

[Second Reprint]

ASSEMBLY, No. 2863

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

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District 5 (Camden and Gloucester)

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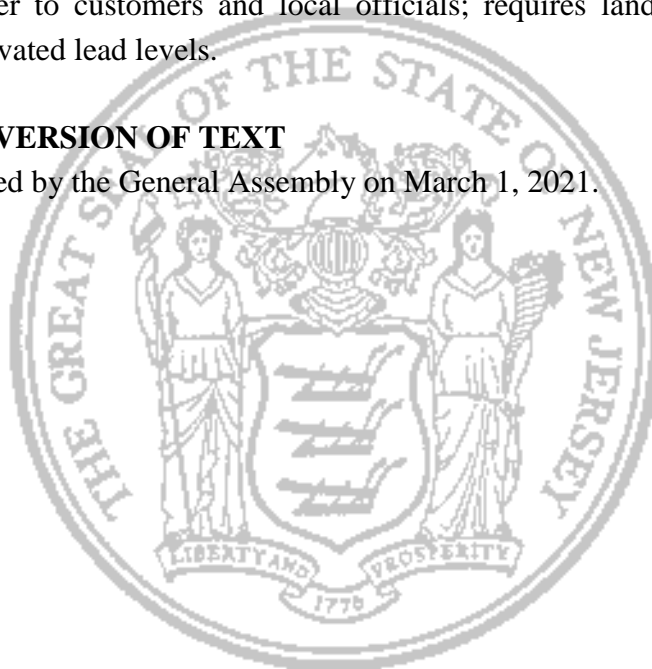
**Assemblywomen Vainieri Huttie, Dunn, Assemblyman Johnson,
Assemblywomen McKnight, Jasey and Assemblyman Calabrese**

SYNOPSIS

Requires public water systems to provide notice of elevated lead levels in drinking water to customers and local officials; requires landlords to notify tenants of elevated lead levels.

CURRENT VERSION OF TEXT

As amended by the General Assembly on March 1, 2021.



(Sponsorship Updated As Of: 3/25/2021)

1 AN ACT concerning the notification of lead in drinking water and
 2 supplementing P.L.1977, c.224 (C.58:12A-1 et seq.).

3
 4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
 5 *of New Jersey:*

6
 7 1. As used in P.L. , c. (C.) (pending before the
 8 Legislature as this bill):

9 "Landlord" means the same as that term is defined in section 2 of
 10 P.L.1975, c.310 (C.46:8-44).

11 "Lead action level" means the standard for lead in drinking water
 12 established by the United States Environmental Protection Agency,
 13 or a more stringent standard adopted by the department pursuant to
 14 the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-
 15 1 et seq.).

16 "Local health agency" means the same as that term is defined in
 17 section 3 of P.L.1975, c.329 (C.26:3A2-3).

18
 19 2. a. A public water system that exceeds the lead action level
 20 shall provide a written notice, ¹in a letter addressed to "resident" or
 21 "property owner/tenant,"¹ by regular mail, to ¹both the service
 22 address and the mailing address of¹ all customers served by the
 23 public water system, ¹including¹ all schools ¹**[and]** ¹daycare
 24 centers ¹**[served by the public water system], and facilities serving**
 25 young children, all public and private hospitals, medical clinics, and
 26 doctor's offices serving pregnant women and young children, and¹
 27 all local health ¹and welfare¹ agencies in the public water system's
 28 service area, and the chief executive of each municipality in the
 29 public water system's service area.

30 The written notice shall be sent ¹as soon as practicable, but¹ no
 31 later than 10 calendar days after the ¹**[end of the monitoring period**
 32 **during which the exceedance is discovered]** public water system
 33 confirms that there has been an exceedance of the lead action level
 34 and the written notice has been approved by the Department of
 35 Environmental Protection¹ . The written notice shall:

36 (1) clearly state that the public water system is in exceedance of
 37 the lead action level;

38 (2) explain what the lead action level is and the measurement
 39 process that the public water system is required to perform to
 40 monitor drinking water for lead;

41 (3) provide additional information on the possible sources of
 42 lead in drinking water, the health effects of drinking water with
 43 elevated levels of lead, and measures a ¹**[customer]** consumer¹ can

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:

¹Assembly AEN committee amendments adopted February 22, 2021.

²Assembly floor amendments adopted March 1, 2021.

1 take to reduce or eliminate lead in drinking water; and

2 (4) state, in easily legible type, the responsibility of a landlord
3 to distribute the written notice to every tenant pursuant to section 3
4 of P.L. , c. (C.) (pending before the Legislature as this
5 bill).

6 b. The notice required pursuant to this section shall be in
7 addition to any notice requirements under federal law.
8

9 3. a. When a landlord receives any notice or health and safety
10 information from a public water system concerning the presence of
11 lead in drinking water, including but not limited to the written notice
12 submitted pursuant to section 2 of P.L. , c. (C.) (pending
13 before the Legislature as this bill), the landlord shall:

14 (1) distribute ², by any means including by electronic mail,² the
15 notice or information, ¹["within five"] as soon as practicable, but no
16 later than three¹ ²["calendar"] business² days ¹["of"] after¹ receipt, to
17 every tenant who has entered into a lease agreement with the landlord
18 and whose dwelling unit is served by the public water system; and

19 (2) post the notice or information, ¹["within five"] as soon as
20 practicable, but no later than three¹ ²["calendar"] business² days ¹["of"]
21 after¹ receipt, in a prominent location at the entrance of each rental
22 premises that is owned by the landlord and served by the public water
23 system ², except that this requirement shall not apply in the case of
24 single-family dwellings that do not have a common area².

25 b. ²The requirements of subsection a. of this section shall not
26 apply to a landlord when a tenant is a direct customer of the public
27 water system and is billed directly by the public water system.

28 c.² When a public water system provides any notice or
29 information to its customers concerning the presence of lead in
30 drinking water, the public water system shall include a statement,
31 printed in easily legible type, explaining the requirements set forth in
32 subsection a. of this section.
33

34 4. This act shall take effect immediately.