

**BOROUGH OF TINTON FALLS  
MONMOUTH COUNTY  
NEW JERSEY**

**ORDINANCE NO. 2024-1512**

**AN ORDINANCE AMENDING CHAPTER 11 OF THE BOROUGH CODE,  
ENTITLED “BUILDING AND HOUSING” TO ADD A NEW SECTION  
TO BE ENTITLED “LEAD-BASED PAINT HAZARD INSPECTION  
REQUIREMENTS FOR RENTAL DWELLINGS”**

**BE IT ORDAINED** by the Borough Council of the Borough of Tinton Falls as follows:

**SECTION 1.** Chapter 11 of the Borough Code, entitled “Building and Housing,” is hereby amended to add the following new section to be entitled “Lead-Based Paint Hazard Inspection Requirements for Rental Dwellings”:

**§11-5            LEAD-BASED PAINT HAZARD INSPECTION REQUIREMENTS FOR  
RENTAL DWELLINGS**

**§11-5.1        Definitions.**

The following definitions shall apply to this article:

**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 PAIN 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 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.

**§11-5.2 Lead-based paint inspection.**

- A. A lead inspector for the Borough of Tinton Falls shall inspect every single-family, two-family, and multiple rental dwelling located within the Borough of Tinton Falls for lead-based paint hazards through visual assessment and dust wipe sampling in accordance with N.J.S.A. 52:27D-437.16 et seq., as may be amended from time to time.
- B. The property owner or landlord may, in lieu of having the dwelling inspected by the Borough's lead inspector, directly hire a private lead inspector 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-437.16 et seq., as may be amended from time to time.
- C. In accordance with N.J.S.A. 52:27D-437.16(c), 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 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.
  - (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.

D. 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 Borough's lead inspector or visual assessor, 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.

E. If no lead-based paint hazards are identified, then the Borough's lead inspector 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.

F. 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 Borough of Tinton Falls 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.

G. The fees for a lead-based paint inspection shall be as follows:

- (1) The fee for a visual assessment and dust wipe sampling inspection performed by the Borough's lead inspector shall be \$300 for a dwelling unit that has one bedroom. There shall be an additional fee of \$30 for each additional bedroom in the dwelling unit.
- (2) The fee for a visual assessment inspection performed by the Borough's lead inspector or visual assessor shall be \$150 per dwelling unit.
- (3) The fee for the filing of a lead-safe certification or lead-free certification shall be \$25.
- (4) 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.
- (5) In accordance with N.J.S.A. 52:27D-437.16(h), an additional fee of \$20 per dwelling unit inspected by the Borough's lead inspector or the owner's private lead inspector shall be assessed for the purposes of the Lead Hazard Control Assistance Act (N.J.S.A. 52:27D-437.1 et seq.) unless the unit owner 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.

**§11-5.3 Violations and Penalties.**

In accordance with N.J.S.A. 52:27D-437.19, the penalties for a violation of § 11-5.2(D) and (F) shall be as follows:

- A. 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.
- B. 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.

**SECTION 2. Repealer.**

All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

**SECTION 3. Severability.**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**SECTION 4. Effective Date.**

This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

Introduced: April 2, 2024.

Adopted: April 16, 2024.

RISA CLAY, COUNCIL PRESIDENT

VITO PERILLO, MAYOR

ATTEST:

MICHELLE HUTCHINSON  
BOROUGH CLERK

APPROVED AS TO FORM:

KEVIN N. STARKEY, ESQ.  
DIRECTOR OF LAW