

SENATE, No. 2956

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED JANUARY 30, 2017

Sponsored by:

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

SYNOPSIS

Requires soil testing to determine lead content prior to certain home sales.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning soil testing for lead content prior to home sales,
2 and supplementing Title 46 of the Revised Statutes.

3

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

6

7 1. a. As used in this section:

8 "Certified soil testing laboratory" means a soil testing laboratory
9 certified, pursuant to rules and regulations of the department, to
10 determine lead content in soil.

11 "Commissioner" means the Commissioner of Environmental
12 Protection.

13 "Department" means the Department of Environmental
14 Protection.

15 "Pervious outdoor space" means any outdoor soil, natural turf, or
16 other surface that does not substantially reduce or prevent
17 absorption of stormwater into land, and that can be dug and
18 harvested from the ground through the use of ordinary garden tools
19 without great effort.

20 b. A contract of sale for an individual lot of real property that
21 is intended for residential purposes, and includes at least 2,500
22 square feet of pervious outdoor space, shall include a provision, as a
23 condition of the sale, requiring the seller to conduct soil testing to
24 determine lead content. The closing of title on the sale of the real
25 property shall not occur unless the buyer and seller both have
26 received and signed one of the following:

27 (1) a copy of the soil test results;

28 (2) a certification that the soil test results have been delivered to
29 a certified soil testing laboratory, and results are pending; or

30 (3) a certification that the buyer is opting out of soil lead testing.

31 c. The results of each soil test conducted pursuant to the
32 requirements of this section to determine lead content shall be
33 reported to the buyer, the seller, and the department, in a format that
34 indicates the level of lead content in the soil of the lot, in parts-per-
35 million, and whether the lead content is high enough to constitute a
36 soil-lead hazard under United States Environmental Protection
37 Agency standards. The department shall compile the data
38 accumulated from the soil test results in a manner that shall be
39 useful for studying lead contamination comprehensively throughout
40 the State.

41 d. The requirements of this section shall not apply if the seller
42 is a board of education, county, municipality, or any agency or
43 authority derived thereunder.

44 e. On or before the first day of the seventh month next
45 following enactment, the commissioner, in accordance with the
46 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
47 seq.), and in consultation with the Commissioner of Health and the
48 Commissioner of Community Affairs, shall adopt any rules and

1 regulations necessary for the implementation of this section,
2 including, but not limited to, standards for the certification of soil
3 testing laboratories, and acceptable methods of soil harvesting,
4 delivery and testing.

5
6 2. This act shall take effect immediately, but in order to
7 provide the department with time to promulgate rules and
8 regulations, subsections a. through c. of section 1 of this act shall
9 not apply to a contract of sale executed prior to the first day of the
10 seventh month next following enactment.

11
12
13 STATEMENT

14
15 This bill requires soil testing to determine lead content prior to
16 certain home sales.

17 This bill requires that sales contracts for individual lots of
18 residential property include a requirement for the seller to conduct a
19 soil test to determine lead content. The requirement only applies to
20 the sale of individual lots of at least 2,500 square feet of pervious
21 outdoor space, and so long as the seller is not a board of education,
22 county, municipality, or other agency derived thereunder. For
23 properties under this bill's jurisdiction, closing of title on the sale
24 shall not occur unless the buyer and seller each have received and
25 signed either (1) a copy of the soil test results, (2) a certification
26 that the soil test results have been delivered to a certified soil
27 testing laboratory, and results are pending, or (3) a certification that
28 the buyer is opting out of soil lead testing.

29 The results of each soil test required by this bill shall be reported
30 to the buyer, the seller, and the Department of Environmental
31 Protection, in a format that indicates the level of lead content in the
32 soil of the lot, and whether it is high enough to constitute a soil-lead
33 hazard under United States Environmental Protection Agency
34 standards. The department shall compile the data accumulated from
35 the soil test results in a manner that may be useful for studying lead
36 contamination comprehensively throughout the State.

37 The bill directs the Commissioner of Environmental Protection
38 to adopt rules and regulations necessary to implement the bill's
39 requirements. The bill would not apply to contracts of sale
40 executed prior to the first day of the seventh month next following
41 enactment.