

ASSEMBLY, No. 3712

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED MAY 2, 2022

Sponsored by:

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Co-Sponsored by:

Assemblyman Conaway

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/29/2022)

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

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

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

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

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

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

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

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

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

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

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 (2) Upon entering into a lease or renewal agreement, the
2 landlord and tenant shall jointly sign an addendum to the lease or
3 renewal agreement attesting that the tenant received the Lead In
4 Drinking Water Disclosure before entering into the agreement.

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

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

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

12 (3) a seasonal rental unit.

13 c. A landlord who violates the provisions of this section, or
14 who knowingly misrepresents any information contained in the
15 Lead In Drinking Water Disclosure, shall be subject to a fine of not
16 more than \$5,000 for each offense. Any penalty imposed pursuant
17 to this subsection may be collected, with costs, in a summary
18 proceeding pursuant to the "Penalty Enforcement Law of 1999,"
19 P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court and the
20 municipal court shall have jurisdiction to enforce the provisions of
21 the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-
22 10 et seq.) in connection with this section.

23 d. As used in this section:

24 "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.).

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

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

33

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

43 b. Within five days of developing the educational materials, the
44 Department of Health shall:

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

47 (2) transmit the information to the Commissioner of Community
48 Affairs, who shall also make the educational materials available to

1 the public on the official Internet website of the Department of
2 Community Affairs.

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

16 b. As used in this section:

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

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

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

24
25 4. Section 3 of P.L.2021, c.183 (C.58:12A-42) is amended to
26 read as follows:

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

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

46 c. No later than six months after the effective date of **[this act]**
47 P.L.2021, c.183 (C.58:12A-40 et seq.), a public community water

1 system shall submit to the department an initial service line
2 inventory. The inventory shall include:

- 3 (1) the locations of all identified lead service lines;
- 4 (2) an indication as to whether each identified lead service line
5 is completely composed of lead or otherwise meets the definition of
6 a lead service line;
- 7 (3) the location of each service line that is suspected to be lead;
- 8 (4) for each identified and suspected lead service line, an
9 indication as to whether the line is owned by the public community
10 water system, the property owner, or both;
- 11 (5) the locations and compositions of all non-lead service lines;
12 and
- 13 (6) a separate list identifying all service lines of unknown
14 composition.

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

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

- 27 (1) visual inspection during planned maintenance, meter
28 replacement, and main replacement projects; and
- 29 (2) the solicitation and receipt of comments, complaints, and
30 other input from customers and non-paying consumers in the
31 service area.

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

- 38 (a) for each service line suspected of containing lead, supporting
39 information detailing the reasons why each such service line is
40 believed to contain lead; and
- 41 (b) for each service line identified as being of unknown
42 composition, a description detailing the steps undertaken to
43 determine whether the line contains lead.

44 (2) The public community water system shall keep the
45 department informed of its progress pursuant to this subsection,
46 through the annual reports submitted pursuant to the provisions of
47 section 7 of **[this act]** P.L.2021, c.183 (C.58:12A-46). If a public
48 community water system exhausts all other methods of identifying a

1 service line, including the use of new technologies that become
2 available, the department may require excavation, as necessary, to
3 identify the service line.

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

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

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

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

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

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

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. If the owner or operator
43 obstructs the replacement of a lead service line, such as denying
44 access to the property owner-side of the lead service line, then the
45 lease or renewal agreement shall remain in effect, but the tenant
46 may terminate the agreement any time thereafter without incurring
47 any charge or penalty otherwise imposed under the agreement for
48 such termination.

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

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

8
9 6. Section 7 of P.L.2021, c.183 (C.58:12A-46) is amended to
10 read as follows:

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

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

29
30 7. Section 1 of P.L.2021, c.182 (C.52:27D-437.16) is amended
31 to read as follows:

32 1. a. As used in this section:

33 "Drinking water outlet" means any faucet or tap that supplies
34 water regularly used for drinking or food preparation, including ice-
35 making.

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

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

43 "Tenant turnover" means the time at which all existing occupants
44 vacate a dwelling unit and all new tenants move into the dwelling
45 unit.

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

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

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

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

47 (4) A permanent local agency or lead evaluation contractor with
48 the duty to inspect single-family, two-family, and multiple rental

1 dwellings pursuant to this section may consult with the local health
2 board, the Department of Health, or the Department of Community
3 Affairs concerning the criteria for the inspection and identification
4 of areas and conditions involving a high risk of lead poisoning in
5 dwellings, methods of detection of lead in dwellings, and standards
6 for the repair of dwellings containing lead paint.

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

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

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

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

20 (2) was constructed during or after 1978;

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

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

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

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

43 (2) If a lead evaluation contractor or permanent local agency
44 finds that no lead-based paint hazards exist in a dwelling unit upon
45 conducting an inspection pursuant to this section or following
46 remediation of a lead-based paint hazard pursuant to paragraph (1)
47 of this subsection, then the lead evaluation contractor or permanent
48 local agency shall certify the dwelling unit as lead-safe on a form

1 prescribed by the Department of Community Affairs as provided for
2 in regulations or guidance promulgated pursuant to section 8 of
3 P.L.2021, c.182 (C.52:27D-437.20). The lead-safe certification
4 provided to the property owner by the lead evaluation contractor or
5 permanent local agency pursuant to this paragraph shall be valid for
6 two years.

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

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

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

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

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

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

44 (2) If a dwelling is located in a municipality in which at least
45 three percent of children tested, six years of age or younger, have a
46 blood lead level greater than or equal to five ug/dL, according to the
47 central lead screening database maintained by the Department of
48 Health pursuant to section 5 of P.L.1995, c.328 (C.26:2-137.6), or

1 according to other data deemed appropriate by the commissioner,
2 then a lead evaluation contractor or permanent local agency shall
3 inspect for lead-based paint hazards through dust wipe sampling.

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

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

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

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

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

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

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

1 amended, adopted, or readopted by the director in accordance with
2 the requirements of P.L.1968, c.410 (C.52:14B-1 et seq.).

3
4 9. This act shall take effect immediately, but shall remain
5 inoperative until the first day of the fourth month next following the
6 date of enactment.

7
8
9 STATEMENT

10
11 This bill provides various protections for residential tenants
12 concerning the presence of lead service lines and lead drinking
13 water hazards.

14 Specifically, the bill requires the disclosure of lead service lines
15 and lead drinking water hazards to the tenants of residential rental
16 units; prohibits landlords from obstructing replacement of lead
17 service lines; requires the inspection of residential rental units for
18 lead drinking water hazards; and requires the dissemination of
19 additional information concerning the presence of lead service lines
20 and the risks associated with lead in drinking water.

21 Under the bill, a landlord would be required to provide each
22 tenant with a Lead In Drinking Water Disclosure before entering
23 into a lease or renewal agreement. At a minimum, this disclosure
24 would be required to include the following information:

25 (1) an acknowledgment that the property is serviced by a lead
26 service line or service line of unknown composition if known by the
27 landlord;

28 (2) an acknowledgment that the property may be serviced by a
29 lead service line or interior lead plumbing if the property was
30 constructed before 1986;

31 (3) a copy of any citation or formal notice received by the
32 landlord within the previous three years for the failure to comply
33 with any requirement of law or regulation concerning the presence
34 of lead in drinking water;

35 (4) a copy of the results of any tests conducted within the
36 previous three years concerning the presence of lead in the drinking
37 water supplied to any unit within the property;

38 (5) a copy of any formal notice received by the landlord within
39 the previous three years indicating that a lead action level
40 exceedance was detected within the service area in which the
41 property is located;

42 (6) a copy of, or instructions for accessing, the educational
43 materials developed by the Department of Health concerning the
44 health risks associated with lead in drinking water; and

45 (7) any other information that the Commissioner of Community
46 Affairs may deem necessary.

47 However, a landlord would not be required to provide the Lead
48 In Drinking Water Disclosure if the rental unit is: (1) located in a

1 residential rental property that was constructed after 1986; (2)
2 located in a property that is serviced by a lead-safe service line, as
3 certified by the public water system pursuant this bill; or (3) a
4 seasonal rental unit.

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

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

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

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

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

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

46 If a landlord obstructs the replacement of a lead service line, the
47 bill also requires the public community water system to notify the
48 chief executive officer of the host municipality, as well as each

1 customer and non-paying consumer serviced by the lead service
2 line.

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

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

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