ASSEMBLY, No. 1845

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
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SYNOPSIS

Requires construction permit and inspections for certain work involving lead paint on home exterior.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT requiring construction permits for certain lead paint work and supplementing P.L.1975, c.217 (C.52:27D-119 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. a. The owner of a residential building constructed, or partially constructed, prior to 1979 shall obtain a construction permit prior to painting, or removing existing paint from, the building's exterior if existing paint is present in the area where the owner intends to apply the new paint or remove existing paint.

b. Prior to the issuance of a permit pursuant to this section, the enforcing agency shall determine whether or not paint in the area of the proposed work may contain lead. This determination shall be made either through an inspection, or through a review of the records of the building's construction history and past inspections, or both. If an inspection is necessary, the inspection shall be conducted by a professional who is certified to conduct lead evaluations pursuant to P.L.1993, c.288 (C.26:2Q-1 et al.). If the enforcing agency determines that the paint in the area of the proposed work contains lead or may contain lead, then the enforcing agency shall notify the owner that, if the owner intends to sand or scrape existing paint, the owner is required to employ a contractor who is in possession of the certifications necessary to conduct lead hazard control work pursuant to P.L.1993, c.288 (C.26:2Q-1 et al.). If the project includes the sanding or scraping of existing paint, the enforcing agency shall inspect the work site in no fewer than two unscheduled visits during the expected times of work in order to ensure the following: (1) compliance with the permit application; (2) that a contractor who is certified to conduct lead hazard control work is on the premises while work with lead-based paint is ongoing; and (3) that the work is compliant with lead safe maintenance work standards, as defined pursuant to section 14 of P.L.1993, c.288 (C.52:27D-427).

c. The enforcing agency shall not charge a fee in excess of $50 for issuance of a construction permit pursuant to subsection a. of this section. The enforcing agency may increase fees for the issuance of construction permits for other types of work not addressed by this section, if necessary to cover any shortfall in revenue resulting from the limited fee required by this section.

d. An owner in violation of the permit requirement of subsection a. of this section shall be liable for a penalty of $150. If the owner continues unpermitted work in violation of subsection a. of this section despite an initial infraction, the owner shall be liable for an additional penalty of $1,500.

2. This act shall take effect on the first day of the third month next following enactment.

STATEMENT

This bill would require the owner of a residential building constructed, or partially constructed, prior to 1979, to obtain a construction permit before painting, or removing existing paint from, the building's exterior. This permit requirement would apply if existing paint is present in the area of the planned work.

When lead builds up in the body over months or years, lead poisoning occurs. Lead exposure, even in small amounts can cause serious health problems in both children and adults. Those at most risk are children younger than six years old. As a result of lead exposure and poisoning even in small levels, mental and physical development can be compromised. At very high levels, lead poisoning can be fatal. Lead-based paint and dust in older buildings are the most common sources of lead poisoning in children. Other sources include contaminated air, old water lines and pipes, and soil. This bill is intended to help prevent the lead contamination of the air and soil that can result from working with old lead paint on existing homes.

The bill would require that, prior to the issuance of a construction permit involving exterior home painting, the construction code enforcing agency would determine whether or not paint in the area of the proposed work may contain lead. This determination would be made either through an inspection, or through a review of the records on the building. If the enforcing agency determines that the paint in the area of the proposed work may contain lead, then the bill would require the enforcing agency to notify the owner that, if the owner intends to sand or scrape existing paint, the owner has to employ a contractor who is certified to conduct lead hazard control work. If the project includes the sanding or scraping of existing paint, the bill would require the enforcing agency to inspect the work site in no fewer than two unscheduled visits during the expected times of work. These inspections would ensure (1) compliance with the permit application; (2) that a properly-certified contractor is on-site while work with lead paint is ongoing; and (3) that the work is compliant with the lead safe maintenance work standards established in State law.

The bill would prohibit the enforcing agency from charging a fee in excess of $50 for issuance of a construction permit required by the bill, but would allow fees for other types of permits to be raised if necessary to account for any shortfall in revenue resulting from this limitation.

An owner in violation of the permit requirement established by the bill would be liable for a penalty of $150. If an owner continues unpermitted work in violation of this permit requirement despite an initial infraction, the owner would be liable for an additional penalty of $1,500.

This bill would take effect on the first day of the third month next following enactment.