

ORDINANCE 2023:02

AN ORDINANCE TO AMEND SECTION 10-1.3 ENTITLED “FEES” AND ADD SECTION 10-10 ENTITLED “LEAD-BASED PAINT INSPECTIONS OF CERTAIN RESIDENTIAL RENTAL DWELLINGS” TO CHAPTER X OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED “BUILDING AND HOUSING” AND TO ESTABLISH FEES FOR INSPECTIONS

BE IT ORDAINED by the Governing Body of the Borough of New Milford, in the County of Bergen and State of New Jersey, as follows:

Section 1. Section 10-1.3, "Fees", shall be amended by the addition of b. 17. Lead-Based Paint Inspection for Residential Rental Dwellings" which shall read, in its entirety, as follows:

§ 10-1.3 b. 17. Lead-Based Paint Inspection for Residential Rental Dwellings.

The fees for lead-based paint inspections in residential rental dwellings shall be:

- A. New Jersey Certified Lead Paint Inspector/Risk Assessor Inspection - \$550.00.
- B. NJ DCA Required Inspection Fee - \$20.00/inspection
- C. Lead Wipe Sample Analysis (where required). The number of wipe samples will be determined by what is required by the State of New Jersey- \$35/Wipe Sample Analysis

Section 2. The Revised General Ordinances of the Borough of New Milford shall be amended by the inclusion of new Chapter 10:10-10 which shall be entitled "Lead-Based Paint Inspection for Residential Rental Dwellings" and shall read, in its entirety, as follows:

§ 10-10 Lead-Based Paint Inspection for Residential Rental Dwellings.

§ 10-10.1 Lead-Based Paint Inspections for Residential Rental Dwellings.

New Jersey law (P.L. 2021, c. 182) requires that a certified lead evaluation contractor perform inspections of certain single-family, two-family, and multi-family residential rental dwellings for lead-based paint hazards. The dwelling owners/landlords are required by State law to have the inspection performed by either an inspector retained by the Borough or by directly hiring a certified lead evaluation contractor for this purpose. The fee for an inspection by a Borough retained inspector is set forth in Chapter 152, Section 152-48.

§ 10-10.2 Requirement for Lead-Based Paint Inspection.

- A. All residential rental dwelling units required to be inspected under State law must initially be inspected for lead-based paint upon tenant turnover, but the first inspection must take place no later than July 22, 2024 in the event there has been no tenant turnover before that date.

- B. After the initial inspection, all units required to be inspected shall be inspected for lead-based paint hazards every three years, or upon tenant turnover, whichever is earlier. An inspection upon tenant turnover is not required if the owner has a valid lead-safe certificate. Lead-safe certificates are valid for two years. If the lead-safe certificate has expired, and there will be a tenant turnover, an inspection will be necessary before the three-year inspection.

§ 10-10.3 Exemptions from the Requirement for Lead Based Paint Inspections.

All single-family, two-family, and multiple rental dwellings must be inspected except for the following dwellings which are exempt:

- A. Dwellings that were constructed during or after 1978.
- B. Single-family and two-family seasonal rental dwellings which are rented for less than six-months duration each year by tenants that do not have consecutive lease renewals.
- C. Dwellings that have been certified to be free of lead-based paint pursuant to N.J.A.C. 5:17-3.16(b).
- D. Multiple rental dwellings that have been registered with the Department of Community Affairs for at least ten years and have 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).
- E. Dwellings with a valid lead-safe certificate issued pursuant to P.L.2021, c.182. Lead-safe certificates are valid for two years from the date of issuance.

§ 10-10.4 Reporting Requirements for Owners/Landlords and Contractors.

- A. Owners/Landlords of all dwellings subject to the inspection requirements under this Chapter shall register their unit(s) with the Borough and provide the Borough with up-to-date information on inspection schedules, inspection results, and tenant turnover.
- B. A copy of all lead-safe certifications issued for property located in the Borough of New Milford shall be provided to the Borough by the evaluation contractor.
- C. An Owner/Landlord shall provide the Borough with a copy of any lead-free certification issued pursuant to N.J.A.C. 5:17 for their unit(s).

§ 10-5 Violations and Penalties.

- A. A property owner/landlord within the Borough of New Milford shall comply with the requirements of P.L.2021, c.182 and this Chapter. If a Borough Official determines that a property owner has failed to comply with the inspection requirements of this Chapter, the property owner shall be given a thirty-day notice to cure any violation by ordering the necessary inspection or by initiating remediation. If the dwelling owner has not cured the violation within 30 days, the owner shall be subject to a penalty not to exceed \$1,000 per week until the required inspection has been conducted or remediation efforts initiated.
- B. Any other violation of the provisions of this Chapter shall be subject to a fine of not less than \$50 nor more than \$500 for each offense.

Section 3. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.