

EMERGENCY BILL

H1

6lr3020

By: Delegate Guns

Rules suspended

Introduced and read first time: March 8, 1996

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Lead Paint - Work Practices and Accreditation - Area Exemption**

3 FOR the purpose of exempting certain activities involving certain disturbances of lead
4 containing substances in certain property from certain work practices and
5 accreditation requirements; making this Act an emergency measure; and generally
6 relating to lead paint and residential property.

7 BY repealing and reenacting, with amendments,
8 Article - Environment
9 Section 6-821 and 6-1003
10 Annotated Code of Maryland
11 (1993 Replacement Volume and 1995 Supplement)

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

14 **Article - Environment**

15 6-821.

16 (a) (1) Whenever an owner of an affected property intends to make repairs or
17 perform maintenance work that will disturb the paint on interior surfaces of an affected
18 property, the owner shall make reasonable efforts to ensure that all persons who are not
19 persons at risk are not present in the area where work is performed and that all persons
20 at risk are removed from the affected property when the work is performed.

21 (2) A tenant shall allow access to an affected property, at reasonable times,
22 to the owner to perform any work required under this subtitle.

23 (3) If a tenant must vacate an affected property for a period of 24 hours or
24 more in order to allow an owner to perform work that will disturb the paint on interior
25 surfaces, the owner shall pay the reasonable expenses that the tenant incurs directly
26 related to the required relocation.

27 (b) (1) If an owner has made all reasonable efforts to cause the tenant to
28 temporarily vacate an affected property in order to perform work that will disturb the

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1 paint on interior surfaces, and the tenant refuses to vacate the affected property, the
2 owner may not be liable for any damages arising from the tenant's refusal to vacate.

3 (2) If an owner has made all reasonable efforts to gain access to an affected
4 property in order to perform any work required under this subtitle, and the tenant refuses
5 to allow access, even after receiving reasonable advance notice of the need for access, the
6 owner may not be liable for any damages arising from the tenant's refusal to allow access.

7 (c) All hazard reduction treatments required to be performed under this subtitle
8 shall be performed by or under the supervision of personnel accredited under § 6-1002 of
9 this title.

10 (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WORK PRACTICE
11 REQUIREMENTS AND ACCREDITATION REQUIREMENTS ADOPTED UNDER SUBTITLE
12 10 OF THIS TITLE MAY NOT BE REQUIRED FOR REPAIR, MAINTENANCE,
13 RENOVATION WORK, OR RISK REDUCTION TREATMENTS IN AFFECTED PROPERTY
14 THAT RESULTS IN DISTURBANCE OF A LEAD CONTAINING SUBSTANCE ON SURFACES
15 INVOLVING 3 SQUARE FEET OR LESS OF SURFACE AREA IN A ROOM, EXCEPT FOR
16 WINDOW REMOVAL OR REPLACEMENT.

17 6-1003.

18 (a) The Department shall adopt regulations to carry out the provisions of this
19 subtitle.

20 (b) Regulations adopted under this subtitle may include:

21 (1) Initial and continuing standards and procedures for accreditation,
22 including education, training, examination, and job performance standards;

23 (2) Standards and procedures for renewal of accreditation;

24 (3) Standards and procedures for modification, suspension, or revocation of
25 accreditation;

26 (4) Different standards and procedures for different lead paint abatement
27 services;

28 (5) Recognition of accreditation or similar approvals of persons by other
29 governmental entities; and

30 (6) Such other provisions as may be necessary to effectuate the purposes of
31 this subtitle.

32 (c) The Department shall review and revise its certification and other regulations
33 under this subtitle as necessary to ensure continued eligibility for federal funding of
34 lead-hazard activities in the State.

35 (d) The Department shall set reasonable fees for the accreditation of persons who
36 provide lead paint abatement services sufficient to cover the Department's direct and
37 indirect costs of administering this subtitle.

38 (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WORK PRACTICE
39 REQUIREMENTS AND ACCREDITATION REQUIREMENTS ADOPTED UNDER THIS

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1 SUBTITLE MAY NOT BE REQUIRED FOR REPAIR, MAINTENANCE, RENOVATION
2 WORK, OR RISK REDUCTION TREATMENTS IN RESIDENTIAL PROPERTY THAT
3 RESULTS IN DISTURBANCE OF A LEAD CONTAINING SUBSTANCE ON SURFACES
4 INVOLVING 3 SQUARE FEET OR LESS OF SURFACE AREA IN A ROOM, EXCEPT FOR
5 WINDOW REMOVAL OR REPLACEMENT.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
7 measure, is necessary for the immediate preservation of the public health and safety, has
8 been passed by a yea and nay vote supported by three-fifths of all the members elected to
9 each of the two Houses of the General Assembly, and shall take effect from the date it is
10 enacted.