

# New Jersey Regulations on Lead Safe Work Practices

# Goals of Session

- Familiarize attendees with NJ property maintenance regulations regarding lead in Multiple Dwellings, Emergency Shelters and Rooming and Boarding houses
- Familiarize attendees with the Uniform Construction Code prohibited practices and lead permit requirements
- NOTE: This course does not teach Lead Safe Work Practices

# Current Lead Training Requirements

for Renovation, repair, maintenance & weatherization workers

If you took this training	Then you can work in			
	1 family	2 family	Multiple dwellings	Rooming/Boarding/Shelters
Lead Safe Work Practices	✓ ★	✓ ★		
Lead Safe Building Maintenance	✓	✓	✓	✓
No Training				

★ Exception – Section 8 Units w/child under 6 work must be cleared  
No Regulations on Lead Safe Work Practices

# Future Lead Training Requirements

for Renovation, repair, maintenance & weatherization workers

	On 4/22/10 You will need this addl training			
	EPA Certified Renovator	EPA Certified Renovator Refresher	EPA Lead Dust Sampling Tech (if you will be taking dust wipes)	NJ Regs
If you took this training				
Lead Safe Work Practices		✓	✓	✓
Lead Safe Bldg Maintenance		✓	✓	
No Training	✓		✓	✓

NJ Regulations on Lead Safe  
Work Practices

# Why Do I need to Know?

- Renovation, maintenance, repair and weatherization activities are subject to both federal and state regulations related to working lead-safe including protecting occupants and their personal belongings, preparing the work area to prevent migration of dust, properly cleaning the work area and verifying the work area has been properly cleaned.

# Division of Codes and Standards

- Since 1967 the Division has been tasked with insuring the health, safety and welfare of occupants in hotels and multiple dwellings.
- The Division promulgates, amends, and enforces regulations governing the registration, inspection and maintenance requirements for hotels, multiple dwellings, rooming and boarding homes and homeless shelters

## Division of Codes and Standards - [www.state.nj.us/dca/codes/](http://www.state.nj.us/dca/codes/)

- Standardizing construction - through the N.J.A.C. 5:23 Uniform Construction Code (UCC) the Division adopts model codes for new construction, repair, alteration and renovation of structures for all of New Jersey.

# New Jersey Property Maintenance Codes

# DCS - Maintenance of Hotels and Multiple Dwellings – N.J.A.C. 5:10

- This code enforces standards for the maintenance of multiple dwellings in New Jersey. A multiple dwelling has 3 or more residential dwellings.



# Lead-safe Building Maintenance

- Since May 2005, all multiple dwellings have been subject to lead-safe building maintenance requirements with the following exceptions:

# DCS - Maintenance of Hotels and Multiple Dwellings – N.J.A.C. 5:10 – 6.6 Exemptions

- Constructed after 1977
- Certified as Lead Free or Lead Free Interior pursuant to NJAC 5:17
- Seasonal Rentals (less than 6 months)
- Owner Occupied
- Housing for the elderly or disabled where a child under 6 is not expected to reside

# Partial Exemption for de minimis work

- Occupant protection, worksite preparation, specialized cleaning and cleaning verification through the use of dust wipe testing are not required for maintenance activities that disturb painted surfaces that total:

# De minimis work in buildings which are NOT exempt

- 20sqft or less on the exterior of the building
- 2sqft or less in any one interior room or space; or
- 10% or less of the total surface area of an interior or exterior component with a small surface area such as window sills, baseboards or trim

# De minimis work in buildings which are NOT exempt

- Must still be undertaken in a manner that prevents the spread of dust
- Prohibited practices still apply

## DCS - Maintenance of Hotels and Multiple Dwellings – N.J.A.C. 5:10-6.6 – Partial Exemption for Certain Exterior Surfaces

- Exterior surfaces OTHER than stairwells, porches, balconies, entryways and windows are not subject to lead testing, standard treatments, ongoing evaluation and maintenance; however, workers must use lead-safe work practices when performing work unless the paint has been tested and found not to be lead-based paint. This includes

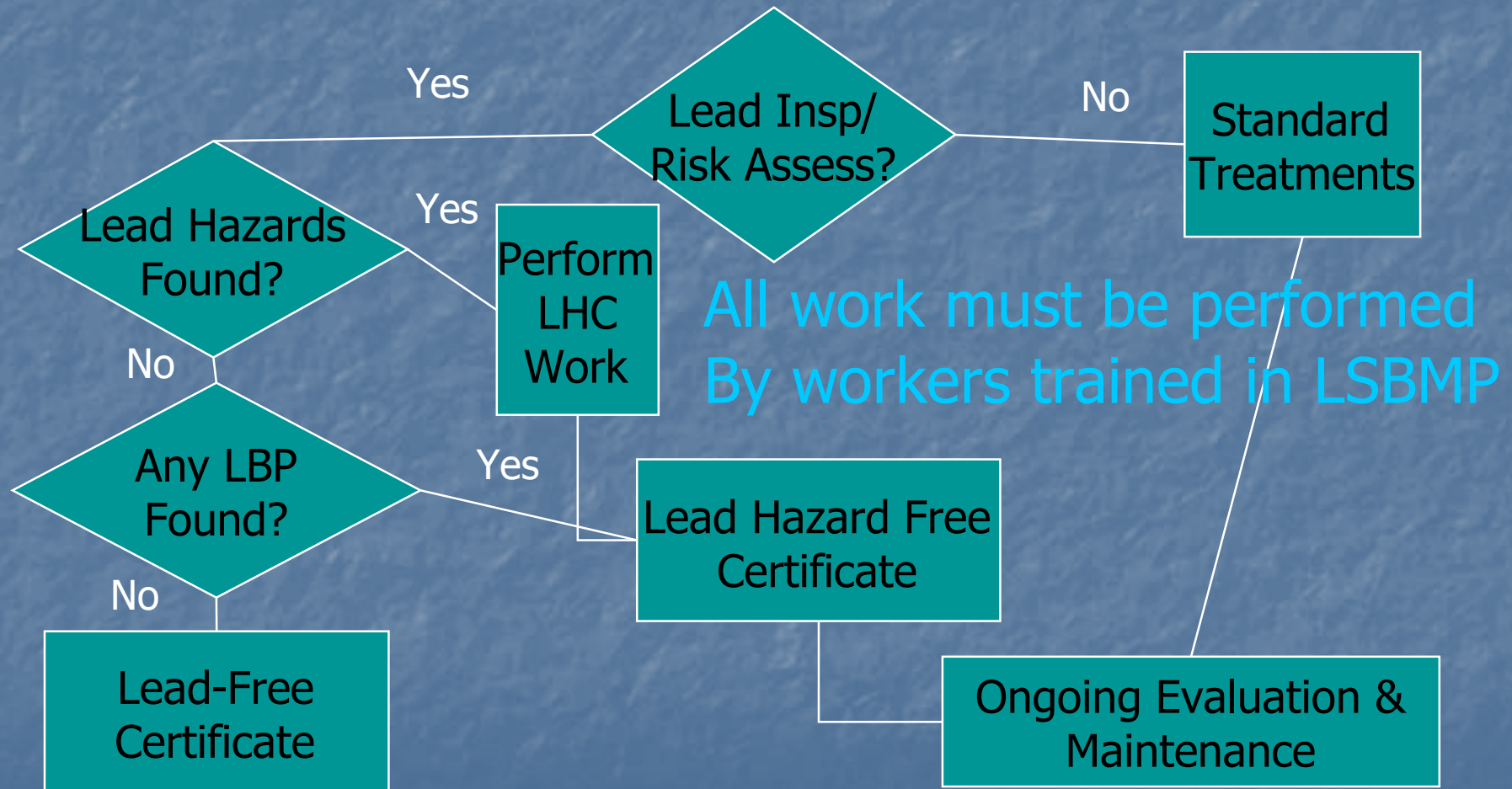
## DCS - Maintenance of Hotels and Multiple Dwellings – N.J.A.C. 5:10-6.6 – Partial Exemption for Certain Exterior Surfaces

- Garages and other structures on the site to which tenants do not have access
- Garages and other structures to which tenants have access are not exempt

## DCS - Maintenance of Hotels and Multiple Dwellings – N.J.A.C. 5:10-6.6 – Owners' responsibilities

- Owners must obtain a combined inspection/risk assessment and perform lead hazard control work (lead abatement or interim controls) on identified lead hazards or perform Standard Treatments.

# DCS - Maintenance of Hotels and Multiple Dwellings – N.J.A.C. 5:10-6.6 – Flow Chart



## DCS - Maintenance of Hotels and Multiple Dwellings – N.J.A.C. 5:10-6.6 – Standard Treatments

- Standard treatments include providing smooth and cleanable horizontal surfaces. 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.

# DCS - Maintenance of Hotels and Multiple Dwellings – N.J.A.C. 5:10-6.6 – Standard Treatments

- If carpet is to remain, wipe samples must be taken from the carpeted surfaces. For test results that indicate lead levels above the clearance levels established in NJAC 5:17, the carpet shall be removed. 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.

# DCS - Maintenance of Hotels and Multiple Dwellings – N.J.A.C. 5:10-6.6 – Standard Treatments

- Owners must correct conditions of rubbing, binding, friction or crushing of painted surfaces
- Specialized cleaning shall be performed
- Cleaning verification through the use of dust wipe testing shall be performed

## DCS - Maintenance of Hotels and Multiple Dwellings – N.J.A.C. 5:10-6.6 – Standard Treatments

- Standard treatments 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 child under 6yrs. old resides.

## DCS - Maintenance of Hotels and Multiple Dwellings – N.J.A.C. 5:10-6.6 – On-going Evaluation & maintenance

- Owners shall conduct a visual examination for deteriorated paint at unit turnover or every 12 months, whichever comes first.

## DCS - Maintenance of Hotels and Multiple Dwellings – N.J.A.C. 5:10-6.6 – On-going Evaluation & maintenance

- Deteriorated paint and the causes of deterioration shall be promptly and safely repaired using lead-safe work practices. Painted surfaces shall be made intact by paint stabilization, enclosure, encapsulation or removal.
- Dust wipe testing shall be performed when the work is complete.

## DCS - Maintenance of Hotels and Multiple Dwellings – N.J.A.C. 5:10-6.6 Tenant Notice

- Owners shall post a Notice advising tenants to report deteriorated paint to management and shall respond to any reported problem within 30 days. If the Owner has received notice that there is a pregnant woman or a child under the age of 6 yrs old residing in the effected area, the Owner shall respond within 1 week.

## DCS - Maintenance of Hotels and Multiple Dwellings – N.J.A.C. 5:10-6.6 Tenant Notice

- Owners shall distribute a pamphlet developed by the DCA prior to commencement of repair work that will disturb more than 2sqft of lead-based paint unless the tenant has received the pamphlet within the last 12 months.

# DCS - Maintenance of Hotels and Multiple Dwellings – N.J.A.C. 5:10-6.6 – Record Keeping

- 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.

# DCS - Maintenance of Hotels and Multiple Dwellings – N.J.A.C. 5:10-6.6 – Record Keeping

- Owners shall maintain the following records for not less than 5 yrs:
  - Lead inspection, risk assessments and lead hazard control work performed and clearance dust wipe results
  - Standard treatments undertaken together with clearance dust wipe results
  - Ongoing evaluation and maintenance undertaken

# DCS - Maintenance of Hotels and Multiple Dwellings – N.J.A.C. 5:10-6.6 – Record Keeping

- Owners shall maintain the following records for not less than 5 yrs:
  - Any certificates issued to the building owner by a certified lead evaluation firm such as lead hazard free (lead free must be retained for the life of the building)
  - Required tenant notifications

# DCS - Maintenance of Hotels and Multiple Dwellings – N.J.A.C. 5:10-6.6 – Record Keeping

- Owners shall maintain the following records for not less than 5 yrs:
  - Reports of deteriorated paint received from tenants and documentation of the owner's responses

# DCS - Maintenance of Hotels and Multiple Dwellings – N.J.A.C. 5:10-6.6 – Record Keeping

- Owners shall maintain the following records:
  - Record of the training in lead-safe building maintenance practices of each individual performing maintenance or repair work. Training records must be retained for as long as the individual continues to be involved in the maintenance of the building.

# DCS - Maintenance of Hotels and Multiple Dwellings – N.J.A.C. 5:10-6.6 – Trained Workers

- Training Requirements - workers performing maintenance or repair activities must be trained in lead-safe building maintenance practices (LSBMP) and applicable NJ law.
- LSBMP include the use of lead-safe work practices which protect workers, occupants and their belongings and require cleaning and dust wipe testing following completion of work.

# DCS - Maintenance of Hotels and Multiple Dwellings – N.J.A.C. 5:10-6.6 – Soil Treatments

- Bare Soil in excess of 9sqft per property shall be covered or access to these areas shall be restricted
- Bare soil in play areas or walkways of any size shall be covered unless that soil has been tested and has been found non-hazardous

## DCS - Maintenance of Hotels and Multiple Dwellings – N.J.A.C. 5:10-6.6 – Fees

- \$20/unit fee will be assessed for all non-exempt units. Fees generated will be deposited into the LHCA Fund.

# DCS - Maintenance of One and Two Family Rental Properties

On January 4, 2008, Governor Corzine signed a bill into law (P.L. 2007, c. 251) expanding the lead-safe maintenance requirements for multiple dwellings to one- and two-family rental units (some exemptions apply). This law requires that all one- and two-family rental properties be registered with the DCS, Bureau of Housing Inspection and that they be maintained in a lead-safe condition.

***These new requirements will not take effect until the Department adopts implementing regulations. No registration or inspection of one- or two-family rental properties is required until such time as the regulations are adopted.***

# DCS - Maintenance of One and Two Family Rental Properties

[http://www.judiciary.state.nj.us/legis/2007c251\\_law.pdf](http://www.judiciary.state.nj.us/legis/2007c251_law.pdf)

# DCS – Emergency Shelters for the Homeless – N.J.A.C. 5:15-4.2(c)

A structure used as a shelter for women and children where residency is for 30 days or more, and which has not been certified as lead-free pursuant to N.J.A.C. 5:17 and which was constructed before 1978, shall be maintained in accordance with the lead safe maintenance requirements for multiple dwellings established at N.J.A.C. 5:10-6.6.

NJ Regulations on Lead Safe  
Work Practices

## DCS – Rooming and Boarding Homes – N.J.A.C. 5:27-4.10 Lead-Safe Maintenance Requirements

- Residential dwelling that houses two or more unrelated adults who may share cooking and/or eating space but have separate sleeping space (see NJSA 55:13B-3(a) and 3(h) for legal definitions)

## DCS – Rooming and Boarding Homes – N.J.A.C. 5:27-4.10 Lead-Safe Maintenance Requirements

- Each building constructed before 1978 that houses women and children shall be subject to the requirements for lead-safe maintenance. Except buildings, dwelling units or common areas that have been certified as lead free in accordance with N.J.A.C. 5:17.

## DCS – Rooming and Boarding Homes – N.J.A.C. 5:27-4.10 Lead-Safe Maintenance Requirements

- ❖ Rooming and Boarding Homes (RBH) regulations **DO NOT** carry the same exemptions as multiple dwellings. Owners and contractors must use the lead safe work practices on RBH that are seasonal rentals, owner-occupied or house elderly or disabled.

## DCS – Rooming and Boarding Homes – N.J.A.C. 5:27-4.10 Lead-Safe Maintenance Requirements

- All other requirements under 5:27-4.10 agree with the multiple dwelling regulations at N.J.A.C. 5:10-6.6 discussed previously in this presentation.

# Local Property Maintenance Codes

# DCS – Model State Housing Code N.J.A.C. 5:28

- DCS developed this model code to assist municipalities in insuring the health, safety and welfare of occupants in one and two-family residential dwellings. Municipalities may adopt the code by ordinance and enforce it locally. Any subsequent revisions made by the Division must also be adopted by ordinance.

## DCS – Model State Housing Code N.J.A.C. 5:28-2.1 Lead Safe Maintenance

- Each tenant-occupied residential building constructed before 1978 shall be subject to the requirements for lead-safe maintenance.
- Regulations are similar to N.J.A.C. 5:10-6.6 Multiple Dwelling Code
- Not known which municipalities have adopted this Model Code

# Local Property Maintenance Codes with Impact on Lead-Based Paint

- ❖ City of Paterson, Passaic County
- ❖ City of Maplewood Township, Essex County
- ❖ City of Camden, Camden County

# New Jersey Construction Codes

# Statewide Standardization

- Construction codes regulate how NJ property owners construct and renovate in NJ.
- N.J.A.C. 5:23 Uniform Construction Code (UCC) sets out the codes NJ has adopted.
- NJ has adopted model international and national codes.
- NJ has developed codes for statewide implementation such as the Rehabilitation Subcode and the Lead Hazard Evaluation and Abatement Code

# Enforcement Authority

- The Local Construction Official (LCO)
- [www.state.nj.us/dca/codes/misc/pdf/muni\\_roster.pdf](http://www.state.nj.us/dca/codes/misc/pdf/muni_roster.pdf)
- NOTE: Lead enforcement is divided between DCS and the LCO

## DCS – 5:23 Uniform Construction Code Permits

- 5:23-2.14(a) Requires the filing for a Permit with the Local Construction Official (LCO) when undertaking lead abatement
- 5:23-2.15(a) 7 Requires a copy of the lead abatement scope of work and other pertinent documentation be submitted for the Permit file at the local office

## DCS – 5:23 Uniform Construction Code Permits

- 5:23-2.23(p)4 Requires a sign-off by the Local Health Department on Elevated Blood-Lead Cases
- 5:23-2.23(p) Requires closing out of the Permit with a Certificate of Clearance issued by the LCO

# DCS – Uniform Construction Code – N.J.A.C. 5:23-6 Rehabilitation Subcode Prohibited Practices

- Regardless of whether the work being performed requires a permit, the following practices shall not be used on painted surfaces in all buildings of Group R that were constructed before 1978, Group E and Group I-4 buildings used as child-care facilities unless the painted surface has been tested and found to be free of lead-based paint:

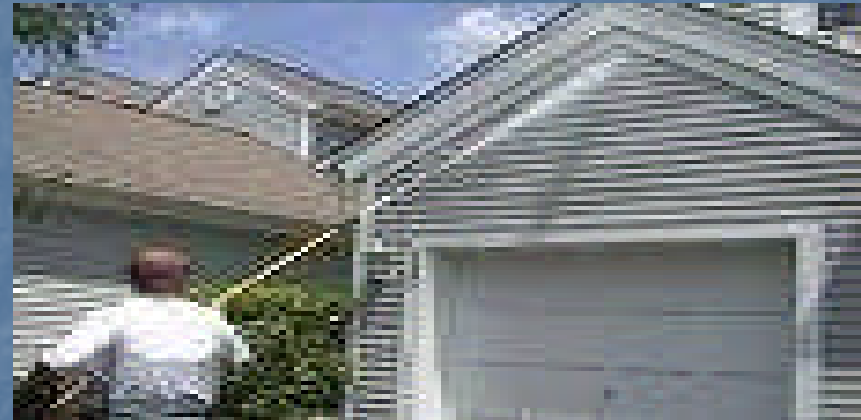
# DCS – Uniform Construction Code – N.J.A.C. 5:23-6 Rehabilitation Subcode Prohibited Practices

- i. Open flame burning or the use of high temperature (in excess of 1100 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;

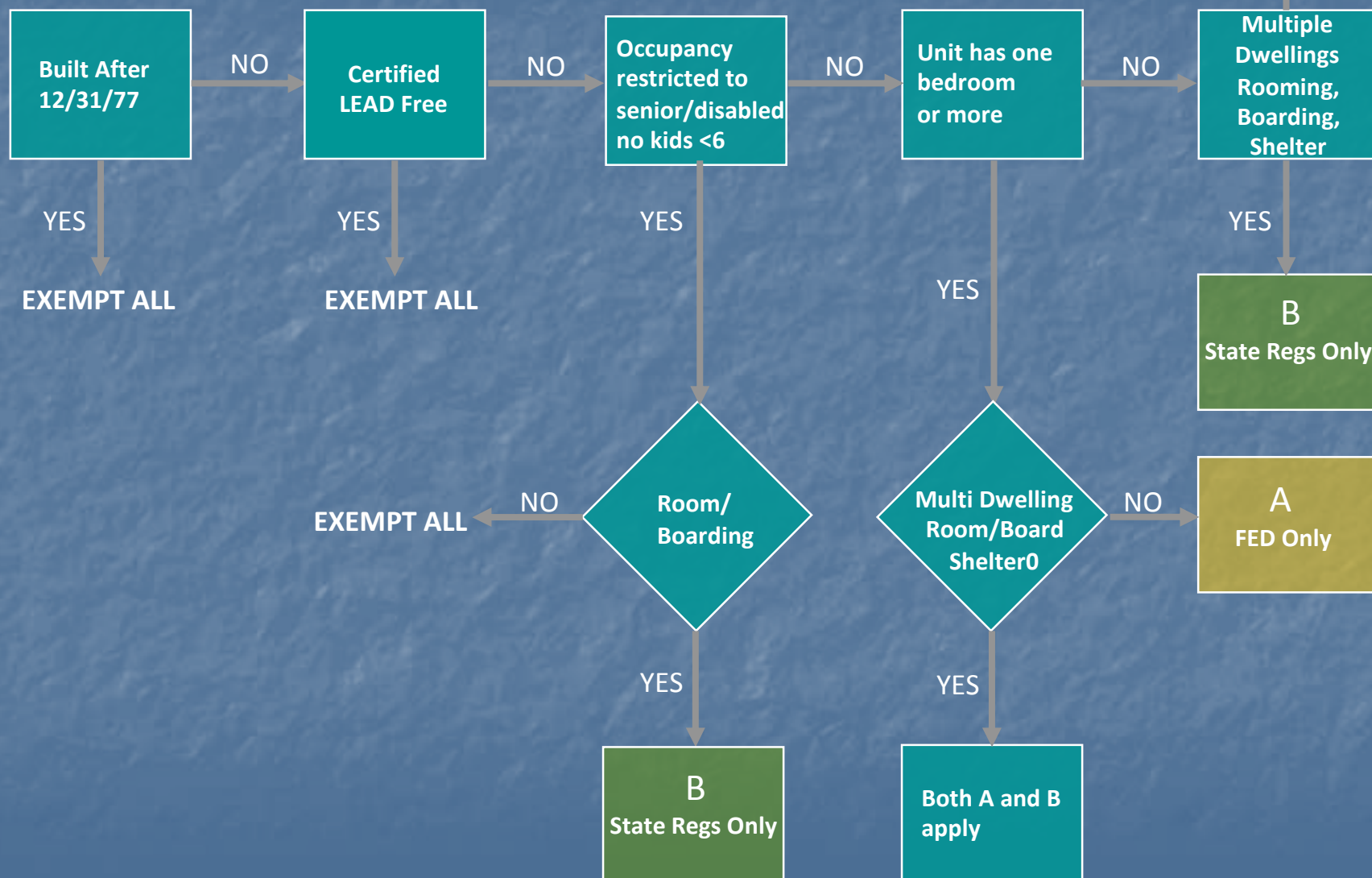


# DCS – Uniform Construction Code – N.J.A.C. 5:23-6 Rehabilitation Subcode Prohibited Practices

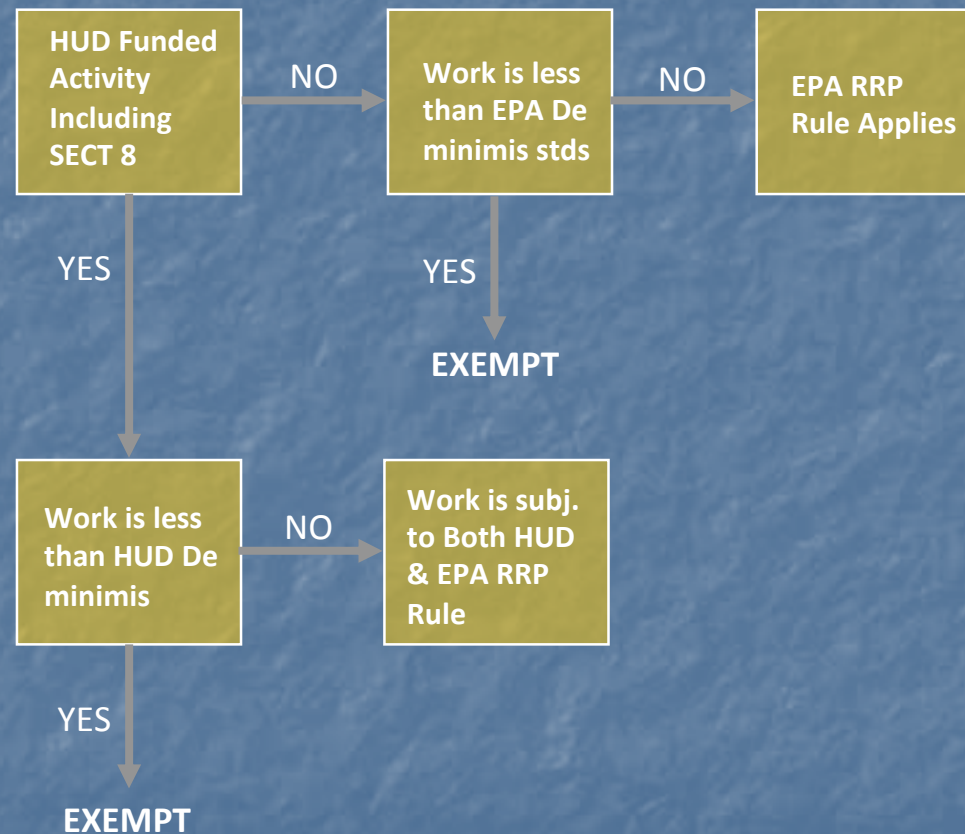
- iii. Uncontained water blasting or power washing; or
- iv. Dry scraping or sanding more than two square feet per room (interior) or 10 square feet or more per building (exterior).



# What Regulations Are Applicable; EPA Renovation, Repair and Painting (RRP) Rule, HUD Lead-safe Housing Rule and/or NJ Regulations for Hotels and Multiple Dwellings?



A: Federal Standards (EPA Renovation, Repair and Painting (RRP)  
Rule 40 CFR 745, subpart I, & HUD Lead Safe Housing Rule 24 CFR  
Part 35)



## B: State of New Jersey Multiple Dwelling Code Regulations (N.J.A.C. 5:10) Regulations for Maintenance of Hotels and Multiple Dwellings

