

**TOWN OF WESTFIELD
GENERAL ORDINANCE NO. 2024-10**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN
OF WESTFIELD CHAPTER 11, “FIRE PROTECTION,”
ARTICLE III, “FIRE PREVENTION CODE” TO AMEND
AND SUPPLEMENT WITH A NEW SECTION FOR “LEAD-
BASED PAINT INSPECTIONS”**

WHEREAS, pursuant to P.L. 2021, c.182, all municipalities are required to inspect every single-family, two-family, and multiple rental dwelling located within the municipality on a recurring basis and at tenant turnover for lead-based paint hazards; and

WHEREAS, the Mayor and Council have determined it is in the best interests of Town residents to amend the Town Code to require inspections for lead-based paint in certain residential rental dwellings to conform with the State law.

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of Westfield in the County of Union as follows:

SECTION I. Chapter 11 of the Town Code, entitled “Fire Protection, Article III entitled Fire Prevention” shall hereby be amended and supplemented, as follows, to create the following Section:

Sec. 11-45.4 Lead-based paint inspections.

a. 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, or upon tenant turnover, whichever is earlier.

b. Required recurring inspection. After the initial inspection required by Town Code Chapter 11, Sec. 11-45.4 , 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.

c. 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., as may be amended from time to time. Inspections will be done by a Lead Inspector Risk Assessor from the Fire Department and will be supplemented as necessary by a Registered Environmental Health Specialist for the Health Department.

d. Exceptions. 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 or for the fees for such inspection or evaluation, if the unit:

- (1) Has been certified to be free of lead-based paint;
- (2) Was constructed during or after 1978;
- (3) Is 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," N.J.S.A. 55:13A-1 et seq.;

- (4) Is 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; or
- (5) Has a valid lead-safe certification issued in accordance with N.J.S.A. 52:27D-437.16(d)(2).

e. Remediation. If lead-based paint hazards are identified, then the owner of the dwelling shall remediate the hazards through abatement or lead-based paint hazard control mechanisms in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the lead-based paint hazard, the Town Code Enforcement Officer or designee, as may be applicable, or the owner's private lead inspector, shall conduct an additional inspection of the unit to certify that the hazard no longer exists.

f. Certification. If no lead-based paint hazards are identified, then the Town Code Enforcement Officer or designee or the owner's private lead inspector shall certify the dwelling as lead safe on a form prescribed by the Department of Community Affairs, which shall be valid for two years and shall be filed with the Town's Code Enforcement Officer. The Town Code Enforcement Officer shall maintain up-to-date information on inspection schedules, inspection results, tenant turnover and a record of all lead-free certifications issued pursuant to N.J.A.C. 5:17.

g. Requirements. In accordance with N.J.S.A. 52:27D-437.16(e), property owners shall:

1. Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Town of Westfield at the time of the cyclical inspection.
2. Provide evidence of a valid lead-safe certification to new tenants of the property at the time of tenant turnover and shall affix a copy of such certification as an exhibit to the tenant's or tenants' lease.
3. Maintain a record of the lead-safe certification which shall include the name or names of the unit's tenant or tenants if the inspection was conducted during a period of tenancy.

h. Fees.

1. Notwithstanding any other fees due pursuant to this Chapter, a fee in the amount of \$425.00 shall be paid for each lead-based paint inspection for all apartments and \$550.00 for all single-family residential houses. 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 Chapter 11, Sec. 11-45.4 in which case no additional Lead-Based Paint inspection fee shall be paid.
2. The fee for the filing of a lead-safe certification or lead-free certification shall be \$25.
3. In a common interest community, any inspection fee charged shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.
4. Any charges incurred by the inspector in the course of the inspection and dust testing of the unit shall be the responsibility of the unit owner and not the homeowners' association unless the association is the owner of the unit.

i. Violations and Penalties. In accordance with N.J.S.A. 52:27D-437.19, the penalties for a violation of Article shall be as follows:

1. If a property owner has failed to conduct the required inspection or initiate any remediation efforts, the owner shall be given 30 days to cure the violation.
2. If the property owner has not cured the violation after 30 days, the property 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.

SECTION II.

All ordinances or parts of ordinances in conflict or inconsistent with any part of this ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

SECTION III.

This ordinance shall take effect after passage and publication as soon as and in the manner provided by law.

SECTION IV.

In the event that any section, part or provision of this ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

Notice is hereby given that the foregoing ordinance was approved for final adoption by the Town Council of the Town of Westfield at a Regular Meeting held on May 14, 2024.

Maureen Lawshe,
RMC
Town Clerk