

HOUSE BILL 888

M3
HB 924/13 – ENV

4lr1674

By: **Delegates Stein, Holmes, McMillan, and Weir**
Introduced and read first time: February 5, 2014
Assigned to: Environmental Matters

A BILL ENTITLED

AN ACT concerning

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

FOR the purpose of altering the application of certain provisions of law relating to reducing lead risk in housing to apply to certain property constructed before a certain date; requiring certain owners to register certain properties built between certain dates in a certain manner; providing certain civil penalties for certain registration violations; providing a certain registration fee for certain properties built between certain dates; repealing certain obsolete language; altering a certain definition; and generally relating to reducing lead risk in housing.

BY repealing and reenacting, without amendments,
Article – Environment
Section 6–801(a)
Annotated Code of Maryland
(2013 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Environment
Section 6–801(b), 6–803, 6–817(a)(1) and (b)(1), 6–819(f), and 6–843
Annotated Code of Maryland
(2013 Replacement Volume)

BY adding to
Article – Environment
Section 6–811.1 to be under the amended part “Part III. Registration of
Property”
Annotated Code of Maryland
(2013 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Environment

6–801.

- (a) In this subtitle the following words have the meanings indicated.
- (b) (1) “Affected property” means:
 - (i) A property constructed before 1950 that contains at least one rental dwelling unit;
 - (ii) On and after January 1, 2015, a property constructed before ~~[1978]~~ **1966** that contains at least one rental unit; or
 - (iii) Any residential rental property for which the owner makes an election under § 6–803(a)(2) of this subtitle.
- (2) “Affected property” includes an individual rental dwelling unit within a multifamily rental dwelling.
- (3) “Affected property” does not include property exempted under § 6–803(b) of this subtitle.

6–803.

- (a) This subtitle applies to:
 - (1) Affected property; **[and]**
 - (2) Notwithstanding subsection (b) of this section, any residential rental property, the owner of which elects to comply with this subtitle; **AND**
 - (3) THE REGISTRATION OF PROPERTY AS PROVIDED UNDER § 6–811.1 OF THIS SUBTITLE.**

- (b) This subtitle does not apply to:
 - (1) Property not expressly covered in subsection (a) of this section;
 - (2) Affected property owned or operated by a unit of federal, State, or local government, or any public, quasi–public, or municipal corporation, if the affected property is subject to lead standards that are equal to, or more stringent than, the risk reduction standard established under § 6–815 of this subtitle; or

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

Part III. Registration of [Affected] Property.

6-811.1.

(A) (1) THIS SECTION APPLIES TO A PROPERTY CONSTRUCTED BETWEEN JANUARY 1, 1966, AND DECEMBER 31, 1977, BOTH INCLUSIVE, THAT CONTAINS AT LEAST ONE RENTAL DWELLING UNIT.

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

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

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

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

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

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

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

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

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

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

6-817.

(a) (1) Except for properties constructed between January 1, 1950, and December 31, [1977] **1965**, both inclusive, on and after February 24, 2001, an owner of affected properties shall ensure that at least 50% of the owner's affected properties have satisfied the risk reduction standard specified in § 6-815(a) of this subtitle, without regard to the number of affected properties in which there has been a change in occupancy.

(b) (1) Except for properties constructed between January 1, 1950, and December 31, [1977] **1965**, both inclusive, on and after February 24, 2006, an owner of affected properties shall ensure that 100% of the owner's affected properties in which a person at risk resides, and of whom the owner has been notified in writing, have satisfied the risk reduction standard specified in § 6-815(a) of this subtitle.

6-819.

(f) Except as provided in § 6-817(b) of this subtitle and except for properties constructed between January 1, 1950, and December 31, [1977] **1965**, both inclusive, on and after February 24, 2006, an owner of affected properties shall ensure that 100% of the owner's affected properties in which a person at risk does not reside have satisfied the modified risk reduction standard.

6-843.

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

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

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

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

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

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

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

(1) Built after 1978; or

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.