
By: Delegates Elliott and Schisler

Introduced and read first time: January 10, 1996

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Lead Poisoning Prevention Reform - Disclosure of Condition**

3 FOR the purpose of reforming the Lead Poisoning Prevention Program; establishing a
4 procedure for inspection of residential rental property and disclosure of the
5 condition of certain property to the Department of the Environment and to certain
6 persons; requiring certain information to be provided to certain persons; exempting
7 certain persons and properties from certain requirements of the Program under
8 certain circumstances; providing for the limitation of certain liability of certain
9 property owners who disclose certain information under certain circumstances;
10 exempting certain properties from a certain fee; providing for the loss and
11 reinstatement of certain liability limitations under certain circumstances; providing
12 that certain persons may not be required to pay a certain fee under certain
13 circumstances; repealing obsolete provisions; and generally relating to lead
14 poisoning prevention and residential rental property.

15 BY repealing and reenacting, with amendments,

16 Article - Environment
17 Section 6-811, 6-812, 6-813, 6-815(a) and (b), 6-817(a) and (b), 6-819(c) through
18 (e), 6-820(b) and (c), 6-823(c), 6-828, 6-836, 6-838, 6-840, 6-843(b), and
19 6-849
20 Annotated Code of Maryland
21 (1993 Replacement Volume and 1995 Supplement)

22 BY adding to

23 Article - Environment
24 Section 6-814 to be under the amended part "Part IV. Disclosure; Risk Reduction
25 Standards for Affected Property"
26 Annotated Code of Maryland
27 (1993 Replacement Volume and 1995 Supplement)

28 BY repealing and reenacting, without amendments,

29 Article - Environment
30 Section 6-818(a)
31 Annotated Code of Maryland
32 (1993 Replacement Volume and 1995 Supplement)

2

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Environment**

4 6-811.

5 (a) (1) On or before December 31, [1994] 1996, the owner of an affected
6 property shall register the affected property with the Department.

7 (2) Notwithstanding paragraph (1) of this subsection, an owner of affected
8 property for which an election is made under § 6-803(a)(2) of this subtitle shall register
9 at the time of the election.

10 (b) The owner shall register each affected property using forms prepared by the
11 Department, including the following information:

12 (1) The name and address of the owner;

13 (2) The address of the affected property;

14 (3) If applicable, the name and address of each property manager employed
15 by the owner to manage the affected property;

16 (4) The name and address of each insurance company providing property
17 insurance or lead hazard coverage for the affected property, together with the policy
18 numbers of that insurance or coverage;

19 (5) The name and address of a resident agent, other agent of the owner, or
20 contact person in the State with respect to the affected property;

21 (6) Whether the affected property was built before 1950 or after 1949;

22 (7) The date of the latest change in occupancy of the affected property;

23 (8) The dates and nature of treatments performed to attain or maintain a
24 risk reduction standard under § 6-815 or § 6-819 of this subtitle; [and]

25 (9) The latest date, if any, on which the affected property has been certified
26 to be in compliance with the provisions of § 6-815 of this subtitle; AND

27 (10) IF THE OWNER ELECTS TO DISCLOSE THE CONDITION OF THE
28 AFFECTED PROPERTY UNDER § 6-814 OF THIS SUBTITLE, A NOTARIZED COPY OF THE
29 INSPECTION REPORT PREPARED UNDER THAT SECTION.

30 (c) (1) Subject to the provisions of paragraph (2) of this subsection, the
31 information provided by an owner under subsection (b) of this section shall be open to
32 the public.

33 (2) (i) Except as provided in subparagraph (ii) of this paragraph, the
34 Department may not disclose an inventory or list of properties owned by an owner.

35 (ii) The Department shall, upon request, disclose whether the owner
36 has met the percentage of inventory requirements under § 6-817 of this subtitle.

3

1 6-812.

2 (a) An owner who has registered an affected property under § 6-811 of this
3 subtitle shall:

4 (1) [Renew] IF THE OWNER HAS NOT DISCLOSED THE CONDITION OF
5 THE AFFECTED PROPERTY UNDER § 6-814 OF THIS SUBTITLE, RENEW the registration
6 of the affected property on or before December 31 of each year; and

7 (2) Update the information contained in the owner's registration required
8 by § 6-811(b)(1) through (5) of this subtitle within 30 days after any change in the
9 information required in the registration.

10 (b) An owner who first acquires affected property after December 1, 1994 shall
11 register the affected property under § 6-811 of this subtitle within 30days after the
12 acquisition.

13 6-813.

14 (a) An owner who fails to register an affected property under § 6-811 of this
15 subtitle, [or] who fails to renew the registration of an affected property under [§ 6-812]
16 § 6-812(A)(1) of this subtitle IF REQUIRED, OR WHO FAILS TO UPDATE REGISTRATION
17 INFORMATION UNDER § 6-812(A)(2), is not in compliance with respect to that affected
18 property with the provisions of this subtitle for purposes of § 6-836 of this subtitle.

19 (b) A person who willfully and knowingly falsifies information filed in a
20 registration or renewal under this part is guilty of a misdemeanor and on conviction is
21 subject to a fine not exceeding \$1,000.

22 Part IV. DISCLOSURE; Risk Reduction [Standard] STANDARDS for Affected
23 Property.

24 6-814.

25 (A) INSTEAD OF TREATING AN AFFECTED PROPERTY TO MEET A RISK
26 REDUCTION STANDARD UNDER § 6-815 OR § 6-819 OF THIS SUBTITLE, THE OWNER
27 MAY ELECT TO DISCLOSE THE CONDITION OF THE AFFECTED PROPERTY TO THE
28 DEPARTMENT AND TO TENANTS IN ACCORDANCE WITH THIS SECTION.

29 (B) (1) THE OWNER SHALL HAVE THE AFFECTED PROPERTY INSPECTED
30 FOR THE PRESENCE OF LEAD AND LEAD-BASED PAINT BY A PERSON ACCREDITED
31 BY THE DEPARTMENT.

32 (2) THE INSPECTOR SHALL CONDUCT THE INSPECTION IN ACCORDANCE
33 WITH A PROTOCOL APPROVED BY THE DEPARTMENT. THE INSPECTION MAY
34 INCLUDE A TEST FOR THE PRESENCE OF LEAD-CONTAMINATED DUST.

35 (3) THE INSPECTOR SHALL PREPARE A COMPREHENSIVE REPORT OF
36 THE INSPECTION, INCLUDING THE LOCATION, CONCENTRATION, AND SOURCE OF
37 ALL LEAD AND LEAD-BASED PAINT FOUND IN THE AFFECTED PROPERTY. THE
38 INSPECTION REPORT SHALL CONTAIN A STATEMENT OF THE INSPECTOR, AFFIRMED
39 UNDER PENALTY OF PERJURY, THAT THE CONTENTS OF THE INSPECTION REPORT
40 ARE CORRECT AND COMPLETE. THE INSPECTION REPORT SHALL BE NOTARIZED.

4

1 (4) WITHIN 10 DAYS AFTER THE INSPECTION, THE INSPECTOR SHALL
2 PROVIDE AN ORIGINAL OF THE INSPECTION REPORT TO THE DEPARTMENT, TO THE
3 OWNER OF THE AFFECTED PROPERTY, AND TO THE TENANT, IF ANY, OF THE
4 AFFECTED PROPERTY.

5 (C) (1) THE OWNER OF AN AFFECTED PROPERTY INSPECTED UNDER THIS
6 SECTION SHALL INCLUDE A NOTARIZED COPY OF THE INSPECTION REPORT IN THE
7 REGISTRATION OF THE AFFECTED PROPERTY UNDER § 6-811 OR § 6-812(B) OF THIS
8 SUBTITLE.

9 (2) AT TIME OF REGISTRATION THE OWNER OF AN AFFECTED
10 PROPERTY SHALL PAY A ONE-TIME FILING FEE OF \$10 FOR EACH UNIT REGISTERED
11 WITH THE DEPARTMENT.

12 (D) BEFORE THE EXECUTION OF A LEASE OR THE INCEPTION OF A TENANCY
13 OF AN AFFECTED PROPERTY, THE OWNER SHALL PROVIDE A NOTARIZED COPY OF
14 THE INSPECTION REPORT UNDER THIS SECTION TO THE PROSPECTIVE TENANT,
15 DISCLOSING TO THE TENANT THE CONDITION OF THE AFFECTED PROPERTY AT THE
16 TIME OF INSPECTION.

17 (E) ON EXECUTION OF A LEASE OR INCEPTION OF A TENANCY, THE OWNER
18 OF THE AFFECTED PROPERTY SHALL PROVIDE TO THE TENANT THE NOTICE OF
19 TENANT'S RIGHTS IN ACCORDANCE WITH § 6-820 OF THIS SUBTITLE AND THE LEAD
20 POISONING INFORMATION PACKET IN ACCORDANCE WITH § 6-823 OF THIS SUBTITLE.

21 (F) AN OWNER OF AN AFFECTED PROPERTY SUBJECT TO THIS SECTION, WHO
22 MAKES A QUALIFIED OFFER UNDER PART V OF THIS SUBTITLE THAT IS ACCEPTED,
23 MAY BE LIABLE UNDER THE QUALIFIED OFFER FOR EXPENSES SUBJECT TO
24 AGGREGATE MAXIMUM CAPS UNDER § 6-840(B) OF THIS SUBTITLE.

25 (G) THE OWNER OF AN AFFECTED PROPERTY SUBJECT TO THIS SECTION
26 SHALL MAINTAIN AN ORIGINAL OF THE INSPECTION REPORT FOR EACH UNIT FOR
27 AT LEAST 5 YEARS AFTER THE OWNER SELLS OR OTHERWISE DISPOSES OF THE
28 OWNER'S INTEREST IN THE AFFECTED PROPERTY.

29 6-815.

30 (a) No later than the first change in occupancy in an affected property that occurs
31 on or after October 1, 1994, before the next tenant occupies the property, an owner of an
32 affected property WHO HAS NOT DISCLOSED THE CONDITION OF THE AFFECTED
33 PROPERTY UNDER § 6-814 OF THIS SUBTITLE shall initially satisfy the risk reduction
34 standard established under this subtitle by:

35 (1) Passing the test for lead-contaminated dust under § 6-816 of this
36 subtitle; or

37 (2) Performing the following lead hazard reduction treatments:

38 (i) A visual review of all exterior and interior painted surfaces;

39 (ii) The removal and repainting of chipping, peeling, or flaking paint
40 on exterior and interior painted surfaces;

5

1 (iii) The repair of any structural defect that is causing the paint to chip,
2 peel, or flake that the owner of the affected property has knowledge of or, with the
3 exercise of reasonable care, should have knowledge of;

4 (iv) Stripping and repainting, replacing, or encapsulating all interior
5 windowsills with vinyl, metal, or any other material in a manner and under conditions
6 approved by the Department;

7 (v) Ensure that caps of vinyl, aluminum, or any other material in a
8 manner and under conditions approved by the Department, are installed in all window
9 wells in order to make the window wells smooth and cleanable;

10 (vi) Except for a treated or replacement window that is free of
11 lead-based paint on its friction surfaces, fixing the top sash of all windows in place in
12 order to eliminate the friction caused by movement of the top sash;

13 (vii) Rehang all doors necessary in order to prevent the rubbing
14 together of a lead-painted surface with another surface;

15 (viii) Making all bare floors smooth and cleanable;

16 (ix) Ensure that all kitchen and bathroom floors are overlaid with a
17 smooth, water-resistant covering; and

18 (x) HEPA-vacuuming and washing of the interior of the affected
19 property with high phosphate detergent or its equivalent, as determined by the
20 Department.

21 (b) At each change in occupancy thereafter, before the next tenant occupies the
22 property, the owner of an affected property WHO HAS NOT DISCLOSED THE CONDITION
23 OF THE AFFECTED PROPERTY UNDER § 6-814 OF THIS SUBTITLE shall satisfy the risk
24 reduction standard established under this subtitle by:

25 (1) Passing the test for lead-contaminated dust under § 6-816 of this
26 subtitle; or

27 (2) (i) Repeating the lead hazard reduction treatments specified in
28 subsection (a)(2)(i), (ii), (iii), and (x) of this section; and

29 (ii) Ensuring that the lead hazard reduction treatments specified in
30 subsection (a)(2)(iv), (v), (vi), (vii), (viii), and (ix) of this section are still in effect.

31 6-817.

32 (a) (1) On and after October 1, 1999, an owner of affected properties shall
33 ensure that at least 50% of the owner's affected properties, THE CONDITION OF WHICH
34 THE OWNER HAS NOT ELECTED TO DISCLOSE UNDER § 6-814 OF THIS SUBTITLE, have
35 satisfied the risk reduction standard specified in § 6-815(a) of this subtitle[,] without
36 regard to the number of affected properties in which there has been a change in
37 occupancy.

38 (2) (i) Notwithstanding any other remedy that may be available, an owner
39 who fails to meet the requirements of subsections (a)(1) and (c) of this section shall lose
40 the liability protection under § 6-836 of this subtitle for any alleged injury or loss caused

6

1 by the ingestion of lead by a person at risk that is first documented by a test for EBL of
2 20 ug/dl or more on or after October 1, 1999, in any of the owner's units:

3 1. [that] THAT have not satisfied the risk reduction standard
4 specified in § 6-815(a) of this subtitle and the inspection requirement of subsection (c) of
5 this section; OR

6 2. THE CONDITION OF WHICH THE OWNER HAS NOT
7 ELECTED TO DISCLOSE UNDER § 6-814 OF THIS SUBTITLE.

8 (ii) The liability protection under § 6-836 of this subtitle shall be
9 reinstated for any alleged injury or loss caused by the ingestion of lead by a person at risk
10 that is first documented by a test for EBL of 20 ug/dl or more on or after the date that the
11 owner meets the requirements of subsections (a)(1) and (c) of this section, OR
12 DISCLOSES THE CONDITION OF THE AFFECTED PROPERTY UNDER § 6-814 OF THIS
13 SUBTITLE.

14 (b) (1) On and after October 1, 2004, an owner of affected properties shall
15 ensure that 100% of the owner's affected properties, THE CONDITION OF WHICH THE
16 OWNER HAS NOT ELECTED TO DISCLOSE UNDER § 6-814 OF THIS SUBTITLE, AND in
17 which a person at risk resides[, and] of whom the owner has been notified in writing,
18 have satisfied the risk reduction standard specified in § 6-815(a) of this subtitle.

19 (2) (i) Notwithstanding any other remedy that may be available, an owner
20 who fails to meet the requirements of subsections (b)(1) and (c) of this section, or of §
21 6-819(e) of this subtitle shall lose the liability protection under § 6-836 of this subtitle for
22 any alleged injury or loss caused by the ingestion of lead by a person at risk that is first
23 documented by a test for EBL of 20 ug/dl or more on or after October 1, 2004 in any of
24 the owner's units that have not satisfied the risk reduction standard specified in §
25 6-815(a) of this subtitle, the inspection requirement of subsection (c) of this section, or
26 the modified risk reduction standard specified in § 6-819(a) of this subtitle, as applicable,
27 OR THE CONDITION OF WHICH THE OWNER HAS NOT DISCLOSED UNDER § 6-814 OF
28 THIS SUBTITLE.

29 (ii) The liability protection under § 6-836 of this subtitle shall be
30 reinstated for any alleged injury or loss caused by the ingestion of lead that is first
31 documented by a test for EBL of 20 ug/dl or more after the date that the owner meets the
32 requirements of subsections (b)(1) and (c) of this section and the requirements of §
33 6-819(e) of this subtitle, OR DISCLOSES THE CONDITION OF THE AFFECTED
34 PROPERTY UNDER § 6-814 OF THIS SUBTITLE.

35 (iii) The provisions of this paragraph do not apply if the owner proves
36 that the noncompliance results from:

37 1. A tenant's lack of cooperation with the owner's compliance
38 efforts; or

39 2. Legal action affecting access to the unit.

40 (3) Notice given under subsection (b)(1) of this section shall be sent by:

41 (i) Certified mail, return receipt requested; or

7

1 (ii) A verifiable method approved by the Department.

2 6-818.

3 (a) Any person performing lead-contaminated dust testing or conducting
4 inspections required by this subtitle:

5 (1) Shall be accredited by the Department;

6 (2) May not be a related party to the owner; and

7 (3) Shall submit a verified report of the result of the lead-contaminated
8 dust testing or visual inspection to the Department, the owner, and the tenant, if any, of
9 the affected property.

10 6-819.

11 (c) [(1)] After September 30, [1994] 1996, an owner of an affected property, THE
12 CONDITION OF WHICH THE OWNER HAS NOT DISCLOSED UNDER § 6-814 OF THIS
13 SUBTITLE, shall satisfy the modified risk reduction standard:

14 (i) Within 30 days after receipt of written notice that a person at risk
15 who resides in the property has an elevated blood lead level greater than or equal to 15
16 ug/dl; or

17 (ii) [Except as provided in paragraph (2) of this subsection, within]
18 WITHIN 30 days after receipt of written notice from the tenant, or from any other source,
19 of:

20 1. A defect; and

21 2. The existence of a person at risk in the affected property.

22 [(2) After September 30, 1994, and before December 1, 1995, an owner of a
23 number of affected properties shall satisfy the modified risk reduction standard within the
24 specified period after receipt of written notice from the tenant, or from any other source,
25 of a defect in accordance with the following schedule:

26 (i) For an owner of 300 or fewer affected properties, within 30 days;
27 and

28 (ii) For an owner of more than 300 affected properties:

29 1. If the owner has received notice from the tenant, or from any
30 other source, of the existence of a person at risk in the affected property, within 60 days;
31 or

32 2. If the owner has not received notice from the tenant, or from
33 any other source, of the existence of a person at risk in the affected property, within 90
34 days.]

35 (d) After December 31, 1995, an owner of an affected property, THE CONDITION
36 OF WHICH THE OWNER HAS NOT DISCLOSED UNDER § 6-814 OF THIS SUBTITLE, shall
37 satisfy the modified risk reduction standard within 30 days after receipt of written notice
38 from the tenant, or from any other source, of a defect.

1 (e) Except as provided in § 6-817(b) of this subtitle, on and after October 1, 2004,
2 an owner of affected properties shall ensure that 100% of the owner's affected properties
3 in which a person at risk does not reside, AND THE CONDITION OF WHICH THE OWNER
4 HAS NOT DISCLOSED UNDER § 6-814 OF THIS SUBTITLE, have satisfied the modified risk
5 reduction standard.

6 6-820.

7 (b) An owner of an affected property shall give to the tenant of the affected
8 property a notice, prepared by the Department, of the tenant's rights under [§§ 6-817]
9 §§ 6-814, 6-817, and 6-819 of this subtitle upon the execution of a lease or the inception of
10 a tenancy.

11 (c) An owner of an affected property, NOT DISCLOSED UNDER § 6-814 OF THIS
12 SUBTITLE, shall give to the tenant of the affected property a notice, prepared by the
13 Department, of the tenant's rights under §§ 6-817 and 6-819 of this subtitle at least every
14 2 years after last giving the notice to the tenant.

15 6-823.

16 (c) An owner of an affected property, THE CONDITION OF WHICH THE OWNER
17 HAS NOT DISCLOSED UNDER § 6-814 OF THIS SUBTITLE, shall give to the tenant of the
18 affected property another copy of the lead poisoning information packet prepared or
19 designated by the Department at least every 2 years after last giving the information
20 packet to the tenant.

21 6-828.

22 (a) This section applies to an owner of an affected property who has, with respect
23 to the affected property, complied with the applicable requirements of §§ 6-811, 6-812,
24 6-815, 6-817, and 6-819 of this subtitle, OR THE REQUIREMENTS OF §§ 6-811, 6-812, AND
25 6-814 OF THIS SUBTITLE, and has sent to the tenant the notices required by §§ 6-820 and
26 6-823 of this subtitle.

27 (b) A person may not bring an action against an owner of an affected property for
28 damages arising from alleged injury or loss to a person at risk caused by the ingestion of
29 lead by a person at risk that is first documented by a test for EBL of 25 ug/dl or more
30 performed on or after October 1, 1994, or 20 ug/dl or more performed on or after October
31 1, 1999, unless the owner has been given:

32 (1) Written notice from any person that the elevated blood level of a person
33 at risk is:

34 (i) Greater than or equal to 25 ug/dl as first documented by a test for
35 EBL performed on or after October 1, 1994; or

36 (ii) On or after October 1, 1999, an EBL greater than or equal to 20
37 ug/dl as first documented by a test for EBL performed on or after October 1, 1999; and

38 (2) An opportunity to make a qualified offer under § 6-831 of this subtitle.

9

1 6-836.

2 An owner of an affected property is not liable, for alleged injury or loss caused by
3 ingestion of lead by a person at risk in the affected property, to a person at risk or a
4 parent, legal guardian, or other person authorized under § 6-833 of this subtitle to
5 respond on behalf of a person at risk who rejects a qualified offer made by the owner or
6 the owner's insurer or agent if, during the period of the alleged ingestion of lead by the
7 person at risk, and with respect to the affected property in which the exposure allegedly
8 occurred, the owner:

9 (1) Has given to the tenant the notices required by §§ 6-820 and 6-823 of
10 this subtitle; and

11 (2) Was in compliance with EITHER:

12 (I) THE APPLICABLE REGISTRATION AND DISCLOSURE
13 PROVISIONS OF §§ 6-811, 6-812, AND 6-814 OF THIS SUBTITLE; OR

14 [(i)] (II) 1. The registration provisions of Part III of this subtitle; and

15 [(ii)] 2. The applicable risk reduction standard and response
16 standard under § 6-815 or § 6-819 of this subtitle, and the risk reduction schedule under
17 § 6-817 of this subtitle.

18 6-838.

19 (a) An owner of an affected property that is not in compliance with the
20 APPLICABLE provisions of Part IV of this subtitle during the period of residency of the
21 person at risk is presumed to have failed to exercise reasonable care with respect to lead
22 hazards during that period in an action seeking damages for alleged injury or loss caused
23 by the ingestion of lead by a person at risk in the affected property.

24 (b) The owner has the burden of rebutting the presumption established under
25 subsection (a) of this section by a preponderance of the evidence.

26 6-840.

27 (a) The amounts payable under a qualified offer made under this part WITH
28 RESPECT TO AN AFFECTED PROPERTY, THE CONDITION OF WHICH THE OWNER HAS
29 NOT DISCLOSED UNDER § 6-814 OF THIS SUBTITLE, are subject to the following
30 aggregate maximum caps:

31 (1) \$7,500 for all medically necessary treatments as provided and limited in
32 § 6-839(a) and (b) of this subtitle; and

33 (2) \$9,500 for relocation benefits which shall include:

34 (i) Relocation expenses;

35 (ii) A rent subsidy, up to 150% of the existing rent each month, for the
36 period until the person at risk reaches the age of 6 years, or in the case of a pregnant
37 woman, until the child born as a result of that pregnancy reaches the age of 6 years; and

10

1 (iii) Incidental expenses which may be incurred by the household, such
2 as transportation and child care expenses.

3 (B) THE AMOUNTS PAYABLE UNDER A QUALIFIED OFFER MADE UNDER THIS
4 PART WITH RESPECT TO AN AFFECTED PROPERTY, THE CONDITION OF WHICH THE
5 OWNER HAS DISCLOSED UNDER § 6-814 OF THIS SUBTITLE, ARE SUBJECT TO THE
6 FOLLOWING AGGREGATE MAXIMUM CAPS:

7 (1) \$22,500 FOR ALL MEDICALLY NECESSARY TREATMENTS AS
8 PROVIDED AND LIMITED IN § 6-839(A) AND (B) OF THIS SUBTITLE; AND

9 (2) \$28,500 FOR RELOCATION BENEFITS WHICH SHALL INCLUDE:

10 (I) RELOCATION EXPENSES;

11 (II) A RENT SUBSIDY, UP TO 250% OF THE EXISTING RENT EACH
12 MONTH, FOR THE PERIOD UNTIL THE PERSON AT RISK REACHES THE AGE OF 6
13 YEARS, OR IN THE CASE OF A PREGNANT WOMAN, UNTIL THE CHILD BORN AS A
14 RESULT OF THAT PREGNANCY REACHES THE AGE OF 6 YEARS; AND

15 (III) INCIDENTAL EXPENSES WHICH MAY BE INCURRED BY THE
16 HOUSEHOLD, SUCH AS TRANSPORTATION AND CHILD CARE EXPENSES.

17 [(b)] (C) All payments under a qualified offer specified in subsection (a) OR (B)
18 of this section shall be paid to the provider of the service, except that payment of
19 incidental expenses as provided by subsection (a)(2)(iii) of this section may be paid
20 directly to the person at risk, or in the case of a child, to the parent or legal guardian of
21 the person at risk.

22 [(c)] (D) The payments under a qualified offer may not be considered income or
23 an asset of the person at risk, the parent of a person at risk who is a child, the legal
24 guardian, or a person who accepts the offer on behalf of a person at risk who is a child
25 under § 6-833 of this subtitle for the purposes of determining eligibility for any State
26 entitlement program.

27 6-843.

28 (b) The fees imposed under this section do not apply to any rental dwelling unit:

29 (1) Built after 1978; [or]

30 (2) Owned and operated by a unit of federal, State, or local government, or
31 any public, quasi-public, or municipal corporation; OR

32 (3) THE CONDITION OF WHICH THE OWNER HAS DISCLOSED UNDER §
33 6-814 OF THIS SUBTITLE.

34 6-849.

35 (a) (1) The Department shall impose an administrative penalty on an owner
36 who fails to register an affected property by December 31, [1994] 1996 or within the time
37 period specified in § 6-811(a)(2) or § 6-812(b) of this subtitle or fails to renew or update
38 a registration [as provided] IF REQUIRED under § 6-812(a) of this subtitle. The
39 administrative penalty imposed shall be \$10 per day, calculated from the date compliance

HOUSE BILL 111

11

1 is required, for each affected property which is not registered or for which registration is
2 not renewed or updated.

3 (2) The Department may waive an administrative penalty under this
4 subsection upon a showing of hardship.

5 (b) An owner who fails to renew or update a registration [as] IF required under
6 § 6-812 of this subtitle within 90 days after the date specified shall be deemed to be out
7 of compliance with the provisions of this subtitle, with respect to each affected property
8 to which that renewal or update relates, for purposes of § 6-836 of this subtitle on the
9 91st day after the date the renewal or update was required.

10 SECTION 2. AND BE IT FURTHER ENACTED, That notwithstanding any other
11 provision of law, any owner of affected property who has registered the affected property
12 on or before December 31, 1995, and who has paid an annual fee to the Department of
13 the Environment for the affected property under § 6-843 of the Environment Article may
14 not be required to submit a filing fee for disclosure to the Department under § 6-814 of
15 the Environment Article, as enacted by this Act.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 1996.