

First Jersey Title Reports

*a periodic newsletter from **First Jersey**
to keep you up to date with the changes in **Title Services**.*

August 2002

PRIVATE WELL TESTING REQUIREMENTS NOW ADDED TO THE CLOSING TABLE

The Private Well Testing Act, N.J.S.A. 58:12A-26 was signed into law March of 2001. The NJDEP published proposed rules to implement the act. These rules are scheduled to go into effect on September 14, 2002. Note: The proposed regulations can be found at <http://www.state.nj.us/dep/pwta/njregprop.pdf>

TITLE 58: WATERS AND WATER SUPPLY

58:12A-26. Short title

1. This act shall be known and may be cited as the "Private Well Testing Act." L.2001,c.40,s.1.

58:12A-27. Water testing of private well as provision of contract of sale; reviewing water testing results

2. a. Every contract of sale of (1) real property the potable water supply for which is a private well located on the property, or (2) any other real property the potable water supply for which is a well that has less than 15 service connections or that does not regularly serve an average of at least 25 individuals daily at least 60 days out of the year, shall include a provision requiring, as a condition of the sale, the testing of that water supply for at least the parameters prescribed pursuant to sections 3 and 4 of this act.

b. Closing of title on the sale of the real property shall not occur unless both the buyer and the seller have received and reviewed a copy of the water test results. At closing, the buyer and seller both shall certify in writing that they have received and reviewed the water test results.

New Jersey Permanent Statutes TITLE 58 WATERS AND WATER SUPPLY