



Frequently Asked Questions Lead-Safe Certificate Legislation in New Jersey

Q: What is the lead profile for New Jersey?

A: In 2016, over 4,800 children in New Jersey were found to have elevated blood lead levels.¹ Between the years 2000 and 2015 over 225,000 children in New Jersey were identified with elevated blood lead levels.² Although lead screening is mandatory in New Jersey for children at 12 and 24 months, relatively low screening rates across the state mean that the true magnitude of childhood lead exposure in New Jersey is unknown.³

Most children with lead poisoning are exposed in their homes from lead paint that becomes dust when it is dislodged from windows and doors. Lead causes irreversible harm to children's brain development and cognitive function, even at low levels of exposure. Lead poisoned children are six times more likely to be involved in the criminal justice system and seven times more likely to drop out of school. According to studies by researchers at Princeton University, lead exposure explains 37-76% of racial disparities in educational test scores.⁴

LEAD SAFE CERTIFICATE A1877 AND S1212

Q: Why is There a Need for a Lead Safe Certificate?

A: The Lead Safe Certificate initiates a **proactive** inspection process for pre-1978 rental properties so that families can be sure their home is lead-safe before they move in. Currently the way we find out that a home is unsafe for a child is when the child has a blood test that reveals an elevated blood lead level. In other words, we use children as lead detectors, only intervening to make their home safe when they have already suffered the irreversible effects of lead poisoning. The Lead Safe Certificate bill requires that landlords have an updated Lead Safe Certificate at rental turnover. This means that a state-certified inspector has ensured that there are no lead hazards in the home.

¹ <https://www.nj.gov/dca/news/news/2018/approved/20180308.html>

² <https://toxicnj.com/why-does-lead-poisoning-still-afflict-tens-of-thousands-of-kids-in-nj-7dc4fae536a>

³ <https://www.njhi.org/wp-content/uploads/2018/02/New-Jersey-Lead-Poisoning-Prevention-Action-Plan.pdf>

⁴ https://economics.yale.edu/sites/default/files/aizer_feb_12_2015.pdf

Q: What other states have this and how does it work?

A: Three states that require a Lead Safe Certificate are Maryland, Massachusetts and Rhode Island. Each state's program is a little different, but they have all resulted in significant decline in children's blood lead levels since requiring the lead safe certificate at rental turnover.

Lessons from these states show that robust enforcement is critical to the success of the program. In Massachusetts, a landlord can be held legally liable if a child is lead poisoned in his/her rental unit.⁵ In Maryland, if a landlord isn't in compliance with the Lead Safe Certificate requirement, he can't receive a license to legally rent the property, which is needed to initiate eviction proceedings.⁶ Maryland has used a combination of Lead Safe Certification requirements and targeted enforcement to achieve a 98% decrease in lead poisoning prevalence statewide, without a significant impact on the housing market. A study done in Rhode Island showed that where the LSC was enforced it was extremely effective in decreasing EBLLs but wasn't nearly as effective when enforcement wasn't prioritized.⁷

Q: What are we proposing in New Jersey?

A: The Lead Safe Certificate bill proposed in NJ has two distinct parts. The first one ensures that at point of sale homebuyers know if there are lead hazards in the home. Before the title can change hands, there must be a lead inspection and both the buyer and the seller must sign the results of the inspection. Current law allows the seller to simply say "I don't know" to the question of lead hazards in the house relieving both parties of any responsibility to test the home for lead. As a result, unbeknownst to parents, children become de facto lead detectors, alerting families to the fact that there is lead in the home only after the child has been poisoned. By requiring a lead test at point of sale, the Lead Safe Certificate closes this dangerous loophole and takes the burden of detecting lead off of children's bodies and allows preventive actions to be taken

The second part requires the landlord to have an up-to-date Lead Safe Certificate at rental turnover. To obtain the Lead Safe Certificate there must be interim control measures for all lead hazards—paint, water and soil. Basing the NJ legislation after the effective framework in Maryland, a landlord who is not in compliance with the Lead Safe Certificate cannot initiate eviction proceedings.

Q. How expensive is it to make a home lead-safe?

A: Making a home lead-safe can be relatively low cost. For example, in Rochester, which has a lead safe certificate program, a study showed that 60% of landlords spent less than

⁵ <https://www.mass.gov/service-details/learn-about-massachusetts-lead-law>

⁶ <https://mde.maryland.gov/programs/LAND/LeadPoisoningPrevention/Pages/LeadRegistration.aspx>

⁷ <https://news.brown.edu/articles/2014/07/lead>

\$1,000 to make their property lead-safe through lead hazard controls.⁸ In the proposed bill for New Jersey, landlords who are properly trained and have passed a lead inspection in the previous five years, can self-inspect their property and perform the work themselves. In situations where more extensive works is required, landlords of bigger buildings should be able to absorb these costs. For low-income landlords there are a number of funding streams that could be opened to capitalize on funds from the state and federal government.

Q: What are these possible funding streams that low-income landlords can access?

A: There is the DCA lead pilot, which was set up to provide \$10 million/year for abatements and lead hazard control measures. The status of this money is currently unclear but could be reinstated. There is also the Lead Hazard Control Assistance Fund. This fund collects a statewide 5-cent fee on each gallon of paint sold. Although between \$7 and \$15 million of this fund is supposed to go into the Lead Hazard Control Assistance Fund annually for abatements and lead hazard control measures, these funds have been absorbed into the general budget. Although there is currently a constitutional amendment floating around the legislature, the Governor could also just direct that this money is should be protected and used only for lead-related services.

States can use S-CHIP to leverage increased Medicaid funding to identify and remediate lead hazards in housing occupied by Medicaid enrolled or eligible children and pregnant women.⁹ A number of states have done this, including Maryland and Michigan.

Q: Municipalities are strapped already. How are they going to pay for all the extra lead inspectors needed to get these inspections done?

A: New Jersey already has a program that allows for certified third-party lead risk assessors to inspect homes.¹⁰ A number of agencies in the state are certified to run the training program, administered by DOH. These lead risk assessors are certified by DOH but do the lead inspections under DCA. The passage of this legislation will open up a significant market for lead risk assessors. More people will do the training and become certified which will also bring down the cost of lead inspections for landlords.

Q: How many rental units in NJ need these lead hazard controls?

A: There are at least 129,000 rental units in NJ that are pre-1978 and have young children living at or below the federal poverty level.¹¹ Rental units with low-income families represent the highest risk category for lead exposure.

⁸https://www.niehs.nih.gov/research/supported/translational/peph/resources/assets/docs/the_costs_of_lead_exposure_prevention_through_local_housing_interventions_508.pdf

⁹ <https://www.shvs.org/wp-content/uploads/2017/01/SHVS-Manatt-Leveraging-CHIP-to-Protect-Low-Income-Children-from-Lead-January-2017.pdf>

¹⁰ https://www.state.nj.us/dca/divisions/codes/offices/leadhazard_abatement.html

¹¹ <https://www.njhi.org/wp-content/uploads/2018/02/New-Jersey-Lead-Poisoning-Prevention-Action-Plan.pdf>