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LEGISLATIVE FISCAL ESTIMATE: Yes

S1034 (3R)

INTRODUCED BILL: (Includes sponsor(s) statement)	Yes	
REPRINT(S):	Yes	SBA 10/7/24 1R Senate 12/19/24 2R Senate 3/24/25 3R
TECHNICAL REVIEW OF BILL:	Yes	SCU 6/17/24 TR
COMMITTEE STATEMENT:	ASSEMBLY:	No
	SENATE:	Yes Community & Urban Affairs Budget & Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, ***may possibly*** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	Yes	Senate 12/19/24 1R Senate 3/24/25 2R
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LEGISLATIVE FISCAL ESTIMATE:	Yes	08/21/2024 10/25/2024 01/14/2025 07/03/2025
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VETO MESSAGE:	No
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GOVERNOR'S PRESS RELEASE ON SIGNING:	Yes
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LEGISLATOR STATEMENT:	Yes
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FOLLOWING WERE PRINTED:

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REPORTS:	No
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HEARINGS:	No
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NEWSPAPER ARTICLES:	No
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CL/MMcB

§§1-3
C.58:12A-12.3a
to 58:12A-12.3c
§§4,6
C.58:12A-12.9a
and 58:12A-12.9b

P.L. 2025, CHAPTER 144, *approved September 19, 2025*
Assembly, No. 2929 (*Second Reprint*)

1 AN ACT concerning the presence of lead in drinking water in certain
2 ²**[residential]**² 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 ²**[residential customer of record and any**
18 residential tenant where the landlord of that residence is the customer
19 of record] property owner or lessee who receives, and is required to
20 pay, a water utility bill for water being supplied to the property².
21 "Lead action level" means the standard for lead in drinking water
22 established by the United States Environmental Protection Agency, or
23 a more stringent standard adopted by the department pursuant to the
24 "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.).
25 ¹**["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.).**"]**¹
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 ²"Non-paying consumer" means the lessee or primary occupant of
31 institutional, commercial, or residential space in a system's service
32 area, who does not receive, and is not required to pay, a water utility
33 bill for water supplied to the property.²

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:
¹Assembly AAP committee amendments adopted December 16, 2024.
²Senate floor amendments adopted March 24, 2025.

1 "Public ²~~community~~² water system" means the same as the term
2 is defined in section ²~~2~~ of P.L.2021, c.183 (C.58:12A-41) ³ 3 of
3 P.L.1977, c.224 (C.58:12A-3)².

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

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

8
9 2. (New section) a. Within six months of the effective date of
10 P.L. , c. (C.) (pending before the Legislature as this bill),
11 the Department of Health, in consultation with the Department of
12 Environmental Protection and the Department of Community
13 Affairs, shall develop a notice that provides consumers information
14 concerning the health risks associated with lead in drinking water,
15 including protective measures for minimizing exposure to lead in
16 drinking water. These measures may include, but not be limited to,
17 instructions for flushing water before drinking, using only cold tap
18 water for drinking water, installation and use of certified point-of-
19 use water filters, and the availability of water testing. The notice
20 shall be updated from time to time as deemed necessary by the
21 Commissioner of Health.

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

24 (1) publish the notice in the New Jersey Register ¹indicating that
25 the educational materials have been developed or updated¹;

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

28 (3) transmit the notice to the Commissioner of Community
29 Affairs, who shall also make the notice available to the public on
30 the official Internet website of the Department of Community
31 Affairs.

32
33 3. (New section) a. Except as otherwise provided in subsection b.
34 of this section, within 90 days of the publication of the notice
35 developed pursuant to section 2 of P.L. , c. (C.) (pending
36 before the Legislature as this bill) and the publication of the model
37 disclosure statement established pursuant to subsection c. of this
38 section, a landlord shall provide a "Lead In Drinking Water
39 Disclosure" statement to each prospective or current tenant before
40 entering into a lease or renewal agreement with the tenant. The
41 disclosure shall include:

42 (1) an acknowledgment that the residential rental property is
43 serviced by a lead service line or service line of unknown composition,
44 if the landlord received such notification from a public
45 ²~~community~~² water system pursuant to section 4 of P.L.2021, c.183
46 (C.58:12A-43) or any other requirement of law or regulation;

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

4 (3) a copy of any formal notice received by the landlord within the
5 previous three years indicating that a lead action level exceedance was
6 detected within the service area in which the residential rental property
7 is located, unless the notice of lead action level exceedance was
8 received more than 12 months prior to lease signing or renewal and the
9 exceedance was subsequently corrected by the public ²**[community]**²
10 water system;

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

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

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

22 (1) located in a residential rental property that was constructed
23 after 1986;

24 (2) located in a residential rental property that is serviced by a
25 ¹**[lead-safe]**¹ service line ¹that has been determined by the public
26 ²**[community]**² water system, pursuant to P.L.2021, c.183 (C.58:12A-
27 40 et seq.), not to be a lead service line¹; or

28 (3) a seasonal rental unit.

29 c. Within six months of the effective date of P.L. , c. (C.)
30 (pending before the Legislature as this bill), the Department of
31 Community Affairs shall ¹in consultation with the Department of
32 Environmental Protection and the Department of Health,¹ prepare a
33 model "Lead In Drinking Water Disclosure" statement that may be
34 used by landlords to satisfy the requirements of this section.

35 d. Within five days of developing or updating the model "Lead In
36 Drinking Water Disclosure" statement, the Department of Community
37 Affairs shall:

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

39 (2) make the notice available to the public on the official Internet
40 website of the Department of Community Affairs; and

41 (3) transmit the notice to the Department of Health, who shall also
42 make the notice available to the public on the official Internet website
43 of the Department of Health.

44 e. If a lease is oral, the landlord shall provide the "Lead in
45 Drinking Water Disclosure" statement to the tenant, or prospective
46 tenant, as a separate notice utilizing the model notice established
47 pursuant to subsection c. of this section. If the lease or the renewal

1 lease is in writing, the landlord shall provide the "Lead in Drinking
 2 Water Disclosure" statement required pursuant to this section either as
 3 a separate notice utilizing the model notice established pursuant to
 4 subsection c. of this section, or the "Lead In Drinking Water
 5 Disclosure" statement may be included in the written lease or the
 6 written renewal lease, provided that the notice is a separate rider,
 7 individually signed or otherwise acknowledged by the tenant and
 8 landlord, and written in not less than 12-point typeface.

9 ¹f. The provisions of P.L. , c. (C.) (pending before the
 10 Legislature as this bill), shall not be construed to impose a duty upon a
 11 licensee of the New Jersey Real Estate Commission to provide the
 12 disclosure statement required pursuant to P.L. , c. (C.)
 13 (pending before the Legislature as this bill) to the tenant of a property
 14 for which the licensee is not the landlord.¹

15
 16 4. (New section) a. (1) A public ²**community**² water system
 17 shall, upon request by a ²**residential**² customer ²or non-paying
 18 consumer², test the customer's ²or non-paying consumer's² drinking
 19 water for the presence of lead using a laboratory certified for that
 20 purpose by the Department of Environmental Protection. A
 21 ²**community**² public² water system shall be required to provide only
 22 one test each year, upon such request by a ²**residential**² customer ²or
 23 non-paying consumer², unless a test shows that the lead action level
 24 was exceeded. If a test shows that the lead action level was exceeded,
 25 the public ²**community**² water system shall, upon request by a
 26 customer ²or non-paying consumer², test the customer's ²or non-
 27 paying consumer's² drinking water every 60 days for the presence of
 28 lead until two consecutive tests fall at or below the lead action level.

29 (2) The ²**community**² public² water system shall provide the
 30 results of every test authorized pursuant to this subsection to the
 31 customer ²or non-paying consumer².

32 b. A public ²**community**² water system shall not be required to
 33 comply with the requirements of subsection a. of this section for a
 34 ²**residential unit**² property² that is:

35 (1) ²**located in a residential rental property that was**²
 36 constructed after 1986;

37 (2) located in a ²**residential rental**² property that is serviced by a
 38 ¹**lead-safe**¹ service line ¹that has been determined by the public
 39 ²**community**² water system, pursuant to P.L.2021, c.183 (C.58:12A-
 40 40 et seq.), not to be a lead service line¹; or

41 (3) a seasonal rental unit.

42 c. A customer ²or non-paying consumer² who requests a test
 43 pursuant to this section shall not be charged a fee by the public
 44 ²**community**² water system for the test. A public ²**community**²
 45 water system that is a "public utility," as defined in R.S.48:2-13, and
 46 that is regulated by the Board of Public Utilities pursuant to Title 48 of

1 the Revised Statutes, may petition the board to include in the public
2 ²【community】² water system's rate base the reasonable costs of
3 testing it provides to customers ²or non-paying consumers² pursuant to
4 this section. A public ²【community】² water system that is not
5 regulated by the Board of Public Utilities may include in the public
6 ²【community】² water system's rates the reasonable costs of testing it
7 provides to customers ²or non-paying consumers² pursuant to this
8 section.

9
10 5. Section 4 of P.L.2021, c.183 (C.58:12A-43) is amended to read
11 as follows:

12 4. a. No later than 30 days after submitting an initial service line
13 inventory to the department pursuant to subsection c. of section 3 of
14 【this act】 P.L.2021, c.183 (C.58:12A-42), and periodically thereafter
15 as the department may require, a public community water system shall
16 send, to each customer and non-paying consumer served by a lead
17 service line in the service area, and to any off-site owner of property
18 served by a lead service line in the service area, written notice of the
19 composition of the service line.

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

21 (1) be sent, by certified mail, to each residential, commercial, or
22 institutional address affected by the known lead service line and
23 addressed to the primary resident or commercial or institutional
24 occupant thereof, as appropriate. Notice shall be sent to all affected
25 addresses, as provided in this paragraph, regardless of whether the
26 resident or occupant is a system customer or is a non-paying
27 consumer;

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

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

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

44 c. (1) If the recipient of notice provided pursuant to this section is
45 the owner or operator of an apartment building, group home, or other
46 multi-family or multi-unit dwelling, such owner or operator shall
47 provide a hard copy of the notice to each existing resident of the multi-

1 family or multi-unit dwelling and shall additionally post a copy of the
 2 notice in a conspicuous location in a common area of the dwelling.
 3 The owner or operator shall also inform each new resident of the
 4 multi-family or multi-unit dwelling, prior to their residence, about the
 5 existence of the lead service line, and shall provide each new resident
 6 with a hard copy of the notice received pursuant to this section, upon
 7 the commencement of their residence. A notice posted in a common
 8 area of a multi-family or multi-unit dwelling, pursuant to this
 9 subsection, may be removed only after all of the lead service lines
 10 identified in the notice have been replaced and determined to be non-
 11 lead service lines.

12 (2) If the owner or operator of a residential rental property,
 13 including an apartment building, group home, or other multi-family or
 14 multi-unit dwelling, receives notice pursuant to this section, and the
 15 owner or operator offers a dwelling unit within the residential property
 16 for rent to a prospective or current tenant, then the lease or renewal
 17 agreement shall be conditioned on the owner's or operator's
 18 commitment not to obstruct a public ²【community】² water system ²,
 19 as defined in section 3 of P.L.1977, c.224 (C.58:12A-3),² from
 20 replacing a lead service line ¹by denying access to the property owner-
 21 side of the lead service line¹ . If the owner or operator obstructs the
 22 replacement of a lead service line ¹【, such as】 by¹ denying access to
 23 the property owner-side of the lead service line, then the lease or
 24 renewal agreement shall remain in effect, but the tenant may terminate
 25 the agreement any time thereafter without incurring any charge or
 26 penalty otherwise imposed under the agreement for such termination.

27 (3) Nothing in this section shall be deemed to preclude an owner
 28 from seeking to arrange reasonable conditions upon a public
 29 ²【community】² water system, its contactors, or subcontractors,
 30 specifically with regard to scheduling the replacement of a lead service
 31 line and related site restoration work.

32 d. If a public community water system serves a municipality in
 33 which the primary language of 10 percent or more of the residents is a
 34 language other than English, the public community water system shall
 35 provide the notice required pursuant to subsection a. of this section in
 36 both English and the other language spoken by residents.
 37 (cf: P.L.2021, c.183, s.4)

38
 39 6. (New section) ¹a.¹ ²【Any person ¹, including, but not limited
 40 to a】 A landlord found to be in violation of section 3 of
 41 P.L. , c. (C.) (pending before the Legislature as this bill) shall
 42 be provided with a written notice of the violation by the Commissioner
 43 of Community Affairs and given 15 days to cure the violation. If the
 44 landlord has not cured the violation after 15 days, the Commissioner of
 45 Community Affairs may impose a penalty of \$100 for a first violation,
 46 \$500 for a second violation, and \$1,000 for a third and subsequent
 47 violation. The penalties applicable under this subsection shall be

1 enforced by the Commissioner of Community Affairs pursuant to the
2 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et
3 seq.) in the Superior Court. If a residential tenant is affected by a
4 landlord who has violated section 3 of P.L. , c. (C.) (pending
5 before the Legislature as this bill), the residential tenant may file a
6 complaint with the Department of Community Affairs.

7 b. A² public ²community² water system,¹ found to be in
8 violation of ²any provision² section 4² of P.L. , c. (C.)
9 (pending before the Legislature as this bill) shall be provided with a
10 written notice of the violation by the Commissioner of ¹Community
11 Affairs¹ Environmental Protection¹ and given 15 days to cure the
12 violation. If the ²person² public water system² has not cured the
13 violation after 15 days, the ²commissioner² Commissioner of
14 Environmental Protection² may impose a penalty of \$100 for a first
15 violation, \$500 for a second violation, and \$1,000 for a third and
16 subsequent violation ¹[, to]¹ . The penalties applicable under this
17 ²section² subsection² shall¹ be enforced ¹by the Commissioner of
18 Environmental Protection¹ pursuant to the "Penalty Enforcement Law
19 of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) ¹in the Superior Court.
20 ²b.² If a ²public community water system or² customer is
21 affected by ²another person, including, but not limited to² a public
22 ²community² water system ²[,]² that has violated ²a provision²
23 section 4² of P.L. , c. (C.) (pending before the Legislature as
24 this bill), the ²public community water system or² customer may
25 file a complaint with the Department of Environmental Protection¹.

26
27 7. This act shall take effect immediately.
28
29
30

31
32 _____
33 Requires disclosure of lead drinking water hazards to tenants of
34 residential units; prohibits landlords from obstructing replacement of
35 lead service lines; concerns testing of certain property for lead
drinking water hazards.

CHAPTER 144

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

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

C.58:12A-12.3a Definitions.

1. As used in P.L.2025, c.144 (C.58:12A-12.3a et al.):

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

"Customer" means a property owner or lessee who receives, and is required to pay, a water utility bill for water being supplied to the property.

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

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

"Non-paying consumer" means the lessee or primary occupant of institutional, commercial, or residential space in a system's service area, who does not receive, and is not required to pay, a water utility bill for water supplied to the property.

"Public water system" means the same as the term is defined in section 3 of P.L.1977, c.224 (C.58:12A-3).

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

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

C.58:12A-12.3b Notice, health risks associated with lead in drinking water.

2. a. Within six months of the effective date of P.L.2025, c.144 (C.58:12A-12.3a et al.), the Department of Health, in consultation with the Department of Environmental Protection and the Department of Community Affairs, shall develop a notice that provides consumers information concerning the health risks associated with lead in drinking water, including protective measures for minimizing exposure to lead in drinking water. These measures may include, but not be limited to, instructions for flushing water before drinking, using only cold tap water for drinking water, installation and use of certified point-of-use water filters, and the availability of water testing. The notice shall be updated from time to time as deemed necessary by the Commissioner of Health.

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

(1) publish the notice in the New Jersey Register indicating that the educational materials have been developed or updated;

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

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

C.58:12A-12.3c Lead In Drinking Water Disclosure statement provided by landlord.

3. a. Except as otherwise provided in subsection b. of this section, within 90 days of the publication of the notice developed pursuant to section 2 of P.L.2025, c.144 (C.58:12A-12.3b) and the publication of the model disclosure statement established pursuant to subsection c. of this section, a landlord shall provide a "Lead In Drinking Water Disclosure" statement to each prospective or current tenant before entering into a lease or renewal agreement with the tenant. The disclosure shall include:

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

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

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

(4) a copy of any citation for a violation of P.L.2025, c.144 (C.58:12A-12.3a et al.) that resulted in the issuance of a penalty against the landlord that was issued in the 12 months prior to lease signing or renewal; and

(5) a copy of, or instructions for accessing, the notice established pursuant to section 2 of P.L.2025, c.144 (C.58:12A-12.3b), concerning the health risks associated with lead in drinking water.

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

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

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

(3) a seasonal rental unit.

c. Within six months of the effective date of P.L.2025, c.144 (C.58:12A-12.3a et al.), the Department of Community Affairs shall, in consultation with the Department of Environmental Protection and the Department of Health, prepare a model "Lead In Drinking Water Disclosure" statement that may be used by landlords to satisfy the requirements of this section.

d. Within five days of developing or updating the model "Lead In Drinking Water Disclosure" statement, the Department of Community Affairs shall:

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

(2) make the notice available to the public on the official Internet website of the Department of Community Affairs; and

(3) transmit the notice to the Department of Health, who shall also make the notice available to the public on the official Internet website of the Department of Health.

e. If a lease is oral, the landlord shall provide the "Lead in Drinking Water Disclosure" statement to the tenant, or prospective tenant, as a separate notice utilizing the model notice established pursuant to subsection c. of this section. If the lease or the renewal lease is in writing, the landlord shall provide the "Lead in Drinking Water Disclosure" statement required pursuant to this section either as a separate notice utilizing the model notice established

pursuant to subsection c. of this section, or the "Lead In Drinking Water Disclosure" statement may be included in the written lease or the written renewal lease, provided that the notice is a separate rider, individually signed or otherwise acknowledged by the tenant and landlord, and written in not less than 12-point typeface.

f. The provisions of P.L.2025, c.144 (C.58:12A-12.3a et al.), shall not be construed to impose a duty upon a licensee of the New Jersey Real Estate Commission to provide the disclosure statement required pursuant to P.L.2025, c.144 (C.58:12A-12.3a et al.) to the tenant of a property for which the licensee is not the landlord.

C.58:12A-12.9a Public water systems, testing for lead upon request.

4. a. (1) A public water system shall, upon request by a customer or non-paying consumer, test the customer's or non-paying consumer's drinking water for the presence of lead using a laboratory certified for that purpose by the Department of Environmental Protection. A public water system shall be required to provide only one test each year, upon such request by a customer or non-paying consumer, unless a test shows that the lead action level was exceeded. If a test shows that the lead action level was exceeded, the public water system shall, upon request by a customer or non-paying consumer, test the customer's or non-paying consumer's drinking water every 60 days for the presence of lead until two consecutive tests fall at or below the lead action level.

(2) The public water system shall provide the results of every test authorized pursuant to this subsection to the customer or non-paying consumer.

b. A public water system shall not be required to comply with the requirements of subsection a. of this section for a property that is:

(1) constructed after 1986;

(2) located in a property that is serviced by a service line that has been determined by the public water system, pursuant to P.L.2021, c.183 (C.58:12A-40 et seq.), not to be a lead service line; or

(3) a seasonal rental unit.

c. A customer or non-paying consumer who requests a test pursuant to this section shall not be charged a fee by the public water system for the test. A public water system that is a "public utility," as defined in R.S.48:2-13, and that is regulated by the Board of Public Utilities pursuant to Title 48 of the Revised Statutes, may petition the board to include in the public water system's rate base the reasonable costs of testing it provides to customers or non-paying consumers pursuant to this section. A public water system that is not regulated by the Board of Public Utilities may include in the public water system's rates the reasonable costs of testing it provides to customers or non-paying consumers pursuant to this section.

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

C.58:12A-43 Written notice of composition of service line.

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

b. A notice provided pursuant to this section shall:

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

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

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

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

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

(2) If the owner or operator of a residential rental property, including an apartment building, group home, or other multi-family or multi-unit dwelling, receives notice pursuant to this section, and the owner or operator offers a dwelling unit within the residential property for rent to a prospective or current tenant, then the lease or renewal agreement shall be conditioned on the owner's or operator's commitment not to obstruct a public water system, as defined in section 3 of P.L.1977, c.224 (C.58:12A-3), from replacing a lead service line by denying access to the property owner-side of the lead service line. If the owner or operator obstructs the replacement of a lead service line by denying access to the property owner-side of the lead service line, then the lease or renewal agreement shall remain in effect, but the tenant may terminate the agreement any time thereafter without incurring any charge or penalty otherwise imposed under the agreement for such termination.

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

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

C.58:12A-12.9b Entities, persons in violation of Lead In Drinking Water Disclosure statement provision.

6. a. A landlord found to be in violation of section 3 of P.L.2025, c.144 (C.58:12A-12.3c) shall be provided with a written notice of the violation by the Commissioner of Community Affairs and given 15 days to cure the violation. If the landlord has not cured the violation after 15 days, the Commissioner of Community Affairs may impose a penalty of \$100 for a first violation, \$500 for a second violation, and \$1,000 for a third and subsequent violation. The penalties applicable under this subsection shall be enforced by the Commissioner of Community Affairs pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in the Superior Court. If a residential tenant is affected by a landlord who has violated section 3 of P.L.2025, c.144 (C.58:12A-12.3c), the residential tenant may file a complaint with the Department of Community Affairs.

b. A public water system, found to be in violation of section 4 of P.L.2025, c.144 (C.58:12A-12.9a) shall be provided with a written notice of the violation by the Commissioner of Environmental Protection and given 15 days to cure the violation. If the public water system has not cured the violation after 15 days, the Commissioner of Environmental Protection may impose a penalty of \$100 for a first violation, \$500 for a second violation, and \$1,000 for a third and subsequent violation. The penalties applicable under this subsection shall be enforced by the Commissioner of Environmental Protection pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in the Superior Court. If a customer is affected by a public water system that has violated section 4 of P.L.2025, c.144 (C.58:12A-12.9a), the customer may file a complaint with the Department of Environmental Protection.

7. This act shall take effect immediately.

Approved September 19, 2025.

ASSEMBLY, No. 2929

STATE OF NEW JERSEY

221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

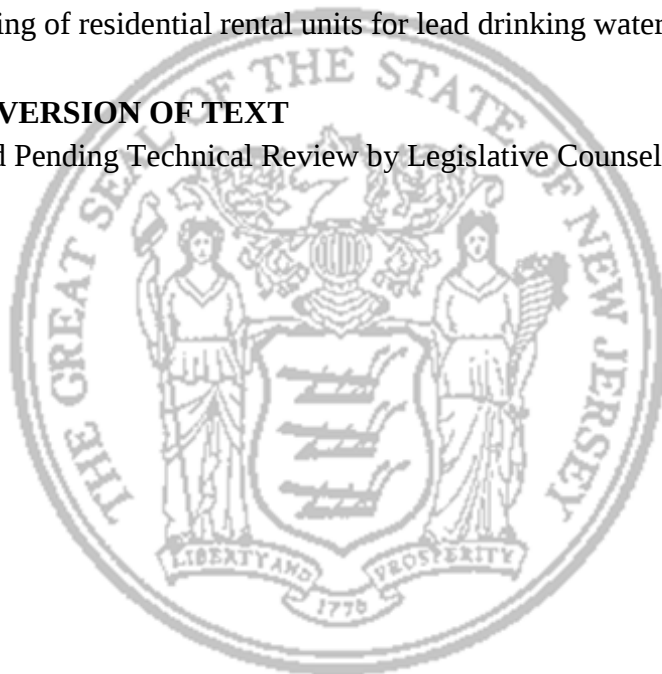
**Assemblyman Conaway, Assemblywoman Lopez, Assemblyman Moen,
Assemblywoman Park, Assemblyman Karabinchak, Assemblywomen
Reynolds-Jackson, Haider, Donlon and Peterpaul**

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

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 5/2/2024)

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
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

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 water for drinking water, installation and use of certified point-of-
 2 use water filters, and the availability of water testing. The notice
 3 shall be updated from time to time as deemed necessary by the
 4 Commissioner of Health.

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

- 7 (1) publish the notice in the New Jersey Register;
- 8 (2) make the notice available to the public on the official
 9 Internet website of the Department of Health; and
- 10 (3) transmit the notice to the Commissioner of Community
 11 Affairs, who shall also make the notice available to the public on
 12 the official Internet website of the Department of Community
 13 Affairs.

14

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

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

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

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

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

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

- 1 b. A landlord shall not be required to comply with the
- 2 requirements of subsection a. of this section related to a lease or
- 3 renewal agreement for a residential rental 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; or
- 8 (3) a seasonal rental unit.
- 9 c. Within six months of the effective date of P.L. , ,
- 10 c. (C.) (pending before the Legislature as this bill), the
- 11 Department of Community Affairs shall prepare a model "Lead In
- 12 Drinking Water Disclosure" statement that may be used by
- 13 landlords to satisfy the requirements of this section.
- 14 d. Within five days of developing or updating the model "Lead
- 15 In Drinking Water Disclosure" statement, the Department of
- 16 Community Affairs shall:
- 17 (1) publish the notice in the New Jersey Register;
- 18 (2) make the notice available to the public on the official
- 19 Internet website of the Department of Community Affairs; and
- 20 (3) transmit the notice to the Department of Health, who shall
- 21 also make the notice available to the public on the official Internet
- 22 website of the Department of Health.
- 23 e. If a lease is oral, the landlord shall provide the "Lead in
- 24 Drinking Water Disclosure" statement to the tenant, or prospective
- 25 tenant, as a separate notice utilizing the model notice established
- 26 pursuant to subsection c. of this section. If the lease or the renewal
- 27 lease is in writing, the landlord shall provide the "Lead in Drinking
- 28 Water Disclosure" statement required pursuant to this section either
- 29 as a separate notice utilizing the model notice established pursuant
- 30 to 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
- 37 shall, upon request by a residential customer, test the customer's
- 38 drinking water for the presence of lead using a laboratory certified
- 39 for that 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
- 43 the lead action level was exceeded, the public community water
- 44 system shall, upon request by a customer, test the customer's
- 45 drinking water every 60 days for the presence of lead until two
- 46 consecutive tests fall at or below the lead action level.
- 47 (2) The community water system shall provide the results of
- 48 every 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; or

8 (3) a seasonal rental unit.

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

20

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

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

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

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

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

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

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

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

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

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

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

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

1 unless the notice of lead action level exceedance was received more
2 than 12 months prior to lease signing or renewal and the exceedance
3 was subsequently corrected;

4 (4) a copy of any citation for a violation of this bill that resulted in
5 the issuance of a penalty against the landlord that was issued in the 12
6 months prior to lease signing or renewal; and

7 (5) a copy of, or instructions for accessing, the notice established
8 by the Commissioner of Health, concerning the health risks of lead in
9 drinking water.

10 A landlord would not be required to comply with these disclosure
11 requirements upon a lease or renewal agreement for a residential rental
12 unit that is: (1) located in a residential rental property constructed after
13 1986; (2) located in a residential rental property serviced by a lead-
14 safe service line; or (3) a seasonal rental unit.

15 Within six months of the effective date of the bill, the Department
16 of Community Affairs would be required to prepare a model "Lead In
17 Drinking Water Disclosure" statement that may be used by landlords
18 to satisfy the requirements of the bill.

19 Within five days of developing or updating the model "Lead In
20 Drinking Water Disclosure" statement, the bill directs the Department
21 of Community Affairs to publish the notice in the New Jersey
22 Register, make the notice available on the department's website, and
23 transmit the notice to the Department of Health, who would also make
24 the notice available on its website. If a lease is oral, the landlord
25 would be required to provide the "Lead in Drinking Water Disclosure"
26 statement to the tenant, or prospective tenant, as a separate notice
27 utilizing the model notice. If the lease or the renewal lease is in
28 writing, the landlord would provide the disclosure statement either as a
29 separate notice utilizing the model notice, or include the statement in
30 the written lease.

31 The bill directs a public community water system to, upon request
32 by a residential customer, test the customer's drinking water for the
33 presence of lead using a laboratory certified for that purpose. A
34 community water system would be required to provide only one test
35 each year upon request by a residential customer, unless a test shows
36 that the lead action level was exceeded. If a test shows that the lead
37 action level was exceeded, the public community water system would,
38 upon request by a customer, test the customer's drinking water every
39 60 days for the presence of lead until two consecutive tests fall at or
40 below the lead action level. The public community water system
41 would provide results of every test authorized by the bill to the
42 customer.

43 A public community water system would not be required to
44 comply with the requirements of the bill to provide drinking water
45 tests at the request of the customer for a residential unit that is located
46 in a residential rental property that is constructed after 1986 or
47 serviced by a lead-safe service line, or that is a seasonal rental unit.

1 A customer who requests a test for lead in drinking water would
2 not be charged a fee by the public community water system for the
3 test. A public community water system not regulated by the Board of
4 Public Utilities would be authorized to include in the public
5 community water system's rate base the reasonable costs of testing
6 provided under the bill. A public community water system that is a
7 public utility, and regulated by the Board of Public Utilities, would be
8 permitted to petition the board to include in the public community
9 water system's rates the reasonable costs of testing it provides to
10 customers.

11 The bill would permit certain residential tenants to terminate a
12 residential lease agreement without incurring any charge or penalty if
13 the owner or operator obstructs the replacement of a lead service line.

14 The bill provides that a person found in violation of a provision of
15 the bill would be provided with a written notice of the violation by the
16 Commissioner of Community Affairs and given 15 days to cure the
17 violation. If the person has not cured the violation after 15 days, the
18 commissioner would be authorized to impose a penalty of \$100 for a
19 first violation, \$500 for a second violation, and \$1,000 for a third and
20 subsequent violation.

[First Reprint]

ASSEMBLY, No. 2929

STATE OF NEW JERSEY

221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Assemblyman Conaway, Assemblywoman Lopez, Assemblyman Moen, Assemblywoman Park, Assemblyman Karabinchak, Assemblywomen Reynolds-Jackson, Haider, Donlon, Peterpaul, Quijano, Assemblyman Sampson, Assemblywomen Speight, Swain, Assemblymen Wimberly and Tully

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 Assembly Appropriations Committee on December 16, 2024, with amendments.

(Sponsorship Updated As Of: 12/19/2024)

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
 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 ¹["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.).]¹

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,

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:

¹Assembly AAP committee amendments adopted December 16, 2024.

1 instructions for flushing water before drinking, using only cold tap
2 water for drinking water, installation and use of certified point-of-
3 use water filters, and the availability of water testing. The notice
4 shall be updated from time to time as deemed necessary by the
5 Commissioner of Health.

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

8 (1) publish the notice in the New Jersey Register ¹indicating that
9 the educational materials have been developed or updated¹;

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

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

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

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

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

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

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

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

1 b. A landlord shall not be required to comply with the
2 requirements of subsection a. of this section related to a lease or
3 renewal agreement for a residential rental 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 ¹**["lead-safe"]** service line ¹that has been determined by the public
8 community water system, pursuant to P.L.2021, c.183 (C.58:12A-
9 40 et seq.), not to be a lead service line¹; or

10 (3) a seasonal rental unit.

11 c. Within six months of the effective date of P.L. ,
12 c. (C.) (pending before the Legislature as this bill), the
13 Department of Community Affairs shall ¹, in consultation with the
14 Department of Environmental Protection and the Department of
15 Health,¹ prepare a model "Lead In Drinking Water Disclosure"
16 statement that may be used by landlords to satisfy the requirements
17 of this section.

18 d. Within five days of developing or updating the model "Lead
19 In Drinking Water Disclosure" statement, the Department of
20 Community Affairs shall:

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

22 (2) make the notice available to the public on the official
23 Internet website of the Department of Community Affairs; and

24 (3) transmit the notice to the Department of Health, who shall
25 also make the notice available to the public on the official Internet
26 website of the Department of Health.

27 e. If a lease is oral, the landlord shall provide the "Lead in
28 Drinking Water Disclosure" statement to the tenant, or prospective
29 tenant, as a separate notice utilizing the model notice established
30 pursuant to subsection c. of this section. If the lease or the renewal
31 lease is in writing, the landlord shall provide the "Lead in Drinking
32 Water Disclosure" statement required pursuant to this section either
33 as a separate notice utilizing the model notice established pursuant
34 to subsection c. of this section, or the "Lead In Drinking Water
35 Disclosure" statement may be included in the written lease or the
36 written renewal lease, provided that the notice is a separate rider,
37 individually signed or otherwise acknowledged by the tenant and
38 landlord, and written in not less than 12-point typeface.

39 ¹f. The provisions of P.L. , c. (C.) (pending before the
40 Legislature as this bill), shall not be construed to impose a duty
41 upon a licensee of the New Jersey Real Estate Commission to
42 provide the disclosure statement required pursuant to P.L. , c.
43 (C.) (pending before the Legislature as this bill) to the tenant
44 of a property for which the licensee is not the landlord.¹

45
46 4. (New section) a. (1) A public community water system
47 shall, upon request by a residential customer, test the customer's

1 drinking water for the presence of lead using a laboratory certified
2 for that purpose by the Department of Environmental Protection. A
3 community water system shall be required to provide only one test
4 each year, upon such request by a residential customer, unless a test
5 shows that the lead action level was exceeded. If a test shows that
6 the lead action level was exceeded, the public community water
7 system shall, upon request by a customer, test the customer's
8 drinking water every 60 days for the presence of lead until two
9 consecutive tests fall at or below the lead action level.

10 (2) The community water system shall provide the results of
11 every test authorized pursuant to this subsection to the customer.

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

15 (1) located in a residential rental property that was constructed
16 after 1986;

17 (2) located in a residential rental property that is serviced by a
18 ¹**["lead-safe"]** service line ¹that has been determined by the public
19 community water system, pursuant to P.L.2021, c.183 (C.58:12A-
20 40 et seq.), not to be a lead service line¹; or

21 (3) a seasonal rental unit.

22 c. A customer who requests a test pursuant to this section shall
23 not be charged a fee by the public community water system for the
24 test. A public community water system that is a "public utility," as
25 defined in R.S.48:2-13, and that is regulated by the Board of Public
26 Utilities pursuant to Title 48 of the Revised Statutes, may petition
27 the board to include in the public community water system's rate
28 base the reasonable costs of testing it provides to customers
29 pursuant to this section. A public community water system that is
30 not regulated by the Board of Public Utilities may include in the
31 public community water system's rates the reasonable costs of
32 testing it provides to customers pursuant to this section.

33
34 5. Section 4 of P.L.2021, c.183 (C.58:12A-43) is amended to
35 read as follows:

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

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

45 (1) be sent, by certified mail, to each residential, commercial, or
46 institutional address affected by the known lead service line and
47 addressed to the primary resident or commercial or institutional
48 occupant thereof, as appropriate. Notice shall be sent to all affected

1 addresses, as provided in this paragraph, regardless of whether the
2 resident or occupant is a system customer or is a non-paying
3 consumer;

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

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

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

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

35 (2) If the owner or operator of a residential rental property,
36 including an apartment building, group home, or other multi-family
37 or multi-unit dwelling, receives notice pursuant to this section, and
38 the owner or operator offers a dwelling unit within the residential
39 property for rent to a prospective or current tenant, then the lease or
40 renewal agreement shall be conditioned on the owner's or
41 operator's commitment not to obstruct a public community water
42 system from replacing a lead service line 'by denying access to the
43 property owner-side of the lead service line'. If the owner or
44 operator obstructs the replacement of a lead service line '[, such
45 as] by' denying access to the property owner-side of the lead
46 service line, then the lease or renewal agreement shall remain in
47 effect, but the tenant may terminate the agreement any time

1 thereafter without incurring any charge or penalty otherwise
2 imposed under the agreement for such termination.

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

8 d. If a public community water system serves a municipality in
9 which the primary language of 10 percent or more of the residents
10 is a language other than English, the public community water
11 system shall provide the notice required pursuant to subsection a. of
12 this section in both English and the other language spoken by
13 residents.

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

15
16 6. (New section) ¹a.¹ Any person ¹, including, but not limited
17 to a public community water system,¹ found to be in violation of
18 any provision of P.L. , c. (C.) (pending before the
19 Legislature as this bill) shall be provided with a written notice of
20 the violation by the Commissioner of ¹【Community Affairs】
21 Environmental Protection¹ and given 15 days to cure the violation.
22 If the person has not cured the violation after 15 days, the
23 commissioner may impose a penalty of \$100 for a first violation,
24 \$500 for a second violation, and \$1,000 for a third and subsequent
25 violation ¹【, to】 . The penalties applicable under this section shall¹
26 be enforced ¹by the Commissioner of Environmental Protection¹
27 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,
28 c.274 (C.2A:58-10 et seq.) ¹in the Superior Court.

29 b. If a public community water system or customer is affected
30 by another person, including, but not limited to a public community
31 water system, that has violated a provision of P.L. , c. (C.)
32 (pending before the Legislature as this bill), the public community
33 water system or customer may file a complaint with the Department
34 of Environmental Protection¹.

35
36 7. This act shall take effect immediately.

[Second Reprint]

ASSEMBLY, No. 2929

STATE OF NEW JERSEY

221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblyman GARY S. SCHAER
District 36 (Bergen and Passaic)
Assemblyman LOUIS D. GREENWALD
District 6 (Burlington and Camden)
Assemblyman ANTHONY S. VERRELLI
District 15 (Hunterdon and Mercer)
Senator LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)
Senator M. TERESA RUIZ
District 29 (Essex and Hudson)

Co-Sponsored by:

Assemblyman Conaway, Assemblywoman Lopez, Assemblyman Moen,
Assemblywoman Park, Assemblyman Karabinchak, Assemblywomen
Reynolds-Jackson, Haider, Donlon, Peterpaul, Quijano, Assemblyman
Sampson, Assemblywomen Speight, Swain, Assemblymen Wimberly,
Tully, Senators Gopal, Singleton, Burgess, O'Scanlon and Johnson

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 certain property for lead drinking water hazards.

CURRENT VERSION OF TEXT

As amended by the Senate on March 24, 2025.

(Sponsorship Updated As Of: 6/30/2025)

1 AN ACT concerning the presence of lead in drinking water in certain
2 ²**[residential]**² 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 ²**[residential customer of record and any**
18 residential tenant where the landlord of that residence is the customer
19 of record] **property owner or lessee who receives, and is required to**
20 **pay, a water utility bill for water being supplied to the property**².

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

25 ¹**["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.).]¹

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 ²**"Non-paying consumer" means the lessee or primary occupant of**
31 **institutional, commercial, or residential space in a system's service**
32 **area, who does not receive, and is not required to pay, a water utility**
33 **bill for water supplied to the property.**²

34 "Public ²**[community]**² water system" means the same as the term
35 is defined in section ²**[2 of P.L.2021, c.183 (C.58:12A-41)]** ³**3 of**
36 **P.L.1977, c.224 (C.58:12A-3)**².

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

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

41
42 2. (New section) a. Within six months of the effective date of
43 P.L. , c. (C.) (pending before the Legislature as this bill),

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:

¹**Assembly AAP committee amendments adopted December 16, 2024.**

²**Senate floor amendments adopted March 24, 2025.**

1 the Department of Health, in consultation with the Department of
2 Environmental Protection and the Department of Community
3 Affairs, shall develop a notice that provides consumers information
4 concerning the health risks associated with lead in drinking water,
5 including protective measures for minimizing exposure to lead in
6 drinking water. These measures may include, but not be limited to,
7 instructions for flushing water before drinking, using only cold tap
8 water for drinking water, installation and use of certified point-of-
9 use water filters, and the availability of water testing. The notice
10 shall be updated from time to time as deemed necessary by the
11 Commissioner of Health.

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

14 (1) publish the notice in the New Jersey Register ¹indicating that
15 the educational materials have been developed or updated¹;

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

18 (3) transmit the notice to the Commissioner of Community
19 Affairs, who shall also make the notice available to the public on
20 the official Internet website of the Department of Community
21 Affairs.

22
23 3. (New section) a. Except as otherwise provided in subsection b.
24 of this section, within 90 days of the publication of the notice
25 developed pursuant to section 2 of P.L. , c. (C.) (pending
26 before the Legislature as this bill) and the publication of the model
27 disclosure statement established pursuant to subsection c. of this
28 section, a landlord shall provide a "Lead In Drinking Water
29 Disclosure" statement to each prospective or current tenant before
30 entering into a lease or renewal agreement with the tenant. The
31 disclosure shall include:

32 (1) an acknowledgment that the residential rental property is
33 serviced by a lead service line or service line of unknown composition,
34 if the landlord received such notification from a public
35 ²**[community]**² water system pursuant to section 4 of P.L.2021, c.183
36 (C.58:12A-43) or any other requirement of law or regulation;

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

40 (3) a copy of any formal notice received by the landlord within the
41 previous three years indicating that a lead action level exceedance was
42 detected within the service area in which the residential rental property
43 is located, unless the notice of lead action level exceedance was
44 received more than 12 months prior to lease signing or renewal and the
45 exceedance was subsequently corrected by the public ²**[community]**²
46 water system;

47 (4) a copy of any citation for a violation of P.L. , c. (C.)
48 (pending before the Legislature as this bill) that resulted in the

1 issuance of a penalty against the landlord that was issued in the 12
2 months prior to lease signing or renewal; and

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

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

10 (1) located in a residential rental property that was constructed
11 after 1986;

12 (2) located in a residential rental property that is serviced by a
13 ¹[lead-safe]¹ service line ¹that has been determined by the public
14 ²[community]² water system, pursuant to P.L.2021, c.183 (C.58:12A-
15 40 et seq.), not to be a lead service line¹; or

16 (3) a seasonal rental unit.

17 c. Within six months of the effective date of P.L. , c. (C.)
18 (pending before the Legislature as this bill), the Department of
19 Community Affairs shall ¹, in consultation with the Department of
20 Environmental Protection and the Department of Health,¹ prepare a
21 model "Lead In Drinking Water Disclosure" statement that may be
22 used by landlords to satisfy the requirements of this section.

23 d. Within five days of developing or updating the model "Lead In
24 Drinking Water Disclosure" statement, the Department of Community
25 Affairs shall:

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

27 (2) make the notice available to the public on the official Internet
28 website of the Department of Community Affairs; and

29 (3) transmit the notice to the Department of Health, who shall also
30 make the notice available to the public on the official Internet website
31 of the Department of Health.

32 e. If a lease is oral, the landlord shall provide the "Lead in
33 Drinking Water Disclosure" statement to the tenant, or prospective
34 tenant, as a separate notice utilizing the model notice established
35 pursuant to subsection c. of this section. If the lease or the renewal
36 lease is in writing, the landlord shall provide the "Lead in Drinking
37 Water Disclosure" statement required pursuant to this section either as
38 a separate notice utilizing the model notice established pursuant to
39 subsection c. of this section, or the "Lead In Drinking Water
40 Disclosure" statement may be included in the written lease or the
41 written renewal lease, provided that the notice is a separate rider,
42 individually signed or otherwise acknowledged by the tenant and
43 landlord, and written in not less than 12-point typeface.

44 ¹f. The provisions of P.L. , c. (C.) (pending before the
45 Legislature as this bill), shall not be construed to impose a duty upon a
46 licensee of the New Jersey Real Estate Commission to provide the
47 disclosure statement required pursuant to P.L. , c. (C.)

1 (pending before the Legislature as this bill) to the tenant of a property
2 for which the licensee is not the landlord.¹

3
4 4. (New section) a. (1) A public ²**community**² water system
5 shall, upon request by a ²**residential**² customer ²or non-paying
6 consumer², test the customer's ²or non-paying consumer's² drinking
7 water for the presence of lead using a laboratory certified for that
8 purpose by the Department of Environmental Protection. A
9 ²**community**² public² water system shall be required to provide only
10 one test each year, upon such request by a ²**residential**² customer ²or
11 non-paying consumer², unless a test shows that the lead action level
12 was exceeded. If a test shows that the lead action level was exceeded,
13 the public ²**community**² water system shall, upon request by a
14 customer ²or non-paying consumer², test the customer's ²or non-
15 paying consumer's² drinking water every 60 days for the presence of
16 lead until two consecutive tests fall at or below the lead action level.

17 (2) The ²**community**² public² water system shall provide the
18 results of every test authorized pursuant to this subsection to the
19 customer ²or non-paying consumer².

20 b. A public ²**community**² water system shall not be required to
21 comply with the requirements of subsection a. of this section for a
22 ²**residential unit**² property² that is:

23 (1) ²**located in a residential rental property that was**²
24 constructed after 1986;

25 (2) located in a ²**residential rental**² property that is serviced by a
26 ¹**lead-safe**¹ service line ¹that has been determined by the public
27 ²**community**² water system, pursuant to P.L.2021, c.183 (C.58:12A-
28 40 et seq.), not to be a lead service line¹; or

29 (3) a seasonal rental unit.

30 c. A customer ²or non-paying consumer² who requests a test
31 pursuant to this section shall not be charged a fee by the public
32 ²**community**² water system for the test. A public ²**community**²
33 water system that is a "public utility," as defined in R.S.48:2-13, and
34 that is regulated by the Board of Public Utilities pursuant to Title 48 of
35 the Revised Statutes, may petition the board to include in the public
36 ²**community**² water system's rate base the reasonable costs of
37 testing it provides to customers ²or non-paying consumers² pursuant to
38 this section. A public ²**community**² water system that is not
39 regulated by the Board of Public Utilities may include in the public
40 ²**community**² water system's rates the reasonable costs of testing it
41 provides to customers ²or non-paying consumers² pursuant to this
42 section.

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

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

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

10 (1) be sent, by certified mail, to each residential, commercial, or
11 institutional address affected by the known lead service line and
12 addressed to the primary resident or commercial or institutional
13 occupant thereof, as appropriate. Notice shall be sent to all affected
14 addresses, as provided in this paragraph, regardless of whether the
15 resident or occupant is a system customer or is a non-paying
16 consumer;

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

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

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

33 c. (1) If the recipient of notice provided pursuant to this section is
34 the owner or operator of an apartment building, group home, or other
35 multi-family or multi-unit dwelling, such owner or operator shall
36 provide a hard copy of the notice to each existing resident of the multi-
37 family or multi-unit dwelling and shall additionally post a copy of the
38 notice in a conspicuous location in a common area of the dwelling.
39 The owner or operator shall also inform each new resident of the
40 multi-family or multi-unit dwelling, prior to their residence, about the
41 existence of the lead service line, and shall provide each new resident
42 with a hard copy of the notice received pursuant to this section, upon
43 the commencement of their residence. A notice posted in a common
44 area of a multi-family or multi-unit dwelling, pursuant to this
45 subsection, may be removed only after all of the lead service lines
46 identified in the notice have been replaced and determined to be non-
47 lead service lines.

1 (2) If the owner or operator of a residential rental property,
 2 including an apartment building, group home, or other multi-family or
 3 multi-unit dwelling, receives notice pursuant to this section, and the
 4 owner or operator offers a dwelling unit within the residential property
 5 for rent to a prospective or current tenant, then the lease or renewal
 6 agreement shall be conditioned on the owner's or operator's
 7 commitment not to obstruct a public ²**[community]**² water system ²,
 8 as defined in section 3 of P.L.1977, c.224 (C.58:12A-3),² from
 9 replacing a lead service line ¹by denying access to the property owner-
 10 side of the lead service line¹ . If the owner or operator obstructs the
 11 replacement of a lead service line ¹**[, such as]** by¹ denying access to
 12 the property owner-side of the lead service line, then the lease or
 13 renewal agreement shall remain in effect, but the tenant may terminate
 14 the agreement any time thereafter without incurring any charge or
 15 penalty otherwise imposed under the agreement for such termination.

16 (3) Nothing in this section shall be deemed to preclude an owner
 17 from seeking to arrange reasonable conditions upon a public
 18 ²**[community]**² water system, its contactors, or subcontractors,
 19 specifically with regard to scheduling the replacement of a lead service
 20 line and related site restoration work.

21 d. If a public community water system serves a municipality in
 22 which the primary language of 10 percent or more of the residents is a
 23 language other than English, the public community water system shall
 24 provide the notice required pursuant to subsection a. of this section in
 25 both English and the other language spoken by residents.

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

27

28 6. (New section) ¹a.¹ ²**[Any person ¹, including, but not limited**
 29 **to a]** A landlord found to be in violation of section 3 of
 30 P.L. , c. (C.) (pending before the Legislature as this bill) shall
 31 be provided with a written notice of the violation by the Commissioner
 32 of Community Affairs and given 15 days to cure the violation. If the
 33 landlord has not cured the violation after 15 days, the Commissioner of
 34 Community Affairs may impose a penalty of \$100 for a first violation,
 35 \$500 for a second violation, and \$1,000 for a third and subsequent
 36 violation. The penalties applicable under this subsection shall be
 37 enforced by the Commissioner of Community Affairs pursuant to the
 38 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et
 39 seq.) in the Superior Court. If a residential tenant is affected by a
 40 landlord who has violated section 3 of P.L. , c. (C.) (pending
 41 before the Legislature as this bill), the residential tenant may file a
 42 complaint with the Department of Community Affairs.

43 b. A² public ²**[community]**² water system,¹ found to be in
 44 violation of ²**[any provision]** section 4² of P.L. , c. (C.)
 45 (pending before the Legislature as this bill) shall be provided with a
 46 written notice of the violation by the Commissioner of ¹**[Community**
 47 **Affairs]** Environmental Protection¹ and given 15 days to cure the

1 violation. If the ²**[person]** public water system² has not cured the
2 violation after 15 days, the ²**[commissioner]** Commissioner of
3 Environmental Protection² 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 ¹**[, to]** . The penalties applicable under this
6 ²**[section]** subsection² shall¹ be enforced ¹by the Commissioner of
7 Environmental Protection¹ pursuant to the "Penalty Enforcement Law
8 of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) ¹in the Superior Court.
9 ²**[b.]**² If a ²**[public community water system or]**² customer is
10 affected by ²**[another person, including, but not limited to]**² a public
11 ²**[community]**² water system ²**[.]**² that has violated ²**[a provision]**
12 section 4² of P.L. , c. (C.) (pending before the Legislature as
13 this bill), the ²**[public community water system or]**² customer may
14 file a complaint with the Department of Environmental Protection¹ .
15

16 7. This act shall take effect immediately.

ASSEMBLY, No. 2929

STATE OF NEW JERSEY

221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

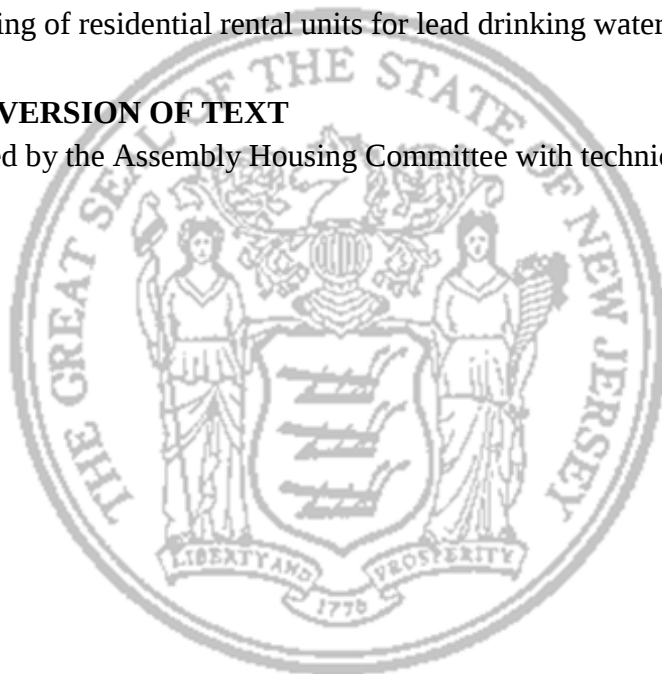
**Assemblyman Conaway, Assemblywoman Lopez, Assemblyman Moen,
Assemblywoman Park, Assemblyman Karabinchak, Assemblywomen
Reynolds-Jackson, Haider, Donlon, Peterpaul and Quijano**

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 Assembly Housing Committee with technical review.



(Sponsorship Updated As Of: 5/16/2024)

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
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

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 water for drinking water, installation and use of certified point-of-
 2 use water filters, and the availability of water testing. The notice
 3 shall be updated from time to time as deemed necessary by the
 4 Commissioner of Health.

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

- 7 (1) publish the notice in the New Jersey Register;
- 8 (2) make the notice available to the public on the official
 9 Internet website of the Department of Health; and
- 10 (3) transmit the notice to the Commissioner of Community
 11 Affairs, who shall also make the notice available to the public on
 12 the official Internet website of the Department of Community
 13 Affairs.

14

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

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

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

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

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

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

1 b. A landlord shall not be required to comply with the
2 requirements of subsection a. of this section related to a lease or
3 renewal agreement for a residential rental 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; or

8 (3) a seasonal rental unit.

9 c. Within six months of the effective date of
10 P.L. , c. (C.) (pending before the Legislature as this bill),
11 the Department of Community Affairs shall prepare a model "Lead
12 In Drinking Water Disclosure" statement that may be used by
13 landlords to satisfy the requirements of this section.

14 d. Within five days of developing or updating the model "Lead
15 In Drinking Water Disclosure" statement, the Department of
16 Community Affairs shall:

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

18 (2) make the notice available to the public on the official
19 Internet website of the Department of Community Affairs; and

20 (3) transmit the notice to the Department of Health, who shall
21 also make the notice available to the public on the official Internet
22 website of the Department of Health.

23 e. If a lease is oral, the landlord shall provide the "Lead in
24 Drinking Water Disclosure" statement to the tenant, or prospective
25 tenant, as a separate notice utilizing the model notice established
26 pursuant to subsection c. of this section. If the lease or the renewal
27 lease is in writing, the landlord shall provide the "Lead in Drinking
28 Water Disclosure" statement required pursuant to this section either
29 as a separate notice utilizing the model notice established pursuant
30 to 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
37 shall, upon request by a residential customer, test the customer's
38 drinking water for the presence of lead using a laboratory certified
39 for that 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
43 the lead action level was exceeded, the public community water
44 system shall, upon request by a customer, test the customer's
45 drinking water every 60 days for the presence of lead until two
46 consecutive tests fall at or below the lead action level.

47 (2) The community water system shall provide the results of
48 every 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; or

8 (3) a seasonal rental unit.

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

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

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

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

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

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

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

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

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

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

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

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

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

A2929 SCHAER, GREENWALD

7

1 6. (New section) Any person found to be in violation of any
2 provision of P.L. , c. (C.) (pending before the Legislature as
3 this bill) shall be provided with a written notice of the violation by
4 the Commissioner of Community Affairs and given 15 days to cure
5 the violation. If the person has not cured the violation after 15
6 days, the commissioner may impose a penalty of \$100 for a first
7 violation, \$500 for a second violation, and \$1,000 for a third and
8 subsequent violation, to be enforced pursuant to the "Penalty
9 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

10

11 7. This act shall take effect immediately.

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2929

STATE OF NEW JERSEY

DATED: MAY 13, 2024

The Assembly Housing Committee reports favorably Assembly Bill No. 2929.

This bill requires disclosure of lead drinking water hazards to tenants of residential units, prohibits landlords from obstructing the replacement of lead service lines, and requires testing of residential rental units for lead drinking water hazards at the request of customers.

The bill would require the Department of Health, within six months of the effective date of the bill, to develop a notice that provides consumers information concerning the health risks associated with lead in drinking water, which may include instructions for flushing water before drinking, using only cold tap water for drinking, installation and use of certified point-of-use water filters, and the availability of water testing. The notice would be periodically updated by the Commissioner of Health.

Within five days of developing or updating the educational materials, the bill directs the Department of Health to publish the notice in the New Jersey Register, make the notice available on the department's website, and transmit the notice to the Commissioner of Community Affairs, who would also make the notice available on its website.

Within 90 days following publication of the notice, the bill directs a landlord to provide a "Lead In Drinking Water Disclosure" statement to each prospective or current residential tenant before entering into a lease or renewal agreement with the tenant. The disclosure would include:

(1) an acknowledgment that the rental property is serviced by a lead service line or service line of unknown composition, if the landlord received such notification from a public community water system;

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

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

(4) a copy of any citation for a violation of this bill that resulted in the issuance of a penalty against the landlord that was issued in the 12 months prior to lease signing or renewal; and

(5) a copy of, or instructions for accessing, the notice established by the Commissioner of Health, concerning the health risks of lead in drinking water.

A landlord would not be required to comply with these disclosure requirements upon a lease or renewal agreement for a residential rental unit that is: (1) located in a residential rental property constructed after 1986; (2) located in a residential rental property serviced by a lead-safe service line; or (3) a seasonal rental unit.

Within six months of the effective date of the bill, the Department of Community Affairs would be required to prepare a model "Lead In Drinking Water Disclosure" statement that may be used by landlords to satisfy the requirements of the bill.

Within five days of developing or updating the model "Lead In Drinking Water Disclosure" statement, the bill directs the Department of Community Affairs to publish the notice in the New Jersey Register, make the notice available on the department's website, and transmit the notice to the Department of Health, who would also make the notice available on its website. If a lease is oral, the landlord would be required to provide the "Lead in Drinking Water Disclosure" statement to the tenant, or prospective tenant, as a separate notice utilizing the model notice. If the lease or the renewal lease is in writing, the landlord would provide the disclosure statement either as a separate notice utilizing the model notice, or include the statement in the written lease.

The bill directs a public community water system to, upon request by a residential customer, test the customer's drinking water for the presence of lead using a laboratory certified for that purpose. A community water system would be required to provide only one test each year upon request by a residential customer, unless a test shows that the lead action level was exceeded. If a test shows that the lead action level was exceeded, the public community water system would, upon request by a customer, test the customer's drinking water every 60 days for the presence of lead until two consecutive tests fall at or below the lead action level. The public community water system would provide results of every test authorized by the bill to the customer.

A public community water system would not be required to comply with the requirements of the bill to provide drinking water tests at the request of the customer for a residential unit that is located in a residential rental property that is constructed after 1986 or serviced by a lead-safe service line, or that is a seasonal rental unit.

A customer who requests a test for lead in drinking water would not be charged a fee by the public community water system for the test. A public community water system not regulated by the Board of

Public Utilities would be authorized to include in the public community water system's rate base the reasonable costs of testing provided under the bill. A public community water system that is a public utility, and regulated by the Board of Public Utilities, would be permitted to petition the board to include in the public community water system's rates the reasonable costs of testing it provides to customers.

The bill would permit certain residential tenants to terminate a residential lease agreement without incurring any charge or penalty if the owner or operator obstructs the replacement of a lead service line.

The bill provides that a person found in violation of a provision of the bill would be provided with a written notice of the violation by the Commissioner of Community Affairs and given 15 days to cure the violation. If the person has not cured the violation after 15 days, the commissioner would be authorized to impose a penalty of \$100 for a first violation, \$500 for a second violation, and \$1,000 for a third and subsequent violation.

This bill was prefiled for introduction in the 2024-2025 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2929

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 16, 2024

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 2929.

As amended, this bill requires disclosure of lead drinking water hazards to tenants of residential units, prohibits landlords from obstructing the replacement of lead service lines, and requires testing of residential rental units for lead drinking water hazards at the request of customers.

The bill would require the Department of Health, within six months of the effective date of the bill, to develop a notice that provides consumers with information concerning the health risks associated with lead in drinking water and exposure minimization measures, which may include instructions for flushing water before drinking, using only cold tap water for drinking, installation and use of certified point-of-use water filters, and the availability of water testing. The notice is required to be periodically updated by the Commissioner of Health.

Within five days of developing or updating the educational materials, the bill directs the Department of Health to publish notice in the New Jersey Register that a factsheet or other educational materials have been updated or newly created, make the notice available on the department's website, and transmit the notice to the Commissioner of Community Affairs, who would also make the notice available on the department's website.

Within 90 days following publication of the notice, the bill directs a landlord to provide a "Lead In Drinking Water Disclosure" statement to each prospective or current residential tenant before entering into a lease or renewal agreement with the tenant. Under the bill, the disclosure is required to include:

(1) an acknowledgment that the rental property is serviced by a lead service line or service line of unknown composition, if the landlord received such notification from a public community water system;

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

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

(4) a copy of any citation for a violation of this bill that resulted in the issuance of a penalty against the landlord that was issued in the 12 months prior to lease signing or renewal; and

(5) a copy of, or instructions for accessing, the notice established by the Commissioner of Health, concerning the health risks of lead in drinking water.

A landlord would not be required to comply with these disclosure requirements upon a lease or renewal agreement for a residential rental unit that is: (1) located in a residential rental property constructed after 1986; (2) located in a residential rental property with a service line determined by a public community water system not to be a lead service line; or (3) a seasonal rental unit.

Within six months of the effective date of the bill, the Department of Community Affairs would be required, in consultation with the Department of Environmental Protection and the Department of Health, to prepare a model "Lead In Drinking Water Disclosure" statement that may be used by landlords to satisfy the requirements of the bill.

Within five days of developing or updating the model "Lead In Drinking Water Disclosure" statement, the bill directs the Department of Community Affairs to publish the notice in the New Jersey Register, make the notice available on the department's website, and transmit the notice to the Department of Health, which would also make the notice available on its website. If a lease is oral, the landlord would be required to provide the "Lead in Drinking Water Disclosure" statement to the tenant, or prospective tenant, as a separate notice utilizing the model notice. If the lease or the renewal lease is in writing, the landlord would be required to provide the disclosure statement either as a separate notice utilizing the model notice, or include the statement in the written lease.

The bill directs a public community water system to, upon request by a residential customer, test the customer's drinking water for the presence of lead using a laboratory certified for that purpose. A community water system would be required to provide only one test each year upon request by a residential customer, unless a test shows that the lead action level was exceeded. If a test shows that the lead action level was exceeded, the public community water system would be required, upon request by a customer, to test the customer's drinking water every 60 days for the presence of lead until two consecutive tests fall at or below the lead action level. The public

community water system would be required to provide results of every test authorized by the bill to the customer.

A public community water system would not be required to comply with the requirements of the bill to provide drinking water tests at the request of the customer for a residential unit that is located in a residential rental property that is constructed after 1986, contains a service line determined by a public community water system not to be a lead service line, or that is a seasonal rental unit.

A customer who requests a test for lead in drinking water would not be charged a fee by the public community water system for the test. A public community water system not regulated by the Board of Public Utilities would be authorized to include in the public community water system's rate base the reasonable costs of testing provided under the bill. A public community water system that is a public utility, and regulated by the Board of Public Utilities, would be permitted to petition the board to include in the public community water system's rates the reasonable costs of testing it provides to customers.

The bill would permit certain residential tenants to terminate a residential lease agreement without incurring any charge or penalty if the owner or operator obstructs the replacement of a lead service line by denying access. The bill requires the Commissioner of Environmental Protection to provide a person in violation a written notice of the violation, and authorizes the Commissioner of Environmental Protection to enforce the provisions of the bill and allows certain filings to be made within the DEP.

The bill provides that a person found in violation of any provision of the bill would be subject to a penalty of \$100 for a first violation, \$500 for a second violation, and \$1,000 for a third and any subsequent violation.

COMMITTEE AMENDMENTS:

These committee amendments make the following changes:

- Remove the term "lead-safe service line" from the bill, but retrain the exemptions from the requirements of the bill for a residential rental property with a service line determined by a public community water system not to be a lead service line;
- Clarify that a requirement for the Department of Health to publish a notice in the New Jersey Register only needs to indicated that educational information for consumers on the health risks associated with lead in drinking water have been updated or created;
- Require model "Lead In Drinking Water Disclosure" statement, prepared by the Department of Community Affairs, to be produced with the consultation of the Department of Environmental Protection and the Department of Health;

- Clarify that obstruction of lead service line replacement, specifically by denying access to the property owner-side of the lead service line, is prohibited by the bill;
- Permit the Commissioner of Environmental Protection, rather than the Commissioner of Community Affairs, to fulfill the enforcement responsibilities of the bill;
- Provide that complaints for violations of the provisions of the bill may be initiated by an affected person against any other person allegedly in violation, including a public community water system; and
- Specify that the bill is not to be construed to impose a duty upon a licensee of the New Jersey Real Estate Commission to provide the disclosure statement to the tenant of a property for which the licensee is not the landlord.

FISCAL IMPACT:

The Office of Legislative Services (OLS) determines that the bill will result in an indeterminate annual cost increase to local units that operate a public community water system associated with conducting tests of lead levels in drinking water as may be requested by residential customers.

To the extent that a public community water system operated by a local unit chooses, and is approved, to adjust its rate base collected from customers to offset costs associated with conducting drinking water testing pursuant to the bill, the public community water system will see an increase in revenues.

The Department of Health, the Department of Environmental Protection, and the Department of Community Affairs have several administrative responsibilities pursuant to the bill which may result in increased costs to those agencies.

The OLS notes that to the extent there are violations of the bill's provisions, the Department of Environmental Protection will see increased revenues associated with collecting fines in the following amounts: \$100 for a first violation, \$500 for a second violation, and \$1,000 for a third and subsequent violation.

The bill permits the Department of Environmental Protection to bring a civil action against a person found to be in violation of a provision of the bill in the Superior Court. This may result in an increase in costs to the State.

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2929

with Senate Floor Amendments
(Proposed by Senator GREENSTEIN)

ADOPTED: MARCH 24, 2025

These Senate amendments:

- provide for the bill to apply to public water systems rather than public community water systems, and thereby expands applicability to include systems with fewer than 15 service connections used by year-round residents and systems which regularly serve fewer than 25 year-round residents;
- adjust the definition of a "customer" to include nonresidential customers;
- add a definition of a "non-paying consumer," and provide for certain provisions of the bill concerning water testing to apply to both customers and non-paying consumers, including in non-residential properties; and
- adjust the penalty enforcement authority established by the bill to provide authority to the Commissioner of Community Affairs to enforce penalties for certain violations by a landlord, and provide authority to the Commissioner of Environmental Protection to enforce penalties for certain violations by a public water system.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 2929

STATE OF NEW JERSEY

221st LEGISLATURE

DATED: DECEMBER 20, 2024

SUMMARY

- 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.
- Type of Impact:** Annual cost and revenue increases to the State and local government units.
- Agencies Affected:** Department of Health; Department of Community Affairs; Department of Environmental Protection; the Judiciary; certain local units.

Office of Legislative Services Estimate

Fiscal Impact	Annual
State Cost Increase	Indeterminate
Potential State Revenue Increase	Indeterminate
Local Cost Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) determines that the bill will result in an indeterminate annual cost increase to operate a public community water system associated with conducting tests of lead levels in drinking water as may be requested by residential customers.
- To the extent that a public community water system operated by a local unit chooses, and is approved, to adjust its rate base collected from customers to offset costs associated with conducting drinking water testing pursuant to the bill, the public community water system will see an increase in revenues.
- The Department of Health, the Department of Environmental Protection, and the Department of Community Affairs have several administrative responsibilities established in the bill which may result in increased costs to those agencies.

- The OLS notes that to the extent that there are violations of the bill's provisions, the Department of Environmental Protection will see increased revenues associated with collecting fines in the following amounts: \$100 for a first violation, \$500 for a second violation, and \$1,000 for a third and subsequent violation.
- The bill permits the Department of Environmental Protection to bring a civil action against a person found to be in violation of a provision of the bill in the Superior Court. This may result in an increase in costs to the State.

BILL DESCRIPTION

This bill requires the disclosure of lead-contaminated drinking water hazards to tenants of residential units, prohibits landlords from obstructing the replacement of lead service lines, and establishes certain requirements for the testing of residential rental units for lead drinking water hazards.

This bill would require the Department of Health, in consultation with the Department of Community Affairs and the Department of Environmental Protection, to develop a notice concerning the health risks associated with lead in drinking water, including protective measures for minimizing exposure to lead in drinking water. The notice would be periodically updated as deemed necessary by the Commissioner of Health and made available to the public by the Department of Health and the Department of Community Affairs.

The bill would also require the Department of Community Affairs, in consultation with the Department of Health and the Department of Environmental Protection, to prepare a model "Lead In Drinking Water Disclosure" statement. The model notice would be made available to the public by the Department of Community Affairs and the Department of Health.

The bill would require a public community water system to, upon request by a residential customer, perform a test for lead. A system would be required to perform up to one test per year for a customer, unless a test result exceeds the lead action level. If a test exceeds the lead action level, a customer may request a test every 60 days for the presence of lead until two consecutive tests fall at or below the lead action level. The system would be required to provide the results of every test authorized by the bill to the customer. The system would not be permitted to charge a customer a fee for the test. A system regulated by the Board of Public Utilities would be permitted to petition the board to include in the system's rate base the reasonable costs of testing. A system not regulated by the Board of Public Utilities would be authorized to include in the system's rates the reasonable costs of testing.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that the bill will result in an indeterminate annual cost increase to local units that operate a public community water system associated with conducting tests of lead levels in drinking water as may be requested by residential customers.

While the bill does not exempt public community water systems from testing drinking water for lead in owner-occupied units that were constructed after 1986, it may be unlikely for these customers to request testing as the federal government prohibited the use of leaded pipe and solder in 1986. Rental units that have been determined not to be serviced by a lead service line, and seasonal rental units, are exempted from testing requirements. Based on the American Community Survey 1-Year Estimates, there are approximately 2,688,931 homes in the State that were built before 1987. At the United States Environmental Protection Agency's estimated rate of \$15 to \$100 per test, public community water systems may experience an aggregate cost increase of up to \$268,893,100 if each of the estimated 2,688,931 homes built prior to 1987: (1) is eligible pursuant to the bill; and (2) requests testing. This estimate does not include the cost of potential repeated tests, which are required by the bill in a case where the results of a lead test exceed the action level; the OLS is unable to predict the percentage of initial tests that will result in exceeded lead action levels and potential subsequent testing. This estimate is an aggregate number for all public community water systems, including those that are privately owned and those owned by local governments. However, the OLS is unable to estimate the number of residential units built before 1987 which are: (1) seasonal rental units; (2) serviced by a service line that is not a lead service line; (3) owned by customers; or (4) resided in by tenants who will not request a test.

To the extent that a public community water system operated by a local unit chooses, and is approved, to adjust its rate base collected from customers to offset costs associated with conducting drinking water testing as required by the bill, the public community water system will see an increase in revenues. The OLS is unable to estimate how many customers are served by public community water systems that are operated by local units and therefore the extent of potential fiscal impacts on local units as a result of the bill. However, the OLS notes that the State has 561 active public community water systems and the Board of Public Utilities regulates approximately 13 privately-owned water companies in the State.

In addition, to the extent there are violations of the bill's provisions, including with respect to landlords' responsibilities to their tenants pursuant to the bill, the Department of Environmental Protection will see increased revenues associated with collecting fines in the following amounts: \$100 for a first violation, \$500 for a second violation, and \$1,000 for a third and subsequent violation. Penalties would be enforced in the Superior Court, which may result in increased costs to the State.

The Department of Health, in consultation with the Department of Environmental Protection and the Department of Community Affairs, would be required to develop a notice that provides customers information concerning health risks associated with lead in drinking water. This notice would be periodically updated as deemed necessary by the Commissioner of Health and made available to the public by the Department of Health and the Department of Community Affairs. The Department of Community Affairs would also be required to prepare a model "Lead In Drinking Water Disclosure" statement for landlords to provide to tenants with information concerning certain lead in drinking water risks associated with the rental property, and make this information available to the public in conjunction with the Department of Health. The bill also requires public community water systems to provide the results of every drinking water test conducted pursuant to the bill to the customer. These responsibilities may result in increased administrative costs to the three departments as well as to local units that operate a public community water system.

Section: Local Government

*Analyst: Abigail Stoyer
Associate Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

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

Introduced Pending Technical Review by Legislative Counsel.



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

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
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

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 water for drinking water, installation and use of certified point-of-
2 use water filters, and the availability of water testing. The notice
3 shall be updated from time to time as deemed necessary by the
4 Commissioner of Health.

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

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

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

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

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

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

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

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

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

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

- 1 b. A landlord shall not be required to comply with the
2 requirements of subsection a. of this section related to a lease or
3 renewal agreement for a residential rental 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; or
- 8 (3) a seasonal rental unit.
- 9 c. Within six months of the effective date of P.L. , ,
10 c. (C.) (pending before the Legislature as this bill), the
11 Department of Community Affairs shall prepare a model "Lead In
12 Drinking Water Disclosure" statement that may be used by
13 landlords to satisfy the requirements of this section.
- 14 d. Within five days of developing or updating the model "Lead
15 In Drinking Water Disclosure" statement, the Department of
16 Community Affairs shall:
- 17 (1) publish the notice in the New Jersey Register;
- 18 (2) make the notice available to the public on the official
19 Internet website of the Department of Community Affairs; and
- 20 (3) transmit the notice to the Department of Health, who shall
21 also make the notice available to the public on the official Internet
22 website of the Department of Health.
- 23 e. If a lease is oral, the landlord shall provide the "Lead in
24 Drinking Water Disclosure" statement to the tenant, or prospective
25 tenant, as a separate notice utilizing the model notice established
26 pursuant to subsection c. of this section. If the lease or the renewal
27 lease is in writing, the landlord shall provide the "Lead in Drinking
28 Water Disclosure" statement required pursuant to this section either
29 as a separate notice utilizing the model notice established pursuant
30 to 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
37 shall, upon request by a residential customer, test the customer's
38 drinking water for the presence of lead using a laboratory certified
39 for that 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
43 the lead action level was exceeded, the public community water
44 system shall, upon request by a customer, test the customer's
45 drinking water every 60 days for the presence of lead until two
46 consecutive tests fall at or below the lead action level.
- 47 (2) The community water system shall provide the results of
48 every 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; or

8 (3) a seasonal rental unit.

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

20

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

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

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

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

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

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

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

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

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

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

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

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

6. (New section) Any person found to be in violation of any provision of P.L. , c. (C.) (pending before the Legislature as this bill) shall be provided with a written notice of the violation by the Commissioner of Community Affairs and given 15 days to cure the violation. If the person has not cured the violation after 15 days, the commissioner may impose a penalty of \$100 for a first violation, \$500 for a second violation, and \$1,000 for a third and subsequent violation, to be enforced pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

7. This act shall take effect immediately.

STATEMENT

This bill requires disclosure of lead drinking water hazards to tenants of residential units, prohibits landlords from obstructing the replacement of lead service lines, and requires testing of residential rental units for lead drinking water hazards at the request of customers.

The bill would require the Department of Health, within six months of the effective date of the bill, to develop a notice that provides consumers information concerning the health risks associated with lead in drinking water, which may include instructions for flushing water before drinking, using only cold tap water for drinking, installation and use of certified point-of-use water filters, and the availability of water testing. The notice would be periodically updated by the Commissioner of Health.

Within five days of developing or updating the educational materials, the bill directs the Department of Health to publish the notice in the New Jersey Register, make the notice available on the department's website, and transmit the notice to the Commissioner of Community Affairs, who would also make the notice available on its website.

Within 90 days following publication of the notice, the bill directs a landlord to provide a "Lead In Drinking Water Disclosure" statement to each prospective or current residential tenant before entering into a lease or renewal agreement with the tenant. The disclosure would include:

(1) an acknowledgment that the rental property is serviced by a lead service line or service line of unknown composition, if the landlord received such notification from a public community water system;

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

(3) a copy of any formal notice received by the landlord within the previous three years indicating that a lead action level exceedance was detected within the service area in which the rental property is located,

1 unless the notice of lead action level exceedance was received more
2 than 12 months prior to lease signing or renewal and the exceedance
3 was subsequently corrected;

4 (4) a copy of any citation for a violation of this bill that resulted in
5 the issuance of a penalty against the landlord that was issued in the 12
6 months prior to lease signing or renewal; and

7 (5) a copy of, or instructions for accessing, the notice established
8 by the Commissioner of Health, concerning the health risks of lead in
9 drinking water.

10 A landlord would not be required to comply with these disclosure
11 requirements upon a lease or renewal agreement for a residential rental
12 unit that is: (1) located in a residential rental property constructed after
13 1986; (2) located in a residential rental property serviced by a lead-
14 safe service line; or (3) a seasonal rental unit.

15 Within six months of the effective date of the bill, the Department
16 of Community Affairs would be required to prepare a model "Lead In
17 Drinking Water Disclosure" statement that may be used by landlords
18 to satisfy the requirements of the bill.

19 Within five days of developing or updating the model "Lead In
20 Drinking Water Disclosure" statement, the bill directs the Department
21 of Community Affairs to publish the notice in the New Jersey
22 Register, make the notice available on the department's website, and
23 transmit the notice to the Department of Health, who would also make
24 the notice available on its website. If a lease is oral, the landlord
25 would be required to provide the "Lead in Drinking Water Disclosure"
26 statement to the tenant, or prospective tenant, as a separate notice
27 utilizing the model notice. If the lease or the renewal lease is in
28 writing, the landlord would provide the disclosure statement either as a
29 separate notice utilizing the model notice, or include the statement in
30 the written lease.

31 The bill directs a public community water system to, upon request
32 by a residential customer, test the customer's drinking water for the
33 presence of lead using a laboratory certified for that purpose. A
34 community water system would be required to provide only one test
35 each year upon request by a residential customer, unless a test shows
36 that the lead action level was exceeded. If a test shows that the lead
37 action level was exceeded, the public community water system would,
38 upon request by a customer, test the customer's drinking water every
39 60 days for the presence of lead until two consecutive tests fall at or
40 below the lead action level. The public community water system
41 would provide results of every test authorized by the bill to the
42 customer.

43 A public community water system would not be required to
44 comply with the requirements of the bill to provide drinking water
45 tests at the request of the customer for a residential unit that is located
46 in a residential rental property that is constructed after 1986 or
47 serviced by a lead-safe service line, or that is a seasonal rental unit.

1 A customer who requests a test for lead in drinking water would
2 not be charged a fee by the public community water system for the
3 test. A public community water system not regulated by the Board of
4 Public Utilities would be authorized to include in the public
5 community water system's rate base the reasonable costs of testing
6 provided under the bill. A public community water system that is a
7 public utility, and regulated by the Board of Public Utilities, would be
8 permitted to petition the board to include in the public community
9 water system's rates the reasonable costs of testing it provides to
10 customers.

11 The bill would permit certain residential tenants to terminate a
12 residential lease agreement without incurring any charge or penalty if
13 the owner or operator obstructs the replacement of a lead service line.

14 The bill provides that a person found in violation of a provision of
15 the bill would be provided with a written notice of the violation by the
16 Commissioner of Community Affairs and given 15 days to cure the
17 violation. If the person has not cured the violation after 15 days, the
18 commissioner would be authorized to impose a penalty of \$100 for a
19 first violation, \$500 for a second violation, and \$1,000 for a third and
20 subsequent violation.

[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)

Senator M. TERESA RUIZ

District 29 (Essex and Hudson)

Co-Sponsored by:

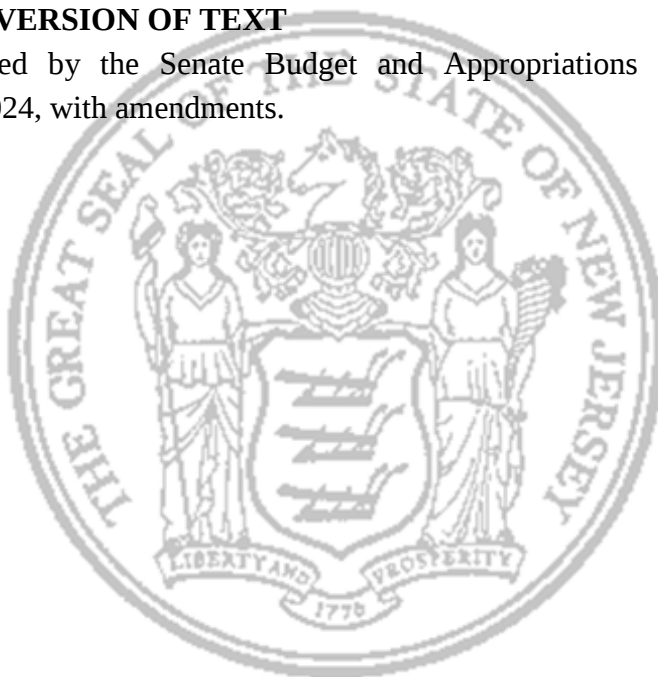
Senators Gopal, Singleton, Burgess and O'Scanlon

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 **'[lead-safe]'** service line 'that 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 line'¹; 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 line'¹; 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 line 'by denying access to the property owner-
33 side of the lead service line' . If the owner or operator obstructs the
34 replacement of a lead service line '[, such as] by' 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 Protection¹
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.

[Second 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)

Senator M. TERESA RUIZ

District 29 (Essex and Hudson)

Co-Sponsored by:

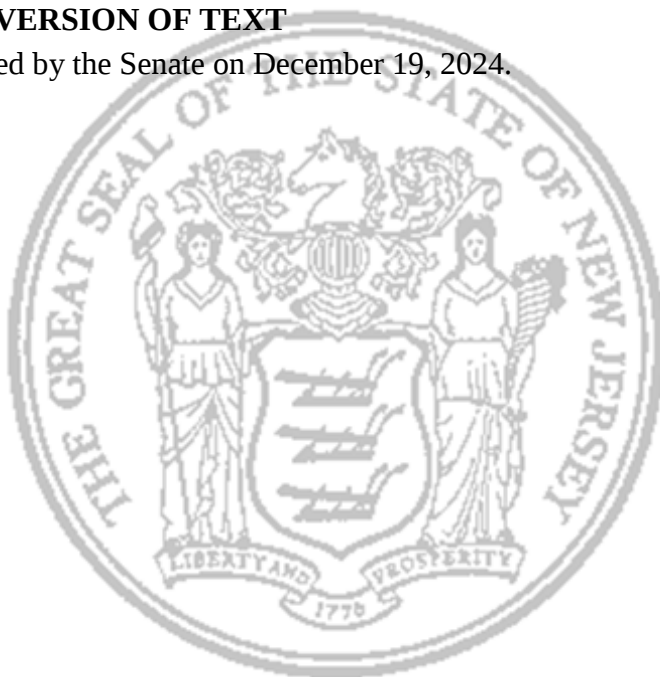
Senators Gopal, Singleton, Burgess and O'Scanlon

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 amended by the Senate on December 19, 2024.



(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.

²Senate floor amendments adopted December 19, 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
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 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-
6 40 et 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. ,
9 c. (C.) (pending before the Legislature as this bill), the
10 Department of Community Affairs shall ¹, in consultation with the
11 Department of Environmental Protection and the Department of
12 Health,¹ prepare a model "Lead In Drinking Water Disclosure"
13 statement that may be used by landlords to satisfy the requirements
14 of this section.

15 d. Within five days of developing or updating the model "Lead
16 In Drinking Water Disclosure" statement, the Department of
17 Community Affairs shall:

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

19 (2) make the notice available to the public on the official
20 Internet website of the Department of Community Affairs; and

21 (3) transmit the notice to the Department of Health, who shall
22 also make the notice available to the public on the official Internet
23 website of the Department of Health.

24 e. If a lease is oral, the landlord shall provide the "Lead in
25 Drinking Water Disclosure" statement to the tenant, or prospective
26 tenant, as a separate notice utilizing the model notice established
27 pursuant to subsection c. of this section. If the lease or the renewal
28 lease is in writing, the landlord shall provide the "Lead in Drinking
29 Water Disclosure" statement required pursuant to this section either
30 as a separate notice utilizing the model notice established pursuant
31 to subsection c. of this section, or the "Lead In Drinking Water
32 Disclosure" statement may be included in the written lease or the
33 written renewal lease, provided that the notice is a separate rider,
34 individually signed or otherwise acknowledged by the tenant and
35 landlord, and written in not less than 12-point typeface.

36 ²f. The provisions of P.L. , c. (C.) (pending before the
37 Legislature as this bill), shall not be construed to impose a duty
38 upon a licensee of the New Jersey Real Estate Commission to
39 provide the disclosure statement required pursuant to P.L. , c.
40 (C.) (pending before the Legislature as this bill) to the tenant
41 of a property for which the licensee is not the landlord.²

42
43 4. (New section) a. (1) A public community water system shall,
44 upon request by a residential customer, test the customer's drinking
45 water for the presence of lead using a laboratory certified for that
46 purpose by the Department of Environmental Protection. A
47 community water system shall be required to provide only one test

1 each year, upon such request by a residential customer, unless a test
2 shows that the lead action level was exceeded. If a test shows that the
3 lead action level was exceeded, the public community water system
4 shall, upon request by a customer, test the customer's drinking water
5 every 60 days for the presence of lead until two consecutive tests fall
6 at or below the lead action level.

7 (2) The community water system shall provide the results of every
8 test authorized pursuant to this subsection to the customer.

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

12 (1) located in a residential rental property that was constructed
13 after 1986;

14 (2) located in a residential rental property that is serviced by a
15 **'[lead-safe]'** service line 'that has been determined by the public
16 community water system, pursuant to P.L.2021, c.183 (C.58:12A-40 et
17 seq.), not to be a lead service line'¹; or

18 (3) a seasonal rental unit.

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

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

33 4. a. No later than 30 days after submitting an initial service line
34 inventory to the department pursuant to subsection c. of section 3 of
35 **[this act]** P.L.2021, c.183 (C.58:12A-42), and periodically thereafter
36 as the department may require, a public community water system shall
37 send, to each customer and non-paying consumer served by a lead
38 service line in the service area, and to any off-site owner of property
39 served by a lead service line in the service area, written notice of the
40 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 property
3 owner's last known address, as determined through the review of local
4 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 paper
8 or other paper that is easily distinguishable from the water billing
9 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, including
13 lead service lines and household plumbing; (c) a description of the
14 health effects of lead exposure; and (d) the steps that system customers
15 and non-paying consumers in the service area can take to reduce their
16 exposure to lead in drinking water.

17 c. (1) If the recipient of notice provided pursuant to this section is
18 the owner or operator of an apartment building, group home, or other
19 multi-family or multi-unit dwelling, such owner or operator shall
20 provide a hard copy of the notice to each existing resident of the multi-
21 family or multi-unit dwelling and shall additionally post a copy of the
22 notice in a conspicuous location in a common area of the dwelling.
23 The owner or operator shall also inform each new resident of the
24 multi-family or multi-unit dwelling, prior to their residence, about the
25 existence of the lead service line, and shall provide each new resident
26 with a hard copy of the notice received pursuant to this section, upon
27 the commencement of their residence. A notice posted in a common
28 area of a multi-family or multi-unit dwelling, pursuant to this
29 subsection, may be removed only after all of the lead service lines
30 identified in the notice have been replaced and determined to be non-
31 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 or
34 multi-unit dwelling, receives notice pursuant to this section, and the
35 owner or operator offers a dwelling unit within the residential property
36 for rent to a prospective or current tenant, then the lease or renewal
37 agreement shall be conditioned on the owner's or operator's
38 commitment not to obstruct a public community water system from
39 replacing a lead service line 'by denying access to the property owner-
40 side of the lead service line' . If the owner or operator obstructs the
41 replacement of a lead service line '[, such as] by' denying access to
42 the property owner-side of the lead service line, then the lease or
43 renewal agreement shall remain in effect, but the tenant may terminate
44 the agreement any time thereafter without incurring any charge or
45 penalty otherwise imposed under the agreement for such termination.

46 (3) Nothing in this section shall be deemed to preclude an owner
47 from seeking to arrange reasonable conditions upon a public
48 community water system, its contactors, or subcontractors, specifically

1 with regard to scheduling the replacement of a lead service line and
2 related site restoration work.

3 d. If a public community water system serves a municipality in
4 which the primary language of 10 percent or more of the residents is a
5 language other than English, the public community water system shall
6 provide the notice required pursuant to subsection a. of this section in
7 both English and the other language spoken by residents.

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

9
10 6. (New section) ¹a. ¹ Any person ¹, including, but not limited to
11 a public community water system,¹ found to be in violation of any
12 provision of P.L. , c. (C.) (pending before the Legislature as
13 this bill) shall be provided with a written notice of the violation by the
14 Commissioner of ¹【Community Affairs】 Environmental Protection¹
15 and given 15 days to cure the violation. If the person has not cured the
16 violation after 15 days, the commissioner may impose a penalty of
17 \$100 for a first violation, \$500 for a second violation, and \$1,000 for a
18 third and subsequent violation ¹【, to】 . The penalties applicable under
19 this section shall¹ be enforced ¹by the Commissioner of Environmental
20 Protection¹ pursuant to the "Penalty Enforcement Law of 1999,"
21 P.L.1999, c.274 (C.2A:58-10 et seq.) ¹in the Superior Court.

22 b. If a public community water system or customer is affected by
23 another person, including, but not limited to a public community water
24 system, that has violated a provision of P.L. , c. (C.) (pending
25 before the Legislature as this bill), the public community water system
26 or customer may file a complaint with the Department of
27 Environmental Protection¹.

28
29 7. This act shall take effect immediately.

[Third 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)

Senator M. TERESA RUIZ

District 29 (Essex and Hudson)

Co-Sponsored by:

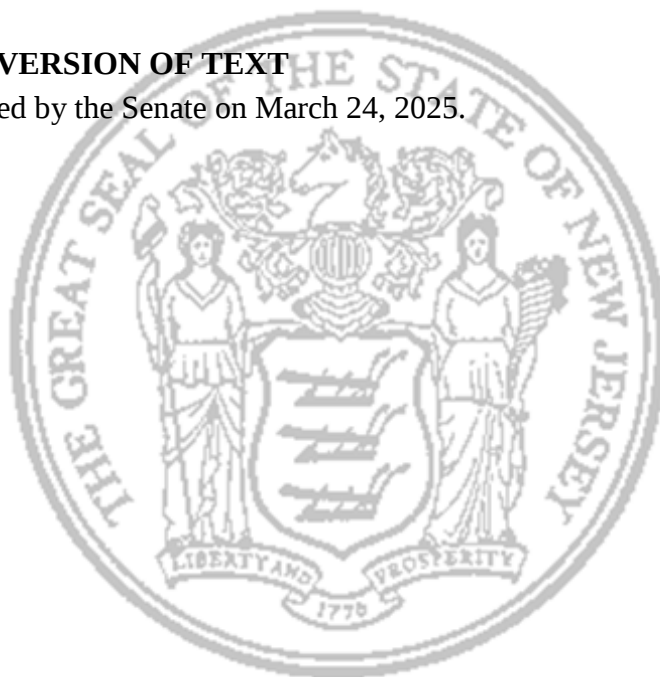
Senators Gopal, Singleton, Burgess, O'Scanlon and Johnson

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 certain property for lead drinking water hazards.

CURRENT VERSION OF TEXT

As amended by the Senate on March 24, 2025.



(Sponsorship Updated As Of: 6/26/2025)

1 **AN ACT** concerning the presence of lead in drinking water in certain
 2 ³**[residential]**³ 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 ³**[residential customer of record and any**
 18 **residential tenant where the landlord of that residence is the**
 19 **customer of record]** property owner or lessee who receives, and is
 20 required to pay, a water utility bill for water being supplied to the
 21 property³.

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

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

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

32 ³**"Non-paying consumer" means the lessee or primary occupant**
 33 **of institutional, commercial, or residential space in a system's**
 34 **service area, who does not receive, and is not required to pay, a**
 35 **water utility bill for water supplied to the property.**³

36 "Public ³**[community]**³ water system" means the same as the
 37 term is defined in section ³**[2 of P.L.2021, c.183 (C.58:12A-41)]** 3
 38 of P.L.1977, c.224 (C.58:12A-3)]³.

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

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

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.

²Senate floor amendments adopted December 19, 2024.

³Senate floor amendments adopted March 24, 2025.

1 2. (New section) a. Within six months of the effective date of
2 P.L. , c. (C.) (pending before the Legislature as this bill), the
3 Department of Health, in consultation with the Department of
4 Environmental Protection and the Department of Community Affairs,
5 shall develop a notice that provides consumers information concerning
6 the health risks associated with lead in drinking water, including
7 protective measures for minimizing exposure to lead in drinking water.
8 These measures may include, but not be limited to, instructions for
9 flushing water before drinking, using only cold tap water for drinking
10 water, installation and use of certified point-of-use water filters, and
11 the availability of water testing. The notice shall be updated from time
12 to time as deemed necessary by the Commissioner of Health.

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

15 (1) publish the notice in the New Jersey Register ¹indicating that
16 the educational materials have been developed or updated¹;

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

19 (3) transmit the notice to the Commissioner of Community Affairs,
20 who shall also make the notice available to the public on the official
21 Internet website of the Department of Community Affairs.
22

23 3. (New section) a. Except as otherwise provided in subsection
24 b. of this section, within 90 days of the publication of the notice
25 developed pursuant to section 2 of P.L. , c. (C.) (pending
26 before the Legislature as this bill) and the publication of the model
27 disclosure statement established pursuant to subsection c. of this
28 section, a landlord shall provide a "Lead In Drinking Water
29 Disclosure" statement to each prospective or current tenant before
30 entering into a lease or renewal agreement with the tenant. The
31 disclosure shall include:

32 (1) an acknowledgment that the residential rental property is
33 serviced by a lead service line or service line of unknown
34 composition, if the landlord received such notification from a public
35 ³**[community]**³ water system pursuant to section 4 of P.L.2021,
36 c.183 (C.58:12A-43) or any other requirement of law or regulation;

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

40 (3) a copy of any formal notice received by the landlord within
41 the previous three years indicating that a lead action level
42 exceedance was detected within the service area in which the
43 residential rental property is located, unless the notice of lead action
44 level exceedance was received more than 12 months prior to lease
45 signing or renewal and the exceedance was subsequently corrected
46 by the public ³**[community]**³ water system;

47 (4) a copy of any citation for a violation of P.L. , c. (C.)
48 (pending before the Legislature as this bill) that resulted in the

1 issuance of a penalty against the landlord that was issued in the 12
2 months prior to lease signing or renewal; and

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

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

10 (1) located in a residential rental property that was constructed
11 after 1986;

12 (2) located in a residential rental property that is serviced by a
13 ¹[lead-safe]¹ service line ¹that has been determined by the public
14 ³[community]³ water system, pursuant to P.L.2021, c.183
15 (C.58:12A-40 et seq.), not to be a lead service line¹; or

16 (3) a seasonal rental unit.

17 c. Within six months of the effective date of P.L. ,
18 c. (C.) (pending before the Legislature as this bill), the
19 Department of Community Affairs shall ¹, in consultation with the
20 Department of Environmental Protection and the Department of
21 Health,¹ prepare a model "Lead In Drinking Water Disclosure"
22 statement that may be used by landlords to satisfy the requirements
23 of this section.

24 d. Within five days of developing or updating the model "Lead
25 In Drinking Water Disclosure" statement, the Department of
26 Community Affairs shall:

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

28 (2) make the notice available to the public on the official
29 Internet website of the Department of Community Affairs; and

30 (3) transmit the notice to the Department of Health, who shall
31 also make the notice available to the public on the official Internet
32 website of the Department of Health.

33 e. If a lease is oral, the landlord shall provide the "Lead in
34 Drinking Water Disclosure" statement to the tenant, or prospective
35 tenant, as a separate notice utilizing the model notice established
36 pursuant to subsection c. of this section. If the lease or the renewal
37 lease is in writing, the landlord shall provide the "Lead in Drinking
38 Water Disclosure" statement required pursuant to this section either
39 as a separate notice utilizing the model notice established pursuant
40 to subsection c. of this section, or the "Lead In Drinking Water
41 Disclosure" statement may be included in the written lease or the
42 written renewal lease, provided that the notice is a separate rider,
43 individually signed or otherwise acknowledged by the tenant and
44 landlord, and written in not less than 12-point typeface.

45 ²f. The provisions of P.L. , c. (C.) (pending before the
46 Legislature as this bill), shall not be construed to impose a duty
47 upon a licensee of the New Jersey Real Estate Commission to

1 provide the disclosure statement required pursuant to P.L. _____, c.
 2 (C. _____) (pending before the Legislature as this bill) to the tenant
 3 of a property for which the licensee is not the landlord.²
 4

5 4. (New section) a. (1) A public ³**[community]**³ water system
 6 shall, upon request by a ³**[residential]**³ customer ³or non-paying
 7 consumer³, test the customer's ³or non-paying consumer's³ drinking
 8 water for the presence of lead using a laboratory certified for that
 9 purpose by the Department of Environmental Protection. A
 10 ³**[community]** public³ water system shall be required to provide
 11 only one test each year, upon such request by a ³**[residential]**³
 12 customer ³or non-paying consumer³, unless a test shows that the
 13 lead action level was exceeded. If a test shows that the lead action
 14 level was exceeded, the public ³**[community]**³ water system shall,
 15 upon request by a customer ³or non-paying consumer³, test the
 16 customer's ³or non-paying consumer's³ drinking water every 60
 17 days for the presence of lead until two consecutive tests fall at or
 18 below the lead action level.

19 (2) The ³**[community]** public³ water system shall provide the
 20 results of every test authorized pursuant to this subsection to the
 21 customer ³or non-paying consumer³.

22 b. A public ³**[community]**³ water system shall not be required
 23 to comply with the requirements of subsection a. of this section for
 24 a ³**[residential unit]** property³ that is:

25 (1) ³**[located in a residential rental property that was]**³
 26 constructed after 1986;

27 (2) located in a ³**[residential rental]**³ property that is serviced by
 28 a ¹**[lead-safe]**¹ service line ¹that has been determined by the public
 29 ³**[community]**³ water system, pursuant to P.L.2021, c.183
 30 (C.58:12A-40 et seq.), not to be a lead service line¹; or

31 (3) a seasonal rental unit.

32 c. A customer ³or non-paying consumer³ who requests a test
 33 pursuant to this section shall not be charged a fee by the public
 34 ³**[community]**³ water system for the test. A public ³**[community]**³
 35 water system that is a "public utility," as defined in R.S.48:2-13,
 36 and that is regulated by the Board of Public Utilities pursuant to
 37 Title 48 of the Revised Statutes, may petition the board to include
 38 in the public ³**[community]**³ water system's rate base the
 39 reasonable costs of testing it provides to customers ³or non-paying
 40 consumers³ pursuant to this section. A public ³**[community]**³
 41 water system that is not regulated by the Board of Public Utilities
 42 may include in the public ³**[community]**³ water system's rates the
 43 reasonable costs of testing it provides to customers ³or non-paying
 44 consumers³ pursuant to this section.

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

3 4. a. No later than 30 days after submitting an initial service
4 line inventory to the department pursuant to subsection c. of section
5 3 of **【this act】** P.L.2021, c.183 (C.58:12A-42), and periodically
6 thereafter as the department may require, a public community water
7 system shall send, to each customer and non-paying consumer
8 served by a lead service line in the service area, and to any off-site
9 owner of property served by a lead service line in the service area,
10 written notice of the composition of the service line.

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

12 (1) be sent, by certified mail, to each residential, commercial, or
13 institutional address affected by the known lead service line and
14 addressed to the primary resident or commercial or institutional
15 occupant thereof, as appropriate. Notice shall be sent to all affected
16 addresses, as provided in this paragraph, regardless of whether the
17 resident or occupant is a system customer or is a non-paying
18 consumer;

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

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

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

35 c. (1) If the recipient of notice provided pursuant to this section
36 is the owner or operator of an apartment building, group home, or
37 other multi-family or multi-unit dwelling, such owner or operator
38 shall provide a hard copy of the notice to each existing resident of
39 the multi-family or multi-unit dwelling and shall additionally post a
40 copy of the notice in a conspicuous location in a common area of
41 the dwelling. The owner or operator shall also inform each new
42 resident of the multi-family or multi-unit dwelling, prior to their
43 residence, about the existence of the lead service line, and shall
44 provide each new resident with a hard copy of the notice received
45 pursuant to this section, upon the commencement of their residence.
46 A notice posted in a common area of a multi-family or multi-unit
47 dwelling, pursuant to this subsection, may be removed only after all

1 of the lead service lines identified in the notice have been replaced
2 and determined to be non-lead service lines.

3 (2) If the owner or operator of a residential rental property,
4 including an apartment building, group home, or other multi-family
5 or multi-unit dwelling, receives notice pursuant to this section, and
6 the owner or operator offers a dwelling unit within the residential
7 property for rent to a prospective or current tenant, then the lease or
8 renewal agreement shall be conditioned on the owner's or
9 operator's commitment not to obstruct a public ³[community]³
10 water system ³, as defined in section 3 of P.L.1977, c.224
11 (C.58:12A-3),³ from replacing a lead service line ¹by denying
12 access to the property owner-side of the lead service line¹ . If the
13 owner or operator obstructs the replacement of a lead service line
14 ¹[, such as] by¹ denying access to the property owner-side of the
15 lead service line, then the lease or renewal agreement shall remain
16 in effect, but the tenant may terminate the agreement any time
17 thereafter without incurring any charge or penalty otherwise
18 imposed under the agreement for such termination.

19 (3) Nothing in this section shall be deemed to preclude an owner
20 from seeking to arrange reasonable conditions upon a public
21 ³[community]³ water system, its contactors, or subcontractors,
22 specifically with regard to scheduling the replacement of a lead
23 service line and related site restoration work.

24 d. If a public community water system serves a municipality in
25 which the primary language of 10 percent or more of the residents
26 is a language other than English, the public community water
27 system shall provide the notice required pursuant to subsection a. of
28 this section in both English and the other language spoken by
29 residents.

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

31

32 6. (New section) ¹a.¹ ³[Any person ¹, including, but not
33 limited to a] A landlord found to be in violation of section 3 of P.L.
34 , c. (C.) (pending before the Legislature as this bill) shall be
35 provided with a written notice of the violation by the Commissioner
36 of Community Affairs and given 15 days to cure the violation. If
37 the landlord has not cured the violation after 15 days, the
38 Commissioner of Community Affairs may impose a penalty of \$100
39 for a first violation, \$500 for a second violation, and \$1,000 for a
40 third and subsequent violation. The penalties applicable under this
41 subsection shall be enforced by the Commissioner of Community
42 Affairs pursuant to the "Penalty Enforcement Law of 1999,"
43 P.L.1999, c.274 (C.2A:58-10 et seq.) in the Superior Court. If a
44 residential tenant is affected by a landlord who has violated section
45 3 of P.L. , c. (C.) (pending before the Legislature as this
46 bill), the residential tenant may file a complaint with the
47 Department of Community Affairs.

1 b. A³ public ³community³ water system,¹ found to be in
2 violation of ³any provision³ section 4³ of P.L. , c. (C.)
3 (pending before the Legislature as this bill) shall be provided with a
4 written notice of the violation by the Commissioner of
5 ¹Community Affairs¹ Environmental Protection¹ and given 15
6 days to cure the violation. If the ³person³ public water system³
7 has not cured the violation after 15 days, the ³commissioner³
8 Commissioner of Environmental Protection³ may impose a penalty
9 of \$100 for a first violation, \$500 for a second violation, and \$1,000
10 for a third and subsequent violation ¹[, to]¹ . The penalties
11 applicable under this ³section³ subsection³ shall¹ be enforced ¹by
12 the Commissioner of Environmental Protection¹ pursuant to the
13 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
14 et seq.) ¹in the Superior Court. ³b.³ If a ³public community
15 water system or³ customer is affected by ³another person,
16 including, but not limited to³ a public ³community³ water
17 system ³[,]³ that has violated ³a provision³ section 4³ of P.L. ,
18 c. (C.) (pending before the Legislature as this bill), the
19 ³public community water system or³ customer may file a
20 complaint with the Department of Environmental Protection¹.

21

22 7. This act shall take effect immediately.

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, 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 Community and Urban Affairs Committee with technical review.



(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
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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7

- 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.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1034

STATE OF NEW JERSEY

DATED: JUNE 17, 2024

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 1034.

This bill requires disclosure of lead drinking water hazards to tenants of residential units, prohibits landlords from obstructing the replacement of lead service lines, and requires testing of residential rental units for lead drinking water hazards at the request of customers.

The bill would require the Department of Health, within six months of the effective date of the bill, to develop a notice that provides consumers information concerning the health risks associated with lead in drinking water, which may include instructions for flushing water before drinking, using only cold tap water for drinking, installation and use of certified point-of-use water filters, and the availability of water testing. The notice would be periodically updated by the Commissioner of Health.

Within five days of developing or updating the educational materials, the bill directs the Department of Health to publish the notice in the New Jersey Register, make the notice available on the department's website, and transmit the notice to the Commissioner of Community Affairs, who would also make the notice available on its website.

Within 90 days following publication of the notice, the bill directs a landlord to provide a "Lead In Drinking Water Disclosure" statement to each prospective or current residential tenant before entering into a lease or renewal agreement with the tenant. The disclosure would include:

(1) an acknowledgment that the rental property is serviced by a lead service line or service line of unknown composition, if the landlord received such notification from a public community water system;

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

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

(4) a copy of any citation for a violation of this bill that resulted in the issuance of a penalty against the landlord that was issued in the 12 months prior to lease signing or renewal; and

(5) a copy of, or instructions for accessing, the notice established by the Commissioner of Health, concerning the health risks of lead in drinking water.

A landlord would not be required to comply with these disclosure requirements upon a lease or renewal agreement for a residential rental unit that is: (1) located in a residential rental property constructed after 1986; (2) located in a residential rental property serviced by a lead-safe service line; or (3) a seasonal rental unit.

Within six months of the effective date of the bill, the Department of Community Affairs would be required to prepare a model "Lead In Drinking Water Disclosure" statement that may be used by landlords to satisfy the requirements of the bill.

Within five days of developing or updating the model "Lead In Drinking Water Disclosure" statement, the bill directs the Department of Community Affairs to publish the notice in the New Jersey Register, make the notice available on the department's website, and transmit the notice to the Department of Health, who would also make the notice available on its website. If a lease is oral, the landlord would be required to provide the "Lead in Drinking Water Disclosure" statement to the tenant, or prospective tenant, as a separate notice utilizing the model notice. If the lease or the renewal lease is in writing, the landlord would provide the disclosure statement either as a separate notice utilizing the model notice, or include the statement in the written lease.

The bill directs a public community water system to, upon request by a residential customer, test the customer's drinking water for the presence of lead using a laboratory certified for that purpose. A community water system would be required to provide only one test each year upon request by a residential customer, unless a test shows that the lead action level was exceeded. If a test shows that the lead action level was exceeded, the public community water system would, upon request by a customer, test the customer's drinking water every 60 days for the presence of lead until two consecutive tests fall at or below the lead action level. The public community water system would provide results of every test authorized by the bill to the customer.

A public community water system would not be required to comply with the requirements of the bill to provide drinking water tests at the request of the customer for a residential unit that is located in a residential rental property that is constructed after 1986 or serviced by a lead-safe service line, or that is a seasonal rental unit.

A customer who requests a test for lead in drinking water would not be charged a fee by the public community water system for the test. A public community water system not regulated by the Board of

Public Utilities would be authorized to include in the public community water system's rate base the reasonable costs of testing provided under the bill. A public community water system that is a public utility, and regulated by the Board of Public Utilities, would be permitted to petition the board to include in the public community water system's rates the reasonable costs of testing it provides to customers.

The bill would permit certain residential tenants to terminate a residential lease agreement without incurring any charge or penalty if the owner or operator obstructs the replacement of a lead service line.

The bill provides that a person found in violation of a provision of the bill would be provided with a written notice of the violation by the Commissioner of Community Affairs and given 15 days to cure the violation. If the person has not cured the violation after 15 days, the commissioner would be authorized to impose a penalty of \$100 for a first violation, \$500 for a second violation, and \$1,000 for a third and subsequent violation.

This bill was prefiled for introduction in the 2024-2025 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1034

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 7, 2024

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 1034.

As amended, this bill requires disclosure of lead drinking water hazards to tenants of residential units, prohibits landlords from obstructing the replacement of lead service lines, and requires testing of residential rental units for lead drinking water hazards at the request of customers.

The bill would require the Department of Health, within six months of the effective date of the bill, to develop a notice that provides consumers with information concerning the health risks associated with lead in drinking water and exposure minimization measures, which may include instructions for flushing water before drinking, using only cold tap water for drinking, installation and use of certified point-of-use water filters, and the availability of water testing. The notice would be periodically updated by the Commissioner of Health.

Within five days of developing or updating the educational materials, the bill directs the Department of Health to publish notice in the New Jersey Register that a factsheet or other educational materials have been updated or newly created, make the notice available on the department's website, and transmit the notice to the Commissioner of Community Affairs, who would also make the notice available on the department's website.

Within 90 days following publication of the notice, the bill directs a landlord to provide a "Lead In Drinking Water Disclosure" statement to each prospective or current residential tenant before entering into a lease or renewal agreement with the tenant. The disclosure would include:

(1) an acknowledgment that the rental property is serviced by a lead service line or service line of unknown composition, if the landlord received such notification from a public community water system;

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

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

(4) a copy of any citation for a violation of this bill that resulted in the issuance of a penalty against the landlord that was issued in the 12 months prior to lease signing or renewal; and

(5) a copy of, or instructions for accessing, the notice established by the Commissioner of Health, concerning the health risks of lead in drinking water.

A landlord would not be required to comply with these disclosure requirements upon a lease or renewal agreement for a residential rental unit that is: (1) located in a residential rental property constructed after 1986; (2) located in a residential rental property with a service line determined by a public community water system not to be a lead service line; or (3) a seasonal rental unit.

Within six months of the effective date of the bill, the Department of Community Affairs would be required, in consultation with the Department of Environmental Protection and the Department of Health, to prepare a model "Lead In Drinking Water Disclosure" statement that may be used by landlords to satisfy the requirements of the bill.

Within five days of developing or updating the model "Lead In Drinking Water Disclosure" statement, the bill directs the Department of Community Affairs to publish the notice in the New Jersey Register, make the notice available on the department's website, and transmit the notice to the Department of Health, which would also make the notice available on its website. If a lease is oral, the landlord would be required to provide the "Lead in Drinking Water Disclosure" statement to the tenant, or prospective tenant, as a separate notice utilizing the model notice. If the lease or the renewal lease is in writing, the landlord would be required to provide the disclosure statement either as a separate notice utilizing the model notice, or include the statement in the written lease.

The bill directs a public community water system to, upon request by a residential customer, test the customer's drinking water for the presence of lead using a laboratory certified for that purpose. A community water system would be required to provide only one test each year upon request by a residential customer, unless a test shows that the lead action level was exceeded. If a test shows that the lead action level was exceeded, the public community water system would be required to, upon request by a customer, test the customer's drinking water every 60 days for the presence of lead until two consecutive tests fall at or below the lead action level. The public

community water system would be required to provide results of every test authorized by the bill to the customer.

A public community water system would not be required to comply with the requirements of the bill to provide drinking water tests at the request of the customer for a residential unit that is located in a residential rental property that is constructed after 1986, contains a service line determined by a public community water system not to be a lead service line, or that is a seasonal rental unit.

A customer who requests a test for lead in drinking water would not be charged a fee by the public community water system for the test. A public community water system not regulated by the Board of Public Utilities would be authorized to include in the public community water system's rate base the reasonable costs of testing provided under the bill. A public community water system that is a public utility, and regulated by the Board of Public Utilities, would be permitted to petition the board to include in the public community water system's rates the reasonable costs of testing it provides to customers.

The bill would permit certain residential tenants to terminate a residential lease agreement without incurring any charge or penalty if the owner or operator obstructs the replacement of a lead service line by denying access. The bill requires the Commissioner of Environmental Protection to provide a person in violation a written notice of the violation, and authorizes the Commissioner of Environmental Protection to enforce the provisions of the bill and allows certain filings to be made within the DEP.

The bill provides that a person found in violation of any provision of the bill would be subject to a penalty of \$100 for a first violation, \$500 for a second violation, and \$1,000 for a third and subsequent violation.

COMMITTEE AMENDMENTS:

These committee amendments make the following changes:

- Remove the term "lead-safe service line" from the bill, but retrain the exemptions from the requirements of the bill for a residential rental property with a service line determined by a public community water system not to be a lead service line;
- Clarify that a requirement for the Department of Health to publish a notice in the New Jersey Register only needs to indicated that educational information for consumers on the health risks associated with lead in drinking water have been updated or created;
- Require model "Lead In Drinking Water Disclosure" statement, prepared by the Department of Community Affairs, to be produced with the consultation of the Department of Environmental Protection and the Department of Health;

- Clarify that obstruction of lead service line replacement, specifically by denying access to the property owner-side of the lead service line, is prohibited by the bill;
- Permit the Commissioner of Environmental Protection, rather than the Commissioner of Community Affairs, to fulfill the enforcement responsibilities of the bill; and
- Provide that complaints for violations of the provisions of the bill may be initiated by an affected person against any other person allegedly in violation, including a public community water system.

FISCAL IMPACT:

The Office of Legislative Services (OLS) determines that the bill will result in an indeterminate annual cost increase to local units that operate a public community water system associated with conducting tests of lead levels in drinking water as may be requested by residential customers.

To the extent that a public community water system operated by a local unit chooses, and is approved, to adjust its rate base collected from customers to offset costs associated with conducting drinking water testing pursuant to the bill, the public community water system will see an increase in revenues.

The Department of Health, the Department of Environmental Protection, and the Department of Community Affairs have several administrative responsibilities pursuant to the bill which may result in increased costs to those agencies.

The OLS notes that to the extent there are violations of the bill's provisions, the Department of Environmental Protection will see increased revenues associated with collecting fines in the following amounts: \$100 for a first violation, \$500 for a second violation, and \$1,000 for a third and subsequent violation.

The bill permits the Department of Environmental Protection to bring a civil action against a person found to be in violation of a provision of the bill in the Superior Court. This may result in an increase in costs to the State.

STATEMENT TO

[First Reprint]

SENATE, No. 1034

with Senate Floor Amendments
(Proposed by Senator GREENSTEIN)

ADOPTED: DECEMBER 19, 2024

These Senate Amendments specify that the bill is not to be construed to impose a duty upon a licensee of the New Jersey Real Estate Commission to provide the disclosure statement to the tenant of a property for which the licensee is not the landlord.

STATEMENT TO

[Second Reprint]

SENATE, No. 1034

with Senate Floor Amendments
(Proposed by Senator GREENSTEIN)

ADOPTED: MARCH 24, 2025

These Senate amendments:

- provide for the bill to apply to public water systems rather than public community water systems, and thereby expands applicability to include systems with fewer than 15 service connections used by year-round residents and systems which regularly serve fewer than 25 year-round residents;
- adjust the definition of a "customer" to include nonresidential customers;
- add a definition of a "non-paying consumer," and provide for certain provisions of the bill concerning water testing to apply to both customers and non-paying consumers, including in non-residential properties; and
- adjust the penalty enforcement authority established by the bill to provide authority to the Commissioner of Community Affairs to enforce penalties for certain violations by a landlord, and provide authority to the Commissioner of Environmental Protection to enforce penalties for certain violations by a public water system.

LEGISLATIVE FISCAL ESTIMATE

SENATE, No. 1034

STATE OF NEW JERSEY

221st LEGISLATURE

DATED: AUGUST 21, 2024

SUMMARY

- 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.
- Type of Impact:** State cost and revenue increases; local government unit cost and revenue increases.
- Agencies Affected:** Department of Health; Department of Community Affairs; Department of Environmental Protection; certain local units.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate
Potential State Revenue Increase	Indeterminate
Local Cost Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) determines that the bill will result in an indeterminate annual cost increase to local units that operate a public community water system associated with conducting tests of lead levels in drinking water as may be requested by residential customers.
- The OLS cannot predict the number of residential rental units that will be tested nor the percentage of initial tests that will result in exceeded lead action levels, and therefore, subsequent testing.
- To the extent that a public community water system operated by a local unit chooses, and is approved, to adjust its rate base collected from customers to offset costs associated with conducting drinking water testing pursuant to the bill, the public community water system will see an increase in revenues.

- The Department of Health, the Department of Environmental Protection, and the Department of Community Affairs have several administrative responsibilities pursuant to the bill which may result in increased costs to those agencies.
- The OLS notes that to the extent there are violations of the bill's provisions, the Department of Community Affairs will see increased revenues associated with collecting fines in the following amounts: \$100 for a first violation, \$500 for a second violation, and \$1,000 for a third and subsequent violation.

BILL DESCRIPTION

The bill requires disclosure of lead drinking water hazards to tenants of residential units, prohibits landlords from obstructing the replacement of lead service lines, and requires testing of residential rental units for lead drinking water hazards at the request of customers.

The bill would require the Department of Health to develop a notice that provides consumers information concerning the health risks associated with lead in drinking water. The notice would be periodically updated by the Commissioner of Health and made available to the public by the Department of Health and the Department of Community Affairs. The Department of Community Affairs would be required to prepare a model "Lead In Drinking Water Disclosure" statement that may be used by landlords to provide notice to tenants as required by the bill. The model notice would be required to be made available to the public by the Department of Community Affairs and the Department of Health.

The bill directs a public community water system to, upon request by a residential customer, test the customer's drinking water for the presence of lead using a laboratory certified for that purpose. A community water system would be required to provide only one test each year upon request by a residential customer, unless a test shows that the lead action level was exceeded. If a test shows that the lead action level was exceeded, the public community water system would, upon request by a customer, test the customer's drinking water every 60 days for the presence of lead until two consecutive tests fall at or below the lead action level. The public community water system would provide results of every test authorized by the bill to the customer.

A public community water system would not be required to comply with the requirements of the bill to provide drinking water tests at the request of the customer for a residential unit that is located in a residential rental property that is constructed after 1986 or serviced by a lead-safe service line, or that is a seasonal rental unit.

A customer who requests a test for lead in drinking water would not be charged a fee by the public community water system for the test. A public community water system not regulated by the Board of Public Utilities would be authorized to include in the public community water system's rate base the reasonable costs of testing provided under the bill. A public community water system that is a public utility, and regulated by the Board of Public Utilities, would be permitted to petition the board to include in the public community water system's rates the reasonable costs of testing it provides to customers.

The bill provides that a person found in violation of a provision of the bill would be provided with a written notice of the violation by the Department of Community Affairs and given 15 days to cure the violation. If the person has not cured the violation after 15 days, the department would be authorized to impose a penalty of \$100 for a first violation, \$500 for a second violation, and \$1,000 for a third and subsequent violation.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that the bill will result in an indeterminate annual cost increase to local units that operate a public community water system associated with conducting tests of lead levels in drinking water as may be requested by residential customers.

While the bill does not exempt public community water systems from testing drinking water for lead in owner-occupied units that were constructed after 1986, it may be unlikely for these customers to request testing as the federal government banned the use of leaded pipe and solder in new plumbing systems in 1986. According to American Community Survey 1-Year Estimates, there are approximately 2,531,702 residential units in the State that were built before 1987. Assuming that these residential units are serviced by public community water systems, each of these units may be eligible for initial drinking water testing pursuant to the bill. According to the United States Environmental Protection Agency, testing drinking water for the presence of lead may cost between \$20 and \$100 per test. For purposes of illustration, if each of the 2,531,702 units are eligible and requested by customers to be tested for lead, public community water systems may experience an aggregate cost increase of up to \$253,170,200 per year. However, the OLS is unable to estimate the number of residential rental units built before 1987 which are seasonal rental units, are serviced by a lead-safe service line, or are owned by customers, or resided in by tenants, who will not request a test. The OLS is also unable to predict the percentage of initial tests that will result in exceeded lead action levels, and therefore, subsequent testing.

To the extent that a public community water system operated by a local unit chooses, and is approved, to adjust its rate base collected from customers to offset costs associated with conducting drinking water testing pursuant to the bill, the public community water system will see an increase in revenues. Additionally, public community water systems may be operated by private companies or local units. The OLS is unable to estimate how many customers are served by public community water systems that are operated by local units and therefore the extent of potential fiscal impacts on local units as a result of the bill. However, the OLS notes that the State has 569 community water systems, which provide water for human consumption, and the Board of Public Utilities regulates approximately 30 private, investor-owned water utilities in the State, and asserts that this does not include municipal systems and municipal utilities authorities, which, combined, cover a larger portion of the State.

In addition, to the extent there are violations of the bill's provisions, including with respect to landlords' responsibilities to their tenants pursuant to the bill, the Department of Community Affairs will see increased revenues associated with collecting fines in the following amounts: \$100 for a first violation, \$500 for a second violation, and \$1,000 for a third and subsequent violation.

The Department of Health, in consultation with the Department of Environmental Protection and the Department of Community Affairs, would be required to develop a notice that provides customers information concerning health risks associated with lead in drinking water, which notice the Department of Health would be required to update periodically and make available to the public in conjunction with the Department of Community Affairs. The Department of Community Affairs would also be required to prepare a model "Lead In Drinking Water Disclosure" statement for landlords to provide to tenants with information concerning certain lead in drinking water risks associated with the rental property, and make this information available to the public in

conjunction with the Department of Health. The bill also requires public community water systems to provide the results of every drinking water test conducted pursuant to the bill to the customer. These responsibilities may result in increased administrative costs to the Department of Community Affairs, the Department of Health, and the Department of Environmental Protection as well as to local units that operate a public community water system.

Section: Local Government

*Analyst: Grace Ahlin
Assistant Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 1034

STATE OF NEW JERSEY

221st LEGISLATURE

DATED: OCTOBER 25, 2024

SUMMARY

- 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.
- Type of Impact:

Annual cost and revenue increases to the State and local government units.
- Agencies Affected:

Department of Health; Department of Community Affairs; Department of Environmental Protection; the Judiciary; certain local units.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate
Potential State Revenue Increase	Indeterminate
Local Cost Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) determines that the bill will result in an indeterminate annual cost increase to operate a public community water system associated with conducting tests of lead levels in drinking water as may be requested by residential customers.
- To the extent that a public community water system operated by a local unit chooses, and is approved, to adjust its rate base collected from customers to offset costs associated with conducting drinking water testing pursuant to the bill, the public community water system will see an increase in revenues.
- The Department of Health, the Department of Environmental Protection, and the Department of Community Affairs have several administrative responsibilities established in the bill which may result in increased costs to those agencies.

- The OLS notes that to the extent that there are violations of the bill's provisions, the Department of Environmental Protection will see increased revenues associated with collecting fines in the following amounts: \$100 for a first violation, \$500 for a second violation, and \$1,000 for a third and subsequent violation.
- The bill permits the Department of Environmental Protection to bring a civil action against a person found to be in violation of a provision of the bill in the Superior Court. This may result in an increase in costs to the State.

BILL DESCRIPTION

This bill requires the disclosure of lead-contaminated drinking water hazards to tenants of residential units, prohibits landlords from obstructing the replacement of lead service lines, and establishes certain requirements for the testing of residential rental units for lead drinking water hazards.

This bill would require the Department of Health, in consultation with the Department of Community Affairs and the Department of Environmental Protection, to develop a notice concerning the health risks associated with lead in drinking water, including protective measures for minimizing exposure to lead in drinking water. The notice would be periodically updated as deemed necessary by the Commissioner of Health and made available to the public by the Department of Health and the Department of Community Affairs.

The bill would also require the Department of Community Affairs, in consultation with the Department of Health and the Department of Environmental Protection, to prepare a model "Lead In Drinking Water Disclosure" statement. The model notice would be made available to the public by the Department of Community Affairs and the Department of Health.

The bill would require a public community water system to, upon request by a residential customer, perform a test for lead. A system would be required to perform up to one test per year for a customer, unless a test result exceeds the lead action level. If a test exceeds the lead action level, a customer may request a test every 60 days for the presence of lead until two consecutive tests fall at or below the lead action level. The system would be required to provide the results of every test authorized by the bill to the customer. The system would not be permitted to charge a customer a fee for the test. A system regulated by the Board of Public Utilities would be permitted to petition the board to include in the system's rate base the reasonable costs of testing. A system not regulated by the Board of Public Utilities would be authorized to include in the system's rates the reasonable costs of testing.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that the bill will result in an indeterminate annual cost increase to local units that operate a public community water system associated with conducting tests of lead levels in drinking water as may be requested by residential customers.

While the bill does not exempt public community water systems from testing drinking water for lead in owner-occupied units that were constructed after 1986, it may be unlikely for these customers to request testing as the federal government prohibited the use of leaded pipe and solder in 1986. Rental units that have been determined not to be serviced by a lead service line, and seasonal rental units, are exempted from testing requirements. Based on the American Community Survey 1-Year Estimates, there are approximately 2,688,931 homes in the State that were built before 1987. At the United States Environmental Protection Agency's estimated rate of \$15 to \$100 per test, public community water systems may experience an aggregate cost increase of up to \$268,893,100 if each of the estimated 2,688,931 homes built prior to 1987: (1) is eligible pursuant to the bill; and (2) requests testing. This estimate does not include the cost of potential repeated tests, which are required by the bill in a case where the results of a lead test exceed the action level; the OLS is unable to predict the percentage of initial tests that will result in exceeded lead action levels and potential subsequent testing. This estimate is an aggregate number for all public community water systems, including those that are privately owned and those owned by local governments. However, the OLS is unable to estimate the number of residential units built before 1987 which are: (1) seasonal rental units; (2) serviced by a service line that is not a lead service line; (3) owned by customers; or (4) resided in by tenants who will not request a test.

To the extent that a public community water system operated by a local unit chooses, and is approved, to adjust its rate base collected from customers to offset costs associated with conducting drinking water testing as required by the bill, the public community water system will see an increase in revenues. The OLS is unable to estimate how many customers are served by public community water systems that are operated by local units and therefore the extent of potential fiscal impacts on local units as a result of the bill. However, the OLS notes that the State has 561 active public community water systems and the Board of Public Utilities regulates approximately 13 privately-owned water companies in the State.

In addition, to the extent there are violations of the bill's provisions, including with respect to landlords' responsibilities to their tenants pursuant to the bill, the Department of Environmental Protection will see increased revenues associated with collecting fines in the following amounts: \$100 for a first violation, \$500 for a second violation, and \$1,000 for a third and subsequent violation. Penalties would be enforced in the Superior Court, which may result in increased costs to the State.

The Department of Health, in consultation with the Department of Environmental Protection and the Department of Community Affairs, would be required to develop a notice that provides customers information concerning health risks associated with lead in drinking water. This notice would be periodically updated as deemed necessary by the Commissioner of Health and made available to the public by the Department of Health and the Department of Community Affairs. The Department of Community Affairs would also be required to prepare a model "Lead In Drinking Water Disclosure" statement for landlords to provide to tenants with information concerning certain lead in drinking water risks associated with the rental property, and make this information available to the public in conjunction with the Department of Health. The bill also requires public community water systems to provide the results of every drinking water test conducted pursuant to the bill to the customer. These responsibilities may result in increased administrative costs to the three departments as well as to local units that operate a public community water system.

Section: Local Government

*Analyst: Grace Ahlin
Assistant Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 1034

STATE OF NEW JERSEY

221st LEGISLATURE

DATED: JANUARY 14, 2025

SUMMARY

- 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.
- Type of Impact:** Annual cost and revenue increases to the State and local government units.
- Agencies Affected:** Department of Health; Department of Community Affairs; Department of Environmental Protection; the Judiciary; certain local units.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate
Potential State Revenue Increase	Indeterminate
Local Cost Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) determines that the bill will result in an indeterminate annual cost increase to operate a public community water system associated with conducting tests of lead levels in drinking water as may be requested by residential customers.
- To the extent that a public community water system operated by a local unit chooses, and is approved, to adjust its rate base collected from customers to offset costs associated with conducting drinking water testing pursuant to the bill, the public community water system will see an increase in revenues.

- The Department of Health, the Department of Environmental Protection, and the Department of Community Affairs have several administrative responsibilities established in the bill which may result in increased costs to those agencies.
- The OLS notes that to the extent that there are violations of the bill's provisions, the Department of Environmental Protection will see increased revenues associated with collecting fines in the following amounts: \$100 for a first violation, \$500 for a second violation, and \$1,000 for a third and subsequent violation.
- The bill permits the Department of Environmental Protection to bring a civil action against a person found to be in violation of a provision of the bill in the Superior Court. This may result in an increase in costs to the State.

BILL DESCRIPTION

This bill requires the disclosure of lead-contaminated drinking water hazards to tenants of residential units, prohibits landlords from obstructing the replacement of lead service lines, and establishes certain requirements for the testing of residential rental units for lead drinking water hazards.

This bill would require the Department of Health, in consultation with the Department of Community Affairs and the Department of Environmental Protection, to develop a notice concerning the health risks associated with lead in drinking water, including protective measures for minimizing exposure to lead in drinking water. The notice would be periodically updated as deemed necessary by the Commissioner of Health and made available to the public by the Department of Health and the Department of Community Affairs.

The bill would also require the Department of Community Affairs, in consultation with the Department of Health and the Department of Environmental Protection, to prepare a model "Lead In Drinking Water Disclosure" statement. The model notice would be made available to the public by the Department of Community Affairs and the Department of Health. The bill specifies that the bill does not impose a duty upon a licensee of the New Jersey Real Estate Commission to provide the disclosure statement to the tenant of a property for which the licensee is not the landlord.

The bill would require a public community water system to, upon request by a residential customer, perform a test for lead. A system would be required to perform up to one test per year for a customer, unless a test result exceeds the lead action level. If a test exceeds the lead action level, a customer may request a test every 60 days for the presence of lead until two consecutive tests fall at or below the lead action level. The system would be required to provide the results of every test authorized by the bill to the customer. The system would not be permitted to charge a customer a fee for the test. A system regulated by the Board of Public Utilities would be permitted to petition the board to include in the system's rate base the reasonable costs of testing. A system not regulated by the Board of Public Utilities would be authorized to include in the system's rates the reasonable costs of testing.

FISCAL ANALYSIS***EXECUTIVE BRANCH***

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that the bill will result in an indeterminate annual cost increase to local units that operate a public community water system associated with conducting tests of lead levels in drinking water as may be requested by residential customers.

While the bill does not exempt public community water systems from testing drinking water for lead in owner-occupied units that were constructed after 1986, it may be unlikely for these customers to request testing as the federal government prohibited the use of leaded pipe and solder in 1986. Rental units that have been determined not to be serviced by a lead service line, and seasonal rental units, are exempted from testing requirements. Based on the American Community Survey 1-Year Estimates, there are approximately 2,688,931 homes in the State that were built before 1987. At the United States Environmental Protection Agency's estimated rate of \$15 to \$100 per test, public community water systems may experience an aggregate cost increase of up to \$268,893,100 if each of the estimated 2,688,931 homes built prior to 1987: (1) is eligible pursuant to the bill; and (2) requests testing. This estimate does not include the cost of potential repeated tests, which are required by the bill in a case where the results of a lead test exceed the action level; the OLS is unable to predict the percentage of initial tests that will result in exceeded lead action levels and potential subsequent testing. This estimate is an aggregate number for all public community water systems, including those that are privately owned and those owned by local governments. However, the OLS is unable to estimate the number of residential units built before 1987 which are: (1) seasonal rental units; (2) serviced by a service line that is not a lead service line; (3) owned by customers; or (4) resided in by tenants who will not request a test.

To the extent that a public community water system operated by a local unit chooses, and is approved, to adjust its rate base collected from customers to offset costs associated with conducting drinking water testing as required by the bill, the public community water system will see an increase in revenues. The OLS is unable to estimate how many customers are served by public community water systems that are operated by local units and therefore the extent of potential fiscal impacts on local units as a result of the bill. However, the OLS notes that the State has 561 active public community water systems and the Board of Public Utilities regulates approximately 13 privately-owned water companies in the State.

In addition, to the extent there are violations of the bill's provisions, including with respect to landlords' responsibilities to their tenants pursuant to the bill, the Department of Environmental Protection will see increased revenues associated with collecting fines in the following amounts: \$100 for a first violation, \$500 for a second violation, and \$1,000 for a third and subsequent violation. Penalties would be enforced in the Superior Court, which may result in increased costs to the State.

The Department of Health, in consultation with the Department of Environmental Protection and the Department of Community Affairs, would be required to develop a notice that provides customers information concerning health risks associated with lead in drinking water. This notice would be periodically updated as deemed necessary by the Commissioner of Health and made available to the public by the Department of Health and the Department of Community Affairs. The Department of Community Affairs would also be required to prepare a model "Lead In Drinking Water Disclosure" statement for landlords to provide to tenants with information concerning certain lead in drinking water risks associated with the rental property, and make this

information available to the public in conjunction with the Department of Health. The bill also requires public community water systems to provide the results of every drinking water test conducted pursuant to the bill to the customer. These responsibilities may result in increased administrative costs to the three departments as well as to local units that operate a public community water system.

Section: Local Government

*Analyst: Grace Ahlin
Assistant Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[Third Reprint]

SENATE, No. 1034

STATE OF NEW JERSEY
221st LEGISLATURE

DATED: JULY 3, 2025

SUMMARY

- 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 certain property for lead drinking water hazards.
- Type of Impact:

Annual cost and revenue increases to the State and local government units.
- Agencies Affected:

Department of Health; Department of Community Affairs; Department of Environmental Protection; the Judiciary; certain local units.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate
Potential State Revenue Increase	Indeterminate
Local Cost Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) determines that the bill will result in an indeterminate annual cost increase to operate a public water system associated with conducting tests of lead levels in drinking water as may be requested by customers and non-paying consumers.
- To the extent that a public water system operated by a local unit chooses, and is approved, to adjust its rate base collected from customers to offset costs associated with conducting drinking water testing pursuant to the bill, the public water system will see an increase in revenues.
- The Department of Health, the Department of Environmental Protection, and the Department of Community Affairs have several administrative responsibilities established in the bill which may result in increased costs to those agencies.

- The OLS notes that to the extent that there are violations of certain of the bill's requirements for public water systems, the Department of Environmental Protection will see increased revenues associated with collecting fines in the following amounts: \$100 for a first violation, \$500 for a second violation, and \$1,000 for a third and subsequent violation.
- The OLS notes that to the extent that there are violations of certain of the bill's requirements for landlords, the Department of Community Affairs will see increased revenues associated with collecting fines in the following amounts: \$100 for a first violation, \$500 for a second violation, and \$1,000 for a third and subsequent violation.
- The bill permits the Department of Environmental Protection and the Department of Community Affairs to bring a civil action against a public water system or landlord found to be in violation of a provision of the bill in the Superior Court. This may result in an increase in costs to the State.

BILL DESCRIPTION

This bill requires the disclosure of lead-contaminated drinking water hazards to tenants of residential units, prohibits landlords from obstructing the replacement of lead service lines, and establishes certain requirements for the testing of drinking water for lead hazards.

This bill would require the Department of Health, in consultation with the Department of Community Affairs and the Department of Environmental Protection, to develop a notice concerning the health risks associated with lead in drinking water, including protective measures for minimizing exposure to lead in drinking water. The notice would be periodically updated as deemed necessary by the Commissioner of Health and made available to the public by the Department of Health and the Department of Community Affairs.

The bill would also require the Department of Community Affairs, in consultation with the Department of Health and the Department of Environmental Protection, to prepare a model "Lead In Drinking Water Disclosure" statement. The model notice would be made available to the public by the Department of Community Affairs and the Department of Health. The bill specifies that the bill does not impose a duty upon a licensee of the New Jersey Real Estate Commission to provide the disclosure statement to the tenant of a property for which the licensee is not the landlord.

The bill would require a public water system to, upon request by a customer or nonpaying consumer, perform a test for lead. A system would be required to perform up to one test per year for a customer or nonpaying consumer, unless a test result exceeds the lead action level. If a test exceeds the lead action level, a customer or nonpaying consumer may request a test every 60 days for the presence of lead until two consecutive tests fall at or below the lead action level. The system would be required to provide the results of every test authorized by the bill to the customer or nonpaying consumer. The system would not be permitted to charge a customer or nonpaying consumer a fee for the test. A system regulated by the Board of Public Utilities would be permitted to petition the board to include in the system's rate base the reasonable costs of testing. A system not regulated by the Board of Public Utilities would be authorized to include in the system's rates the reasonable costs of testing.

The bill additionally authorizes the Department of Environmental Protection and Department of Community Affairs to impose penalties for certain violations through civil action in the Superior Court.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that the bill will result in an indeterminate annual cost increase to local units that operate a public water system associated with conducting tests of lead levels in drinking water as may be requested by customers or nonpaying consumers. Properties that have been determined not to be serviced by a lead service line, were built after 1986, or are seasonal rental units, are exempted from testing requirements.

Based on the American Community Survey 1-Year Estimates, there are approximately 2,688,931 homes in the State that were built before 1987. At the United States Environmental Protection Agency's estimated rate of \$15 to \$100 per test, public water systems may experience an aggregate cost increase of up to \$268,893,100 if each of the estimated 2,688,931 homes built prior to 1987: (1) is eligible pursuant to the bill; and (2) requests testing. This estimate does not include the cost of potential repeated tests, which are required by the bill in a case where the results of a lead test exceed the action level; the OLS is unable to predict the percentage of initial tests that will result in exceeded lead action levels and potential subsequent testing. This estimate is an aggregate number for all public water systems, including those that are privately owned and those owned by local governments. However, the OLS is unable to estimate the number of residential units built before 1987 which are: (1) seasonal rental units; (2) serviced by a service line that is not a lead service line; or (3) occupied by residents who will not request a test. The OLS is unable to estimate the number of non-home properties which will require testing pursuant to the bill.

To the extent that a public water system operated by a local unit chooses, and is approved, to adjust its rate base collected from customers to offset costs associated with conducting drinking water testing as required by the bill, the public water system will see an increase in revenues. The OLS is unable to estimate how many customers are served by public water systems that are operated by local units and therefore the extent of potential fiscal impacts on local units as a result of the bill. However, the OLS notes that the State has 3,431 active public water systems and the Board of Public Utilities regulates approximately 13 privately-owned water companies in the State.

In addition, to the extent there are violations of the bill's provisions with respect to public water companies' responsibilities pursuant to the bill, the Department of Environmental Protection will see increased revenues associated with collecting fines in the following amounts: \$100 for a first violation, \$500 for a second violation, and \$1,000 for a third and subsequent violation. To the extent there are violations of the bill's provisions with respect to landlords' responsibilities pursuant to the bill, the Department of Community Affairs will see increased revenues associated with collecting fines in the following amounts: \$100 for a first violation, \$500 for a second violation, and \$1,000 for a third and subsequent violation. Penalties would be enforced in the Superior Court, which may result in increased costs to the State.

The Department of Health, in consultation with the Department of Environmental Protection and the Department of Community Affairs, would be required to develop a notice that provides customers information concerning health risks associated with lead in drinking water. This notice would be periodically updated as deemed necessary by the Commissioner of Health and made available to the public by the Department of Health and the Department of Community Affairs. The Department of Community Affairs would also be required to prepare a model "Lead In Drinking Water Disclosure" statement for landlords to provide to tenants with information

concerning certain lead in drinking water risks associated with the rental property, and make this information available to the public in conjunction with the Department of Health. The bill also requires public water systems to provide the results of every drinking water test conducted pursuant to the bill to the customer or nonpaying consumer. These responsibilities may result in increased administrative costs to the three departments as well as to local units that operate a public water system.

Section: Local Government

*Analyst: Grace Ahlin
Assistant Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Phil Murphy

Acting Governor Way Signs Legislation Enhancing Lead Disclosure and Testing Requirements

Posted on - 09/19/2025

Strengthens Existing Protections for Tenants Against Public Health Hazard

Requires Landlords to Disclose Lead Drinking Water Hazards to Current and Prospective Tenants

Empowers Tenants by Bolstering Lead Testing Requirements

TRENTON – Acting Governor Tahesha Way today signed into law

[A2929 \(https://www.njleg.state.nj.us/bill-search/2024/A2929\)/](https://www.njleg.state.nj.us/bill-search/2024/A2929/)

[S1034 \(https://www.njleg.state.nj.us/bill-search/2024/S1034\)](https://www.njleg.state.nj.us/bill-search/2024/S1034/), which requires landlords to report information about the known or potential presence of lead in drinking water to tenants of residential units, requires public water systems to conduct a lead water test at the request of an occupant at no charge, and deters landlords from obstructing the replacement of lead pipes.

A2929/S1034 builds upon existing legislation to address the ongoing public health and environmental hazard posed by lead service lines. In July 2021, Governor Phil Murphy signed the [Lead Service Line Replacement Law \(https://pub.njleg.gov/bills/2020/PL21/183_.PDF\)](https://pub.njleg.gov/bills/2020/PL21/183_.PDF), requiring public community water systems to replace all lead service lines in their distribution systems by 2031.

“With this bill, we’re protecting New Jerseyans in their communities,” **said Acting Governor Way**. “No child or adult should ever be forced to live with the detrimental and lasting health effects caused by lead poisoning from their homes. Today’s action strengthens tenant protections, removes barriers to lead pipe replacement, and ensures safer homes and healthier communities for generations to come.”

“All New Jersey residents have a right to essential drinking water quality information that could impact their health. With the signing of this bill, current and prospective renters gain added protections which require landlords to disclose information regarding potential exposure to lead in drinking water,” **said Department of Environmental Protection Commissioner Shawn M. LaTourette**. “DEP remains committed to helping communities identify and remove lead service lines and inform the public about ways to reduce their exposure.”

“It should be a basic right for everyone to live in a home free from lead that can poison people, especially young children. This is why DCA works incredibly hard to abate lead paint hazards from homes and to collaborate with other state agencies on efforts to inform people about potential lead exposure risks in their homes,” **said Department of**

Community Affairs Commissioner Jacquelyn A. Suárez. “We believe that through effective programs, transparency, and improved public health information about lead, we can help significantly reduce lead poisoning and improve people’s health.”

“There is no safe level of lead, and we know that lead exposure disproportionately affects communities living in older housing. That makes this law’s tenant protections essential for advancing health equity in our state,” **said Acting Health Commissioner Jeff Brown.** “By ensuring renters have access to critical information about lead risks in their homes and creating meaningful recourse when landlords fall short, this law empowers New Jerseyans to protect their family’s health.”

Exposure to lead is a significant public health concern, particularly for babies and children. Long term lead exposure can cause adverse physical, emotional, and behavioral symptoms. Public health and medical professionals agree that there is no safe level of lead exposure. The primary source of lead in drinking water is lead service pipes that connect water main lines to individual buildings.

Over the past four years, New Jersey has replaced 22,007 lead service lines. The state has a total of 135,547 lead service lines and 872,942 service lines of unknown materials. While the federal government banned the use of lead in service lines and other plumbing in 1986, removing the material is an ongoing challenge. In many circumstances, the ownership of service lines is split between property owners and water systems, creating difficulties with cost sharing and coordination that can slow progress.

A2929/S1034 requires the Department of Health (DOH), Department of Community Affairs (DCA), and the Department of Environmental Protection (DEP) to develop and publicly post a notice to inform consumers about health risks associated with lead in drinking water and ways to minimize exposure.

The law also requires residential landlords to inform current and prospective tenants if the property is served by a service line that does or may contain lead, along with information such as violations of today’s legislation that cause the landlord to be penalized. Additionally, the law allows a tenant to terminate their lease at no charge or penalty if the landlord denies access to a lead service line for replacement at the property.

“Access to clean water is fundamental, and parents deserve the peace of mind that comes with knowing that the water their children drink at home is safe,” **said Assembly Speaker Craig J. Coughlin.** “The bill signed into law today continues our commitment to public safety, building on earlier lead remediation efforts that required public water systems to begin replacing lead service lines across New Jersey. It will give countless families across New Jersey the protections and information they deserve, strengthen accountability for landlords and water systems, and help ensure future generations can grow up with the confidence that their communities will always have safe, clean drinking water.”

“There is no safe level of lead exposure, especially for infants and children,” **said Senate President Nick Scutari.** “Long-term exposure can cause physical harm, psychological damage, and behavioral problems that can plague them during their developmental years. I commend Senator Greenstein, Senate Majority Leader Ruiz and the other sponsors for acting to protect the health and safety of tenants by testing their water and informing them of contaminants. Every child deserves clean water and every parent deserves to know their child is not in danger.”

The primary sponsors of A2929/S1034 are Senate Majority Leader M. Teresa Ruiz, Senator Linda Greenstein, Assembly Majority Leader Louis Greenwald, Assemblyman Anthony Verrelli, and Assemblyman Gary Schaer.

“Access to clean, safe drinking water is fundamental to fostering healthy communities, and our legislative efforts have focused on ensuring every New Jersey resident can trust the water in their homes,” **said Senate Majority Leader M. Teresa Ruiz**. “This is especially important for renters, who may live in older buildings and have limited control over maintenance. They deserve to know their risk, understand how to reduce it, and have confidence that landlords won’t block necessary replacements. This legislation builds on our efforts by putting community health first, equipping tenants with the information and resources they need, and ensuring lead service line replacements can proceed without obstruction.”

“The presence of lead in drinking water represents a significant threat to the health and safety of New Jersey’s children and residents. Data suggests that exposure to relatively small amounts of lead can result in serious health complications, including difficulties with memory and concentration, and miscarriages or premature birth in pregnant women,” **said Senator Linda Greenstein**. “We must be vigilant in our fight against lead exposure by ensuring that customers and consumers are provided with as much information as possible surrounding their risk and are allowed the ability to have lead service lines replaced.”

“The dangers of lead in drinking water, particularly for children, are all too well documented,” **said Assembly Majority Leader Louis Greenwald**. “With this legislation, we are working to reduce the risk of exposure, protect New Jersey families, and arm them with knowledge of what’s happening in and around their residences. I thank Acting Governor Way for signing this important piece of legislation.”

“Every New Jersey resident deserves access to clean and safe drinking water,” **said Assemblyman Anthony Verrelli**. “Whether it’s a young adult renting their first apartment or a growing family finding a larger space, they deserve to move into their new home without worrying about the safety of their water. This legislation empowers tenants with the right to request vital health information about lead in their water from their landlords while ensuring they won’t face penalties when their well-being isn’t prioritized.”

“The bill signed into law today adds several levels of accountability for landlords and their obligation to ensure the safety of their tenants,” **said Assemblyman Gary Schaer**. “Lead contamination is prevalent in all regions across the state, and it is crucial that we protect the health of our New Jersey families. Some of the oldest residential structures in New Jersey are in our urban communities, like Passaic, which are disproportionately impacted by lead contamination in water service lines. This bill will empower renters and provide them with the tools to combat lead exposure.”

“We thank Assemblyman Schaer for his steadfast leadership on this very important issue, and we thank both him and Senator Greenstein for sponsoring this bill,” **said David Brogan, Executive Director & CEO of the New Jersey Apartment Association**. “A2929/S1034 strengthens consumer protections by improving tenant notifications, preventing obstruction of lead service line replacements, and allowing residents to obtain free water tests. With Acting Governor Way’s signature, New Jersey is continuing to take vital steps toward replacing all lead service lines by 2031.”

“This new law is a critical step in protecting New Jerseyans from lead exposure, especially renters who have historically lacked information about housing hazards,” **said Deandrah Cameron, Policy Manager, New Jersey Future**. “By closing this disclosure gap, the state is advancing both public health and equity. New Jersey Future applauds the Legislature and the Murphy Administration’s leadership and stands ready to support effective implementation.”

“For too long, New Jersey tenants have been in the dark about whether their drinking water that comes out of their faucet is delivered by a lead service line. And often you can’t fix a problem that you don’t know about. This bill shines

a spotlight on the prevalence of lead service lines and provides tenants the right to immediately get their water tested if it's serviced by a lead service line," **said Doug O'Malley, Director of Environment New Jersey**. "The first step to get the lead out of our drinking water is to let the public – especially tenants – know the risks they face and get water testing data to keep lead out of our bodies and brains. The long-term solution is the replacement of all lead service lines which has been championed by Governor Murphy, but for the moment, more transparency is a win for tenants, and we thank the leadership of Senator Greenstein and Assemblyman Gary Schaer for getting this bill done."

"Safe, affordable, and healthy homes are the foundation of strong communities," **said Kelvin Boddy, Director of Healthy Homes and Communities, Housing and Community Development Network of New Jersey**. "By requiring landlords to disclose the risks of lead in drinking water, this law empowers tenants with vital information to protect their families. There should be no doubts over the safety of the water in our homes. This is an important step toward accountability and ensuring every New Jersey resident can live in a healthy home and community."

"No parent should ever have to worry that the water they use to cook, bathe, or mix formula for their baby could contain lead. More than a third of New Jerseyans rent their homes, and it is critical they have the information they need to protect their families' health," **said Allison McLeod, Executive Director, New Jersey LCV**. "This law is a victory for public health and environmental justice by empowering renters, protecting children, and moving us closer to a future where every New Jerseyan can count on safe, clean, affordable drinking water. The signing of this bill into law also represents another one of New Jersey LCV's top five legislative priorities getting across the finish line!"

"Cheers to the NJ legislature and Governor Murphy for the passage of NJ A2929-S1034 that will require landlords to disclose lead drinking water hazards in residential units," **said Elyse Pivnick, Senior Advisor, Isles**. "In combination with NJ's Lead Safe Certificate bill and our extensive whole house and lead safe home repair programs, our state is the head-of-the-class among states for protecting its residents from all lead hazards."

"We are very pleased to see the enactment of A2929/S1034," **said Chris DeMarco, Regional Field Manager for the International Association of Plumbing and Mechanical Officials (IAPMO)** and lifelong resident of New Jersey. "As a publisher of model plumbing codes and standards and a leading certifier of water filtration systems, IAPMO strongly supports policies that protect public health and safety. Reducing the risks associated with lead in drinking water is a fundamental public health priority that this important legislation serves to advance."

For more information about lead service lines in New Jersey, visit <https://dep.nj.gov/lead/> (<https://dep.nj.gov/lead/>).

To learn more about lead impacts on our health, visit [nj.gov/health/childhood-lead/](https://www.nj.gov/health/childhood-lead/) (<https://www.nj.gov/health/childhood-lead/>).

Parents and guardians can view their child's lead test results by downloading the Docket® app (available on the Apple App Store and Google Play Store) or visiting [myHealthNJ.com](https://myhealthnj.com/) (<https://myhealthnj.com/>).

For more information about the environmental lead exposure reduction, visit dep.nj.gov/lead/ (<https://dep.nj.gov/lead/>).

Governor Phil Murphy

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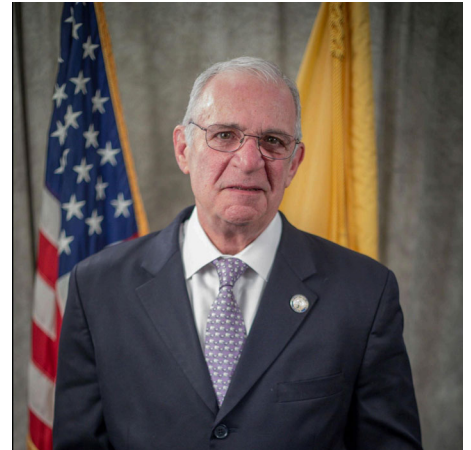
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Assemblyman Schaer's Lead Disclosure Bill Signed into Law

(TRENTON) – Assemblyman [Gary Schaer](#)'s lead disclosure bill ([A2929](#)) was signed into law today by Acting Governor Tahesha Way after passing both houses of the Legislature on June 30, 2025. The bill requires landlords to notify tenants of lead drinking water hazards. The bill also prohibits landlords from obstructing the replacement of lead service lines and requires testing of residential rental units for lead drinking water hazards at the request of the tenant.



The bill comes as an addition to the series of State efforts to improve the standards for lead detection in drinking water. By allowing tenants to independently request lead testing directly from their water company, the legislation aims to further improve the drinking water quality for these residents.

“Lead contamination is prevalent in all regions across the state, and it is crucial that we protect the health of our New Jersey families,” **said Assemblyman Schaer (D-Bergen, Passaic)**. “Some of the oldest residential structures in NJ are in our urban communities, like Passaic, which are disproportionately impacted by lead contamination in water service lines. This bill will empower renters and provide them with the tools to combat lead exposure.”

According to the New Jersey Department of Environmental Protection (NJDEP), there are more than 100,000 known lead service lines which are being prioritized for replacement. The NJDEP also estimates that there are still more than 800,000 service line with a water system that has been identified as being composed of unknown material.

Studies from NJ Future show that the highest concentration of households with lead service lines in their water utility service area are major cities like Passaic, Newark, Trenton, and Camden, where a large proportion of residents are renters. By creating a uniform and required disclosure statement of potential lead detection to the tenants, landlords are held accountable for their lack of action.

“The presence of lead in drinking water represents a significant threat to the health and safety of New Jersey’s children and residents. Data suggests that exposure to relatively small amounts of lead can result in serious health complications, including difficulties with memory and concentration, and miscarriages or premature birth in pregnant women,” **said Senator Linda Greenstein (D-Mercer/Middlesex), a prime sponsor of the legislation in the Senate**. “We must be vigilant in our fight against lead exposure by ensuring that customers and consumers are provided with as much information as possible surrounding their risk and are allowed the ability to have lead service lines replaced.”

Assembly Majority Leader [Louis D. Greenwald](#) and Assemblyman [Anthony Verrelli](#) also sponsored the legislation, as did Senator M. Teresa Ruiz.

Posted on: September 19, 2025

Greenstein, Ruiz Bill to Expand Disclosure and Testing Requirements for Lead Service Lines Now Law

TRENTON – Acting Governor Way signed legislation sponsored by Senator Linda Greenstein and Senate Majority Leader M. Teresa Ruiz that will require the disclosure of lead drinking water hazards to tenants of residential units, prohibit landlords from obstructing the replacement of lead service lines, and require testing, upon request by a customer, for the presence of lead in drinking water.



“The presence of lead in drinking water represents a significant threat to the health and safety of New Jersey’s children and residents. Data suggests that exposure to relatively small amounts of lead can result in serious health complications, including difficulties with memory and concentration, and miscarriages or premature birth in pregnant women,” said Senator Greenstein (D-Mercer/Middlesex). “We must be vigilant in our fight against lead exposure by ensuring that customers and consumers are provided with as much information as possible surrounding their risk and are allowed the ability to have lead service lines replaced.”

The law, S-1034, will require the Department of Health, in consultation with the Department of Environmental Protection, to develop a notice within six months of the effective date of the bill that provides consumers with information concerning the health risks associated with lead in drinking water and methods to avoid exposure, the installation and use of filters, as well as the ability to obtain testing.

“Access to clean, safe drinking water is fundamental to fostering healthy communities, and our legislative efforts have focused on ensuring every New Jersey resident can trust the water in their homes,” said Senate Majority Leader M. Teresa Ruiz (D-Essex/Hudson). “This is especially important for renters, who may live in older buildings and have limited control over maintenance. They deserve to know their risk, understand how to reduce it, and have confidence that landlords won’t block necessary replacements. This legislation builds on our efforts by putting community health first, equipping tenants with the information and resources they need, and ensuring lead service line replacements can proceed without obstruction.”

Landlords will be required to provide a “Lead in Drinking Water Disclosure” that includes the aforementioned Department of Health notice or instructions on how to obtain it, as well as information pertaining to the date that the rental property was constructed, an acknowledgement of the rental property being serviced by a lead service line or a service line of unknown composition, information pertaining to whether or not a lead exceedance has been detected in the area in which the rental

property is located, as well as other relevant information. This requirement will not apply to landlords of residential properties constructed after 1986, residential properties determined not to be serviced by a lead service line, or seasonal rental units.

Senate President Nick Scutari praised Senator Greenstein and Senate Majority Leader Ruiz for enactment of their bill.

“There is no safe level of lead exposure, especially for infants and children,” said Senate President Scutari. “Long-term exposure can cause physical harm, psychological damage and behavioral problems that can plague them during their developmental years. I commend Senator Greenstein, Senate Majority Leader Ruiz and the other sponsors for acting to protect the health and safety of tenants by testing their water and informing them of contaminants. Every child deserves clean water and every parent deserves to know their child is not in danger.”

The law will also require public community water systems to, upon request by a customer, test the customer’s drinking water for the presence of lead. This requirement will not apply to residences constructed before 1986, in residences determined not to be serviced by a lead service line, or in seasonal rental units.