

STATE OF NEW YORK

6892--A

2025-2026 Regular Sessions

IN SENATE

March 26, 2025

Introduced by Sens. RIVERA, ASHBY, BOTTCHEER, BROUK, CANZONERI-FITZPATRICK, COMRIE, FAHY, FERNANDEZ, GONZALEZ, HARCKHAM, JACKSON, MARTINS, MAY, MAYER, ROLISON, SALAZAR, SERRANO, SKOUFIS, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to enacting the lead pipe replacement 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 "lead pipe replacement act".

3 § 2. The public health law is amended by adding a new section 1114-c
4 to read as follows:

5 § 1114-c. Lead service line replacement. 1. Definitions. For the
6 purposes of this section:

7 (a) "Covered water system" means (i) a public water system that serves
8 at least fifteen service connections used by year-round residents or
9 regularly serves at least twenty-five year-round residents; or (ii) a
10 public water system that regularly serves at least twenty-five of the
11 same people, four hours or more per day, for four or more days per week,
12 for twenty-six or more weeks per year.

13 (b) "Service line" means any piping connecting a water main to the
14 building plumbing at the first shut-off valve inside the building, or
15 eighteen inches inside the building, whichever is shorter.

16 (c) "Galvanized service line" means a service line made of iron or
17 steel that has been dipped in zinc to prevent corrosion and rusting.

18 (d) "Galvanized-requiring-replacement service line" means a galvanized
19 service line that currently is or ever was downstream of a lead service
20 line; or is currently downstream of a lead status unknown service line.

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

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1 For this definition, downstream means in the direction of flow through
2 the service line. If the covered water system is unable to demonstrate
3 that the galvanized service line was never downstream of a lead service
4 line, it is a galvanized-requiring-replacement service line.

5 (e) "Connector" means a short segment of piping not exceeding three
6 feet that can be bent and is used for connections between service
7 piping, typically connecting the service line to the water main. A
8 connector may also be referred to as a gooseneck or pigtail.

9 (f) "Lead connector" means a connector made of lead.

10 (g) "Lead service line" means a service line made of lead or where a
11 portion of the service line is made of lead. For the purposes of this
12 section, a lead-lined galvanized service line and a galvanized-requir-
13 ing-replacement service line shall be considered to be lead service
14 lines. For the purposes of this section, the material status of a
15 connector shall not determine whether a service line is a lead service
16 line, provided however that a lead connector attached to a lead service
17 line shall be considered part of the lead service line.

18 (h) "Lead status unknown service line" means a service line whose pipe
19 material has not been demonstrated to be a lead service line, galvan-
20 ized-requiring-replacement service line, or a non-lead service line. For
21 the purposes of this section, a lead status unknown connector is not
22 considered to be a lead status unknown service line.

23 (i) "Partial lead service line replacement" means replacement of any
24 portion of a lead service line that leaves in service any length of a
25 lead service line upon completion of the work.

26 (j) "Disadvantaged communities" shall have the same meaning as defined
27 in section 75-0101 of the environmental conservation law.

28 (k) "Elevated lead levels" shall have the same meaning as defined in
29 section thirteen hundred seventy of this chapter.

30 (l) "Customer" means an owner of real property served by the covered
31 water system.

32 (m) "Property" means real property served by a covered water system.

33 (n) "Occupant" means a person, age eighteen or older, other than the
34 customer, that is occupying, with the consent of the customer, real
35 property served by the covered water system, including but not limited
36 to tenants and occupants as defined in section two hundred thirty-five-f
37 of the real property law.

38 (o) "Environmental protection agency" means the United States environ-
39 mental protection agency.

40 (p) "Locally adopted code" means any local law, local ordinance, or
41 covered water system rule or regulation.

42 (q) "Distribution system" means all pipes, service lines, connectors,
43 and appurtenances used to deliver potable water from the water main to a
44 building connection, including any portion of a service line located on
45 private property or otherwise owned by a customer.

46 2. Lead service line replacement requirements. (a) Notwithstanding the
47 ownership status of a lead service line, a covered water system is
48 authorized to and shall perform or cause to be performed the replacement
49 of all lead service lines within its distribution system, including any
50 portions of lead service lines located on private property, in accord-
51 ance with the procedures identified in this section, no later than
52 November first, two thousand thirty-seven. Such replacements are a
53 public purpose and within the powers of the covered water system, and
54 covered water systems may expend public funds for such purpose.

55 (b) To the extent not provided elsewhere, and notwithstanding any law,
56 regulation, or water tariff agreement to the contrary, covered water

1 systems are hereby provided legal access to all service lines and
2 connectors in their distribution systems for the purpose of identifying
3 and replacing lead service lines and lead connectors.

4 (c) A covered water system shall establish a lead service line
5 replacement program. Such program shall offer to replace all portions of
6 a lead service line at no direct charge to any customer with a lead
7 service line, and shall cover the costs of planning, construction,
8 reconstruction, restoration, customer engagement, and any other activ-
9 ities related to lead service line replacement. For the purposes of
10 this section, a direct charge shall not include revenues raised through
11 water rate increases.

12 (d) Upon being offered a lead service line replacement at no direct
13 charge by the covered water system, any customer served by a lead
14 service line owned by the customer in whole or in part shall either:

15 (i) Facilitate the covered water system's replacement of all portions
16 of the lead service line at no direct charge, including by providing
17 access to the customer's property and providing any information neces-
18 sary for the replacement requested by the covered water system; or

19 (ii) Opt-out of the covered water system's lead service line replace-
20 ment program by replacing the customer-owned portion of the lead service
21 line through the customer's own agents or contractors and at the custom-
22 er's own expense. If the customer elects to replace the customer-owned
23 portion of the lead service line under this subparagraph, the replace-
24 ment must be completed not later than forty-five days after the covered
25 water system first communicates to the customer the availability of the
26 lead service line replacement program. The replacement shall be
27 inspected by a licensed plumber to certify that the replacement
28 occurred, with such certification provided to the covered water system.
29 If a customer notifies the covered water system that they intend to
30 replace or have replaced the customer-owned portion of the lead service
31 line, the covered water system must replace, at no charge to the custom-
32 er, the portion of the lead service line owned by the covered water
33 system at the same time as, or within forty-five days of, the customer-
34 initiated replacement. If the covered water system cannot replace their
35 portion of the lead service line within forty-five days due to the nega-
36 tive impact such a replacement would have on other planned or ongoing
37 lead service line replacement projects, the covered water system shall
38 notify the department of this fact and shall replace their portion of
39 the lead service line within one hundred eighty days of the date that
40 the customer completed the replacement of the customer-owned portion of
41 the lead service line.

42 (e) If the customer fails to facilitate the covered water system's
43 lead service line replacement at no direct charge and does not replace
44 the customer-owned portion of the lead service line through the custom-
45 er's own agents or contractors and at the customer's own expense within
46 the forty-five-day period described in subparagraph (ii) of paragraph
47 (d) of this subdivision, or fails to communicate with or is nonrespon-
48 sive to the covered water system's attempted communications regarding
49 the lead service line replacement program offered:

50 (i) The covered water system shall seek access to the property from
51 any non-customer occupant in order to replace all portions of the lead
52 service line. A covered water system acting in good faith that enters a
53 customer's property and conducts a lead service line replacement under
54 this subparagraph shall be held harmless by and is not liable to the
55 customer with respect to the entry or the replacement. An occupant
56 acting in good faith that provides such access to the property shall

1 also be held harmless by and is also not liable to the customer with
2 respect to the entry or the replacement; or

3 (ii) If there is no non-customer occupant of the property or the occu-
4 pant does not grant access, the covered water system shall take action
5 consistent with its locally adopted code to secure access to the proper-
6 ty to replace all portions of a lead service line. A covered water
7 system acting in good faith that enters a customer's property and
8 conducts a replacement under this subparagraph shall be held harmless by
9 and is not liable to the customer with respect to the entry or the
10 replacement.

11 (f) A covered public water system shall when feasible prioritize lead
12 service line replacements:

13 (i) in disadvantaged communities; and

14 (ii) at daycares, schools, and homes with children with elevated blood
15 lead levels, when data on such properties is available.

16 (g) The relevant offices, agencies, and departments of the state of
17 New York, the city of New York, and all other municipalities, including
18 but not limited to transportation, public works, and general services,
19 shall, to the fullest extent possible, work with covered water systems
20 to plan lead service line replacements in coordination with street
21 repavings, planned water infrastructure improvements, or other municipal
22 infrastructure projects.

23 (h) Each lead service line replaced after the effective date of this
24 section shall be replaced with a copper service line. Notwithstanding
25 the foregoing, the department may authorize a covered water system to
26 use an alternative replacement material due to corrosive soil conditions
27 which would cause copper pipe sleeving or wrapping to be inadequate to
28 prevent corrosion. Covered water systems are not required to replace any
29 non-lead service lines installed before the effective date of this
30 section.

31 (i) A covered water system shall not conduct a partial lead service
32 line replacement unless such a replacement is conducted as part of an
33 emergency repair.

34 (j) When requested by a customer with a lead service line, a covered
35 water system shall provide to the customer, at no charge, a pitcher or
36 point of use filter certified by an American National Standards Insti-
37 tute accredited certifier to reduce lead, at least six months' worth of
38 replacement cartridges, and instructions for use. Whenever the environ-
39 mental protection agency requires a covered water system to provide
40 pitcher or point of use filters and replacement cartridges to customers,
41 a covered water system shall provide such filters and cartridges to
42 customers at no charge.

43 3. Lead service line replacement plan. (a) In addition to the informa-
44 tion that the environmental protection agency requires covered water
45 systems to include in its lead service line replacement plan, a covered
46 water system shall also include information on whether its locally
47 adopted code or operational standards ever required or allowed the use
48 of lead connectors, never allowed the use of lead connectors, prohibited
49 or documented the end of the installation of lead connectors in a
50 certain year, or never addressed the use of lead connectors.

51 (b) The department shall make the most recent version of all lead
52 service line replacement plans available to the public on the depart-
53 ment's website within ninety days of receiving such plans. Each covered
54 water system shall make its most recent lead service line replacement
55 plan available to the public on its website, if such a website exists.

1 4. Reporting requirements. A covered water system shall report, via
2 its lead service line inventory required by section eleven hundred four-
3 teen-b of this title, each lead service line left in the ground after it
4 was replaced with a non-lead service line.

5 5. Funding, regulations and guidance. (a) A covered water system may
6 use state and federal grants and loans, proceeds from municipal bonds,
7 water rate revenue, and other types of funding to inspect and replace
8 lead service lines and lead connectors within its distribution system,
9 including any portions of lead service lines or lead connectors located
10 on private property or otherwise owned by a customer.

11 (b) The department is authorized to make funding available through the
12 clean water infrastructure act, drinking water state revolving fund, and
13 other funding sources for the purpose of implementing the provisions of
14 this section and any regulations promulgated thereto.

15 (c) The department shall adopt such rules and regulations as it deems
16 necessary and proper to implement the provisions of this section.

17 (d) The department shall provide guidance to covered water systems and
18 local health departments on implementing the provisions of this section.

19 § 3. If any clause, sentence, paragraph, section or part of this act
20 shall be adjudged by any court of competent jurisdiction to be invalid
21 and after exhaustion of all further judicial review, the judgment shall
22 not affect, impair or invalidate the remainder thereof, but shall be
23 confined in its operation to the clause, sentence, paragraph, section or
24 part of this act directly involved in the controversy in which the judg-
25 ment shall have been rendered.

26 § 4. This act shall take effect immediately.