

SENATE, No. 2695

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MAY 19, 2022

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

Co-Sponsored by:

Senator Gopal

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/9/2022)

1 AN ACT concerning the presence of lead in drinking water in certain
2 residential properties, supplementing various parts of the
3 statutory law, and amending P.L.2021, c.183 and P.L.2021,
4 c.182.

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

8
9 1. (New section) a. (1) Except as otherwise provided in
10 subsection b. of this section, when a landlord offers for rent a
11 residential rental unit, the landlord shall provide a Lead In Drinking
12 Water Disclosure to each prospective or current tenant before
13 entering into a lease or renewal agreement with the tenant. The
14 disclosure shall be provided on a written form prescribed by the
15 Commissioner of Community Affairs. At a minimum, the
16 disclosure shall include the following information:

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

22 (b) an acknowledgment that there is a significant possibility that
23 the residential rental property is serviced by a lead service line or
24 interior lead plumbing if the residential rental property was
25 constructed before 1986;

26 (c) a copy of any citation or formal notice received by the
27 landlord within the previous three years for the failure to comply
28 with any requirement of law or regulation concerning the presence
29 of lead in drinking water;

30 (d) a copy of the results of any tests conducted within the
31 previous three years concerning the presence of lead in the drinking
32 water supplied to any unit within the residential rental property;

33 (e) a copy of any formal notice received by the landlord within
34 the previous three years indicating that a lead action level
35 exceedance was detected within the service area in which the
36 residential rental property is located;

37 (f) a copy of, or instructions for accessing, the educational
38 materials developed by the Department of Health, in consultation
39 with the Department of Environmental Protection, pursuant to
40 section 2 of P.L. , c. (C.) (pending before the Legislature
41 as this bill), concerning the health risks associated with lead in
42 drinking water; and

43 (g) any other information that the Commissioner of Community
44 Affairs, in consultation with the Commissioner of Environmental
45 Protection and Commissioner of Health, may deem necessary.

46 (2) Upon entering into a lease or renewal agreement, the
47 landlord and tenant shall jointly sign an addendum to the lease or

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 renewal agreement attesting that the tenant received the Lead In
2 Drinking Water Disclosure before entering into the agreement.

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

6 (1) located in a residential rental property that was constructed
7 after 1986;

8 (2) located in a residential rental property that is serviced by a
9 lead-safe service line; or

10 (3) a seasonal rental unit.

11 c. A landlord who violates the provisions of this section, or
12 who knowingly misrepresents any information contained in the
13 Lead In Drinking Water Disclosure, shall be subject to a fine of not
14 more than \$5,000 for each offense. Any penalty imposed pursuant
15 to this subsection may be collected, with costs, in a summary
16 proceeding pursuant to the "Penalty Enforcement Law of 1999,"
17 P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court and the
18 municipal court shall have jurisdiction to enforce the provisions of
19 the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-
20 10 et seq.) in connection with this section.

21 d. As used in this section:

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

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

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

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

31

32 2. (New section) a. Within six months of the effective date of
33 P.L. , c. (C.) (pending before the Legislature as this bill),
34 the Department of Health, in consultation with the Department of
35 Environmental Protection, shall develop educational materials
36 concerning the health risks associated with lead in drinking water,
37 including protective measures for minimizing the potential exposure
38 to lead in drinking water. The educational materials shall be
39 updated from time to time as deemed necessary by the
40 Commissioner of Health.

41 b. Within five days of developing the educational materials, the
42 Department of Health shall:

43 (1) make the information available to the public on the official
44 Internet website of the Department of Health; and

45 (2) transmit the information to the Commissioner of Community
46 Affairs, who shall also make the educational materials available to
47 the public on the official Internet website of the Department of
48 Community Affairs.

1 3. (New section) a. In addition to any other information
2 required by law or regulation, the Department of Community
3 Affairs shall include information in the housing registry, established
4 pursuant to section 7 of the “Lead Hazard Control Assistance Act,”
5 P.L.2003, c.311 (C.52:27D-437.7), concerning the address of every
6 residential rental property in the State that is serviced by a lead-safe
7 service line, lead service line, and service line of unknown
8 composition, respectively, as reported to the department pursuant to
9 P.L.2021, c.183 (C.58:12A-40 et seq.), as amended by
10 P.L. , c. (C.) (pending before the Legislature as this bill).
11 The department shall update this information at least once every six
12 months.

13 b. As used in this section:

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

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

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

21

22 4. Section 3 of P.L.2021, c.183 (C.58:12A-42) is amended to
23 read as follows:

24 3. a. Each public community water system in the State shall
25 develop a service line inventory, in accordance with the
26 requirements of this section, in order to determine the existence or
27 absence of a lead service line at each service connection in its
28 service area. The service line inventory shall include information
29 about service line locations and the composition of service lines at
30 each location. The department may prescribe data management
31 means and methods to provide for the receipt of uniform
32 submissions of the service line inventory by public community
33 water systems.

34 b. No later than 60 days after the effective date of **[this act]**
35 P.L.2021, c.183 (C.58:12A-40 et seq.), a public community water
36 system shall compile and submit, to the department, an initial count
37 showing the number of lead service lines and the number of service
38 lines of unknown composition that are known to be present in the
39 system's service area, as well as the number of lead service lines
40 that are to be replaced annually, based on the replacement rate
41 established pursuant to paragraph (1) of subsection b. of section 5
42 of **[this act]** P.L.2021, c.183 (C.58:12A-44).

43 c. No later than six months after the effective date of **[this act]**
44 P.L.2021, c.183 (C.58:12A-40 et seq.), a public community water
45 system shall submit to the department an initial service line
46 inventory. The inventory shall include:

47 (1) the locations of all identified lead service lines;

1 (2) an indication as to whether each identified lead service line
2 is completely composed of lead or otherwise meets the definition of
3 a lead service line;

4 (3) the location of each service line that is suspected to be lead;

5 (4) for each identified and suspected lead service line, an
6 indication as to whether the line is owned by the public community
7 water system, the property owner, or both;

8 (5) the locations and compositions of all non-lead service lines;
9 and

10 (6) a separate list identifying all service lines of unknown
11 composition.

12 d. The public community water system shall use historical
13 building records and other available information, including data
14 from the American Water Works Association or other industry
15 research groups, to determine the likelihood of the presence of lead
16 service lines in all portions of its service area, as provided by this
17 section.

18 e. Following the submission of the initial service line inventory
19 pursuant to subsection c. of this section, each public community
20 water system in the State shall continue the inventory process and
21 utilize every reasonable method available to locate all lead service
22 lines within its service area. This process shall include, but shall
23 not be limited to:

24 (1) visual inspection during planned maintenance, meter
25 replacement, and main replacement projects; and

26 (2) the solicitation and receipt of comments, complaints, and
27 other input from customers and non-paying consumers in the
28 service area.

29 f. (1) No later than one year after the effective date of **[this act]**
30 P.L.2021, c.183 (C.58:12A-40 et seq.), a public community water
31 system shall submit, to the department, an updated inventory of
32 service lines in its service area. The updated inventory shall
33 contain the information required by subsection c. of this section,
34 and shall additionally include:

35 (a) for each service line suspected of containing lead, supporting
36 information detailing the reasons why each such service line is
37 believed to contain lead; and

38 (b) for each service line identified as being of unknown
39 composition, a description detailing the steps undertaken to
40 determine whether the line contains lead.

41 (2) The public community water system shall keep the
42 department informed of its progress pursuant to this subsection,
43 through the annual reports submitted pursuant to the provisions of
44 section 7 of **[this act]** P.L.2021, c.183 (C.58:12A-46). If a public
45 community water system exhausts all other methods of identifying a
46 service line, including the use of new technologies that become
47 available, the department may require excavation, as necessary, to
48 identify the service line.

1 g. Beginning two years after the effective date of **[this act]**
2 P.L.2021, c.183 (C.58:12A-40 et seq.), and until such time as all
3 lead service lines have been replaced in accordance with **[this act]**
4 P.L.2021, c.183 (C.58:12A-40 et seq.), a public community water
5 system shall annually submit to the department:

6 (1) an updated service line inventory that meets the
7 requirements of subsection f. of this section; and

8 (2) a statement certifying that the public community water
9 system is in compliance with the provisions of this act.

10 h. (1) A public community water system shall provide its most
11 recent service line inventory, at no cost, to the Commissioner of
12 Community Affairs and, upon request and at no cost, to appropriate
13 State officials **[or]** and to the local government officials of a
14 municipality served by the public community water system. A
15 public community water system shall make its most recent service
16 line inventory available on its Internet website. For public
17 community water systems serving fewer than 3,300 customers,
18 whenever an Internet website is not available, the public community
19 water system shall make its most recent service line inventory
20 available in another publicly accessible location.

21 (2) If the owner or operator of a residential rental property,
22 including an apartment building, group home, or other multi-family
23 or multi-unit dwelling, obstructs the efforts of a public community
24 water system to replace a lead service line, then the public
25 community water system shall report the actions to the chief
26 executive officer of the municipality in which the property is
27 located, as well as each customer and non-paying consumer served
28 by the lead service line.

29 (cf: P.L.2021, c.183, s.3)

30
31 5. Section 4 of P.L.2021, c.183 (C.58:12A-43) is amended to
32 read as follows:

33 4. a. No later than 30 days after submitting an initial service
34 line inventory to the department pursuant to subsection c. of section
35 3 of **[this act]** P.L.2021, c.183 (C.58:12A-42), and periodically
36 thereafter as the department may require, a public community water
37 system shall send, to each customer and non-paying consumer
38 served by a lead service line in the service area, and to any off-site
39 owner of property served by a lead service line in the service area,
40 written notice of the composition of the service line.

41 b. A notice provided pursuant to this section shall:

42 (1) be sent, by certified mail, to each residential, commercial, or
43 institutional address affected by the known lead service line and
44 addressed to the primary resident or commercial or institutional
45 occupant thereof, as appropriate. Notice shall be sent to all affected
46 addresses, as provided in this paragraph, regardless of whether the
47 resident or occupant is a system customer or is a non-paying
48 consumer;

1 (2) be sent, by certified mail, to each off-site owner of property
2 affected by the known lead service line and addressed to the
3 property owner's last known address, as determined through the
4 review of local property tax and other available records;

5 (3) be included in a mailing that is separate and distinct from the
6 water bill that is issued for the property. The notice shall contain
7 large, easily readable text and be presented on distinctly colored
8 paper or other paper that is easily distinguishable from the water
9 billing statement; and

10 (4) include, at a minimum: (a) a list of the lead service lines that
11 are being used to serve the customer or non-paying consumer; (b)
12 information describing the sources of lead in drinking water,
13 including lead service lines and household plumbing; (c) a
14 description of the health effects of lead exposure; and (d) the steps
15 that system customers and non-paying consumers in the service area
16 can take to reduce their exposure to lead in drinking water.

17 c. (1) If the recipient of notice provided pursuant to this section
18 is the owner or operator of an apartment building, group home, or
19 other multi-family or multi-unit dwelling, such owner or operator
20 shall provide a hard copy of the notice to each existing resident of
21 the multi-family or multi-unit dwelling and shall additionally post a
22 copy of the notice in a conspicuous location in a common area of
23 the dwelling. The owner or operator shall also inform each new
24 resident of the multi-family or multi-unit dwelling, prior to their
25 residence, about the existence of the lead service line, and shall
26 provide each new resident with a hard copy of the notice received
27 pursuant to this section, upon the commencement of their residence.
28 A notice posted in a common area of a multi-family or multi-unit
29 dwelling, pursuant to this subsection, may be removed only after all
30 of the lead service lines identified in the notice have been replaced
31 and determined to be non-lead service lines.

32 (2) If the owner or operator of a residential rental property,
33 including an apartment building, group home, or other multi-family
34 or multi-unit dwelling, receives notice pursuant to this section, and
35 the owner or operator offers a dwelling unit within the residential
36 property for rent to a prospective or current tenant, then the lease or
37 renewal agreement shall be conditioned on the owner's or
38 operator's commitment not to obstruct a public community water
39 system from replacing a lead service line. If the owner or operator
40 obstructs the replacement of a lead service line, such as denying
41 access to the property owner-side of the lead service line, then the
42 lease or renewal agreement shall remain in effect, but the tenant
43 may terminate the agreement any time thereafter without incurring
44 any charge or penalty otherwise imposed under the agreement for
45 such termination.

46 d. If a public community water system serves a municipality in
47 which the primary language of 10 percent or more of the residents
48 is a language other than English, the public community water

1 system shall provide the notice required pursuant to subsection a. of
2 this section in both English and the other language spoken by
3 residents.

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

5
6 6. Section 7 of P.L.2021, c.183 (C.58:12A-46) is amended to
7 read as follows:

8 7. No later than December 31 of each year, a public community
9 water system shall submit to the **【department】** Department of
10 Environmental Protection and the Department of Community
11 Affairs, in a form and manner to be determined by the **【department】**
12 Department of Environmental Protection, a report detailing the
13 public community water system's progress in replacing lead service
14 lines pursuant to **【this act】** P.L.2021, c.183 (C.58:12A-40 et seq.).
15 A public community water system shall make its report available on
16 its Internet website. If an Internet website is not available, the
17 public community water system shall make its report available in
18 another publicly accessible location. If the **【department】**
19 Department of Environmental Protection determines, based on the
20 information provided by the public community water system
21 pursuant to this section, that the system has completed the
22 replacement of all lead service lines within the system's service
23 area, the system shall no longer be required to submit a report
24 pursuant to this section.

25 (cf: P.L.2021, c.183, s.7)

26
27 7. Section 1 of P.L.2021, c.182 (C.52:27D-437.16) is amended
28 to read as follows:

29 1. a. As used in this section:

30 "Drinking water outlet" means any faucet or tap that supplies
31 water regularly used for drinking or food preparation, including ice-
32 making.

33 "Dust wipe sampling" means a sample collected by wiping a
34 representative surface and tested in accordance with a method
35 approved by the United States Department of Housing and Urban
36 Development.

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

40 "Tenant turnover" means the time at which all existing occupants
41 vacate a dwelling unit and all new tenants move into the dwelling
42 unit.

43 "Visual assessment" means a visual examination for deteriorated
44 paint or visible surface dust, debris, or residue.

45 b. (1) Subject to subsection c. of this section, in a municipality
46 that maintains a permanent local agency for the purpose of
47 conducting inspections and enforcing laws, ordinances, and
48 regulations concerning buildings and structures within the

1 municipality, the permanent local agency shall inspect every single-
2 family, two-family, and multiple rental dwelling located within the
3 municipality **【at tenant turnover】** for lead-based paint hazards and
4 lead drinking water hazards at tenant turnover, or within two years
5 of the effective date of P.L.2021, c.182 (C.52:27D-437.16 et al.) for
6 lead-based paint hazards and within two years of the effective date
7 of P.L. , c. (C.) (pending before the Legislature as this
8 bill) for lead drinking water hazards, whichever is earlier.
9 Thereafter, all such units shall be inspected for lead-based paint
10 hazards and lead drinking water hazards the earlier of every three
11 years or upon tenant turnover, except that an inspection upon tenant
12 turnover for lead-based paint hazards shall not be required if the
13 owner has a valid lead-safe certification pursuant to this section.
14 The municipality shall charge the dwelling owner or landlord a fee
15 sufficient to cover the cost of the inspection.

16 (2) Subject to subsection c. of this section, a municipality that
17 does not maintain a permanent local agency for the purpose of
18 conducting inspections and enforcing laws, ordinances, and
19 regulations concerning buildings and structures within the
20 municipality, the municipality shall hire a lead evaluation
21 contractor, certified to provide lead paint inspection services by the
22 Department of Community Affairs, to inspect every single-family,
23 two-family, and multiple rental dwelling located within the
24 municipality **【at tenant turnover】** for lead-based paint hazards and
25 lead drinking water hazards at tenant turnover, or within two years
26 of the effective date of P.L.2021, c.182 (C.52:27D-437.16 et al.) for
27 lead-based paint hazards and within two years of the effective date
28 P.L. , c. (C.) (pending before the Legislature as this bill)
29 for lead drinking water hazards, whichever is earlier. Thereafter, all
30 such units shall be inspected for lead-based paint hazards and lead
31 drinking water hazards the earlier of every three years or upon
32 tenant turnover, except that an inspection upon tenant turnover for
33 lead-based paint hazards shall not be required if the owner has a
34 valid lead-safe certification pursuant to this section. The
35 municipality shall charge the dwelling owner or landlord a fee
36 sufficient to cover the cost of the inspection, including the cost of
37 hiring the lead evaluation contractor.

38 (3) A municipality shall permit the dwelling owner or landlord
39 to directly hire a lead evaluation contractor who is certified to
40 provide lead paint inspection services by the Department of
41 Community Affairs to satisfy the requirements of paragraph (1) or
42 (2) of this subsection.

43 (4) A permanent local agency or lead evaluation contractor with
44 the duty to inspect single-family, two-family, and multiple rental
45 dwellings pursuant to this section may consult with the local health
46 board, the Department of Health, or the Department of Community
47 Affairs concerning the criteria for the inspection and identification
48 of areas and conditions involving a high risk of lead poisoning in

1 dwellings, methods of detection of lead in dwellings, and standards
2 for the repair of dwellings containing lead paint.

3 (5) Fees established pursuant to this subsection shall be
4 dedicated to meeting the costs of implementing and enforcing this
5 subsection and shall not be used for any other purpose.

6 (6) When inspecting a dwelling unit for the presence of lead
7 drinking water hazards, a water sample shall be taken from each
8 drinking water outlet in the unit. The water samples shall be tested
9 in accordance with sampling and testing methods approved by the
10 Department of Environmental Protection.

11 c. Notwithstanding subsection b. of this section to the contrary,
12 a dwelling unit in a single-family, two-family, or multiple rental
13 dwelling shall not be subject to inspection and evaluation for the
14 presence of lead-based paint hazards if the unit:

15 (1) has been certified to be free of lead-based paint;

16 (2) was constructed during or after 1978;

17 (3) is in a multiple dwelling that has been registered with the
18 Department of Community Affairs as a multiple dwelling for at
19 least 10 years, either under the current or a previous owner, and has
20 no outstanding lead violations from the most recent cyclical
21 inspection performed on the multiple dwelling under the "Hotel and
22 Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.);

23 (4) is a single-family or two-family seasonal rental dwelling
24 which is rented for less than six months duration each year by
25 tenants that do not have consecutive lease renewals; or

26 (5) has a valid lead-safe certification issued in accordance with
27 this section.

28 d. (1) If a lead evaluation contractor or permanent local agency
29 finds that a lead-based paint hazard exists in a dwelling unit upon
30 conducting an inspection pursuant to this section, then the owner of
31 the dwelling unit shall remediate the lead-based paint hazard by
32 using abatement or lead-based paint hazard control methods,
33 approved in accordance with the provisions of the "Lead Hazard
34 Control Assistance Act," P.L.2003, c.311 (C.52:27D-437.1 et al.).
35 Upon the remediation of the lead-based paint hazard, the lead
36 evaluation contractor or permanent local agency shall conduct an
37 additional inspection of the unit to certify that the hazard no longer
38 exists.

39 (2) If a lead evaluation contractor or permanent local agency
40 finds that no lead-based paint hazards exist in a dwelling unit upon
41 conducting an inspection pursuant to this section or following
42 remediation of a lead-based paint hazard pursuant to paragraph (1)
43 of this subsection, then the lead evaluation contractor or permanent
44 local agency shall certify the dwelling unit as lead-safe on a form
45 prescribed by the Department of Community Affairs as provided for
46 in regulations or guidance promulgated pursuant to section 8 of
47 P.L.2021, c.182 (C.52:27D-437.20). The lead-safe certification
48 provided to the property owner by the lead evaluation contractor or

1 permanent local agency pursuant to this paragraph shall be valid for
2 two years.

3 e. Beginning on the effective date of P.L.2021, c.182
4 (C.52:27D-437.16 et al.), property owners shall:

5 (1) provide evidence of a valid lead-safe certification obtained
6 pursuant to this section as well as evidence of the most recent tenant
7 turnover at the time of the cyclical inspection carried out under the
8 "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et
9 seq.), unless not required to have had an inspection by a lead
10 evaluation contractor or permanent local agency pursuant to
11 paragraph (1), (2), or (3) of subsection c. of this section;

12 (2) provide evidence of a valid lead-safe certification obtained
13 pursuant to this section to new tenants of the property at the time of
14 tenant turnover unless not required to have had an inspection by a
15 lead evaluation contractor or permanent local agency pursuant to
16 paragraphs (1), (2), (3), and (4) of subsection c. of this section, and
17 shall affix a copy of such certification as an exhibit to the tenant's
18 or tenants' lease; and

19 (3) maintain a record of the lead-safe certification which shall
20 include the name or names of the unit's tenant or tenants, if the
21 inspection was conducted during a period of tenancy, unless not
22 required to have had an inspection by a lead evaluation contractor
23 or permanent local agency pursuant to paragraphs (1), (2), (3), and
24 (4) of subsection c. of this section.

25 f. If a lead evaluation contractor or permanent local agency
26 finds that a lead-based paint hazard or lead drinking water hazard
27 exists in a dwelling unit upon conducting an inspection pursuant to
28 this section, then the lead evaluation contractor or permanent local
29 agency shall notify the Commissioner of Community Affairs, who
30 shall review the findings in accordance with section 8 of the "Lead
31 Hazard Control Assistance Act," P.L.2003, c.311 (C.52:27D-437.8).

32 g. (1) If a dwelling is located in a municipality in which less than
33 three percent of children tested, six years of age or younger, have a
34 blood lead level greater than or equal to five ug/dL, according to the
35 central lead screening database maintained by the Department of
36 Health pursuant to section 5 of P.L.1995, c.328 (C.26:2-137.6), or
37 according to other data deemed appropriate by the commissioner,
38 then a lead evaluation contractor or permanent local agency may
39 inspect for lead-based paint hazards through visual assessment.

40 (2) If a dwelling is located in a municipality in which at least
41 three percent of children tested, six years of age or younger, have a
42 blood lead level greater than or equal to five ug/dL, according to the
43 central lead screening database maintained by the Department of
44 Health pursuant to section 5 of P.L.1995, c.328 (C.26:2-137.6), or
45 according to other data deemed appropriate by the commissioner,
46 then a lead evaluation contractor or permanent local agency shall
47 inspect for lead-based paint hazards through dust wipe sampling.

1 (3) If a lead hazard is identified in an inspection of one of the
2 dwelling units in a building consisting of two- or three- dwelling
3 units, then the lead evaluation contractor or permanent local agency
4 shall inspect the remainder of the building's dwelling units for lead
5 hazards, with the exception of dwelling units that have been
6 certified to be free of lead-based paint. The lead evaluation
7 contractor or permanent local agency may charge fees in
8 accordance with this section for such additional inspections.

9 h. In addition to the fees permitted to be charged for inspection
10 of rental housing pursuant to this section, each municipality shall
11 assess an additional fee of \$20 per unit inspected by a certified lead
12 evaluation contractor or permanent local agency for the purposes of
13 the "Lead Hazard Control Assistance Act," P.L.2003, c.311
14 (C.52:27D-437.1 et al.) concerning lead hazard control work, unless
15 the unit owner demonstrates that the Department of Community
16 Affairs has already assessed an additional inspection fee of \$20
17 pursuant to the provisions of section 10 of P.L. 2003, c. 311
18 (C.52:27D-437.10). In a common interest community, any
19 inspection fee charged pursuant to this subsection shall be the
20 responsibility of the unit owner and not the homeowners'
21 association, unless the association is the owner of the unit. The fees
22 collected pursuant to this subsection shall be deposited into the
23 "Lead Hazard Control Assistance Fund" established pursuant to
24 section 4 of P.L.2003, c.311 (C.52:27D-437.4).

25 i. Notwithstanding subsection b. of this section to the contrary,
26 a dwelling unit in a single-family, two-family, or multiple rental
27 dwelling shall not be subject to inspection and evaluation for the
28 presence of lead drinking water hazards if the unit is:

29 (1) located in a residential rental property that was constructed
30 after 1986; or

31 (2) serviced by a lead-safe service line.

32 (cf: P.L.2021, c.182, s.1)

33
34 8. (New section) Notwithstanding any provision of the
35 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
36 seq.) to the contrary, the Commissioner of Community Affairs, in
37 consultation with the Commissioner of Environmental Protection
38 and the Commissioner of Health, shall, on or before the first day of
39 the fourth month next following the date of enactment of
40 P.L. , c. (C.) (pending before the Legislature as this bill),
41 and immediately upon filing with the Office of Administrative Law,
42 adopt rules and regulations necessary to implement the provisions
43 of P.L. , c. (C.) (pending before the Legislature as this
44 bill). The rules and regulations shall be effective for a period not to
45 exceed 18 months following the date of filing and may thereafter be
46 amended, adopted, or readopted by the director in accordance with
47 the requirements of P.L.1968, c.410 (C.52:14B-1 et seq.).

1 certified by the public water system pursuant this bill; or (3) a
2 seasonal rental unit.

3 A landlord who violates these requirements, or who knowingly
4 misrepresents any information contained in the disclosure, would be
5 subject to a fine of not more than \$5,000 for each offense.

6 Under the bill, the Department of Health, in consultation with the
7 Department of Environmental Protection, would be required to
8 develop educational materials concerning the health risks associated
9 with lead in drinking water, including protective measures for
10 minimizing the potential exposure to lead in drinking water. This
11 information would be posted on the Internet websites of the
12 Department of Health and Department of Community Affairs and
13 would be included in the Lead In Drinking Water Disclosure
14 required under the bill.

15 The Department of Community Affairs is currently required to
16 maintain a lead-safe housing registry. This housing registry
17 includes information concerning the lead-safe status of certain
18 multifamily housing, single-family housing, and two-family
19 housing units within the State.

20 Under the bill, the housing registry would also be required to
21 include information concerning the address of every residential
22 rental property in the State that is serviced by a lead-safe service
23 line, lead service line, and service line of unknown composition,
24 respectively. To assist the department in gathering this information,
25 the bill requires each public community water system to provide the
26 Commissioner of Community Affairs with its most recent service
27 line inventory, which inventory is required to be conducted under
28 P.L.2021, c.183 (C.58:12A-40 et seq.).

29 The law currently requires that public community water systems
30 conduct service line inventories to determine the existence or
31 absence of lead service lines, and, thereafter, replace existing lead
32 service lines.

33 This bill would prohibit an owner or operator of a residential
34 rental property from obstructing the efforts of a public community
35 water system to replace a lead service line by denying access to the
36 property owner-side of the lead service line or other means.
37 Notably, the bill conditions residential lease agreements on the
38 landlord's commitment not to obstruct these efforts. Specifically,
39 the bill provides that if a landlord obstructs the replacement of a
40 lead service line, a tenant's lease agreement would remain in effect;
41 however, the tenant would be allowed to terminate the agreement
42 any time thereafter without incurring any charge or penalty
43 otherwise imposed under the agreement for such termination.

44 If a landlord obstructs the replacement of a lead service line, the
45 bill also requires the public community water system to notify the
46 chief executive officer of the host municipality, as well as each
47 customer and non-paying consumer serviced by the lead service
48 line.

1 In addition, the law currently provides that , every single-family,
2 two-family, and multiple rental dwelling be regularly inspected for
3 lead-based paint hazards. In general, these inspections are required
4 to be conducted at tenant turnover or after every three years,
5 whichever is earlier.

6 This bill would expand these inspections to include inspections
7 for lead drinking water hazards. When conducting these
8 inspections, a water sample would be taken from each drinking
9 water outlet in the unit. Thereafter, the water samples would be
10 tested in accordance with sampling and testing methods approved
11 by the Department of Environmental Protection.

12 However, the bill provides that a residential rental property may
13 be exempt from these inspection requirements if the property is: (1)
14 located in a residential rental property that was constructed after
15 1986; or (2) serviced by a lead-safe service line, as determined by
16 the public community water system pursuant to P.L.2021, c.183
17 (C.58:12A-40 et seq.).