

LANDLORD RESPONSIBILITIES REGARDING LEAD BASED PAINT

The Hotel & Multiple Dwelling Code (N.J.A.C. 5:10) now requires lead-safe maintenance of multifamily properties built before 1978.

Owners have two ways to comply with this law:

Inspections/Risk Assessment - Lead Hazard Control Plan or *Standard Treatments*

Inspections/Risk Assessment - Lead Hazard Control Plan: This option requires that you to hire a certified evaluation firm to: inspect your property and perform a Risk Assessment to devise a plan to address any potential lead hazards found. If lead based paint is found, you will be required to perform lead hazard control work in accordance with the plan provided to you by that firm. This plan will describe and prioritize the work that must be done to bring the building into compliance with the laws.

Standard Treatments: This option allows property owners to "assume" (rather than hiring a firm to test and prove) that their property contains lead-based paint. This option requires that the entire property be treated as though it contains lead-based paint using Standard Treatments. Standard Treatments are methods used to maintain painted surfaces so as to prevent them from becoming lead hazards. These methods include covering horizontal surfaces (floors, window sills, etc.) with a smooth and cleanable covering or coating. Standard Treatments must be undertaken at unit turnover, unless they were undertaken less than 12 months before. All work undertaken must be performed by Lead Safe Work Practices trained maintenance staff or trained contractors.

Regardless of which option you choose, ongoing Evaluation and Maintenance is required of all multifamily property owners. This means that property owners must perform visual examinations to check for deteriorated paint at unit turnover or every 12 months (whichever comes first). The causes of paint deterioration must be diagnosed and repaired - using Lead Safe Work Practices. The regulations require that maintenance staff performing the visual examinations and undertaking corrective maintenance work be able to perform these functions in a lead-safe manner. Thus, maintenance staff is required to complete a one-day course on lead safe work practices. (See enclosed flyer).

Upon completion of the maintenance work, dust wipe testing must be performed as specified in the regulations. Dust Wipe Testing is a relatively simple method of taking a sample of the dust on a particular surface to see if the dust contains lead, and if so, how much. This testing must be performed by a trained and certified individual. Once the samples are taken, they must be sent to a lab for analysis. The results of the tests are sent to the property owner. If the results indicate that lead is significantly present, additional cleaning is required at the sampling site, and another dust wipe test must be taken and sent to the lab. Evaluation companies can perform dust wipe testing for a fee, as well as, other trained/certified individuals. Dust wipe sampling training courses are available for a fee, last about 4 hours, require the participant to pass a test, and provide the individual with a course certification.

Record keeping - Property owners are required to maintain records of all visual examinations, findings, and responses to tenant complaints, corrective actions/repairs made, testing performed and the results of such testing, for the life of the structure. The owner should also keep records of lead safe work practices training completed by any maintenance staff.

Tenant Notification/Owner Response - The law requires owners to post or provide each tenant with a notice advising them to contact the owner in writing, if they find any deteriorated paint. The owner must respond to the written complaint within 30 days, unless the deteriorated paint is in a unit where a child under 6 or a pregnant woman resides, which mandates a 1-week response. If maintenance work must be undertaken, the owner is required to inform the tenants in writing of the lead safety requirements, prior to the start of work.

For additional information call: New Jersey Bureau of Housing Inspection at 609-633-6225