

ASSEMBLY, No. 2141

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman P. CHRISTOPHER TULLY

District 38 (Bergen and Passaic)

Assemblywoman LISA SWAIN

District 38 (Bergen and Passaic)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Assemblywoman Vainieri Huttie

SYNOPSIS

Requires certain residential developers to replace lead service lines.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the replacement of lead service lines and
2 supplementing P.L.1975, c.217 (C.52:27D-119 et seq.).

3

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

6

7 1. a. Whenever a municipality provides a benefit to a
8 developer of residential property, the grant of the benefit shall be
9 conditioned upon the developer's agreement:

10 (1) to retain an independent professional to determine whether
11 the water service line connecting the distribution main to the
12 property is a lead service line; and

13 (2) if an independent professional determines a water service
14 line to be a lead service line, to replace the lead service line.

15 b. As used in this section:

16 "Benefit" means a financial incentive, which may include but not
17 limited to, a tax abatement, tax exemption, special assessment, or
18 bond issuance.

19 "Developer" means the legal or beneficial owner or owners of
20 property proposed to be developed or redeveloped in whole or in
21 part for residential purposes, including the holder of an option or
22 contract to purchase the property, a person having an enforceable
23 proprietary interest in the property, and a lender or investor in the
24 development or redevelopment of the property.

25 "Service line" means the pipe, tubing, and fittings connecting a
26 water main to an individual water meter or service connection.

27 c. The Commissioner of Community Affairs shall adopt,
28 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
29 (C.52:14B-1 et seq.), rules and regulations to effectuate the
30 purposes of this section, which shall include a determination of the
31 financial incentives to be included in the term "benefit," as defined
32 in this section, and the qualifications that a professional shall
33 possess in order to determine the presence of a lead service line.

34 d. An enforcing agency shall not issue a certificate of
35 occupancy for property that is subject to this section unless the
36 developer submits to the enforcing agency proof that either an
37 independent professional has determined that the water service line
38 is not a lead service line, or that a lead service line has been
39 replaced.

40

41 2. This act shall take effect immediately and be applicable to
42 the issuance of certificates of occupancy after the adoption of rules
43 and regulations effectuating the purposes of this act.

44

45

46

STATEMENT

47

48 This bill would require developers of residential property that are
49 provided financial incentives or other benefits from a municipality

1 to determine whether water service lines to the property contain
2 lead and to replace lead service lines as a condition of receiving the
3 benefit. If a property is subject to the bill's provisions, the
4 developer of the property would be required to submit to the
5 construction code enforcing agency proof that either an independent
6 professional has determined that the water service line is not a lead
7 service line, or that a lead service line has been replaced. If the
8 developer fails to do so, the bill would prohibit a construction code
9 enforcing agency from issuing a certificate of occupancy for the
10 property.