

**ORDINANCE OF THE TOWNSHIP OF HADDON, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY ESTABLISHING NEW CHAPTER 190 ENTITLED “LEAD-BASED PAINT”**

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**WHEREAS**, the Township of Haddon (the “Township”) is a municipal corporation organized and operating under the laws of the State of New Jersey; and

**WHEREAS**, in July of 2021, the New Jersey State Legislature enacted P.L. 2021, c. 182, amending the Lead Hazard Assistance Act (N.J.S.A. 52:27D-437.1, *et seq.*) (the “Legislation”), specifically as to lead paint hazards in residential properties; and

**WHEREAS**, the Township seeks to amend the Township Code to require landlords within the Township to comply with the lead-based hazard requirements of the Legislation; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Mayor and Township Commissioners of the Township of Haddon are authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and the Township Commissioners of the Township of Haddon as follows:

**SECTION 1:** Chapter 190, “Lead-Based Paint” is hereby established as follows:

**§ 190-1      Lead-based paint.**

- A. Annually, on or before January 1, all owners of a residential rental unit within the Township, or upon change in occupancy of a residential rental unit, shall present to the Township Construction Official notice of the last tenant turnover date, as well as a valid lead-based paint evaluation report prepared by a certified lead evaluation contractor as defined in P.L. 2021, c. 182. Should the owner fail to provide such a report within thirty

(30) days of filing, the Township shall have said inspection performed with the Township's cost for same to be assessed against the landlord's rental property as a municipal lien.

- B. Should the evaluation report identify lead-based hazards, then the owner shall remediate the hazards through abatement or lead-based hazard control mechanisms. The remediation shall be confirmed through a subsequent lead-based hazard inspection. The identification of a lead-based hazard will result in the Township, or the inspector retained to conduct such inspections, providing notification of same to the Commissioner of Community Affairs.
- C. No residential rental unit shall be occupied until a valid lead-based paint evaluation report prepared by a certified lead evaluation contractor as defined in P.L. 2021, c. 182 is provided or obtained by the Township pursuant to subsection A above. Further, if the evaluation report identifies lead-based hazards, such residential rental unit shall not be occupied until remediation is deemed complete by the Township pursuant to subsection B above.
- D. The provisions of this Section do not apply to properties exempt under P.L. 2021, c. 182, specifically properties that:
  - 1) have been certified to be free of lead-based paint.
  - 2) were constructed during or after 1978.
  - 3) are located in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least 10 years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law," P.L.1967,c.76 (C.55:13A-1 et seq.).

- 4) are a single-family or two-family seasonal rental dwelling which is rented for less than six months duration each year by tenants that do not have consecutive lease renewals.
- 5) have a valid lead-safe certification issued in accordance with P.L. 2021, c. 182

**SECTION 2:** Except as set forth in Section 1 above, the balance of the Code of the Township of Haddon shall not be affected by this Ordinance.

**SECTION 3:** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4:** If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

**SECTION 5:** This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

(SIGNATURES ON NEXT PAGE)

THE TOWNSHIP OF HADDON

BY: \_\_\_\_\_  
RANDALL W. TEAGUE, MAYOR

BY: \_\_\_\_\_  
JAMES MULROY, COMMISSIONER

BY: \_\_\_\_\_  
RYAN LINHART, COMMISSIONER

**Introduced:** November 22, 2022

**Adopted:** December 20, 2022

ATTEST:

\_\_\_\_\_  
DAWN PENNOCK, RMC - TOWNSHIP CLERK

**The foregoing Ordinance was introduced by the Mayor and Commissioners at the regular meeting held on November 22, 2022. This Ordinance will be considered for adoption on final reading and public hearing to be held on December 20, 2022 at 7:00 p.m. in the Meeting Room, Haddon Township Municipal Building, 135 Haddon Avenue, Westmont, New Jersey.**

**The purpose of this Ordinance is to comply with the new lead paint law passed by the State of New Jersey. A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Township Clerk, Haddon Township Municipal Building, 135 Haddon Avenue, Westmont, New Jersey.**