AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK, TITLE 15 BUILDINGS AND CONSTRUCTION

SECTION I

Title 15 **"Buildings and Construction",** is hereby amended to ADD Chapter 15.80 **"Lead-Based Paint Inspections",** which shall read as follows:

15.80.010 - Definitions.

The following definitions shall apply to this Chapter:

ACT

The Lead Hazard Control Assistance Act, P.L.2003, c311 (N.J.S.A. 52:27D-437.1, *et seq.*), as may be amended from time to time.

COMMON INTEREST COMMUNITY

A real estate development or neighborhood in which the property is burdened by servitudes requiring property owners to contribute to maintenance of commonly held property or to pay dues or assessments to an owners' association that provides services or facilities to the community.

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 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-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

A certification which confirms that a lead-based paint inspection was performed and that no lead-based paint exists in the dwelling unit or that all lead-based paint hazards have been fully abated.

LEAD-SAFE CERTIFICATION

A certification which confirms that a lead-based paint inspection was performed and no lead-based paint hazards were found. This certification is valid for two (2) years from the date of issuance.

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.

VISUAL ASSESSOR

A person that is certified to perform a visual assessment.

15.80.020 - Lead-based paint inspection.

A. The owner and/or landlord of every single-family, two-family, and multiple rental dwelling located within the City of New Brunswick shall cause their property to be inspected for lead-based paint hazards, through visual assessment and dust wipe sampling in accordance with the Act. The owner and/or landlord, in lieu of having the dwelling inspected by the City's lead inspector, may directly hire a private lead inspector to perform the lead-based paint inspection. All inspections will otherwise be performed by one of the City's lead inspection agencies.

B. An initial inspection for lead-based paint hazards shall occur before July 22, 2024, or at tenant turnover, whichever is earlier. Thereafter, all such dwelling units shall be inspected at tenant turnover, or every three (3) years, whichever is earlier.

C. In accordance with the Act, 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 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, P.L.1967, c. 76 (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 (6) 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 this article.

D. If lead-based paint hazards are identified upon inspection, the owner and/or landlord of the dwelling unit, at his or her own cost, shall remediate the hazards through abatement or lead-based paint hazard control mechanisms, approved in accordance with the Act. Upon the remediation of the lead-based paint hazard, the City's lead inspector or the owner and/or landlord's private lead inspector, shall conduct an additional inspection of the dwelling unit to certify that the hazard no longer exists.

E. If no lead-based paint hazards are identified, then the City's lead inspector or the owner and/or landlord'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.

F. In accordance with the Act, the owner and/or landlord of every single-family, two-family, and multiple rental dwelling located within the City shall:

(1) Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the City 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(s) of the dwelling unit's tenant(s) if the inspection was conducted during a period of tenancy.

G. The fees for a lead-based paint inspection performed by the City's lead inspector shall be as follows:

(1) The fee for a dust wipe sampling inspection shall be dependent on the cost for the City's contractor(s) to perform the service.

(2) An additional fee for the filing of a lead-safe certification or lead-free certification shall be assessed at $100.00 which shall be charged when scheduling the inspection if through the City's contractor(s) or paid to the City at the time of filing if the inspection was done by a separate lead inspection entity.

(3) In a common interest community, any inspection fee charged shall be the responsibility of the individual unit owner and not the homeowner's association, unless the association is the owner of the unit.

(4) In accordance with N.J.S.A. 52:27D-437.16(h), an additional fee of $20 per dwelling unit inspected by the City's lead inspector or the owner and/or landlord's private lead inspector shall be assessed for the purposes of the Act, unless the owner and/or landlord 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.

(5) Example (for illustrative purposes only): If a contractor provides an inspection rate of $400 per unit, the City charges a filing fee of $100, the State requires an additional $20 payment per unit, then see the table below for cost estimates:

Units in Building	Fee
1	$520
2	$940
3	$1,360
4	$1,780
10	$4,300
50	$21,100

15.80.030 - Violations and penalties.

In accordance with the Act, the penalties for a violation of this Chapter shall be as follows:

A. If an owner and/or landlord has failed to conduct the required inspection or initiate any remediation efforts, the owner and/or landlord shall be given thirty (30) days to cure the violation.

B. If the owner and/or landlord has not cured the violation after thirty (30) days, the owner and/or landlord 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

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING:
DATED: April 5, 2023

COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: April 19, 2023

COUNCIL PRESIDENT

ATTEST:

CITY CLERK

I, Leslie R. Zeledon, City Clerk the City of New Brunswick, NJ, do hereby, Certify, the forgoing Ordinance is a true copy of the Original Ordinance adopted on second and final reading at a regular meeting of the New Brunswick City Council at its meeting on: APRIL 19, 2023

Leslie R. Zeledon, City Clerk

Any reproduction of the Original Ordinance must contain the raised seal of the City of New Brunswick to be legally certified.

COUNCILMEMBER	Y	N	NV	AB
ANDERSON	X			
CASTANEDA	X			
FLEMING	X			
GASKINS	X			

FIRST READING VOTE ON APRIL 5, 2023 M= MOVED S= SECOND NV= NO VOTE AB= ABSENT

COUNCILMEMBER	Y	N	NV	AB
ANDERSON	X			
CASTANEDA	X			
FLEMING	X			
GASKINS	S			

COUNCILMEMBER	Y	N	NV	AB
SICORA LUDWIG M	X			
EGAN, VP	X			X
ESCOBAR, PRES	X			

APPROVAL OF THE MAYOR ON THIS 20th DAY OF April, 2023.

MAYOR

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

TKS/kc