

ORDINANCE NO. 2-2023

**TOWNSHIP OF GREENWICH
GLOUCESTER COUNTY**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTERS 310
(CONSTRUCTION CODES) 520 (PROPERTY MAINTENANCE) OF THE
GREENWICH TOWNSHIP CODE REGARDING THE REQUIREMENT FOR
INSPECTIONS OF LEAD-BASED PAINT IN CERTAIN RESIDENTIAL DWELLINGS**

WHEREAS, Chapter 520 of the Greenwich Township Code is entitled “Property Maintenance”; and

WHEREAS, Section 310-2 sets forth the various fees or construction and other permits within the Township of Greenwich; and

WHEREAS, pursuant to P.L. 2021, c.182, all municipalities are required to inspect all single-family, two-family, and multiple rental dwellings built prior to 1979 located within the municipality on a recurring basis and at tenant turnover for lead-based paint hazards; and

WHEREAS, the Mayor and Council of the Township of Greenwich have determined it is in the best interests of the residents of Greenwich Township to amend the Township Code to require inspections for lead-based paint in certain residential rental dwellings to conform with State law; and

WHEREAS, the law requires that all municipalities assess an additional fee of \$20.00 per rental unit inspected which shall be deposited into the Lead Hazard Control Assistance Fund; and

WHEREAS, the law also imposes additional inspection and documentation retention policies that require additional resources by both construction officials and the municipality; therefore, the Mayor and Council find it to be in the best financial interest of the Township, and by extension its residents, to increase certain inspection fees.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Greenwich, Township Code of the Township of Greenwich be hereby amended as follows:

SECTION 1. CHAPTER 520 is supplemented to add the following:

Article III. Lead-Based Paint Inspections.

§ 520-23. Required Initial Inspection. The owner, landlord and/or agent of all single-family, two family, and/or multiple dwelling units offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards within two years of the effective date of the law, July 2, 2022, or upon tenant turnover, whichever is earlier.

§ 520-24. Required Recurring Inspection. After the initial inspection required by §520-23, the owner, landlord and/or agent of such dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three 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.

§520-25. 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.

§520-26. 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;
- 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, 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 issued in accordance with N.J.S.A. 52:27D-437.16(d)(2).

§520-27. 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, the Township Code Enforcement Officer or designee, as may be applicable, or the owner’s private lead inspector, shall conduct an additional inspection of the unit to certify that the hazard no longer exists.

§520-28. If no lead-based paint hazards are identified, then the Township Code Enforcement Officer or designee or the 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 Code Enforcement Officer. The Township Code Enforcement Officer 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.

§520-29. In accordance with N.J.S.A. 52:27D-437.16(e), property owners shall:

- a. Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Township of Greenwich at the time of the cyclical inspection.

- 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.

§520-30. Fees.

- a. Notwithstanding any other fees due pursuant to the Township Code, a fee in the amount to fully cover the fee charged by an approved DCA Lead Inspector shall be paid for each lead-based paint inspection. Said fee shall be dedicated to meeting the costs of implementing and enforcing this subsection and shall not be used for any other purpose. Alternatively, a dwelling owner or landlord may directly hire a private lead evaluation contractor who is certified to provide lead paint inspection services by the DCA in which case no additional Lead-Based Paint inspection fee shall be paid.
- b. The fee for the filing of a lead-safe certification or lead-free certification shall be \$20.00.
- c. In a common interest community, any inspection fee charged shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.

§520-31. Violations and penalties. In accordance with N.J.S.A. 52:27D-437.19, the penalties for a violation of Article IV as follows:

- a. If a property owner has failed to conduct the required inspection or initiate any remediation efforts, the owner shall be given 30 days to cure the violation.
- b. 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 per week until the required inspection has been conducted or remediation efforts have been initiated.

SECTION 2. CHAPTER 310 is hereby amended as follows:

The following shall be added to §310-2:

(8) Lead Based Certificate if Needed as per Lead Based Paint Inspection Law, P.L. 2021,c. 182 (in multi per unit): \$20.00

As per the Lead Based Paint Inspection Law, P.L. 2021, c.182 the Township is required to hire a DCA Approved Lead Inspector to perform inspections if the Landlord does not wish to hire their own DCA Approved Lead Inspector. All fees associated with inspection are the full responsibility of the landlord and must be paid in full with proof of payment before any CO will be issued.

Housing Certificate of Occupancy Requirements:

As of July 22, 2022, the Lead Based Paint Inspection Law, P.L. 2021,c. 182 requires every single-family, duplex, or multiple rental dwelling unit built before 1979 to be inspected for lead-based paints hazards during a turnover, or within two years of July 22, 2022, whichever is first. After the initial inspection, the rental unit is required to be inspected every three years, or upon subsequent tenant turnover, whichever is earlier, but

not sooner than two years. The landlord is responsible for the cost of inspection to obtain the certificate. The Landlord is further responsible for all costs to remediate any hazards identified within 30 days of inspection. Failure to do so will result in a maximum \$1,000.00 fine per week until the required inspection has been conducted or the remediation efforts have been initiated. If the landlord has already obtained a lead-free certificate from a State of New Jersey approved and licensed lead inspector, the property is exempt upon providing a lead-based certified to the Township Housing Officer. No Certificate of Occupancy for a home built before 1979 can be issued without an inspection certificate (lead safe or lead free) from a State of New Jersey approved and licensed lead inspector. Failure to obtain a lead safe or lead free certificate within the time frames listed in the Lead Based Paint Inspection Law, P.L. 2021,c. 182 will result in previous issued HCO to be revoked.

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 4. Repeal of Prior Ordinances. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. Effective date. This ordinance shall take effect after the final passage and publication as provided by law.

INTRODUCTION: February 21, 2023

Council	Motion	Second	Ayes	Nays	Abstain	Absent	Recuse
Councilman Chila							
Councilman DiMenna							
Councilman Nastase							
Councilwoman Tranquillo							
Mayor Giovannitti							

TOWNSHIP OF GREENWICH

By: _____
Vincent Giovannitti, Mayor

I, Holly Tropea, do hereby attest the above Ordinance 2-2023 was introduced at a meeting of the Mayor and Council of the Township of Greenwich on February 21, 2023. A public hearing will occur on March 20, 2023 at 7:00 P.M.

ATTEST:

Holly Tropea, RMC, CMR
Municipal Clerk

ADOPTION: March 20, 2023

Council	Motion	Second	Ayes	Nays	Abstain	Absent	Recuse
Councilman Chila							
Councilman DiMenna							
Councilman Nastase							
Councilwoman Tranquillo							
Mayor Giovannitti							

I, Holly Tropea, do hereby attest the above Ordinance 2-2023 was adopted at a meeting of the Mayor and Council of the Township of Greenwich on March 20, 2023 after a public hearing which was scheduled for March 20, 2023. Said Ordinance shall take effect in accordance with the law.

ATTEST:

Holly Tropea, RMC, CMR
Municipal Clerk

On this _____ day of _____ 2023, I hereby approve the above Ordinance **2-2023**.

Vincent Giovannitti
Mayor