

BOROUGH OF LONGPORT

COUNTY OF ATLANTIC

ORDINANCE 2023-22

AN ORDINANCE ADDING ARTICLE III SECTION 136-15

The Borough of Longport Code is hereby amended as follows:

[adding]

ARTICLE III

§136-15 Lead Paint Inspections Required for Certain Rental Properties

A. A lead inspector designated for the Borough of Longport (Borough) shall inspect every single-family, two-family, and multiple rental dwelling located within the Borough for lead-based paint hazards through visual assessment and/or dust wipe sampling in accordance with N.J.S.A. 52:27D-437.16 et seq., as may be amended from time to time.

B. The property owner or landlord may, in lieu of having the dwelling inspected by the Borough's lead inspector, directly hire a private lead inspector 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-437.16 et seq., as may be amended from time to time.

C. 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:

(1) Has been certified to be free of lead-based paint;

(2) Was constructed during or after 1978;

(3) 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;^[1]

[1]Editor's Note: See N.J.S.A. 55:13A-1 et seq.

(4) 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

(5) Has a valid lead-safe certification.

D. 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 Borough'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.

E. If no lead-based paint hazards are identified, then the Borough's lead inspector or the owner's private lead inspector shall certify the dwelling as lead safe on a form prescribed by the Department of Community Affairs, which shall be valid for two years.

F. 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 Borough 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 of 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.

G. The fees for a lead-based paint inspection shall be pursuant to the shared services agreement between the Borough and The Atlantic County Improvement Authority

(1) In accordance with N.J.S.A. 52:27D-437.16(h), an additional fee of \$20 per dwelling unit inspected by the Borough's lead inspector or the owner's private lead inspector shall be assessed for the purposes of the Lead Hazard Control Assistance Act^[2] 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.

[2] Editor's Note: N.J.S.A. 52:27D-437.1 et seq.

Vote on First Reading: 8/16/2023

publication: 8/26/2023

DO NOT USE SPACE BELOW						
OFFICIAL RECORD OF GOVERNING BODY VOTING ON 1 st Reading/Introduction						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo						X
Leeds		X	X			
Lawler	X		X			
XX-indicates vote NV-not voting AB. - Absent						

DO NOT USE SPACE BELOW						
OFFICIAL RECORD OF GOVERNING BODY VOTING ON FINAL PASSAGE						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo			X			
Leeds		X	X			
Lawler	X		X			
X-indicates vote NV-not voting AB. - Absent						

Borough of Longport

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This is a Certified True Copy of the Original Ordinance on file in the Municipal Clerk’s Office.

/s/ **MONICA A. KYLE, RMC, CMR**
MUNICIPAL CLERK

Monica A. Kyle, RMC

Nicholas M. Russo, Mayor

James P. Leeds, Sr., Commissioner

Daniel Lawler, Commissioner