

**TOWNSHIP OF GREEN
ORDINANCE NO. 2023-10**

**AN ORDINANCE OF THE TOWNSHIP OF GREEN, AMENDING CHAPTER 10,
“BUILDING AND HOUSING” OF THE TOWNSHIP CODE, REGARDING
REQUIREMENTS FOR INSPECTION OF LEAD-BASED PAINT IN CERTAIN
RESIDENTIAL RENTAL DWELLINGS**

WHEREAS, the Township of Green (the "Township") Code includes Chapter 10, entitled "Building and Housing"; and

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 Township on a recurring basis and at tenant turnover for lead-based paint hazards; and

WHEREAS the Township Committee desires to amend the Township Code to require inspections for lead-based paint in certain residential rental dwellings in order to conform with State law.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Green, County of Sussex, State of New Jersey that:

Section 1. Chapter 10 of the Township Code, entitled "Building and Housing", is hereby amended with the addition of Section 10-5, "Lead-Based Pain Inspections" as follows:

10-5 Lead-Based Paint Inspections for Rental Dwellings.

10-5.1. Required Initial Inspection. The owner of every single-family, two-family, and/or multiple rental dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards as required by N.J.S.A. 52:27D-437.16, et seq., as same maybe amended, within two (2) years of the effective date of the law, July 2, 2022, or upon tenant turnover, whichever is earlier.

The inspections required by this Ordinance shall be performed by such firm or individual appointed by the Township (the Township's "designee"). Alternatively, in lieu of having the dwelling inspected by the Township's designee, the property owner may directly hire a private lead inspector certified by the New Jersey Department of Community Affairs to perform lead-based paint inspections in accordance with N.J.S.A. 52:27D-437.16 et seq., as may be amended from time to time.

10-5.2. Required Recurring Inspections. After the initial inspection required by Section 10-5.1, the owner of such dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three (3) years, or at tenant turnover, whichever is earlier. However, an inspection upon tenant turnover shall not be required if the property owner has a valid lead-safe certification.

TOWNSHIP OF GREEN
ORDINANCE NO. 2023-10

10.5-3. Statutory and Regulatory Requirements. Inspections for lead-based paint in rental dwelling units required by this Ordinance are governed by the standards and requirements set forth in N.J.S.A. 52:27D-437.1 et seq., and N.J.S.A. 55:13A-1 et seq., and the regulations promulgated by the New Jersey Department of Community Affairs, N.J.A.C. 5:28A, as any of the foregoing may be amended from time to time.

10.5-4. 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, if the unit meets any of the following criteria:

- a. Has been certified to be free of lead-based paint; or
- b. Was constructed during or after 1978; or
- c. 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.; or
- d. Is a single-family or two-family seasonal dwelling which is rented for less than six (6) months duration each year by tenants that do not have consecutive lease renewals; or
- e. Has a valid lead-safe certification.

10.5-5. 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), as amended. Upon the remediation of the lead-based paint hazard, the Township's designee or the owner's private lead inspector, shall conduct an additional inspection of the unit to certify that the hazard no longer exists.

10-5.6. Lead Safe. If no lead-based paint hazards are identified, then the Township's 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 (2) years.

10-5.7. Owner Obligations. In accordance with N.J.S.A. 52:27D-437.16(e), property owners shall:

- a. Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Township of Green at the time of the cyclical inspection.
- b. 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 lease.
- c. Maintain a record of the lead-safe certification that shall include the name or names of the unit's tenant(s) if the inspection was conducted during a period of tenancy.

TOWNSHIP OF GREEN
ORDINANCE NO. 2023-10

10-5.8. Fees

- a. A Lead-Based Paint Inspection fee in the amount of \$250.00 or the amount paid by the Township to any third-party/designee for the inspection, whichever amount is greater, shall be paid for each lead-based paint inspection performed by the Township of Green. The fee shall be dedicated to meeting the costs of implementing and enforcing this Ordinance and shall not be used for any other purpose. If the property owner directly hires a private lead evaluation contractor who is certified to provide lead paint inspection services by the New Jersey Department of Community Affairs to satisfy the requirements of this Ordinance, the Lead-Based Paint inspection fee shall not apply.
- b. The fee for the issuance and filing of a lead-safe certification or lead-free certification is \$20.00.
- c. In a common interest community (including but not limited to condominium associations, homeowner's associations, and/or cooperative) any inspection fee charged shall be the responsibility of the unit owner and not the community or association unless it is the owner of the dwelling.
- d. As required by N.J.S.A. 52:27D-437.16(h), the owner shall also pay an additional \$20.00 fee per unit inspected by the Township's designee for the purposes of the "Lead Hazard Control Assistance Act" (N.J.S.A. 52:27D-437.1 et seq.), unless the owner demonstrates that the New Jersey Department of Community Affairs has already assessed an additional \$20.00 inspection fee pursuant to the provisions of N.J.S.A. 52:27D-437.10. The fees collected pursuant to this subsection shall be deposited into the "Lead Hazard Control Assistance Fund" established pursuant to N.J.S.A. 52:27D-437.4.

10-5.9. Violations and Penalties. In accordance with N.J.S.A. 52:27D-437.19, the penalties for a violation of this Ordinance are 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 written notice to cure the violation.
- b. 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 2. Severability. If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply on to the section, paragraph, clause, or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 3. Repeal of Prior Ordinances. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

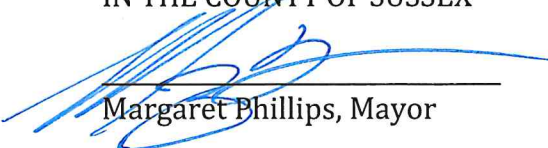
TOWNSHIP OF GREEN
ORDINANCE NO. 2023-10

Section 4. Effective Date. This ordinance shall take effect after final passage and publication as provided by law.

ATTEST:



Mark Zschack, Township Clerk

TOWNSHIP OF GREEN,
IN THE COUNTY OF SUSSEX


Margaret Phillips, Mayor

Record of Vote - Introduction:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
DeYoung	√		√			
Qarmout						√
Raffay			√			
Rose		√	√			
Mayor Phillips						√

Record of Vote - Adoption:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
DeYoung	√		√			
Qarmout			√			
Raffay			√			
Rose		√	√			
Mayor Phillips			√			

INTRODUCED: June 21, 2023
ADOPTION: July 17, 2023

ADVERTISED: June 28, 2023
ADVERTISED: July 21, 2023