

ORDINANCE NO. 13, 2022

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 212 RENTAL PROPERTY, FOR LEAD BASED PAINTS OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

SECTION 1: Chapter 212 Rental Property, Section 212-3, Registration form shall be supplemented to add subparagraphs “D” through “F” which will read as follows:

D. At the time of the filing of the registration form referred to in this Chapter, or at the time of any registration amendment due to tenant turnover, every owner shall present to the Code Enforcement Officer notice of the last tenant turnover date, as well as a valid lead-based paint evaluation report prepared by a certified lead evaluation contractor as set forth in Subsection G below. Should the owner fail to provide such a report within thirty (30) days of filing, the City, shall have said inspection performed with the City’s cost for same to be assessed against the landlord’s rental property as a municipal lien.

E. Should the evaluation report identify lead-based hazards, then the owner shall remediate the hazards through abatement or lead-based hazard control mechanisms. The remediation shall be confirmed through a subsequent lead-based hazard inspection. The identification of a lead-based hazard will result in the City, or the inspector retained to conduct such inspections, providing notification of same to the Commissioner of Community Affairs.

F. If there are no findings of a lead-based hazard in the initial or any subsequent inspection conducted pursuant to the provisions of Subsections D and E above, the lead evaluation inspector or representative of the City shall certify the unit as lead-safe, on a form proscribed by the Department of Community Affairs. This lead-safe certification shall be valid for two years. A copy of this certification shall be provided to the tenants of the unit inspected.

G. Notwithstanding the provisions of Subsection D above, a dwelling unit in a single family, two-family, or 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) has previously been inspected, and three years will not have passed before the next required registration of the property and there has not been a tenant turnover since the last inspection;
- 3) was constructed during or after 1978;
- 4) is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least ten (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.

5) has a valid lead-safe certification issued pursuant to Subsection D, above.

H. Pursuant to the provisions of N.J.S.A. 52:27D-437.16, unless a unit owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of \$20, a fee of \$20 for each inspection per unit shall be paid by the owner at the time of the registration of the unit. Said fee shall be deposited by the City into the “Lead Hazard Control Assistance Fund” established pursuant to N.J.S.A. 52:27D-437.4.

SECTION 2: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 3: Should any sentence, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 4: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

<i>FIRST READING:</i>	<i>September 14, 2022</i>
<i>PUBLICATION:</i>	<i>September 19, 2022</i>
<i>PASSAGE:</i>	<i>September 28, 2022</i>

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on, September 14, 2022 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on September 28, 2022.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR