

[First Reprint]

SENATE, No. 4110

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED SEPTEMBER 10, 2019

Sponsored by:

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SYNOPSIS

Allows municipalities to adopt ordinance to enter properties to perform lead service line replacements.

CURRENT VERSION OF TEXT

As reported by the Senate Community and Urban Affairs Committee on November 14, 2019, with amendments.



(Sponsorship Updated As Of: 12/17/2019)

1 AN ACT concerning entry onto property to perform lead service line
2 replacements and supplementing Title 58 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 ¹1. The Legislature finds and declares that:

8 a. Lead service lines are the primary source of lead in drinking
9 water;

10 b. It is estimated that there are between 160,000 and 350,000 lead
11 service lines throughout the State;

12 c. Lead in drinking water poses a serious health and safety risk to
13 the public, particularly infants and children;

14 d. A municipality in the State, pursuant to R.S.40:48-2, may enact
15 such ordinances as it deems necessary and proper for the preservation
16 of the public health, safety, and welfare of the municipality and its
17 inhabitants; and

18 e. It is the intent of the Legislature to clarify that a municipality
19 may enact an ordinance to enter properties to perform lead service line
20 replacements as part of its powers to protect to the health, safety, and
21 welfare of its residents.¹

22
23 ¹**[1.]** 2.¹ a. A municipality may adopt an ordinance that allows
24 the municipality ¹or municipal water system¹, or any agent thereof, to
25 enter a ¹**[residential]**¹ property ¹within the municipality¹ to perform a
26 lead service line replacement, provided that the municipality provides
27 the ¹owner and any¹ residents of the property with notice at least
28 ¹**[24]** 72¹ hours before entering the property ¹, unless in the case of an
29 emergency as determined by the Department of Environmental
30 Protection¹. A municipality may not enter into a part of the property
31 that is not directly related to performing a lead service line
32 replacement.

33 b. For the purposes of this section, notice to the ¹owner and any¹
34 residents of the property shall include an attempt to inform the ¹owner
35 and any¹ residents in person of the date and time of the lead service
36 line replacement, and if ¹the owner or¹ a resident is unable to be
37 reached in person, the municipality shall ¹send, by certified mail, a
38 letter to the owner and any residents or¹ post a written notice in a
39 prominent location on the property which shall include:

40 (1) the scheduled date and time of the lead service line
41 replacement ¹and who will be performing the replacement¹;

42 (2) the likely extent of water service disruption; ¹**[and]**¹

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SCU committee amendments adopted November 14, 2019.

1 (3) nearby locations where the municipality or a public water
2 system is distributing supplementary drinking water, if any ¹; and
3 (4) any remedies that the municipality shall take if the municipality
4 or municipal water system, or an agent thereof, is unable to access the
5 property.
6 In a municipality in which the primary language of 10 percent or
7 more of the residents is a language other than English, a letter or
8 written notice sent or posted pursuant to this subsection shall be
9 provided in English and any other such primary language¹.
10 c. In addition to the notice requirements of subsection b. of this
11 section, a municipality shall send ¹, by certified mail,¹ the owner a
12 ¹**[certified]** letter after the completion of the replacement stating the
13 approximate time that the replacement occurred, and providing a brief
14 summary of the work performed.
15 d. As used in this section ¹**[**, “service¹”:
16 “Municipal water system” means a municipal utilities authority,
17 water district, waterworks, water commission, joint meeting or any
18 other political subdivision of the State authorized pursuant to law to
19 operate or maintain a public water system or to construct, rehabilitate,
20 operate, or maintain water supply facilities or otherwise provide water
21 for human consumption.
22 “Service¹ line” means the pipe, tubing, and fittings connecting a
23 ¹municipal¹ water main to a ¹**[residential]** building ¹or structure, and
24 also includes the water meter for the property¹.
25
26 ¹**[2.] 3.¹** This act shall take effect immediately.