

[First Reprint]

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)

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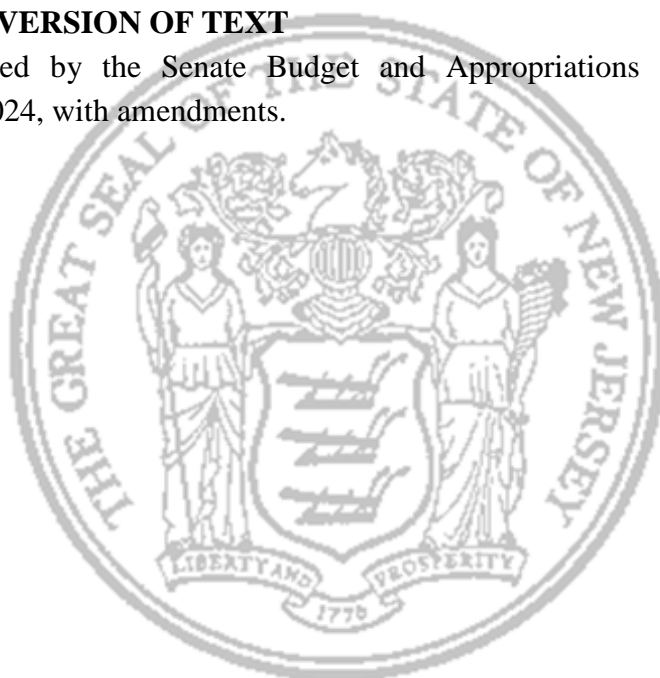
Senators Gopal, Singleton, Burgess and O'Scanlon

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 Budget and Appropriations Committee on October 7, 2024, with amendments.



(Sponsorship Updated As Of: 10/7/2024)

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 before
9 the Legislature as this bill):

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

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

24 ¹["Lead-safe service line" means a service line that does not
25 contain lead, as determined by a public community water system
26 pursuant to P.L.2021, c.183 (C.58:12A-40 et seq.).]¹

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

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

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

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

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

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 SBA committee amendments adopted October 7, 2024.

1 water, installation and use of certified point-of-use water filters, and
2 the availability of water testing. The notice shall be updated from time
3 to time as deemed necessary by the 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 ¹indicating that
7 the educational materials have been developed or updated¹;

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

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

13

14 3. (New section) a. Except as otherwise provided in subsection b.
15 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 composition,
25 if the landlord received such notification from a public community
26 water system pursuant to section 4 of P.L.2021, c.183 (C.58:12A-43)
27 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 be
30 serviced by a lead service line or contain interior lead plumbing;

31 (3) a copy of any formal notice received by the landlord within the
32 previous three years indicating that a lead action level exceedance was
33 detected within the service area in which the residential rental property
34 is located, unless the notice of lead action level exceedance was
35 received more than 12 months prior to lease signing or renewal and the
36 exceedance was subsequently corrected by the public community
37 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 established
43 pursuant to section 2 of P.L. , c. (C.) (pending before the
44 Legislature as this bill), concerning the health risks associated with
45 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 **1**["lead-safe"]¹ service line 1that has been determined by the public
5 community water system, pursuant to P.L.2021, c.183 (C.58:12A-40 et
6 seq.), not to be a lead service line¹; or
- 7 (3) a seasonal rental unit.
- 8 c. Within six months of the effective date of P.L. , c. (C.)
9 (pending before the Legislature as this bill), the Department of
10 Community Affairs shall ¹, in consultation with the Department of
11 Environmental Protection and the Department of Health,¹ prepare a
12 model "Lead In Drinking Water Disclosure" statement that may be
13 used by landlords to satisfy the requirements of this section.
- 14 d. Within five days of developing or updating the model "Lead In
15 Drinking Water Disclosure" statement, the Department of Community
16 Affairs shall:
 - 17 (1) publish the notice in the New Jersey Register;
 - 18 (2) make the notice available to the public on the official Internet
19 website of the Department of Community Affairs; and
 - 20 (3) transmit the notice to the Department of Health, who shall also
21 make the notice available to the public on the official Internet website
22 of the Department of Health.
- 23 e. If a lease is oral, the landlord shall provide the "Lead in Drinking
24 Water Disclosure" statement to the tenant, or prospective tenant, as a
25 separate notice utilizing the model notice established pursuant to
26 subsection c. of this section. If the lease or the renewal lease is in
27 writing, the landlord shall provide the "Lead in Drinking Water
28 Disclosure" statement required pursuant to this section either as a
29 separate notice utilizing the model notice established pursuant to
30 subsection c. of this section, or the "Lead In Drinking Water
31 Disclosure" statement may be included in the written lease or the
32 written renewal lease, provided that the notice is a separate rider,
33 individually signed or otherwise acknowledged by the tenant and
34 landlord, and written in not less than 12-point typeface.
35
- 36 4. (New section) a. (1) A public community water system shall,
37 upon request by a residential customer, test the customer's drinking
38 water for the presence of lead using a laboratory certified for that
39 purpose by the Department of Environmental Protection. A
40 community water system shall be required to provide only one test
41 each year, upon such request by a residential customer, unless a test
42 shows that the lead action level was exceeded. If a test shows that the
43 lead action level was exceeded, the public community water system
44 shall, upon request by a customer, test the customer's drinking water
45 every 60 days for the presence of lead until two consecutive tests fall
46 at or below the lead action level.
- 47 (2) The community water system shall provide the results of every
48 test authorized pursuant to this subsection to the customer.

1 b. A public community water system shall not be required to
2 comply with the requirements of subsection a. of this section for a
3 residential unit that is:

4 (1) located in a residential rental property that was constructed
5 after 1986;

6 (2) located in a residential rental property that is serviced by a
7 **'[lead-safe]'** service line that has been determined by the public
8 community water system, pursuant to P.L.2021, c.183 (C.58:12A-40 et
9 seq.), not to be a lead service line¹; or

10 (3) a seasonal rental unit.

11 c. A customer who requests a test pursuant to this section shall not
12 be charged a fee by the public community water system for the test. A
13 public community water system that is a "public utility," as defined in
14 R.S.48:2-13, and that is regulated by the Board of Public Utilities
15 pursuant to Title 48 of the Revised Statutes, may petition the board to
16 include in the public community water system's rate base the
17 reasonable costs of testing it provides to customers pursuant to this
18 section. A public community water system that is not regulated by the
19 Board of Public Utilities may include in the public community water
20 system's rates the reasonable costs of testing it provides to customers
21 pursuant to this section.

22
23 5. Section 4 of P.L.2021, c.183 (C.58:12A-43) is amended to read
24 as follows:

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

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

34 (1) be sent, by certified mail, to each residential, commercial, or
35 institutional address affected by the known lead service line and
36 addressed to the primary resident or commercial or institutional
37 occupant thereof, as appropriate. Notice shall be sent to all affected
38 addresses, as provided in this paragraph, regardless of whether the
39 resident or occupant is a system customer or is a non-paying
40 consumer;

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

45 (3) be included in a mailing that is separate and distinct from the
46 water bill that is issued for the property. The notice shall contain
47 large, easily readable text and be presented on distinctly colored paper

1 or other paper that is easily distinguishable from the water billing
2 statement; and

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

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

25 (2) If the owner or operator of a residential rental property,
26 including an apartment building, group home, or other multi-family or
27 multi-unit dwelling, receives notice pursuant to this section, and the
28 owner or operator offers a dwelling unit within the residential property
29 for rent to a prospective or current tenant, then the lease or renewal
30 agreement shall be conditioned on the owner's or operator's
31 commitment not to obstruct a public community water system from
32 replacing a lead service line¹ by denying access to the property owner-
33 side of the lead service line¹ . If the owner or operator obstructs the
34 replacement of a lead service line¹ [, such as] by¹ denying access to
35 the property owner-side of the lead service line, then the lease or
36 renewal agreement shall remain in effect, but the tenant may terminate
37 the agreement any time thereafter without incurring any charge or
38 penalty otherwise imposed under the agreement for such termination.

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

44 d. If a public community water system serves a municipality in
45 which the primary language of 10 percent or more of the residents is a
46 language other than English, the public community water system shall
47 provide the notice required pursuant to subsection a. of this section in

1 both English and the other language spoken by residents.
2 (cf: P.L.2021, c.183, s.4)

3
4 6. (New section) ¹a. ¹ Any person ¹, including, but not limited to
5 a public community water system,¹ found to be in violation of any
6 provision of P.L. , c. (C.) (pending before the Legislature as
7 this bill) shall be provided with a written notice of the violation by the
8 Commissioner of ¹**【Community Affairs】 Environmental Protection**¹
9 and given 15 days to cure the violation. If the person has not cured the
10 violation after 15 days, the commissioner may impose a penalty of
11 \$100 for a first violation, \$500 for a second violation, and \$1,000 for a
12 third and subsequent violation ¹**【, to】** . The penalties applicable under
13 this section shall¹ be enforced ¹by the Commissioner of Environmental
14 Protection¹ pursuant to the "Penalty Enforcement Law of 1999,"
15 P.L.1999, c.274 (C.2A:58-10 et seq.) ¹in the Superior Court.

16 b. If a public community water system or customer is affected by
17 another person, including, but not limited to a public community water
18 system, that has violated a provision of P.L. , c. (C.) (pending
19 before the Legislature as this bill), the public community water system
20 or customer may file a complaint with the Department of
21 Environmental Protection¹.

22
23 7. This act shall take effect immediately.