

ORD. 19-2024

**ORDINANCE OF THE BOROUGH OF BROOKLAWN,
COUNTY OF CAMDEN, STATE OF NEW JERSEY ADDING
ARTICLE III., LEAD PAINT INSPECTIONS, TO CHAPTER
116, RENTAL PROPERTIES, IN THE CODE OF THE
BOROUGH OF BROOKLAWN**

BE IT ORDAINED by the Borough Council of the Borough of Brooklawn, County of Camden, and State of New Jersey that Article III, Lead Paint Inspections, is hereby added to Chapter 116, Rental Properties, in the Code of the Borough of Brooklawn, as follows:

Article III.

Lead Paint Inspections

ARTICLE I. ARTICLE III. SECTION 116-21. Definitions.

For the purposes of this Ordinance only, the following words and terms shall have the meanings set forth below, in accordance with N.J.S.A. 52:27D-437.1 et seq.:

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).

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

LEAD FREE - A dwelling has been certified to have no lead-based paint or has undergone lead abatement, in accordance with N.J.A.C. 5:17.

LEAD INSPECTOR - A person certified by the Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:17-1.1 et seq. This includes the ability to perform dust wipe sampling.

LEAD SAFE - A dwelling has been found to have no outstanding lead-based paint hazards. It does not mean that the dwelling is certified to be lead free.

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-FREE CERTIFICATION - The certificate issued, in accordance with N.J.A.C. 5:17, which states that there is no lead-based paint, or that the dwelling has undergone lead abatement, in accordance with N.J.A.C. 5:17.

LEAD-SAFE CERTIFICATION - The certification issued pursuant to this article, which confirms that a periodic lead-based paint inspection was performed and no lead-based paint hazards were found. This certification is valid for two years from the date of issuance, in accordance with N.J.A.C. 5:28A-2.4.

TENANT TURNOVER - The time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit.

VISUAL ASSESSMENT/ASSESSOR - A visual examination by a person that is certified to perform visual assessments for deteriorated paint or visible surface dust, debris, or residue and as conducted pursuant to N.J.A.C. 5:28A-2.3.

ARTICLE II. ARTICLE III. SECTION 116-22. Lead-based paint inspections required; applicability.

A. The property owner or landlord will directly hire a private lead inspector who is certified to provide lead paint inspection services by the Department of Community Affairs to perform the lead-based paint inspection in accordance with N.J.S.A. 52:27D-437.16 et seq., as may be amended from time to time.

B. In accordance with N.J.S.A. 52:27D-437.16c, 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) 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.

(5) Has a valid lead-safe certification issued in accordance with this section.

C. 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-437.16d. Upon the remediation of the lead-based paint hazard, the owner's private lead inspector shall conduct an additional inspection of the unit to certify that the hazard no longer exists.

D. If no lead-paint hazards are identified, 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.

E. In accordance with N.J.S.A. 52:27D-437.16e, property owners shall:

(1) Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Borough of Brooklawn 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 unless not required to have had an inspection by a lead

evaluation contractor pursuant to this section 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, unless not required to have had an inspection by a lead evaluation contractor pursuant to this section.

F. The fees for a lead-based paint inspection shall include:

(1) The fee for the filing of a lead-safe certification provided to the Borough or lead-free certification shall be \$25 per unit.

(2) In accordance with N.J.S.A. 52:27D-437.16h, an additional fee of \$20 per dwelling unit inspected by the owner's private lead inspector shall be assessed for the purposes of the Lead Hazard Control Assistance Act unless the unit owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of \$20. The fees collected pursuant to this subsection shall be deposited into the Lead Hazard Control Assistance Fund.

ARTICLE III. ARTICLE III. SECTION 116-23. Violations; penalties.

In accordance with N.J.S.A. 52:27D-437.19, the penalties for a violation of this article shall be as follows:

A. If a property owner has failed to conduct the required inspection or initiate any remediation efforts, the owner shall be given 30 days to abate the violation.

B. If the property owner has not abated the violation after 30 days, the property owner shall be subject to a penalty not to exceed \$2,000 per week until the required inspection has been conducted or remediation efforts have been initiated.

ARTICLE IV. Severability

To the extent that any part or parts of this article are repealed or otherwise modified or voided by state statute or case law, the remaining portions or sections of this article shall remain in full force and effect. If any section, sentence, or any part of this article is adjudged, unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this article, but shall be confined in its effect to the section, sentence or other part of this article directly involved in the controversy in which judgment shall have been rendered.

ARTICLE V.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE VI.

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

THE BOROUGH OF BROOKLAWN

BY: _____
JERRY D. GRANSTROM, MAYOR

ATTEST:

RYAN GILES, BOROUGH CLERK

The foregoing ordinance was introduced by Mayor and Council at a meeting held on September 16, 2024. This Ordinance will be considered for adoption on final reading and public hearing to be held on October 21, 2024 at 6:30 p.m. in the Council Meeting Room, Brooklawn Borough Hall, 301 Christiana Street, Brooklawn, New Jersey.

The purpose of this Ordinance is for lead paint inspections of rental properties in the Borough of Brooklawn. A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Mondays through Thursdays (Legal Holidays excluded), at the Office of the Borough Clerk, Brooklawn Borough Hall, 301 Christiana Street, Brooklawn, New Jersey.