

ORDINANCE OF THE CITY OF GLOUCESTER CITY
County of Camden, State of New Jersey
#O || -2023

**ORDINANCE OF THE CITY OF GLOUCESTER CITY, COUNTY OF CAMDEN,
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 55 OF
THE CITY CODE REGARDING THE REQUIREMENT FOR INSPECTION OF LEAD-
BASED PAINT IN CERTAIN RESIDENTIAL DWELLINGS**

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

WHEREAS, it in the best interests of the residents of the City of Gloucester City to amend the City Code at this time to require inspections for lead-based paint in residential dwellings to conform with New Jersey State Law; and

NOW, THEREFORE, be it ordained by the Mayor and Common Council of the City of Gloucester City as follows:

Section 1: Chapter 55 of the City of Gloucester City Code, entitled “Housing Code” shall hereby be amended and supplemented as follows:

§55-14.1 Lead-Based Paint Inspections.

A. Definitions.

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.

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 B

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 et seq.

Lead-Based Paint Hazard – Any condition that causes exposure to lead from lead-contaminated dust or soil lead-contaminated paint that is deteriorated or present in surfaces that would result in adverse human health effects.

Visual Assessment – A visual examination for deteriorated paint or visible surface dust, debris, or residue.

Tenant Turnover – The time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit.

B. Inspections.

(1) Required Initial Inspection. The owner, landlord and/or agent of every single-family, two-family, and/or multiple dwelling offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards within two years of the effective date of the law, July 2, 2022, or upon tenant turnover, whichever is earlier.

(2) A lead evaluation contractor retained by the City shall inspect every single-family, two-family, or multiple dwelling located in the City of Gloucester City for lead-based paint hazards through visual assessment and dust swipe sampling in accordance with N.J.S.A. 52:27D-437.1 et seq.

(3) In lieu of having the dwelling inspected by the City's lead evaluator, 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.

(4) In accordance with N.J.S.A. 52:27D-437.16(c), a dwelling unit in a single-family 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 standards if the unit:

- (a) Has been certified to be free of lead-based paint;
- (b) Was constructed during or after 1978;
- (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,” P.L. 1967, c.76 (N.J.S.A. 55:13A-1 et seq.)
- (d) Is a single-family or two-family seasonal rental dwelling which is rented for less than six months in duration each year by tenants that don not have consecutive lease renewals; or
- (e) Has a valid lead-safe certification.

(5) The owner, landlord and/or agent of every single-family, two-family, or multiple rental 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.

(6) 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 a 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 City's lead evaluation contractor shall conduct an additional inspection of the unit to certify that the hazard no longer exists.

(7) If no lead-based paint hazards are identified, then the City's lead evaluator shall certify the unit as lead-safe on a form prescribed by the Department of Community Affairs, which shall be valid for two (2) years.

(8) Pursuant to N.J.S.A. 52:27D-437.16(e), property owners shall:

(a) Provide evidence of a valid lead-safe certification from the most recent tenant turnover at the time of the cyclical inspection.

(b) Provide evidence of a valid lead-safe certification obtained pursuant to this Section to the new tenants of the property at the time of tenant turnover unless the dwelling was not required to have had an inspection by a lead evaluation contractor or permanent local agency pursuant to §55-14.1(B)(4) of this Chapter.

(c) Maintain records of lead-safe certification, which shall include the name(s) of the unit tenant(s), if inspection was conducted during a period of tenancy.

C. Fees.

(1) Notwithstanding any other fees due pursuant to this Chapter, a fee shall be paid for each unit as follows:

(a) One (1) or fewer bedrooms the fee is \$250;

(b) Two (2) bedrooms the fees is \$275;

(c) Three (3) or more bedrooms the fee is \$300

(2) The first reinspection fee, if such reinspection is required is included with the fee for the initial inspection. Any subsequent reinspection will carry a fee of \$50 plus \$20 for each failed dust swipe.

(3) The fee for filing a lead-safe certification or lead-free certification shall be \$50.

(4) The fees collected pursuant to this subsection shall be dedicated to meeting the costs of implementing and enforcing this subsection and shall not be used for any other purpose.

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

D. Violations. Penalties for violations of this subsection shall be as follows:

(1) 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.

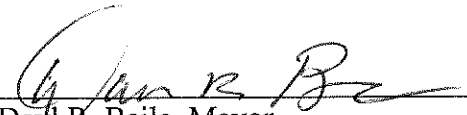
(2) If the property owner fails to cure the violation after 30 days, the property owner shall be subject to penalty not to exceed \$1000 per week until the required inspection has been conducted or remediation efforts have been initiated.

Section 2: If any provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of

judgment shall not affect or invalidate the remainder of any section, subsection, paragraph subdivision or clause of this Ordinance.

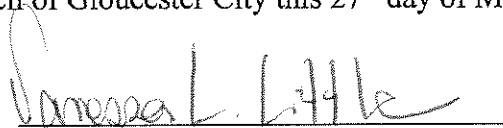
Section 3: If any ordinances or parts thereof are in conflict with the provisions of this Ordinance, those provisions shall be repealed to the extent of such conflict

Section 4: This Ordinance shall take effect immediately upon final passage and publication in accordance with law.


Dayl R. Baile, Mayor

Passed on First Reading: February 23, 2023

Adopted by the Mayor and Common Council of Gloucester City this 27th day of March, 2023.


Vanessa L. Little, RMC, City Clerk