



Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

<http://www.bloomfieldtwpnj.com>

Meeting: 04/17/23 07:00 PM

2023 ORDINANCE NEW ORDINANCE

AN ORDINANCE TO CREATE CHAPTER 319, "LEAD-BASED PAINT INSPECTION" WITHIN THE CODE OF THE TOWNSHIP OF BLOOMFIELD

319-1 Legislative Determination

The Township Council, in accordance with the State of New Jersey, hereby determines that the health risks associated with lead-based paint pose a danger to the general welfare and health of the community. Dwellings that were constructed prior to 1978 are one of the biggest sources of lead exposure for children.

319-2 Purpose

The purpose of this article is to conform with New Jersey Public Law 2021, Chapter 182 [N.J.S.A. §52:27D-437.16] as amended from time to time and protect the health of the residents of Bloomfield by establishing requirements to disclose the presence of any potentially dangerous lead paint found at the time of inspection to any proposed occupants of the premises. Disclosure will allow those occupants to make informed judgments to protect vulnerable occupants against the hazards of lead paint. Lead paint is especially dangerous to children as it can impact the growth and development of a child's brain and central nervous system.

319-3 Applicability

This article shall apply to all one-family, two-family, and multi-family buildings and each individual dwelling unit unless exempted by 319-7.

319-4 Definitions

As used in this article, the following terms shall have the meanings indicated:

COMMON INTEREST COMMUNITY - A real estate development or neighborhood in which the property is burdened by servitudes requiring property owners to contribute to maintenance of commonly held property or to pay dues or assessments to an owners' association that provides services or facilities to the community.

LEAD INSPECTOR - A person certified by the Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:17-1.1 et seq. This includes the ability to perform dust wipe sampling.

LEAD-BASED PAINT HAZARD - Any condition that causes exposure to lead from lead-contaminated dust or lead-contaminated paint that is deteriorated or present in surfaces that would result in adverse human health effects.

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LEAD-FREE CERTIFICATION - A certification which confirms that a lead-based paint inspection was performed and that no lead-based paint exists in the dwelling unit or that all lead-based paint hazards have been fully abated.

LEAD-SAFE CERTIFICATION - A certification which confirms that a lead-based paint inspection was performed and no lead-based paint hazards were found. This certification is valid for two years from the date of issuance.

TENANT TURNOVER - The time at which all existing occupants vacate a dwelling unit, and all new tenants move into the dwelling unit.

VISUAL ASSESSMENT - A visual examination for deteriorated paint or visible surface dust, debris, or residue.

VISUAL ASSESSOR - A person that is certified to perform a visual assessment.

319-5 Inspections

- A. A lead inspector for the Township of Bloomfield shall inspect every single-family, two-family, and multi-family dwellings located in the Township of Bloomfield for lead-based paint hazards through visual assessment and dust swipe sampling in accordance with N.J.S.A. 52:27D-437.16 et seq., as amended from time to time.
- B. The owner or occupant of every dwelling or dwelling unit or the person in charge thereof shall give such officers free access to such dwelling, dwelling unit, and its premises at all reasonable times for the purpose of such inspection, examination, and survey.
- C. The property owner or landlord may, in lieu of having the dwelling inspected by the Township's lead inspector, directly hire a private lead inspector who is certified to provide lead paint inspection services by the State of New Jersey Department of Community Affairs to perform the lead-based paint inspection in accordance with N.J.S.A. §52:27D-437.16 et seq.

319-6 Identification and abatement of lead-paint based hazards

- A. 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's lead inspector or visual assessor, 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.
- B. If no lead-based paint hazards are identified, then the Township's lead inspector or the owner's private lead inspector shall certify the dwelling as lead safe on a form prescribed by the State of New Jersey Department of Community Affairs, which shall be valid for two years.

319-7 Exemptions

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 meets one of the following exemptions:

1. Dwellings that were constructed during or after 1978.
2. 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. This exemption for seasonal rental dwellings does not extend to seasonal multiple dwellings.
3. Dwellings that have been certified to be free of lead-based paint pursuant to N.J.A.C. 5:17-3.16(b) either after an abatement is completed or an evaluation has confirmed that there is no lead-based paint in the dwelling.
4. 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).

319-8 Inspection and filing fees.

- A. In accordance with N.J.S.A. §52:27D-437.16(e), property owners shall
 1. Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Township of Bloomfield at the time of the cyclical inspection.
 2. Provide evidence of a valid lead-safe certification to new tenants of the property at the time tenant turnover and shall affix a copy of such certification as an exhibit to the tenant's or tenants' lease.
 3. 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.
- B. The fees for a lead-based paint inspection shall be as follows:
 1. The fee for visual assessments performed by the Township of Bloomfield shall be \$105.00 for a dwelling unit.
 2. The fee for the filing of a lead-safe certification or lead-free certification shall be \$25.
 3. In accordance with N.J.S.A. 52:27D-437.16(h), an additional fee of \$20 per dwelling unit inspected by the Township's lead inspector or the owner's private lead inspector shall be assessed for the purposes of the Lead Hazard Control Assistance Act unless the unit owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of \$20. The fees collected pursuant to this subsection shall be deposited into the Lead Hazard Control Assistance Fund.
 4. 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.

319-9 Violation and Penalties

All identified lead-based paint hazards will result in a violation issued to the owner or person/persons having control of the property. The violation shall be served in writing and issued by regular and certified mail. The violation shall provide an abatement period of 30 days. If the dwelling owner has not cured the violation within 30 days, the owner shall be subject to a

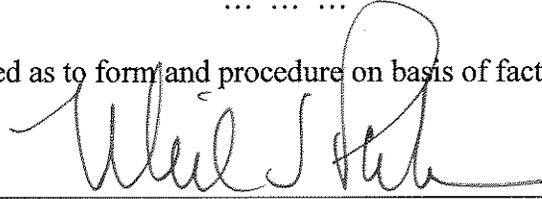
penalty not to exceed \$1,000 per week until the required inspection has been conducted or remediation efforts have been initiated.

Section 2. All ordinances inconsistent herewith are hereby repealed.

Section 3. This ordinance shall take effect upon final passage and publication in accordance with the law.

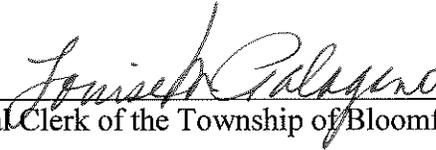
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Approved as to form and procedure on basis of facts set forth.



Director of Law-Township Attorney

I hereby certify that the above ordinance was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on April 17, 2023.



Municipal Clerk of the Township of Bloomfield



Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt						
<input type="checkbox"/> Deny						
<input type="checkbox"/> Withdrawn	Jenny Mundell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Not Discussed	Sarah Cruz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> First Reading	Wartyna Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table with no Vote	Ted Gamble	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Approve	Richard Rockwell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Veto by Mayor	Michael J. Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Discussion						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						

✓ Vote Record - Ordinance						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt						
<input type="checkbox"/> Deny						
<input type="checkbox"/> Withdrawn	Jenny Mundell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Not Discussed	Sarah Cruz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> First Reading						
<input type="checkbox"/> Table with no Vote						

Ordinance (ID # 10895)

Meeting of April 17, 2023

<input type="checkbox"/> Approve	Wartyna Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Veto by Mayor	Ted Gamble	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discussion	Richard Rockwell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Michael J. Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discussion No Vote					