

§§1-4,8  
C.52:27D-437.16  
to 52:27D-437.20  
§9  
Approp.  
§10  
Note

**(CORRECTED COPY)**

P.L. 2021, CHAPTER 182, *approved July 22, 2021*  
Senate Committee Substitute for  
Senate, No. 1147

1 **AN ACT** concerning certain lead-based paint hazards, and  
2 residential rental property, and establishing lead-based paint  
3 hazard programs, supplementing P.L.2003, c.311 (C.52:27D-  
4 437.1 et al.), amending various parts of the statutory law, and  
5 making an appropriation.

6

7 **BE IT ENACTED** by the Senate and General Assembly of the State  
8 of New Jersey:

9

10 1. (New section) a. As used in this section:

11 "Dust wipe sampling" means a sample collected by wiping a  
12 representative surface and tested in accordance with a method  
13 approved by the United States Department of Housing and Urban  
14 Development.

15 "Tenant turnover" means the time at which all existing occupants  
16 vacate a dwelling unit and all new tenants move into the dwelling  
17 unit.

18 "Visual assessment" means a visual examination for deteriorated  
19 paint or visible surface dust, debris, or residue.

20 b. (1) Subject to subsection c. of this section, in a municipality  
21 that maintains a permanent local agency for the purpose of  
22 conducting inspections and enforcing laws, ordinances, and  
23 regulations concerning buildings and structures within the  
24 municipality, the permanent local agency shall inspect every single-  
25 family, two-family, and multiple rental dwelling located within the  
26 municipality at tenant turnover for lead-based paint hazards or  
27 within two years of the effective date of P.L. , c. (C. )  
28 (pending before the Legislature as this bill), whichever is earlier.  
29 Thereafter, all such units shall be inspected for lead-based paint  
30 hazards the earlier of every three years or upon tenant turnover,  
31 except that an inspection upon tenant turnover shall not be required  
32 if the owner has a valid lead-safe certification pursuant to this

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 section. The municipality shall charge the dwelling owner or  
2 landlord a fee sufficient to cover the cost of the inspection.

3 (2) Subject to subsection c. of this section, a municipality that  
4 does not maintain a permanent local agency for the purpose of  
5 conducting inspections and enforcing laws, ordinances, and  
6 regulations concerning buildings and structures within the  
7 municipality, the municipality shall hire a lead evaluation  
8 contractor, certified to provide lead paint inspection services by the  
9 Department of Community Affairs, to inspect every single-family,  
10 two-family, and multiple rental dwelling located within the  
11 municipality at tenant turnover for lead-based paint hazards or  
12 within two years of the effective date of P.L. , c. (C. )  
13 (pending before the Legislature as this bill), whichever is earlier.  
14 Thereafter, all such units shall be inspected for lead-based paint  
15 hazards the earlier of every three years or upon tenant turnover,  
16 except that an inspection upon tenant turnover shall not be required  
17 if the owner has a valid lead-safe certification pursuant to this  
18 section. The municipality shall charge the dwelling owner or  
19 landlord a fee sufficient to cover the cost of the inspection,  
20 including the cost of hiring the lead evaluation contractor.

21 (3) A municipality shall permit the dwelling owner or landlord  
22 to directly hire a lead evaluation contractor who is certified to  
23 provide lead paint inspection services by the Department of  
24 Community Affairs to satisfy the requirements of paragraph (1) or  
25 (2) of this subsection.

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

34 (5) Fees established pursuant to this subsection shall be  
35 dedicated to meeting the costs of implementing and enforcing this  
36 subsection and shall not be used for any other purpose.

37 c. Notwithstanding subsection b. of this section to the contrary,  
38 a dwelling unit in a single-family, two-family, or multiple rental  
39 dwelling shall not be subject to inspection and evaluation for the  
40 presence of lead-based paint hazards if the unit:

41 (1) has been certified to be free of lead-based paint;

42 (2) was constructed during or after 1978;

43 (3) is in a multiple dwelling that has been registered with the  
44 Department of Community Affairs as a multiple dwelling for at  
45 least 10 years, either under the current or a previous owner, and has  
46 no outstanding lead violations from the most recent cyclical  
47 inspection performed on the multiple dwelling under the "Hotel and  
48 Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.);

1 (4) is a single-family or two-family seasonal rental dwelling  
2 which is rented for less than six months duration each year by  
3 tenants that do not have consecutive lease renewals; or

4 (5) has a valid lead-safe certification issued in accordance with  
5 this section.

6 d. (1) If a lead evaluation contractor or permanent local  
7 agency finds that a lead-based paint hazard exists in a dwelling unit  
8 upon conducting an inspection pursuant to this section, then the  
9 owner of the dwelling unit shall remediate the lead-based paint  
10 hazard by using abatement or lead-based paint hazard control  
11 methods, approved in accordance with the provisions of the "Lead  
12 Hazard Control Assistance Act," P.L.2003, c.311 (C.52:27D-437.1  
13 et al.). Upon the remediation of the lead-based paint hazard, the  
14 lead evaluation contractor or permanent local agency shall conduct  
15 an additional inspection of the unit to certify that the hazard no  
16 longer exists.

17 (2) If a lead evaluation contractor or permanent local agency  
18 finds that no lead-based paint hazards exist in a dwelling unit upon  
19 conducting an inspection pursuant to this section or following  
20 remediation of a lead-based paint hazard pursuant to paragraph (1)  
21 of this subsection, then the lead evaluation contractor or permanent  
22 local agency shall certify the dwelling unit as lead-safe on a form  
23 prescribed by the Department of Community Affairs as provided for  
24 in regulations or guidance promulgated pursuant to section 8 of  
25 P.L. , c. (C. ) (pending before the legislature as this bill).  
26 The lead-safe certification provided to the property owner by the  
27 lead evaluation contractor or permanent local agency pursuant to  
28 this paragraph shall be valid for two years.

29 e. Beginning on effective date of P.L. , c. (C. ) (pending  
30 before the Legislature as this bill), property owners shall:

31 (1) provide evidence of a valid lead-safe certification obtained  
32 pursuant to this section as well as evidence of the most recent tenant  
33 turnover at the time of the cyclical inspection carried out under the  
34 "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et  
35 seq.), unless not required to have had an inspection by a lead  
36 evaluation contractor or permanent local agency pursuant to  
37 paragraphs (1), (2), or (3) of subsection c. of this section;

38 (2) provide evidence of a valid lead-safe certification obtained  
39 pursuant to this section to new tenants of the property at the time of  
40 tenant turnover unless not required to have had an inspection by a  
41 lead evaluation contractor or permanent local agency pursuant to  
42 paragraphs (1), (2), (3), and (4) of subsection c. of this section, and  
43 shall affix a copy of such certification as an exhibit to the tenant's  
44 or tenants' lease; and

45 (3) maintain a record of the lead-safe certification which shall  
46 include the name or names of the unit's tenant or tenants, if the  
47 inspection was conducted during a period of tenancy, unless not  
48 required to have had an inspection by a lead evaluation contractor

1 or permanent local agency pursuant to paragraphs (1), (2), (3), and  
2 (4) of subsection c. of this section.

3 f. If a lead evaluation contractor or permanent local agency  
4 finds that a lead-based paint hazard exists in a dwelling unit upon  
5 conducting an inspection pursuant to this section, then the lead  
6 evaluation contractor or permanent local agency shall notify the  
7 Commissioner of Community Affairs, who shall review the findings  
8 in accordance with section 8 of the "Lead Hazard Control  
9 Assistance Act," P.L.2003, c.311 (C.52:27D-437.8).

10 g. (1) If a dwelling is located in a municipality in which less  
11 than three percent of children tested, six years of age or younger,  
12 have a blood lead level greater than or equal to five ug/dL,  
13 according to the central lead screening database maintained by the  
14 Department of Health pursuant to section 5 of P.L.1995, c.328  
15 (C.26:2-137.6), or according to other data deemed appropriate by  
16 the commissioner, then a lead evaluation contractor or permanent  
17 local agency may inspect for lead-based paint hazards through  
18 visual assessment.

19 (2) If a dwelling is located in a municipality in which at least  
20 three percent of children tested, six years of age or younger, have a  
21 blood lead level greater than or equal to five ug/dL, according to the  
22 central lead screening database maintained by the Department of  
23 Health pursuant to section 5 of P.L.1995, c.328 (C.26:2-137.6), or  
24 according to other data deemed appropriate by the commissioner,  
25 then a lead evaluation contractor or permanent local agency shall  
26 inspect for lead-based paint hazards through dust wipe sampling.

27 (3) If a lead hazard is identified in an inspection of one of the  
28 dwelling units in a building consisting of two- or three- dwelling  
29 units, then the lead evaluation contractor or permanent local agency  
30 shall inspect the remainder of the building's dwelling units for lead  
31 hazards, with the exception of dwelling units that have been  
32 certified to be free of lead-based paint. The lead evaluation  
33 contractor or permanent local agency may charge fees in  
34 accordance with this section for such additional inspections.

35 h. In addition to the fees permitted to be charged for inspection  
36 of rental housing pursuant to this section, each municipality shall  
37 assess an additional fee of \$20 per unit inspected by a certified lead  
38 evaluation contractor or permanent local agency for the purposes of  
39 the "Lead Hazard Control Assistance Act," P.L.2003, c.311  
40 (C.52:27D-437.1 et al.) concerning lead hazard control work, unless  
41 the unit owner demonstrates that the Department of Community  
42 Affairs has already assessed an additional inspection fee of \$20  
43 pursuant to the provisions of section 10 of P.L. 2003, c. 311  
44 (C.52:27D-437.10). In a common interest community, any  
45 inspection fee charged pursuant to this subsection shall be the  
46 responsibility of the unit owner and not the homeowners'  
47 association, unless the association is the owner of the unit. The fees  
48 collected pursuant to this subsection shall be deposited into the

1 "Lead Hazard Control Assistance Fund" established pursuant to  
2 section 4 of P.L.2003, c.311 (C.52:27D-437.4).

3

4 2. (New section) a. The Department of Community Affairs, in  
5 consultation with the Department of Health, shall establish a  
6 Statewide, multifaceted, ongoing educational program designed to  
7 meet the needs of tenants, property owners, realtors and real estate  
8 agents, insurers and insurance agents, and local building officials  
9 about the nature of lead-based paint hazards, the importance of  
10 lead-based paint hazard control and mitigation, and the  
11 responsibilities set forth in P.L. , c. (C. ) (pending before  
12 the Legislature as this bill). In developing and coordinating this  
13 educational program, the department shall seek the participation and  
14 involvement of private industry organizations, including those  
15 involved in real estate, insurance, mortgage banking, and pediatrics.

16 b. Prior to the effective date of P.L. , c. (C. ) (pending  
17 before the Legislature as this bill), the department shall:

18 (1) Create educational materials outlining the rights and  
19 responsibilities of parties subject to the provisions of P.L. ,  
20 c. (C. ) (pending before the Legislature as this bill).

21 (2) Establish guidelines and a trainer's manual for a lead-based  
22 paint hazard seminar for rental property owners or designated  
23 persons, which the department shall forward to all public and  
24 private colleges and universities in New Jersey, to other  
25 professional training facilities, and to professional associations and  
26 community organizations with a training capacity. The department  
27 shall approve proposals to offer the seminar from institutions;  
28 provided that the proposals are consistent with the guidelines. The  
29 department shall create an electronic version of the lead-based paint  
30 hazard seminar accessible on the Internet. The seminar shall be  
31 available to tenants, property owners, and other interested parties.

32 (3) Promulgate rules for the dissemination of information about  
33 the requirements of P.L. , c. (C. ) (pending before the  
34 Legislature as this bill) to all prospective owners of pre-1978  
35 dwellings during the real estate transaction, settlement, or closing;

36 (4) Solicit requests to enter into ongoing, funded partnerships to  
37 provide specific counseling information services to tenants and  
38 affected parties on their rights and responsibilities with regard to  
39 lead-based paint hazards and lead poisoning.

40 c. The lead-based paint hazard seminar established pursuant to  
41 this section shall not exceed three hours in length. The department  
42 shall offer the seminar for a maximum fee of \$50 per participant.

43

44 3. (New section) In association with an application for lead  
45 remediation funding provided pursuant to the "Lead Hazard Control  
46 Assistance Fund" established pursuant to section 4 of P.L.2003,  
47 c.311 (C.52:27D-437.4), or any other program administered for lead  
48 remediation purposes by the Department of Community Affairs, the

1 department shall not request or require that a property owner  
2 disclose the social security number of any person renting the  
3 property or otherwise associated with the inspected property other  
4 than the property owner. This disclosure requirement prohibition  
5 shall apply to an application for assistance, funded and administered  
6 by the State, for lead remediation purposes.

7  
8 4. (New section) a. Upon the filing of a complaint with the  
9 department or of the commissioner's own accord, the commissioner  
10 shall be authorized to conduct investigations and issue penalties  
11 against a municipality for its failure to comply with subsection b. of  
12 section 1 of P.L. , c. (C. ) (pending before the Legislature as  
13 this bill).

14 b. A municipality or its permanent local agency shall be  
15 authorized to conduct investigations and issue penalties not  
16 inconsistent with this subsection to enforce a property owner's  
17 failure to comply with paragraph (1) of subsection d. of section 1,  
18 or subsection e. of section 1 of P.L. , c. (C. ) (pending  
19 before the Legislature as this bill). If the municipality or permanent  
20 local agency determines that a property owner has failed to comply  
21 with a provision of P.L. , c. (C. ) (pending before the  
22 Legislature as this bill) with respect to a rental dwelling unit owned  
23 by the property owner, the property owner shall first be given 30  
24 days to cure any violation by conducting the required inspection or  
25 initiate any required remediation efforts. If the property owner has  
26 not cured the violation after 30 days, the property owner shall be  
27 subject to a penalty not to exceed \$1,000 per week until the  
28 required inspection has been conducted or remediation efforts have  
29 been initiated.

30  
31 5. Section 5 of P.L.1995, c.328 (C.26:2-137.6) is amended to  
32 read as follows:

33 5. a. The department shall maintain a central **【data base】**  
34 database which shall include a record of all lead screening  
35 conducted pursuant to this act. The **【data base】** database shall  
36 include the name, age and address of the child screened and any  
37 other demographic data the department deems necessary. The **【data**  
38 **base】** database shall be geographically indexed, by municipality, in  
39 order to determine the location of areas of relatively high incidence  
40 of lead poisoning.

41 b. The information reported to and compiled by the department  
42 pursuant to this act is to be used only by the department and such  
43 other agencies as may be designated by the commissioner and shall  
44 not otherwise be divulged or made public so as to disclose the  
45 identity of any child to whom it relates without written parental  
46 consent; and to that end, the information shall not be included under  
47 materials available to public inspection pursuant to P.L.1963,  
48 c.73 (C.47:1A-1 et seq.). The department may, however, make such

1 statistical reports available using information compiled from the  
2 **【data base】** database if the name or other identifying information of  
3 the child screened is not revealed and in accordance with all other  
4 federal and State laws regarding the protection of medical  
5 information.

6 (cf: P.L.1995, c.328, s.5)

7

8 6. Section 1 of P.L.2007, c.251 (C.55:13A-12.2) is amended to  
9 read as follows:

10 1. a. The commissioner shall inspect every single-family and  
11 two-family rental dwelling in accordance with the "Hotel and  
12 Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.), at  
13 least once every five years for lead-based paint hazards and shall  
14 charge a fee sufficient to cover the cost of such inspection;  
15 provided, however, that the fee shall not exceed one-third of the  
16 inspection fee for a three-unit multiple dwelling, established  
17 pursuant to the "Hotel and Multiple Dwelling Law," P.L.1967,  
18 c.76 (C.55:13A-1 et seq.), for each unit inspected.

19 b. Notwithstanding any other provisions of P.L.2007,  
20 c.251 (C.55:13A-12.2 et al.) to the contrary, a dwelling unit in a  
21 single-family or two-family dwelling shall not be subject to  
22 inspection and evaluation for the presence of lead-based paint  
23 hazards, or for the fees for such inspection or evaluation, if the unit:

24 (1) has been certified to be free of lead-based paint;

25 (2) was constructed during or after 1978; or

26 (3) is a seasonal rental unit which is rented for less than six  
27 months' duration each year; or

28 (4) has **【been certified as having a lead-free interior by a**  
29 **certified inspector】** a valid lead-safe certification issued in  
30 accordance with section 1 of P.L. , c. (C. ) (pending before  
31 the Legislature as this bill).

32 c. The commissioner shall have the power to enforce the  
33 corrections of any violations found pursuant to a lead-based paint  
34 hazard inspection conducted pursuant to this section as if the rental  
35 unit were in a multiple dwelling subject to the requirements of the  
36 "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et  
37 seq.).

38 (cf: P.L.2007, c.251, s.1)

39

40 7. Section 5 of P.L.2003, c.311 (C.52:27D-437.5) is amended to  
41 read as follows:

42 5. a. The department is hereby authorized to provide financial  
43 assistance in the form of grants or loans, or a combination thereof,  
44 with moneys available from the fund to eligible owners of  
45 multifamily housing and to eligible owners of single-family and  
46 two-family homes, whether or not utilized as rental housing, for  
47 lead hazard control work, in compliance with the terms of P.L.2003,  
48 c.311 (C.52:27D-437.1 et al.) and subject to the conditions set forth

1 in this section. "Eligible owner" shall mean an owner who provides  
2 proof to the satisfaction of the department of the presence of a lead-  
3 based paint hazard on the owner's property.

4 b. Financial assistance in the form of a loan may be provided to  
5 an eligible owner of multifamily housing, a single-family home or  
6 a two-family home based on the owner's ability to repay the loan as  
7 determined by the department.

8 c. Financial assistance shall be provided for a period to be  
9 determined by the department.

10 d. The department may provide financial assistance, upon  
11 application therefore, for up to 100% of the costs of lead hazard  
12 control work, including associated lead evaluation costs, and for  
13 temporary relocation assistance, except that no award of financial  
14 assistance for a dwelling unit may exceed \$150,000.

15 e. Financial assistance provided in the form of a loan shall be  
16 secured by a lien upon the real property on which the lead hazard  
17 control work is performed, with respect to which the financial  
18 assistance is made and other such collateral as the department may  
19 consider necessary to secure the interests of the fund in accordance  
20 with the provisions and purposes of P.L.2003, c.311 (C.52:27D-  
21 437.1 et al.). The department may, if it deems necessary, require  
22 the financial assistance to be secured by a personal loan guarantee  
23 by the owner of the property or by a lien upon other real property  
24 belonging to the person to whom the loan is made. The department  
25 may authorize a loan in conjunction with an award of a grant for a  
26 partial or the total amount of the costs of lead hazard control work.

27 f. The department shall establish a program to provide the  
28 grants authorized pursuant to this section, including grants to  
29 remediate lead-based paint hazards identified by a permanent local  
30 agency or lead evaluation contractor during an inspection conducted  
31 pursuant to P.L. , c. (C. ) (pending before the Legislature as  
32 this bill). Grants shall not be made available to owners of multiple  
33 dwellings comprising more than four separate dwelling units.  
34 Priority shall not be granted to any applicant on the basis of the  
35 location of the housing. Priority may be given, however, to those  
36 residences in which children under the age of six reside, as well as  
37 for remediation for lead-based paint hazards identified by a  
38 permanent local agency or lead evaluation contractor during an  
39 inspection conducted pursuant to P.L. , c. (C. ) (pending  
40 before the Legislature as this bill). The department may award the  
41 grants on a pro-rata basis to the applicants, if there is an insufficient  
42 amount in the fund to award grants for the full amount of the  
43 projected cost of the lead hazard control work.

44 (cf: P.L.2003, c.311, s.5)

45

46 8. (New section) a. The Commissioner of Community Affairs,  
47 in accordance with the "Administrative Procedure Act," P.L.1968,  
48 c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to



1 effectuate the provisions of P.L. , c. (C. ) (pending before  
2 the Legislature as this bill). Additionally, as soon as possible  
3 following the enactment of P.L. , c. (C. ) (pending before  
4 the Legislature as this bill), the commissioner shall take steps  
5 necessary to ensure that municipal officials are informed of the  
6 responsibilities of municipalities established by P.L. ,  
7 c. (C. ) (pending before the Legislature as this bill).

8 b. Notwithstanding the limitations established in section 1 of  
9 P.L. 2011, c.215 (C.52:14B-3a) on the use of regulatory guidance  
10 documents, the commissioner shall prepare and disseminate  
11 regulatory guidance documents as defined in subsection d. of  
12 section 1 of P.L. 2011, c.215 (C.52:14B-3a), in advance of the  
13 adoption of regulations as necessary for the administration of  
14 P.L. , c. (C. ) (pending before the Legislature as this bill), for  
15 purposes including but not limited to: (1) providing guidance on the  
16 procedures required for lead inspection and remediation, and (2) the  
17 existing certifications, or educational requirements, that shall  
18 qualify a person as a lead evaluation contractor.

19  
20 9. (New section) There is appropriated from the General Fund  
21 to the Department of Community Affairs the sum of \$3,900,000 to  
22 effectuate the purposes of P.L. , c. (C. ) (pending before the  
23 Legislature as this bill).

24  
25 10. This act shall take effect one year following enactment, but  
26 the department and municipalities are authorized to take any  
27 anticipatory actions necessary to prepare for the implementation of  
28 the provisions of this act.

29  
30  
31 \_\_\_\_\_  
32  
33 Requires lead paint inspection on certain residential rental  
34 property, including upon tenant turnover; establishes lead-based  
35 paint hazard education program; appropriates \$3,900,000.