STATE OF NEW YORK

6892

2025-2026 Regular Sessions

IN SENATE

March 26, 2025

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Health

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 a building inlet.

(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

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

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piping, typically connecting the service line to the 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, a galvanized-requiring-replacement service line, and a lead connector shall be considered to be lead service lines.

(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.

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

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

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

2. Lead service line replacement requirements. (a) A covered water system shall replace all lead service lines in its distribution system, regardless of the ownership status of such lead service lines or the type of property on which they are located, in accordance with the procedures identified in this section, no later than November first, two thousand thirty-seven.

(b) To the extent not provided elsewhere, and notwithstanding any law, regulation, or water tariff agreement to the contrary, covered water systems are hereby provided legal access to all service lines and connectors in their distribution systems for the purpose of identifying and replacing lead service lines.

(c) 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.

(d) 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 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 replacement must be completed not later than forty-five days after the covered water system first communicates to the customer the availability of the lead service line replacement program. The replacement shall be inspected by a licensed plumber to certify that the replacement occurred, with such certification provided to the covered water system. 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 must 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.

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

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

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

(f) A covered public water system shall when feasible 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.

(g) 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.

(h) 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.

(i) 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.

(j) 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. 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) In addition to the information that the environmental protection agency requires covered water systems to annually report to the department, covered water systems shall also annually report:

(i) the number of lead service lines replaced in disadvantaged communities; at daycares, schools, and homes with children with elevated blood lead levels, when known; and in coordination with street repavings, planned water infrastructure improvements, or other municipal infrastructure projects; and

(ii) how the covered water system has disposed of each lead service line it has replaced, where each lead service line was removed from, and whether and where any lead service lines were left in the ground.

5. Funding, regulations and guidance. (a) A covered water system may use state and federal grants and loans, proceeds from municipal bonds, water rate revenue, and other types of funding to inspect and replace lead service lines, regardless of the ownership status of the lead service line or the type of property on which it is located.

(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.