

SENATE BILL 1149

M3

6lr3843
CF HB 810

By: **Senator McFadden**

Introduced and read first time: March 4, 2016

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Reduction of Lead Risk in Housing – Fees and Enforcement**

3 FOR the purpose of increasing the annual fee required to be paid to the Department of the
4 Environment for certain affected properties; increasing the processing fee required
5 to be submitted with a report that a rental dwelling unit is lead free; requiring the
6 Department to use the additional revenue from the increase in fees for a certain
7 purpose; requiring the Department of the Environment and the Department of
8 Health and Mental Hygiene to integrate certain registrations, inspections, and
9 enforcement actions into a certain database and implement a certain plan; requiring
10 the Department of the Environment to report to the General Assembly on or before
11 a certain date each year; and generally relating to reducing lead risk in housing.

12 BY repealing and reenacting, with amendments,
13 Article – Environment
14 Section 6–843
15 Annotated Code of Maryland
16 (2013 Replacement Volume and 2015 Supplement)

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

19 **Article – Environment**

20 6–843.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) The annual fee for an affected property is [~~\$30~~] **\$75**.

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

6 (ii) The owner of a rental dwelling unit built after 1949 that is not
7 an affected property may not be required to pay the fee provided under this paragraph if
8 the owner certifies to the Department that the rental dwelling unit is lead free pursuant to
9 § 6–804 of this subtitle.

10 (iii) An owner of a rental dwelling unit who submits a report to the
11 Department that the rental dwelling unit is lead free pursuant to § 6–804 of this subtitle
12 shall include a [~~\$10~~] **\$75** processing fee with the report.

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

14 (1) Built after 1978; or

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

17 (c) The fee imposed under this section shall be paid on or before December 31,
18 1995, or the date of registration of the affected property under Part III of this subtitle and
19 on or before December 31 of each year thereafter or according to a schedule established by
20 the Department by regulation.

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of the
26 Environment shall use the additional revenue from the increase in fees under this Act to
27 hire additional staff to conduct audits under § 6–851 and spot checks under § 6–852 of the
28 Environment Article.

29 SECTION 3. AND BE IT FURTHER ENACTED, That the Department of the
30 Environment and the Department of Health and Mental Hygiene shall:

31 (a) integrate registrations, inspections, and enforcement actions for lead paint in
32 rental housing into a single database; and

33 (b) implement the 2015 Targeting Plan for Areas at Risk for Childhood Lead
34 Poisoning.

1 SECTION 4. AND BE IT FURTHER ENACTED, That, on or before October 1 each
2 year, the Department of the Environment shall report to the General Assembly, in
3 accordance with § 2-1246 of the State Government Article, on the implementation of this
4 Act.

5 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2016.