

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.

The law imposes an obligation on municipalities to perform or hire a certified lead evaluation contractor to perform 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.

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.

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. 5:17-3.6(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.
 - [Exempt property listings](#) <-- click here

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.

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.

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.

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.