

SENATE, No. 4164

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 22, 2021

Sponsored by:
Senator NELLIE POU
District 35 (Bergen and Passaic)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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

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

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

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

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

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

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

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STATEMENT

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

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

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

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

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

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