

AN ACT
D.C. ACT 22-567

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 16, 2019

To amend the Lead Service Line Priority Replacement Assistance Act of 2004 to require District of Columbia Water and Sewer Authority to replace lead water service lines on private property, with the consent of the property owner, whenever it is replacing lead water service lines or the water main on public property, to establish a payment assistance program for income-eligible residents to assist in paying for the replacement of lead water service lines located on private property if the portion of the water service line on public property is not a lead water service line, and to require the District of Columbia Water and Sewer Authority to provide public education about the risks of lead water service lines and, upon request, annual free lead test kits to property owners and lessees of commercial and residential building; to require that owners of dwelling units to disclose to tenants if there is lead plumbing in the dwelling unit or if there is evidence of lead in the water; and to amend the Residential Real Property Seller Disclosure, Funeral Services Date Change, and Public Service Commission Independent Procurement Authority Act of 1998 to require that homeowners disclose if there is lead plumbing on the property or evidence of lead in the water to potential buyers prior to sale.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Lead Water Service Line Replacement and Disclosure Amendment Act of 2018”.

Sec. 2. The Lead Service Line Priority Replacement Assistance Act of 2004, effective December 7, 2004 (D.C. Law 15-205; D.C. Official Code § 34-2151 *et seq.*), is amended by adding new sections 6019a, 6019b, and 6019c to read as follows:

“Sec. 6019a. Full lead water service line replacement.

“(a)(1) Except as provided in paragraphs (2) and (4) of this subsection, the District of Columbia Water and Sewer Authority (“DC Water”) shall not replace the portion of a lead water service line that is on public property unless it also replaces the portion of the lead water service line that is on private property, subject to the consent of the property owner.

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“(2) DC Water may replace the portion of a lead water service line that is on public property without replacing the portion of the lead water service line that is on private property if:

“(A) DC Water requests the consent of the private property owner in writing to replace the portion of the lead water service line on private property, and DC Water receives notice that the property owner does not consent to replacement of the portion of the lead water service line on private property;

“(B) DC Water requests the consent of the private property owner in writing to replace the portion of the lead water service line on private property, including an initial request sent by mail, and a second request sent 60 days after the initial request by mail or hand delivery to the property, as well as electronically, if feasible, but does not receive a response from the property owner within 120 days after DC Water sends the initial request;

“(C) The replacement is necessary to repair a damaged or leaking water service line, and DC Water requests the consent of the private property owner in writing via hand delivery to the property to replace the portion of the lead water service line on private property, but does not receive a response within 24 hours after DC Water makes the request; or

“(D) In the event of the exceedance of a lead action level:

“(i) The replacement is required pursuant to 40 C.F.R. § 141.84 to address the lead exposure; and

“(ii) DC Water requests the consent of the private property owner in writing to replace the portion of the lead water service line on private property, including an initial request sent by mail, and a second request sent 30 days after the initial request by mail or hand delivery to the property, as well as electronically, if feasible, but does not receive a response within 60 days after DC Water makes the initial request.

“(3) The cost of replacing lead water service lines on private property pursuant to paragraph (1) of this subsection, including overhead expense, shall be paid by DC Water using funds appropriated for this purpose in the District’s annual budget.

“(4) If DC Water does not have sufficient funds from the District or the private property owner to replace a portion of a lead water service line on private property, DC Water shall not replace the portion of the lead water service line on public property unless:

“(A) The replacement is necessary to repair a damaged or leaking lead water service line; or

“(B) In the event of an exceedance of a lead action level, the replacement is required pursuant to 40 C.F.R. § 141.84 to address the lead exposure.”.

“(b) Notwithstanding subsection (a) of this section, if DC Water learns that an owner of private property wishes to pay to replace the portion of a lead water service lines on his or her private property, DC Water may replace the portion of the lead water service line on public property at the same time. The cost to replace the portion of the lead water service line located on public property shall be paid by DC Water.