

ORDINANCE 2026-03

**AN ORDINANCE OF THE BOROUGH OF STOCKTON
ESTABLISHING LEAD-BASED PAINT HAZARD
INSPECTION REQUIREMENTS FOR RENTAL
DWELLING UNITS**

WHEREAS, pursuant to P.L. 2021, c. 182, as amended by P.L. 2024, c. 74 (N.J.S.A. 52:27D-437.16 et seq.), all municipalities are required to inspect every rental dwelling unit, and in a building consisting of two or three dwellings, the common area within each building that contains a rental dwelling unit, located within the municipality at tenant turnover for lead-based paint hazards or within three years of the effective date of P.L. 2021, c. 182, whichever is earlier; and

WHEREAS, the purpose of these requirements is to prevent the poisoning of residents by requiring that the presence of deteriorated lead-based paint on the interior and exterior of pre-1978 structures be identified and correctly addressed by reducing and controlling lead-based paint hazards which may be present, in order to prevent human exposure to such hazards; and

WHEREAS, it is necessary and in the best interests of the residents of the Borough of Stockton to impose regulations, procedures and standards for the completion of inspections for lead-based paint in rental dwelling units, in order to conform to and ensure compliance with State law.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Stockton, County of Hunterdon, as follows:

Section 1. The following standards, procedures and requirements are hereby enacted for purposes of regulating lead-based paint inspections for rental dwelling units in the Borough:

**LEAD-BASED PAINT INSPECTION REQUIREMENTS
FOR RENTAL DWELLING UNITS**

§1. Definitions.

For purposes of this ordinance only, the following words and terms shall have the meaning as used in, and in accordance with, N.J.S.A. 52:27D-437.16 and N.J.A.C. 5:28A-1.1 et seq.:

Common area means the interior portions of a building used for residential rental purposes that are generally accessible to residential tenants, but not including the interior of individual dwelling units. Common areas shall include, but not be limited to, hallways, stairs, foyers, basements, laundry rooms, and the interior of attached or detached garages, if the areas are generally accessible to residential tenants and the areas are not located within the interior of an individual dwelling unit.

Dust wipe sampling means a sample collected by wiping a representative surface and tested, in accordance with a method approved by the United States Department of Housing and Urban Development (HUD) and as conducted pursuant to N.J.A.C. 5:28A-2.3.

Dwelling means a building containing a room or rooms, or suite, apartment, unit, or space that is rented and occupied, or intended to be rented and occupied, for sleeping and dwelling purposes by one or more persons.

Dwelling unit means a single-family living space, including a single family home, or an apartment, room, or rooms within a two-family or multiple-family building, that is occupied or intended to be occupied for sleeping or dwelling purposes by one or more persons living independently of persons in similar dwelling units.

Lead evaluation contractor means 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.

Lead-safe certification means the certification required under this ordinance, which confirms that a periodic lead-based paint inspection was performed, and no lead-based paint hazards were found. This certification is valid for three years from the date of issuance, in accordance with N.J.A.C. 5:28A-2.4

Periodic lead-based paint inspection means (except as otherwise provided in section 5a of this ordinance), the initial inspection of all applicable dwelling units at the earlier of three years from the effective date of P.L. 2021, c. 182 (July 22, 2022) or tenant turnover and, thereafter, the earlier of three years or upon tenant turnover, consistent with N.J.A.C. 5:28A-2.1, for the purposes of identifying lead-based paint hazards in dwellings subject to this ordinance.

Remediation means interim controls or lead abatement work undertaken in conformance with this ordinance and applicable law and regulation to address lead-based paint hazards.

Tenant turnover means the time at which all existing occupants vacate a dwelling unit, and all new tenants move into the dwelling unit, or the time at which a new tenant enters a vacant dwelling unit.

§2. The Borough's lead evaluation contractor; ability to hire lead evaluation contractor directly; inspections authorized.

- a. The Borough shall designate a lead evaluation contractor authorized to perform periodic lead-based paint inspections for lead-based paint hazards in every rental dwelling unit and, in a building consisting of two or three dwelling units, the common area within each building that contains a rental dwelling unit in the Borough. The Borough's lead evaluation contractor shall be authorized and empowered to conduct the required periodic lead-based paint inspections required by law, and take such other action on the Borough's behalf as set forth in this ordinance and applicable law.
- b. The owner or landlord (referred to herein as "owner") of a dwelling subject to the inspection requirements of this ordinance shall be permitted to directly hire a lead evaluation contractor of their own selection to conduct the periodic lead-based paint inspections for lead-based paint, subject to compliance with N.J.A.C. 5:28A-2.1(d).

§3. Exemptions.

In accordance with N.J.S.A. 52:27D-437.16(c) and implementing regulations, a rental dwelling unit shall not be subject to inspection and evaluation for the presence of lead-based paint hazards as required by this ordinance if:

- a. The dwelling unit was constructed during or after 1978;
- b. The dwelling unit is a single-family or within a two-family seasonal rental dwelling that is rented for less than six months duration each year by tenants that do not have consecutive lease renewals;
- c. The dwelling unit has been certified to be free of lead-based paint, pursuant to N.J.A.C. 5:17;
- d. The dwelling unit is in a multiple family building that has been registered with the Department of Community Affairs as a multiple family building for at least ten years, either under the current or a previous owner, and has no outstanding lead-based paint violations from the two most recent cyclical inspections performed under the Hotel and Multiple Dwelling Law, P.L. 1967, c.76 (N.J.S.A. 55:13A-1 et seq.); or
- e. Is a dwelling unit that has a valid lead-safe certification issued in accordance with this ordinance.

§4. Dwelling owner responsible for obtaining inspection and payment of fees; applicable fees.

- a. The owner of every rental dwelling unit offered for rental, unless otherwise exempt hereunder, shall be required to obtain an inspection of the unit for lead-based paint hazards as required by this ordinance.
- b. To obtain the required inspection, the owner shall arrange for same with the Borough's lead evaluation contractor or directly hire its own lead evaluation inspector.
- c. The owner shall be responsible for scheduling the inspection and paying all applicable and required fees directly to the contractor. The lead evaluation contractor completing the inspection shall ensure that the proper type of inspection or assessment (i.e., visual assessment or dust wipe sampling, or both) is performed in accordance with N.J.A.C. 5:28A-2.3.
- d. The fee for the cost of the periodic lead-based paint inspection completed by the Borough's lead evaluation contractor shall be as determined by the Borough and lead evaluation contractor annually, and shall be based on the actual cost charged for the inspection. The owner shall pay the Borough's lead evaluation contractor directly for each inspection.
- e. In addition to the foregoing, the Borough shall also charge the owner a fee of \$20.00 per unit inspected by each lead evaluation contractor, unless the owner demonstrates that it has already paid this inspection fee pursuant to the provisions of section 10 at P.L. 2003, c. 311 (N.J.S.A. 52:27D-437.10).
 1. When due, the fee paid under this subsection e. shall be paid by the owner to the Borough's lead inspection contractor.
 2. The Borough's lead inspection contractor shall submit the fees collected under this subsection e. to the State for deposit into the Lead Hazard Control Assistance Fund established under section 4 at P.L. 2003, c. 311 (N.J.S.A. 52:27D-437.4).

§5. Timing for required inspection.

- a. The initial inspection for rental dwelling units subject to this ordinance shall take place upon tenant turnover or within three years of the effective date of P.L. 2021, c. 182, whichever is earlier. If, upon the effective date of this ordinance, an owner has not completed the required initial inspection, then the owner shall not be in violation of this provision as long as the owner completes the initial inspection for rental dwelling units subject to this ordinance within ninety days of the effective date of this ordinance.

- b. After initial inspection, all such dwelling units shall be inspected for lead-based paint hazards each time there is tenant turnover, or at least once every three years, whichever occurs earlier. However, if the dwelling unit owner has obtained a valid lead-safe certification for the dwelling unit, then inspection of that dwelling unit shall not be required at each tenant turnover during the three-year period the certification is valid.
- c. Each subsequent periodic lead-based paint inspection shall be counted from the most recent inspection which resulted in a valid lead-safe certification.

§6. Notice of tenant turnover to be given; time for Borough to complete inspections.

Whenever any dwelling unit subject to this ordinance is scheduled for a tenant turnover, the owner shall provide the Borough's lead inspection contractor with prior written notice of at least fourteen business days of the date scheduled for tenant turnover and advise whether the owner will hire the Borough's lead evaluation contractor or its own lead evaluation contractor. The owner shall be responsible for scheduling the inspection, ensuring proper access to the dwelling unit and paying the contractor for the inspection. The failure to provide this notice to the Borough in the required time-frame shall be deemed a failure to complete the necessary inspection.

§7. Inspection results.

- a. If the lead evaluation contractor completing an inspection on a dwelling unit finds no lead-based paint hazard, then the contractor completing the inspection shall certify the dwelling unit as lead-safe on the form prescribed by the Department of Community Affairs. The lead-safe certification shall be valid for a period of three years from the date of issuance.
- b. If the lead evaluation contractor completing an inspection on a dwelling until finds that a lead-based paint hazard exists, then the owner shall be responsible for remediation of the lead-based paint hazard consistent with the requirements of N.J.A.C. 5:28A-2.5, as well as compliance with, and costs associated with, all applicable additional requirements, inspections, abatement and procedures established by N.J.A.C. 5:28A-2.5.

§8. Additional owner responsibilities.

The owner of a dwelling that is subject to the requirements of this ordinance shall:

- a. At the time of tenant turnover, provide to the tenant evidence of a valid lead-safe certification obtained as required hereunder. The owner shall also include a copy of the certification as an exhibit to the tenant's lease.

- b. Maintain a record of the lead-safe certification, which shall include the name or names of a unit's tenants, if inspection was conducted during a period of tenancy.
- c. Inform the Borough's lead inspection contractor of all tenant turnover activity to ensure any required inspection may be scheduled.

§9. Obligations of the Borough.

- a. The Borough shall maintain a record of:
 - 1. All dwellings subject to the requirements of this ordinance which shall include up to date information on inspection schedules, inspection results and tenant turnover; and
 - 2. All lead-safe certifications issued hereunder, whether issued by the Borough's lead evaluation contractor or independent lead evaluation contractors hired by owners.
- b. The Borough shall deliver to the Department of Community Affairs a list identifying each dwelling unit inspected and each dwelling unit determined to contain a lead-based paint hazard.

§10. Violations and penalties.

The penalties for violating this ordinance shall be as follows:

- a. If an owner has failed to conduct the required inspection or initiate any required remediation, then the Borough shall issue written notice to the owner that the owner has thirty days to cure the violation.
- b. If the owner fails to cure the violation within the thirty-day period, then the owner shall be subject to a penalty not to exceed \$1,000.00 per week, until the required inspection has been conducted or the remediation efforts have been initiated. Remediation efforts shall be considered to be initiated when the dwelling owner has hired a lead abatement contractor or other qualified party to perform lead-hazard control methods.

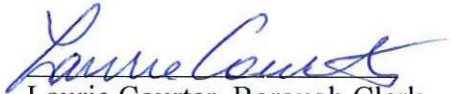
2. **Repealer.** All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

3. **Severability.** If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the

section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be valid and enforceable.

4. **Effective Date.** This ordinance shall take effect upon its adoption and publication as provided by law.

ATTEST:


Laurie Courter, Borough Clerk



Aaron Lipsen, Mayor

Introduced: March 16, 2026
Adopted: March 26, 2026

{ S E A L }