

**CITY OF ABSECON**

**ORDINANCE 02-2026**

**AN ORDINANCE OF THE CITY OF ABSECON AMENDING CHAPTER 251 – RENTAL HOUSING, ADDING ARTICLE VII – LEAD-BASED PAINT INSPECTIONS**

**WHEREAS**, the City of Absecon ("City") is a municipal entity organized and existing under the Amending Chapter 251: Rental Housing by adding Article VII on lead-based paint inspections. laws of the State of New Jersey and located in Atlantic County; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the City by law; and

**WHEREAS**, Chapter 251 of the Code of the City of Absecon, entitled "Rental Housing" regulates and governs the renting of real property within the City; and  
**WHEREAS**, the Mayor and City Council have determined it to be in the best interest of the public health, safety and welfare to repeal and replace Chapter 251 to provide for consistent and clear standards for the renting of real property within the City and to ensure all individuals comply with all applicable provisions of the Code of the City of Absecon; and

**WHEREAS**, pursuant to N.J.S.A. 52:27D-437.1 et seq., municipalities must enforce lead-based paint hazard inspections in pre-1978 rental dwellings to protect tenants from health risks.  
**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABSECON IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY AS FOLLOWS:**  
Section 1. Chapter 251 of the Code of the City of Absecon, entitled "Rental Housing" is hereby repealed in its entirety and replaced with the following new sections:

**Article VII: Lead-Based Paint Inspections**

**251-59 Purpose.**

The purpose of this Article is to protect the health, safety, and welfare of the residents of the City of Absecon by requiring the periodic inspection of certain residential rental dwellings for the presence of lead-based paint hazards, in compliance with P.L. 2021, c. 182 and N.J.A.C. 5:28A-1.1 et seq.

**1. 251-60 Authority.**

This Article is enacted pursuant to the authority of N.J.S.A. 40:48-2, P.L. 2021, c. 182, and regulations promulgated by the New Jersey Department of Community Affairs (DCA).

**2. 251-61 Required Initial Inspection.**

The owner, landlord, or agent of every single-family, two-family, or multiple-family dwelling unit constructed before 1978 offered for rental shall obtain an inspection of the unit for lead-based paint hazards within two years of July 22, 2022, or upon tenant turnover, whichever occurs first.

**3. 251-62. Recurring Inspection.**

After the initial inspection, every covered dwelling unit shall be reinspected for lead-based paint hazards every three (3) years or upon tenant turnover, whichever occurs first. A reinspection upon tenant turnover shall not be required if the owner holds a valid Lead-Safe Certification.

#### **4. 251-63. Methodology.**

Inspections shall be performed in accordance with the methodology designated for the municipality by the DCA. As of adoption, Absecon is classified as a Visual Inspection Municipality; however, if the DCA changes this designation, the City shall comply with the revised methodology.

**251-64 Exemptions.** The following dwelling units are exempt from inspection requirements: (1) constructed on or after January 1, 1978; (2) certified lead-free; (3) registered multiple dwellings with no outstanding lead violations for at least 10 years; (4) seasonal rentals; or (5) other units exempted under N.J.A.C. 5:28A.

#### **5. 251-65 Lead Hazards Identified; Remediation.**

If lead-based paint hazards are identified, the owner shall remediate such hazards in compliance with N.J.A.C. 5:17-1 et seq. and obtain an additional third-party inspection to certify that the hazard no longer exists. All remediation and clearance work shall be performed by DCA-certified Lead Abatement Contractors with Lead Safe, or Lead-free certificate being issued by DCA-certified Lead Evaluation Contractor.

#### **6. § 251-66. Certificates.**

Upon a satisfactory inspection, the City or its authorized lead evaluation contractor shall issue a Lead-Safe Certification valid for the period prescribed by State law. Owners shall provide copies of this certification to incoming tenants at lease execution and maintain a copy for municipal review.

#### **7. 251-67. Fees.**

- A. Application Fee: \$50 per dwelling unit, due at time of application for a rental unit in need of Lead Paint Hazard Inspection.
- B. Lead Paint Hazard Inspection Fee: \$300 per unit for each scheduled inspection. Owner(s) may elect to engage a Department of Community Affairs (DCA)-certified third-party Lead Evaluation Contractor to perform the Lead Paint Hazard Inspection. The \$50 application fee will still apply.
- C. Reinspection Fee: \$35 administrative processing fee for any failed inspection.
- D. Permit for Lead Abatement Work: \$150 per UCC permit, including clearance certification.
- E. Laboratory Dust-Wipe Fee (if required): Actual cost passed through to owner.
- F. All fees are payable to the City of Absecon and may be adjusted by Council resolution consistent with State limits.

#### **8. 251-68. Reinspection and Third-Party Verification.**

Where a unit fails an inspection for Lead-Paint Hazards, the owner shall arrange reinspection within 30 days by a DCA-certified third-party Lead Evaluation Contractor Department of Community Affairs (DCA). No Certificate of Habitability shall be issued until the City receives a valid clearance or lead-safe certification.

#### **9. 251-69. Violations and Penalties.**

Failure to comply with any provision of this Article shall constitute a violation, subject to fines as provided in N.J.S.A. 40:49-5 (up to \$1,000 per day) and possible suspension or revocation of the Certificate of Habitability. Each day of continued non-compliance shall be deemed a separate offense.

## **10. 251-70. Violations and Penalties.**

Failure to comply with any provision of this Article shall constitute a violation, subject to fines as provided in N.J.S.A. 40:49-5 (up to \$1,000 per day) and possible suspension or revocation of the Certificate of Habitability. Each day of continued non-compliance shall be deemed a separate offense.

## **251-71. Severability.**

If any provision of this Article is found invalid, the remaining provisions shall continue in full force and effect.

## **11. 251-72. Effective Date.**

This Ordinance shall take effect upon final passage and publication according to law.

## **12. § 251-73. Reference to DCA Certified Contractor Lists.**

A. The City of Absecon shall rely upon and incorporate by reference the official New Jersey Department of Community Affairs (DCA) registries of certified lead professionals, published at:

1. Lead Evaluation Contractors:

[https://www.nj.gov/dca/divisions/codes/offices/leadhazard\\_eval.html](https://www.nj.gov/dca/divisions/codes/offices/leadhazard_eval.html)

2. Lead Abatement Contractors:

[https://www.nj.gov/dca/divisions/codes/offices/leadhazard\\_abatement.html](https://www.nj.gov/dca/divisions/codes/offices/leadhazard_abatement.html)

B. These State-maintained registries shall serve as the controlling authority for determining which companies are authorized to perform:

- (1) third-party lead inspections, lead-safe certifications, and dust-wipe sampling; and
- (2) lead abatement, hazard reduction, and clearance work within the City of Absecon.

**DATED: February 5<sup>th</sup>, 2026**

**SIGNED:**



**Thomas Marrone, Mayor**

**ATTEST:**



**Carie A. Crone, RMC, Municipal Clerk**

Passed on first reading at a regular meeting of the Municipal Council held on January 22<sup>nd</sup>, 2026. Laid over and advertised for public hearing and final adoption on February 5<sup>th</sup>, 2026. Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at a regular meeting held on February 5<sup>th</sup>, 2026.