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IS 5/23/08

P.L. 2007, CHAPTER 251, *approved January 4, 2008*
Assembly, No. 3263

1 AN ACT expanding lead paint inspection requirements to single-
2 family and two-family dwellings, supplementing and amending
3 P.L.1967, c.76 and amending P.L.2003, c.311.
4

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

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

17 b. Notwithstanding any other provisions of P.L. , c. (C.)
18 (pending before the Legislature as this bill) to the contrary, a
19 dwelling unit in a single-family or two-family dwelling shall not be
20 subject to inspection and evaluation for the presence of lead-based
21 paint hazards, or for the fees for such inspection or evaluation, if
22 the unit:

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

24 (2) was constructed during or after 1978;

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

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

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

36 2. (New section) a. Except as otherwise provided in subsection
37 b. of this section, every owner of a tenant-occupied single-family or
38 two-family residential property, including, without limitation, a
39 two-family property in which one unit is owner-occupied, shall file
40 a certificate of registration on forms prescribed by the
41 Commissioner of Community Affairs, in accordance with section 2
42 of P.L.1974, c.50 (C.46:8-28), with the Bureau of Housing

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 Inspection in the Department of Community Affairs. Any such
2 filing shall be accompanied by a filing fee not exceeding the filing
3 for hotels and multiple dwellings established by section 12 of
4 P.L.1967, c.76 (C.55:13A-12).

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

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

8 (2) was constructed during or after 1978;

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

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

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

25

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

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

48 (cf: P.L.2003, c.311, s.6)

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

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

17 (cf: P.L.2003, c.311, s.10)

18

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

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

28 Any such regulations issued and promulgated by the
29 commissioner pursuant to this section shall provide standards and
30 specifications for such maintenance materials, methods and
31 techniques, fire warning and extinguisher systems, elevator
32 systems, emergency egresses, and such other protective equipment
33 as the commissioner shall deem reasonably necessary to the health,
34 safety and welfare of the occupants or intended occupants of any
35 units of dwelling space in any hotel or multiple dwelling, including
36 but not limited to:

37 (a) Structural adequacy ratings;

38 (b) Methods of egress, including fire escapes, outside fireproof
39 stairways, independent stairways, and handrails, railings, brackets,
40 braces and landing platforms thereon, additional stairways, and
41 treads, winders, and risers thereof, entrances and ramps;

42 (c) Bulkheads and scuttles, partitions, walls, ceilings and floors;

43 (d) Garbage and refuse collection and disposal, cleaning and
44 janitorial services, repairs, and extermination services;

45 (e) Electrical wiring and outlets, and paints and the composition
46 thereof;

47 (f) Doors, and the manner of opening thereof;

48 (g) Transoms, windows, shafts and beams;

- 1 (h) Chimneys, flues and central heating units;
2 (i) Roofing and siding materials;
3 (j) Lots, yards, courts and garages, including the size and
4 location thereof;
5 (k) Intakes, open ducts, offsets and recesses;
6 (l) Windows, including the size and height thereof;
7 (m) Rooms, including the area and height thereof, and the
8 permissible number of occupants thereof;
9 (n) Stairwells, skylights and alcoves;
10 (o) Public halls, including the lighting and ventilation thereof;
11 (p) Accessory passages to rooms;
12 (q) Cellars, drainage and air space;
13 (r) Water-closets, bathrooms and sinks;
14 (s) Water connections, including the provision of drinking and
15 hot and cold running water;
16 (t) Sewer connections, privies, cesspools, and private sewers;
17 (u) Rain water and drainage conductors;
18 (v) Entrances and ramps; and
19 (w) Presence of lead-based paint hazards in multiple dwellings
20 and in single-family and two-family dwellings, exclusive of owner-
21 occupied dwelling units, subject to P.L.2003, c.311 (C.52:27D-
22 437.1 et al.). In a common interest community, any inspection fee
23 for and violation found within a unit which is solely related to this
24 subsection shall be the responsibility of the unit owner and not the
25 homeowners' association, unless the association is the owner of the
26 unit.
27 (cf: P.L.2003, c.311, s.19)

28

29 6. This act shall take effect immediately.

30

31

STATEMENT

32

33 This bill would require the Department of Community Affairs
34 (DCA) to inspect every single-family and two-family rental
35 dwelling for lead-based paint hazards at least once every five years.
36 While current law provides for lead paint inspections in rental units
37 in multiple dwellings, single-family and two-family dwellings are
38 exempt from this requirement. The bill would allow DCA to charge
39 a fee for the inspection at a rate in accordance with the current
40 "Hotel and Multiple Dwelling Law" fee schedule.

41 The bill would also require owners of tenant-occupied single-
42 family and two-family residential property to file a certificate of
43 registration with DCA. Properties that have been certified to be
44 free of lead-based paint or of having a lead-free interior, properties
45 that were constructed during or after 1978 and seasonal rental units
46 would be exempt from the inspection and registration requirements.
47 These exemptions are consistent with provisions of current law
48 governing multiple dwellings.

A3263

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4

Expands lead paint inspection requirement to dwelling units in single-family and two-family properties.

ASSEMBLY, No. 3263

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JUNE 8, 2006

Sponsored by:

Assemblyman WILLIAM D. PAYNE

District 29 (Essex and Union)

Assemblyman CRAIG A. STANLEY

District 28 (Essex)

Assemblywoman OADLINE D. TRUITT

District 28 (Essex)

Co-Sponsored by:

Assemblyman Epps, Senators Turner, Rice and Karcher

SYNOPSIS

Expands lead paint inspection requirement to dwelling units in single-family and two-family properties.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/11/2007)

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

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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

17 b. Notwithstanding any other provisions of P.L. , c. (C.)
18 (pending before the Legislature as this bill) to the contrary, a
19 dwelling unit in a single-family or two-family dwelling shall not be
20 subject to inspection and evaluation for the presence of lead-based
21 paint hazards, or for the fees for such inspection or evaluation, if
22 the unit:

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

24 (2) was constructed during or after 1978;

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

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

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

35
36 2. (New section) a. Except as otherwise provided in subsection
37 b. of this section, every owner of a tenant-occupied single-family or
38 two-family residential property, including, without limitation, a
39 two-family property in which one unit is owner-occupied, shall file
40 a certificate of registration on forms prescribed by the
41 Commissioner of Community Affairs, in accordance with section 2
42 of P.L.1974, c.50 (C.46:8-28), with the Bureau of Housing
43 Inspection in the Department of Community Affairs. Any such
44 filing shall be accompanied by a filing fee not exceeding the filing

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 for hotels and multiple dwellings established by section 12 of
2 P.L.1967, c.76 (C.55:13A-12).

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

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

6 (2) was constructed during or after 1978;

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

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

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

23

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

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

46 (cf: P.L.2003, c.311, s.6)

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

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

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

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

28 Any such regulations issued and promulgated by the
29 commissioner pursuant to this section shall provide standards and
30 specifications for such maintenance materials, methods and
31 techniques, fire warning and extinguisher systems, elevator
32 systems, emergency egresses, and such other protective equipment
33 as the commissioner shall deem reasonably necessary to the health,
34 safety and welfare of the occupants or intended occupants of any
35 units of dwelling space in any hotel or multiple dwelling, including
36 but not limited to:

37 (a) Structural adequacy ratings;

38 (b) Methods of egress, including fire escapes, outside fireproof
39 stairways, independent stairways, and handrails, railings, brackets,
40 braces and landing platforms thereon, additional stairways, and
41 treads, winders, and risers thereof, entrances and ramps;

42 (c) Bulkheads and scuttles, partitions, walls, ceilings and floors;

43 (d) Garbage and refuse collection and disposal, cleaning and
44 janitorial services, repairs, and extermination services;

45 (e) Electrical wiring and outlets, and paints and the composition
46 thereof;

47 (f) Doors, and the manner of opening thereof;

48 (g) Transoms, windows, shafts and beams;

- 1 (h) Chimneys, flues and central heating units;
- 2 (i) Roofing and siding materials;
- 3 (j) Lots, yards, courts and garages, including the size and
- 4 location thereof;
- 5 (k) Intakes, open ducts, offsets and recesses;
- 6 (l) Windows, including the size and height thereof;
- 7 (m) Rooms, including the area and height thereof, and the
- 8 permissible number of occupants thereof;
- 9 (n) Stairwells, skylights and alcoves;
- 10 (o) Public halls, including the lighting and ventilation thereof;
- 11 (p) Accessory passages to rooms;
- 12 (q) Cellars, drainage and air space;
- 13 (r) Water-closets, bathrooms and sinks;
- 14 (s) Water connections, including the provision of drinking and
- 15 hot and cold running water;
- 16 (t) Sewer connections, privies, cesspools, and private sewers;
- 17 (u) Rain water and drainage conductors;
- 18 (v) Entrances and ramps; and
- 19 (w) Presence of lead-based paint hazards in multiple dwellings
- 20 and in single-family and two-family dwellings, exclusive of owner-
- 21 occupied dwelling units, subject to P.L.2003, c.311 (C.52:27D-
- 22 437.1 et al.). In a common interest community, any inspection fee
- 23 for and violation found within a unit which is solely related to this
- 24 subsection shall be the responsibility of the unit owner and not the
- 25 homeowners' association, unless the association is the owner of the
- 26 unit.
- 27 (cf: P.L.2003, c.311, s.19)

28

29 6. This act shall take effect immediately.

30

31

STATEMENT

32

33 This bill would require the Department of Community Affairs
34 (DCA) to inspect every single-family and two-family rental
35 dwelling for lead-based paint hazards at least once every five years.
36 While current law provides for lead paint inspections in rental units
37 in multiple dwellings, single-family and two-family dwellings are
38 exempt from this requirement. The bill would allow DCA to charge
39 a fee for the inspection at a rate in accordance with the current
40 "Hotel and Multiple Dwelling Law" fee schedule.

41 The bill would also require owners of tenant-occupied single-
42 family and two-family residential property to file a certificate of
43 registration with DCA. Properties that have been certified to be
44 free of lead-based paint or of having a lead-free interior, properties
45 that were constructed during or after 1978 and seasonal rental units
46 would be exempt from the inspection and registration requirements.
47 These exemptions are consistent with provisions of current law
48 governing multiple dwellings.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3263

STATE OF NEW JERSEY

DATED: JANUARY 18, 2007

The Assembly Housing and Local Government Committee reports favorably Assembly Bill No. 3263.

This bill would require the Department of Community Affairs (DCA) to inspect every single-family and two-family rental dwelling for lead-based paint hazards at least once every five years. While current law provides for lead paint inspections in rental units in multiple dwellings, single-family and two-family dwellings are exempt from this requirement. The bill would allow DCA to charge a fee for the inspection at a rate in accordance with the current "Hotel and Multiple Dwelling Law" fee schedule.

The bill would also require owners of tenant-occupied single-family and two-family residential property to file a certificate of registration with DCA. Properties that have been certified to be free of lead-based paint or of having a lead-free interior, properties that were constructed during or after 1978 and seasonal rental units would be exempt from the inspection and registration requirements. These exemptions are consistent with provisions of current law governing multiple dwellings.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3263

STATE OF NEW JERSEY

DATED: MAY 10, 2007

The Senate Community and Urban Affairs Committee reports favorably Assembly Bill No. 3263.

This bill would require the Department of Community Affairs (DCA) to inspect every single-family and two-family rental dwelling for lead-based paint hazards at least once every five years. While current law provides for lead paint inspections in rental units in multiple dwellings, single-family and two-family dwellings are exempt from this requirement. The bill would allow DCA to charge a fee for the inspection at a rate in accordance with the current "Hotel and Multiple Dwelling Law" fee schedule.

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SENATE, No. 2622

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MARCH 15, 2007

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Mercer)

Senator RONALD L. RICE

District 28 (Essex)

Co-Sponsored by:

Senator Karcher

SYNOPSIS

Expands lead paint inspection requirement to dwelling units in single-family and two-family properties.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/9/2007)

S2622 TURNER, RICE

2

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2 family and two-family dwellings, supplementing and amending
3 P.L.1967, c.76 and amending P.L.2003, c.311.

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36 2. (New section) a. Except as otherwise provided in subsection
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3 b. Subsection a. of this section shall not apply to any owner-
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18 owner, and of the State, a designation of the statute under which the
19 penalty is imposed, the amount of the penalty so certified, and the
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30 including, but not limited to: the issuance of loans and grants, lead-
31 based paint hazard inspections and evaluations, lead hazard control
32 work, and training courses for persons engaged in lead-safe
33 maintenance work or lead hazard control work. These regulations
34 shall allow for certified third party risk assessors to provide
35 assurance that rental properties meet the standards established for
36 subsection (w) of section 7 of P.L.1967, c.76 (C.55:13A-7) as added
37 by P.L.2003, c.311. Property owners using such third party risk
38 assessors shall provide evidence of compliance at the time of the
39 cyclical inspection carried out under the "Hotel and Multiple
40 Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.) or under
41 section 1 of P.L. , c. (C.) (pending before the Legislature as
42 this bill). Notwithstanding this intent the department shall maintain
43 existing authority to respond to tenant complaints related to
44 subsection (w) of section 7 of P.L.1967, c.76 (C.55:13A-7) as added
45 by P.L.2003, c.311.

46 (cf: P.L.2003, c.311, s.6)

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

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

18

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

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

28 Any such regulations issued and promulgated by the
29 commissioner pursuant to this section shall provide standards and
30 specifications for such maintenance materials, methods and
31 techniques, fire warning and extinguisher systems, elevator
32 systems, emergency egresses, and such other protective equipment
33 as the commissioner shall deem reasonably necessary to the health,
34 safety and welfare of the occupants or intended occupants of any
35 units of dwelling space in any hotel or multiple dwelling, including
36 but not limited to:

37 (a) Structural adequacy ratings;

38 (b) Methods of egress, including fire escapes, outside fireproof
39 stairways, independent stairways, and handrails, railings, brackets,
40 braces and landing platforms thereon, additional stairways, and
41 treads, winders, and risers thereof, entrances and ramps;

42 (c) Bulkheads and scuttles, partitions, walls, ceilings and floors;

43 (d) Garbage and refuse collection and disposal, cleaning and
44 janitorial services, repairs, and extermination services;

45 (e) Electrical wiring and outlets, and paints and the composition
46 thereof;

47 (f) Doors, and the manner of opening thereof;

48 (g) Transoms, windows, shafts and beams;

- 1 (h) Chimneys, flues and central heating units;
- 2 (i) Roofing and siding materials;
- 3 (j) Lots, yards, courts and garages, including the size and
- 4 location thereof;
- 5 (k) Intakes, open ducts, offsets and recesses;
- 6 (l) Windows, including the size and height thereof;
- 7 (m) Rooms, including the area and height thereof, and the
- 8 permissible number of occupants thereof;
- 9 (n) Stairwells, skylights and alcoves;
- 10 (o) Public halls, including the lighting and ventilation thereof;
- 11 (p) Accessory passages to rooms;
- 12 (q) Cellars, drainage and air space;
- 13 (r) Water-closets, bathrooms and sinks;
- 14 (s) Water connections, including the provision of drinking and
- 15 hot and cold running water;
- 16 (t) Sewer connections, privies, cesspools, and private sewers;
- 17 (u) Rain water and drainage conductors;
- 18 (v) Entrances and ramps; and
- 19 (w) Presence of lead-based paint hazards in multiple dwellings
- 20 and in single-family and two-family dwellings, exclusive of owner-
- 21 occupied dwelling units, subject to P.L.2003, c.311 (C.52:27D-
- 22 437.1 et al.). In a common interest community, any inspection fee
- 23 for and violation found within a unit which is solely related to this
- 24 subsection shall be the responsibility of the unit owner and not the
- 25 homeowners' association, unless the association is the owner of the
- 26 unit.
- 27 (cf: P.L.2003, c.311, s.19)

28

29 6. This act shall take effect immediately.

30

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STATEMENT

33

34 This bill would require the Department of Community Affairs
35 (DCA) to inspect every single-family and two-family rental
36 dwelling for lead-based paint hazards at least once every five years.
37 While current law provides for lead paint inspections in rental units
38 in multiple dwellings, single-family and two-family dwellings are
39 exempt from this requirement. The bill would allow DCA to charge
40 a fee for the inspection at a rate in accordance with the current
41 "Hotel and Multiple Dwelling Law" fee schedule.

42 The bill would also require owners of tenant-occupied single-
43 family and two-family residential property to file a certificate of
44 registration with DCA. Properties that have been certified to be
45 free of lead-based paint or of having a lead-free interior, properties
46 that were constructed during or after 1978 and seasonal rental units
47 would be exempt from the inspection and registration requirements.

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- 1 These exemptions are consistent with provisions of current law
- 2 governing multiple dwellings.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2622

STATE OF NEW JERSEY

DATED: MAY 10, 2007

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 2622.

This bill would require the Department of Community Affairs (DCA) to inspect every single-family and two-family rental dwelling for lead-based paint hazards at least once every five years. While current law provides for lead paint inspections in rental units in multiple dwellings, single-family and two-family dwellings are exempt from this requirement. The bill would allow DCA to charge a fee for the inspection at a rate in accordance with the current "Hotel and Multiple Dwelling Law" fee schedule.

The bill would also require owners of tenant-occupied single-family and two-family residential property to file a certificate of registration with DCA. Properties that have been certified to be free of lead-based paint or of having a lead-free interior, properties that were constructed during or after 1978 and seasonal rental units would be exempt from the inspection and registration requirements. These exemptions are consistent with provisions of current law governing multiple dwellings.