STATE OF NEW YORK

7878--A

2025-2026 Regular Sessions

IN ASSEMBLY

April 11, 2025

Introduced by M. of A. PAULIN, ROMERO, McDONALD, STECK, LEVENBERG, COLTON, LUNSFORD, JACOBSON, REYES, SHIMSKY, KELLES, ROSENTHAL, GALLAGHER, SANTABARBARA, WRIGHT, HEVESI, SHRESTHA, BURDICK, HUNTER, HOOKS, SIMON, MEEKS, ALVAREZ, RAJKUMAR, WOERNER, BORES, SCHIAVONI, STIRPE, MORENO, TAPIA, CUNNINGHAM, GONZALEZ-ROJAS, SEAWRIGHT, EACHUS, BRONSON, LEE, DILAN, VALDEZ, CONRAD, MAGNARELLI, KIM, SOLAGES, ZINERMAN, K. BROWN, R. CARROLL, P. CARROLL -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- 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:

Section 1. Short title. This act shall be known and may be cited as the "lead pipe replacement act".

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

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

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

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

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

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

(d) "Galvanized-requiring-replacement service line" means a galvanized service line that currently is or ever was downstream of a lead service line; or is currently downstream of a lead status unknown service line. For this definition, downstream means in the direction of flow through the service line. If the covered water system is unable to demonstrate that the galvanized service line was never downstream of a lead service line, it is a galvanized-requiring-replacement service line.

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

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

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

(h) "Lead status unknown service line" means a service line whose pipe material has not been demonstrated to be a lead service line, galvanized-requiring-replacement service line, or a non-lead service line. For the purposes of this section, a lead status unknown connector shall not be considered to be a lead status unknown service line.

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

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

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

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

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

(n) "Environmental protection agency" means the United States environmental protection agency.

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

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

2. Lead service line replacement requirements. (a) A covered water system shall perform or cause to be performed the replacement of all lead service lines within its distribution system, in accordance with the procedures identified in this section, no later than November first, two thousand thirty-seven. Nothing in this section shall be construed to require a covered water system to replace customer-owned portions of lead service lines if such customer refuses replacement after notice has been provided as required under paragraph (b) of this subdivision.

(b) A covered water system shall establish a lead service line replacement program. Such program shall offer to replace all portions of a lead service line at no direct charge to any customer with a lead

service line, and shall cover the costs of planning, construction, reconstruction, restoration, customer engagement, and any other activities related to lead service line replacement. For the purposes of this section, a direct charge shall not include revenues raised through water rate increases. A covered water system shall make no less than four attempts to notify customers and offer lead service line replacements at no direct charge to each customer with a lead service line on their property, using at least two distinct methods of communication to provide notice, or until such customer accepts such replacement or replaces the lead service line at the customer's own expense.

(c) Upon being offered a lead service line replacement at no direct charge by the covered water system, any customer served by a lead service line owned by the customer in whole or in part, and whose property is registered pursuant to a state or local rental registration requirement shall either:

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

(ii) Opt-out of the covered water system's lead service line replacement program by replacing the customer-owned portion of the lead service line through the customer's own agents or contractors and at the customer's own expense. If the customer elects to replace the customer-owned portion of the lead service line under this subparagraph, the customer shall submit a certification by a licensed plumber that the replacement occurred to the department and covered water system, in a manner that may be determined by the commissioner in regulations, within one hundred eighty days of the covered water system first communicating the availability of the lead service line replacement program. If a customer notifies the covered water system that they intend to replace or have replaced the customer-owned portion of the lead service line, the covered water system shall replace, at no charge to the customer, the portion of the lead service line owned by the covered water system at the same time as, or within forty-five days of, the customer-initiated replacement. If the covered water system cannot replace their portion of the lead service line within forty-five days due to the negative impact such a replacement would have on other planned or ongoing lead service line replacement projects, the covered water system shall notify the department of this fact and shall replace their portion of the lead service line within one hundred eighty days of the date that the customer completed the replacement of the customer-owned portion of the lead service line.

(iii) A customer's failure to file or filing a false certificate as required under this section shall be subject to civil penalties under section twelve of this chapter, in addition to any other penalties that may apply per a covered water system's locally adopted code.

(d) A covered water system shall when practicable prioritize lead service line replacements:

(i) in disadvantaged communities; and

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

(e) The relevant offices, agencies, and departments of the state of New York, the city of New York, and all other municipalities, including but not limited to transportation, public works, and general services, shall, to the fullest extent possible, work with covered water systems to plan lead service line replacements in coordination with street

repavings, planned water infrastructure improvements, or other municipal infrastructure projects.

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

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

(h) When requested by a customer with a lead service line, a covered water system shall provide to the customer, at no charge, a pitcher or point of use filter certified by an American National Standards Institute accredited certifier to reduce lead, at least six months' worth of replacement cartridges, and instructions for use. Whenever the environmental protection agency requires a covered water system to provide pitcher or point of use filters and replacement cartridges to customers, a covered water system shall provide such filters and cartridges to customers at no charge.

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

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

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

5. Funding, regulations and authority. (a) A covered water system may use state and federal grants and loans, proceeds from municipal bonds, water rate revenue, property tax revenue and other types of funding to inspect and replace lead service lines and lead connectors within its distribution system, including any portions of lead service lines or lead connectors located on private property or otherwise owned by a customer. Such replacements shall be authorized and considered a public purpose and within the powers of the covered water system, and covered water systems may expend available, appropriate and lawful public funds for such purpose.

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

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

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

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

§ 4. This act shall take effect immediately.