

HOUSE BILL 1158

M3

5lr2780

By: **Delegate Stein**

Introduced and read first time: February 20, 2015

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Lead Risk Reduction Standards – Maintenance of Exemptions**

3 FOR the purpose of altering the time period when an owner of certain residential rental
4 property is required to submit a certain certification to the Department of the
5 Environment in order to maintain a certain exemption from certain lead-based paint
6 risk reduction standards; requiring an owner of certain residential rental property
7 to submit a certain certification to the Department within a certain time period after
8 receiving a written notice of chipping, peeling, or flaking paint on the exterior of the
9 property in order to maintain a certain exemption; requiring an owner of a certain
10 residential rental property to submit a certain affidavit on or before a certain date
11 and annually thereafter in order to maintain a certain exemption; providing that a
12 failure to possess or maintain certain records does not invalidate a certain
13 exemption; providing that a certain exemption for a multifamily rental dwelling
14 expires on a certain date unless a certain inspection for the presence of lead-based
15 paint was conducted in accordance with certain standards established by the U.S.
16 Department of Housing and Urban Development; and generally relating to
17 exempting lead-free residential rental property from certain lead-based paint risk
18 reduction standards.

19 BY repealing and reenacting, with amendments,
20 Article – Environment
21 Section 6–804
22 Annotated Code of Maryland
23 (2013 Replacement Volume and 2014 Supplement)

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

26 **Article – Environment**

27 6–804.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) [Affected] **SUBJECT TO SUBSECTIONS (B) AND (D) OF THIS SECTION,**
2 **AFFECTED** property is exempt from the provisions of Part IV of this subtitle if the owner
3 submits to the Department an inspection report that:

4 (1) Indicates that the affected property has been tested for the presence of
5 lead-based paint in accordance with standards and procedures established by the
6 Department by regulation;

7 (2) States that:

8 (i) All interior and exterior surfaces of the affected property are
9 lead-free; or

10 (ii) 1. All interior surfaces of the affected property are lead-free
11 and all exterior painted surfaces of the affected property that were chipping, peeling, or
12 flaking have been restored with nonlead-based paint; and

13 2. No exterior painted surfaces of the affected property are
14 chipping, peeling, or flaking; and

15 (3) Is verified by the Department accredited inspector who performed the
16 test.

17 (b) **(1)** In order to maintain AN exemption from the provisions of Part IV of this
18 subtitle under (a)(2)(ii) of this section, the owner shall submit to the Department [every 2
19 years a]:

20 **(I) EVERY 5 YEARS, AND WITHIN 30 DAYS AFTER RECEIVING A**
21 **WRITTEN NOTICE OF CHIPPING, PEELING, OR FLAKING PAINT FROM ANY SOURCE ON**
22 **THE EXTERIOR OF THE PROPERTY, A certification, by a Department accredited inspector,**
23 **stating that no exterior painted surface of the affected property is chipping, peeling, or**
24 **flaking; AND**

25 **(II) ON OR BEFORE THE FIRST ANNIVERSARY OF THE DATE OF**
26 **THE INSPECTION AND ANNUALLY THEREAFTER, AN AFFIDAVIT, ON A FORM**
27 **APPROVED BY THE DEPARTMENT, THAT THE EXTERIOR OF THE AFFECTED**
28 **PROPERTY REMAINS FREE OF CHIPPING, PEELING, OR FLAKING PAINT.**

29 **(2) A FAILURE TO POSSESS OR MAINTAIN RECORDS OF ANY**
30 **CERTIFICATION OR AFFIDAVIT REQUIRED UNDER PARAGRAPH (1) OF THIS**
31 **SUBSECTION DOES NOT INVALIDATE THE EXEMPTION.**

32 (c) Outside surfaces of an affected property, including windows, doors, trim,
33 fences, porches, and other buildings or structures that are part of the affected property, are

1 exempt from the risk reduction standards under §§ 6–815 and 6–819 of this subtitle if all
2 exterior surfaces of an affected property are lead-free and the owner submits to the
3 Department an inspection report that:

4 (1) Indicates that the outside surfaces have been tested for the presence of
5 lead-based paint in accordance with standards and procedures established by the
6 Department by regulation;

7 (2) States that all outside surfaces of the affected property are lead-free;
8 and

9 (3) Is verified by the Department accredited inspector who performed the
10 test.

11 **(D) ON OCTOBER 1, 2020, AN EXEMPTION FOR A MULTIFAMILY RENTAL**
12 **DWELLING UNDER SUBSECTION (A) OR (C) OF THIS SECTION SHALL EXPIRE UNLESS**
13 **THE NUMBER OF RENTAL DWELLING UNITS, COMMON AREAS, AND EXTERIOR**
14 **SURFACES TESTED FOR THE INSPECTION REPORT WAS IN ACCORDANCE WITH TABLE**
15 **7.3: NUMBER OF UNITS TO BE TESTED IN MULTIFAMILY DEVELOPMENTS IN THE**
16 **GUIDELINES FOR THE EVALUATION AND CONTROL OF LEAD-BASED PAINT**
17 **HAZARDS IN HOUSING (1997 REVISION) PUBLISHED BY THE U.S. DEPARTMENT OF**
18 **HOUSING AND URBAN DEVELOPMENT.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2015.