

**ASSEMBLY, No. 2929**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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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:**

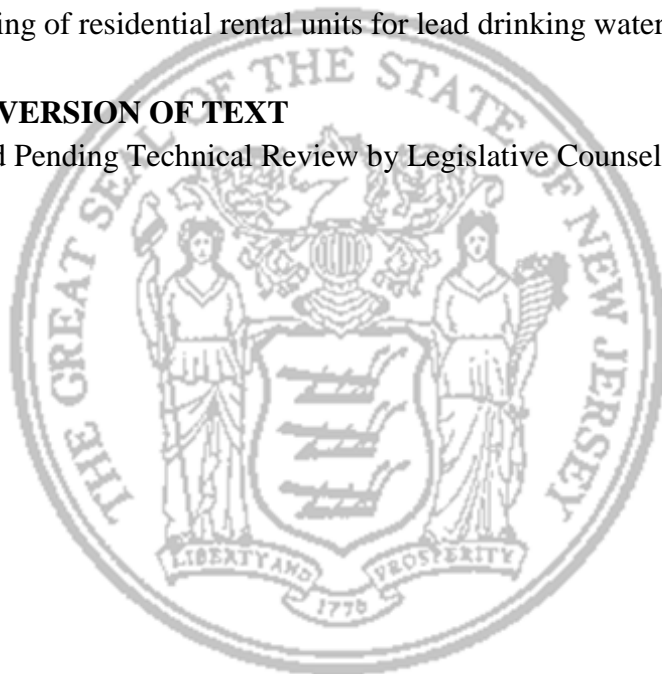
**Assemblyman Conaway, Assemblywoman Lopez, Assemblyman Moen,  
Assemblywoman Park, Assemblyman Karabinchak, Assemblywomen  
Reynolds-Jackson, Haider, Donlon and Peterpaul**

**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)**

A2929 SCHAER, GREENWALD

2

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)

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.  
12  
13

14 STATEMENT  
15

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

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

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

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

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

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

46 (3) a copy of any formal notice received by the landlord within the  
47 previous three years indicating that a lead action level exceedance was  
48 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.