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

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

1. a. As used in this section:
   “Certified soil testing laboratory” means a soil testing laboratory certified, pursuant to rules and regulations of the department, to determine lead content in soil.
   “Commissioner” means the Commissioner of Environmental Protection.
   “Department” means the Department of Environmental Protection.
   “Pervious outdoor space” means any outdoor soil, natural turf, or other surface that does not substantially reduce or prevent absorption of stormwater into land, and that can be dug and harvested from the ground through the use of ordinary garden tools without great effort.

b. A contract of sale for an individual lot of real property that is intended for residential purposes, and includes at least 2,500 square feet of pervious outdoor space, shall include a provision, as a condition of the sale, requiring the seller to conduct soil testing to determine lead content. The closing of title on the sale of the real property shall not occur unless the buyer and seller both have received and signed one of the following:
   (1) a copy of the soil test results;
   (2) a certification that the soil test results have been delivered to a certified soil testing laboratory, and results are pending; or
   (3) a certification that the buyer is opting out of soil lead testing.

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

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

e. On or before the first day of the seventh month next following enactment, the commissioner, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and in consultation with the Commissioner of Health and the Commissioner of Community Affairs, shall adopt any rules and
regulations necessary for the implementation of this section, including, but not limited to, standards for the certification of soil testing laboratories, and acceptable methods of soil harvesting, delivery and testing.

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

STATEMENT

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

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

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