

Lead-Based Paint



The Lead-Based Paint Inspection Law (P.L.2021, C.182)

The Lead-based Paint Inspection Law (P.L.2021, c.182) addresses lead-based paint hazards in residential rental property and establishes lead-based paint hazard control work programs.

So, what does this Lead Safe Certification law require of a property owner?

If you rent pre-1978 property in Cranbury that does not qualify for one of several exemptions, beginning July 2022, you will be required to have a VISUAL lead-paint inspection (interiors, common areas and exteriors / out buildings) upon tenancy turnover of each unit or every three years, which ever happens first. You must obtain a Lead Safe Certification or Lead-Free Certification.

- **Lead Safe Certification** is issued where, upon inspection, a lead paint hazard(s) is/are found on the property by a local agency or state certified professional but is safely treated and requires no further action at the time of inspection or occupancy turn-over. This certification type is only good for two years and will expire.
- **Lead Free Certification** is issued where, upon inspection, no lead paint is found on the property by a state certified professional. This certification type is good for the life of the property and does not expire unless a lead-based paint illness is reported to the State.

If you have not tested for lead-based paint and the property is pre-1978 original construction, the law states you must assume all interior and exterior paint on the property is lead-based paint.

The visual inspection required in Cranbury can only be done by a Municipal's local agency inspection program or a NJ DCA certified Lead Evaluation contractor all of whom will assess a fee for inspection services. A list of certified lead evaluation contractors can be found below.

Common 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. What dwellings are required to be inspected and what dwellings are exempt?

All single-family, two-family, and multiple rental dwellings must be inspected. The following dwellings 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.

3. 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.

4. What are the requirements of municipalities under P.L. 2021, c. 182?

The law imposes an obligation on municipalities to verify 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. Municipalities must permit dwelling owners/landlords to directly hire a certified lead evaluation contractor for this purpose.

5. 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.

6. 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.

7. 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.

8. 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.

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.

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.

9. 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.

10. 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.

11. 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.

12. What does abatement mean?

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

13. 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.

14. 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.

15. 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 issued to the municipality. Finally, municipalities must maintain a record of all lead-free certifications issued pursuant to N.J.A.C. 5:17.

Lead-Based Paint in Rental Dwellings Guide for Owners & Residents

<https://www.njlm.org/DocumentCenter/View/10082/20220603-Guide-to-Lead-Based-Paint-in-Rental-Dwellings-PL2021-c182>

DCA Certified Lead Inspectors

Individuals are certified as lead inspector/risk assessors, lead abatement workers, and lead abatement supervisors by the New Jersey Department of Health pursuant to their regulations at N.J.A.C. 8:62, adopted under the authority of N.J.S.A. 26:2Q-1, et seq. Information on the requirements for an individual to be certified may be found online at:

<https://www.nj.gov/health/ceohs/lead/lead-workers-supervisors>

DCA Certified Lead Abatement Firms

Firms that perform lead evaluation or abatement services are certified by the Department of Community Affairs. This information may be found online at:

https://www.nj.gov/dca/divisions/codes/offices/leadhazard_abatement.html

Prior to engaging any Lead Abatement or Lead Evaluation firm, contact Lead Hazard Abatement at (609) 633-6224 or by fax at (609) 943-5159 to verify the contractor's certification status. EPA lead-safe work practices and certification requirements have been in effect since April 2010 for individuals who conduct renovations or repairs in housing and child-occupied facilities built before 1978.

To learn more about these requirements, please contact [EPA Region 2](#) at (732) 321-6671, or visit EPA's website links below:

- [Renovation, Repair and Painting Program](#)
- [Certification](#)

Related Forms and Publications

- [Certified Lead Abatement Contractors](#)
- [Certified Lead Evaluation Contractors](#)
- [Lead 10 day notification](#)
- [Residential Lead Abatement Contractors \(all\)](#)
- [Residential Lead Abatement Contractors-Contracts Under \\$20,000](#)
- [Residential Lead Abatement Contractors-Contracts Over \\$20,000 & Under \\$100,000](#)
- [Residential Lead Abatement Contractors-Contracts \\$100,000 and Over](#)

Lead AND ITS Associated Hazards



Lead is a naturally occurring element and heavy metal in our environment.

Historically, it was widely used in industrial processes and commercial products such as gasoline, paint, cosmetics, spices, and pottery.

Throughout the 20th century to the present day, lead's harmful effects on human physiological and behavioral health have become increasingly understood by public health experts.

Lead exposure happens when people encounter lead in their environment. This can be through old household paint, contaminated soil, or other sources. Exposure is determined by measuring the concentration of lead in a person's blood.

Identifying Lead Based Hazards

Deteriorating lead-based paint (peeling, chipping, chalking, cracking, or damaged paint) is a hazard and needs immediate attention. It may also be a hazard when found on surfaces that get a lot of wear-and-tear, such as windows and windowsills, doors and door frames, stairs, railings, banisters, and porches.

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. Settled dust can reenter the air when people vacuum, sweep, or walk through the affected area.

Important Links:

- [Lead-Based Paint in Rental Dwellings Guidelines](#)
- [Division of Codes and Standards Lead Hazard Abatement Program](#)

- Division of Housing and Community Resources Lead Assistance Programs