

# STATE OF NEW YORK

1845--A

2019-2020 Regular Sessions

## IN SENATE

January 16, 2019

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- 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  
18 is defined in section one thousand one hundred twelve of this title and  
19 radon;

20 (ii) an explanation that contamination of groundwater can occur from  
21 migration of contaminants that may not yet have been identified.  
22 Further, it should be emphasized that contaminated water does not neces-

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

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1 sarily result in obvious odors or color changes in drinking water and  
2 that the only way to ensure that water meets state drinking water stand-  
3 ards is to have it tested by a state certified laboratory;

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

8 (iv) a recommendation that any water test conducted should be analyzed  
9 by a laboratory certified by the department to test for drinking water  
10 contaminants;

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

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

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

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

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

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

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

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

34 3-a. Every home inspector shall provide to each client, who may be an  
35 owner, prospective buyer or other interested individual, whose residence  
36 or potential residence is served by a private water supply that is the  
37 potable water supply for such property, educational materials prepared  
38 by the department of health pursuant to subdivision thirty-one of  
39 section two hundred six of the public health law relating to the regular  
40 testing of the quality of drinking water from wells and private water  
41 supplies.

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

44 § 466. Duty of an agent. 1. An agent representing a seller of residen-  
45 tial real property as a listing broker shall have the duty to timely  
46 inform each seller represented by that agent of the seller's obligations  
47 under this article. An agent representing a buyer of residential real  
48 property, or, if the buyer is not represented by an agent, the agent  
49 representing a seller of residential real property and dealing with a  
50 prospective buyer, shall have the duty to timely (in any event, before  
51 the buyer signs a binding contract of sale) inform such buyer of the  
52 buyer's rights and obligations under this article. If an agent performs  
53 the duties and obligations imposed upon him or her pursuant to this  
54 ~~[section]~~ subdivision, the agent shall have no further duties under this  
55 article and shall not be liable to any party for a violation of this  
56 article~~[.]; and~~

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

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

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

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

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