

# SENATE, No. 1034

## STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Senator M. TERESA RUIZ**

**District 29 (Essex and Hudson)**

**Co-Sponsored by:**

**Senators Gopal and Singleton**

**SYNOPSIS**

Requires disclosure of lead drinking water hazards to tenants of residential units; prohibits landlords from obstructing replacement of lead service lines; concerns testing of residential rental units for lead drinking water hazards.

**CURRENT VERSION OF TEXT**

As reported by the Senate Community and Urban Affairs Committee with technical review.



**(Sponsorship Updated As Of: 6/6/2024)**

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1 AN ACT concerning the presence of lead in drinking water in certain  
2 residential properties, supplementing Title 58 of the Revised  
3 Statutes, and amending P.L.2021, c.183.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7

8 1. (New section) As used in P.L. , c. (C. ) (pending  
9 before the Legislature as this bill):

10 "Certified point-of-use water filter" means a filter that is  
11 installed at the point where water is dispensed from an outlet, and  
12 which is certified by a body accredited by the American National  
13 Standards Institute National Accreditation Board as satisfying the  
14 NSF/ANSI 53-2019 standard for lead reduction or any subsequently  
15 adopted standard that is equivalent to, or more stringent than, the  
16 NSF/ANSI 53-2019 standard for lead reduction.

17 "Customer" means a residential customer of record and any  
18 residential tenant where the landlord of that residence is the  
19 customer of record.

20 "Lead action level" means the standard for lead in drinking water  
21 established by the United States Environmental Protection Agency,  
22 or a more stringent standard adopted by the department pursuant to  
23 the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et  
24 seq.).

25 "Lead-safe service line" means a service line that does not  
26 contain lead, as determined by a public community water system  
27 pursuant to P.L.2021, c.183 (C.58:12A-40 et seq.).

28 "Lead service line" means the same as the term is defined in  
29 section 2 of P.L.2021, c.183 (C.58:12A-41).

30 "Public community water system" means the same as the term is  
31 defined in section 2 of P.L.2021, c.183 (C.58:12A-41).

32 "Seasonal rental unit" means a residential rental unit that is  
33 leased for a duration of fewer than six months each year.

34 "Service line" means the same as the term is defined in section 2  
35 of P.L.2021, c.183 (C.58:12A-41).

36

37 2. (New section) a. Within six months of the effective date of  
38 P.L. , c. (C. ) (pending before the Legislature as this bill),  
39 the Department of Health, in consultation with the Department of  
40 Environmental Protection and the Department of Community  
41 Affairs, shall develop a notice that provides consumers information  
42 concerning the health risks associated with lead in drinking water,  
43 including protective measures for minimizing exposure to lead in  
44 drinking water. These measures may include, but not be limited to,  
45 instructions for flushing water before drinking, using only cold tap  
46 water for drinking water, installation and use of certified point-of-

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 use water filters, and the availability of water testing. The notice  
2 shall be updated from time to time as deemed necessary by the  
3 Commissioner of Health.

4 b. Within five days of developing or updating the educational  
5 materials, the Department of Health shall:

6 (1) publish the notice in the New Jersey Register;

7 (2) make the notice available to the public on the official  
8 Internet website of the Department of Health; and

9 (3) transmit the notice to the Commissioner of Community  
10 Affairs, who shall also make the notice available to the public on  
11 the official Internet website of the Department of Community  
12 Affairs.

13

14 3. (New section) a. Except as otherwise provided in subsection  
15 b. of this section, within 90 days of the publication of the notice  
16 developed pursuant to section 2 of P.L. , c. (C. ) (pending  
17 before the Legislature as this bill) and the publication of the model  
18 disclosure statement established pursuant to subsection c. of this  
19 section, a landlord shall provide a "Lead In Drinking Water  
20 Disclosure" statement to each prospective or current tenant before  
21 entering into a lease or renewal agreement with the tenant. The  
22 disclosure shall include:

23 (1) an acknowledgment that the residential rental property is  
24 serviced by a lead service line or service line of unknown  
25 composition, if the landlord received such notification from a public  
26 community water system pursuant to section 4 of P.L.2021, c.183  
27 (C.58:12A-43) or any other requirement of law or regulation;

28 (2) a statement containing the date that the residential rental  
29 property was constructed, and that housing built before 1986 may  
30 be serviced by a lead service line or contain interior lead plumbing;

31 (3) a copy of any formal notice received by the landlord within  
32 the previous three years indicating that a lead action level  
33 exceedance was detected within the service area in which the  
34 residential rental property is located, unless the notice of lead action  
35 level exceedance was received more than 12 months prior to lease  
36 signing or renewal and the exceedance was subsequently corrected  
37 by the public community water system;

38 (4) a copy of any citation for a violation of P.L. , c. (C. )  
39 (pending before the Legislature as this bill) that resulted in the  
40 issuance of a penalty against the landlord that was issued in the 12  
41 months prior to lease signing or renewal; and

42 (5) a copy of, or instructions for accessing, the notice  
43 established pursuant to section 2 of P.L. , c. (C. ) (pending  
44 before the Legislature as this bill), concerning the health risks  
45 associated with lead in drinking water.

46 b. A landlord shall not be required to comply with the  
47 requirements of subsection a. of this section related to a lease or  
48 renewal agreement for a residential rental unit that is:

- 1 (1) located in a residential rental property that was constructed
- 2 after 1986;
- 3 (2) located in a residential rental property that is serviced by a
- 4 lead-safe service line; or
- 5 (3) a seasonal rental unit.
- 6 c. Within six months of the effective date of P.L. ,
- 7 c. (C. ) (pending before the Legislature as this bill), the
- 8 Department of Community Affairs shall prepare a model "Lead In
- 9 Drinking Water Disclosure" statement that may be used by
- 10 landlords to satisfy the requirements of this section.
- 11 d. Within five days of developing or updating the model "Lead
- 12 In Drinking Water Disclosure" statement, the Department of
- 13 Community Affairs shall:
- 14 (1) publish the notice in the New Jersey Register;
- 15 (2) make the notice available to the public on the official
- 16 Internet website of the Department of Community Affairs; and
- 17 (3) transmit the notice to the Department of Health, who shall
- 18 also make the notice available to the public on the official Internet
- 19 website of the Department of Health.
- 20 e. If a lease is oral, the landlord shall provide the "Lead in
- 21 Drinking Water Disclosure" statement to the tenant, or prospective
- 22 tenant, as a separate notice utilizing the model notice established
- 23 pursuant to subsection c. of this section. If the lease or the renewal
- 24 lease is in writing, the landlord shall provide the "Lead in Drinking
- 25 Water Disclosure" statement required pursuant to this section either
- 26 as a separate notice utilizing the model notice established pursuant
- 27 to subsection c. of this section, or the "Lead In Drinking Water
- 28 Disclosure" statement may be included in the written lease or the
- 29 written renewal lease, provided that the notice is a separate rider,
- 30 individually signed or otherwise acknowledged by the tenant and
- 31 landlord, and written in not less than 12-point typeface.
- 32
- 33 4. (New section) a. (1) A public community water system
- 34 shall, upon request by a residential customer, test the customer's
- 35 drinking water for the presence of lead using a laboratory certified
- 36 for that purpose by the Department of Environmental Protection. A
- 37 community water system shall be required to provide only one test
- 38 each year, upon such request by a residential customer, unless a test
- 39 shows that the lead action level was exceeded. If a test shows that
- 40 the lead action level was exceeded, the public community water
- 41 system shall, upon request by a customer, test the customer's
- 42 drinking water every 60 days for the presence of lead until two
- 43 consecutive tests fall at or below the lead action level.
- 44 (2) The community water system shall provide the results of
- 45 every test authorized pursuant to this subsection to the customer.
- 46 b. A public community water system shall not be required to
- 47 comply with the requirements of subsection a. of this section for a
- 48 residential unit that is:

- 1 (1) located in a residential rental property that was constructed  
2 after 1986;
- 3 (2) located in a residential rental property that is serviced by a  
4 lead-safe service line; or
- 5 (3) a seasonal rental unit.
- 6 c. A customer who requests a test pursuant to this section shall  
7 not be charged a fee by the public community water system for the  
8 test. A public community water system that is a "public utility," as  
9 defined in R.S.48:2-13, and that is regulated by the Board of Public  
10 Utilities pursuant to Title 48 of the Revised Statutes, may petition  
11 the board to include in the public community water system's rate  
12 base the reasonable costs of testing it provides to customers  
13 pursuant to this section. A public community water system that is  
14 not regulated by the Board of Public Utilities may include in the  
15 public community water system's rates the reasonable costs of  
16 testing it provides to customers pursuant to this section.  
17
- 18 5. Section 4 of P.L.2021, c.183 (C.58:12A-43) is amended to  
19 read as follows:
- 20 4. a. No later than 30 days after submitting an initial service  
21 line inventory to the department pursuant to subsection c. of section  
22 3 of **[this act]** P.L.2021, c.183 (C.58:12A-42), and periodically  
23 thereafter as the department may require, a public community water  
24 system shall send, to each customer and non-paying consumer  
25 served by a lead service line in the service area, and to any off-site  
26 owner of property served by a lead service line in the service area,  
27 written notice of the composition of the service line.
- 28 b. A notice provided pursuant to this section shall:
- 29 (1) be sent, by certified mail, to each residential, commercial, or  
30 institutional address affected by the known lead service line and  
31 addressed to the primary resident or commercial or institutional  
32 occupant thereof, as appropriate. Notice shall be sent to all affected  
33 addresses, as provided in this paragraph, regardless of whether the  
34 resident or occupant is a system customer or is a non-paying  
35 consumer;
- 36 (2) be sent, by certified mail, to each off-site owner of property  
37 affected by the known lead service line and addressed to the  
38 property owner's last known address, as determined through the  
39 review of local property tax and other available records;
- 40 (3) be included in a mailing that is separate and distinct from the  
41 water bill that is issued for the property. The notice shall contain  
42 large, easily readable text and be presented on distinctly colored  
43 paper or other paper that is easily distinguishable from the water  
44 billing statement; and
- 45 (4) include, at a minimum: (a) a list of the lead service lines that  
46 are being used to serve the customer or non-paying consumer; (b)  
47 information describing the sources of lead in drinking water,  
48 including lead service lines and household plumbing; (c) a

1 description of the health effects of lead exposure; and (d) the steps  
2 that system customers and non-paying consumers in the service area  
3 can take to reduce their exposure to lead in drinking water.

4 c. (1) If the recipient of notice provided pursuant to this section  
5 is the owner or operator of an apartment building, group home, or  
6 other multi-family or multi-unit dwelling, such owner or operator  
7 shall provide a hard copy of the notice to each existing resident of  
8 the multi-family or multi-unit dwelling and shall additionally post a  
9 copy of the notice in a conspicuous location in a common area of  
10 the dwelling. The owner or operator shall also inform each new  
11 resident of the multi-family or multi-unit dwelling, prior to their  
12 residence, about the existence of the lead service line, and shall  
13 provide each new resident with a hard copy of the notice received  
14 pursuant to this section, upon the commencement of their residence.  
15 A notice posted in a common area of a multi-family or multi-unit  
16 dwelling, pursuant to this subsection, may be removed only after all  
17 of the lead service lines identified in the notice have been replaced  
18 and determined to be non-lead service lines.

19 (2) If the owner or operator of a residential rental property,  
20 including an apartment building, group home, or other multi-family  
21 or multi-unit dwelling, receives notice pursuant to this section, and  
22 the owner or operator offers a dwelling unit within the residential  
23 property for rent to a prospective or current tenant, then the lease or  
24 renewal agreement shall be conditioned on the owner's or  
25 operator's commitment not to obstruct a public community water  
26 system from replacing a lead service line. If the owner or operator  
27 obstructs the replacement of a lead service line, such as denying  
28 access to the property owner-side of the lead service line, then the  
29 lease or renewal agreement shall remain in effect, but the tenant  
30 may terminate the agreement any time thereafter without incurring  
31 any charge or penalty otherwise imposed under the agreement for  
32 such termination.

33 (3) Nothing in this section shall be deemed to preclude an owner  
34 from seeking to arrange reasonable conditions upon a public  
35 community water system, its contactors, or subcontractors,  
36 specifically with regard to scheduling the replacement of a lead  
37 service line and related site restoration work.

38 d. If a public community water system serves a municipality in  
39 which the primary language of 10 percent or more of the residents  
40 is a language other than English, the public community water  
41 system shall provide the notice required pursuant to subsection a. of  
42 this section in both English and the other language spoken by  
43 residents.

44 (cf: P.L.2021, c.183, s.4)

45

46 6. (New section) Any person found to be in violation of any  
47 provision of P.L. , c. (C. ) (pending before the Legislature  
48 as this bill) shall be provided with a written notice of the violation

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1 by the Commissioner of Community Affairs and given 15 days to  
2 cure the violation. If the person has not cured the violation after 15  
3 days, the commissioner may impose a penalty of \$100 for a first  
4 violation, \$500 for a second violation, and \$1,000 for a third and  
5 subsequent violation, to be enforced pursuant to the "Penalty  
6 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

7

8 7. This act shall take effect immediately.