



In accordance with P.L. 2021, c. 182 known as NJ Lead Safe Act, the Borough of Waldwick has established Ordinance 2023-#07. The Ordinance has added Chapter 68 Lead Based Paint Inspections to the Borough Code.

Below is a summary of the adopted ordinance. The full ordinance can be found at <https://ecode360.com/34829847>

Please reach out to the Borough of Waldwick at 201-652-5300 X 232 if you require additional information.

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## INSPECTIONS

A lead evaluation contractor retained by the Borough shall inspect every single-family, two-family, or multiple rental dwelling located in the Borough of Waldwick for lead-based paint hazards through visual assessment and dust wipe sampling in accordance with N.J.S.A. 52:27D-437.1 et seq. every three years or at tenant turnover.

In lieu of having the dwelling inspected by the Borough's lead evaluator, 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 perform the lead-based paint inspection in accordance with N.J.S.A. 52:27D-437.1 et seq.

In accordance with N.J.S.A. 52:27D-437.16(c), 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 ten (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.

The owner, landlord, and/or agent of every single-family, two-family, or multiple rental 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.

If lead-based paint hazards are identified, then the owner, landlord, and/or agent of the dwelling shall remediate the lead-based paint hazard using lead abatement or lead-based control methods in accordance with N.J.S.A. 52:27D-

437.16(d). Upon the remediation of the lead-based paint hazard, the Borough's lead evaluation contractor shall conduct an additional inspection of the unit to certify that the hazard no longer exists.

If no lead-based paint hazards are identified, then the Borough's lead evaluator shall certify the dwelling as lead-safe on a form prescribed by the Department of Community Affairs, which shall be valid for two years.

Pursuant to N.J.S.A. 52:27D-437.16(e), unless not required to have had an inspection by a lead evaluation contractor or permanent local agency pursuant to §68-2C of this Chapter, property owners shall:

1. Provide evidence of valid lead-safe certification and the most recent tenant turnover at the time of the cyclical inspection carried out under the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq.;
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 §64-2C of this chapter.
3. Maintain records of lead-safe certification, which shall include name(s) of the unit tenant(s), if inspection was conducted during a period of tenancy.

## FEES

A fee of \$300 shall be charged to have the Borough's lead-based contractor perform an inspection. Said fee shall be dedicated to meeting the costs of implementing and enforcing this subsection and shall not be used for any other purpose. Should a follow up inspection be needed there will be an additional cost of \$140. 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 Chapter 68 Section 2 in which case no additional Lead-Based Paint inspection fee shall be paid except the fee in Chapter 68-3-B.

In accordance with N.J.S.A. 52:27D-437.16(h), a fee of \$20.00 per dwelling unit inspected by the Borough's lead evaluation contractor or the owner's private lead evaluation contractor shall be addressed for the purpose of the Lead Hazard Control Assistance Act, unless the owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of \$20.00. The fees collected pursuant to this subsection shall be deposited into the Lead Hazard Control Assistance Fund.

The fee for the filing of a lead-safe certification or lead-free certification shall be \$50.

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.

## VIOLATIONS & PENTALITES

Penalties for violation of this chapter shall be as follows:

If a property owner has failed to conduct the required inspection or initiate any remediation as required by N.J.S.A. 52:27D-437.1 et seq., the owner shall have 30 days to cure the violation.

If a property owner fails to cure 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.

A list of certified lead evaluation contractors can be found at the following website.  
[https://www.state.nj.us/dca/divisions/codes/publications/pdf\\_lead/ld\\_abat\\_c.pdf](https://www.state.nj.us/dca/divisions/codes/publications/pdf_lead/ld_abat_c.pdf)