## SENATE BILL 859

M35lr2962

By: Senator Eckardt

Introduced and read first time: February 25, 2015

Assigned to: Rules

## A BILL ENTITLED

1 AN ACT concerning

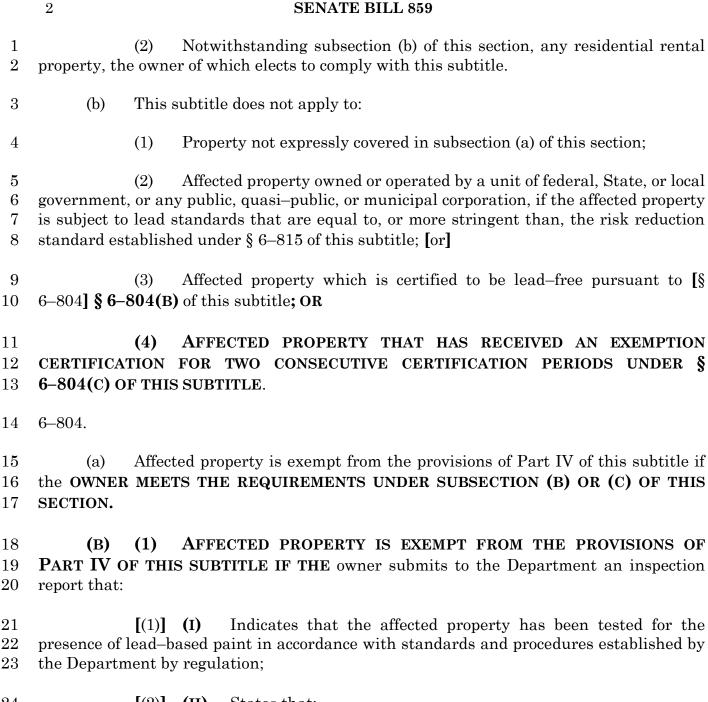
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## Lead – Risk Reduction Standard – Exemption for Affected Properties

- 3 FOR the purpose of exempting an affected property from a certain risk reduction standard if the owner of the affected property has maintained a certain exemption certification 4 5 for a certain period of time and submits proof of the exemption certification to the 6 Department of the Environment; requiring the owner of an affected property, in 7 order to maintain a certain exemption from the risk reduction standard, to have the 8 windows and certain surfaces in the affected property tested for lead-contaminated 9 dust with a certain frequency and submit a certification stating that the affected property passed the test for lead-contaminated dust to the Department; and 10 11 generally relating to the risk reduction standard for affected properties.
- 12 BY repealing and reenacting, with amendments,
- 13 Article – Environment
- 14 Section 6-803 and 6-804
- Annotated Code of Maryland 15
- 16 (2013 Replacement Volume and 2014 Supplement)
- SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, 17
- 18 That the Laws of Maryland read as follows:
- 19 Article - Environment
- 6-803.20
- 21This subtitle applies to: (a)
- 22 (1) Affected property; and

[Brackets] indicate matter deleted from existing law.





- 24[(2)] (II) States that:
- 25(i)1. All interior and exterior surfaces of the affected property are lead-free; or 26
- 27 1.**] 2. A.** All interior surfaces of the affected property are (ii) 28lead-free and all exterior painted surfaces of the affected property that were chipping, 29 peeling, or flaking have been restored with nonlead-based paint; and
- 30 [2.] **B.** No exterior painted surfaces of the affected property 31 are chipping, peeling, or flaking; and

- 1 **[**(3)**] (III)** Is verified by the Department accredited inspector who 2 performed the test.
- [(b)] (2) In order to maintain exemption from the provisions of Part IV of this subtitle under [(a)(2)(ii)] PARAGRAPH (1)(II)2 of this [section] SUBSECTION, the owner shall submit to the Department every 2 years a certification, by a Department accredited inspector, stating that no exterior painted surface of the affected property is chipping, peeling, or flaking.
- 8 (C) (1) AFFECTED PROPERTY IS EXEMPT FROM THE PROVISIONS OF 9 PART IV OF THIS SUBTITLE IF:
- 10 (I) THE OWNER HAS MAINTAINED AN EXEMPTION 11 CERTIFICATION UNDER SUBSECTION (B) OF THIS SECTION FOR THE AFFECTED 12 PROPERTY FOR TWO CONSECUTIVE CERTIFICATION PERIODS; AND
- 13 (II) THE OWNER SUBMITS TO THE DEPARTMENT PROOF OF THE 14 EXEMPTION CERTIFICATION FOR TWO CONSECUTIVE CERTIFICATION PERIODS.
- 15 (2) IN ORDER TO MAINTAIN EXEMPTION FROM THE PROVISIONS OF PART IV OF THIS SUBTITLE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE OWNER SHALL:
- 18 (I) EVERY 5 YEARS, HAVE THE WINDOWS AND ANY SURFACE 19 THAT IS SUBJECT TO REPEATED FRICTION IN THE AFFECTED PROPERTY TESTED 20 FOR LEAD-CONTAMINATED DUST UNDER § 6-816 OF THIS SUBTITLE; AND
- 21 (II) ON COMPLETION OF THE TEST FOR LEAD-CONTAMINATED
  22 DUST, SUBMIT TO THE DEPARTMENT A CERTIFICATION, BY A DEPARTMENT
  23 ACCREDITED INSPECTOR, STATING THAT THE WINDOWS AND ANY SURFACE THAT IS
  24 SUBJECT TO REPEATED FRICTION IN THE AFFECTED PROPERTY HAVE PASSED THE
  25 TEST FOR LEAD-CONTAMINATED DUST.
- [(c)] (D) Outside surfaces of an affected property, including windows, doors, trim, fences, porches, and other buildings or structures that are part of the affected property, are exempt from the risk reduction standards under §§ 6–815 and 6–819 of this subtitle if all exterior surfaces of an affected property are lead–free and the owner submits to the Department an inspection report that:
- 31 (1) Indicates that the outside surfaces have been tested for the presence of 32 lead-based paint in accordance with standards and procedures established by the 33 Department by regulation;
- 34 (2) States that all outside surfaces of the affected property are lead–free; 35 and

- 1 (3) Is verified by the Department accredited inspector who performed the 2 test.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 4 October 1, 2015.