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**Landlords Guide to NJ's Lead Safe Certification**

New Jersey's newest lead-based paint law, "New Jersey's Lead-Safe Certification," went into effect **July 22, 2022** and directly targets **ALL pre-1978 rental properties**. In addition to new lead paint inspection intervals.

**What Landlords Need to Know**

Effective **July 22, 2022**, New Jersey requires lead paint inspections (visual only for Wharton) for all targeted rental units, or by July 24, 2024 if there is no tenant turnover. **This new law is not currently tied to time-of-sale requirements.**

The Lead-Safe Certification will be valid for a two-year period. As such, a unit will not need to be re-inspected 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. **(Wharton only requires a visual inspection)**
- 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.

## Obtaining a Lead-Based Paint Free Certification

- New Jersey landlords who are seeking lead-based paint-free certifications must retain a firm that utilizes X-Ray Fluorescence (XRF) testing for lead paint inspections. XRF testing is efficient, cost-effective, and non-destructive. XRF analysis is a proven technology used to detect and quantify the amount of lead present in older paint.
- After an inspection where no lead-based paint is found per the sampling protocol, a “Lead-Based Paint Free certification” will be issued. While XRF testing is not a requirement of the law, XFR technology allows landlords to receive the lead-free certification which exempts them from future inspections. If lead is identified within the unit, but there are no signs of the paint chipping, cracking, peeling, blistering, or showing signs of impact or friction, then the required lead-safe certification can be issued. This is good for two years and must be attached to the current lease and any future leases while the certification is still valid (2yrs).
- ***The takeaway?*** Spending a little extra now and performing a lead-based paint inspection at the same time as performing NJ’s new lead laws visual inspection or lead dust wipe sampling will provide the critical knowledge of “*do I have lead-based paint and where is it*”. This knowledge will empower NJ landlords to take control of their lead-based paint concerns, if any, and creates a path to negate the need for future inspections.



## 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 re inspected 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.

Useful Links:

State of NJ, DCA Lead Safe Home Page:

<https://www.nj.gov/dca/divisions/codes/resources/leadpaint.html>

Lead-Based Paint in Rental Dwellings Guide:

[https://www.nj.gov/dca/divisions/codes/publications/pdf\\_lead/lead\\_based\\_paint\\_guide\\_rental\\_dwellings.pdf](https://www.nj.gov/dca/divisions/codes/publications/pdf_lead/lead_based_paint_guide_rental_dwellings.pdf)

Lead Assistance Programs: <https://www.nj.gov/dca/divisions/dhcr/offices/leadsafe.html>

Lead Based Paint Law Webinar: <https://www.youtube.com/watch?v=Xjnxefep79o>

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