

TOWN OF DOVER

Code Enforcement & Inspection Department

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Lead-Based Paint in Rental Dwellings

- **A. Lead Inspections Required:** Beginning July 22, 2022 as per P.L. 2021, c. 182 all residential rental properties built before 1978 in certain single-family, two-family, and multiple rental dwellings are required to be tested for lead-based paint hazards, at times specified in the law. All rental units must be inspected for lead-based paint within 2 years of the effective date of the law, July 22, 2022, or upon tenant turnover, whichever is earlier. This means that the first inspection must take place no later than July 22, 2024 whether there is a change in tenancy or not.

The law imposes an obligation on municipalities to perform or hire a certified lead evaluation contractor to perform inspections of certain single-family, two family, and multiple rental dwellings for lead-based paint hazards as specified in the law. In addition, a municipality shall permit dwelling owners/landlords to directly hire a certified lead evaluation contractor for this purpose. The Town of Dover isn't equipped to perform lead-based paint testing in-house and we are currently in the process of qualifying several contractors who can perform these services. All costs to perform this test will be at the expense of the owner/landlord when this process is in place. However, until this process is completed, property owners and landlords will be required to perform a lead-based paint inspection and provide a Lead Safe Certification prior to the issuance of a Certificate of Compliance. When the Town of Dover has made arrangements with a list of qualified contractors, the property owner/landlord will have the option of whether they want to hire a one of the town recommended contractors or use one of their choosing.

- **B. Exceptions to these requirements are as follows;**
 1. Dwellings that were constructed during or after 1978.
 2. Single-family and two-family seasonal rental dwellings which are rented for less than six-month duration each year by tenants that do not have consecutive lease renewals. This exemption for seasonal rental dwellings does not extend to seasonal multiple dwellings.
 3. Dwellings that have been certified to be free of lead-based paint pursuant to N.J.A.C. 5:17-3.16(b) either after an abatement is completed or an evaluation has confirmed that there is no lead-based paint in the dwelling.
 4. Multiple rental dwellings that have been registered with the Department of Community Affairs for at least ten years and have no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law" (N.J.S.A. 55:13A-1). Cyclical inspections currently occur every five years in multiple dwellings.
 - A. This means that all multiple dwellings constructed prior to 1978 and registered with the Department for at least ten years that have a certificate of inspection issued by the Department

of Community Affairs, Bureau of Housing Inspection, are exempt from this requirement. A certificate of inspection means there are no outstanding violations.

B. A multiple dwelling that has been registered with the Department for at least ten years with an open inspection that has no violations for paint is also exempt from this requirement.

C. Open inspections means that inspections are ongoing to remediate violations during a cyclical inspection. This is because, during cyclical inspections, the Department cites paint violations, which includes flaking, loose, or peeling paint on any interior surfaces rather than lead violations. To ensure periodic lead-based paint inspections occur where needed, any open paint violations in a dwelling unit must be inspected pursuant to P.L.2021, c.182.

5. Dwellings with a valid lead-safe certificate issued pursuant to this law, P.L.2021, c.182. Lead-safe certificates are valid for two years from the date of issuance.

- **C. Lead-Based Inspection Methodology**

1. In accordance with the 2022-23 Lead-Based Paint Inspection Methodology Pursuant to P.L. 2021, c. 182 the method for testing in Dover is Dust Wipe Sampling.
2. If it is determined upon inspection that no-lead based paint hazards exist in a dwelling, the lead evaluation contractor shall certify the dwelling unit as lead safe. The Lead Safe Certification is valid for a period of 2 years. However, if the same tenant lives there after the expiration date of the Certificate the property owner must obtain a new Lead Safe Certificate within one year of the Certificates expiration date.

- **D. How to Proceed if Lead based paint Hazards are found:**

1. If lead-based paint hazards are found during an inspection, the owner of the dwelling unit must remediate the lead-based paint hazard by using lead-based paint hazard control methods (interim controls) or abatement.

- **E. Who can do the work?**

1. Remediation work must be performed by certified individuals in accordance with all applicable Federal and State regulations. Permits will be required through the Town of Dover's Construction Department for lead remediation. Once the permit has been closed another test will be required to confirm that the lead issue has been abated and a Lead-Safe Certificate can be issued.

- **Fees**

1. All properties requiring a lead-based paint inspection and the cost associated with the inspection shall be at the expense of the property owner. In addition to the fee for a Certificate of Compliance inspection an additional fee of \$20 will be assessed as required by the State of New Jersey to be deposited into the Lead Hazard Control Assistance Fund.

- **General Information:**

1. If you feel that you fall under one of the exceptions as stated in section "B" Please provide that information when you apply for the Certificate of Compliance.
2. If you fall under these regulations a Temporary or Final Certificate of Compliance from the Code Enforcement Department will not be issued until we receive the required Lead Safe Certification.

3. All properties that fall under these regulations whether there is a change in tenancy or not must be inspected prior to July 22, 2024.
4. The Dover Code Enforcement Department has prepared a “Lead Based Paint Inspection Cycle” document that better explains when inspections are needed.
5. If you have any questions regarding these regulations please contact the Code Enforcement Department at any time to discuss.

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