
By: Delegates Guns and Rosenberg

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Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 4, 1996

Committee Report: Favorable

House action: Adopted with floor amendments

Read second time: March 12, 1996

CHAPTER _____

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; providing for the effective date
7 of this Act; and generally relating to lead paint poisoning prevention and affected
8 properties.

9 BY repealing and reenacting, with amendments,
10 Article - Environment
11 Section 6-843
12 Annotated Code of Maryland
13 (1993 Replacement Volume and 1995 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article - Environment
16 Section 6-848
17 Annotated Code of Maryland
18 (1993 Replacement Volume and 1995 Supplement)

19 BY repealing and reenacting, with amendments,
20 Chapter 114 of the Acts of the General Assembly of 1994
21 Section 5

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

2

1 **Article - Environment**

2 6-843.

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

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

9 (3) (i) Subject to the provisions of subparagraphs (ii) and (iii) of this
10 paragraph, on or before December 31, [1999,] 2000 the annual fee for a rental dwelling
11 unit built after 1949 that is not an affected property is \$5. After December 31, [1999,]
12 2000 there is no annual fee for a rental dwelling unit built after 1949 that is not an affected
13 property.

14 (ii) The owner of a rental dwelling unit built after 1949 that is not an
15 affected property may not be required to pay the fee provided under this paragraph if the
16 owner certifies to the Department that the rental dwelling unit is lead free pursuant to §
17 6-804 of this subtitle.

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

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

22 (1) Built after 1978; or

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

25 (c) The fee imposed under this section shall be paid on or before December 31,
26 1994, or the date of registration of the affected property under Part III of this subtitle,
27 whichever is earlier, and on or before December 31 of each year thereafter.

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

32 6-848.

33 The Department shall:

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

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

3

1 **Chapter 114 of the Acts of 1994**

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

3 (A) [of] OF the fees generated and paid into the Lead Poisoning Prevention Fund
4 under § 6-843 of the Environment Article, as enacted by this Act, FOR FISCAL YEARS
5 1996 AND 1997 ONLY, 50% OF THOSE FEES, UP TO A MAXIMUM OF \$750,000 PER FISCAL
6 YEAR, SHALL BE DEDICATED TO THE COMMUNITY OUTREACH AND EDUCATION
7 PROGRAM ESTABLISHED UNDER § 6-848 OF THE ENVIRONMENT ARTICLE, AS
8 ENACTED BY THIS ACT; AND STARTING IN FISCAL YEAR 1998, at least \$750,000 per
9 fiscal year shall be dedicated to the Community Outreach and Education Program
10 [established under § 6-848 of the Environment Article, as enacted by this Act].

11 (B) DURING FISCAL YEARS 1998, 1999, AND 2000, IN ADDITION TO THE \$750,000
12 DEDICATED ANNUALLY TO THE COMMUNITY OUTREACH AND EDUCATION
13 PROGRAM FROM THE LEAD POISONING PREVENTION FUND, THE DEPARTMENT
14 SHALL DEDICATE AN AGGREGATE ADDITIONAL AMOUNT OF FEES TO THE
15 PROGRAM FROM THE FUND EQUAL TO THE DIFFERENCE BETWEEN \$1,500,000 AND
16 THE AMOUNT OF FEES DEDICATED TO THE PROGRAM FROM THE FUND IN FISCAL
17 YEARS 1996 AND 1997. ONE-THIRD OF THE AGGREGATE ADDITIONAL AMOUNT
18 SHALL BE DEDICATED TO THE PROGRAM FROM THE FUND IN EACH OF FISCAL
19 YEARS 1998, 1999, AND 2000.

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

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

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

35 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 ~~July~~ June 1, 1996.

