

# New Jersey's Lead Safe Certification Law

New Jersey's newest lead-based paint law, "[New Jersey's Lead Safe Certification Law.](#)" goes into effect July 2022 and directly targets ALL pre-1978 rental properties. The law will require lead paint inspections, unless the unit is exempt, either at turnover or every three years (Whichever comes first); however, following the effective date of the new law, there will be a one-time inspection required within a two-year time period if a unit is not turned over first.

The Lead-Safe Certification will be valid for a two-year period. As such, a unit will not need to be reinspected any more frequently, than once every two years.

## Who is exempt from this requirement for New Lead-Safe Certification?

A "lead-safe certification" will be required prior to renting any residential dwelling unit unless the unit is:

1. built in 1978 or later;
2. certified to be free of lead-based paint;
3. a single-family or two-family seasonal rental;
4. (a.) located in a 3+ unit building, (b.) has been registered with DCA for at least 10 years by the current or previous owner, and (c.) has no outstanding lead violations from the most recent DCA 5-year inspection; or,
5. has a lead-safe certification issued within the last two years

## Lead-Safe Certification Inspection

The law states that the Lead-Safe Certification Inspections must be performed by:

- A municipal local agency inspection program; or,
- **A NJ DCA certified Lead Evaluation Contractor hired by the municipality** or
- A NJ DCA Certified Lead Evaluation Contractor, directly hired by the property owner to provide the required evaluation services.

# Protocols for Lead-Safe Certification

- Lead-safe certification inspections will be conducted through visual assessment, which means a visual examination for deteriorated paint or visible surface dust, debris, or residue.
- However, in municipalities where 3% or more of children 6-years or younger are identified with blood lead levels greater than 5 ug/dL, inspections will be conducted through dust wipe sampling, which means a sample collected by wiping a representative surface and testing in accordance with a method approved by HUD.

## Procedures if Lead Hazards Are Identified

- If a lead evaluation contractor or municipal inspector finds that a lead-based paint hazard exists in a dwelling unit upon conducting an inspection:
- The owner must remediate the lead-based paint hazard by using abatement or lead-based paint hazard control methods.
- The contractor or municipal inspector must notify the Department of Community Affairs, which shall review the findings in accordance with section 8 of the “Lead Hazard Control Assistance Act,” P.L.2003, c.311 (C.52:27D-437.8).
- The unit would need to be reinspected before a lead-safe certification can be issued.
- In one-, two-, and three-unit buildings, if a lead hazard is identified in one unit, the remaining units in the building will be required to be inspected.

## Record Keeping and Disclosure Rules

The owner is required to:

- Provide required lead-safe certifications and history of tenant turnover during the DCA cyclical “5-year” inspection.
- Provide evidence of a lead-safe certification to tenants and shall affix a copy of such certification as an exhibit to the tenant’s lease.
- Maintain a record of the lead-safe certifications required to be obtained, which shall include the tenant’s name, if conducted during a period of tenancy.

LEW Environmental Services is New Jersey’s largest and most recognized DCA Lead Evaluation Contractor and one of the most experienced environmental companies in the area. **LEW Environmental welcomes the opportunity to discuss how we can assist you with the requirements and compliance strategies of this new law, while minimizing municipal effort, responsibility, and liability.**