

Ordinance of the City of Jersey City, N.J.

File No. Ord. 23-018
Agenda No. 3.4 (1st Reading)
Agenda No. 4.1 (2nd Reading and Final Passage)



AN ORDINANCE SUPPLEMENTING CHAPTER 160 (FEES AND CHARGES) SECTION 1 (FEE SCHEDULE ESTABLISHED) SUBSECTION X (CHAPTER 254 PROPERTY MAINTENANCE) ESTABLISHING A FEE SCHEDULE FOR LEAD-BASED HAZARD INSPECTION OF RENTAL UNITS PURSUANT TO P. L. 2021, C. 182 AND AMENDING CHAPTER 254 (PROPERTY MAINTENANCE) TO INCLUDE THE REGISTRATION OF PROPERTIES FOR COMPLIANCE UNDER THE LEAD HAZARD CONTROL ASSISTANCE ACT.

COUNCIL AS A WHOLE offered and moved adoption of the following ordinance:

Whereas, pursuant to P.L.2021, c.182, the Lead Hazard Control Assistance Act (“Act”), New Jersey is now required to enforce Lead-Based Hazards Inspections and Remediation; and

Whereas, the Act requires that properties subject to the Act be inspected every two years for lead hazards or upon tenant turnover "whichever is earlier"; and

Whereas, in order to determine tenant turnover, the city must establish a database using information from the owners of rental properties subject to the Act; and

Whereas, to create such a database, the city must require that owners provide the information related to tenant turnovers; and

Whereas, the City has established such a database and will require that owners of rental properties subject to the Act provide the information required by Lead Hazard Control Assistance Act on or before June 30, 2023, so that inspections can begin thereafter; and

Whereas, the owners who do not provide the required information on or before June 30, 2023, will be in violation of Sec. 254-81 and be subject to a fine for such violation; and

Whereas, the City will conduct lead inspections of the properties subject to the Act, the cost for which has been outlined in the fee schedule hereinbelow; and maintain a record that tracks the status and cyclical inspections of the applicable properties.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY CITY AS FOLLOWS:

§ 160-1. Fee schedule established.

Chapter 254, Property Maintenance.

[Amended 5-24-1995 by Ord. No. 95-045; 6-13-2018 by Ord. No. 18-060; 6-27-2018 by Ord. No. 18-068; 1-23-2020 by Ord. No. 20-004; 3-11-2020 by Ord. No. 20-028]

(1) License fees, in addition to the fees provided in N.J.S.A. 55:13A-1 et seq.

(a) Furnished apartments: \$125.00, plus \$20.00 for each apartment.

(b) Motels, hotels, etc.: \$200.00, plus \$20.00 per room.

APPROVED AS TO LEGAL FORM

Handwritten signature of the Business Administrator.

Business Administrator

Handwritten signature of the Corporation Counsel.

Corporation Counsel

An Ordinance supplementing Chapter 160 (Fees and Charges) Section 1 (Fee Schedule Established) Subsection X (Chapter 254 Property Maintenance) establishing a fee schedule for Lead-Based Hazard Inspection of rental units pursuant to P. L. 2021, C. 182 and amending Chapter 254 (Property Maintenance) to Include the Registration of Properties for Compliance under the Lead Hazard Control Assistance Act.

- (2) Reinspection fee: \$10.00.
- (3) Inspections made under § 254-107.
 - (a) For an inspection and two additional reinspections, if necessary, for dwellings of two units or less: \$40.00.
 - (b) For an inspection and two additional reinspections, if necessary, for each dwelling unit in excess of two: \$10.00.
 - (c) For the third reinspection and any additional reinspections, per rooming unit: \$20.00.

(4) Inspections made for Lead-Based Hazards

(a) Inspection Fee of \$200 per unit in dwelling inspected for lead-based paint hazards pursuant to the LEAD HAZARD CONTROL ASSISTANCE ACT (P.L.2021, Chapter 182); provided, however, a property owner may directly hire a contractor certified by the New Jersey Department of Community Affairs to satisfy the inspection requirements of the law.

(b) Additional \$20 fee per unit inspected by a certified lead evaluation contractor or by the city payable to the State for the purposes of the Lead Hazard Control Assistance Act

- (4) Status report fee.
 - (a) Pages one through 10: \$0.25 per page.
 - (b) Pages 11 through 20: \$0.15 per page.
 - (c) All pages over 21: \$0.10 per page.

(5) Vacant property annual registration fee.

(a) Vacant Buildings:

- (1) The initial registration fee for each vacant building shall be \$500.00.
- (2) The fee for the first renewal shall be \$1,000.00.
- (3) The fee for the second renewal shall be \$2,000.00.
- (4) The fee for any subsequent renewals shall be \$3,000.00.

(b) Vacant lots - annual registration fee of \$250.00; provided, however, that there shall be no registration fee for lots under 500 square feet.

- (6) The semi-annual registration fee for foreclosure property under § 254-127 shall be \$500.00.
- (7) No registration fee shall be prorated or refunded.

§ 254-81. Registration of properties for compliance with the Lead Hazard Control Assistance Act.

A. On or before June 30, 2023, every property subject to inspection under the Lead Hazard Control Assistance Act shall register with the Division of Housing Preservation upon forms prescribed and furnished by the Division of Housing Preservation or upon creation of a web-based registration portal, such registration shall be online through the portal.

The registration shall provide:

An Ordinance supplementing Chapter 160 (Fees and Charges¹) Section 1 (Fee Schedule Established) Subsection X (Chapter 254 Property Maintenance) establishing a fee schedule for Lead-Based Hazard Inspection of rental units pursuant to P. L. 2021, C. 182 and amending Chapter 254 (Property Maintenance) to Include the Registration of Properties for Compliance under the Lead Hazard Control Assistance Act.

1.The name and address of the owner, the name and address of the lessor, if the lessor is not the owner and the address of the agent in charge of the premises residing in the municipality;

2.The location of the dwelling or dwelling units, including the street and number of each entrance;

3.The name of each tenant for the purpose of compliance with the Lead-Hazard Control Assistance Act (P. L. 2021, C. 182); and

4.Such other information as the Division of Housing Preservation may require.

B.The registration shall be revised within 20 days of tenant turnover.

C.Any person who signs the registration provided shall certify that all statements therein are, to the best of his or her knowledge and belief, true and correct.

D.As used in this section “tenant turnover” means the time at which all existing occupants vacate a dwelling unit and new occupants move into the dwelling unit.

[1] The Act defines properties subject to inspection as “[1]every single-family, two-family, and multiple rental dwelling located within the municipality at tenant turnover for lead-based paint hazards or within two years of the effective date of [P.L.2021, c.182 \(C.52:27D-437.16](#) et al.), whichever is earlier. Thereafter, all such units shall be inspected for lead-based paint hazards the earlier of every three years or upon tenant turnover, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification pursuant to this section.

[2]A unit is exempt from inspection under the Act if:

- (1) has been certified to be free of lead-based paint;
- (2) was constructed during or after 1978;
- (3) is 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) is 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; or
- (5) has a valid lead-safe certification issued in accordance with this section.

N.J.S.A. 52:27D-437.16(c).

NOTE: All new material is underlined words ~~struck through~~ are omitted. For purposes of advertising only, new matter is **boldface** and repealed by *italics*.

Ord. 23-018

An Ordinance supplementing Chapter 160 (Fees and Charges1) Section 1 (Fee Schedule Established) Subsection X (Chapter 254 Property Maintenance) establishing a fee schedule for Lead-Based Hazard Inspection of rental units pursuant to P. L. 2021, C. 182 and amending Chapter 254 (Property Maintenance) to Include the Registration of Properties for Compliance under the Lead Hazard Control Assistance Act.

RECORD OF COUNCIL VOTE ON INTRODUCTION – Feb 23 2023						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	ABSENT	GILMORE	AYE	WATTERMAN, PRES	AYE	

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING – Mar 8 2023						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	9-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	AYE	

SPEAKERS:

Jeanne Daly

TABLED:

Motion to Table Ord. 23-018 by Rivera, Second: Saleh 9-0 - 3/8/2023

Motion to Remove Ord. 23-018 from the Tabled Agenda by Ridley, Second: Prinz-Arey - 8-0, DeGise, Absent - 12/13/2023

OTHER:

The Amendment was a significant change which required the Ordinance to be Re-Introduced on 12/13/2023 8-0, DeGise, Absent

Second Public Hearing Held on 1/10/2024, Motion: Rivera, Second: Prinz-Arey, 8-0, Saleh, Absent

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY – Dec 13 2023						
RIDLEY	AYE	SALEH	AYE	DEGISE	ABSENT	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	AYE	

RECORD OF FINAL COUNCIL VOTE – Jan 10 2024						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	9-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	AYE	

Adopted on first reading of the Council of Jersey City, N.J. on **Feb 23 2023**

Adopted on second and final reading after hearing on **Jan 10 2024**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on Jan 10 2024



City Clerk



Joyce E. Watterman, President of Council

Approved: Jan 10 2024

Amendment(s):

Ord. 23-018

An Ordinance supplementing Chapter 160 (Fees and Charges1) Section 1 (Fee Schedule Established) Subsection X (Chapter 254 Property Maintenance) establishing a fee schedule for Lead-Based Hazard Inspection of rental units pursuant to P. L. 2021, C. 182 and amending Chapter 254 (Property Maintenance) to Include the Registration of Properties for Compliance under the Lead Hazard Control Assistance Act.

Motion to Amend Ord. 23-018 by Rivera, Second:
Watterman - 8-0, DeGise, Absent
Amendments are attached to the Ordinance



Steven M. Fulop, Mayor
Date to Mayor: Jan 11 2024
Approved: Jan 11 2024

Ord. 23-018

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FACT SHEET -

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the ordinance.

Project Manager

Itza Wilson, Supervisory Assistant Corporation Counsel		2015475229	iwilson@jcnj.org
Department	Department of Law		
Division	Corporation Counsel		

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 1:00 p.m.)

Meeting	Regular Meeting of Municipal Council - Dec 13 2023
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Purpose

The law department submits this ordinance on behalf of the BA, to ensure the City's compliance with Lead Hazard Laws Pursuant to the Lead-Hazard Control Assistance Act (P. L. 2021, C. 182)
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Cost (Identify all sources and amounts)

0

Contract term (include all)

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ATTACHMENTS:

Proposed Amendment - 11.13.23 Chp 160- Ordinance Amending and Supplementing Chapter 160 and Chapter 254 - for Lead Hazard CAA Amendment to Ordinance 23-018 - 3.1.23 Chp 160- Ordinance Amending and Supplementing Chapter 160 and Chapter 254 - for Lead Hazard CAA

Approved by
Itza Wilson, Supervisory Assistant Corporation Counsel
John Metro, Business Administrator

Status:
Approved - Feb 12 2023
Approved - Feb 15 2023

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Whereas, pursuant to P.L.2021, c.182, the Lead Hazard Control Assistance Act (“Act”), New Jersey is now required to enforce Lead-Based Hazards Inspections and Remediation; and

Whereas, the Act requires that properties subject to the Act be inspected every two years for lead hazards or upon tenant turnover "whichever is earlier"; and

Whereas, in order to determine tenant turnover, the city must establish a database using information from the owners of rental properties subject to the Act; and

Whereas, to create such a database, the city must require that owners provide the information related to tenant turnovers; and

Whereas, the City has established such a database and will require that owners of rental properties subject to the Act provide the information required by Lead Hazard Control Assistance Act on or before June 30, 2023, so that inspections can begin thereafter; and

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- (1) License fees, in addition to the fees provided in N.J.S.A. 55:13A-1 et seq.
 - (a) Furnished apartments: \$125.00, plus \$20.00 for each apartment.
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- (2) Reinspection fee: \$10.00.
- (3) Inspections made under § 254-107.
 - (a) For an inspection and two additional reinspections, if necessary, for dwellings of two units or less: \$40.00.
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 - (c) For the third reinspection and any additional reinspections, per rooming unit: \$20.00.
- (4) Inspections made for Lead-Based Hazards

(a) Inspection Fee payable by property owner in the amount of ~~\$200~~ \$250 per unit in dwelling, inspected for lead-based paint hazards pursuant to the LEAD HAZARD CONTROL ASSISTANCE ACT (P.L.2021, Chapter 182); provided, however, a property owner may directly hire a contractor certified by the New Jersey Department of Community Affairs to satisfy the inspection requirements of the law.

(b) Additional \$20 fee per unit inspected by a certified lead evaluation contractor or by the city payable to the State for the purposes of the Lead Hazard Control Assistance Act

(4) Status report fee.

(a) Pages one through 10: \$0.25 per page.

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(5) Vacant property annual registration fee.

(a) Vacant Buildings:

(1) The initial registration fee for each vacant building shall be \$500.00.

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(b) Vacant lots - annual registration fee of \$250.00; provided, however, that there shall be no registration fee for lots under 500 square feet.

(6) The semi-annual registration fee for foreclosure property under § 254-127 shall be \$500.00.

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§ 254-81. Registration of properties for compliance with the Lead Hazard Control Assistance Act.

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The registration shall provide:

1. The name and address of the owner, the name and address of the lessor, if the lessor is not the owner and the address of the agent in charge of the premises residing in the municipality;
2. The location of the dwelling or dwelling units, including the street and number of each entrance;
3. The name of each tenant for the purpose of compliance with the Lead-Hazard Control Assistance Act (P. L. 2021, C. 182); and
4. Such other information as the Division of Housing Preservation may require.

B. The registration shall be revised within 20 days of tenant turnover.

C. Any person who signs the registration provided shall certify that all statements

therein are, to the best of his or her knowledge and belief, true and correct.

D. As used in this section “tenant turnover” means the time at which all existing occupants vacate a dwelling unit and new occupants move into the dwelling unit.

[1] The Act defines properties subject to inspection as “[1]every single-family, two-family, and multiple rental dwelling located within the municipality at tenant turnover for lead-based paint hazards or within two years of the effective date of [P.L.2021, c.182 \(C.52:27D-437.16](#) et al.), whichever is earlier. Thereafter, all such units shall be inspected for lead-based paint hazards the earlier of every three years or upon tenant turnover, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification pursuant to this section.

[2] A unit is exempt from inspection under the Act if:

- (1) has been certified to be free of lead-based paint;
- (2) was constructed during or after 1978;
- (3) is 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.);
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N.J.S.A. 52:27D-437.16(c).

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