

\*\*\*\*ADOPTED APRIL 17, 2023\*\*\*\*

**TOWNSHIP OF DELANCO**

**ORDINANCE 2023-6**

**AN ORDINANCE CREATING CHAPTER 202  
OF THE DELANCO TOWNSHIP CODE GOVERNING  
“LEAD-BASED PAINT INSPECTIONS”**

**WHEREAS**, on July 22, 2021, Governor Murphy signed into law P.L. 2021, c.182, amending and supplementing the Lead Hazard Control Assistance Act, P.L.2003, c.311 (C.52:27D-437.1 et al.).

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

**WHEREAS**, inspection shall be performed by either the Township’s lead evaluator or, in lieu thereof, the owner and/or landlord may directly hire a private lead inspector to perform the lead-based paint inspection; and

**WHEREAS**, it is in the best interests of the residents of the Township of Delanco to amend the Township Code at this time to require inspections for lead-based paint in residential rental dwellings to conform with New Jersey State law;

**NOW, THEREFORE, BE IT ORDAINED**, by the Committee of the Township of Delanco, in the County of Burlington and State of New Jersey that:

**SECTION 1.** Chapter 202, entitled “Lead-Based Paint Inspections” is hereby added to the Code of the Township of Delanco and shall read as follows:

**Chapter 202. Lead-Based Paint Inspections**

**§ 202-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**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.

**LEAD ABATEMENT** — Measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by the Commissioner of Community Affairs in compliance with standards promulgated by the appropriate federal agencies.

**LEAD-BASED PAINT HAZARD** — Any condition that causes exposure to lead from lead-contaminated dust or soil or lead-contaminated paint that is deteriorated or present in surfaces that would result in adverse human health effects.

**LEAD EVALUATION CONTRACTOR** — A person certified by the New Jersey Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:171.1 et seq.

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

**VISUAL ASSESSMENT** — A visual examination for deteriorated paint or visible surface dust, debris, or residue.

**§ 202-2. Inspections.**

- A. A Lead Evaluation Contractor retained by the Township shall inspect every rental unit including single-family, two-family, or multiple dwelling located in the Township of Delanco for Lead-Based Paint Hazards through visual assessment and Dust Wipe Sampling in accordance with N.J.S.A. 52:27D-437.1 et seq.
- B. In lieu of having the dwelling inspected by the Township's Lead Evaluation Contractor, 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 perform the lead-based paint inspection in accordance with N.J.S.A. 52:27D-437.1 et seq. All inspections will otherwise be performed by the Township's lead Evaluation Contractor.
- C. In accordance with N.J.S.A. 52:27D-437.16(c), a rental unit in a single-family, two-family, or multiple 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," P.L. 1967, c. 76 (N.J.S.A. 55:13A-1 et seq.) The owner, landlord and/or agent for a multiple dwelling shall be required to submit proof of 10-year registration history and a copy of the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law," P.L. 1967, c. 76 (N.J.S.A. 55:13A-1 et seq.) which would show that there were no outstanding lead paint violations;
  - (4) Is a rental unit in a single-family or two-family 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.
- D. The owner, landlord, and/or agent of every rental unit in a single-family, two-family, or multiple dwelling offered for rental shall be required to obtain an inspection of the unit

for Lead-Based Paint Hazards before July 24, 2024, or at Tenant Turnover, whichever is earlier. Thereafter, all such units shall be inspected at Tenant Turnover, or every three years, whichever is earlier.

- E. If Lead-Based Paint Hazards are identified, then the owner, landlord, and/or agent of the dwelling shall remediate the Lead-Based Paint Hazard using Lead Abatement or lead-based control methods in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the Lead-Based Paint Hazard, the Township's Lead Evaluation Contractor shall conduct an additional inspection of the unit to certify that the hazard no longer exists.
- F. If no Lead-Based Paint Hazards are identified, then the Township's Lead Evaluation Contractor or the owner and/or landlord's private Lead Evaluation Contractor, shall certify the rental unit as lead-safe on a form prescribed by the Department of Community Affairs, which shall be valid for two years.
- G. Pursuant to N.J.S.A. 52:27D-437.16(e), owner, landlord, and/or agent of every rental unit in a single-family, two-family, or multiple dwelling located within the Township shall:
  - (1) Provide evidence of valid lead-safe certification and the most recent Tenant Turnover at the time of the cyclical inspection
  - (2) Provide evidence of a valid lead-safe certification obtained pursuant to this Section 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 or permanent local agency pursuant to § 202-2C of this chapter.
  - (3) Maintain records of lead-safe certification, which shall include name(s) of the unit tenant(s), if inspection was conducted during a period of tenancy.

**§ 202-3. Fees**

The fees to be paid by the owner and/or landlord for a lead-based inspection performed by the Township's Lead Evaluation Contractor shall be as follows:

- (1) Initial Visual Inspection Fee
 

1 Bedroom Unit	\$320.00
2 Bedroom Unit	\$350.00
3 Bedroom Unit	\$400.00
4 Bedroom Unit or Larger	\$450.00
- (2) Preparation of Lead Safe Certificate:      \$30.00
- (3) Secondary Visual Inspection due to failed initial inspection:      \$160.00
- (4) Dust Wipe Sampling if necessary:      \$55.00
- (5) Paint Chip testing if necessary:      \$55.00
- (6) Inspections after required remediation:      \$160.00 per inspection

- (7) Lead Based Paint testing with XRF Spectrometer if requested: \$700.00
- (8) Lead Based Paint testing of soil if necessary: \$65.00
- (9) In accordance with N.J.S.A. 52:27D-437.16(h), an additional fee of \$20.00 per dwelling unit inspected by the Township's Lead Evaluation Contractor or the owner's private Lead Evaluation Contractor shall be addressed for the purpose of the Lead Hazard Control Assistance Act, unless the owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of \$20.00. The fees collected pursuant to this subsection shall be deposited into the Lead Hazard Control Assistance Fund.
- (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.

#### **§ 202-4. Violations and penalties**

Penalties for violation of this chapter shall be as follows:

- A. If a property owner has failed to conduct the required inspection or initiate any remediation as required by N.J.S.A. 52:27D-437.1 et seq. the owner shall have thirty (30) days to cure the violation.
- B. If a property owner fails to cure 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. Repealer.**

Any Ordinances inconsistent with this Ordinance are hereby repealed to the extent of its inconsistency.

#### **SECTION 3. Severability.**

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the remaining portions of the Ordinance shall remain in full force and effect, and for this purpose, the provisions of the Ordinance are hereby to be severable.

#### **SECTION 4. Effective Date.**

This Ordinance shall be effective upon proper passage and approval in accordance with the law.