

NEW JERSEY LEAD SAFE CERTIFICATION LAW

Effective July 22, 2022

<https://www.nj.gov/dca/divisions/codes/resources/leadpaint.html>

- New law (S1147) takes aim at lead paint and dust, the most common sources of exposure, by creating a new requirement that **any rental property in New Jersey built before 1978 be inspected for lead**. This closes a loophole in the state's existing lead testing regulations, which allowed single-family and two-family rental units to go without inspection.
- Beginning July 22, 2022, all NJ rental properties that are not exempt will be required upon their first turnover or within two years of the effective date to complete their Lead Safe Certification inspection.
- This inspection can only be done by 1) Municipal/County local agency inspection program, 2) a NJ DCA certified Lead Evaluation Contractor hired by the Borough of Buena OR 3) the property owner can hire directly a NJ DCA Certified Lead Evaluation contractor to provide the required inspection services. All of whom will assess a fee for the inspection services.
- If no lead-based paint hazards are found during the inspection, the local agency or the DCA certified lead evaluation contractor shall certify the dwelling unit as lead-safe on a form prescribed by the department of Community Affairs.
- If Lead based paint hazards are found, the lead evaluation contractor or permanent local agency shall notify the Commissioner of Community Affairs. And if found in a multi-family dwelling, all units must be tested. They must be properly addressed by either lead-based paint abatement or lead based paint hazard control methods. [Lead Abatement Contractors](#) must be certified.
- The law also requires that if lead is found, affected tenants are eligible to be moved into lead-safe housing with financial help from the state Department of Community Affairs.
- Upon completion of correcting any lead-based paint hazard identified during the visual Lead Safe Certification Inspection, the Lead evaluation contractor or permanent local agency shall conduct a follow up inspection (visual &/or dust

wipes) of the unit to certify that the hazard no longer exists. **Additional fees may apply.**

- Owners will be required to provide copies of all Lead Safe Certifications (per unit) and leases to the DCA inspector during their 5-year multiple dwelling inspection. They are also required to provide copies of a current or newly issued Lead Safe Certificate to new residents specific for the unit they will be renting as part of the lease documents. If a resident resides within the unit during the Re-Lead Safe Certification renewal cycle (3 years) the resident must sign a copy of the Lead Safe Certification and such documentation must be maintained
- Failure to comply with NJ Lead Safe Certification requirements can incur fines of up to \$1,000 per unit per week.

Exemptions

- **The property has been certified to be free of lead-based paint**
- **The property was constructed after 1978**
- **The rental unit is in a multiple dwelling that has been registered with the DCA as a multiple dwelling for at least 10 years, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the “Hotel and Multiple Dwelling Law”**
- **Is a single family or two-family seasonal rental dwelling which is rented for less than 6 months duration each year by tenants that do not have consecutive lease renewals.**
- **Has a valid lead safe certification issued by accordance with this section.**

THE BOROUGH AND COUNTY HAVE PARTNERED TO ASSIST AFFECTED PROPERTY OWNERS:

It is the purpose and intent of the Borough of Buena to establish a process to comply with the proposed regulations, N.J.A.C. 5:28A.

N.J.A.C. 5:28A Section 1. b. (2) allows “Subject to subsection c. of this section, a Borough of Buena that does not maintain a permanent local agency for the purpose of conducting inspections and enforcing laws, ordinances, and regulations concerning buildings and structures within the Borough of Buena, the Borough of Buena shall hire a lead evaluation contractor, certified to provide lead paint inspection services by the Department of Community Affairs, to inspect every single-family, two-family, and multiple rental dwelling located within the Borough of Buena at tenant turnover for lead-based paint hazards or within two years of the effective date, whichever is earlier. Thereafter, all such units shall be inspected for lead-based paint hazards the earlier of every three years or upon tenant turnover, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification pursuant to this section. The Borough of Buena shall charge the dwelling owner or landlord a fee sufficient to cover the cost of the inspection, including the cost of hiring the lead evaluation contractor.”

It is the Borough of Buena’s further intent to participate in the County-Wide Lead-Based Paint Inspection Program established by the Authority and administered by LEW Environmental Services to comply with N.J.A.C. 5:28A.

A. DESCRIPTION OF SERVICES.

The Borough of Buena shall participate in the County-Wide Lead Based Paint Inspection in Rental Dwelling Units Program, administered by LEW Environmental Services providing on an as needed basis, the appropriate Professional Services “Staffing” (Certified by NJ DOH & DCA) to perform the required Visual Paint Inspection and/or Lead Dust Wipe sampling which shall include but not be limited to the following:

1. If a Unit Visual is required, LEW Environmental Services has agreed to provide proper staffing to perform:
 - a. **Visual Inspections**
 - i. For municipalities that may perform visual assessments, the inspector should examine rental dwellings for deteriorated paint or visible surface dust, debris, or residue. Paint is deteriorated when it is peeling, chipping, chalking, or cracking. Tack and nail holes, small hairline cracks, and other surface imperfections may not be considered deteriorated paint.
 - i. . The inspector should look for deteriorated paint on all painted building components, especially any walls, window, or trim. Also, the inspector should look on surfaces that experience friction or impact. When two surfaces slide across each other or strike one another, the painted surface may become deteriorated. Examples of friction and impact surfaces are

doors, windows, floors, and trim areas. The inspector should look for paint chips or dust from painting activities that were not cleaned up and paint residue on the floors, which could be a hazard for small children.

- i. . If a Unit Dust Wipe sample(ing) is required, LEW Environmental Services will provide proper staffing to perform:

b. Post-Remediation Inspection

- i. If a Unit has completed remediation of identified Hazards, LEW Environmental Services can also provide for post- remediation inspection.
 1. After remediation has been completed, whether through interim controls or abatement, the Borough of Buena or lead evaluation contractor must perform an additional inspection within 60 days of the initial periodic lead-based paint inspection to ensure there are no further lead-based paint hazards.
 2. Upon conducting the reinspection in dwellings that have been remediated using interim controls, if no lead-based paint hazards are found, the Borough of Buena or inspector must certify the dwelling to be lead safe pursuant to P.L.2021, c.182 (see Section 3.4.0. for an example of a lead-safe certificate).

B. FEES.

The Authority will be responsible for collecting fees from the landlord and paying fees to LEW Environmental Services. The fees paid to LEW Environmental Services are anticipated to be paid in the aggregation of three units (half day inspection) or 8 units (whole day inspection) as described below. Once the Authority has an aggregation of at least three units, the Authority will contact the requesting party with a price as set forth below. The requesting party will then receive a statement from the Authority 14 days prior to the scheduled inspection and said payment shall be paid seven days prior to the scheduled inspection otherwise the inspection will be removed from the schedule. If an inspection is cancelled at the requesting parties request, the requesting party will be responsible for contacting the authority to reschedule. The rescheduling will be in the aggregation of least three units. LEW Environmental Services will be responsible for the scheduling of all inspections directly with the requesting landlord. **The Authority does not guarantee or warrant any inspection within a given time frame nor does it guarantee or warrant that the inspection will include any aggregation of any number of units.**

The fees are as follows:

Visual Inspection (as described under B(1)(a)(i) above)
- \$370.00/Unit

There may be times when a Borough of Buena is designated by the DCA or other

government agencies as high-risk community for lead-based paint hazards in rental dwelling units requiring an elevated test, termed “Dust Wipe Sampling”. A Dust Wipe Sampling means a sample collected by wiping a representative surface and tested in accordance with a method approved by HUD. If the Dust Wipe Sampling Inspection is required the following fees apply:

*An XRF (X-Ray Fluorescence) inspection is available to the requesting party as an add-on to the visual and dust wipe inspections for an additional \$195.00/unit. An XRF inspection will allow a dwelling unit to be certified lead-based paint free and become exempt from the regulation forever. * A Lead Free Certificate will only be issued if no lead-based paint is found.

In the event of an “emergency” single unit inspection, LEW Environmental will utilize their best efforts to accommodate said request, however the fee to be charged will be determined on a case by case basis.

The fees quoted herein include a \$100 per unit fee to be paid to the Authority for administrative services provided for implementation and operation of this Shared Services Agreement and the Program provided for herein.

Please contact the Borough of Buena Occupancy Department at 856-697-9393 ext. 24 for additional information.