

BOROUGH OF EATONTOWN – NOTICE OF ORDINANCE ADOPTION

NOTICE is hereby given that **Ordinance 01-2025** - Ordinance of the Borough of Eatontown Entitled “**ORDINANCE ADDING CHAPTER 195 TO THE CODE OF THE BOROUGH OF EATONTOWN IMPLEMENTING THE STATE LAW CONCERNING LEAD-BASED PAINT INSPECTIONS**” was passed after a public hearing at the regular meeting of **January 22, 2025** by the Governing Body of the Borough of Eatontown, at 47 Broad Street, Eatontown, NJ 07724. Borough of Eatontown - Julie Martin, RMC, Borough Clerk

ORDINANCE 01-2025

BOROUGH OF EATONTOWN

COUNTY OF MONMOUTH, STATE OF NEW JERSEY

ORDINANCE ADDING CHAPTER 195 TO THE CODE OF THE BOROUGH OF EATONTOWN IMPLEMENTING THE STATE LAW CONCERNING LEAD-BASED PAINT INSPECTIONS

WHEREAS, pursuant to P.L. 2021, c.182, all municipalities are now required, with certain exceptions, to inspect every single-family, two-family, and multiple rental dwelling located within the municipality at tenant turnover for lead-based paint hazards; and

WHEREAS, the Borough Council of the Borough of Eatontown believes it is in the best interests of the residents to amend the Borough Code to require inspections for lead-based paint in residential rental dwellings to conform with New Jersey State law; and

WHEREAS the Borough Council of the Borough of Eatontown believes it is in the wishes through this Ordinance to establish Chapter 195 entitled “Lead-Based Paint Inspections” of the Borough Code in order to serve the best interests of the Borough and its residents.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Eatontown, in the County of Monmouth and State of New Jersey that:

Section I

Chapter 195 to be known as “Lead-Based Paint Inspections.” is hereby added to the Code of the Borough of Eatontown and shall read as follows:

Chapter 195 Lead-Based Paint Inspections.

195-1-1 Definitions.

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 Abatement – Measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by the Commissioner of Community Affairs in compliance with standards promulgated by the appropriate federal agencies.

Lead Evaluation Contractor – A person certified by the New Jersey Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:171.1 et seq.

Lead-based Paint Hazard – Any condition that causes exposure to lead from lead-contaminated dust or soil or lead-contaminated paint that is deteriorated or present in surfaces that would result in adverse human health effects.

Visual Assessment – A visual examination for deteriorated paint or visible surface dust, debris, or residue.

Tenant turnover – The time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit.

195-2 Inspections.

- (1) A lead evaluation contractor retained by the Borough shall inspect every single-family, two-family, or multiple rental dwelling located in the Borough of Eatontown for lead-based paint hazards through visual assessment and dust wipe sampling in accordance with N.J.S.A. 52:27D-437.1 et seq.
- (2) In lieu of having the dwelling inspected by the Borough’s lead evaluator, 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 perform the lead-based paint inspection in accordance with N.J.S.A. 52:27D-437.1 et seq.
- (3) 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:
 - a. Has been certified to be free of lead-based paint;
 - b. Was constructed during or after 1978;
 - c. Is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least ten (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,” P.L.1967, c.76 (C.55:13A-1 et seq.);

- 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.
- (4) The owner, landlord, and/or agent of every single-family, two-family, or multiple rental dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three (3) years, or at tenant turnover, whichever is earlier.
- (5) If lead-based paint hazards are identified, then the owner, landlord, and/or agent of the dwelling shall remediate the lead-based paint hazard using lead abatement or lead-based control methods 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 evaluation contractor shall conduct an additional inspection of the unit to certify that the hazard no longer exists. If no lead-based paint hazards are identified, then the Borough's lead evaluator shall certify the dwelling as lead-safe on a form prescribed by the Department of Community Affairs, which shall be valid for two (2) years.
- (6) Pursuant to N.J.S.A. 52:27D-437.16(e), property owners shall:
 - a. Provide evidence of valid lead-safe certification and the most recent tenant turnover at the time of the cyclical inspection
 - b. Provide evidence of a valid lead-safe certification obtained pursuant to this Section to new tenants of the property at the time of tenant turnover unless not required to have had an inspection by a lead evaluation contractor or permanent local agency pursuant to §63-2(C) of this Chapter.
 - c. Maintain records of lead-safe certification, which shall include name(s) of the unit tenant(s), if inspection was conducted during a period of tenancy.
- (7) Fees.
 - a. The Borough shall charge the dwelling owner or landlord, and the dwelling owner or landlord shall pay the Borough in advance of any inspection, a fee sufficient to cover the cost to the Borough of the inspection, which shall be dedicated to meeting the costs of implementing and enforcing this section, which shall include the following:
 - a. \$250.00 per dwelling unit for a visual assessment performed by the lead inspector.
 - b. \$25.00 per dwelling unit filing fee.
 - c. If necessary, a fee of \$295.00 per dwelling unit for reinspection of a unit.
 - b. In accordance with N.J.S.A. 52:27D-437.16(h), an additional fee of \$20.00 per dwelling unit inspected by the Borough's lead evaluation contractor or the owner's private lead evaluation contractor shall be addressed for the purpose of the Lead Hazard Control Assistance Act, unless the owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of \$20.00. The fees collected pursuant to this subsection shall be deposited into the Lead Hazard Control Assistance Fund.
 - c. In a common interest community, any inspection fee charged pursuant to this subsection shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.

63-2 Violations.

If a property owner has failed to conduct the required inspection or initiate any remediation as required by N.J.S.A. 52:27D-437.1 et seq. the owner shall have 30 days to cure the violation. If a property owner fails to cure 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 II

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

Section III

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to this section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section IV

This ordinance shall take effect upon its passage and publication in the manner required by law.