



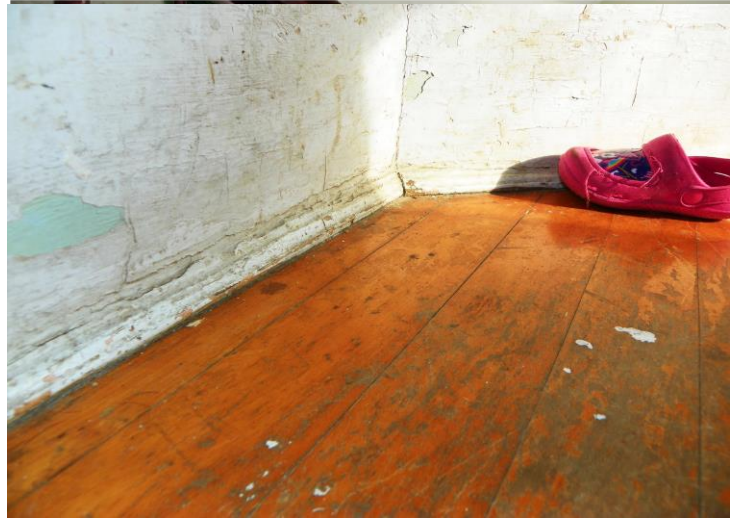
Provisions of New Jersey's Lead-Safe Certificate Law

P.L. 2021, c. 182

Why is Lead a Concern?



- Lead is a heavy metal. It is used in a variety of products and materials.
- There is no safe level of lead in the human body and can negatively impact both children and adults.
- Dwellings built **prior to 1978** (70% of New Jersey's old housing stock) are at greatest risk.
- Children are exposed to lead through inhalation of dust & ingestion of dust and loose paint chips.
- Children under the age of 6 years old are the most at risk of being affected by lead, due to their developing neurological systems.
- There are currently no primary prevention measures in place. Only an Elevated Blood Lead Level (EBLL) will elicit a response.



Lead-Safe Certificate Law

- Passed by Governor Murphy on July 22nd, 2021.
Bill takes effect on July 22nd, 2022.
- **Requires** a proactive (“primary prevention”) inspection process for rental properties **built before 1978** and **requires** landlords to have a current Lead Safe Certificate at rental turnover.
- *Every **single family, 2-family & multi-family** rental dwelling will be (initially) inspected for lead-based paint hazards at rental turnover, or, if there is no rental turnover, they **must** be inspected within **two (2) years** of the effective date of the bill.

Lead-Safe Certificate Law Cont.

- After the initial inspection, rental properties will be inspected every **three (3) years**, or upon subsequent rental turnover, whichever is earlier.
- Establishes a lead-based paint hazard education program.
- Appropriates \$3.9 Million for lead-based paint hazard control activities through a funded program by New Jersey Department of Community Affairs (DCA).



What will Municipalities be responsible for and required to do?

Visual Assessment or Dust Wipes

- **Visual assessments** for lead will be allowed in rental properties whose populations have 3% or less of children that have EBLLs.
- **Inspections through dust wipe sampling**, are required for municipalities with 3% or greater child populations with a BLL of 5 ug/dl or greater.
- No municipalities in our Monmouth County jurisdiction currently exceed the 3% threshold referenced above.*
- No municipalities in our Monmouth County jurisdiction are currently required to conduct Inspections through dust wipe sampling.*
- *Per the most recent NJ DOH report (2019), This could be subject to change as new screening data becomes available

Rental Property Visual Assessment

- Municipal Inspectors will examine rental dwellings for deteriorated paint or visible surface dust, debris, or residue.
- **Deteriorated paint** = Paint that is chipping, cracked, and peeling.
- Paint that is intact without any surface imperfections is **not considered deteriorated paint**.

Responsibilities & Inspection Type

- Municipalities are **responsible** for:
 - 1) Using their “permanent local agency (which enforces) laws, ordinances and regulations concerning buildings and structures within the municipality” to inspect for lead-based paint hazards
 - 2) Municipalities which do not have a “permanent local agency” **SHALL** hire a NJ Dept. of Community Affairs certified lead evaluation contractor to conduct the required inspections
 - 3) Notwithstanding, a municipality **shall** permit the rental owner/landlord to directly hire a DCA-certified lead evaluation contractor to comply with these requirements

What is a Lead Evaluation Contractor?

- A firm certified by the Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:17. This includes the ability to perform dust wipe sampling.

Municipal Recordkeeping

- Municipalities are **required** to maintain records of tenant turnovers, inspection schedules and inspection results.
- Municipalities must maintain copies of all lead-safe certificates issued by lead evaluation contractors.

Enforcement & Penalties

- Municipalities have authority to enforce owner/landlord compliance with the new law. Owners have 30 days to remediate and comply with any violations issued against them.

Inspection Timeline: An Example Scenario

Initial Inspection July 1, 2024

- The property is lead safe. A lead-safe certificate is issued and is valid for two years.
- Next scheduled inspection is July 1, 2027.



Lead-safe certification Expires July 1, 2026



The Tenant Moves October 1, 2026

- Because the lead-safe certification is expired, an inspection is necessary.
- The property is still lead-safe. A lead-safe certification will be issued and is valid for two years.



The Lead-safe certification expires October 1, 2028

- The next inspection is scheduled for October 1, 2029.
- If the tenant moves November 1, 2028, the dwelling will need to be inspected at that time.

Exemptions Under the New Law

- Rental Units Built during or After 1978
- Rental Units that have been certified to be free of lead-based paint.
- Rental units with current Lead-Safe Certification issued pursuant to this act
- Seasonal Rentals
- Multiple Dwelling Units that have been inspected at least twice with no outstanding paint violations through the regular cyclical inspection process

What are the Advantages of Lead Remediation?

- Minimum cost for each lead poisoned child in a child-occupied dwelling is estimated to be around \$32K.
- Researchers claim that anywhere between \$17-\$221 could be saved for each dollar spent on lead safe repairs.
- NJ Department of Public Advocate estimates future savings from avoiding lead exposures to children would be \$27 billion statewide.

What are the Advantages of Lead Remediation?

- Current regulations in New Jersey require a (reactive)Public Health intervention in response to an elevated blood lead level (or OSHA Exposure).
- A **Proactive** program of hazard identification and addressing potential lead exposures before medical and public health intervention can only benefit the residents of our municipalities.

MCHD's Role

- Health Department intervention is required when children in our municipalities are identified as having elevated blood lead levels.
- A Public Health Nurse provides case management for the child including: nutritional and developmental assessment and referrals.
- MCHD Lead Inspectors/Risk Assessors conduct full surface by surface inspections along with dust wipe sampling, and order the abatement of Lead Based Paint Hazards in accordance with N.J.A.C. 8:51 and 5:17.

Municipality Resource Under the New Law

- A permanent local agency or lead evaluation contractor with the duty to inspect single-family, two-family, and multiple rental dwellings pursuant to this section **may consult** with the local health board, the Department of Health, or the Department of Community Affairs concerning the criteria for the inspection and identification of areas and conditions involving high risk of lead poisoning in dwellings, methods of detection of lead in dwellings, and standards for the repair of dwellings containing lead paint.

What does this mean...

- Monmouth County Health Dept has eleven licensed Lead Inspectors/Risk Assessors on our full-time staff
- Monmouth County Health Department is prepared and able to serve as a consultative resource, should your need arise

For More Information...

- **Description, Resources and FAQs on new law:**
- https://pub.njleg.gov/bills/2020/PL21/182_.PDF
- <https://www.nj.gov/dca/divisions/codes/resources/leadpaint.html>

Contact Information

- **New Jersey Department of Community Affairs**

Division of Codes and Standards

P.O. Box 802 Trenton, NJ 08625-0802

Phone (609) 292-7899 Fax (609) 633-6729

www.nj.gov/dca/divisions/codes

- **New Jersey Department of Community Affairs
Lead Law Inbox**

LeadLaw21pL182@dca.nj.gov

for questions directly to the DCA

- **New Jersey Department of Health**

P. O. Box 360

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Phone (800) 367-6543

<https://www.nj.gov/health/childhoodlead/prevention.sh>

Contact Information Cont.

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Questions???

Thank You!