

**MODEL LEAD-SAFE CITY AGREEMENT BETWEEN**  
**THE NEW JERSEY DEPARTMENT OF THE PUBLIC ADVOCATE AND**  
**THE CITY OF ELIZABETH**

**WHEREAS** lead poisoning can cause irreversible, life-long, serious harm, including neurological and behavioral problems, developmental disabilities, decreased I.Q., growth problems, hearing loss, coma, and even death;

**WHEREAS** lead poisoning is preventable;

**WHEREAS** a blood lead test is the only method by which to diagnose a child as lead-poisoned;

**WHEREAS** paint that is deteriorating leaves children vulnerable to harmful lead exposure;

**WHEREAS** lead can be found in paint, dust, soil, water, certain industries, candies, toys, and folk remedies;

**WHEREAS** the Centers for Disease Control and Prevention currently have identified 10 micrograms per deciliter of whole blood ( $\mu\text{g}/\text{dL}$ ) as the level of concern for lead poisoning and have acknowledged that there is no safe blood lead level;

**WHEREAS** the Department of the Public Advocate has undertaken an investigation of lead paint poisoning in this State and has uncovered families at high risk for exposure to lead;

**WHEREAS** Governor Jon S. Corzine has issued Executive Order #100 to address the serious issue of childhood lead poisoning;

**WHEREAS** the lead poisoning problem in New Jersey is significant and statewide, but falls most heavily on the poor and on minorities in the State's older urban areas;

**WHEREAS** there are approximately 11,000 children under the age of six in the City of Elizabeth, and the City is home to 5.45% of all lead-burdened children under age six statewide;

**WHEREAS** approximately 89% of Elizabeth's housing was built before 1978, when the national ban on the sale of lead paint went into effect, and approximately 43% of the housing in Elizabeth was built before 1950 when the level of lead in paint was at its highest;

**WHEREAS** Elizabeth offers lead screening and education at seven sites within the City;

**WHEREAS** Elizabeth has recognized the outstanding efforts of the Elizabeth Coalition for Lead Education and Prevention to increase awareness about lead poisoning by distributing literature, DVDs, lead paint detection swabs; and by conducting demonstrations and presentations at public events, childcare facilities, non-profit service providers, and businesses;

**WHEREAS** there are exorbitant medical, educational, and social costs to both the City of Elizabeth and to the State associated with lead poisoning;

**THEREFORE, BE IT RESOLVED THAT THE CITY OF ELIZABETH  
SHALL TAKE THE FOLLOWING STEPS REGARDING  
EDUCATIONAL OUTREACH, SCREENING, INSPECTION,  
ABATEMENT, RELOCATION, AND GRANTS AND BECOME A  
MODEL LEAD-SAFE CITY:**

- I. The Mayor of the City of Elizabeth shall designate one City Official as the Elizabeth Model Lead-Safe City Coordinator (“Coordinator”) for all efforts related to the prevention of and response to lead poisoning. The Coordinator shall serve as the point person for all intra-City lead efforts and shall be the liaison with County and State agencies, including but not limited to, the Department of the Public Advocate (“DPA”), the Department of Community Affairs (“DCA”), the Department of Health and Senior Services (“DHSS”), the Department of Education (“DOE”), and the Department of Environmental Protection (“DEP”). The Coordinator shall also collaborate with community-based organizations (“CBOs”), including those listed on Appendix A, the Elizabeth Coalition for Lead Education and Prevention, and local hospitals and medical associations that deal with the treatment and prevention of lead poisoning.
- II. The City of Elizabeth (“Elizabeth” or “City”) shall work with DPA to ensure that educational materials concerning the dangers of lead poisoning and the need for blood lead screening are made available to Parent Teacher Associations (PTAs), Parent Teacher Organizations (PTOs), school nurses, and all families with children in Head Start programs; City- or State-sponsored nursery and pre-schools; and public, private, and charter grammar schools.
- III. In collaboration with CBOs, Elizabeth shall undertake efforts to increase blood screening rates in areas within the City where, according to DHSS mapping results, children are most at-risk of lead poisoning.
- IV. Elizabeth shall continue to offer lead screening and education at its weekly Lead Clinic, Immunization Clinic, and Baby Keep-Well Stations and Child Health Clinics, and shall also increase efforts to publicize these services.
- V. Elizabeth shall ensure that a lead inspector/risk assessor is dispatched to a child’s home within 48 hours of the City having received notification of the child’s poisoning.
- VI. Elizabeth shall have case management meetings at least once per month to review all cases of lead poisoned children within the City.
- VII. Elizabeth shall continue to mandate completion of lead-safe work practices training for contractors and developers obtaining financial assistance through Elizabeth Home Improvement Programs (EHIP) for rehabilitation, conversion, and/or reconstruction of pre-1978 structures. Elizabeth shall explore the feasibility of mandating lead safe work practices training for all contractors who work on pre-1978 housing.
- VIII. Elizabeth shall continue to mandate that developers and owners who obtain financial assistance through EHIP totaling under \$25,000 per unit for rehabilitation, conversion, and/or reconstruction of pre-1978 structures use contractors who are certified in lead-safe work practices.
- IX. Elizabeth shall continue to mandate that developers and owners who obtain financial assistance through EHIP totaling over \$25,000 per unit for rehabilitation, conversion, and/or reconstruction of pre-1978 structures use licensed lead abatement contractors.
- X. Elizabeth shall hold forums with developers, landlords, and/or tenant groups or associations which will include information about lead abatement and financial resources available.

- XI. Elizabeth shall contact the DHSS and determine the advisability and feasibility of having the City's Code Enforcement Officers/Inspectors ("CE Inspectors") become State-licensed lead inspectors/risk assessors ("cross-trained CE inspectors").
- XII. When the Elizabeth Department of Health inspectors and/or the cross-trained CE inspectors determine that there is a lead hazard in one unit of a multi-unit dwelling in Elizabeth, the City shall notify all residents of the multi-unit dwelling of this risk and urge them to get their children blood screened for lead. Elizabeth shall also notify DCA's Division of Codes and Standards so that DCA, during its cyclical inspections, is aware that there was a lead hazard found in the building.
- XIII. The cross-trained CE inspectors shall periodically inspect the work of abatement contractors and, where the abatement contractor is found to be in violation of local ordinances, state or federal law, or the scope of services contract, issue fines or, if appropriate, petition the DCA for a notice of penalty assessment or license revocation. Elizabeth shall compile a list of these violations and violators. Elizabeth shall explore the feasibility of developing a survey to assess the satisfaction of homeowners with the abatement done on their properties.
- XIV. In addition to making available to consumers the information detailed in Article XIII, Elizabeth shall direct consumers to State and/or County agencies that are able to provide consumer satisfaction information.
- XV. Elizabeth shall investigate additional ways to increase its stock of lead-free housing to which families can be temporarily relocated while their homes are being abated. The City will contact, negotiate with, and, if appropriate, enter into agreements with lead-safe hotels to provide a discounted nightly, weekly, and monthly rate for temporary relocation of lead-burdened children and their families. Finally, Elizabeth will work with hotels to have them accept a payment voucher from the State of New Jersey.
- XVI. Elizabeth shall increase its collaboration with CBOs, other non-profit agencies, and affordable housing developers to attempt to secure permanent and temporary relocation housing for families with lead poisoned children.
- XVII. Elizabeth shall coordinate with the DCA to develop an up-to-date list of all lead-safe properties in Elizabeth. The City shall ensure that this list is consulted when a family with a lead-burdened child is temporarily or permanently relocated.
- XVIII. Elizabeth shall investigate and apply for lead grants from, among others, DHSS, DCA, DEP, the United States Department of Housing and Urban Development, the United States Environmental Protection Agency, and private foundations.
- XIX. Elizabeth will work cooperatively with the County of Union to provide financial assistance to property owners to remediate the lead in affordable housing units through the federally funded Union County Lead Awareness and Remediation Grant Program.
- XX. Elizabeth shall ensure its landlord registration statement is updated to comport with current legal requirements. The City shall also review whether other identifying information that would permit the landlord to be located more easily, such as a copy of his driver's license, and the results of the last DCA cyclical inspection should be included in the registration statement.
- XXI. Elizabeth shall review whether to adopt municipal ordinances that deal with lead hazards. The review shall include consideration of ordinances that require a lead-safe certificate as a precondition for a certificate of occupancy, detail mandatory penalty provisions against recalcitrant landlords, and provide rent remedies for tenants. Sample ordinances are included as Appendix B.
- XXII. Elizabeth shall provide its prosecutors, judges, and other court personnel the opportunity to become more familiar with the issues surrounding lead poisoning, relocation, and abatement.

- XXIII. Elizabeth shall continue to enforce lead-based paint hazard reduction and/or abatement orders and to prosecute uncooperative or absentee landlords.
- XXIV. Elizabeth shall continue to include a chapter in its homebuyer education seminar series curriculum focusing on both the dangers of lead poisoning and measures to prevent it.

**THEREFORE, THE FOLLOWING PARTIES  
HAVE AGREED UPON THE FOREGOING  
MODEL LEAD-SAFE CITY PRINCIPLES FOR  
THE CITY OF ELIZABETH ON THIS 13TH DAY  
OF JUNE, TWO THOUSAND AND EIGHT.**

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Hon. J. Christian Bollwage  
Mayor of the City of Elizabeth

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Ronald K. Chen  
New Jersey Public Advocate

## **APPENDIX A**

The City of Elizabeth agrees to work cooperatively with the following community partners for the purpose of responding to and preventing childhood lead poisoning in Elizabeth:

Elizabeth Coalition for Lead Education and Prevention

E'Port Presbyterian Childcare

Central Jersey Legal Services, Inc.

Egenolf Early Childhood Center.

Proceed, Inc.

Josephine's Place

The Leaguers, Inc. (Elizabeth) Head Start

Tri-County Chapter of the American Red Cross

Brand New Day, Inc.

Trinitas Hospital

## **APPENDIX B**

**SAMPLE ORDINANCE  
LEAD-SAFE MAINTENANCE REQUIREMENTS FOR ALL  
RENTAL PROPERTIES CONSTRUCTED  
BEFORE 1978**

§ 2.1 Lead-safe maintenance requirements

(a) Each residential building constructed before 1978 shall be subject to the requirements for lead-safe maintenance contained in this section. All such buildings shall undergo lead inspection and risk assessment and lead hazard control work in accordance with (b) below or shall comply with the requirements for standard treatments contained in (c) below. Following the performance of lead hazard control work or standard treatments, all buildings shall be subject to the requirements for on-going evaluation and maintenance contained in (d) below.

1. The requirements of this section shall not apply to:

i. Buildings, dwelling units or common areas that have been certified to be free of lead-based paint in accordance with *N.J.A.C. 5:17*; or

ii. A dwelling unit that has been certified as having a lead-free interior in accordance with *N.J.A.C. 5:17*.

(b) Inspection, risk assessment, and lead hazard control work: A combined inspection and risk assessment shall be performed in accordance with the applicable provisions of *N.J.A.C. 5:17*. Data collected from a previous inspection or risk assessment may be used. If a property or portions of a property were inspected for lead-based paint prior to May 16, 2005, a risk assessment shall be performed for the property or portions inspected; however, a new inspection shall not be required. For purposes of this section, "risk assessment" shall exclude testing of soil. For purposes of this section, "floors" shall include both carpeted and uncarpeted surfaces.

1. Lead hazard control work to address lead-based paint hazards identified in the risk assessment shall be conducted in accordance with the applicable provisions of *N.J.A.C. 5:17* for lead-based paint abatement and in accordance with the U.S. Department of Housing and Urban Development rules (24 CFR 35) for interim controls, incorporated herein by reference.

2. Following the performance of an inspection and risk assessment and any necessary lead hazard control work, the owner shall obtain a certification, issued in accordance with *N.J.A.C. 5:17-3.6*, that the property is free of lead-based paint hazards.

(c) Standard treatments: If the owner chooses not to have an inspection and risk assessment performed, as described in (b) above, the following lead hazard control requirements shall be followed for each dwelling unit and for all common areas. For each such building, the owner shall undertake periodic standard treatments as described below.

1. Standard treatments for lead safety shall be undertaken at unit turnover, unless they were undertaken less than 12 months before. Standard treatments shall be undertaken not less than once every 12 months in dwelling units where the owner has been notified by a tenant that a pregnant woman or a child under the age of six years resides.

2. Standard treatments shall include the following:

i. Smooth and cleanable horizontal surfaces shall be provided. All horizontal surfaces, such as floors, stairs, interior window sills, and window troughs, that are rough, pitted or porous, shall be covered with a smooth, cleanable covering or coating, such as metal coil stock, plastic, polyurethane, or linoleum;

(1) If carpet is to remain, wipe samples shall be collected from the carpeted surfaces. For test results that indicate lead levels above the clearance levels specified in *N.J.A.C. 5:17*, the carpet shall be removed.

(A) If carpet is to be removed and replaced with new carpet, the padding beneath the contaminated carpet shall also be replaced and the floor below shall be tested and shall not exceed the clearance levels set forth in *N.J.A.C. 5:17*.

ii. Conditions of rubbing, binding, friction or crushing of painted surfaces shall be corrected;

iii. Specialized cleaning shall be performed in accordance with (c)2iii(1) through (3) below.

(1) The work area shall be vacuumed with a HEPA vacuum cleaner as follows:

(A) HEPA vacuuming shall be sequenced to avoid passing through rooms already cleaned. The entryway shall be vacuumed last; and

(B) In each room, vacuuming shall begin with the ceiling and shall proceed down the walls. Every surface shall be vacuumed including, but not limited to, ceiling, walls, windows, window sills, exterior sills, window wells, doors, heating and air conditioning equipment, fixtures, such as light fixtures, and built-in appliances. Floors shall be the final surface vacuumed.

(2) The work area(s) shall be wet washed with a detergent solution such as trisodium phosphate, formulated to bind lead. An original, marked container showing the nature of the formula and any necessary precautions shall be available at the work site. The name of the product used and its manufacturer shall be included in the records retained by the owner.

(A) In each room, the wet wash process shall begin with the ceiling and work down to the floor following the sequence in (c)2iii(1)(A) and (B) above.

(B) String mops and mop buckets with wringers are required for wet washing floors. Sponge mops shall not be used.

(3) When dry, the abated area(s) shall be HEPA vacuumed again, following the sequence in (c)2iii(2)(A) and (B) above; and

iv. Maintenance staff trained in accordance with *N.J.A.C. 5:28-2.1(g)* or a lead evaluation firm certified in accordance with *N.J.A.C. 5:17* shall perform dust wipe sampling per *N.J.A.C. 5:17-9.1*, Table 9.1 for Single Surface Wipe Samples, if standard treatments are performed that disturb painted surfaces that total two square feet or more in any one interior room space, or ten percent or more of the total surface area of an interior component with a small surface area, including, but not limited to, window sills, baseboards or trim. The results shall not exceed the levels established in *N.J.A.C. 5:17*.

(d) On-going evaluation and maintenance, as described below, shall be required for all buildings.

1. A visual examination for deteriorated paint and dust wipe sampling of floors, window wells, and window sills shall be performed by the owner or at his request at unit turnover or every twelve months, whichever comes first.

2. Deteriorated paint and the causes of deterioration shall be promptly and safely repaired in accordance with the requirements of (i) below.

i. Painted surfaces shall be made intact by paint stabilization, enclosure, encapsulation or removal.

ii. The causes of paint deterioration and lead-contaminated dust levels that exceed levels established by *N.J.A.C. 5:17* shall be diagnosed and corrected.

iii. Dust wipe clearance testing shall be performed in accordance with (d)2iii(1) through (4) below when the work is complete to ensure that the lead dust levels do not exceed the lead hazard levels established by *N.J.A.C. 5:17*. If the level exceeds the lead hazard level established by *N.J.A.C. 5:17*, cleaning and retesting shall be performed until the results of testing demonstrate lead levels below the standard.

(1) Dust wipe sampling shall be performed following the first 20 maintenance activities. Ninety-five percent of these samples taken shall meet the clearance levels set forth at *N.J.A.C. 5:17*.

(2) If the 95 percent accuracy level is reached, dust wipe sampling shall be performed following five percent of maintenance activities performed and samples shall be ordered on a random basis. A 95 percent accuracy level shall be maintained.

(3) If the accuracy level falls below 95 percent or if a 95 percent accuracy level was not achieved following the first 20 maintenance activities, dust wipe sampling shall be performed following all maintenance activities until the 95 percent accuracy level is reached.

(4) Property owners shall be required to maintain records of all dust wipe sampling performed.

(e) The following concern exterior surfaces:

1. The requirements set forth in (a) through (d) above shall apply to stairwells, porches, balconies, and entryways.

2. For all other exterior surfaces, lead-safe work practices, in accordance with (i) below, shall be used for any work to be undertaken, unless the paint has been tested and not found to be lead-based paint.

(f) The following concern recordkeeping:

1. A record of testing performed and any certificate issued by a certified evaluation firm indicating that the building or any portion thereof is lead free shall be maintained for the life of the structure.

2. A record of all testing, visual examinations, findings and corrective action taken, including the date(s) and location(s) of any sampling performed and of corrective actions taken, shall be maintained for not less than five years and shall be made available upon request for review by the enforcing agency having jurisdiction. This shall include a record of:

i. Inspections, risk assessments and lead hazard control work performed pursuant to (b) above;

ii. Standard treatments undertaken pursuant to (c) above;

iii. On-going evaluation and maintenance undertaken pursuant to (d) above;

iv. Any certificates issued to the building owner by a certified lead evaluation firm;

v. Tenant notification required pursuant to (h) below; and

vi. Any reports of deteriorated paint received from tenants and documentation of the owner's responses pursuant to (h) below.

3. A record of the training in safe building maintenance practices of each individual as required by (g) below shall be maintained by the owner as long as that individual is involved in the maintenance of the building and shall be made available upon request for review by the enforcing agency having jurisdiction.

(g) Training requirements are as follows:

1. All owners or employees of the owner performing visual examinations or undertaking corrective action or maintenance work shall complete a one-day training course on safe building maintenance practices and applicable New Jersey law offered by a training provider accredited by the Department of Health and Senior Services. Courses approved for this purpose shall include:

i. The Lead-Based Paint Maintenance Training Program, "Work Smart, Work Wet, and Work Clean to Work Lead Safe," prepared by the National Environmental Training Association for EPA and HUD;

ii. "The Remodeler's and Renovator's Lead-Based Paint Training Program," prepared by HUD and the National Association of the Remodeling Industry;

iii. Lead Safety for Remodeling, Repair and Painting: A Joint EPA-HUD Course; or

iv. Any other course that the Department finds to be substantially equivalent.

2. Owners or employees of the owner shall not perform dust wipe sampling unless they have completed a State-certified course in accordance with this section or a HUD-approved clearance technician course (for example, the course developed by EPA, "Lead Sampling Technician ('HUD Clearance Technician') Training Course").

(h) Tenant notification and owner response requirements are as follows:

1. Owners shall distribute a pamphlet developed by the Department of Community Affairs prior to commencement of repair work that will disturb more than two square feet of lead-based paint, unless the tenant has received the pamphlet within the last 12 months.

2. Owners shall post a notice advising tenants to report deteriorated paint and shall respond to any reported problem within 30 days. The notice shall include the landlord's name, address, and telephone number.

i. If an owner has received notice from a tenant that there is a pregnant woman or a child under the age of six years residing in the unit or, with regard to any problem reported in a common area, in the building, the owner shall correct any conditions of deteriorated paint within one week of the tenant complaint.

ii. In buildings where there is no central location for posting notices or where notices are likely to be defaced or removed without authorization, the owner shall provide each tenant with a copy of such a notice.

(i) Lead-safe work practices: All work undertaken to repair or stabilize deteriorated paint and any other work that will disturb painted surfaces shall comply with the following:

1. Occupant protection and worksite preparation shall be performed in accordance with the applicable provisions of U.S. Department of Housing and Urban Development rules 24 CFR 35 included as subchapter Appendix 2-B, incorporated herein by reference.

2. The following work practices shall be prohibited:

i. Open flame burning or the use of high temperature (in excess of 1,100 degrees Fahrenheit) heat guns;

ii. Power sanding or sandblasting, unless a special HEPA (high efficiency particulate air) filter equipped vacuum attachment is used to contain dust;

iii. Uncontained water blasting or power washing; or

iv. Dry scraping or sanding more than two square feet of painted surface per room (interior) or more than 10 square feet per building (exterior).

3. All work shall be undertaken in a manner that prevents the spread of dust.

4. Specialized cleaning shall be performed at the end of each work day if the job will take more than one day and the area is to be occupied before work begins again and at the end of each job.

5. Occupant protection, worksite preparation and specialized cleaning ((i)1 and 4 above) are not required for maintenance activities that disturb painted surfaces that total:

i. Twenty square feet or less on the exterior of the building;

ii. Two square feet or less in any one interior room or space; or

iii. Ten percent or less of the total surface area of an interior or exterior component with a small surfaces area, including, but not limited to, window sills, baseboards or trim.

6. After the completion of any work involving the disturbance of painted surfaces of a size that exceeds the limits of (i)5 above, at least one dust wipe sample shall be taken by maintenance staff trained in accordance with (g) above in each room that is part of the work area at a location where work was performed. If the level exceeds the lead hazard level established by *N.J.A.C. 5:17*, the room shall be cleaned and retested until the results of testing demonstrate lead levels below the standard.

(j) Bare soil in excess of nine square feet per property shall be covered or access to these areas shall be restricted and bare soil in play areas or walkways of any size shall be covered unless that soil has been tested and has been found to be below the lead hazard level established by the U.S. Environmental Protection Agency at 40 CFR 745, incorporated herein by reference.

(k) Garages and other structures on the site: Any work on garages and other structures on the site shall be performed in accordance with the lead-safe work practices listed in (i) above. Structures to which tenants have access shall comply with the requirements set forth in (a) through (e) above.

**SAMPLE ORDINANCE  
LEAD POISONING PREVENTION FUND**

(a) There is hereby established a special fund to be known as the City of Elizabeth Lead Poisoning Prevention Fund (Fund). Into this fund shall be deposited (1) all monies obtained from civil penalties from enforcement of abatement orders, lead hazard fines, and/or any other judgment related to lead, lead-based paint, or other lead hazards; (2) all monetary donations to support the City of Elizabeth in the elimination of childhood lead poisoning; (3) any monies obtained by the City of Elizabeth as a receiver of rent during a tenant relocation and/or tenant abatement; and (4) any and all grants that are awarded to the City of Elizabeth for the elimination of childhood lead poisoning. This fund shall be managed by the designated Coordinator.

(b) The contents of the Fund shall be used for the furtherance of the elimination of childhood lead poisoning in the City of Elizabeth and shall be used only for the following lead related activities: education, inspection, abatement, clearance testing, relocation, training, and purchase and/or maintenance of lead safe housing.

(c) Interest earned from the monies in said fund shall become part of the principal thereof, and shall not be expended for any purpose other than for which said fund is established. The balance remaining in the fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose and shall be carried forward and accumulated in said fund for the purpose recited herein.

(d) The Coordinator shall within 120 days of the adoption of this ordinance, and within 15 days of July 1 thereafter submit a report to the Chief Operating Officer (COO), the Mayor and the Elizabeth City Council which shall include the following information:

- (1) A total dollar amount that is present in the fund;
- (2) A detailed identification of the sources who contributed to the fund;
- (3) A detailed accounting of the uses of the monies in the fund during the preceding year;
- (4) An estimate of the amount of money that the Coordinator anticipates, after consulting with the City Council and other appropriate City departments, shall be deposited in the fund during the next year;
- (5) Any other data that is requested by the COO, the Mayor and/or the City Council.

**SAMPLE ORDINANCE  
AUTHORITY TO ISSUE FINES FOR VIOLATIONS**

- a) City of Elizabeth Department of Code Enforcement (DCE) inspectors who are licensed lead inspectors / risk assessors have the authority to issue orders to abate a lead-burdened property when (1) a lead-based paint hazard, as that term is defined in N.J.A.C. 5:17-1.2, has been found; (2) lead dust in a dwelling exceeds the action levels for window wells, window sills, or floors described within the United States Housing and Urban Development (HUD) Guidelines, adopted by the State of New Jersey; or (3) there is documented evidence of a lead-burdened child whose blood lead level is at or above the prescribed environmental intervention level for the City of Elizabeth.
- b) If the DCE issues an order to abate and the order is not carried out within 90 days, the DCE may abate the property itself or contract with a third party to abate the property and proceed with an action against the property owner to recover the cost of the abatement and clearance, legal fees, court costs, and all accrued interest thereon. The DCE may enter a lien on the property.
- c) Any person or entity in violation of an order to abate shall be subject to a fine of not less than \$100 and not more than \$1,000 per day, assessed per day of the continuing violation.
- d) Any person or entity in violation of an order to abate may be charged as a disorderly person.
- e) Any fines assessed or judgments entered against any person or entity under this section shall be transferred into the City of Elizabeth Childhood Lead Poisoning Prevention Fund **(CITATION)**.

**ORDINANCE AMENDING CHAPTER 418 -  
LEAD PAINT**

WHEREAS, the City Council of the City of Camden understands that the main source of lead poisoning in New Jersey is lead paint, particularly in the state's older cities, where children are exposed to lead through old and deteriorating lead contaminated paint, dust and soil; and

WHEREAS, lead poisoning is a public health crisis that has irreversible effects on children and even adults. Lead exposure can cause brain damage, developmental delays, reduced IQ, reading and learning disabilities, behavioral problems, hearing impairments, and hyperactivity. Lead exposure can also impair the development and functioning of vital organs and can result in convulsions, coma, and even death; and

WHEREAS, a field investigation conducted by the Public Advocate's staff found lead dust levels exceeding the federal and state standard in 85 of 104, or 82 percent of, homes tested in five of the New Jersey cities with the highest concentration of lead-poisoned children: Trenton, Camden, Newark, East Orange and Irvington. Together, these five cities accounted for 31 percent of all reported lead poisonings in New Jersey in FY 2005; and

WHEREAS, Governor Jon S. Corzine has recently taken steps to underscore the importance of protecting the health of New Jersey's children and build on a report by the State Public Advocate to prevent lead poisoning, treat lead-poisoned children, assist affected families, and more effectively remediate lead-burdened housing; and

WHEREAS, this City Council desires to take Governor Corzine's lead in protecting Camden's children who are potentially or actually exposed to lead paint hazards; now, therefore

BE IT ORDAINED by the City Council of the City of Camden that Chapter 418 (Property Maintenance) is hereby amended as follows (additions are indicated by **Text**; deletions by ~~Text~~):

SECTION 1. Subsection B(1) of § 418-40 (Occupancy permits) is hereby amended to add the following new, additional text:

The issuing agent shall deny a permit if he or she determines that a dwelling, apartment, or other place of residence is unfit for human habitation, if he or she finds that conditions exist in such dwelling, apartment or other place of residence which are dangerous or injurious to the health, welfare or safety of the occupant or occupants thereof, the occupancy of neighboring dwelling apartments or other structures or to residents or the municipality. Such conditions may include, without being limited to, defects increasing the hazard of fire, accident or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation, disrepair or structural defects; **the presence of lead-based paint hazards, as that term is defined in N.J.A.C. 8:51-2.4, upon the exterior or interior of any dwelling;** and uncleanliness. **If lead-based paint is detected, but is not currently in a hazardous condition, the issuing agent shall report this condition to the owner and the appropriate state, county or local enforcement agency for their further action, which may include, among other things, the owner's development of a maintenance plan to prevent the paint from becoming hazardous, as well as notifying all present and future occupants of the residence of the existence of lead-based paint at the residence, pursuant to all applicable laws, rules and regulations.**

SECTION 2. Subsection B of § 418-80 (Exterior of structures) is hereby amended to add the following new, additional text:

Protective treatment. All exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. **The removal of lead-based paint shall be performed pursuant to the applicable provisions of state law.** All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather-resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

SECTION 3. Subsection C of § 418-81 (Interior of structures) is hereby amended to add the following new, additional text:

Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. **The removal of lead-based paint shall be performed pursuant to the applicable provisions of state law.** Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

SECTION 4. All ordinances or parts ordinances inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency only.

SECTION 5. If any provision of this ordinance is declared invalid, such invalidity shall not effect the other provisions of this ordinance. Furthermore, the other provisions of this ordinance are deemed to be severable and remain in full force and effect.

SECTION 6. This ordinance shall take effect (20) days after its final passage and publication as provided by law.

BE IT FURTHER ORDAINED, that pursuant to N.J.S.A. 52:27BBB-23, a true copy of this Ordinance shall be forwarded to the Chief Operating Officer, who shall have ten (10) days from the receipt thereof to approve or veto this Ordinance. Notice of approval or veto shall be filed in the office of the Municipal Clerk.

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Dated: June 10, 2008

The above has been reviewed  
and approved as to form.