

CHAPTER 251

AN ACT expanding lead paint inspection requirements to single-family and two-family dwellings, supplementing and amending P.L.1967, c.76 and amending P.L.2003, c.311.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.55:13A-12.2 Lead paint inspection requirements for single and two-family rental dwellings.

1. a. The commissioner shall inspect every single-family and two-family rental dwelling in accordance with the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.), at least once every five years for lead-based paint hazards and shall charge a fee sufficient to cover the cost of such inspection; provided, however, that the fee shall not exceed one-third of the inspection fee for a three-unit multiple dwelling, established pursuant to the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.), for each unit inspected.

b. Notwithstanding any other provisions of P.L.2007, c.251 (C.55:13A-12.2 et al.) to the contrary, a dwelling unit in a single-family or two-family 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:

- (1) has been certified to be free of lead-based paint;
- (2) was constructed during or after 1978;
- (3) is a seasonal rental unit which is rented for less than six months' duration each year;

or

- (4) has been certified as having a lead-free interior by a certified inspector.

c. The commissioner shall have the power to enforce the corrections of any violations found pursuant to a lead-based paint hazard inspection conducted pursuant to this section as if the rental unit were in a multiple dwelling subject to the requirements of the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.).

C.46:8-28.5 Certificate of registration, fee; exceptions.

2. a. Except as otherwise provided in subsection b. of this section, every owner of a tenant-occupied single-family or two-family residential property, including, without limitation, a two-family property in which one unit is owner-occupied, shall file a certificate of registration on forms prescribed by the Commissioner of Community Affairs, in accordance with section 2 of P.L.1974, c.50 (C.46:8-28), with the Bureau of Housing Inspection in the Department of Community Affairs. Any such filing shall be accompanied by a filing fee not exceeding the filing for hotels and multiple dwellings established by section 12 of P.L.1967, c.76 (C.55:13A-12).

b. Subsection a. of this section shall not apply to any owner-occupied two-family residential property that:

- (1) has been certified to be free of lead-based paint;
- (2) was constructed during or after 1978;
- (3) is a seasonal rental unit which is rented for less than six months' duration each year;

or

- (4) has been certified as having a lead-free interior by a certified inspector.

c. Any owner who fails to comply with an order of the commissioner to register any property subject to this section shall be liable for a penalty of \$200 for each registration ordered by the commissioner. The commissioner may issue a certificate to the clerk of the Superior Court that an owner is indebted to the department for the payment of such penalty

and thereupon the clerk shall enter upon the record of docketed judgments the name of the owner, and of the State, a designation of the statute under which the penalty is imposed, the amount of the penalty so certified, and the date of such certification. The making of the entry shall have the same force and effect as the entry of a docketed judgment in the office of such clerk.

3. Section 6 of P.L.2003, c.311 (C.52:27D-437.6) is amended to read as follows:

C.52:27D-437.6 Rules, regulations.

6. The Commissioner of Community Affairs shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary to effectuate the provisions of P.L.2003, c.311 (C.52:27D-437.1 et al.), including, but not limited to: the issuance of loans and grants, lead-based paint hazard inspections and evaluations, lead hazard control work, and training courses for persons engaged in lead-safe maintenance work or lead hazard control work. These regulations shall allow for certified third party risk assessors to provide assurance that rental properties meet the standards established for subsection (w) of section 7 of P.L.1967, c.76 (C.55:13A-7) as added by P.L.2003, c.311. Property owners using such third party risk assessors shall provide evidence of compliance at the time of the cyclical inspection carried out under the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.) or under section 1 of P.L.2007, c.251 (C.55:13A-12.2). Notwithstanding this intent the department shall maintain existing authority to respond to tenant complaints related to subsection (w) of section 7 of P.L.1967, c.76 (C.55:13A-7) as added by P.L.2003, c.311.

4. Section 10 of P.L.2003, c.311 (C.52:27D-437.10) is amended to read as follows:

C.52:27D-437.10 Additional fee per unit inspected.

10. In addition to the fees permitted to be charged for inspection of multiple dwellings pursuant to section 13 of P.L.1967, c.76 (C.55:13A-13) and the fees that the commissioner shall establish for the inspection of single-family and two-family rental housing pursuant to P.L.2007, c.251 (C.55:13A-12.2 et al.), the department shall assess an additional fee of \$20 per unit inspected for the purposes of P.L.2003, c.311 (C.52:27D-437.1 et al.) concerning lead hazard control work. In a common interest community, any inspection fee charged pursuant to this section shall be the responsibility of the unit owner and not the homeowners' association unless the association is the owner of the unit. The fees collected pursuant to this section shall be deposited into the "Lead Hazard Control Assistance Fund" established pursuant to section 4 of P.L.2003, c.311 (C.52:27D-437.4).

5. Section 7 of P.L.1967, c.76 (C.55:13A-7) is amended to read as follows:

C.55:13A-7 Rules, regulations.

7. The commissioner shall issue and promulgate, in the manner specified in section 8 of P.L.1967, c.76 (C.55:13A-8), such regulations as the commissioner may deem necessary to assure that any hotel or multiple dwelling will be maintained in such manner as is consistent with, and will protect, the health, safety and welfare of the occupants or intended occupants thereof, or of the public generally.

Any such regulations issued and promulgated by the commissioner pursuant to this section shall provide standards and specifications for such maintenance materials, methods and

techniques, fire warning and extinguisher systems, elevator systems, emergency egresses, and such other protective equipment as the commissioner shall deem reasonably necessary to the health, safety and welfare of the occupants or intended occupants of any units of dwelling space in any hotel or multiple dwelling, including but not limited to:

- (a) Structural adequacy ratings;
- (b) Methods of egress, including fire escapes, outside fireproof stairways, independent stairways, and handrails, railings, brackets, braces and landing platforms thereon, additional stairways, and treads, winders, and risers thereof, entrances and ramps;
- (c) Bulkheads and scuttles, partitions, walls, ceilings and floors;
- (d) Garbage and refuse collection and disposal, cleaning and janitorial services, repairs, and extermination services;
- (e) Electrical wiring and outlets, and paints and the composition thereof;
- (f) Doors, and the manner of opening thereof;
- (g) Transoms, windows, shafts and beams;
- (h) Chimneys, flues and central heating units;
- (i) Roofing and siding materials;
- (j) Lots, yards, courts and garages, including the size and location thereof;
- (k) Intakes, open ducts, offsets and recesses;
- (l) Windows, including the size and height thereof;
- (m) Rooms, including the area and height thereof, and the permissible number of occupants thereof;
- (n) Stairwells, skylights and alcoves;
- (o) Public halls, including the lighting and ventilation thereof;
- (p) Accessory passages to rooms;
- (q) Cellars, drainage and air space;
- (r) Water-closets, bathrooms and sinks;
- (s) Water connections, including the provision of drinking and hot and cold running water;
- (t) Sewer connections, privies, cesspools, and private sewers;
- (u) Rain water and drainage conductors;
- (v) Entrances and ramps; and
- (w) Presence of lead-based paint hazards in multiple dwellings and in single-family and two-family dwellings, exclusive of owner-occupied dwelling units, subject to P.L.2003, c.311 (C.52:27D-437.1 et al.). In a common interest community, any inspection fee for and violation found within a unit which is solely related to this subsection shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.

6. This act shall take effect immediately.

Approved January 4, 2008.