

ORDINANCE NO. 10-2023

**AN ORDINANCE OF THE BOROUGH OF SEA BRIGHT, AMENDING AND
SUPPLEMENTING CHAPTER 161 OF THE CODE OF THE BOROUGH OF
SEA BRIGHT REGARDING THE REQUIREMENT FOR INSPECTION OF
LEAD-BASED PAINT IN CERTAIN RESIDENTIAL DWELLINGS.**

WHEREAS, the Borough of Sea Bright (the “Borough”) maintains Chapter 161 entitled “Property Maintenance” of the Borough Code, specifically the Property Maintenance Code; and,

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

WHEREAS, the Borough Council has determined that it is in the best interests of the Borough and its residents to amend the Code to require inspections for lead-based paint in certain residential rental dwellings in order to conform with the State law.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, as follows:

SECTION ONE. Chapter 161 of the Code of the Borough of Sea Bright be and the same is hereby amended and supplemented to add thereto Article II, “Lead Based Paint Inspections”, to read, in full, as follows:

“Article II. Lead-Based Paint Inspections.

§ 161-4. Required Initial Inspection. The owner, landlord and/or agent of every single-family, two-family, and/or multiple dwelling unit 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.

§ 161-5. Required Recurring Inspection. After the initial inspection required by Section 161-4, 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.

§ 161-6. 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.

§ 161-7. 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; or

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).

§ 161-8. 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 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.

§ 161-9. If no lead-based paint hazards are identified, then the 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, which shall be valid for two years and shall be filed with the Code Enforcement Officer. The 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.

§ 161-10. 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 Borough 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.

§ 161-11. Fees.

a. Notwithstanding any other fees due pursuant to this Chapter, a fee in the amount of \$50.00 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 Department of Community Affairs to satisfy the requirements of Section 6-4 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 \$25.

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.

§ 161-12. Violations and Penalties. In accordance with N.J.S.A. 52:27D 437.19, the penalties for a violation of Article shall be 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 TWO. 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 THREE. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

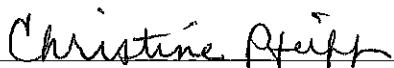
SECTION FOUR. This ordinance shall take effect after final passage and publication as provided by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on June 20, 2023 and will be further considered after a Public Hearing held on July 18, 2023, in the Mayor Dina Long Community Room, 1097 Ocean Avenue, 7:00 pm.

INTRODUCED:	June 20, 2023
PUBLIC HEARING:	July 18, 2023
ADOPTED:	July 18, 2023

Witness

BOROUGH OF SEA BRIGHT


CHRISTINE PFEIFFER, CLERK


BRIAN KELLY, MAYOR