

[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 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 certain property for lead drinking water hazards.

CURRENT VERSION OF TEXT

As amended by the Senate on March 24, 2025.



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

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 limited**
33 to a] A landlord found to be in violation of section 3 of P.L. , c.
34 (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.