



Code Enforcement/ Housing Department

TO: All Owners of Rental Dwellings
SUBJECT: Dwellings that Must be Inspected Pursuant to P.L.2021, c.182
DATE: January 25, 2023

On July 22, 2021, Governor Murphy signed P.L. 2021, c. 182 (the “Act”). The Act requires periodic inspections for certain rental dwellings that were constructed prior to 1978 for the purpose of identifying lead-based paint hazards, one of the biggest sources of lead exposure for children. The Department of Community Affairs (Department) is proposing a new chapter, N.J.A.C. 5:28A, Lead-Based Paint Inspections in Rental Dwellings, to incorporate the provisions of the Act. The provisions may be viewed online at:

https://www.nj.gov/dca/divisions/codes/codreg/pdf_rule_proposals/njac_5_28A_prop.pdf.

ALL OWNERS OF RENTAL DWELLINGS ARE URGED TO REVIEW THE NEW JERSEY, DEPARTMENT OF COMMUNITY AFFAIRS WEB PAGE, RELATING TO LEAD-BASED PAINT IN RENTAL DWELLINGS AT:

<https://www.nj.gov/dca/divisions/codes/resources/leadpaint.html>.

State of New Jersey Lead Based Paint Rental Dwelling Regulations

5:28A-1.3 Applicability and exemptions

(a) This chapter applies to all rental single-family, two-family, and multiple dwelling units with the exception of those exempt pursuant to (b) below. (b) The following rental dwelling units shall be exempt from the requirements of this chapter and, thus, shall not be subject to periodic lead-based paint inspection and evaluation for the presence of lead-based paint hazards:

1. Dwelling units that were constructed during or after 1978.
2. Single-family and two-family seasonal rental dwelling units that are rented for less than six months duration each year by tenants that do not have consecutive lease renewals;
3. Dwelling units that have been certified to be free of lead-based paint, pursuant to N.J.A.C. 5:17;
4. Multiple rental dwelling units constructed prior to 1978 that have been registered with the Department for at least 10 years and have no outstanding paint violations from the most recent cyclical inspection performed on the multiple dwelling pursuant to the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq. and N.J.A.C. 5:10.
 - i. All multiple dwelling units constructed prior to 1978 that have been registered with the Department for at least 10 years and that have a current certificate of inspection issued by the Department of Community Affairs, Bureau of Housing Inspection, shall be exempt from this chapter;
 - ii. All multiple dwelling units constructed prior to 1978 that have been registered with the Department for at least 10 years with open inspections that have no violations for paint shall also be exempt from this chapter; and
5. Dwellings with a valid lead-safe certification issued pursuant to this chapter. Lead-safe certifications are valid for two years from the date of issuance pursuant to N.J.A.C. 5:28A-2.4.

5:28A-2.1 Periodic lead-based paint inspection: performance

(a) The initial inspection for all single-family, two-family, and multiple dwellings subject to this chapter shall be upon tenant turnover or within two years of the effective date of P.L. 2021, c. 182, July 22, 2022, whichever is sooner. Thereafter, all such dwelling units shall be inspected for lead-based paint hazards every three years or upon tenant turnover, whichever is earlier, except that an inspection shall not be required at tenant turnover, if the dwelling unit owner has a valid lead-safe certification for the dwelling unit.

1. In all scenarios, the next periodic lead-based paint inspection shall be counted from the most recent periodic lead-based paint inspection which resulted in a valid lead-safe certification.

(b) A municipality that maintains a permanent local agency shall be responsible for inspecting every single-family, two-family, and multiple dwelling subject to this chapter for lead-based paint hazards, except pursuant to (d) below. Inspections shall be performed on the time table set forth at (a) above.

1. The municipality may appoint a qualified staff member(s) within the permanent local agency to conduct periodic lead-based paint inspections pursuant to this chapter. Qualification shall be determined in accordance with applicable State laws or rules.

(c) If a municipality does not maintain a permanent local agency or a qualified staff member, the municipality shall hire a lead evaluation contractor to perform inspections for lead-based paint hazards in every single-family, two-family, and multiple dwelling subject to this chapter. Inspections shall be performed on the time table set forth at (a) above.

(d) A municipality shall permit, if a landlord or owner so chooses, a dwelling unit owner or landlord to directly hire a lead evaluation contractor to conduct the periodic lead-based paint inspections for lead-based paint. Inspections shall be performed on the time table set forth at (a) above.

1. The municipality shall have the authority to conduct inspections or investigations of landlords or owners that directly hire lead evaluation contractors to ensure that periodic lead-based paint inspections are being performed, in accordance with this chapter.

2. The municipality shall have the authority to prohibit an owner from directly hiring a lead evaluation contractor to conduct a periodic lead-based paint inspection in the following situations:
 - i. An owner, who previously opted to hire a lead evaluation contractor to perform the periodic lead-based paint inspection, failed to have the inspection completed; or
 - ii. The municipality determines there is a conflict of interest between the owner and their lead-evaluation contractor of choice.

For more information, please refer to Lead-Based Paint in Rental Dwellings at:

https://www.nj.gov/dca/divisions/codes/publications/pdf_lead/lead_based_paint_guide_rental_dwellings.pdf (Courtesy Copy Enclosed).

This is a publication prepared by the Department of Community Affairs. This is a comprehensive guide to identifying and addressing lead-based paint hazards in rental dwellings.

FEES

The following fees will apply to all Lead Safe Inspections required. These fees must be paid by the property owner **prior to the inspection being completed**. Failure to obtain a LEAD SAFE CERTIFICATE is a violation of New Jersey and Gloucester City requirements and court action and fines will result.

Initial Lead Paint Inspection Fees

Inspection/Testing/Analysis 1 or fewer bedrooms: \$250

Inspection/Testing/Analysis 2 bedrooms: \$275

Inspection/Testing/Analysis 3 bedrooms or more: \$300

Lead Paint Reinspection Fees

The first reinspection fee is included with the initial inspection. Any subsequent reinspection will cost \$50 plus \$20 for each failed dust wipe.

NOTE: Landlords are free to hire their own New Jersey lead assessment specialist approved by DCA and provide proof of compliance via a Lead Safe Certificate prior to their inspection by Gloucester City.

Steps to prepare for a Lead Safe Inspection

Step 1: Visually inspect the inside and outside of your building for chipping or peeling paint. All surfaces must be intact and free from chipping and peeling paint. A building with chipping or peeling paint will fail a Lead Safe Inspection.

Step 2: Clean all horizontal faces with a vacuum cleaner equipped with a HEPA (High Efficiency Particulate Air Filter). The reason for using a HEPA vacuum is because it has a special filter that can pick up and trap small pieces of lead. In each room, start with the highest horizontal surfaces (for example top of window frame) and work down to the floor. Floors should then be vacuumed in one direction only and then again in one direction only in a crossing direction to the first. Clean dust traps such as windows, radiators, air vents/registers and ceiling fans. All work should be accomplished from the cleanest to dirtiest areas to lessen spreading lead contaminated dust to clean areas. Do not open or change the vacuum filter or bags inside the dwelling.

Step 3: Clean all non-carpeted areas. Use disposable disinfecting wipes to clean non-carpeted floors and window sills. Use (2) two new wipes per surface. When wiping, wipe in one direction only, DO NOT wipe back and forth. First wipe the non-carpeted floor or window sill from one side to the other in one direction. Allow the surface to dry. Repeat with a new wipe in the cross direction allowing the surface to dry.