

BOROUGH OF BERGENFIELD

Bergen County, New Jersey

Ordinance No. 22-2605

AN ORDINANCE TO AMEND CHAPTER 232 ENTITLED "PROPERTY MAINTENANCE" OF THE
BOROUGH CODE OF THE BOROUGH OF BERGENFIELD, STATE OF NEW JERSEY

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BERGENFIELD IN THE
COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

WHEREAS, Chapter 232, of the Code of the Borough of Bergenfield sets forth all Property Maintenance within the Borough of Bergenfield; and,

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

WHEREAS, it is in the best interest of Borough residents to amend the Borough Code at this time to require inspections for lead-based paint in residential rental dwellings to conform with State Law.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Bergenfield, County of Bergen and State of New Jersey that those portions of the aforesaid set forth below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged.

Article II. Safety Standards in Residential Occupancies.

232-14 Lead Based Paint.

A. Lead Based Paint Inspections.

(1) Required Initial Inspection. The owner, landlord and/or agent of every single-family, two-family and/or multiple dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards within two years of the effective date of the law, July 2, 2022 or upon tenant turnover, whichever is earlier.

(2) Required Recurring Inspection. After the initial inspection required by Sec. 265-14(D)(1), the owner, landlord and/or agent of such dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three years, or at tenant turnover, whichever is earlier, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification.

(3) Standards. Inspections for lead-based paint in rental dwelling units shall be governed by the standards set forth in N.J.S.A. 52:27D-43.7.1 et seq., and N.J.S.A. 55:13A-1 et seq.

(4) Exceptions. A dwelling unit in a single-family, two-family or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards, or for the fees for such inspection or revaluation, if the unit:

a. has been certified to be free of lead-based paint.

b. was constructed during or after 1978;

c. is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least 10 years, either under the current or a previous owner, and has no 2outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law", N.J.S.A. 55:13A-1, et seq.;

d. is a single-family or two-family seasonal rental dwelling which is rented for less than six months duration each year by tenants that do not have consecutive lease renewals; or

e. has a valid lead-safe certification issued in accord with N.J.S.A. 52:27D-437.16(d)(2)

(5) Fees. Notwithstanding any other fees due pursuant to this Chapter the following fees shall be paid:

a. Inspection Fee. A dwelling owner or landlord shall owe a fee in the amount of \$220.00 for each lead-based paint inspection conducted by the Borough. Said fee shall be dedicated to meeting the costs of implementing and enforcing this subsection and the required contribution to the New Jersey Lead Hazard Control Assistance Fund (N.J.S.A. 52:27D-437.16(h)) and shall not be used for any other purpose.

b. Administrative Fee. Alternatively, a dwelling owner or landlord may directly hire a private lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to satisfy the requirements of Section 265-14D(1) in which case a \$50 administrative fee shall be paid. Said fee shall be dedicated to the costs of monitoring compliance with this subsection.

Severability All provisions of this Ordinance are severable. If for any reason, any provision of this Ordinance is held to be invalid, the validity of the remainder of the Ordinance shall not be affected.

Effective Date. This Ordinance shall become effective upon final approval and publication, pursuant to law, and upon completion of all outstanding cases.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced at a meeting of the Borough of Bergenfield on the 6th day of October, 2022 and passed on first reading, and the same was ordered for final passage at a meeting of the Council to be held at the Municipal Building in the Borough of Bergenfield, Bergen County, New Jersey, on the 18th day of October, 2022 at 8 p.m., at which time and place all persons interested will be given an opportunity to be heard concerning such Ordinance.

Borough Clerk