

**TOWNSHIP OF UPPER PITTSBGROVE
ORDINANCE 2024-17**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
UPPER PITTSBGROVE AMENDING AND SUPPLEMENTING ORDINANCES 85-3,
2005-7 AND 2006-5 "HOUSING STANDARDS" OF THE CODE OF THE
TOWNSHIP OF UPPER PITTSBGROVE REGARDING CHANGING THE
LANGUAGE TO RESALE CERTIFICATE AND RENTAL CERTIFICATE AND
ADDING THE REQUIREMENT FOR INSPECTIONS OF LEAD-BASED PAINT IN
CERTAIN RESIDENTIAL DWELLINGS**

WHEREAS, per N.J.A.C. 5:23-2.23(a), (c), (d) and (f), a Certificate of Occupancy is only issued for projects of new construction, reconstruction, additions and change of use; and

WHEREAS, the Department of Community Affairs, Division of Codes and Standards notified the Municipality it must change the Certificate of Occupancy language; and

WHEREAS, the State of New Jersey enacted *N.J.S.A. 52:27D-437*, et seq. establishing lead-based paint testing programs for residential rental properties; and

WHEREAS, *N.J.S.A. 52:27D-437*, et seq. requires that municipalities enact ordinances to implement lead-based paint programs for residential rental properties; and

WHEREAS, the Township of Upper Pittsgrove desires to comply with *N.J.S.A. 52:27D-437*, et seq. by adopting this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Upper Pittsgrove, County of Salem, State of New Jersey.

Section 2 is amended to read as follows:

A. RESALE CERTIFICATE/RENTAL CERTIFICATE - The owner of any residential property, prior to rental, lease or transfer of ownership involving a change of residential occupancy of any dwelling or unit of dwelling space in such property, shall obtain a Resale Certificate or a Rental Certificate for the dwelling or unit of dwelling space from the Housing Official of the Township of Upper Pittsgrove. The Housing Official of the Township of Upper Pittsgrove shall issue such certificate only after he/she inspects the dwelling or unit of dwelling space and finds that such dwelling or unit of dwelling space meets the standards of the New Jersey State Housing Code as amended and adopted by Ordinance 85-3 and the Land Development Ordinances of the Township of Upper Pittsgrove and any other requirement imposed by New Jersey Law. A new inspection and Resale Certificate or Rental Certificate shall be obtained each time there is a change of occupancy of any dwelling or unit of dwelling space in any residential property prior to the new occupancy. The fee for said inspection and Resale Certificate or Rental Certificate shall be \$50.00.

B. LEAD PAINT TESTING

1. Required Initial Inspection.

- a. 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 (2) years of the effective date of the law, July 2, 2022, or upon tenant turnover, whichever is earlier.

2. Required Recurring Inspection.

- a. After the initial inspection required by Section 2B-1a, the owner, Landlord and/or agent of such dwelling unit offered for rental shall be required to obtain an inspection through the Township designated vendor or by a private certified lead evaluation contractor of the unit for lead-based paint hazards every three (3) 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.

3. 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.

4. 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:

- a. has been certified to be free of lead-based paint; or
- b. was constructed during or after 1978; or
- c. 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
- d. 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

- e. has a valid lead-safe certification issued in accordance with *N.J.S.A. 52:27D-437.16(d)(2)*.

5. If no lead-based paint hazards are identified.

If no lead-based paint hazards are identified, then the Township's designated vendor or owner's private lead inspector shall certify the dwelling as lead safe on a form prescribed by the Department of Community Affairs (DCA), which shall be valid for two years and shall be filed with the Township's Housing Official. The Township Housing Official 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*.

6. If lead-based paint hazards are identified.

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, either the Township's designated vendor or the owner's private lead inspector shall conduct an additional inspection of the unit to certify that the hazard no longer exists.

7. Lead-Safe Certification.

If the Housing Official receives a report from either the Township or Private certified lead inspector showing there is no lead-based paint hazards exist in a dwelling unit upon conducting an inspection or following remediation of a lead-based paint hazard pursuant, then the certified lead inspector shall certify the dwelling unit as lead-safe on a form prescribed by the New Jersey Department of Community Affairs as provided for in regulations or guidance promulgated pursuant to *N.J.S.A. 52:27D-437.20*. The lead-safe certification provided to the property owner and the Township Housing Official pursuant to this section shall be valid for two (2) years.

8. Responsibility of the Property Owners.

In accordance with *N.J.S.A. 52:27D-437.16(e)*, property owners shall be responsible to do the following:

- a. Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Township of Upper Pittsgrove at the time of the cyclical inspection, unless not required due to being an exemption.
- b. 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.
- c. 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.

9. Fees.

- a. A filing fee for the lead safe certification or lead-free certification shall be \$25.
- b. An additional state required fee in the amount of \$20.00 shall be collected and deposited into the Lead Hazard Control Assistance Fund.
- c. If the owner chooses to utilize the Township certified lead inspector vendor, fess shall be assessed based on a contract with the vendor and the Township, which the owner shall be required to pay.

10. Penalties.

The Township and the Housing Official shall be authorized to conduct investigations and issue penalties to enforce a property owner's failure to comply with *N.J.S.A. 52:27D-437.16* or this Chapter. If the Township or the Township Housing Official determines that a property owner has failed to comply with a provision of *N.J.S.A. 52:27D- 437.16*, et seq. or this Chapter regarding a rental dwelling unit owned by the property owner, the property owner shall first be given 30 days to cure any violation by conducting the required inspection or initiate any required remediation efforts. If the property owner has not cured the violation after 30 days, the property owner shall be subject to a penalty not to exceed \$1,000.00 per week until the required inspection has been conducted or remediation efforts have been initiated.

Section 3. **Severability.** If any section, paragraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section VII. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Dated: June 11, 2024

BY: Edward J. Meschi

ATTEST: Linda R. Stephens, RMC
Township Clerk

NOTICE is hereby given that the foregoing Ordinance was introduced and passed on first reading at a regular meeting of the Township Committee of the Township of Upper Pittsgrove in the County of Salem and State of New Jersey on the 11th day of June, 2024 and will be considered for final passage after a public hearing to be held by said Township Committee at Township Hall, Pole Tavern, New Jersey on the 9th day of July, 2024 at 7:00P.M.

Linda R. Stephens, RMC
Township Clerk