

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4770

STATE OF NEW JERSEY

DATED: MARCH 2, 2023

The Senate Community and Urban Affairs Committee reports favorably Assembly Bill No. 4770.

This bill would require a landlord of a residential or nonresidential building, in which space is rented by a child care services provider, to install and maintain certain water filters in the building if the landlord has previously denied a public community water system access to the property-owner side of a lead service line for the purposes of enabling the complete replacement of the lead service line. Specifically, the bill would require the landlord to install and maintain point-of-use filters certified by an accredited third-party certification body to meet NSF/ANSI standards 42 and 53 at all fixtures that are used, or are intended for use, by the child care services provider, to supply water for the purposes of drinking, food preparation, or making baby formula. As defined by the bill, “NSF/ANSI standard” means a water treatment standard developed by the National Sanitation Foundation, International, and the American National Standards Institute. The landlord would also be required to annually certify, to the Department of Environmental Protection (DEP), that the landlord has installed and is properly maintaining and replacing the filters.

The bill would authorize the DEP to issue a civil administrative penalty of up to \$500 per day for landlords who fail to install or maintain the filters or who fail to properly certify this fact to the DEP. The bill would also authorize a tenant of a landlord who violates the bill's provisions to file an action of rent escrow to pay rent into a court-administered escrow account until the necessary filters are installed. The bill would authorize the court to order that some or all of the money in the escrow account be paid to the landlord or the landlord's agent, to the tenant or the tenant's agent, or to any other appropriate person or agency for the purpose of installing the required filters or replacement cartridges, as applicable. If the landlord still fails to install the required filters or replacement cartridges following the authorization of rent escrow, the bill would authorize the tenant to file a civil action seeking damages and other appropriate relief, including injunctive and other equitable remedies. The bill would stipulate that, if the landlord's violation causes a tenant or secondary user of the property, such as a child or a child care employee, to have elevated blood lead levels, then there would be no limit or ceiling to the civil liability of the landlord.

As reported by the committee, Assembly Bill No. 4770 is identical to Senate Bill No. 3415, which was also reported by the committee on this date.