

STATE OF NEW YORK

1194--A

2019-2020 Regular Sessions

IN ASSEMBLY

January 14, 2019

Introduced by M. of A. JAFFEE, COOK, COLTON, ABINANTI, HUNTER, SIMON, GALEF, D'URSO, GOTTFRIED, BARRON, CAHILL, FAHY, WILLIAMS, JACOBSON, REYES, SAYEGH, MONTESANO, DICKENS, TAYLOR, STIRPE, ASHBY, GRIFFIN, BICHOTTE, STECK, ARROYO, LAWRENCE -- Multi-Sponsored by -- M. of A. DAVILA, HYNDMAN, MORINELLO, ORTIZ, THIELE -- read once and referred to the Committee on Health -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, the real property law and the state finance law, in relation to enacting the well water and water supply education act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "well water and water supply education act".

3 § 2. Section 206 of the public health law is amended by adding a new
4 subdivision 31 to read as follows:

5 31. The commissioner is authorized and directed to establish and main-
6 tain a public education program to inform the public and appropriate
7 professional disciplines of the potential health effects of consuming
8 water that does not meet state drinking water standards. As part of this
9 education program, the department shall prepare materials to educate
10 consumers who obtain drinking water from private water supplies on the
11 importance of regularly testing for contamination.

12 (a) Such educational materials shall include, but not be limited to:

13 (i) information on potential contaminants including: coliform bacte-
14 ria, chlorides, sodium, arsenic, nitrates, iron, manganese, lead, pH,
15 volatile organic compounds for which maximum contaminant levels have
16 been established pursuant to public health regulations, vinyl chloride,
17 MtBE, PFOA, PFOS, 1,4-dioxane, other emerging contaminants as such term

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 is defined in section one thousand one hundred twelve of this title and
2 radon;

3 (ii) an explanation that contamination of groundwater can occur from
4 migration of contaminants that may not yet have been identified.
5 Further, it should be emphasized that contaminated water does not neces-
6 sarily result in obvious odors or color changes in drinking water and
7 that the only way to ensure that water meets state drinking water stand-
8 ards is to have it tested by a state certified laboratory;

9 (iii) information on the maximum contaminant levels, or public health
10 standards, for those contaminants identified in subparagraph (i) of this
11 paragraph and the potential health impacts of exposure to such contam-
12 inants above such levels;

13 (iv) a recommendation that any water test conducted should be analyzed
14 by a laboratory certified by the department to test for drinking water
15 contaminants;

16 (v) information on the importance of testing private water supplies
17 regularly for contaminants, and a request that residents provide their
18 local health department with any results of tests that exceed state
19 standards;

20 (vi) information on water treatment techniques and equipment; and

21 (vii) contact information of the relevant local health organizations.

22 (b) (i) The department shall make such educational materials available
23 to the public on their website and upon request to the general public.

24 (ii) The department, in consultation with the department of state,
25 shall require that:

26 (A) licensed home inspectors, as defined in section four hundred
27 forty-four-b of the real property law, are provided with such materials,
28 which shall be provided by the licensed home inspector to each client
29 whose property or potential property is served by a private water supply
30 that is the potable water supply for such property; and

31 (B) licensed real estate salesmen, real estate brokers or associate
32 real estate brokers, as defined in section four hundred forty of the
33 real property law, provide such information to their clients whose prop-
34 erty or potential property is served by a private water supply that is
35 the potable water supply for such property, at the time such clients
36 enter into a contract for the sale of such property.

37 § 3. Section 444-g of the real property law is amended by adding a new
38 subdivision 3-a to read as follows:

39 3-a. Every home inspector shall provide to each client, who may be an
40 owner, prospective buyer or other interested individual, whose residence
41 or potential residence is served by a private water supply that is the
42 potable water supply for such property, educational materials prepared
43 by the department of health pursuant to subdivision thirty-one of
44 section two hundred six of the public health law relating to the regular
45 testing of the quality of drinking water from wells and private water
46 supplies.

47 § 4. Section 466 of the real property law, as added by chapter 456 of
48 the laws of 2001, is amended to read as follows:

49 § 466. Duty of an agent. 1. An agent representing a seller of residen-
50 tial real property as a listing broker shall have the duty to timely
51 inform each seller represented by that agent of the seller's obligations
52 under this article. An agent representing a buyer of residential real
53 property, or, if the buyer is not represented by an agent, the agent
54 representing a seller of residential real property and dealing with a
55 prospective buyer, shall have the duty to timely (in any event, before
56 the buyer signs a binding contract of sale) inform such buyer of the

1 buyer's rights and obligations under this article. If an agent performs
2 the duties and obligations imposed upon him or her pursuant to this
3 [~~section~~] subdivision, the agent shall have no further duties under this
4 article and shall not be liable to any party for a violation of this
5 article[~~-~~]; and

6 2. In addition to its duties under subdivision one of this section, an
7 agent representing a buyer or seller of residential real property as a
8 listing broker shall have the duty to provide a purchaser of real prop-
9 erty that is served by a private water supply which is the potable water
10 supply for such property with public education information created by
11 the department of health under subdivision thirty-one of section two
12 hundred six of the public health law related to regular testing of the
13 quality of drinking water from such water supplies, at the time such
14 purchaser enters into a contract for the sale of such property.

15 § 5. Paragraph (j) of subdivision 3 of section 97-b of the state
16 finance law, as amended by section 5 of part T of chapter 57 of the laws
17 of 2017, is amended and a new paragraph (k) is added to read as follows:

18 (j) with respect to moneys in the hazardous waste remediation over-
19 sight and assistance account, technical assistance grants pursuant to
20 titles thirteen and fourteen of article twenty-seven of the environ-
21 mental conservation law; and

22 (k) implementation of the well water and water supply education act
23 pursuant to subdivision thirty-one of section two hundred six of the
24 public health law.

25 § 6. This act shall take effect on the one hundred eightieth day after
26 it shall have become a law.