



**LEGISLATIVE FISCAL ESTIMATE:**

Yes

**VETO MESSAGE:**

No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

Yes

Public hearing before Assembly Housing Committee: "the Committee will receive testimony from the public and invited guests concerning affordable housing, and landlord and tenant issues", February 19, 2020.

Library call number: 974.90 H842, 2020a

Available online at <https://hdl.handle.net/10929/57075>

**NEWSPAPER ARTICLES:**

Yes

Michael Sol Warren and Brent Johnson - For South Jersey Times, 'Murphy signs bills that target lead exposure in paint, pipes', South Jersey Times (online), 23 Jul 2021 001

Daniel J. Munoz, 'Murphy approves bill to replace all NJ lead pipes in next decade', NJBIZ (online), 22 Jul 2021

RH/CL

§§1-4,8  
C.52:27D-437.16  
to 52:27D-437.20  
§9  
Approp.  
§10  
Note

**(CORRECTED COPY)**

P.L. 2021, CHAPTER 182, *approved July 22, 2021*  
Senate Committee Substitute for  
Senate, No. 1147

1 **AN ACT** concerning certain lead-based paint hazards, and  
2 residential rental property, and establishing lead-based paint  
3 hazard programs, supplementing P.L.2003, c.311 (C.52:27D-  
4 437.1 et al.), amending various parts of the statutory law, and  
5 making an appropriation.

6

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

9

10 1. (New section) a. As used in this section:

11 "Dust wipe sampling" means a sample collected by wiping a  
12 representative surface and tested in accordance with a method  
13 approved by the United States Department of Housing and Urban  
14 Development.

15 "Tenant turnover" means the time at which all existing occupants  
16 vacate a dwelling unit and all new tenants move into the dwelling  
17 unit.

18 "Visual assessment" means a visual examination for deteriorated  
19 paint or visible surface dust, debris, or residue.

20 b. (1) Subject to subsection c. of this section, in a municipality  
21 that maintains a permanent local agency for the purpose of  
22 conducting inspections and enforcing laws, ordinances, and  
23 regulations concerning buildings and structures within the  
24 municipality, the permanent local agency shall inspect every single-  
25 family, two-family, and multiple rental dwelling located within the  
26 municipality at tenant turnover for lead-based paint hazards or  
27 within two years of the effective date of P.L. , c. (C. )  
28 (pending before the Legislature as this bill), whichever is earlier.  
29 Thereafter, all such units shall be inspected for lead-based paint  
30 hazards the earlier of every three years or upon tenant turnover,  
31 except that an inspection upon tenant turnover shall not be required  
32 if the owner has a valid lead-safe certification pursuant to this

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 section. The municipality shall charge the dwelling owner or  
2 landlord a fee sufficient to cover the cost of the inspection.

3 (2) Subject to subsection c. of this section, a municipality that  
4 does not maintain a permanent local agency for the purpose of  
5 conducting inspections and enforcing laws, ordinances, and  
6 regulations concerning buildings and structures within the  
7 municipality, the municipality shall hire a lead evaluation  
8 contractor, certified to provide lead paint inspection services by the  
9 Department of Community Affairs, to inspect every single-family,  
10 two-family, and multiple rental dwelling located within the  
11 municipality at tenant turnover for lead-based paint hazards or  
12 within two years of the effective date of P.L. , c. (C. )  
13 (pending before the Legislature as this bill), whichever is earlier.  
14 Thereafter, all such units shall be inspected for lead-based paint  
15 hazards the earlier of every three years or upon tenant turnover,  
16 except that an inspection upon tenant turnover shall not be required  
17 if the owner has a valid lead-safe certification pursuant to this  
18 section. The municipality shall charge the dwelling owner or  
19 landlord a fee sufficient to cover the cost of the inspection,  
20 including the cost of hiring the lead evaluation contractor.

21 (3) A municipality shall permit the dwelling owner or landlord  
22 to directly hire a lead evaluation contractor who is certified to  
23 provide lead paint inspection services by the Department of  
24 Community Affairs to satisfy the requirements of paragraph (1) or  
25 (2) of this subsection.

26 (4) A permanent local agency or lead evaluation contractor with  
27 the duty to inspect single-family, two-family, and multiple rental  
28 dwellings pursuant to this section may consult with the local health  
29 board, the Department of Health, or the Department of Community  
30 Affairs concerning the criteria for the inspection and identification  
31 of areas and conditions involving a high risk of lead poisoning in  
32 dwellings, methods of detection of lead in dwellings, and standards  
33 for the repair of dwellings containing lead paint.

34 (5) Fees established pursuant to this subsection shall be  
35 dedicated to meeting the costs of implementing and enforcing this  
36 subsection and shall not be used for any other purpose.

37 c. Notwithstanding subsection b. of this section to the contrary,  
38 a dwelling unit in a single-family, two-family, or multiple rental  
39 dwelling shall not be subject to inspection and evaluation for the  
40 presence of lead-based paint hazards if the unit:

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

42 (2) was constructed during or after 1978;

43 (3) is in a multiple dwelling that has been registered with the  
44 Department of Community Affairs as a multiple dwelling for at  
45 least 10 years, either under the current or a previous owner, and has  
46 no outstanding lead violations from the most recent cyclical  
47 inspection performed on the multiple dwelling under the "Hotel and  
48 Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.);

1 (4) is a single-family or two-family seasonal rental dwelling  
2 which is rented for less than six months duration each year by  
3 tenants that do not have consecutive lease renewals; or

4 (5) has a valid lead-safe certification issued in accordance with  
5 this section.

6 d. (1) If a lead evaluation contractor or permanent local  
7 agency finds that a lead-based paint hazard exists in a dwelling unit  
8 upon conducting an inspection pursuant to this section, then the  
9 owner of the dwelling unit shall remediate the lead-based paint  
10 hazard by using abatement or lead-based paint hazard control  
11 methods, approved in accordance with the provisions of the "Lead  
12 Hazard Control Assistance Act," P.L.2003, c.311 (C.52:27D-437.1  
13 et al.). Upon the remediation of the lead-based paint hazard, the  
14 lead evaluation contractor or permanent local agency shall conduct  
15 an additional inspection of the unit to certify that the hazard no  
16 longer exists.

17 (2) If a lead evaluation contractor or permanent local agency  
18 finds that no lead-based paint hazards exist in a dwelling unit upon  
19 conducting an inspection pursuant to this section or following  
20 remediation of a lead-based paint hazard pursuant to paragraph (1)  
21 of this subsection, then the lead evaluation contractor or permanent  
22 local agency shall certify the dwelling unit as lead-safe on a form  
23 prescribed by the Department of Community Affairs as provided for  
24 in regulations or guidance promulgated pursuant to section 8 of  
25 P.L. , c. (C. ) (pending before the legislature as this bill).  
26 The lead-safe certification provided to the property owner by the  
27 lead evaluation contractor or permanent local agency pursuant to  
28 this paragraph shall be valid for two years.

29 e. Beginning on effective date of P.L. , c. (C. ) (pending  
30 before the Legislature as this bill), property owners shall:

31 (1) provide evidence of a valid lead-safe certification obtained  
32 pursuant to this section as well as evidence of the most recent tenant  
33 turnover at the time of the cyclical inspection carried out under the  
34 "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et  
35 seq.), unless not required to have had an inspection by a lead  
36 evaluation contractor or permanent local agency pursuant to  
37 paragraphs (1), (2), or (3) of subsection c. of this section;

38 (2) provide evidence of a valid lead-safe certification obtained  
39 pursuant to this section to new tenants of the property at the time of  
40 tenant turnover unless not required to have had an inspection by a  
41 lead evaluation contractor or permanent local agency pursuant to  
42 paragraphs (1), (2), (3), and (4) of subsection c. of this section, and  
43 shall affix a copy of such certification as an exhibit to the tenant's  
44 or tenants' lease; and

45 (3) maintain a record of the lead-safe certification which shall  
46 include the name or names of the unit's tenant or tenants, if the  
47 inspection was conducted during a period of tenancy, unless not  
48 required to have had an inspection by a lead evaluation contractor

1 or permanent local agency pursuant to paragraphs (1), (2), (3), and  
2 (4) of subsection c. of this section.

3 f. If a lead evaluation contractor or permanent local agency  
4 finds that a lead-based paint hazard exists in a dwelling unit upon  
5 conducting an inspection pursuant to this section, then the lead  
6 evaluation contractor or permanent local agency shall notify the  
7 Commissioner of Community Affairs, who shall review the findings  
8 in accordance with section 8 of the "Lead Hazard Control  
9 Assistance Act," P.L.2003, c.311 (C.52:27D-437.8).

10 g. (1) If a dwelling is located in a municipality in which less  
11 than three percent of children tested, six years of age or younger,  
12 have a blood lead level greater than or equal to five ug/dL,  
13 according to the central lead screening database maintained by the  
14 Department of Health pursuant to section 5 of P.L.1995, c.328  
15 (C.26:2-137.6), or according to other data deemed appropriate by  
16 the commissioner, then a lead evaluation contractor or permanent  
17 local agency may inspect for lead-based paint hazards through  
18 visual assessment.

19 (2) If a dwelling is located in a municipality in which at least  
20 three percent of children tested, six years of age or younger, have a  
21 blood lead level greater than or equal to five ug/dL, according to the  
22 central lead screening database maintained by the Department of  
23 Health pursuant to section 5 of P.L.1995, c.328 (C.26:2-137.6), or  
24 according to other data deemed appropriate by the commissioner,  
25 then a lead evaluation contractor or permanent local agency shall  
26 inspect for lead-based paint hazards through dust wipe sampling.

27 (3) If a lead hazard is identified in an inspection of one of the  
28 dwelling units in a building consisting of two- or three- dwelling  
29 units, then the lead evaluation contractor or permanent local agency  
30 shall inspect the remainder of the building's dwelling units for lead  
31 hazards, with the exception of dwelling units that have been  
32 certified to be free of lead-based paint. The lead evaluation  
33 contractor or permanent local agency may charge fees in  
34 accordance with this section for such additional inspections.

35 h. In addition to the fees permitted to be charged for inspection  
36 of rental housing pursuant to this section, each municipality shall  
37 assess an additional fee of \$20 per unit inspected by a certified lead  
38 evaluation contractor or permanent local agency for the purposes of  
39 the "Lead Hazard Control Assistance Act," P.L.2003, c.311  
40 (C.52:27D-437.1 et al.) concerning lead hazard control work, unless  
41 the unit owner demonstrates that the Department of Community  
42 Affairs has already assessed an additional inspection fee of \$20  
43 pursuant to the provisions of section 10 of P.L. 2003, c. 311  
44 (C.52:27D-437.10). In a common interest community, any  
45 inspection fee charged pursuant to this subsection shall be the  
46 responsibility of the unit owner and not the homeowners'  
47 association, unless the association is the owner of the unit. The fees  
48 collected pursuant to this subsection shall be deposited into the

1 "Lead Hazard Control Assistance Fund" established pursuant to  
2 section 4 of P.L.2003, c.311 (C.52:27D-437.4).

3

4 2. (New section) a. The Department of Community Affairs, in  
5 consultation with the Department of Health, shall establish a  
6 Statewide, multifaceted, ongoing educational program designed to  
7 meet the needs of tenants, property owners, realtors and real estate  
8 agents, insurers and insurance agents, and local building officials  
9 about the nature of lead-based paint hazards, the importance of  
10 lead-based paint hazard control and mitigation, and the  
11 responsibilities set forth in P.L. , c. (C. ) (pending before  
12 the Legislature as this bill). In developing and coordinating this  
13 educational program, the department shall seek the participation and  
14 involvement of private industry organizations, including those  
15 involved in real estate, insurance, mortgage banking, and pediatrics.

16 b. Prior to the effective date of P.L. , c. (C. ) (pending  
17 before the Legislature as this bill), the department shall:

18 (1) Create educational materials outlining the rights and  
19 responsibilities of parties subject to the provisions of P.L. ,  
20 c. (C. ) (pending before the Legislature as this bill).

21 (2) Establish guidelines and a trainer's manual for a lead-based  
22 paint hazard seminar for rental property owners or designated  
23 persons, which the department shall forward to all public and  
24 private colleges and universities in New Jersey, to other  
25 professional training facilities, and to professional associations and  
26 community organizations with a training capacity. The department  
27 shall approve proposals to offer the seminar from institutions;  
28 provided that the proposals are consistent with the guidelines. The  
29 department shall create an electronic version of the lead-based paint  
30 hazard seminar accessible on the Internet. The seminar shall be  
31 available to tenants, property owners, and other interested parties.

32 (3) Promulgate rules for the dissemination of information about  
33 the requirements of P.L. , c. (C. ) (pending before the  
34 Legislature as this bill) to all prospective owners of pre-1978  
35 dwellings during the real estate transaction, settlement, or closing;

36 (4) Solicit requests to enter into ongoing, funded partnerships to  
37 provide specific counseling information services to tenants and  
38 affected parties on their rights and responsibilities with regard to  
39 lead-based paint hazards and lead poisoning.

40 c. The lead-based paint hazard seminar established pursuant to  
41 this section shall not exceed three hours in length. The department  
42 shall offer the seminar for a maximum fee of \$50 per participant.

43

44 3. (New section) In association with an application for lead  
45 remediation funding provided pursuant to the "Lead Hazard Control  
46 Assistance Fund" established pursuant to section 4 of P.L.2003,  
47 c.311 (C.52:27D-437.4), or any other program administered for lead  
48 remediation purposes by the Department of Community Affairs, the

1 department shall not request or require that a property owner  
2 disclose the social security number of any person renting the  
3 property or otherwise associated with the inspected property other  
4 than the property owner. This disclosure requirement prohibition  
5 shall apply to an application for assistance, funded and administered  
6 by the State, for lead remediation purposes.

7  
8 4. (New section) a. Upon the filing of a complaint with the  
9 department or of the commissioner's own accord, the commissioner  
10 shall be authorized to conduct investigations and issue penalties  
11 against a municipality for its failure to comply with subsection b. of  
12 section 1 of P.L. , c. (C. ) (pending before the Legislature as  
13 this bill).

14 b. A municipality or its permanent local agency shall be  
15 authorized to conduct investigations and issue penalties not  
16 inconsistent with this subsection to enforce a property owner's  
17 failure to comply with paragraph (1) of subsection d. of section 1,  
18 or subsection e. of section 1 of P.L. , c. (C. ) (pending  
19 before the Legislature as this bill). If the municipality or permanent  
20 local agency determines that a property owner has failed to comply  
21 with a provision of P.L. , c. (C. ) (pending before the  
22 Legislature as this bill) with respect to a rental dwelling unit owned  
23 by the property owner, the property owner shall first be given 30  
24 days to cure any violation by conducting the required inspection or  
25 initiate any required remediation efforts. If the property owner has  
26 not cured the violation after 30 days, the property owner shall be  
27 subject to a penalty not to exceed \$1,000 per week until the  
28 required inspection has been conducted or remediation efforts have  
29 been initiated.

30  
31 5. Section 5 of P.L.1995, c.328 (C.26:2-137.6) is amended to  
32 read as follows:

33 5. a. The department shall maintain a central **【data base】**  
34 database which shall include a record of all lead screening  
35 conducted pursuant to this act. The **【data base】** database shall  
36 include the name, age and address of the child screened and any  
37 other demographic data the department deems necessary. The **【data**  
38 **base】** database shall be geographically indexed, by municipality, in  
39 order to determine the location of areas of relatively high incidence  
40 of lead poisoning.

41 b. The information reported to and compiled by the department  
42 pursuant to this act is to be used only by the department and such  
43 other agencies as may be designated by the commissioner and shall  
44 not otherwise be divulged or made public so as to disclose the  
45 identity of any child to whom it relates without written parental  
46 consent; and to that end, the information shall not be included under  
47 materials available to public inspection pursuant to P.L.1963,  
48 c.73 (C.47:1A-1 et seq.). The department may, however, make such

1 statistical reports available using information compiled from the  
2 **【data base】** database if the name or other identifying information of  
3 the child screened is not revealed and in accordance with all other  
4 federal and State laws regarding the protection of medical  
5 information.

6 (cf: P.L.1995, c.328, s.5)

7

8 6. Section 1 of P.L.2007, c.251 (C.55:13A-12.2) is amended to  
9 read as follows:

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

19 b. Notwithstanding any other provisions of P.L.2007,  
20 c.251 (C.55:13A-12.2 et al.) to the contrary, a dwelling unit in a  
21 single-family or two-family dwelling shall not be subject to  
22 inspection and evaluation for the presence of lead-based paint  
23 hazards, or for the fees for such inspection or evaluation, if the unit:

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

25 (2) was constructed during or after 1978; or

26 (3) is a seasonal rental unit which is rented for less than six  
27 months' duration each year; or

28 (4) has **【been certified as having a lead-free interior by a**  
29 **certified inspector】** a valid lead-safe certification issued in  
30 accordance with section 1 of P.L. , c. (C. ) (pending before  
31 the Legislature as this bill).

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

38 (cf: P.L.2007, c.251, s.1)

39

40 7. Section 5 of P.L.2003, c.311 (C.52:27D-437.5) is amended to  
41 read as follows:

42 5. a. The department is hereby authorized to provide financial  
43 assistance in the form of grants or loans, or a combination thereof,  
44 with moneys available from the fund to eligible owners of  
45 multifamily housing and to eligible owners of single-family and  
46 two-family homes, whether or not utilized as rental housing, for  
47 lead hazard control work, in compliance with the terms of P.L.2003,  
48 c.311 (C.52:27D-437.1 et al.) and subject to the conditions set forth

1 in this section. "Eligible owner" shall mean an owner who provides  
2 proof to the satisfaction of the department of the presence of a lead-  
3 based paint hazard on the owner's property.

4 b. Financial assistance in the form of a loan may be provided to  
5 an eligible owner of multifamily housing, a single-family home or  
6 a two-family home based on the owner's ability to repay the loan as  
7 determined by the department.

8 c. Financial assistance shall be provided for a period to be  
9 determined by the department.

10 d. The department may provide financial assistance, upon  
11 application therefore, for up to 100% of the costs of lead hazard  
12 control work, including associated lead evaluation costs, and for  
13 temporary relocation assistance, except that no award of financial  
14 assistance for a dwelling unit may exceed \$150,000.

15 e. Financial assistance provided in the form of a loan shall be  
16 secured by a lien upon the real property on which the lead hazard  
17 control work is performed, with respect to which the financial  
18 assistance is made and other such collateral as the department may  
19 consider necessary to secure the interests of the fund in accordance  
20 with the provisions and purposes of P.L.2003, c.311 (C.52:27D-  
21 437.1 et al.). The department may, if it deems necessary, require  
22 the financial assistance to be secured by a personal loan guarantee  
23 by the owner of the property or by a lien upon other real property  
24 belonging to the person to whom the loan is made. The department  
25 may authorize a loan in conjunction with an award of a grant for a  
26 partial or the total amount of the costs of lead hazard control work.

27 f. The department shall establish a program to provide the  
28 grants authorized pursuant to this section, including grants to  
29 remediate lead-based paint hazards identified by a permanent local  
30 agency or lead evaluation contractor during an inspection conducted  
31 pursuant to P.L. , c. (C. ) (pending before the Legislature as  
32 this bill). Grants shall not be made available to owners of multiple  
33 dwellings comprising more than four separate dwelling units.  
34 Priority shall not be granted to any applicant on the basis of the  
35 location of the housing. Priority may be given, however, to those  
36 residences in which children under the age of six reside, as well as  
37 for remediation for lead-based paint hazards identified by a  
38 permanent local agency or lead evaluation contractor during an  
39 inspection conducted pursuant to P.L. , c. (C. ) (pending  
40 before the Legislature as this bill). The department may award the  
41 grants on a pro-rata basis to the applicants, if there is an insufficient  
42 amount in the fund to award grants for the full amount of the  
43 projected cost of the lead hazard control work.

44 (cf: P.L.2003, c.311, s.5)

45

46 8. (New section) a. The Commissioner of Community Affairs,  
47 in accordance with the "Administrative Procedure Act," P.L.1968,  
48 c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to

1 effectuate the provisions of P.L. , c. (C. ) (pending before  
2 the Legislature as this bill). Additionally, as soon as possible  
3 following the enactment of P.L. , c. (C. ) (pending before  
4 the Legislature as this bill), the commissioner shall take steps  
5 necessary to ensure that municipal officials are informed of the  
6 responsibilities of municipalities established by P.L. ,  
7 c. (C. ) (pending before the Legislature as this bill).

8 b. Notwithstanding the limitations established in section 1 of  
9 P.L. 2011, c.215 (C.52:14B-3a) on the use of regulatory guidance  
10 documents, the commissioner shall prepare and disseminate  
11 regulatory guidance documents as defined in subsection d. of  
12 section 1 of P.L. 2011, c.215 (C.52:14B-3a), in advance of the  
13 adoption of regulations as necessary for the administration of  
14 P.L. , c. (C. ) (pending before the Legislature as this bill), for  
15 purposes including but not limited to: (1) providing guidance on the  
16 procedures required for lead inspection and remediation, and (2) the  
17 existing certifications, or educational requirements, that shall  
18 qualify a person as a lead evaluation contractor.

19  
20 9. (New section) There is appropriated from the General Fund  
21 to the Department of Community Affairs the sum of \$3,900,000 to  
22 effectuate the purposes of P.L. , c. (C. ) (pending before the  
23 Legislature as this bill).

24  
25 10. This act shall take effect one year following enactment, but  
26 the department and municipalities are authorized to take any  
27 anticipatory actions necessary to prepare for the implementation of  
28 the provisions of this act.

29  
30  
31 \_\_\_\_\_  
32  
33 Requires lead paint inspection on certain residential rental  
34 property, including upon tenant turnover; establishes lead-based  
35 paint hazard education program; appropriates \$3,900,000.

## CHAPTER 182

**AN ACT** concerning certain lead-based paint hazards, and residential rental property, and establishing lead-based paint hazard programs, supplementing P.L.2003, c.311 (C.52:27D-437.1 et al.), amending various parts of the statutory law, and making an appropriation.

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

C.52:27D-437.16 Definitions relative to lead-based paint hazards.

1. a. As used in this section:

"Dust wipe sampling" means a sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development.

"Tenant turnover" means the time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit.

"Visual assessment" means a visual examination for deteriorated paint or visible surface dust, debris, or residue.

b. (1) Subject to subsection c. of this section, in a municipality that maintains a permanent local agency for the purpose of conducting inspections and enforcing laws, ordinances, and regulations concerning buildings and structures within the municipality, the permanent local agency shall inspect every single-family, two-family, and multiple rental dwelling located within the municipality at tenant turnover for lead-based paint hazards or within two years of the effective date of P.L.2021, c.182 (C.52:27D-437.16 et al.), whichever is earlier. Thereafter, all such units shall be inspected for lead-based paint hazards the earlier of every three years or upon tenant turnover, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification pursuant to this section. The municipality shall charge the dwelling owner or landlord a fee sufficient to cover the cost of the inspection.

(2) Subject to subsection c. of this section, a municipality that does not maintain a permanent local agency for the purpose of conducting inspections and enforcing laws, ordinances, and regulations concerning buildings and structures within the municipality, the municipality shall hire a lead evaluation contractor, certified to provide lead paint inspection services by the Department of Community Affairs, to inspect every single-family, two-family, and multiple rental dwelling located within the municipality at tenant turnover for lead-based paint hazards or within two years of the effective date of P.L.2021, c.182 (C.52:27D-437.16 et al.), whichever is earlier. Thereafter, all such units shall be inspected for lead-based paint hazards the earlier of every three years or upon tenant turnover, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification pursuant to this section. The municipality shall charge the dwelling owner or landlord a fee sufficient to cover the cost of the inspection, including the cost of hiring the lead evaluation contractor.

(3) A municipality shall permit the dwelling owner or landlord to directly hire a lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to satisfy the requirements of paragraph (1) or (2) of this subsection.

(4) A permanent local agency or lead evaluation contractor with the duty to inspect single-family, two-family, and multiple rental dwellings pursuant to this section may consult with the local health board, the Department of Health, or the Department of Community Affairs concerning the criteria for the inspection and identification of areas and conditions involving a high risk of lead poisoning in dwellings, methods of detection of lead in dwellings, and standards for the repair of dwellings containing lead paint.

(5) Fees established pursuant to this subsection shall be dedicated to meeting the costs of implementing and enforcing this subsection and shall not be used for any other purpose.

c. Notwithstanding subsection b. of this section to the contrary, 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," P.L.1967, c.76 (C.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 issued in accordance with this section.

d. (1) If a lead evaluation contractor or permanent local agency finds that a lead-based paint hazard exists in a dwelling unit upon conducting an inspection pursuant to this section, then the owner of the dwelling unit shall remediate the lead-based paint hazard by using abatement or lead-based paint hazard control methods, approved in accordance with the provisions of the "Lead Hazard Control Assistance Act," P.L.2003, c.311 (C.52:27D-437.1 et al.). Upon the remediation of the lead-based paint hazard, the lead evaluation contractor or permanent local agency shall conduct an additional inspection of the unit to certify that the hazard no longer exists.

(2) If a lead evaluation contractor or permanent local agency finds that no lead-based paint hazards exist in a dwelling unit upon conducting an inspection pursuant to this section or following remediation of a lead-based paint hazard pursuant to paragraph (1) of this subsection, then the lead evaluation contractor or permanent local agency shall certify the dwelling unit as lead-safe on a form prescribed by the Department of Community Affairs as provided for in regulations or guidance promulgated pursuant to section 8 of P.L.2021, c.182 (C.52:27D-437.20). The lead-safe certification provided to the property owner by the lead evaluation contractor or permanent local agency pursuant to this paragraph shall be valid for two years.

e. Beginning on the effective date of P.L.2021, c.182 (C.52:27D-437.16 et al.), property owners shall:

(1) provide evidence of a valid lead-safe certification obtained pursuant to this section as well as evidence of the most recent tenant turnover 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.), unless not required to have had an inspection by a lead evaluation contractor or permanent local agency pursuant to paragraph (1), (2), or (3) of subsection c. of this section;

(2) provide evidence of a valid lead-safe certification obtained pursuant to this section to new tenants of the property at the time of tenant turnover unless not required to have had an inspection by a lead evaluation contractor or permanent local agency pursuant to paragraphs (1), (2), (3), and (4) of subsection c. of this section, and shall affix a copy of such certification as an exhibit to the tenant's or tenants' lease; and

(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, unless not required to have had an inspection by a lead evaluation contractor or permanent local agency pursuant to paragraphs (1), (2), (3), and (4) of subsection c. of this section.

f. If a lead evaluation contractor or permanent local agency finds that a lead-based paint hazard exists in a dwelling unit upon conducting an inspection pursuant to this section, then the lead evaluation contractor or permanent local agency shall notify the Commissioner of Community Affairs, who shall review the findings in accordance with section 8 of the "Lead Hazard Control Assistance Act," P.L.2003, c.311 (C.52:27D-437.8).

g. (1) If a dwelling is located in a municipality in which less than three percent of children tested, six years of age or younger, have a blood lead level greater than or equal to five ug/dL, according to the central lead screening database maintained by the Department of Health pursuant to section 5 of P.L.1995, c.328 (C.26:2-137.6), or according to other data deemed appropriate by the commissioner, then a lead evaluation contractor or permanent local agency may inspect for lead-based paint hazards through visual assessment.

(2) If a dwelling is located in a municipality in which at least three percent of children tested, six years of age or younger, have a blood lead level greater than or equal to five ug/dL, according to the central lead screening database maintained by the Department of Health pursuant to section 5 of P.L.1995, c.328 (C.26:2-137.6), or according to other data deemed appropriate by the commissioner, then a lead evaluation contractor or permanent local agency shall inspect for lead-based paint hazards through dust wipe sampling.

(3) If a lead hazard is identified in an inspection of one of the dwelling units in a building consisting of two- or three- dwelling units, then the lead evaluation contractor or permanent local agency shall inspect the remainder of the building's dwelling units for lead hazards, with the exception of dwelling units that have been certified to be free of lead-based paint. The lead evaluation contractor or permanent local agency may charge fees in accordance with this section for such additional inspections.

h. In addition to the fees permitted to be charged for inspection of rental housing pursuant to this section, each municipality shall assess an additional fee of \$20 per unit inspected by a certified lead evaluation contractor or permanent local agency for the purposes of the "Lead Hazard Control Assistance Act," P.L.2003, c.311 (C.52:27D-437.1 et al.) concerning lead hazard control work, unless the unit owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of \$20 pursuant to the provisions of section 10 of P.L. 2003, c. 311 (C.52:27D-437.10). In a common interest community, any inspection fee charged pursuant 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. The fees collected pursuant to this subsection 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).

C.52:27D-437.17 Statewide multifaceted, ongoing educational program relative to lead-based paint hazards.

2. a. The Department of Community Affairs, in consultation with the Department of Health, shall establish a Statewide, multifaceted, ongoing educational program designed to meet the needs of tenants, property owners, realtors and real estate agents, insurers and insurance agents, and local building officials about the nature of lead-based paint hazards, the importance of lead-based paint hazard control and mitigation, and the responsibilities set forth in P.L.2021, c.182 (C.52:27D-437.16 et al.). In developing and coordinating this educational program, the department shall seek the participation and involvement of private industry organizations, including those involved in real estate, insurance, mortgage banking, and pediatrics.

b. Prior to the effective date of P.L.2021, c.182 (C.52:27D-437.16 et al.), the department shall:

(1) Create educational materials outlining the rights and responsibilities of parties subject to the provisions of P.L.2021, c.182 (C.52:27D-437.16 et al.).

(2) Establish guidelines and a trainer's manual for a lead-based paint hazard seminar for rental property owners or designated persons, which the department shall forward to all public and private colleges and universities in New Jersey, to other professional training facilities, and to professional associations and community organizations with a training capacity. The department shall approve proposals to offer the seminar from institutions; provided that the proposals are consistent with the guidelines. The department shall create an electronic version of the lead-based paint hazard seminar accessible on the Internet. The seminar shall be available to tenants, property owners, and other interested parties.

(3) Promulgate rules for the dissemination of information about the requirements of P.L.2021, c.182 (C.52:27D-437.16 et al.) to all prospective owners of pre-1978 dwellings during the real estate transaction, settlement, or closing.

(4) Solicit requests to enter into ongoing, funded partnerships to provide specific counseling information services to tenants and affected parties on their rights and responsibilities with regard to lead-based paint hazards and lead poisoning.

c. The lead-based paint hazard seminar established pursuant to this section shall not exceed three hours in length. The department shall offer the seminar for a maximum fee of \$50 per participant.

C.52:27D-437.18 Disclosure requirement prohibition for application for lead remediation funding.

3. In association with an application for lead remediation funding provided pursuant to the "Lead Hazard Control Assistance Fund" established pursuant to section 4 of P.L.2003, c.311 (C.52:27D-437.4), or any other program administered for lead remediation purposes by the Department of Community Affairs, the department shall not request or require that a property owner disclose the social security number of any person renting the property or otherwise associated with the inspected property other than the property owner. This disclosure requirement prohibition shall apply to an application for assistance, funded and administered by the State, for lead remediation purposes.

C.52:27D-437.19 Investigations of complaint; penalties.

4. a. Upon the filing of a complaint with the department or of the commissioner's own accord, the commissioner shall be authorized to conduct investigations and issue penalties against a municipality for its failure to comply with subsection b. of section 1 of P.L.2021, c.182 (C.52:27D-437.16).

b. A municipality or its permanent local agency shall be authorized to conduct investigations and issue penalties not inconsistent with this subsection to enforce a property owner's failure to comply with paragraph (1) of subsection d. of section 1, or subsection e. of section 1 of P.L.2021, c.182 (C.52:27D-437.16). If the municipality or permanent local agency determines that a property owner has failed to comply with a provision of P.L.2021, c.182 (C.52:27D-437.16 et al.) with respect to a rental dwelling unit owned by the property owner, the property owner shall first be given 30 days to cure any violation by conducting the required inspection or initiate any required remediation efforts. 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.

5. Section 5 of P.L.1995, c.328 (C.26:2-137.6) is amended to read as follows:

C.26:2-137.6 Central database maintained; confidentiality.

5. a. The department shall maintain a central database which shall include a record of all lead screening conducted pursuant to this act. The database shall include the name, age and address of the child screened and any other demographic data the department deems necessary. The database shall be geographically indexed, by municipality, in order to determine the location of areas of relatively high incidence of lead poisoning.

b. The information reported to and compiled by the department pursuant to this act is to be used only by the department and such other agencies as may be designated by the commissioner and shall not otherwise be divulged or made public so as to disclose the identity of any child to whom it relates without written parental consent; and to that end, the information shall not be included under materials available to public inspection pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.). The department may, however, make such statistical reports available using information compiled from the database if the name or other identifying information of the child screened is not revealed and in accordance with all other federal and State laws regarding the protection of medical information.

6. Section 1 of P.L.2007, c.251 (C.55:13A-12.2) is amended to read as follows:

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; or
- (3) is a seasonal rental unit which is rented for less than six months' duration each year;

or

(4) has a valid lead-safe certification issued in accordance with section 1 of P.L.2021, c.182 (C.52:27D-437.16).

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.).

7. Section 5 of P.L.2003, c.311 (C.52:27D-437.5) is amended to read as follows:

C.52:27D-437.5 Grants, loans.

5. a. The department is hereby authorized to provide financial assistance in the form of grants or loans, or a combination thereof, with moneys available from the fund to eligible owners of multifamily housing and to eligible owners of single-family and two-family homes, whether or not utilized as rental housing, for lead hazard control work, in compliance with the terms of P.L.2003, c.311 (C.52:27D-437.1 et al.) and subject to the conditions set forth in this section. "Eligible owner" shall mean an owner who provides proof to the satisfaction of the department of the presence of a lead-based paint hazard on the owner's property.

b. Financial assistance in the form of a loan may be provided to an eligible owner of multifamily housing, a single-family home or a two-family home based on the owner's ability to repay the loan as determined by the department.

c. Financial assistance shall be provided for a period to be determined by the department.

d. The department may provide financial assistance, upon application therefor, for up to 100% of the costs of lead hazard control work, including associated lead evaluation costs, and for temporary relocation assistance, except that no award of financial assistance for a dwelling unit may exceed \$150,000.

e. Financial assistance provided in the form of a loan shall be secured by a lien upon the real property on which the lead hazard control work is performed, with respect to which the financial assistance is made and other such collateral as the department may consider necessary to secure the interests of the fund in accordance with the provisions and purposes of P.L.2003, c.311 (C.52:27D-437.1 et al.). The department may, if it deems necessary, require the financial assistance to be secured by a personal loan guarantee by the owner of the property or by a lien upon other real property belonging to the person to whom the loan is made. The department may authorize a loan in conjunction with an award of a grant for a partial or the total amount of the costs of lead hazard control work.

f. The department shall establish a program to provide the grants authorized pursuant to this section, including grants to remediate lead-based paint hazards identified by a permanent local agency or lead evaluation contractor during an inspection conducted pursuant to P.L.2021, c.182 (C.52:27D-437.16 et al.). Grants shall not be made available to owners of multiple dwellings comprising more than four separate dwelling units. Priority shall not be granted to any applicant on the basis of the location of the housing. Priority may be given, however, to those residences in which children under the age of six reside, as well as for remediation for lead-based paint hazards identified by a permanent local agency or lead evaluation contractor during an inspection conducted pursuant to P.L.2021, c.182 (C.52:27D-437.16 et al.). The department may award the grants on a pro-rata basis to the applicants, if there is an insufficient amount in the fund to award grants for the full amount of the projected cost of the lead hazard control work.

C.52:27D-437.20 Rules, regulations.

8. a. The Commissioner of Community Affairs, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate the provisions of P.L.2021, c.182 (C.52:27D-437.16 et al.). Additionally, as soon as possible following the enactment of P.L.2021, c.182 (C.52:27D-437.16 et al.), the

commissioner shall take steps necessary to ensure that municipal officials are informed of the responsibilities of municipalities established by P.L.2021, c.182 (C.52:27D-437.16 et al.).

b. Notwithstanding the limitations established in section 1 of P.L. 2011, c.215 (C.52:14B-3a) on the use of regulatory guidance documents, the commissioner shall prepare and disseminate regulatory guidance documents as defined in subsection d. of section 1 of P.L. 2011, c.215 (C.52:14B-3a), in advance of the adoption of regulations as necessary for the administration of P.L.2021, c.182 (C.52:27D-437.16 et al.), for purposes including but not limited to: (1) providing guidance on the procedures required for lead inspection and remediation, and (2) the existing certifications, or educational requirements, that shall qualify a person as a lead evaluation contractor.

9. There is appropriated from the General Fund to the Department of Community Affairs the sum of \$3,900,000 to effectuate the purposes of P.L.2021, c.182 (C.52:27D-437.16 et al.).

10. This act shall take effect one year following enactment, but the department and municipalities are authorized to take any anticipatory actions necessary to prepare for the implementation of the provisions of this act.

Approved July 22, 2021.

**SENATE, No. 1147**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED FEBRUARY 3, 2020

**Sponsored by:**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Senator NILSA CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**SYNOPSIS**

Requires lead paint inspection prior to home purchases and tenant turnover; establishes educational program on lead hazards.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/10/2020)**

1 AN ACT concerning lead paint inspections prior to home purchases  
2 and tenant turnover, establishing an educational program on lead  
3 hazards, supplementing P.L.2003, c.311 (C.52:27D-437.1 et al.),  
4 and amending various parts of the statutory law.

5  
6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8  
9 1. (New section) a. Every contract of sale of real property that  
10 has not been certified as lead-safe under subsection c. of this  
11 section shall include a provision requiring, as a condition of the  
12 sale, the seller to hire a lead evaluation contractor, certified to  
13 provide lead paint inspection services by the Department of  
14 Community Affairs, to inspect any dwelling located on the real  
15 property for lead-based paint hazards.

16 b. Closing of title on the sale of the real property shall not  
17 occur unless both the buyer and the seller have received and  
18 reviewed a copy of the inspection results. At closing, the buyer and  
19 seller both shall certify, in writing, that they have received and  
20 reviewed the inspection results.

21 c. If a lead evaluation contractor finds that no lead hazards  
22 exist in a dwelling upon conducting an inspection pursuant to this  
23 section, then the lead evaluation contractor shall certify the  
24 dwelling as lead-safe on a form prescribed by the Department of  
25 Community Affairs.

26 d. Notwithstanding this section or any other provisions of  
27 P.L. , c. (C. ) (pending before the Legislature as this bill)  
28 to the contrary, a dwelling shall not be subject to inspection and  
29 evaluation for the presence of lead-based paint hazards if the  
30 dwelling was constructed during or after 1978.

31  
32 2. (New section) a. As used in this section:

33 "Dust wipe sampling" means a sample collected by wiping a  
34 representative surface and tested in accordance with a method  
35 approved by the United States Department of Housing and Urban  
36 Development.

37 "Self-inspection" means evaluation of a dwelling unit by the  
38 unit's owner, or the owner's designee, in accordance with evaluation  
39 and control methods approved by the Department of Community  
40 Affairs.

41 "Tenant turnover" means the time at which all existing occupants  
42 vacate a dwelling unit and all new tenants move into the dwelling  
43 unit.

44 "Visual assessment" means a visual examination for deteriorated  
45 paint or visible surface dust, debris, or residue.

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1       b. (1) In a municipality that maintains a permanent local  
2 agency for the purpose of conducting inspections and enforcing  
3 laws, ordinances, and regulations concerning buildings and  
4 structures within the municipality, the permanent local agency shall  
5 inspect every single-family, two-family, and multiple rental  
6 dwelling located within the municipality at tenant turnover for lead-  
7 based paint hazards. The municipality shall charge the dwelling  
8 owner or landlord a fee sufficient to cover the cost of the  
9 inspection.

10       (2) In a municipality that does not maintain a permanent local  
11 agency for the purpose of conducting inspections and enforcing  
12 laws, ordinances, and regulations concerning buildings and  
13 structures within the municipality, the municipality shall hire a lead  
14 evaluation contractor, certified to provide lead paint inspection  
15 services by the Department of Community Affairs, to inspect every  
16 single-family, two-family, and multiple rental dwelling located  
17 within the municipality at tenant turnover for lead-based paint  
18 hazards. The municipality shall charge the dwelling owner or  
19 landlord a fee sufficient to cover the cost of the inspection,  
20 including the cost of hiring the lead evaluation contractor.

21       (3) A permanent local agency or lead evaluation contractor with  
22 the duty to inspect single-family, two-family, and multiple rental  
23 dwellings pursuant to this section may consult with the local health  
24 board, the Department of Health, or the Department of Community  
25 Affairs concerning the criteria for the inspection and identification  
26 of areas and conditions involving a high risk of lead poisoning in  
27 dwellings, methods of detection of lead in dwellings, and standards  
28 for the repair of dwellings containing lead paint.

29       (4) Fees established pursuant to this subsection shall be  
30 dedicated to meeting the costs of implementing and enforcing this  
31 subsection and shall not be used for any other purpose.

32       c. Notwithstanding subsection b. of this section to the contrary,  
33 a dwelling unit in a single-family, two-family, or multiple rental  
34 dwelling shall not be subject to inspection and evaluation for the  
35 presence of lead hazards if the unit:

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

37       (2) was constructed during or after 1978;

38       (3) is a seasonal rental unit which is rented for less than six  
39 months' duration each year; or

40       (4) has been certified as lead-safe by a certified lead evaluation  
41 contractor or permanent local agency pursuant to this section, or the  
42 Bureau of Housing Inspection in the Department of Community  
43 Affairs during a cyclical inspection under the "Hotel and Multiple  
44 Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.), within the  
45 preceding year.

46       d. (1) If a lead evaluation contractor or permanent local  
47 agency finds that a lead hazard exists in a dwelling unit upon  
48 conducting an inspection pursuant to this section, then the owner of

1 the dwelling unit shall remediate and dispose of the lead hazard by  
2 using abatement or lead hazard control methods, approved in  
3 accordance with the provisions of the "Lead Hazard Control  
4 Assistance Act," P.L.2003, c.311 (C.52:27D-437.1 et al.). The lead  
5 evaluation contractor or permanent local agency shall notify the  
6 Commissioner of Community Affairs in accordance with subsection  
7 e. of this section.

8 (2) If a lead evaluation contractor or permanent local agency  
9 finds that no lead hazards exist in a dwelling unit upon conducting  
10 an inspection pursuant to this section, then the lead evaluation  
11 contractor or permanent local agency shall certify the dwelling unit  
12 as lead-safe on a form prescribed by the Department of Community  
13 Affairs. Property owners shall provide evidence of a lead-safe  
14 certification obtained pursuant to this section at the time of the  
15 cyclical inspection carried out under the "Hotel and Multiple  
16 Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.).

17 e. If a lead evaluation contractor or permanent local agency  
18 finds that a lead-based paint hazard exists in a dwelling unit upon  
19 conducting an inspection pursuant to this section, then the lead  
20 evaluation contractor or permanent local agency shall notify the  
21 Commissioner of Community Affairs, who shall review the findings  
22 in accordance with section 8 of the "Lead Hazard Control  
23 Assistance Act," P.L.2003, c.311 (C.52:27D-437.8). If the  
24 commissioner determines that the removal and relocation of a  
25 household is warranted, then the commissioner shall authorize the  
26 payment of relocation assistance pursuant to P.L.2003,  
27 c.311 (C.52:27D-437.1 et al.), and shall assist in the relocation of  
28 the household to lead-safe housing. The commissioner may  
29 authorize the payment of relocation assistance pursuant to P.L.2003,  
30 c.311 (C.52:27D-437.1 et al.) to a household that has reached an  
31 agreement with a property owner to be the legal inhabitant of a  
32 dwelling unit, but has not begun residing in the dwelling unit  
33 because an inspection revealed a lead hazard.

34 f. (1) If a dwelling is located in a municipality in which less  
35 than three percent of children tested, six years of age or younger,  
36 have a blood lead level greater than or equal to five ug/dL,  
37 according to the central lead screening database maintained by the  
38 Department of Health pursuant to section 5 of P.L.1995,  
39 c.328 (C.26:2-137.6), then a lead evaluation contractor or  
40 permanent local agency may inspect for lead-based paint hazards  
41 through visual assessment.

42 (2) If a dwelling is located in a municipality in which at least  
43 three percent of children tested, six years of age or younger, have a  
44 blood lead level greater than or equal to five ug/dL, according to the  
45 central lead screening database maintained by the Department of  
46 Health pursuant to section 5 of P.L.1995, c.328 (C.26:2-137.6), then  
47 a lead evaluation contractor or permanent local agency shall inspect  
48 for lead-based paint hazards through dust wipe sampling.

1 g. Notwithstanding any provision of this section, the "Lead  
2 Hazard Control Assistance Act," P.L.2003, c.311 (C.52:27D-437.1  
3 et al.), or the "Hotel and Multiple Dwelling Law," P.L.1967,  
4 c.76 (C.55:13A-1 et seq.), to the contrary, rental property owners or  
5 designated persons may conduct self-inspections of single-family,  
6 two-family, and multiple dwellings at tenant turnover if:

7 (1) The property owner or designated person completed the lead  
8 hazard seminar established pursuant to section 3 of P.L. ,  
9 c. (C. ) (pending before the Legislature as this bill); and

10 (2) A certified lead evaluation contractor or permanent local  
11 agency pursuant to this section, or the Bureau of Housing  
12 Inspection in the Department of Community Affairs during a  
13 cyclical inspection pursuant to the "Hotel and Multiple Dwelling  
14 Law," P.L.1967, c.76 (C.55:13A-1 et seq.), certified the single-  
15 family, two-family, or multiple dwelling as lead safe within the  
16 preceding five years.

17 h. A landlord conducting self-inspections pursuant to  
18 subsection g. of this section shall notify all effected tenants and  
19 shall certify, in writing, that the landlord or a designee performed a  
20 self-inspection and no lead hazards were detected. Failure to  
21 conduct self-inspections in good faith shall constitute an unlawful  
22 practice under the New Jersey consumer fraud act, P.L.1960,  
23 c.39 (C.56:8-1 et seq.).

24 i. In addition to the fees permitted to be charged for inspection  
25 of rental housing pursuant to this section, each municipality shall  
26 assess an additional fee of \$20 per unit inspected by a certified lead  
27 evaluation contractor or permanent local agency for the purposes of  
28 the "Lead Hazard Control Assistance Act," P.L.2003,  
29 c.311 (C.52:27D-437.1 et al.) concerning lead hazard control work.  
30 In a common interest community, any inspection fee charged  
31 pursuant to this subsection shall be the responsibility of the unit  
32 owner and not the homeowners' association, unless the association  
33 is the owner of the unit. The fees collected pursuant to this  
34 subsection shall be deposited into the "Lead Hazard Control  
35 Assistance Fund" established pursuant to section 4 of P.L.2003,  
36 c.311 (C.52:27D-437.4).

37  
38 3. (New section) a. The Department of Community Affairs, in  
39 consultation with the Department of Health, shall establish a  
40 Statewide, multifaceted, ongoing educational program designed to  
41 meet the needs of tenants, property owners, realtors and real estate  
42 agents, insurers and insurance agents, and local building officials  
43 about the nature of lead hazards, the importance of lead hazard  
44 control and mitigation, and the responsibilities set forth in P.L. ,  
45 c. (C. ) (pending before the Legislature as this bill). In  
46 developing and coordinating this educational program, the  
47 department shall seek the participation and involvement of private

1 industry organizations, including those involved in real estate,  
2 insurance, mortgage banking, and pediatrics.

3 b. Within 90 days of the effective date of P.L. ,  
4 c. (C. ) (pending before the Legislature as this bill), the  
5 department shall:

6 (1) Create educational materials outlining the rights and  
7 responsibilities of parties subject to the provisions of P.L. ,  
8 c. (C. ) (pending before the Legislature as this bill).

9 (2) Establish guidelines and a trainer's manual for a lead hazard  
10 seminar for rental property owners or designated persons, which the  
11 department shall forward to all public and private colleges and  
12 universities in New Jersey, to other professional training facilities,  
13 and to professional associations and community organizations with  
14 a training capacity. The department shall approve proposals to  
15 offer the seminar from institutions; provided that the proposals are  
16 consistent with the guidelines. The department shall create an  
17 electronic version of the lead hazard seminar accessible on the  
18 Internet. The seminar shall be available to tenants, property  
19 owners, and other interested parties.

20 (3) Promulgate rules for the dissemination of information about  
21 the requirements of P.L. , c. (C. ) (pending before the  
22 Legislature as this bill) to all prospective owners of pre-1978  
23 dwellings during the real estate transaction, settlement, or closing;

24 (4) Solicit requests to enter into ongoing, funded partnerships to  
25 provide specific counseling information services to tenants and  
26 affected parties on their rights and responsibilities with regard to  
27 lead hazards and lead poisoning.

28 c. The lead hazard seminar established pursuant to this section  
29 shall not exceed three hours in length. The department shall offer  
30 the seminar for a maximum fee of \$50 per participant.

31

32 4. Section 5 of P.L.1995, c.328 (C.26:2-137.6) is amended to  
33 read as follows:

34 5. a. The department shall maintain a central **【data base】**  
35 database which shall include a record of all lead screening  
36 conducted pursuant to this act. The **【data base】** database shall  
37 include the name, age and address of the child screened and any  
38 other demographic data the department deems necessary. The **【data**  
39 **base】** database shall be geographically indexed, by municipality, in  
40 order to determine the location of areas of relatively high incidence  
41 of lead poisoning.

42 b. The information reported to and compiled by the department  
43 pursuant to this act is to be used only by the department and such  
44 other agencies as may be designated by the commissioner and shall  
45 not otherwise be divulged or made public so as to disclose the  
46 identity of any child to whom it relates without written parental  
47 consent; and to that end, the information shall not be included under  
48 materials available to public inspection pursuant to P.L.1963,

1 c.73 (C.47:1A-1 et seq.). The department may, however, make such  
2 statistical reports available using information compiled from the  
3 **【data base】** database if the name or other identifying information of  
4 the child screened is not revealed.

5 (cf: P.L.1995, c.328, s.5)

6

7 5. Section 2 of P.L.2007, c.251 (C.46:8-28.5) is amended to  
8 read as follows:

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

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

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

23 (2) was constructed during or after 1978; or

24 (3) **【is a seasonal rental unit which is rented for less than six**  
25 **months' duration each year; or】** (Deleted by amendment, P.L. .  
26 c. ) (pending before the Legislature as this bill)

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

29 c. Any owner who fails to comply with an order of the  
30 commissioner to register any property subject to this section shall  
31 be liable for a penalty of \$200 for each registration ordered by the  
32 commissioner. The commissioner may issue a certificate to the  
33 clerk of the Superior Court that an owner is indebted to the  
34 department for the payment of such penalty and thereupon the clerk  
35 shall enter upon the record of docketed judgments the name of the  
36 owner, and of the State, a designation of the statute under which the  
37 penalty is imposed, the amount of the penalty so certified, and the  
38 date of such certification. The making of the entry shall have the  
39 same force and effect as the entry of a docketed judgment in the  
40 office of such clerk.

41 (cf: P.L.2007, c.251, s.2)

42

43 6. Section 12 of P.L.2003, c.311 (C.52:27D-437.12) is  
44 amended to read as follows:

45 12. a. Notwithstanding any other provisions of this act, a  
46 dwelling unit shall not be subject to inspection and evaluation or  
47 subject to any fees for the presence of lead-based paint hazards if  
48 the unit:

- 1 (1) has been certified to be free of lead-based paint;
- 2 (2) was constructed during or after 1978;
- 3 (3) **【is a seasonal rental unit which is rented for less than six**  
4 **months' duration each year;】** (Deleted by amendment, P.L. , c. )  
5 (pending before the Legislature as this bill)
- 6 (4) has been certified as having a lead-free interior by a certified  
7 inspector; or
- 8 (5) is occupied by the owner of the dwelling unit.
- 9 b. In a common interest community, any inspection fee charged  
10 shall be the responsibility of the unit owner and not the  
11 homeowners' association unless the association is the owner of the  
12 unit.  
13 (cf: P.L.2003, c.311, s.12)

14  
15 7. Section 1 of P.L.2007, c.251 (C.55:13A-12.2) is amended to  
16 read as follows:

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

26 b. Notwithstanding any other provisions of P.L.2007,  
27 c.251 (C.55:13A-12.2 et al.) to the contrary, a dwelling unit in a  
28 single-family or two-family dwelling shall not be subject to  
29 inspection and evaluation for the presence of lead-based paint  
30 hazards, or for the fees for such inspection or evaluation, if the unit:

- 31 (1) has been certified to be free of lead-based paint;
- 32 (2) was constructed during or after 1978; or
- 33 (3) **【is a seasonal rental unit which is rented for less than six**  
34 **months' duration each year; or】** (Deleted by amendment, P.L. ,  
35 c. ) (pending before the Legislature as this bill)
- 36 (4) has been certified as having a lead-free interior by a  
37 certified inspector.

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

44 (cf: P.L.2007, c.251, s.1)

45  
46 8. This act shall take effect immediately.

STATEMENT

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This bill would require every contract of sale of real property to include a provision requiring, as a condition of the sale, a lead evaluation contractor, certified to provide lead paint inspection services by the Department of Community Affairs (DCA), to inspect any dwelling located on the real property for lead-based paint hazards. If a lead evaluation contractor finds that no lead hazards exist in dwellings located on the property, then the lead evaluation contractor would certify the property as lead-safe on a form prescribed by the DCA.

Additionally, this bill would require municipalities to inspect every single-family, two-family, and multiple rental dwelling located within the municipality for lead-based paint hazards at tenant turnover. Municipalities would charge a fee for the inspection at a rate proportional to the current "Hotel and Multiple Dwelling Law" fee schedule. Moreover, the bill requires municipalities to impose an additional fee of \$20 per unit inspected by a certified lead evaluation contractor or permanent local agency for deposit into the "Lead Hazard Control Assistance Fund."

In a municipality that maintains a permanent local agency for the purpose of conducting inspections and enforcing laws, ordinances, and regulations concerning buildings and structures within the municipality, the permanent local agency would inspect single-family, two-family, and multiple rental dwellings located within the municipality for lead-based paint hazards. If the municipality does not maintain a permanent local agency that conducts inspections and enforces laws, ordinances, and regulations concerning buildings and structures within the municipality, then the municipality would hire a lead evaluation contractor, certified to provide lead paint inspection services by the DCA, to inspect single-family, two-family, and multiple rental dwellings located within the municipality for lead-based paint hazards. A permanent local agency or lead evaluation contractor with the duty to inspect single-family, two-family, and multiple rental dwellings may consult the local health board, the Department of Health, or the DCA concerning the criteria for the inspection and identification of areas and conditions involving a high risk of lead poisoning in dwellings, methods of detection of lead in dwellings, and standards for the repair of dwellings containing lead paint.

Dwelling units that pass visual tests for intact paint frequently contain invisible lead dust hazards detectable through dust wipe sampling. Thus, in municipalities that have a higher concentration of children with elevated blood lead levels, the bill requires a lead evaluation contractor or permanent local agency to inspect for lead-based paint hazards through dust wipe sampling. In municipalities with a lower concentration of children with elevated blood lead levels, the bill allows a lead evaluation contractor or permanent

1 local agency to inspect for lead-based paint hazards through visual  
2 assessment.

3 Rental properties that have been certified to be free of lead-based  
4 paint or lead-safe, properties that were constructed during or after  
5 1978, and seasonal rental units would be exempt from the  
6 inspection and registration requirements. However, the bill  
7 eliminates the exemption for seasonal rentals from the cyclical  
8 inspections required under the "Hotel and Multiple Dwelling Act."

9 Lastly, the bill requires the DCA, in consultation with the  
10 Department of Health, to establish a Statewide, multifaceted,  
11 ongoing educational program designed to meet the needs of tenants,  
12 property owners, realtors and real estate agents, insurers and  
13 insurance agents, and local building officials about the nature of  
14 lead hazards, the importance of lead hazard control and mitigation,  
15 and the responsibilities set forth in this bill. The bill requires the  
16 DCA to establish guidelines and a trainer's manual for a lead hazard  
17 seminar for rental property owners. The lead hazard seminar  
18 established under this bill would not exceed three hours in length  
19 and would be offered for a maximum fee of \$50 per participant.  
20 Property owners who complete the lead hazard seminar may be  
21 eligible to self-inspect their properties under this bill. In order to  
22 self-inspect, the Department of Community Affairs, a permanent  
23 local agency, or a certified lead evaluation contractor would have  
24 had to certify the dwelling as lead-safe within the preceding five  
25 years.

# SENATE ECONOMIC GROWTH COMMITTEE

## STATEMENT TO

### **SENATE, No. 1147**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: SEPTEMBER 17, 2020

The Senate Economic Growth Committee reports favorably and with committee amendments Senate Bill No. 1147.

As amended and reported, this bill requires every contract of sale of real property not certified as lead-safe to require, as a condition of the sale, a lead evaluation contractor, certified to provide lead paint inspection services by the Department of Community Affairs (DCA), to inspect any dwelling located on the real property for lead-based paint hazards. If a lead evaluation contractor finds that no lead hazards exist in dwellings located on the property, then the property will be certified as lead-safe on a form prescribed by the DCA.

Additionally, this bill requires municipalities to inspect every single-family, two-family, and multiple rental dwelling located within the municipality for lead-based paint hazards at tenant turnover. Moreover, the bill requires municipalities to impose an additional fee of \$20 per unit inspected by a certified lead evaluation contractor or permanent local agency for deposit into the "Lead Hazard Control Assistance Fund," unless the dwelling has already been charged a \$20 fee for deposit into the "Lead Hazard Control Assistance Fund" by the DCA for lead hazard inspections conducted by the DCA.

A municipality that maintains a permanent local agency for the purpose of conducting inspections and enforcing laws, ordinances, and regulations concerning buildings and structures within the municipality, will inspect single-family, two-family, and multiple rental dwellings located within the municipality at tenant turnover for lead-based paint hazards through the agency. Other municipalities must hire a lead evaluation contractor, certified to provide lead paint inspection services by the DCA, to inspect single-family, two-family, and multiple rental dwellings located within the municipality for lead-based paint hazards at tenant turnover. Inspectors may consult local health boards, the Department of Health, or the DCA concerning the criteria for the inspection and identification of areas and conditions involving a high risk of lead poisoning in dwellings, methods of detection of lead in dwellings, and standards for the repair of dwellings containing lead paint. The bill also allows an owner to directly hire a lead evaluation contractor as long as the lead evaluation contractor is certified by DCA to provide lead paint inspection services.

In municipalities that have a higher concentration of children with elevated blood lead levels, the bill requires a lead evaluation contractor or permanent local agency to inspect for lead-based paint hazards through dust wipe sampling. In municipalities with a lower concentration of children with elevated blood lead levels, the bill allows a lead evaluation contractor or permanent local agency to inspect for lead-based paint hazards through visual assessment. A lead-safe designation for a dwelling unit that passes the lead inspection is valid for two years.

Properties that have been certified to be free of lead-based paint or have received a lead-safe certification and properties that were constructed during or after 1978 would be exempt from the inspection and registration requirements. Multiple dwelling units registered with DCA for at least 10 years with no outstanding lead violations from the most recent cyclical inspection are also exempt.

If, upon conducting an inspection, a lead hazard exists in a dwelling unit, the owner of the dwelling unit is required to remediate and dispose of the lead hazard.

The bill requires the DCA, in consultation with the Department of Health, to establish a Statewide, multifaceted, ongoing educational program designed to meet the needs of tenants, property owners, realtors and real estate agents, insurers and insurance agents, and local building officials about the nature of lead hazards, the importance of lead hazard control and mitigation, and the responsibilities set forth in this bill. The bill requires the DCA to establish guidelines and a trainer's manual for a lead hazard seminar for rental property owners. The lead hazard seminar established under this bill is not to exceed three hours in length and be offered for a maximum fee of \$50 per participant. Property owners who complete the lead hazard seminar may be eligible to self-inspect their properties under this bill. In order to self-inspect, the DCA, a permanent local agency, or a certified lead evaluation contractor is required to certify the dwelling as lead-safe within the preceding five years.

The committee amended the bill to allow dwelling owners or landlords to directly hire lead evaluation contractors; to remove an exception to the inspection requirements for seasonal rental units; to permit an exception to the inspection requirements for certain multiple dwelling units that are registered with DCA and have no outstanding lead violations during cyclical inspections and for any dwelling unit with a valid lead-safe certification; and to clarify that lead-safe certifications from lead inspections are valid for two years.

The amendments also exempt dwelling units from the municipally imposed \$20 per unit fee for deposit into the "Lead Hazard Control Assistance Fund," if the dwelling has already been charged a comparable fee by the DCA. The amendments provide that the act is to take effect on the 90th day after enactment, rather than immediately.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR SENATE, No. 1147

# STATE OF NEW JERSEY

DATED: JUNE 22, 2021

The Senate Budget and Appropriations Committee reports favorably a committee substitute for Senate Bill No. 1147 (1R).

This Senate committee substitute would require lead-based paint inspections to be conducted on certain residential rental properties at tenant turnover and certain other times. The bill would also appropriate \$3.9 million from the general fund to the Department of Community Affairs (“DCA”) for the purposes of the bill.

In addition to the cost of an inspection, the bill requires municipalities to impose an additional fee of \$20 per unit inspected by a certified lead evaluation contractor or permanent local agency for deposit into the “Lead Hazard Control Assistance Fund,” unless the dwelling has already been charged a \$20 fee for deposit into the “Lead Hazard Control Assistance Fund” by DCA for lead hazard inspections conducted by the DCA.

Following the effective date of the bill, a municipality that maintains a permanent local agency for the purpose of conducting inspections and enforcing laws, ordinances, and regulations concerning buildings and structures within the municipality, would be required, through the agency, to inspect single-family, two-family, and multiple rental dwellings for lead-based paint hazards either within two years, or upon tenant turnover, whichever is earlier. Thereafter, all such units would be inspected, with certain exceptions, by the earlier of every three years or upon tenant turnover. Municipalities that do not maintain a permanent local agency, for the purposes described, would be required to hire a lead evaluation contractor, certified to provide lead paint inspection services by the DCA, to inspect the same types of rental dwellings, under the same time requirements. The municipality would charge the dwelling owner a fee sufficient to cover the cost of the inspection, including the cost of hiring the contractor. The bill would also require municipalities to allow an owner to directly hire a lead evaluation contractor as long as the lead evaluation contractor is certified by DCA to provide lead paint inspection services.

Inspectors may consult local health boards, the Department of Health, or the DCA concerning the criteria for the inspection and identification of areas and conditions involving a high risk of lead

poisoning in dwellings, methods of detection of lead in dwellings, and standards for the repair of dwellings containing lead paint.

In municipalities that have a high concentration of children with elevated blood lead levels, the bill requires a lead evaluation contractor or permanent local agency to inspect for lead-based paint hazards through dust wipe sampling. In municipalities with a low concentration of children with elevated blood lead levels, the bill allows a lead evaluation contractor or permanent local agency to inspect for lead-based paint hazards through visual assessment. A lead-safe designation for a dwelling unit that passes the lead inspection would be valid for two years.

Properties that have been certified to be free of lead-based paint or have received a lead-safe certification and properties that were constructed during or after 1978 would be exempt from the inspection and registration requirements. Multiple dwelling units registered with DCA for at least 10 years with no outstanding lead violations from the most recent cyclical inspection would also be exempt. Finally, single- and two-family seasonal rental dwellings rented for less than six months' durations by tenants without consecutive lease renewals would also be exempt.

If, upon conducting an inspection, a lead-based paint hazard exists in a dwelling unit, the owner would be required to remediate through methods compliant with the "Lead Hazard Control Assistance Act."

Upon the filing of a complaint with DCA, or on the commissioner's own accord, the DCA would be authorized to conduct investigations and issue penalties against a municipality for a failure to comply with its inspection and remediation responsibilities as established by the bill. Additionally, a municipality or its permanent local agency would be authorized to conduct investigations and issue penalties to enforce a property owner's failure to comply with paragraph its inspection and remediation responsibilities as established by the bill. If the municipality or permanent local agency determines that a property owner has failed to comply with a provision of the bill, the property owner would first be given 30 days to cure any violation by conducting the required inspection or initiate any required remediation efforts. If the property owner has not cured the violation after 30 days, the property owner would 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.

The bill also requires DCA, in consultation with the Department of Health, to establish a Statewide, multifaceted, ongoing educational program designed to meet the needs of tenants, property owners, realtors and real estate agents, insurers and insurance agents, and local building officials about the nature of lead hazards, the importance of lead hazard control and mitigation, and the responsibilities set forth in this bill. The bill requires the DCA to establish guidelines and a trainer's manual for a lead hazard seminar for rental property owners.

The lead hazard seminar established under this bill is not to exceed three hours in length and be offered for a maximum fee of \$50 per participant.

The bill additionally prohibits DCA from requesting or requiring a property owner to disclose the social security number of any person renting the property or otherwise associated with the inspected property, other than the actual owner, in association with an application for lead remediation funding provided pursuant to the "Lead Hazard Control Assistance Fund" or any other program administered by DCA for lead remediation.

The bill directs DCA to adopt regulations and regulatory guidance documents as determined necessary for the administration of the bill. The bill also directs DCA to ensure that municipal officials are informed of their responsibilities under the bill.

The bill would take effect one year following enactment.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill would result in increases in municipal expenditures and revenues due to the inspection of residential rental properties, including seasonal rental units in some circumstances, for lead-based paint hazards and the collection of inspection and violation fees. Municipalities would be able to collect up to \$1,000 per week in penalties from non-compliant property owners.

The bill is expected to increase the expenditures and revenues of the Department of Community Affairs (DCA) associated with the establishment of an educational program and training seminar, in consultation with the Department of Health, concerning lead-based paint hazards and administrative requirements and the collection of seminar fees. The bill permits the DCA to charge a maximum fee of \$50 per seminar participant.

The bill is also expected to increase State revenues associated with the deposit of fee receipts into the Lead Hazard Control Assistance Fund. Under the bill, each municipality is required to assess an additional fee of \$20 per unit inspected for deposit into this State fund unless the dwelling has already been charged a comparable fee by the DCA.

The OLS also expects the bill to increase in State expenditures and revenues associated with the provision of relocation assistance to certain tenants after the discovery of lead hazards in residential rental properties. As set forth in current law, the OLS assumes that affected property owners would be required to reimburse the State for these costs.

The bill also appropriates \$3.9 million from the General Fund to the DCA for the purposes of the bill.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## SENATE, No. 1147 STATE OF NEW JERSEY 219th LEGISLATURE

DATED: OCTOBER 22, 2020

### SUMMARY

- Synopsis:** Requires lead paint inspection prior to home purchases and tenant turnover; establishes educational program on lead hazards.
- Type of Impact:** Annual State expenditure and revenue increases.  
Annual municipal expenditure and revenue increases.
- Agencies Affected:** Department of Community Affairs, Department of Health, and municipalities.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost Increase</b>		Indeterminate	
<b>State Revenue Increase</b>		Indeterminate	
<b>Municipal Cost Increase</b>		Indeterminate	
<b>Municipal Revenue Increase</b>		Indeterminate	

- The Office of Legislative Services (OLS) estimates that the bill would result in increases in municipal expenditures and revenues due to the inspection of residential rental properties, including seasonal rental units in some circumstances, for lead-based paint hazards and the collection of inspection fees.
- The bill is expected to increase the expenditures and revenues of the Department of Community Affairs (DCA) associated with the establishment of an educational program and training seminar concerning lead-based paint hazards and the collection of seminar fees. The bill permits the DCA to charge a maximum fee of \$50 per seminar participant.
- The bill is also expected to increase State revenues associated with the deposit of fee receipts into the Lead Hazard Control Assistance Fund. Under the bill, each municipality is required to assess an additional fee of \$20 per unit inspected for deposit into this State fund unless the dwelling has already been charged a comparable fee by the DCA.
- The OLS also expects the bill to increase in State expenditures and revenues associated with the provision of relocation assistance to certain tenants after the discovery of lead hazards in

residential rental properties. As set forth in current law, the OLS assumes that affected property owners would be required to reimburse the State for these costs.

## **BILL DESCRIPTION**

The bill requires any residential property constructed before 1978 to be inspected for lead-based paint hazards before the sale of the property. These inspections would be conducted by a lead evaluation contractor who is certified by the DCA.

The bill also requires certain residential rental properties to be inspected for lead-based paint hazards upon tenant turnover. Rental properties that have been certified to be free of lead-based paint or lead-safe, properties that were constructed during or after 1978, and properties registered with the DCA as a multiple dwelling for at least 10 years would be exempt from this inspection requirement. However, the bill eliminates the exemption for DCA-registered properties from the cyclical inspection requirement and also eliminates the exemption for seasonal rental units from various inspection and registration requirements. Additionally, the lead-safe certification of a dwelling provided to the property owner by the lead evaluation contractor or permanent local agency would be valid for two years.

Under the bill, municipalities are required to impose a fee sufficient to cover the costs of the inspection. A municipality must also permit the dwelling owner or landlord to directly hire a certified lead evaluation contractor. The bill also requires municipalities to assess an additional fee of \$20 per unit inspected for deposit into the Lead Hazard Control Assistance Fund, unless the dwelling has already been charged a comparable fee by the DCA.

The bill provides that if an inspection reveals the presence of lead-based paint hazards in a rental property, and the DCA determines that the removal or relocation of a household is warranted, then the DCA is required to authorize the payment of relocation assistance and assist in the relocation of the household.

The DCA, in consultation with the Department of Health (DOH), is also required to establish an educational program and training seminar concerning the nature of lead hazards, the importance of lead hazard control and mitigation, and the responsibilities set forth in this bill. The bill permits the DCA to charge a maximum fee of \$50 per seminar participant.

Additionally, the DCA would be required to establish guidelines for a lead hazard training seminar and forward those guidelines to all colleges and universities in the State, as well as other professional associations and community organizations. Thereafter, these institutions may offer the training seminar, upon approval from the DCA, to tenants, property owners, and other persons.

The bill also requires the DCA to: (1) publish an electronic version of the training seminar on the Internet; (2) create educational materials outlining the rights and responsibilities of parties subject to the bill; (3) promulgate rules for the dissemination of information concerning the requirements of the bill to all prospective owners of residential property constructed before 1978; and (4) solicit requests to enter into funded partnerships to provide counseling services to tenants and affected parties with regard to lead hazards.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that the bill would result in indeterminate annual increases in municipal expenditures and revenues due to the inspection of residential rental properties for lead-based paint hazards and the collection of inspection fees.

The bill is also expected to result in indeterminate annual increases in State expenditures and revenues associated with: (1) the establishment of an educational program and training seminar by the DCA and the collection of seminar fees; (2) the collection of an additional \$20 inspection fee for deposit into the Lead Hazard Control Assistance Fund (unless the dwelling has already been charged a comparable fee by the DCA); (3) the provision of relocation assistance to certain tenants following the discovery lead hazards in residential rental properties; and (4) the elimination of the exemption for seasonal rental units from various inspection and registration requirements provided under current law.

***Municipal Lead Inspections***

Under the bill, municipalities are responsible for inspecting certain residential rental properties for lead-based paint hazards upon tenant turnover. Consequently, the bill is expected to increase municipal expenditures associated with the inspection of these rental properties. The OLS notes municipalities with a greater number of residential rental properties are expected to incur larger cost increases compared to those with fewer rental properties. The lead-safe certification provided to the property owner by the lead evaluation contractor or permanent local agency would be valid for two years.

However, these inspection costs are expected to vary significantly by municipality depending on the entity that conducts the inspection, the type of inspection that is conducted, and the number of rental units that undergo municipal inspection. As such, the OLS is unable to quantify the total costs that will be incurred by municipalities as a result of the bill. The OLS notes that the bill permits the dwelling owner or landlord to directly hire a certified lead evaluation contractor or conduct self-inspections of a rental property, provided that (1) the person completes the seminar established by the DCA, and (2) the property was certified as lead-safe within the preceding five years., which could reduce municipalities' inspection responsibility. Also, the OLS expects municipalities that are permitted to conduct visual assessments to experience reduced inspection costs compared to those that use dust wipe sampling.

The OLS notes that any inspection costs that are incurred by a municipality may be partially or wholly offset by the collection of inspection fees. Under the bill, municipalities are required to impose a fee sufficient to cover the costs of the inspection, including the cost of hiring a lead evaluation contractor.

***DCA Educational Program and Seminar***

The bill is expected to result in an indeterminate increase in State expenditures and revenues associated with the establishment of an educational program and training seminar by the DCA and the collection of seminar fees. Absent information from the DCA concerning the manner in which these requirements would be implemented, the OLS is unable to quantify the anticipated increase in State expenditures. However, the OLS notes that these cost increases are expected to be partially or wholly offset by the collection of seminar fees equal to a maximum fee of \$50 per seminar participant.

*Provision of Relocation Assistance*

The bill would result in increases in State expenditures and revenues associated with the provision of relocation assistance to certain tenants following the discovery of lead hazards in residential rental properties.

Under current law, when relocation assistance is authorized pursuant to the Lead Hazard Control Assistance Act, the DCA may seek reimbursement from the owner of the rental property from which a tenant is removed. Moreover, the DCA is required to seek reimbursement from the rental property owner if a tenant has been removed from the property due to the owner's failure to maintain a lead-safe condition. In this circumstance, all relocation costs are required to be repaid by the owner of the rental property. If these costs are not repaid within ten days of the due date, the law requires interest to accrue on the unpaid balance at a rate of 18 percent per annum until all costs are fully paid.

Assuming that the provision of any relocation assistance mandated under this bill would result from the determination that the rental property owner failed to maintain a lead-safe condition, the OLS anticipates that these costs would be at least partially reimbursed by the owners of affected rental properties.

*Elimination of Certain Seasonal Unit Exemptions*

The bill also eliminates the exemption for seasonal rental units from various inspection and registration requirements provided under current law. As a result, the bill is expected to increase State expenditures and revenues associated with the inspection and registration of these rental properties and the collection of fees therefrom. Due to information constraints, the OLS is unable to determine the number of seasonal rental units that would become subject to inspection and registration. As a result, the OLS is unable to quantify the anticipated fiscal impact of eliminating this exemption.

*Section: Local Government*

*Analyst: Benjamin A. Levy  
Assistant Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE COMMITTEE SUBSTITUTE FOR**  
**SENATE, No. 1147**  
**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

DATED: JUNE 29, 2021

**SUMMARY**

- Synopsis:** Requires lead paint inspection on certain residential rental property, including upon tenant turnover; establishes lead-based paint hazard education program; appropriates \$3,900,000.
- Type of Impact:** Annual State expenditure and revenue increases.  
Annual municipal expenditure and revenue increases.
- Agencies Affected:** Department of Community Affairs, Department of Health, and municipalities.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost Increase</b>		Indeterminate	
<b>State Revenue Increase</b>		Indeterminate	
<b>Municipal Cost Increase</b>		Indeterminate	
<b>Municipal Revenue Increase</b>		Indeterminate	

- The Office of Legislative Services (OLS) estimates that the bill would result in increases in municipal expenditures and revenues due to the inspection of residential rental properties for lead-based paint hazards and the collection of inspection and violation fees. Municipalities would be able to collect up to \$1,000 per week in penalties from non-compliant property owners.
- The bill is expected to increase the expenditures and revenues of the Department of Community Affairs (DCA) associated with the establishment of an educational program and training seminar, in consultation with the Department of Health, concerning lead-based paint hazards and administrative requirements and the collection of seminar fees. The bill permits the DCA to charge a maximum fee of \$50 per seminar participant.
- The bill is also expected to increase State revenues associated with the deposit of fee receipts into the Lead Hazard Control Assistance Fund. Under the bill, each municipality is required to assess an additional fee of \$20 per unit inspected for deposit into this State fund unless the dwelling has already been charged a comparable fee by the DCA.

- The OLS also expects the bill to increase in State expenditures and revenues associated with the provision of relocation assistance to certain tenants after the discovery of lead hazards in residential rental properties. As set forth in current law, the OLS assumes that affected property owners would be required to reimburse the State for these costs.
- The bill also appropriates \$3.9 million from the General Fund to the DCA for the purposes of the bill.

## **BILL DESCRIPTION**

The bill would require lead-based paint inspections to be conducted on certain residential rental properties at tenant turnover and certain other times. The bill would also appropriate \$3.9 million from the State General Fund to the DCA for the purposes of the bill.

In addition to the cost of an inspection, the bill requires municipalities to impose an additional fee of \$20 per unit inspected by a certified lead evaluation contractor or permanent local agency for deposit into the “Lead Hazard Control Assistance Fund,” unless the dwelling has already been charged a \$20 fee for deposit into the “Lead Hazard Control Assistance Fund” by DCA for lead hazard inspections conducted by the DCA.

Following the effective date of the bill, a municipality that maintains a permanent local agency for the purpose of conducting inspections and enforcing laws, ordinances, and regulations concerning buildings and structures within the municipality, would be required, through the agency, to inspect single-family, two-family, and multiple rental dwellings for lead-based paint hazards either within two years, or upon tenant turnover, whichever is earlier. Thereafter, all such units would be inspected, with certain exceptions, by the earlier of every three years or upon tenant turnover. Municipalities that do not maintain a permanent local agency, for the purposes described, would be required to hire a lead evaluation contractor, certified to provide lead paint inspection services by the DCA, to inspect the same types of rental dwellings, under the same time requirements. The municipality would charge the dwelling owner a fee sufficient to cover the cost of the inspection, including the cost of hiring the contractor. The bill would also require municipalities to allow an owner to directly hire a lead evaluation contractor as long as the lead evaluation contractor is certified by DCA to provide lead paint inspection services.

Inspectors may consult local health boards, the Department of Health (DOH), or the DCA concerning the criteria for the inspection and identification of areas and conditions involving a high risk of lead poisoning in dwellings, methods of detection of lead in dwellings, and standards for the repair of dwellings containing lead paint.

In municipalities that have a high concentration of children with elevated blood lead levels, the bill requires a lead evaluation contractor or permanent local agency to inspect for lead-based paint hazards through dust wipe sampling. In municipalities with a low concentration of children with elevated blood lead levels, the bill allows a lead evaluation contractor or permanent local agency to inspect for lead-based paint hazards through visual assessment. A lead-safe designation for a dwelling unit that passes the lead inspection would be valid for two years.

Properties that have been certified to be free of lead-based paint or have received a lead-safe certification and properties that were constructed during or after 1978 would be exempt from the inspection and registration requirements. Multiple dwelling units registered with DCA for at least 10 years with no outstanding lead violations from the most recent cyclical inspection would also be exempt. Finally, single- and two-family seasonal rental dwellings rented for less than six months’ durations by tenants without consecutive lease renewals would also be exempt.

If, upon conducting an inspection, a lead-based paint hazard exists in a dwelling unit, the owner would be required to remediate through methods compliant with the "Lead Hazard Control Assistance Act."

Upon the filing of a complaint with the DCA, or on the commissioner's own accord, the DCA would be authorized to conduct investigations and issue penalties against a municipality for a failure to comply with its inspection and remediation responsibilities as established by the bill. Additionally, a municipality or its permanent local agency would be authorized to conduct investigations and issue penalties to enforce a property owner's failure to comply with paragraph its inspection and remediation responsibilities as established by the bill. If the municipality or permanent local agency determines that a property owner has failed to comply with a provision of the bill, the property owner would first be given 30 days to cure any violation by conducting the required inspection or initiate any required remediation efforts. If the property owner has not cured the violation after 30 days, the property owner would 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.

The bill also requires the DCA, in consultation with the DOH, to establish a Statewide, multifaceted, ongoing educational program designed to meet the needs of tenants, property owners, realtors and real estate agents, insurers and insurance agents, and local building officials about the nature of lead hazards, the importance of lead hazard control and mitigation, and the responsibilities set forth in this bill. The bill requires the DCA to establish guidelines and a trainer's manual for a lead hazard seminar for rental property owners. The lead hazard seminar established under this bill is not to exceed three hours in length and be offered for a maximum fee of \$50 per participant.

The bill additionally prohibits the DCA from requesting or requiring a property owner to disclose the social security number of any person renting the property or otherwise associated with the inspected property, other than the actual owner, in association with an application for lead remediation funding provided pursuant to the "Lead Hazard Control Assistance Fund" or any other program administered by the DCA for lead remediation.

The bill directs the DCA to adopt regulations and regulatory guidance documents as determined necessary for the administration of the bill. The bill also directs DCA to ensure that municipal officials are informed of their responsibilities under the bill.

The bill would take effect one year following enactment.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that the bill would result in increases in municipal expenditures and revenues due to the inspection of residential rental properties for lead-based paint hazards and the collection of inspection and violation fees. Municipalities would be able to collect up to \$1,000 per week in penalties from non-compliant property owners.

- The bill is expected to increase the expenditures and revenues of the DCA associated with the establishment of an educational program and training seminar, in consultation with the DOH, concerning lead-based paint hazards and administrative requirements and the collection of seminar fees. The bill permits the DCA to charge a maximum fee of \$50 per seminar participant.
- The bill is also expected to increase State revenues associated with the deposit of fee receipts into the Lead Hazard Control Assistance Fund. Under the bill, each municipality is required to assess an additional fee of \$20 per unit inspected for deposit into this State fund unless the dwelling has already been charged a comparable fee by the DCA.
- The OLS also expects the bill to increase in State expenditures and revenues associated with the provision of relocation assistance to certain tenants after the discovery of lead hazards in residential rental properties. As set forth in current law, the OLS assumes that affected property owners would be required to reimburse the State for these costs.
- The bill also appropriates \$3.9 million from the General Fund to the DCA for the purposes of the bill.

### *Municipal Lead Inspections*

Under the bill, municipalities are responsible for inspecting certain residential rental properties for lead-based paint hazards upon tenant turnover. Consequently, the bill is expected to increase municipal expenditures associated with the inspection of these rental properties. The OLS notes municipalities with a greater number of residential rental properties are expected to incur larger cost increases compared to those with fewer rental properties. The lead-safe certification provided to the property owner by the lead evaluation contractor or permanent local agency would be valid for two years.

However, these inspection costs are expected to vary significantly by municipality depending on the entity that conducts the inspection, the type of inspection that is conducted, and the number of rental units that undergo municipal inspection. As such, the OLS is unable to quantify the total costs that will be incurred by municipalities as a result of the bill. The OLS notes that the bill permits the dwelling owner or landlord to directly hire a certified lead evaluation contractor or conduct self-inspections of a rental property, provided that the person completes the seminar established by the DCA. Also, the OLS expects municipalities that are permitted to conduct visual assessments to experience reduced inspection costs compared to those that use dust wipe sampling.

The OLS notes that any inspection costs that are incurred by a municipality may be partially or wholly offset by the collection of inspection fees. Under the bill, municipalities are required to impose a fee sufficient to cover the costs of the inspection, including the cost of hiring a lead evaluation contractor. The municipality may also impose a penalty, not to exceed \$1,000 per week, on property owners that have not sufficiently cured violations.

### *DCA Educational Program and Seminar*

The bill is expected to result in an indeterminate increase in State expenditures and revenues associated with the establishment of an educational program and training seminar by the DCA and the collection of seminar fees. Absent information from the DCA concerning the manner in which these requirements would be implemented, the OLS is unable to quantify the anticipated increase in State expenditures. However, the OLS notes that these cost increases are expected to be partially or wholly offset by the collection of seminar fees equal to a maximum fee of \$50 per seminar participant.

*Provision of Relocation Assistance*

The bill would result in increases in State expenditures and revenues associated with the provision of relocation assistance to certain tenants following the discovery of lead hazards in residential rental properties.

Under current law, when relocation assistance is authorized pursuant to the Lead Hazard Control Assistance Act, the DCA may seek reimbursement from the owner of the rental property from which a tenant is removed. Moreover, the DCA is required to seek reimbursement from the rental property owner if a tenant has been removed from the property due to the owner's failure to maintain a lead-safe condition. In this circumstance, all relocation costs are required to be repaid by the owner of the rental property. If these costs are not repaid within ten days of the due date, the law requires interest to accrue on the unpaid balance at a rate of 18 percent per annum until all costs are fully paid.

Assuming that the provision of any relocation assistance mandated under this bill would result from the determination that the rental property owner failed to maintain a lead-safe condition, the OLS anticipates that these costs would be at least partially reimbursed by the owners of affected rental properties. No award of financial relocation assistance may exceed \$150,000.

*Section: Local Government*

*Analyst: Benjamin A. Levy  
Assistant Fiscal Analyst*

*Approved: Thomas Koenig  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# ASSEMBLY, No. 1372

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblyman JAMEL C. HOLLEY**

**District 20 (Union)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Co-Sponsored by:**

**Assemblywomen Reynolds-Jackson, Speight and Assemblyman Chiaravalloti**

**SYNOPSIS**

Requires lead paint inspection prior to home purchases and tenant turnover; establishes educational program on lead hazards.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning lead paint inspections prior to home purchases  
2 and tenant turnover, establishing an educational program on lead  
3 hazards, supplementing P.L.2003, c.311 (C.52:27D-437.1 et al.),  
4 and amending various parts of the statutory law.

5

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

8

9 1. (New section) a. Every contract of sale of real property that  
10 has not been certified as lead-safe under subsection c. of this  
11 section shall include a provision requiring, as a condition of the  
12 sale, the seller to hire a lead evaluation contractor, certified to  
13 provide lead paint inspection services by the Department of  
14 Community Affairs, to inspect any dwelling located on the real  
15 property for lead-based paint hazards.

16 b. Closing of title on the sale of the real property shall not  
17 occur unless both the buyer and the seller have received and  
18 reviewed a copy of the inspection results. At closing, the buyer and  
19 seller both shall certify, in writing, that they have received and  
20 reviewed the inspection results.

21 c. If a lead evaluation contractor finds that no lead hazards  
22 exist in a dwelling upon conducting an inspection pursuant to this  
23 section, then the lead evaluation contractor shall certify the  
24 dwelling as lead-safe on a form prescribed by the Department of  
25 Community Affairs.

26 d. Notwithstanding this section or any other provisions of  
27 P.L. , c. (C. ) (pending before the Legislature as this bill)  
28 to the contrary, a dwelling shall not be subject to inspection and  
29 evaluation for the presence of lead-based paint hazards if the  
30 dwelling was constructed during or after 1978.

31

32 2. (New section) a. As used in this section:

33 "Dust wipe sampling" means a sample collected by wiping a  
34 representative surface and tested in accordance with a method  
35 approved by the United States Department of Housing and Urban  
36 Development.

37 "Self-inspection" means evaluation of a dwelling unit by the unit's  
38 owner, or the owner's designee, in accordance with evaluation and  
39 control methods approved by the Department of Community Affairs.

40 "Tenant turnover" means the time at which all existing occupants  
41 vacate a dwelling unit and all new tenants move into the dwelling unit.

42 "Visual assessment" means a visual examination for deteriorated  
43 paint or visible surface dust, debris, or residue.

44 b. (1) In a municipality that maintains a permanent local agency  
45 for the purpose of conducting inspections and enforcing laws,

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 ordinances, and regulations concerning buildings and structures within  
2 the municipality, the permanent local agency shall inspect every  
3 single-family, two-family, and multiple rental dwelling located within  
4 the municipality at tenant turnover for lead-based paint hazards. The  
5 municipality shall charge the dwelling owner or landlord a fee  
6 sufficient to cover the cost of the inspection.

7 (2) In a municipality that does not maintain a permanent local  
8 agency for the purpose of conducting inspections and enforcing laws,  
9 ordinances, and regulations concerning buildings and structures within  
10 the municipality, the municipality shall hire a lead evaluation  
11 contractor, certified to provide lead paint inspection services by the  
12 Department of Community Affairs, to inspect every single-family,  
13 two-family, and multiple rental dwelling located within the  
14 municipality at tenant turnover for lead-based paint hazards. The  
15 municipality shall charge the dwelling owner or landlord a fee  
16 sufficient to cover the cost of the inspection, including the cost of  
17 hiring the lead evaluation contractor.

18 (3) A permanent local agency or lead evaluation contractor with  
19 the duty to inspect single-family, two-family, and multiple rental  
20 dwellings pursuant to this section may consult with the local health  
21 board, the Department of Health, or the Department of Community  
22 Affairs concerning the criteria for the inspection and identification of  
23 areas and conditions involving a high risk of lead poisoning in  
24 dwellings, methods of detection of lead in dwellings, and standards for  
25 the repair of dwellings containing lead paint.

26 (4) Fees established pursuant to this subsection shall be dedicated  
27 to meeting the costs of implementing and enforcing this subsection and  
28 shall not be used for any other purpose.

29 c. Notwithstanding subsection b. of this section to the contrary, a  
30 dwelling unit in a single-family, two-family, or multiple rental  
31 dwelling shall not be subject to inspection and evaluation for the  
32 presence of lead hazards if the unit:

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

34 (2) was constructed during or after 1978;

35 (3) is a seasonal rental unit which is rented for less than six  
36 months' duration each year; or

37 (4) has been certified as lead-safe by a certified lead evaluation  
38 contractor or permanent local agency pursuant to this section, or for  
39 lead-based paint hazards during a cyclical inspection within the  
40 preceding year.

41 d. (1) If a lead evaluation contractor or permanent local agency  
42 finds that a lead hazard exists in a dwelling unit upon conducting an  
43 inspection pursuant to this section, then the owner of the dwelling unit  
44 shall remediate and dispose of the lead hazard by using abatement or  
45 lead hazard control methods, approved in accordance with the  
46 provisions of the "Lead Hazard Control Assistance Act," P.L.2003,  
47 c.311 (C.52:27D-437.1 et al.). The lead evaluation contractor or

1 permanent local agency shall notify the Commissioner of Community  
2 Affairs in accordance with subsection e. of this section.

3 (2) If a lead evaluation contractor or permanent local agency finds  
4 that no lead hazards exist in a dwelling unit upon conducting an  
5 inspection pursuant to this section, then the lead evaluation contractor  
6 or permanent local agency shall certify the dwelling unit as lead-safe  
7 on a form prescribed by the Department of Community Affairs.  
8 Property owners shall provide evidence of a lead-safe certification  
9 obtained pursuant to this section at the time of the cyclical inspection  
10 for lead-based paint hazards.

11 e. If a lead evaluation contractor or permanent local agency finds  
12 that a lead-based paint hazard exists in a dwelling unit upon  
13 conducting an inspection pursuant to this section, then the lead  
14 evaluation contractor or permanent local agency shall notify the  
15 Commissioner of Community Affairs, who shall review the findings in  
16 accordance with section 8 of the "Lead Hazard Control Assistance  
17 Act," P.L.2003, c.311 (C.52:27D-437.8). If the commissioner  
18 determines that the removal and relocation of a household is  
19 warranted, then the commissioner shall authorize the payment of  
20 relocation assistance pursuant to P.L.2003, c.311 (C.52:27D-437.1 et  
21 al.), and shall assist in the relocation of the household to lead-safe  
22 housing. The commissioner may authorize the payment of relocation  
23 assistance pursuant to P.L.2003, c.311 (C.52:27D-437.1 et al.) to a  
24 household that has reached an agreement with a property owner to be  
25 the legal inhabitant of a dwelling unit, but has not begun residing in  
26 the dwelling unit because an inspection revealed a lead hazard.

27 f. (1) If a dwelling is located in a municipality in which less than  
28 three percent of children tested, six years of age or younger, have a  
29 blood lead level greater than or equal to five ug/dL, according to the  
30 central lead screening database maintained by the Department of  
31 Health pursuant to section 5 of P.L.1995, c.328 (C.26:2-137.6), then a  
32 lead evaluation contractor or permanent local agency may inspect for  
33 lead-based paint hazards through visual assessment.

34 (2) If a dwelling is located in a municipality in which at least three  
35 percent of children tested, six years of age or younger, have a blood  
36 lead level greater than or equal to five ug/dL, according to the central  
37 lead screening database maintained by the Department of Health  
38 pursuant to section 5 of P.L.1995, c.328 (C.26:2-137.6), then a lead  
39 evaluation contractor or permanent local agency shall inspect for lead-  
40 based paint hazards through dust wipe sampling.

41 g. Notwithstanding any provision of this section, the "Lead  
42 Hazard Control Assistance Act," P.L.2003, c.311 (C.52:27D-437.1 et  
43 al.), or the "Hotel and Multiple Dwelling Law," P.L.1967,  
44 c.76 (C.55:13A-1 et seq.), to the contrary, rental property owners or  
45 designated persons may conduct self-inspections of single-family, two-  
46 family, and multiple dwellings at tenant turnover if:

1 (1) The property owner or designated person completed the lead  
2 hazard seminar established pursuant to section 3 of P.L. ,  
3 c. (C. ) (pending before the Legislature as this bill); and

4 (2) The single-family, two-family, or multiple dwelling has been  
5 certified as lead-safe by a certified lead evaluation contractor or  
6 permanent local agency pursuant to this section, or during a cyclical  
7 inspection for lead-based paint hazards within the preceding five years.

8 h. A landlord conducting self-inspections pursuant to subsection  
9 g. of this section shall notify all effected tenants and shall certify, in  
10 writing, that the landlord or a designee performed a self-inspection and  
11 no lead hazards were detected. Failure to conduct self-inspections in  
12 good faith shall constitute an unlawful practice under the New Jersey  
13 consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.).

14 i. In addition to the fees permitted to be charged for inspection of  
15 rental housing pursuant to this section, each municipality shall assess  
16 an additional fee of \$20 per unit inspected by a certified lead  
17 evaluation contractor or permanent local agency for the purposes of  
18 the "Lead Hazard Control Assistance Act," P.L.2003,  
19 c.311 (C.52:27D-437.1 et al.) concerning lead hazard control work. In  
20 a common interest community, any inspection fee charged pursuant to  
21 this subsection shall be the responsibility of the unit owner and not the  
22 homeowners' association, unless the association is the owner of the  
23 unit. The fees collected pursuant to this subsection shall be deposited  
24 into the "Lead Hazard Control Assistance Fund" established pursuant  
25 to section 4 of P.L.2003, c.311 (C.52:27D-437.4).

26  
27 3. (New section) a. The Department of Community Affairs, in  
28 consultation with the Department of Health, shall establish a  
29 Statewide, multifaceted, ongoing educational program designed to  
30 meet the needs of tenants, property owners, realtors and real estate  
31 agents, insurers and insurance agents, and local building officials  
32 about the nature of lead hazards, the importance of lead hazard  
33 control and mitigation, and the responsibilities set forth in P.L. ,  
34 c. (C. ) (pending before the Legislature as this bill). In  
35 developing and coordinating this educational program, the  
36 department shall seek the participation and involvement of private  
37 industry organizations, including those involved in real estate,  
38 insurance, mortgage banking, and pediatrics.

39 b. Within 90 days of the effective date of P.L. ,  
40 c. (C. ) (pending before the Legislature as this bill), the  
41 department shall:

42 (1) Create educational materials outlining the rights and  
43 responsibilities of parties subject to the provisions of P.L. ,  
44 c. (C. ) (pending before the Legislature as this bill).

45 (2) Establish guidelines and a trainer's manual for a lead hazard  
46 seminar for rental property owners or designated persons, which the  
47 department shall forward to all public and private colleges and  
48 universities in New Jersey, to other professional training facilities,

1 and to professional associations and community organizations with  
2 a training capacity. The department shall approve proposals to  
3 offer the seminar from institutions; provided that the proposals are  
4 consistent with the guidelines. The department shall create an  
5 electronic version of the lead hazard seminar accessible on the  
6 Internet. The seminar shall be available to tenants, property  
7 owners, and other interested parties.

8 (3) Promulgate rules for the dissemination of information about  
9 the requirements of P.L. , c. (C. ) (pending before the  
10 Legislature as this bill) to all prospective owners of pre-1978  
11 dwellings during the real estate transaction, settlement, or closing;

12 (4) Solicit requests to enter into ongoing, funded partnerships to  
13 provide specific counseling information services to tenants and  
14 affected parties on their rights and responsibilities with regard to  
15 lead hazards and lead poisoning.

16 c. The lead hazard seminar established pursuant to this section  
17 shall not exceed three hours in length. The department shall offer  
18 the seminar for a maximum fee of \$50 per participant.

19

20 4. Section 5 of P.L.1995, c.328 (C.26:2-137.6) is amended to  
21 read as follows:

22 5. a. The department shall maintain a central **【data base】**  
23 database which shall include a record of all lead screening  
24 conducted pursuant to this act. The **【data base】** database shall  
25 include the name, age and address of the child screened and any  
26 other demographic data the department deems necessary. The **【data**  
27 **base】** database shall be geographically indexed, by municipality, in  
28 order to determine the location of areas of relatively high incidence  
29 of lead poisoning.

30 b. The information reported to and compiled by the department  
31 pursuant to this act is to be used only by the department and such  
32 other agencies as may be designated by the commissioner and shall  
33 not otherwise be divulged or made public so as to disclose the  
34 identity of any child to whom it relates without written parental  
35 consent; and to that end, the information shall not be included under  
36 materials available to public inspection pursuant to P.L.1963,  
37 c.73 (C.47:1A-1 et seq.). The department may, however, make such  
38 statistical reports available using information compiled from the  
39 **【data base】** database if the name or other identifying information of  
40 the child screened is not revealed.

41 (cf: P.L.1995, c.328, s.5)

42

43 5. Section 2 of P.L.2007, c.251 (C.46:8-28.5) is amended to  
44 read as follows:

45 2. a. Except as otherwise provided in subsection b. of this  
46 section, every owner of a tenant-occupied single-family or two-  
47 family residential property, including, without limitation, a two-

1 family property in which one unit is owner-occupied, shall file a  
2 certificate of registration on forms prescribed by the Commissioner  
3 of Community Affairs, in accordance with section 2 of P.L.1974,  
4 c.50 (C.46:8-28), with the Bureau of Housing Inspection in the  
5 Department of Community Affairs. Any such filing shall be  
6 accompanied by a filing fee not exceeding the filing for hotels and  
7 multiple dwellings established by section 12 of P.L.1967,  
8 c.76 (C.55:13A-12).

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

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

12 (2) was constructed during or after 1978; or

13 (3) **[is a seasonal rental unit which is rented for less than six**  
14 **months' duration each year; or]** (Deleted by amendment, P.L. ,  
15 c. ) (pending before the Legislature as this bill)

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

18 c. Any owner who fails to comply with an order of the  
19 commissioner to register any property subject to this section shall  
20 be liable for a penalty of \$200 for each registration ordered by the  
21 commissioner. The commissioner may issue a certificate to the  
22 clerk of the Superior Court that an owner is indebted to the  
23 department for the payment of such penalty and thereupon the clerk  
24 shall enter upon the record of docketed judgments the name of the  
25 owner, and of the State, a designation of the statute under which the  
26 penalty is imposed, the amount of the penalty so certified, and the  
27 date of such certification. The making of the entry shall have the  
28 same force and effect as the entry of a docketed judgment in the  
29 office of such clerk.

30 (cf: P.L.2007, c.251, s.2)

31

32 6. Section 12 of P.L.2003, c.311 (C.52:27D-437.12) is  
33 amended to read as follows:

34 12. a. Notwithstanding any other provisions of this act, a  
35 dwelling unit shall not be subject to inspection and evaluation or  
36 subject to any fees for the presence of lead-based paint hazards if  
37 the unit:

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

39 (2) was constructed during or after 1978;

40 (3) **[is a seasonal rental unit which is rented for less than six**  
41 **months' duration each year;]** (Deleted by amendment, P.L. , c. )  
42 (pending before the Legislature as this bill)

43 (4) has been certified as having a lead-free interior by a certified  
44 inspector; or

45 (5) is occupied by the owner of the dwelling unit.

46 b. In a common interest community, any inspection fee charged  
47 shall be the responsibility of the unit owner and not the

1 homeowners' association unless the association is the owner of the  
2 unit.

3 (cf: P.L.2003, c.311, s.12)

4

5 7. Section 1 of P.L.2007, c.251 (C.55:13A-12.2) is amended to  
6 read as follows:

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

16 b. Notwithstanding any other provisions of P.L.2007,  
17 c.251 (C.55:13A-12.2 et al.) to the contrary, a dwelling unit in a  
18 single-family or two-family dwelling shall not be subject to  
19 inspection and evaluation for the presence of lead-based paint  
20 hazards, or for the fees for such inspection or evaluation, if the unit:

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

22 (2) was constructed during or after 1978; or

23 (3) **[is a seasonal rental unit which is rented for less than six**  
24 **months' duration each year; or]** (Deleted by amendment, P.L. ,  
25 c. ) (pending before the Legislature as this bill)

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

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

34 (cf: P.L.2007, c.251, s.1)

35

36 8. This act shall take effect immediately.

37

38

39

#### STATEMENT

40

41 This bill would require every contract of sale of real property to  
42 include a provision requiring, as a condition of the sale, a lead  
43 evaluation contractor, certified to provide lead paint inspection  
44 services by the Department of Community Affairs (DCA), to inspect  
45 any dwelling located on the real property for lead-based paint hazards.  
46 If a lead evaluation contractor finds that no lead hazards exist in  
47 dwellings located on the property, then the lead evaluation contractor

1 would certify the property as lead-safe on a form prescribed by the  
2 DCA.

3 Additionally, this bill would require municipalities to inspect every  
4 single-family, two-family, and multiple rental dwelling located within  
5 the municipality for lead-based paint hazards at tenant turnover.  
6 Municipalities would charge a fee for the inspection at a rate  
7 proportional to the current "Hotel and Multiple Dwelling Law" fee  
8 schedule. Moreover, the bill requires municipalities to impose an  
9 additional fee of \$20 per unit inspected by a certified lead evaluation  
10 contractor or permanent local agency for deposit into the "Lead  
11 Hazard Control Assistance Fund."

12 In a municipality that maintains a permanent local agency for the  
13 purpose of conducting inspections and enforcing laws, ordinances, and  
14 regulations concerning buildings and structures within the  
15 municipality, the permanent local agency would inspect single-family,  
16 two-family, and multiple rental dwellings located within the  
17 municipality for lead-based paint hazards. If the municipality does not  
18 maintain a permanent local agency that conducts inspections and  
19 enforces laws, ordinances, and regulations concerning buildings and  
20 structures within the municipality, then the municipality would hire a  
21 lead evaluation contractor, certified to provide lead paint inspection  
22 services by the DCA, to inspect single-family, two-family, and  
23 multiple rental dwellings located within the municipality for lead-  
24 based paint hazards. A permanent local agency or lead evaluation  
25 contractor with the duty to inspect single-family, two-family, and  
26 multiple rental dwellings may consult the local health board, the  
27 Department of Health, or the DCA concerning the criteria for the  
28 inspection and identification of areas and conditions involving a high  
29 risk of lead poisoning in dwellings, methods of detection of lead in  
30 dwellings, and standards for the repair of dwellings containing lead  
31 paint.

32 Dwelling units that pass visual tests for intact paint frequently  
33 contain invisible lead dust hazards detectable through dust wipe  
34 sampling. Thus, in municipalities that have a higher concentration of  
35 children with elevated blood lead levels, the bill requires a lead  
36 evaluation contractor or permanent local agency to inspect for lead-  
37 based paint hazards through dust wipe sampling. In municipalities  
38 with a lower concentration of children with elevated blood lead levels,  
39 the bill allows a lead evaluation contractor or permanent local agency  
40 to inspect for lead-based paint hazards through visual assessment.

41 Rental properties that have been certified to be free of lead-based  
42 paint or lead-safe, properties that were constructed during or after  
43 1978, and seasonal rental units would be exempt from the inspection  
44 and registration requirements. However, the bill eliminates the  
45 exemption for seasonal rentals from the cyclical inspections required  
46 under the "Hotel and Multiple Dwelling Act."

47 Lastly, the bill requires the DCA, in consultation with the  
48 Department of Health, to establish a Statewide, multifaceted, ongoing

**A1372 HOLLEY, WIMBERLY**

10

1 educational program designed to meet the needs of tenants, property  
2 owners, realtors and real estate agents, insurers and insurance agents,  
3 and local building officials about the nature of lead hazards, the  
4 importance of lead hazard control and mitigation, and the  
5 responsibilities set forth in this bill. The bill requires the DCA to  
6 establish guidelines and a trainer's manual for a lead hazard seminar  
7 for rental property owners. The lead hazard seminar established under  
8 this bill would not exceed three hours in length and would be offered  
9 for a maximum fee of \$50 per participant. Property owners who  
10 complete the lead hazard seminar may be eligible to self-inspect their  
11 properties under this bill. In order to self-inspect, the Department of  
12 Community Affairs, a permanent local agency, or a certified lead  
13 evaluation contractor would have had to certify the dwelling as lead-  
14 safe within the preceding five years.

# ASSEMBLY HOUSING COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 1372

# STATE OF NEW JERSEY

DATED: JUNE 22, 2021

The Assembly Housing Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 1372.

This Assembly committee substitute would require lead-based paint inspections to be conducted on certain residential rental properties at tenant turnover and certain other times. The bill would also appropriate \$3.9 million from the general fund to the Department of Community Affairs (“DCA”) for the purposes of the bill.

In addition to the cost of an inspection, the bill requires municipalities to impose an additional fee of \$20 per unit inspected by a certified lead evaluation contractor or permanent local agency for deposit into the “Lead Hazard Control Assistance Fund,” unless the dwelling has already been charged a \$20 fee for deposit into the “Lead Hazard Control Assistance Fund” by DCA for lead hazard inspections conducted by the DCA.

Following the effective date of the bill, a municipality that maintains a permanent local agency for the purpose of conducting inspections and enforcing laws, ordinances, and regulations concerning buildings and structures within the municipality, would be required, through the agency, to inspect single-family, two-family, and multiple rental dwellings for lead-based paint hazards either within two years, or upon tenant turnover, whichever is earlier. Thereafter, all such units would be inspected, with certain exceptions, by the earlier of every three years or upon tenant turnover. Municipalities that do not maintain a permanent local agency, for the purposes described, would be required to hire a lead evaluation contractor, certified to provide lead paint inspection services by the DCA, to inspect the same types of rental dwellings, under the same time requirements. The municipality would charge the dwelling owner a fee sufficient to cover the cost of the inspection, including the cost of hiring the contractor. The bill would also require municipalities to allow an owner to directly hire a lead evaluation contractor as long as the lead evaluation contractor is certified by DCA to provide lead paint inspection services.

Inspectors may consult local health boards, the Department of Health, or the DCA concerning the criteria for the inspection and identification of areas and conditions involving a high risk of lead poisoning in dwellings, methods of detection of lead in dwellings, and standards for the repair of dwellings containing lead paint.

In municipalities that have a high concentration of children with elevated blood lead levels, the bill requires a lead evaluation contractor or permanent local agency to inspect for lead-based paint hazards through dust wipe sampling. In municipalities with a low concentration of children with elevated blood lead levels, the bill allows a lead evaluation contractor or permanent local agency to inspect for lead-based paint hazards through visual assessment. A lead-safe designation for a dwelling unit that passes the lead inspection would be valid for two years.

Properties that have been certified to be free of lead-based paint or have received a lead-safe certification and properties that were constructed during or after 1978 would be exempt from the inspection and registration requirements. Multiple dwelling units registered with DCA for at least 10 years with no outstanding lead violations from the most recent cyclical inspection would also be exempt. Finally, single- and two-family seasonal rental dwellings rented for less than six months' durations by tenants without consecutive lease renewals would also be exempt.

If, upon conducting an inspection, a lead-based paint hazard exists in a dwelling unit, the owner would be required to remediate through methods compliant with the "Lead Hazard Control Assistance Act."

Upon the filing of a complaint with DCA, or on the commissioner's own accord, the DCA would be authorized to conduct investigations and issue penalties against a municipality for a failure to comply with its inspection and remediation responsibilities as established by the bill. Additionally, a municipality or its permanent local agency would be authorized to conduct investigations and issue penalties to enforce a property owner's failure to comply with paragraph its inspection and remediation responsibilities as established by the bill. If the municipality or permanent local agency determines that a property owner has failed to comply with a provision of the bill, the property owner would first be given 30 days to cure any violation by conducting the required inspection or initiate any required remediation efforts. If the property owner has not cured the violation after 30 days, the property owner would 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.

The bill also requires DCA, in consultation with the Department of Health, to establish a Statewide, multifaceted, ongoing educational program designed to meet the needs of tenants, property owners, realtors and real estate agents, insurers and insurance agents, and local building officials about the nature of lead hazards, the importance of

lead hazard control and mitigation, and the responsibilities set forth in this bill. The bill requires the DCA to establish guidelines and a trainer's manual for a lead hazard seminar for rental property owners. The lead hazard seminar established under this bill is not to exceed three hours in length and be offered for a maximum fee of \$50 per participant.

The bill additionally prohibits DCA from requesting or requiring a property owner to disclose the social security number of any person renting the property or otherwise associated with the inspected property, other than the actual owner, in association with an application for lead remediation funding provided pursuant to the "Lead Hazard Control Assistance Fund" or any other program administered by DCA for lead remediation.

The bill directs DCA to adopt regulations and regulatory guidance documents as determined necessary for the administration of the bill. The bill also directs DCA to ensure that municipal officials are informed of their responsibilities under the bill.

The bill would take effect one year following enactment.

# ASSEMBLY BUDGET COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 1372

# STATE OF NEW JERSEY

DATED: JUNE 22, 2021

The Assembly Budget Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 1372.

This Assembly committee substitute would require lead-based paint inspections to be conducted on certain residential rental properties at tenant turnover and certain other times. The bill would also appropriate \$3.9 million from the general fund to the Department of Community Affairs (“DCA”) for the purposes of the bill.

In addition to the cost of an inspection, the bill requires municipalities to impose an additional fee of \$20 per unit inspected by a certified lead evaluation contractor or permanent local agency for deposit into the “Lead Hazard Control Assistance Fund,” unless the dwelling has already been charged a \$20 fee for deposit into the “Lead Hazard Control Assistance Fund” by DCA for lead hazard inspections conducted by the DCA.

Following the effective date of the bill, a municipality that maintains a permanent local agency for the purpose of conducting inspections and enforcing laws, ordinances, and regulations concerning buildings and structures within the municipality, would be required, through the agency, to inspect single-family, two-family, and multiple rental dwellings for lead-based paint hazards either within two years, or upon tenant turnover, whichever is earlier. Thereafter, all such units would be inspected, with certain exceptions, by the earlier of every three years or upon tenant turnover. Municipalities that do not maintain a permanent local agency, for the purposes described, would be required to hire a lead evaluation contractor, certified to provide lead paint inspection services by the DCA, to inspect the same types of rental dwellings, under the same time requirements. The municipality would charge the dwelling owner a fee sufficient to cover the cost of the inspection, including the cost of hiring the contractor. The bill would also require municipalities to allow an owner to directly hire a lead evaluation contractor as long as the lead evaluation contractor is certified by DCA to provide lead paint inspection services.

Inspectors may consult local health boards, the Department of Health, or the DCA concerning the criteria for the inspection and identification of areas and conditions involving a high risk of lead

poisoning in dwellings, methods of detection of lead in dwellings, and standards for the repair of dwellings containing lead paint.

In municipalities that have a high concentration of children with elevated blood lead levels, the bill requires a lead evaluation contractor or permanent local agency to inspect for lead-based paint hazards through dust wipe sampling. In municipalities with a low concentration of children with elevated blood lead levels, the bill allows a lead evaluation contractor or permanent local agency to inspect for lead-based paint hazards through visual assessment. A lead-safe designation for a dwelling unit that passes the lead inspection would be valid for two years.

Properties that have been certified to be free of lead-based paint or have received a lead-safe certification and properties that were constructed during or after 1978 would be exempt from the inspection and registration requirements. Multiple dwelling units registered with DCA for at least 10 years with no outstanding lead violations from the most recent cyclical inspection would also be exempt. Finally, single- and two-family seasonal rental dwellings rented for less than six months' durations by tenants without consecutive lease renewals would also be exempt.

If, upon conducting an inspection, a lead-based paint hazard exists in a dwelling unit, the owner would be required to remediate through methods compliant with the "Lead Hazard Control Assistance Act."

Upon the filing of a complaint with DCA, or on the commissioner's own accord, the DCA would be authorized to conduct investigations and issue penalties against a municipality for a failure to comply with its inspection and remediation responsibilities as established by the bill. Additionally, a municipality or its permanent local agency would be authorized to conduct investigations and issue penalties to enforce a property owner's failure to comply with paragraph its inspection and remediation responsibilities as established by the bill. If the municipality or permanent local agency determines that a property owner has failed to comply with a provision of the bill, the property owner would first be given 30 days to cure any violation by conducting the required inspection or initiate any required remediation efforts. If the property owner has not cured the violation after 30 days, the property owner would 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.

The bill also requires DCA, in consultation with the Department of Health, to establish a Statewide, multifaceted, ongoing educational program designed to meet the needs of tenants, property owners, realtors and real estate agents, insurers and insurance agents, and local building officials about the nature of lead hazards, the importance of lead hazard control and mitigation, and the responsibilities set forth in this bill. The bill requires the DCA to establish guidelines and a trainer's manual for a lead hazard seminar for rental property owners.

The lead hazard seminar established under this bill is not to exceed three hours in length and be offered for a maximum fee of \$50 per participant.

The bill additionally prohibits DCA from requesting or requiring a property owner to disclose the social security number of any person renting the property or otherwise associated with the inspected property, other than the actual owner, in association with an application for lead remediation funding provided pursuant to the "Lead Hazard Control Assistance Fund" or any other program administered by DCA for lead remediation.

The bill directs DCA to adopt regulations and regulatory guidance documents as determined necessary for the administration of the bill. The bill also directs DCA to ensure that municipal officials are informed of their responsibilities under the bill.

The bill would take effect one year following enactment.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill would result in increases in municipal expenditures and revenues due to the inspection of residential rental properties, including seasonal rental units in some circumstances, for lead-based paint hazards and the collection of inspection and violation fees. Municipalities would be able to collect up to \$1,000 per week in penalties from non-compliant property owners.

The bill is expected to increase the expenditures and revenues of the Department of Community Affairs (DCA) associated with the establishment of an educational program and training seminar, in consultation with the Department of Health, concerning lead-based paint hazards and administrative requirements and the collection of seminar fees. The bill permits the DCA to charge a maximum fee of \$50 per seminar participant.

The bill is also expected to increase State revenues associated with the deposit of fee receipts into the Lead Hazard Control Assistance Fund. Under the bill, each municipality is required to assess an additional fee of \$20 per unit inspected for deposit into this State fund unless the dwelling has already been charged a comparable fee by the DCA.

The OLS also expects the bill to increase in State expenditures and revenues associated with the provision of relocation assistance to certain tenants after the discovery of lead hazards in residential rental properties. As set forth in current law, the OLS assumes that affected property owners would be required to reimburse the State for these costs.

The bill also appropriates \$3.9 million from the General Fund to the DCA for the purposes of the bill.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY COMMITTEE SUBSTITUTE FOR**  
**ASSEMBLY, No. 1372**  
**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

DATED: JUNE 29, 2021

**SUMMARY**

- Synopsis:** Requires lead paint inspection on certain residential rental property, including upon tenant turnover; establishes lead-based paint hazard education program; appropriates \$3,900,000.
- Type of Impact:** Annual State expenditure and revenue increases.  
Annual municipal expenditure and revenue increases.
- Agencies Affected:** Department of Community Affairs, Department of Health, and municipalities.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost Increase</b>		Indeterminate	
<b>State Revenue Increase</b>		Indeterminate	
<b>Municipal Cost Increase</b>		Indeterminate	
<b>Municipal Revenue Increase</b>		Indeterminate	

- The Office of Legislative Services (OLS) estimates that the bill would result in increases in municipal expenditures and revenues due to the inspection of residential rental properties for lead-based paint hazards and the collection of inspection and violation fees. Municipalities would be able to collect up to \$1,000 per week in penalties from non-compliant property owners.
- The bill is expected to increase the expenditures and revenues of the Department of Community Affairs (DCA) associated with the establishment of an educational program and training seminar, in consultation with the Department of Health, concerning lead-based paint hazards and administrative requirements and the collection of seminar fees. The bill permits the DCA to charge a maximum fee of \$50 per seminar participant.
- The bill is also expected to increase State revenues associated with the deposit of fee receipts into the Lead Hazard Control Assistance Fund. Under the bill, each municipality is required

to assess an additional fee of \$20 per unit inspected for deposit into this State fund unless the dwelling has already been charged a comparable fee by the DCA.

- The OLS also expects the bill to increase in State expenditures and revenues associated with the provision of relocation assistance to certain tenants after the discovery of lead hazards in residential rental properties. As set forth in current law, the OLS assumes that affected property owners would be required to reimburse the State for these costs.
- The bill also appropriates \$3.9 million from the General Fund to the DCA for the purposes of the bill.

## **BILL DESCRIPTION**

The bill would require lead-based paint inspections to be conducted on certain residential rental properties at tenant turnover and certain other times. The bill would also appropriate \$3.9 million from the State General Fund to the Department of Community Affairs (“DCA”) for the purposes of the bill.

In addition to the cost of an inspection, the bill requires municipalities to impose an additional fee of \$20 per unit inspected by a certified lead evaluation contractor or permanent local agency for deposit into the “Lead Hazard Control Assistance Fund,” unless the dwelling has already been charged a \$20 fee for deposit into the “Lead Hazard Control Assistance Fund” by DCA for lead hazard inspections conducted by the DCA.

Following the effective date of the bill, a municipality that maintains a permanent local agency for the purpose of conducting inspections and enforcing laws, ordinances, and regulations concerning buildings and structures within the municipality, would be required, through the agency, to inspect single-family, two-family, and multiple rental dwellings for lead-based paint hazards either within two years, or upon tenant turnover, whichever is earlier. Thereafter, all such units would be inspected, with certain exceptions, by the earlier of every three years or upon tenant turnover. Municipalities that do not maintain a permanent local agency, for the purposes described, would be required to hire a lead evaluation contractor, certified to provide lead paint inspection services by the DCA, to inspect the same types of rental dwellings, under the same time requirements. The municipality would charge the dwelling owner a fee sufficient to cover the cost of the inspection, including the cost of hiring the contractor. The bill would also require municipalities to allow an owner to directly hire a lead evaluation contractor as long as the lead evaluation contractor is certified by DCA to provide lead paint inspection services.

Inspectors may consult local health boards, the Department of Health (DOH), or the DCA concerning the criteria for the inspection and identification of areas and conditions involving a high risk of lead poisoning in dwellings, methods of detection of lead in dwellings, and standards for the repair of dwellings containing lead paint.

In municipalities that have a high concentration of children with elevated blood lead levels, the bill requires a lead evaluation contractor or permanent local agency to inspect for lead-based paint hazards through dust wipe sampling. In municipalities with a low concentration of children with elevated blood lead levels, the bill allows a lead evaluation contractor or permanent local agency to inspect for lead-based paint hazards through visual assessment. A lead-safe designation for a dwelling unit that passes the lead inspection would be valid for two years.

Properties that have been certified to be free of lead-based paint or have received a lead-safe certification and properties that were constructed during or after 1978 would be exempt from the inspection and registration requirements. Multiple dwelling units registered with DCA for at least 10 years with no outstanding lead violations from the most recent cyclical inspection would also be exempt. Finally, single- and two-family seasonal rental dwellings rented for less than six months' durations by tenants without consecutive lease renewals would also be exempt.

If, upon conducting an inspection, a lead-based paint hazard exists in a dwelling unit, the owner would be required to remediate through methods compliant with the "Lead Hazard Control Assistance Act."

Upon the filing of a complaint with the DCA, or on the commissioner's own accord, the DCA would be authorized to conduct investigations and issue penalties against a municipality for a failure to comply with its inspection and remediation responsibilities as established by the bill. Additionally, a municipality or its permanent local agency would be authorized to conduct investigations and issue penalties to enforce a property owner's failure to comply with paragraph its inspection and remediation responsibilities as established by the bill. If the municipality or permanent local agency determines that a property owner has failed to comply with a provision of the bill, the property owner would first be given 30 days to cure any violation by conducting the required inspection or initiate any required remediation efforts. If the property owner has not cured the violation after 30 days, the property owner would 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.

The bill also requires the DCA, in consultation with the DOH, to establish a Statewide, multifaceted, ongoing educational program designed to meet the needs of tenants, property owners, realtors and real estate agents, insurers and insurance agents, and local building officials about the nature of lead hazards, the importance of lead hazard control and mitigation, and the responsibilities set forth in this bill. The bill requires the DCA to establish guidelines and a trainer's manual for a lead hazard seminar for rental property owners. The lead hazard seminar established under this bill is not to exceed three hours in length and be offered for a maximum fee of \$50 per participant.

The bill additionally prohibits the DCA from requesting or requiring a property owner to disclose the social security number of any person renting the property or otherwise associated with the inspected property, other than the actual owner, in association with an application for lead remediation funding provided pursuant to the "Lead Hazard Control Assistance Fund" or any other program administered by the DCA for lead remediation.

The bill directs the DCA to adopt regulations and regulatory guidance documents as determined necessary for the administration of the bill. The bill also directs DCA to ensure that municipal officials are informed of their responsibilities under the bill.

The bill would take effect one year following enactment.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that the bill would result in increases in municipal expenditures and revenues due to the inspection of residential rental properties for lead-based paint hazards and the collection of inspection and violation fees. Municipalities would be able to collect up to \$1,000 per week in penalties from non-compliant property owners.

- The bill is expected to increase the expenditures and revenues of the DCA associated with the establishment of an educational program and training seminar, in consultation with the DOH, concerning lead-based paint hazards and administrative requirements and the collection of seminar fees. The bill permits the DCA to charge a maximum fee of \$50 per seminar participant.
- The bill is also expected to increase State revenues associated with the deposit of fee receipts into the Lead Hazard Control Assistance Fund. Under the bill, each municipality is required to assess an additional fee of \$20 per unit inspected for deposit into this State fund unless the dwelling has already been charged a comparable fee by the DCA.
- The OLS also expects the bill to increase in State expenditures and revenues associated with the provision of relocation assistance to certain tenants after the discovery of lead hazards in residential rental properties. As set forth in current law, the OLS assumes that affected property owners would be required to reimburse the State for these costs.
- The bill also appropriates \$3.9 million from the General Fund to the DCA for the purposes of the bill.

#### *Municipal Lead Inspections*

Under the bill, municipalities are responsible for inspecting certain residential rental properties for lead-based paint hazards upon tenant turnover. Consequently, the bill is expected to increase municipal expenditures associated with the inspection of these rental properties. The OLS notes municipalities with a greater number of residential rental properties are expected to incur larger cost increases compared to those with fewer rental properties. The lead-safe certification provided to the property owner by the lead evaluation contractor or permanent local agency would be valid for two years.

However, these inspection costs are expected to vary significantly by municipality depending on the entity that conducts the inspection, the type of inspection that is conducted, and the number of rental units that undergo municipal inspection. As such, the OLS is unable to quantify the total costs that will be incurred by municipalities as a result of the bill. The OLS notes that the bill permits the dwelling owner or landlord to directly hire a certified lead evaluation contractor or conduct self-inspections of a rental property, provided that the person completes the seminar established by the DCA. Also, the OLS expects municipalities that are permitted to conduct visual assessments to experience reduced inspection costs compared to those that use dust wipe sampling.

The OLS notes that any inspection costs that are incurred by a municipality may be partially or wholly offset by the collection of inspection fees. Under the bill, municipalities are required to impose a fee sufficient to cover the costs of the inspection, including the cost of hiring a lead evaluation contractor. The municipality may also impose a penalty, not to exceed \$1,000 per week, on property owners that have not sufficiently cured violations.

#### *DCA Educational Program and Seminar*

The bill is expected to result in an indeterminate increase in State expenditures and revenues associated with the establishment of an educational program and training seminar by the DCA and the collection of seminar fees. Absent information from the DCA concerning the manner in which these requirements would be implemented, the OLS is unable to quantify the anticipated increase in State expenditures. However, the OLS notes that these cost increases are expected to be partially

or wholly offset by the collection of seminar fees equal to a maximum fee of \$50 per seminar participant.

*Provision of Relocation Assistance*

The bill would result in increases in State expenditures and revenues associated with the provision of relocation assistance to certain tenants following the discovery of lead hazards in residential rental properties.

Under current law, when relocation assistance is authorized pursuant to the Lead Hazard Control Assistance Act, the DCA may seek reimbursement from the owner of the rental property from which a tenant is removed. Moreover, the DCA is required to seek reimbursement from the rental property owner if a tenant has been removed from the property due to the owner's failure to maintain a lead-safe condition. In this circumstance, all relocation costs are required to be repaid by the owner of the rental property. If these costs are not repaid within ten days of the due date, the law requires interest to accrue on the unpaid balance at a rate of 18 percent per annum until all costs are fully paid.

Assuming that the provision of any relocation assistance mandated under this bill would result from the determination that the rental property owner failed to maintain a lead-safe condition, the OLS anticipates that these costs would be at least partially reimbursed by the owners of affected rental properties. No award of financial relocation assistance may exceed \$150,000.

*Section: Local Government*  
*Analyst: Benjamin A. Levy*  
*Assistant Fiscal Analyst*  
*Approved: Thomas Koenig*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# Governor Murphy Signs Package of Bills Advancing New Jersey as National Leader in Lead Poisoning Prevention

07/22/2021

## ***Legislation Will Require Regular Inspections for Lead Paint Hazards in Residential Rental Properties and Replacement of Lead Service Lines***

**BLOOMFIELD** – Governor Phil Murphy today reaffirmed his commitment to address lead exposure in New Jersey and its harmful effects on public health and child development by signing a package of bills aimed protecting New Jersey’s families from lead poisoning. The legislation, which will require regular inspections for, and the remediation of, lead-based paint hazards in residential rental properties and require the inventory, replacement, and financing of lead service lines throughout the state within the next 10 years, will advance New Jersey as a national leader in lead poisoning prevention. In October 2019, Governor Murphy unveiled a [comprehensive statewide plan](#) to address lead exposure in New Jersey, in which exposure to lead-based paint and lead in drinking water were two key elements of the strategy.

“In October of 2019, I put forth a multifaceted statewide plan to protect New Jersey’s children and families from the dangers of lead, and today, we are taking a significant step forward in our strategy to reduce lead exposure in our homes,” **said Governor Murphy**. “Modernizing our aging water infrastructure with new lead services lines is critical in ensuring safe drinking water flows through our communities. In addition to replacing service lines, we must also go further to protect those in older homes and apartments where door jambs and window sashes may be coated in decades of layers of lead-based paints, creating fine particulates that are unknowingly inhaled and ingested. Today, we are taking the most aggressive action in the nation to reduce lead-based paint exposure in our homes and communities, which is a critical victory for public health and environmental justice, and advances New Jersey as a national leader in lead poisoning prevention.”

“Lead prevention is a priority in New Jersey and Governor Murphy and I are committed to reducing the threat of lead poisoning in water systems and in the state’s older housing stock where lead-based paint is frequently found,” **said Lt. Governor Sheila Oliver, who serves as Commissioner of the New Jersey Department of Community Affairs**. “No child or adult should have to live with the detrimental and lasting health effects of lead poisoning. That is why DCA stands ready to develop an educational campaign about the hazards of lead and why controlling these hazards is so important. We are also dedicated to working with local governments to ensure improvements are made to water infrastructure and lead-safe inspections are conducted in all rental dwellings.”

The Governor signed the following three bills into law:

**S1147/A1372 (Ruiz, Cruz-Perez/Holley, Wimberly, Benson, Mukherji)** - Requires lead paint inspection on certain residential rental property, including upon tenant turnover; establishes lead-based paint hazard education program; appropriates \$3,900,000.

**A5343/SS3398 (Schaer, McKnight, Spearman, Karabinchak/Singleton, Gopal, Greenstein)** - Requires public community water systems to inventory and replace lead service lines within 10 years; provides for recoupment of costs by investorowned public water systems.

**A5407/S3459 (Schaer, Karabinchak, Verrelli/Singleton, Lagana)** - Removes restrictions on special assessments and bond issuances for replacement of residential lead service lines; revises budgetary

requirements for operators of certain water systems.

“With today’s signing New Jersey has become the fourth state in the nation to enact legislation targeted at ensuring our residential properties are free of lead-based paint, protecting our children against exposure,” **said Senator M. Teresa Ruiz**. “Within certain areas of the state as many as 7.6 percent of children have elevated blood lead levels. This takes the first step in beginning to address the issue by identifying the properties in need of remediation and providing funding for landlords to remove this hazard before welcoming new tenants. This legislation has been years in the making and I look forward to seeing this impact it has on families around the state.”

“About 80 percent of lead poisoning cases are caused by lead-based paint in homes built before 1978, affecting our low-income families the most,” **said Senator Nilsa Cruz-Perez**. “Lead paint is a life-threatening hazard, especially to children, but by implementing statewide lead inspections, we can be certain that families in rental properties are safe from lead contamination. This is long overdue and removing the threat of lead from homes across the state is an important issue that must be addressed.”

“According to the American Water Works Association, there are around 350,000 homes and businesses in New Jersey served by lead service lines,” **said Senator Troy Singleton**. “This is especially concerning because drinking water contaminated with lead is extremely dangerous to a person’s health, especially for children and their development. These new laws are crucial towards detecting and replacing lead service lines across the state, ultimately working toward the goal of ensuring that every person in this state has access to safe drinking water.”

“In 2017, 4,697 children aged six and younger had elevated blood lead levels,” **said Senator Lagana**. “It is evident that lead contaminated water is a statewide problem and this law will help to stem this crisis before more residents are impacted. In addition, this law will be critical in assisting low-income households afford replacement of lead service lines, ensuring they get replaced promptly before more of our residents are affected.”

“We have long known that lead service lines affect the quality of our drinking water, and endanger our children, and it is time we started addressing the problem with real, long-term solutions,” **said Senator Vin Gopal**. “Low-income customers are often the most affected by these lead lines, and they should not have to incur the cost of replacing them when they fall on their property. We need to move quickly to appropriate funds, where needed, to replace aging lead service lines for the good of our state, and its public health.”

“It is estimated at least 20 percent of lead exposure towards humans comes from drinking water, with formula-fed infants possibly receiving 40 to 60 percent of lead exposure from the same source,” **said Senator Linda Greenstein**. “In recent years, a number of New Jersey water systems, particularly those in urban areas, have reported high lead action levels in their drinking water and we must do what we can to alleviate this issue. This legislation will be a huge aid in eliminating the risk of further exposures. No one should have to think twice if it is safe to grab a glass of water and this will bring us a step closer towards mending this problem.”

“To fight lead poisoning in our communities, we must take a more proactive approach to ensure older homes are inspected more regularly,” **said Assemblymen Jamel Holley, Benjie Wimberly, Daniel Benson, and Raj Mukherji**. Oftentimes, lead is discovered to be in the home after someone has become sick and shows symptoms. It’s too late. Requiring lead inspections in all pre-1978 rental units at tenant turnover or every 3 years will help homeowners catch any problems that arise sooner than later. We can do more to protect New Jersey’s families and children from the effects of lead poisoning.”

“Life-long health effects from lead exposure are not limited to the thousands of new cases New Jersey records annually but have defined daily life in New Jersey’s impoverished and minority communities for generations,” **said Assemblyman Gary Schaer**. “For these communities lead exposure is the silent

epidemic that has never warranted a bold and unified response, until today. Our communities and our State share one common future, none of us are immune to the reverberating effects of lead poisoning. This legislation provides a path forward to guaranteeing every resident the right to safe drinking water.”

“Critical upgrades to New Jersey’s water infrastructure are needed to modernize a decaying water system and ensure safe drinking water for New Jersey residents,” **said Assemblywoman Angela McKnight**. “Major cities and the most historic cities, such as Newark, continue to battle a lead crisis on top of the current public health crisis we find ourselves in. Lead contamination and aging water infrastructure will amount to a public health crisis, an environmental emergency, and have an impact on our roadways for future generations if we don’t take action and develop a plan now.”

“Water systems cannot go overlooked and we must continue to make drinking water as safe as possible,” **said Assemblyman William Spearman**. “Updated infrastructure systems and a well thought out plan to replace any old service lines are very important and will help keep harmful lead out of our water.”

“Replacing the service lines is crucial, but we must also make sure that public water systems have the time necessary to make all the required changes,” **said Assemblyman Robert Karabinchak**. “We must ensure that nothing is rushed and the proper changes are made at a high quality.”

“Replacing the old lead service lines is an absolute necessity to ensure drinking water is safer for everyone in the State,” **said Assemblyman Anthony Verrelli**. “By removing some unnecessary restrictions, we can make the process easier and more efficient for utilities.”

“I would like to commend Governor Murphy and the Legislature for prioritizing the health of all New Jerseyans, especially children,” **said New Jersey Board of Public Utilities President Joseph L. Fiordaliso**. “Today we enact a solution to replace lead service lines, ensuring that all New Jersey residents have clean water to drink, something many of us take for granted, and something so critical for the health and wellbeing of all of our communities and residents.”

“These laws mark important steps forward in our continuing efforts to remove lead hazards in water, paint and dust in older housing stock,” **said New Jersey Department of Health Commissioner Judith Persichilli**. “Lead is the most common environmental toxin for children and even very low blood lead levels can cause permanent, irreversible neurologic damage. Children spent significantly more time at home during the pandemic, when elevated blood lead levels increased by 29% and lead testing decreased by 20%. We must do everything we can to remove lead from our environment.”

“Protecting New Jersey’s water and public health through rigorous water quality standards and infrastructure investments has been a key priority of the Murphy Administration from day one,” **said New Jersey Department of Environmental Protection Commissioner Shawn M. LaTourette**. “These new laws will accelerate our work to protect every New Jersey community by requiring every lead service line across the state to be replaced over the next ten years. And, New Jersey residents can rest assured that while lead lines are replaced DEP will be protecting their health every day by mandating all water systems to undertake proactive lead risk reduction measures.”

“The signing of these bills is yet another example of how our state protects the health of all New Jerseyans, especially those in overburdened communities,” **said New Jersey Department of Environmental Protection Deputy Commissioner Olivia Glenn**. “Everyone has the right to live in a lead-free environment. With this regulatory framework, we lead the nation in proactively reducing lead risk. We must be vigilant in lessening lead exposure, especially for our children—the most vulnerable among us.”

“In 2019, some 35,000 New Jersey children tested positive for elevated blood lead levels,” **said Sean Jackson, CEO of Isles, Inc.**, “Today, because of the leadership of this Governor, Senator Ruiz, Senate

President Sweeney, and Speaker Coughlin, New Jersey stops using our kids as the canary in the coal mine. With this new law, New Jersey will inspect and correct all rental properties for lead-based paint hazards, before that lead damages the lives and futures of our children."

"These new laws represent a sea change in how a state can combat lead poisoning. New Jersey is now the first state in the country with a hard target to eliminate lead service lines in ten years, as well as a funding mechanism to finance that investment," **said Peter Chen, Senior Policy Analyst at New Jersey Policy Perspective.** "New Jersey needs robust infrastructure to protect its residents, especially children, and provide safe and healthy homes to future generations. The new laws recognize that lead is a problem across housing infrastructure, including both water infrastructure and paint. We are one step closer to ending lead's toxic legacy in our state thanks to this legislation. NJPP sincerely thanks Governor Murphy and the bill sponsors for their tireless efforts to ensure that these bills became law: Assemblyman Gary Schaer, Senator Troy Singleton, Senator Teresa Ruiz, and Assemblyman Jamel Holley. NJPP also thanks the committed advocates who supported these efforts, including Isles, Inc., the Housing and Community Development Network of New Jersey, and the member organizations of the Lead in Drinking Water Task Force convened by Jersey Water Works."

# This Week in NJ: July 23rd, 2021

07/23/2021



## Governor Murphy Signs Legislation to Provide \$135 Million in Small Business Relief

Governor Murphy signed legislation (S-3982) providing additional aid to small businesses as New Jersey continues to provide support to small businesses as they recover from the pandemic. The bill provides \$135 million to small businesses throughout the state and will be administered by the Economic Development Authority as part of its Phase IV Emergency Grant Program and NJ Community Stage Relief Grant Program.

“As small businesses throughout New Jersey continue to struggle from the economic aftermath of COVID-19, we remain committed to providing them with the resources they need to recover,” **said Governor Murphy.**

“Together with our partners at the federal level, the EDA and other departments have provided more than three quarters of a billion dollars to our small business community as we emerge from the pandemic stronger and more resilient.”

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## Governor Murphy Signs Package of Bills Advancing New Jersey as National Leader in Lead Poisoning Prevention

Governor Phil Murphy reaffirmed his commitment to address lead exposure in New Jersey and its harmful effects on public health and child development by signing a package of bills aimed protecting New Jersey's families from lead poisoning.



“In October of 2019, I put forth a multifaceted statewide plan to protect New Jersey’s children and families from the dangers of lead, and today, we are taking a significant step forward in our strategy to reduce lead exposure in our homes,” **said Governor Murphy.** “Modernizing our aging water infrastructure with new lead services lines is critical in ensuring safe drinking water flows through our communities. In addition to replacing service lines, we must also go further to protect those in older homes and apartments where door jambs and window sashes may be coated in decades of layers of lead-based paints, creating fine particulates that are unknowingly inhaled and ingested. Today, we are taking the most aggressive action in the nation to reduce lead-based paint exposure in our homes and communities, which is a critical victory for public health and environmental justice, and advances New Jersey as a national leader in lead poisoning prevention.”

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## Governor Murphy Signs Legislation Supporting Veterans and Servicemembers

Governor Murphy signed legislation (S-278, S-956, and S-961) which supports New Jersey veterans and servicemembers and grants them easier access to higher education, expands access to the disabled veterans’ property tax exemption, and establishes an annual grant program within the Troops to College Program to recognize institutions of higher education that offer extensive veteran programs and services.

“Our veterans and servicemembers have put their lives on the line for their state and for their country,” **said Governor Murphy.** “The least we can do for them is to make their lives easier by expanding access to higher education, broadening eligibility for the disabled veterans’ property tax exemption, and encouraging higher education institutions to provide needed services. This legislation will doubtlessly help our veterans and servicemembers in their civilian lives and recognize their service properly.”

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## Governor Murphy Signs Legislation to Expand Civics Instruction in Schools

Governor Phil Murphy signed legislation (S854) requiring civics instruction at the middle school level. Currently, New Jersey is one of a minority of states which does not require civics instruction for middle school students.

“By deepening civics instruction in middle school and high school, we are giving students the tools they need to be more engaged and informed citizens,” **said Governor Murphy**. “An understanding of civics strengthens our democracy by ensuring an understanding of the role that everyone plays in the future of their community, our state, and our nation. I am proud to sign this bill into law and honor Laura Wooten’s incredible civic legacy.”

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## Governor Murphy and Lieutenant Governor Oliver Announce Appointment of State Senator Chris A. Brown, Esq. to the Department of Community Affairs' Division of Local Government Services

Governor Phil Murphy and Lieutenant Governor Sheila Oliver announced that State Senator Chris A. Brown, Esq. will join the Department of Community Affairs' Division of Local Government Services as the Senior Advisor for Atlantic City Affairs, a newly created role in the Department. In this position, Brown will spearhead State initiatives in Atlantic City, including efforts to improve public safety, diversify the economy and create jobs, and improve social services.



“Chris is deeply committed to improving the lives of those who call Atlantic City home, and he will be a tremendous asset for the Administration as we further strengthen the Atlantic City economy and improve quality of life,” **said Governor Murphy.** “I look forward to working together to address issues like economic growth and public safety. With Chris in this new role, and with Sheila at the helm of DCA, the future of Atlantic City has never looked brighter.”

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