

HOUSE BILL 924

M3

3lr1883

By: **Delegates Stein, Beidle, Glenn, Holmes, McMillan, Norman, and Weir**
Introduced and read first time: February 7, 2013
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Reduction of Lead Risk in Housing – Applicability and**
3 **Registration Requirements**

4 FOR the purpose of altering the application of certain provisions of law relating to
5 reducing lead risk in housing; requiring certain owners to register certain
6 properties built between certain dates in a certain manner; providing certain
7 civil penalties for certain registration violations; providing a certain registration
8 fee for certain properties built between certain dates; repealing certain obsolete
9 language; altering a certain definition; and generally relating to reducing lead
10 risk in housing.

11 BY repealing and reenacting, without amendments,
12 Article – Environment
13 Section 6–801(a)
14 Annotated Code of Maryland
15 (2007 Replacement Volume and 2012 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Environment
18 Section 6–801(b), 6–803, 6–817(a)(1) and (b)(1), 6–819(f), and 6–843
19 Annotated Code of Maryland
20 (2007 Replacement Volume and 2012 Supplement)

21 BY adding to
22 Article – Environment
23 Section 6–811.1 to be under the amended part “Part III. Registration of
24 Property”
25 Annotated Code of Maryland
26 (2007 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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 6–801.

5 (a) In this subtitle the following words have the meanings indicated.

6 (b) (1) “Affected property” means:

7 (i) A property constructed before 1950 that contains at least
8 one rental dwelling unit; **OR**

9 (ii) [On and after January 1, 2015, a property constructed
10 before 1978 that contains at least one rental unit; or

11 (iii)] Any residential rental property for which the owner makes
12 an election under § 6–803(a)(2) of this subtitle.

13 (2) “Affected property” includes an individual rental dwelling unit
14 within a multifamily rental dwelling.

15 (3) “Affected property” does not include property exempted under §
16 6–803(b) of this subtitle.

17 6–803.

18 (a) This subtitle applies to:

19 (1) Affected property; [and]

20 (2) Notwithstanding subsection (b) of this section, any residential
21 rental property, the owner of which elects to comply with this subtitle; **AND**

22 **(3) THE REGISTRATION OF PROPERTY AS PROVIDED UNDER §**
23 **6–811.1 OF THIS SUBTITLE.**

24 (b) This subtitle does not apply to:

25 (1) Property not expressly covered in subsection (a) of this section;

26 (2) Affected property owned or operated by a unit of federal, State, or
27 local government, or any public, quasi–public, or municipal corporation, if the affected
28 property is subject to lead standards that are equal to, or more stringent than, the risk
29 reduction standard established under § 6–815 of this subtitle; or

1 (3) Affected property which is certified to be lead-free pursuant to §
2 6-804 of this subtitle.

3 Part III. Registration of [Affected] Property.

4 **6-811.1.**

5 **(A) (1) THIS SECTION APPLIES TO A PROPERTY CONSTRUCTED**
6 **BETWEEN JANUARY 1, 1950, AND DECEMBER 31, 1977, BOTH INCLUSIVE, THAT**
7 **CONTAINS A LEAST ONE RENTAL DWELLING UNIT.**

8 **(2) THIS SECTION DOES NOT APPLY TO A PROPERTY THAT IS**
9 **CERTIFIED TO BE LEAD-FREE IN ACCORDANCE WITH § 6-804 OF THIS SUBTITLE.**

10 **(B) ON OR BEFORE DECEMBER 31, 2014, THE OWNER SHALL REGISTER**
11 **EACH PROPERTY USING FORMS PREPARED BY THE DEPARTMENT.**

12 **(C) AN OWNER WHO HAS REGISTERED PROPERTY UNDER THIS SECTION**
13 **SHALL:**

14 **(1) RENEW THE REGISTRATION OF THE PROPERTY ON OR**
15 **BEFORE DECEMBER 31 OF EACH YEAR OR ACCORDING TO A SCHEDULE**
16 **ESTABLISHED BY THE DEPARTMENT BY REGULATION; AND**

17 **(2) UPDATE THE INFORMATION CONTAINED IN THE OWNER'S**
18 **REGISTRATION WITHIN 30 DAYS AFTER ANY CHANGE IN THE INFORMATION**
19 **REQUIRED BY THE DEPARTMENT.**

20 **(D) AN OWNER WHO FIRST ACQUIRES PROPERTY AFTER DECEMBER 31,**
21 **2014, SHALL REGISTER THE PROPERTY IN ACCORDANCE WITH THIS SECTION**
22 **WITHIN 30 DAYS AFTER THE ACQUISITION.**

23 **(E) THE DEPARTMENT MAY NOT DISCLOSE AN INVENTORY OR A LIST OF**
24 **PROPERTIES OWNED BY AN OWNER.**

25 **(F) (1) AN OWNER WHO FAILS TO REGISTER THE PROPERTY IN**
26 **ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION IS LIABLE FOR A CIVIL**
27 **PENALTY OF UP TO TRIPLE THE AMOUNT OF EACH REGISTRATION FEE THAT IS**
28 **DUE UNDER § 6-843(A)(1)(II) OF THIS SUBTITLE.**

29 **(2) AN OWNER WHO FAILS TO RENEW THE PROPERTY IN**
30 **ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION IS LIABLE FOR A CIVIL**

1 PENALTY OF UP TO DOUBLE THE AMOUNT OF EACH REGISTRATION FEE THAT IS
2 DUE UNDER § 6-843(A)(1)(II) OF THIS SUBTITLE.

3 6-817.

4 (a) (1) [Except for properties constructed between January 1, 1950, and
5 December 31, 1977, both inclusive, on] ON and after February 24, 2001, an owner of
6 affected properties shall ensure that at least 50% of the owner's affected properties
7 have satisfied the risk reduction standard specified in § 6-815(a) of this subtitle,
8 without regard to the number of affected properties in which there has been a change
9 in occupancy.

10 (b) (1) [Except for properties constructed between January 1, 1950, and
11 December 31, 1977, both inclusive, on] ON and after February 24, 2006, an owner of
12 affected properties shall ensure that 100% of the owner's affected properties in which a
13 person at risk resides, and of whom the owner has been notified in writing, have
14 satisfied the risk reduction standard specified in § 6-815(a) of this subtitle.

15 6-819.

16 (f) Except as provided in § 6-817(b) of this subtitle [and except for
17 properties constructed between January 1, 1950, and December 31, 1977, both
18 inclusive], on and after February 24, 2006, an owner of affected properties shall
19 ensure that 100% of the owner's affected properties in which a person at risk does not
20 reside have satisfied the modified risk reduction standard.

21 6-843.

22 (a) (1) Except as provided in this subsection and subsection (b) of this
23 section, and in cooperation with the Department of Housing and Community
24 Development, the State Department of Assessments and Taxation, and other
25 appropriate governmental units, the Department shall provide for the collection of an
26 annual fee for [every] rental dwelling [unit] UNITS in the State AS FOLLOWS:

27 [(2)] (I) The annual fee for an affected property is \$30; AND

28 (II) THE ANNUAL FEE FOR A PROPERTY THAT IS REQUIRED
29 TO BE REGISTERED UNDER § 6-811.1 OF THIS SUBTITLE IS \$30 PER UNIT UP TO
30 A MAXIMUM OF 750 UNITS PER OWNER.

31 [(3)] (i) Subject to the provisions of subparagraphs (ii) and (iii) of
32 this paragraph, on or before December 31, 2000, the annual fee for a rental dwelling
33 unit built after 1949 that is not an affected property is \$5. After December 31, 2000,
34 there is no annual fee for a rental dwelling unit built after 1949 that is not an affected
35 property.

1 (ii)] **(2)** The owner of a rental dwelling unit built after 1949
2 that is not an affected property may not be required to pay the fee provided under this
3 paragraph if the owner certifies to the Department that the rental dwelling unit is
4 lead free pursuant to § 6–804 of this subtitle.

5 [(iii)] **(3)** An owner of a rental dwelling unit who submits a
6 report to the Department that the rental dwelling unit is lead free pursuant to § 6–804
7 of this subtitle shall include a \$10 processing fee with the report.

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

10 (1) Built after 1978; or

11 (2) Owned and operated by a unit of federal, State, or local
12 government, or any public, quasi–public, or municipal corporation.

13 (c) **(1)** The fee imposed under [this section] **SUBSECTION (A)(1)(I) OF**
14 **THIS SECTION** shall be paid on or before December 31, 1995, or the date of
15 registration of the affected property under Part III of this subtitle and on or before
16 December 31 of each year thereafter or according to a schedule established by the
17 Department by regulation.

18 **(2) THE FEE IMPOSED UNDER SUBSECTION (A)(1)(II) OF THIS**
19 **SECTION SHALL BE PAID ON OR BEFORE DECEMBER 31, 2014, OR THE DATE OF**
20 **REGISTRATION OF THE PROPERTY UNDER § 6–811.1 OF THIS SUBTITLE AND ON**
21 **OR BEFORE DECEMBER 31 OF EACH YEAR THEREAFTER OR ACCORDING TO A**
22 **SCHEDULE ESTABLISHED BY REGULATION BY THE DEPARTMENT.**

23 (d) An owner who fails to pay the fee imposed under this section is liable for
24 a civil penalty of up to triple the amount of each registration fee unpaid that, together
25 with all costs of collection, including reasonable attorney’s fees, shall be collected in a
26 civil action in any court of competent jurisdiction.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2013.