



Bill No: SB 1031— Civil Actions - Lead Poisoning - Liability and Statute of Limitations (Maryland Lead Poisoning Compensation Act)

Committee: Judicial Proceedings

Date: 3/7/2024

Position: Unfavorable

The Apartment and Office Building Association of Metropolitan Washington (AOBA) represents members that own or manage more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George's Counties.

Senate Bill 1031 establishes that an action against the owner or manager of a property to recover damages from an ailment caused by lead poisoning may be filed at any time, essentially removing the State's three-year statute of limitation under personal injury clause.

AOBA acknowledges that lead-contaminated dust from chipped or peeling lead-based paint in homes built before 1978 presents one of the most common causes of elevated blood lead levels in children and members are committed to providing healthy homes for residents of their apartment communities. However, AOBA has significant concerns about this legislation as it seeks to authorize a resident to take action against a housing provider for lead without a statute of limitation.

In a 2006 study evaluating HUD-funded properties in their sixth year in post-intervention treatment for lead, researchers found that friction impact surface and lead paint on the surface of doors and windows are unrelated to lead dust on the floor. The study extrapolated that lead dust is blown in or tracked into residences by exterior sources such as lead soil, air, exterior lead dust, and the streets. These factors contributed to high sources of lead dust on the floors and windowsills of the properties

studied. Another source of lead comes from water.¹ [As the Natural Resources Defense Council reported](#), 18 million people nationwide have been exposed to unsafe levels of lead through the community water systems in violation of federal regulations. These incidents can be attributed to factors where governments poorly tested water for contamination or treated water to reduce corrosion. Lead is a naturally occurring element found in all parts of our environment and requires extensive regulation from all levels of government to maintain levels that are not poisonous to vulnerable groups. The onus should not all fall to the housing provider as there are other factors that influence the proliferation of lead.

Rescinding the statute of limitations opens the proverbial Pandora's Box, so to speak, as it will create more lawsuits for housing providers operating apartment communities due to lead poisoning that occurred outside of their purview. Existing federal and state legislation addresses these concerns with lead poisoning in older apartment communities and is heavily regulated to ensure vulnerable populations are protected and that residents have a defense to address any concerns if the housing provider is found to be negligent.

For these reasons, AOBA requests an unfavorable report on SB 1031. For further information, contact Ryan Washington, AOBA's Government Affairs Manager, at 202-770-7713 or email rwashington@aoba-metro.org.

¹ i Wilson J, Pivetz T, Ashley P, Jacobs D, Strauss W, Menkedick J, et al. Evaluation of HUD-funded lead hazard control treatments at 6 years postintervention. Environ Res. 2006;102:237–248.