

**TOWNSHIP OF ALLOWAY  
ORDINANCE NO. 577**

**AN ORDINANCE OF THE TOWNSHIP OF ALLOWAY AMENDING CHAPTER 69,  
HOUSING STANDARDS, OF THE CODE BOOK OF THE TOWNSHIP OF ALLOWAY BY  
ADOPTING AN ARTICLE X TO BE TITLED “LEAD BASED PAINT HAZARD  
INSPECTION REQUIREMENTS”**

**NOW THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Alloway, County of Salem, State of New Jersey as follows:

**SECTION 1.** There is hereby adopted an Article X within Chapter 69 to be titled “Lead Based Paint Hazard Inspection Requirements”.

**SECTION 2.** Lead-based paint hazard inspection frequency requirements; single-family, two-family, and multiple rental dwellings.

**SECTION 3.** This section is adopted pursuant to N.J.S.A. 52:27D-437.16.

**SECTION 4.** The following is required in regard to lead-based paint hazard inspections for single-family, two-family and multiple rental dwellings:

- (a) The Housing Officer or Certified Lead Evaluation Contractor shall inspect every single-family, two-family, and multiple rental dwelling located within the Township at tenant turnover for lead-based paint hazards. 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.
- (b) The Township shall charge the dwelling owner or landlord a fee sufficient to cover the cost of the inspection as may be set from time to time by the Township. In the alternative, Township may contract with and set the compensation of a private entity, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., to assist the municipality in the implementation and administration of the lead based paint hazard inspection program.
- (c) A rental dwelling owner or landlord may directly hire a Certified Lead Evaluation Contractor who is certified by the New Jersey Department of Health to provide lead paint inspection services to satisfy the requirements of N.J.S.A. 52:27D-437.16.
- (d) The Housing Officer or Certified Lead Evaluation Contractor with the duty to inspect single-family, two-family, and multiple rental dwellings pursuant to this section may consult with the Local Health Board, the County Department of Health, or the Department of Community Affairs concerning the criteria for the inspection and identification of areas and conditions involving high risk of lead poisoning in dwellings, methods of detection of lead in dwellings, and standards for repair of dwellings containing lead paint.

- (e) Fees established pursuant to this subsection shall be dedicated to meeting the costs of implementing and enforcing this Ordinance and shall not be used for any other purpose.

**SECTION 5.** Notwithstanding Section 4 to the contrary, 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 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.
- (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 this section.

**SECTION 6.** Lead-based paint hazard inspection and remediation.

- (a) In the event a Housing Officer or Certified Lead Evaluation Contractor finds that lead-based paint hazard exists in a rental dwelling unit upon conducting an inspection pursuant to this section, then the owner of the rental dwelling unit shall remediate the lead-based paint hazard by using abatement or lead-based paint hazard control methods, approved in accordance with the provisions of the Lead Hazard Evaluation and Abatement Code N.J.A.C. 5:17-1.1 et seq. Upon the remediation of the lead-based paint hazard, the Hearing Officer or Certified Lead Evaluation Contractor shall conduct an additional inspection of the unit to verify that the hazard no longer exists.
- (b) In the event a Housing Officer or Certified Lead Evaluation Contractor finds that no lead-based paint hazards exist in a rental dwelling unit upon conducting an inspection pursuant to this section or following remediation of a lead-based paint hazard pursuant to Section 6(a), then the Housing Officer or Certified Lead Evaluation Contractor shall certify the dwelling unit as lead-safe on a form prescribed by the Department of Community Affairs as provided for in regulations or guidance promulgated pursuant to Section 8 of N.J.S.A. 52:27D-437.20. The lead-safe certification provided to the property owner pursuant to this subsection shall be valid for two years.

**SECTION 7.** In the event a Housing Officer or Certified Lead Evaluation Contractor finds that a lead-based paint hazard exists in a rental dwelling unit upon conducting an inspection pursuant to this section, notification shall be made to the Commissioner of Community Affairs, in accordance with Section 8 of the "Lead Hazard Control Assistance Act," N.J.S.A. 52:27D-437.8.

**SECTION 8.** Beginning upon the adoption of this Ordinance, property owners or landlords shall notify the Housing Officer or Certified Lead Evaluation Contractor of all tenant turnovers.

**SECTION 9.** In addition to the fees permitted to be charged for inspection of rental housing pursuant to this section, each unit owner shall be charged an additional fee of \$20 per unit inspected by a Hearing Officer or Certified Lead Evaluation Contractor for the purposes of the "Lead Hazard Control Assistance Act," N.J.S.A. 52:27D-437.1 et seq., concerning lead hazard control work, unless the unit owner demonstrated that the Department of Community Affairs has already assessed an additional inspection fee of \$20 pursuant to the provision of Section 10 of N.J.S.A. 52:27D-437.10. 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. The fees collected pursuant to this subsection shall be deposited in the "Lead Hazard Control Assistance Fund" established pursuant to Section 4 of the N.J.S.A. 52:27D-437.4.

**SECTION 10.** A rental property owner or landlord that has failed to comply with the requirements for inspection and/or remediation and abatement after 30 days' written notice to cure 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 11. Repealer:** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

**SECTION 12. Severability:** Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts hereof.

***BE IT FURTHER ORDAINED*** that this Ordinance shall take effect immediately upon final passage and publication as required by law.

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P. Ed McKelvey Mayor

**ATTEST:**

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Jena Dolbow, Municipal Clerk