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**By: Delegates Guns and Rosenberg**

Introduced and read first time: February 28, 1996

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

**2 Lead Poisoning Prevention - Fees - Community Outreach and Education**

3 FOR the purpose of altering the duration of a certain fee applicable to certain properties;

4 providing for the allocation of certain moneys between the Lead Poisoning

5 Prevention Fund and the Community Outreach and Education Program in certain

6 fiscal years; providing for the application of this Act; and generally relating to lead

7 paint poisoning prevention and affected properties.

8 BY repealing and reenacting, with amendments,

9 Article - Environment

10 Section 6-843

11 Annotated Code of Maryland

12 (1993 Replacement Volume and 1995 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article - Environment

15 Section 6-848

16 Annotated Code of Maryland

17 (1993 Replacement Volume and 1995 Supplement)

18 BY repealing and reenacting, with amendments,

19 Chapter 114 of the Acts of the General Assembly of 1994

20 Section 5

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article - Environment**

24 6-843.

25 (a) (1) Except as provided in this subsection and subsection (b) of this section,

26 and in cooperation with the Department of Housing and Community Development, the

27 State Department of Assessments and Taxation, and other appropriate governmental

28 units, the Department shall provide for the collection of an annual fee for every rental

29 dwelling unit in the State.

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1 (2) The annual fee for an affected property is \$10.

2 (3) (i) Subject to the provisions of subparagraphs (ii) and (iii) of this  
3 paragraph, on or before December 31, [1999,] 2000 the annual fee for a rental dwelling  
4 unit built after 1949 that is not an affected property is \$5. After December 31, [1999,]  
5 2000 there is no annual fee for a rental dwelling unit built after 1949 that is not an affected  
6 property.

7 (ii) The owner of a rental dwelling unit built after 1949 that is not an  
8 affected property may not be required to pay the fee provided under this paragraph if the  
9 owner certifies to the Department that the rental dwelling unit is leadfree pursuant to §  
10 6-804 of this subtitle.

11 (iii) An owner of a rental dwelling unit who submits a report to the  
12 Department that the rental dwelling unit is lead free pursuant to § 6-804 of this subtitle  
13 shall include a \$5 processing fee with the report.

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

15 (1) Built after 1978; or

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

18 (c) The fee imposed under this section shall be paid on or before December 31,  
19 1994, or the date of registration of the affected property under Part III of this subtitle,  
20 whichever is earlier, and on or before December 31 of each year thereafter.

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  
24 action in any court of competent jurisdiction.

25 6-848.

26 The Department shall:

27 (1) Develop and establish community outreach programs to high lead risk  
28 areas, which may be implemented by the Department, local governments, or community  
29 groups; and

30 (2) Assist local governments to provide case management services if  
31 necessary to persons at risk with elevated blood lead.

32 **Chapter 114 of the Acts of 1994**

33 SECTION 5. AND BE IT FURTHER ENACTED, That:

34 (A) [of] OF the fees generated and paid into the Lead Poisoning Prevention Fund  
35 under § 6-843 of the Environment Article, as enacted by this Act, FOR FISCAL YEARS  
36 1996 AND 1997 ONLY, 50% OF THOSE FEES, UP TO A MAXIMUM OF \$750,000 PER FISCAL  
37 YEAR, SHALL BE DEDICATED TO THE COMMUNITY OUTREACH AND EDUCATION  
38 PROGRAM ESTABLISHED UNDER § 6-848 OF THE ENVIRONMENT ARTICLE, AS  
39 ENACTED BY THIS ACT; AND STARTING IN FISCAL YEAR 1998, at least \$750,000 per

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 1 fiscal year shall be dedicated to the Community Outreach and Education Program  
 2 [established under § 6-848 of the Environment Article, as enacted by this Act].  
 3 (B) DURING FISCAL YEARS 1998, 1999, AND 2000, IN ADDITION TO THE \$750,000  
 4 DEDICATED ANNUALLY TO THE COMMUNITY OUTREACH AND EDUCATION  
 5 PROGRAM FROM THE LEAD POISONING PREVENTION FUND, THE DEPARTMENT  
 6 SHALL DEDICATE AN AGGREGATE ADDITIONAL AMOUNT OF FEES TO THE  
 7 PROGRAM FROM THE FUND EQUAL TO THE DIFFERENCE BETWEEN \$1,500,000 AND  
 8 THE AMOUNT OF FEES DEDICATED TO THE PROGRAM FROM THE FUND IN FISCAL  
 9 YEARS 1996 AND 1997. ONE-THIRD OF THE AGGREGATE ADDITIONAL AMOUNT  
 10 SHALL BE DEDICATED TO THE PROGRAM FROM THE FUND IN EACH OF FISCAL  
 11 YEARS 1998, 1999, AND 2000.

12 (C) The Department of the Environment shall establish priorities for allocation of  
 13 funding to local governments and to not-for-profit organizations for the Community  
 14 Outreach and Education Program. Criteria for priorities of not-for-profit organizations  
 15 shall include prior experience of the organizations in lead poisoning issues, outreach and  
 16 education, child health issues, and relationships with tenants of low-income housing and  
 17 with health care providers for childhood lead poisoning.

18 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any other  
 19 provision of law, an owner of an affected property who paid a fee for that affected  
 20 property under § 6-843 of the Environment Article in calendar year 1994 or 1995 may not  
 21 be required to pay a fee for that affected property in calendar year 1996, and any fee paid  
 22 by the owner for that property during calendar year 1996 shall be credited toward any fee  
 23 payable by the owner for that property during calendar year 1997.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed  
 25 retroactively and shall be applied to and interpreted to affect all affected properties  
 26 beginning on and after October 1, 1994.

27 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 28 July 1, 1996.