

## CHAPTER 291

**AN ACT** concerning entry onto property to perform lead service line replacements and supplementing Title 58 of the Revised Statutes.

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

C.58:12A-38 Findings, declarations relative to entry onto property to perform lead service line replacements.

1. The Legislature finds and declares that:
  - a. Lead service lines are the primary source of lead in drinking water;
  - b. It is estimated that there are between 160,000 and 350,000 lead service lines throughout the State;
  - c. Lead in drinking water poses a serious health and safety risk to the public, particularly infants and children;
  - d. A municipality in the State, pursuant to R.S.40:48-2, may enact such ordinances as it deems necessary and proper for the preservation of the public health, safety, and welfare of the municipality and its inhabitants; and
  - e. It is the intent of the Legislature to clarify that a municipality may enact an ordinance to enter properties to perform lead service line replacements as part of its powers to protect the health, safety, and welfare of its residents.

C.58:12A-39 Adoption of ordinance to enter property to perform a lead service line replacement.

2. a. A municipality may adopt an ordinance that allows the municipality or municipal water system, or any agent thereof, to enter a property within the municipality to perform a lead service line replacement, provided that the municipality provides the owner and any residents of the property with notice at least 72 hours before entering the property, unless in the case of an emergency as determined by the Department of Environmental Protection. A municipality may not enter into a part of the property that is not directly related to performing a lead service line replacement.

b. For the purposes of this section, notice to the owner and any residents of the property shall include an attempt to inform the owner and any residents in person of the date and time of the lead service line replacement, and if the owner or a resident is unable to be reached in person, the municipality shall send, by certified mail, a letter to the owner and any residents or post a written notice in a prominent location on the property which shall include:

(1) the scheduled date and time of the lead service line replacement and who will be performing the replacement;

(2) the likely extent of water service disruption;

(3) nearby locations where the municipality or a public water system is distributing supplementary drinking water, if any ; and

(4) any remedies that the municipality shall take if the municipality or municipal water system, or an agent thereof, is unable to access the property.

In a municipality in which the primary language of 10 percent or more of the residents is a language other than English, a letter or written notice sent or posted pursuant to this subsection shall be provided in English and any other such primary language.

c. In addition to the notice requirements of subsection b. of this section, a municipality shall send, by certified mail, the owner a letter after the completion of the replacement stating the approximate time that the replacement occurred, and providing a brief summary of the work performed.

d. As used in this section:

“Municipal water system” means a municipal utilities authority, water district, waterworks, water commission, joint meeting or any other political subdivision of the State authorized pursuant to law to operate or maintain a public water system or to construct, rehabilitate, operate, or maintain water supply facilities or otherwise provide water for human consumption.

“Service line” means the pipe, tubing, and fittings connecting a municipal water main to a building or structure, and also includes the water meter for the property.

3. This act shall take effect immediately.

Approved January 9, 2020.