



## **FORT LEE FIRE PREVENTION Borough of Fort Lee**

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## **LEAD-BASED PAINT IN RENTAL DWELLINGS FREQUENTLY ASKED QUESTIONS**

### **1. What is lead and its associated hazards?**

*Lead is a toxic, naturally occurring element and heavy metal in our environment that was widely used in commercial products such as gasoline, paint, cosmetics, spices, and pottery. Lead exposure in children can cause nervous system and kidney damage, as well as learning disabilities, attention-deficit disorder, and decreased intelligence. It can also cause behavior, speech, and language problems, hearing damage, decreased muscle and bone growth, and poor muscle coordination.*

### **2. How does one identify lead-based paint hazards?**

*Lead-based paint is usually not a hazard if it is in good condition, and the paint is not on an impact or friction surface, such as a window. Deteriorating lead-based paint (peeling, chipping, chalking, cracking, or damaged paint) is a hazard and needs attention. Lead dust can form when lead-based paint is scraped, sanded, or heated. Dust also forms when painted surfaces bump or rub together. Lead chips and dust can reside on surfaces and objects that people touch.*

### **3. What are the requirements of municipalities under P.L. 2021, c. 182?**

*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 every three years or upon tenant turnover where there is no valid lead-safe certification. As an alternative, municipalities must permit dwelling owners/landlords to directly hire a certified lead evaluation contractor for this purpose.*

### **4. What are the requirements of property owners under P.L. 2021, c. 182?**

*If lead-based paint hazards are identified, then the owner of the dwelling shall remediate the hazards through abatement or lead-based paint hazard control mechanisms. Property owners must also report all tenant turnover activity to the municipality. Lastly, property owners must provide a copy of N.J.A.C. 5:28A, any lead-safe certifications, and the accompanying guidance document, Lead-Based Paint in Rental Dwellings, to any prospective owners of the dwelling during the real estate transaction, settlement, or closing.*

## **5. What dwellings are required to be inspected and what dwellings are exempt?**

*All single-family, two-family, and multiple rental dwellings must be inspected, with the exception of the following dwellings, which are exempt:*

- *Dwellings that were constructed during or after 1978.*
- *Single-family and two-family seasonal rental dwellings which are rented for less than six-months duration each year by tenants that do not have consecutive lease renewals.*
- *Dwellings that have been certified to be free of lead-based paint pursuant to N.J.A.C. 5:17-3.16(b).*
- *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).*
  - *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 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.*
- *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.*

## **6. What is the periodic inspection procedure?**

*For dwellings 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 micrograms per deciliter, the inspection may be carried out through visual inspection, as explained in Section 3.3.4.*

*For dwellings 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 micrograms per deciliter, the inspection must be carried out through dust wipe sampling, as explained in Section 3.3.5.*

*All rental dwelling units required to be inspected must be inspected for lead-based paint within two 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.*

*After the initial inspection, all units shall be inspected for lead-based paint hazards every three years, or upon tenant turnover, whichever is earlier. An inspection upon tenant turnover is not required if the owner has a valid lead-safe certificate.*

*Lead-safe certificates are valid for two years. If the lead-safe certificate has expired, and there will be a tenant turnover, an inspection will be necessary before the three-year inspection.*

*In all scenarios, the next inspection should be scheduled three years from the date of issuance of the most recent valid lead-safe certification.*

## **7. What is a visual assessment?**

*A visual assessment is an examination of all painted building components for deteriorated paint or visible surface dust, debris, or residue. The inspector should also look for paint chips or dust from painting activities that were not cleaned up and paint residue on floors.*

## **8. What are dust wipe samplings?**

*Dust wipe sampling is collected by wiping a representative surface, including floors (both carpeted and uncarpeted), interior windowsills, and other similar surfaces, and testing in accordance with a method approved by the United States Department of Housing and Urban Development (HUD). These samples must be undertaken properly to ensure that results are accurate.*

## **9. What does interim controls mean?**

*Interim controls are a set of measures designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards.*

## **10. What does abatement mean?**

*Lead abatement is a set of measures designed to permanently eliminate lead-based paint hazards.*

## **11. Who can perform lead evaluation?**

*The New Jersey Department of Community Affairs certifies lead evaluation contractors. The New Jersey Department of Health licenses individual lead inspectors and risk assessors.*

## **12. Who can perform lead remediation work?**

*The New Jersey Department of Community Affairs certifies lead abatement contractors; the New Jersey Department of Health licenses individual lead abatement workers; the United States Environmental Protection Agency (EPA) certifies Renovation, Repair, and Painting (RRP) contractors. These firms are certified to perform RRP projects that address lead-based paint in homes.*

## **13. What is required for municipal record keeping to be in compliance with the Act?**

*Municipalities must maintain a record of all dwellings subject to this Chapter which shall include up-to-date information on inspection schedules, inspection results, and tenant turnover. Municipalities must also maintain a record of all lead-safe certifications issued pursuant to this Chapter; any time a lead evaluation contractor performs the inspection, the lead evaluation contractor must provide a copy of any lead-safe certifications it issued to the municipality. Finally, municipalities must maintain a record of all lead-free certifications issued pursuant to N.J.A.C. 5:17.*

#### **14. What investigations are required under the Act?**

*Municipalities are authorized to conduct investigations and issue penalties to enforce a property owner's failure to comply with the requirements of P.L.2021, c.182. If a municipality determines that a property owner has failed to comply with the requirements of this law, the property owner must be given 30 days to cure any violation by ordering the necessary inspection or by initiating remediation.*

*When a complaint is filed with the Department of Community Affairs, or of the Commissioner's own accord, the Commissioner is authorized to conduct investigations and issue penalties against a municipality for its failure to comply with the requirements of P.L.2021, c.182. The Department will give the municipality 30 days to undertake necessary inspections and provide proof in the form of valid lead-safe certifications or notification that lead-based paint hazards exist in a dwelling.*

#### **15. What are the penalties for failure to comply with the Act?**

*If the dwelling owner has not cured the violation within 30 days, the 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. If the municipality has not cured the violation within 30 days, they shall be subject to a penalty not to exceed \$1,000 per week until the necessary action has been taken.*

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