



Township Council

c/o Township Clerk
Teaneck, NJ 07666

Meeting: 11/21/23 06:30 PM

Department: Township Clerk

Category: Amend

DOC ID: 8055

ORDINANCE (ID # 8055)

Ordinance No. 36-2023 ADOPTING CERTAIN REGULATIONS RELATED TO THE INSPECTION OF LEAD-BASED PAINT IN CERTAIN RESIDENTIAL DWELLINGS

BE IT RESOLVED by the Township Council of the Township of Teaneck that **Ordinance #36-2023** pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.

ADOPTING CERTAIN REGULATIONS RELATED TO THE INSPECTION OF LEAD-BASED PAINT IN CERTAIN RESIDENTIAL DWELLINGS

BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #36-2023 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.

HISTORY:

10/17/23 Township Council INTRODUCED

COMMENTS - Current Meeting:

Councilwoman Belcher confirmed with the Manager that the Health Dept. will be carrying this out and assuring that corresponding property owners are notified.

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Michael S Pagan, Councilman
SECONDER:	Danielle Gee, Councilwoman
AYES:	Katz, Schwartz, Orgen, Pagan, Belcher, Gee, Goldberg

TOWNSHIP OF TEANECK
BERGEN COUNTY, NJ

**ORDINANCE NO. 36-2023 ADOPTING CERTAIN REGULATIONS
RELATED TO THE INSPECTION OF LEAD-BASED PAINT IN
CERTAIN RESIDENTIAL DWELLINGS BE IT RESOLVED BY THE
TOWNSHIP COUNCIL OF THE TOWNSHIP OF TEANECK THAT
ORDINANCE #36-2023 PASS UPON SECOND AND FINAL READING
AND THAT THE TOWNSHIP CLERK IS HEREBY AUTHORIZED AND
DIRECTED TO ADVERTISE THE SAME ACCORDING TO LAW AND
TO PROVIDE THE APPROPRIATE NOTICES IN ACCORDANCE WITH
LAW.**

WHEREAS, the Township of Teaneck (the “Township”) maintains Chapter 29A entitled “Property Maintenance” of the Township Code, specifically the Property Maintenance Code; 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 within the municipality on a recurring basis and at tenant turnover for lead-based paint hazards; and

WHEREAS, the Mayor and Council have determined it is in the best interests of Township residents to amend the Township Code at this time to require inspections for lead-based paint in certain residential rental dwellings to conform with the State law.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council, that:

Section 1. Chapter 29A of the Township Code, entitled “Property Maintenance” shall hereby be amended and supplemented, as follows, to create the following Article:

Chapter 29A-XI. Lead-Based Paint Inspections.

Sec. 29A-183. Required Initial Inspection. The owner, landlord, and/or agent of every single-family, two-family, and/or multiple dwelling unit 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 22, 2022, or upon tenant turnover, whichever is earlier.

Sec. 29A-184. Required Recurring Inspection. During the initial inspection required by Section 29A-125 through 29A-128, the owner, landlord and/or agent of such dwelling unit 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, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification.

Sec. 29A-185. Standards. Inspections for lead-based paint in rental dwelling units shall be governed by the standards set forth in N.J.S.A. 52:27D-437.1, et seq., and N.J.S.A. 55:13A-1, et seq., as may be amended from time to time. Inspections will be done by a Registered Environmental Health Specialist or Lead Inspector Risk Assessor from the Department of Health.

Sec. 29A-186. Exceptions. 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, or for the fees for such inspection or evaluation, if the unit:

1. has been certified to be free of lead-based paint;
2. was constructed during or after 1978; or
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," N.J.S.A. 55:13A-1, et seq.; or
4. 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
5. has a valid lead-safe certification issued in accordance with N.J.S.A. 52:27D-437.16(d)(2).

Sec. 29A-187. Remediation. If lead-based paint hazards are identified, then the owner of the dwelling shall remediate the hazards through abatement or lead-based paint hazard control mechanisms in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the lead-based paint hazard, the Township Code Enforcement Officer or designee, as may be applicable, or the owner's private lead inspector, shall conduct an additional inspection of the unit to certify that the hazard no longer exists.

Sec. 29A-188. Certification. If no lead-based paint hazards are identified, then the Township Code Enforcement Officer or designee or the owner'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 years and shall be filed with the Township's Code Enforcement Officer. The Township Code Enforcement Officer shall maintain up-to-date information on inspection schedules, inspection results, tenant turnover and a record of all lead-free certifications issued pursuant to N.J.A.C. 5:17.

Sec. 29A-189. Requirements. In accordance with N.J.S.A. 52:27D-437.16(e), property owners shall:

1. Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Township of Teaneck 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 or names of the unit's tenant or tenants if the inspection was conducted during a period of tenancy.

Sec. 29A-190. Fees.

1. Notwithstanding any other fees due pursuant to this Chapter, a fee in the amount of \$325.00 shall be paid for each lead-based paint inspection for all apartments and \$450.00 for all single-family residential houses. Said fee shall be dedicated to meeting the costs of implementing and enforcing this subsection and shall not be used for any other purpose. Alternatively, 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 satisfy the requirements of Section 29A in which case no additional Lead-Based Paint inspection fee shall be paid.
2. The fee for the filing of a lead-safe certification or lead-free certification shall be \$25.
3. In a common interest community, any inspection fee charged shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.
4. Any charges incurred by the inspector in the course of the inspection and dust testing of the unit shall be the responsibility of the unit owner and not the homeowners' association unless the association is the owner of the unit.

Sec. 29A-191. Violations and Penalties. In accordance with N.J.S.A. 52:27D-437.19, the penalties for a violation of Article shall be as follows:

1. If a property owner has failed to conduct the required inspection or initiate any remediation efforts, the owner shall be given 30 days to cure the violation.
2. If the property owner has not cured 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.

