

# BOROUGH OF FANWOOD, UNION COUNTY, NEW JERSEY

ORDINANCE: 2023-12-R

## AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION, AND STATE OF NEW JERSEY AMENDING CHAPTER 12 OF THE BOROUGH CODE FOR HOUSING DIVISION WITHIN THE DEPARTMENT OF CONSTRUCTION

**WHEREAS**, the Borough of Fanwood maintains Chapter 12; 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 at within the municipality at tenant turnover for lead-based paint hazards; and

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

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of Fanwood, County of Union, State of New Jersey as follows:

I. Chapter 12 is hereby amended as follows:

### **Section 12-12. Inspections.**

(a) Inspections and standards. The housing/multiple dwelling state inspection officer is authorized and empowered to inspect all rental dwelling units offered for rent to determine the condition thereof, and to order the repair or alteration of any deficiencies found by him or brought to his attention, in order to safeguard the health, safety and welfare of the occupants and the general public. Violations of the code shall be specified in writing and provide a timeframe for repair of same. The standards established by the New Jersey Housing Code (*N.J.A.C. 5:28*) shall apply. In addition to the standards set forth in the New Jersey Housing Code, the following shall apply:

- (1) Parking: Parking at all rental dwelling units shall be governed by the standards set forth in *N.J.A.C. 5:21-4. 14*.
- (2) Occupancy: Occupancy at all rental dwelling units shall be governed by the standards set forth in *N.J.A.C. 5:10-22.3*.
- (3) Lead-Based Paint Inspection. Inspections for lead-based paint in rental dwellings units shall be governed by the standards set forth in *N.J.S.A. 52:27D-437.1 et seq.* 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:

- (i) has been certified to be free of lead-based paint;
- (ii) was constructed during or after 1978;
- (iii) 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 (C.55:13A-1 et seq.);
- (iv) is a single-family or two-family seasonal rental dwelling which is rented for less than six months duration each year by tenants that do not have consecutive lease renewals; or
- (v) has a valid lead-safe certification.

(b) Required Inspections.

(1) Inspections:

(a) General Inspection: The owner, landlord and/or agent of every rental dwelling unit offered for rental shall be required to have an inspection of the facility done by the housing/multiple dwelling state inspection officer prior to the rental thereof. The housing/multiple dwelling state inspection officer shall inspect every rental dwelling unit prior to any occupancy or re-occupancy of the dwelling.

(b) Lead-Based Paint Inspection: The owner, landlord and/or agent of every single-family, two-family, and/or multiple dwelling units offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three years, or at tenant turnover, whichever is earlier.

(2) Notice: Whenever any rental dwelling is scheduled for a change in occupancy, the then current owner shall provide written notice to the housing/multiple dwelling state inspection officer that an inspection is needed at least 20 days prior to the scheduled change.

(3) Time for inspections: All inspections and re-inspections shall take place within ten working days of the requested inspection. Inspection fees shall be paid prior to the inspection. No inspections or re-inspections shall take place unless all fees are paid. Scheduled inspections or re-inspections may be canceled by the city unless the completed application and required fees have been received by the city at least 24 hours prior to the scheduled inspection or on the last working day prior to the scheduled inspection. Every inspection where the

landlord, tenant, owner or agent has failed to provide access for inspection shall be deemed a failed inspection.

(4) Fees for inspection:

(a) Visual Lead Assessment Inspection: C.O inspections on rental properties built before 1978 will include the Visual Lead Assessment inspection as well as the CACO fee.


(b) Lead base paint dust wipe inspection: In addition to the General Inspection fees due pursuant to this section, an additional fee in the amount of \$200.00 shall be paid for each lead-based paint inspection. Alternatively, a dwelling owner of 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 satisfy the requirements of Sec.22-346(c)(1)(b), in which case no additional Lead-Based Paint inspections fee shall be paid.

II. If any clause, sentence, paragraph, section or part of this ordinance or any other codes or ordinances incorporated herein shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

III. This ordinance shall become effective twenty (20) days after its final passage.

BE IT FURTHER ORDAINED this amended Chapter 12 shall take effect as provided by law.

Attest:

  
Courtney Agnello, Deputy Borough Clerk

  
Colleen Mahr, Mayor

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| <b>INTRODUCTION DATE:</b> June 19, 2023             | <b>ADOPTED DATE:</b> August 21, 2023              |
| <b>MOTION:</b> Carter                               | <b>MOTION:</b> banks                              |
| <b>SECOND:</b> Walsh                                | <b>SECOND:</b> Mitchell                           |
| <b>YES:</b> Carter, McElroy-Barker, Mitchell, Walsh | <b>YES:</b> Banks, Carter, Mitchell, Berry, Walsh |
| <b>NO:</b> none                                     | <b>NO:</b> none                                   |
| <b>ABSTAIN:</b> none                                | <b>ABSTAIN:</b> none                              |
| <b>ABSENT:</b> Banks, Berry                         | <b>ABSENT:</b> McElroy-Barker                     |
| <b>PUBLISHED:</b> August 3, 2023                    | <b>PUBLISHED:</b>                                 |