

N.J.S.A. 52:27D-428

**C****Effective: April 19, 2004**New Jersey Statutes Annotated [Currentness](#)

Title 52. State Government, Departments and Officers

Subtitle 3. Executive and Administrative Departments, Officers and Employees ([Refs & Annos](#))    ↗ [Chapter 27D](#). Department of Community Affairs ([Refs & Annos](#))

↗ Local Government Education Program

**→ 52:27D-428. Certification for lead evaluation or abatement required of business firms; construction permits prerequisite for projects involving lead abatement; inapplicability of section to painting, woodworking or structural renovation work**

a. A business firm shall neither directly nor indirectly perform lead evaluation or abatement work without first obtaining certification from the department. Certification may be issued to perform lead evaluation or abatement work if the business firm employs or will employ sufficient numbers and types of personnel certified by the Department of Health and Senior Services pursuant to section 3 of [P.L.1993, c. 288 \(C.26:2Q-3\)](#) to perform lead abatement work and meets all other requirements that the commissioner may establish pursuant to section 23 of [P.L.1993, c. 288 \(C.52:27D-436\)](#). The certification shall be in writing, shall contain an expiration date, and shall be signed by the commissioner.

b. A person or business firm shall not undertake a project involving lead abatement work without first obtaining a construction permit for that project pursuant to section 12 of [P.L.1975, c. 217 \(C.52:27D-130\)](#). No permit shall be issued for lead abatement work, except to:

- (1) an owner undertaking work on his own premises using his own employees, if those employees are certified by the Department of Health and Senior Services pursuant to section 3 of [P.L.1993, c. 288 \(C.26:2Q-3\)](#);
- (2) a homeowner proposing to perform lead abatement work himself on a dwelling unit that he owns and occupies as a primary place of residence; or
- (3) a business firm certified pursuant to this section to perform such work.

The issuance of a construction permit to an individual homeowner proposing to perform lead abatement work on a dwelling unit that he owns and occupies as a primary place of residence shall be accompanied by written information developed by the department explaining the dangers of improper lead abatement, procedures for conducting safe lead abatement, and the availability of certified lead abatement contractors, or of any available training for homeowners.

c. Nothing in this section shall be construed to restrict or otherwise affect the right of any business firm to engage in painting, woodworking, structural renovation or other indoor or outdoor contracting services that may result in the disturbance of paint, or to engage in lead safe maintenance work or lead hazard control work, but a business firm shall not hold itself out as certified by the department or otherwise represent that it has specialized

competency to perform lead evaluation or abatement work unless it has been certified or otherwise specifically authorized pursuant to this section.

A business firm that seeks to engage in lead safe maintenance work or lead hazard control work shall do so using only persons who, prior to engaging in such work, shall have completed such training courses as may be prescribed by the commissioner and provided by a training provider accredited by the Commissioner of Health and Senior Services.

A business firm that utilizes interim controls to reduce the risk of **lead-based paint** exposure shall utilize only those methods approved by the appropriate federal agencies, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of **lead-based paint** hazards or potential hazards, as may be set forth under [42 U.S.C.s.4851b](#) or those methods set forth in guidelines established by the commissioner, but shall not be required to be certified pursuant to this section unless performing lead abatement.

#### CREDIT(S)

[L.1993, c. 288, § 15, eff. June 16, 1994](#). Amended by [L.2003, c. 311, § 23, eff. April 19, 2004](#).

#### HISTORICAL AND STATUTORY NOTES

2009 Electronic Update

2003 Legislation

L.2003, c. 311, § 26, approved Jan. 20, 2004, provides:

"This act shall take effect 90 days following enactment, except that section 6 shall take effect immediately."

N. J. S. A. 52:27D-428, NJ ST 52:27D-428

Current with laws effective through L.2009, c. 89 and J.R. No. 7.

© 2009 Thomson Reuters

END OF DOCUMENT