapter 185 is hereby amended, supplemented, and/or revised by adding new Section §185-16.1 as follows:

**"§185-16.1 Lead-based paint.**

A. At the time of the filing of the registration requirement set forth in this Chapter, including registration due to change in occupancy, the owner shall present to the Construction Official 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 defined in P.L. 2021, c. 182. Should the owner fail to provide such a report 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.

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 Township, or the inspector retained to conduct such inspections, providing notification of same to the Commissioner 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 Township 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 Township 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."

**SECTION 2**. Chapter 185-12 entitled, "Fees" is hereby amended, supplemented, and/or revised by adding new Subsection (A)(1)(e) as follows:

"In addition to the fees permitted to be charged for inspection of rental housing pursuant to this Chapter, each unit owner shall be charged an additional fee of $20.00 per unit inspected by a certified lead evaluation contractor or permit local agency for the purposes of the "Lead Hazard Control Assistance Act," N.J.S.A. 52:27D-437.1 et al. concerning lead hazard control work, unless the unit owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of $20.00 pursuant to N.J.S.A. 52:27D-437.10. 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. The fees collected pursuant to this subsection shall be deposited in the "Lead Hazard Control Assistance Fund" pursuant to N.J.S.A. 52:27D-437.4."

**SECTION 3**. Except as set forth in Sections 1 and 2 above, the balance of the Code of the Township of Washington shall not be affected by this Ordinance.

**SECTION 4**. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 5.** 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 6**. This Ordinance shall take effect thirty (30) days after final passage by Council or twenty (20) days after approval by the Mayor, whichever comes first.

**INTRODUCTION**: September 13, 2023

| Members | Motion | Second | Ayes | Nays | Abstain | Absent | Recuse |
|---|---|---|---|---|---|---|---|
| Yerkes | X | | X | | | | |
| Del Borrello | | | X | | | | |
| Brown | | X | X | | | | |
| Bennett | | | X | | | | |
| DellaPia | | | X | | | | |

**TOWNSHIP OF WASHINGTON**

By: _____
**Anthony DellaPia, Council President**

I, Christine Ciallella, do hereby attest the above Ordinance **0018-2023** was introduced at the Township of Washington Meeting on September 13, 2023. A public hearing will occur on September 27, 2023 at 7:00PM.

**ATTEST:**

Christine Ciallella, RMC, CMR
Township Clerk

**ADOPTION**: September 27, 2023

| Members | Motion | Second | Ayes | Nays | Abstain | Absent | Recuse |
|---|---|---|---|---|---|---|---|
| Yerkes | X | | X | | | | |
| Del Borrello | | | X | | | | |
| Brown | | | X | | | | |
| Bennett | | X | X | | | | |
| DellaPia | | | X | | | | |

I, Christine Ciallella, do hereby attest the above Ordinance **0018-2023** was adopted at the Township of Washington Meeting on September 27, 2023 by Township Council after a public hearing which was scheduled for September 27, 2023. Said Ordinance shall take effect in accordance with the law.

**ATTEST:**

Christine Ciallella

Christine Ciallella, RMC, CMR
Township Clerk

On this 4th day of October 2023, I hereby approve the above Ordinance **0018-2023**.

JoAnn Gattinelli

**JOANN GATTINELLI, MAYOR**