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Introduced and read first time: February 5, 1997

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 1997

CHAPTER _____

1 AN ACT concerning

2 **Lead Paint - Rent Escrow Law –Repeal**

3 FOR the purpose of ~~repealing~~ modifying a certain provisions provision of law authorizing
 4 a lessee to invoke certain rent escrow remedies ~~if the lessor fails to remove or~~
 5 ~~eliminate lead-based paint from a residential dwelling unit within a certain period~~
 6 ~~of time after receiving notice of the presence of lead-based paint within the~~
 7 ~~residential dwelling unit; under certain circumstances if there is lead-based paint~~
 8 ~~on certain surfaces in certain residential premises; authorizing a lessee to invoke~~
 9 ~~certain rent escrow remedies only if the lessor fails to comply with certain risk~~
 10 ~~reduction standards; repealing a certain provision of law that authorizes a tenant to~~
 11 ~~invoke a certain rent escrow remedy if the landlord fails to repair and eliminate~~
 12 ~~paint containing lead pigment on surfaces within the residential dwelling unit;~~
 13 ~~preempting certain public local laws and ordinances; and generally relating to the~~
 14 ~~repeal of the rent escrow law provisions relating to lead-based paint.~~

15 BY repealing and reenacting, without amendments,

16 Article - Real Property

17 Section 8-211(a)

18 Annotated Code of Maryland

19 (1996 Replacement Volume and 1996 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article - Real Property

22 Section 8-211(e) and (o)

23 Annotated Code of Maryland

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1 (1996 Replacement Volume and 1996 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Real Property

4 Section 8-211.1

5 Annotated Code of Maryland

6 (1996 Replacement Volume and 1996 Supplement)

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

9 **Article - Real Property**

10 8-211.

11 (a) The purpose of this section is to provide tenants with a mechanism for
12 encouraging the repair of serious and dangerous defects which exist within or as part of
13 any residential dwelling unit, or upon the property used in common of which the dwelling
14 unit forms a part. The defects sought to be reached by this section are those which
15 present a substantial and serious threat of danger to the life, health and safety of the
16 occupants of the dwelling unit, and not those which merely impair the aesthetic value of
17 the premises, or which are, in those locations governed by such codes, housing code
18 violations of a nondangerous nature. The intent of this section is not to provide a remedy
19 for dangerous conditions in the community at large which exists apart from the leased
20 premises or the property in common of which the leased premises forms a part.

21 (e) This section provides a remedy and imposes an obligation upon landlords to
22 repair and eliminate conditions and defects which constitute, or if not promptly corrected
23 will constitute, a fire hazard or a serious and substantial threat to the life, health or safety
24 of occupants, including, but not limited to:

25 (1) Lack of heat, of light, electricity, or of hot or cold running water, except
26 where the tenant is responsible for the payment of the utilities and the lack thereof is the
27 direct result of the tenant's failure to pay the charges; or

28 (2) Lack of adequate sewage disposal facilities; or

29 (3) Infestation of rodents in two or more dwelling units; or

30 (4) [The existence of paint containing lead pigment on surfaces within the
31 dwelling unit; or

32 (5)] The existence of any structural defect which presents a serious and
33 substantial threat to the physical safety of the occupants; or

34 [(6)] (5) The existence of any condition which presents a health or fire
35 hazard to the dwelling unit.

36 (o) [In] EXCEPT AS PROVIDED IN § 8-211.1(E) OF THIS SUBTITLE, IN the event
37 any county or Baltimore City is subject to a public local law or has enacted an ordinance
38 or ordinances comparable in subject matter to this section, commonly referred to as a

3

1 "Rent Escrow Law", any such ordinance or ordinances shall supersede the provisions of
 2 this section.

3 §8-211.1.

4 (a) Notwithstanding any provision of law or any agreement, whether written or
 5 oral, if a lessor fails to ~~remove any and all lead-based paint from any interior, exterior, or~~
 6 ~~other surface that is easily accessible to a child of a residential premises within 20 days~~
 7 ~~after notice that lead-based paint is present on the surfaces of the residence~~ COMPLY
 8 WITH THE APPLICABLE RISK REDUCTION STANDARD UNDER § 6-815 OR § 6-819 OF
 9 THE ENVIRONMENT ARTICLE, the lessee may deposit his rent in an escrow account with
 10 the clerk of the District Court for the district in which the premises are located.

11 (b) The right of a lessee to deposit rent in an escrow account does not preclude
 12 him from pursuing any other right or remedy available to him at law or equity and is in
 13 addition to them.

14 (c) Money deposited in an escrow account shall be released under the following
 15 terms and conditions:

16 (1) To the lessor ~~on certification by the appropriate local health authority~~
 17 ~~that the premises have been inspected and that all lead-based paint violations have been~~
 18 ~~corrected~~ UPON COMPLIANCE BY THE LESSOR WITH THE APPLICABLE RISK
 19 REDUCTION STANDARD; or

20 (2) To the lessee or any other person who has ~~corrected the lead-based~~
 21 ~~paint violations~~ COMPLIED WITH THE APPLICABLE RISK REDUCTION STANDARD on
 22 presentation of a bill for the REASONABLE costs of ~~correcting the violations and a~~
 23 ~~certification by the appropriate local health authority that the premises have been~~
 24 ~~inspected and that all lead-based paint violations have been corrected~~ COMPLYING
 25 WITH THE APPLICABLE RISK REDUCTION STANDARD.

26 (d) A lessee may not be evicted, the tenancy may not be terminated, and the rent
 27 may not be raised for a lessee who elects to seek the remedies under this section. It shall
 28 be presumed that any attempt to evict the lessee, to terminate the tenancy, or to raise the
 29 rent, except for nonpayment of rent ~~to an escrow agent~~, within two months after ~~the~~
 30 ~~certification that violations have been corrected~~ COMPLIANCE WITH THE APPLICABLE
 31 RISK REDUCTION STANDARD is in retaliation for lessee's proceeding under this section
 32 and shall be void.}

33 (E) THIS SECTION SHALL PREEMPT ANY PUBLIC LOCAL LAW OR ORDINANCE
 34 CONCERNING THE DEPOSIT OF RENT INTO AN ESCROW ACCOUNT BASED UPON THE
 35 EXISTENCE OF PAINT CONTAINING LEAD PIGMENT ON SURFACES IN OR ON A
 36 RENTAL DWELLING UNIT IN THE STATE AND DISPOSITION OF THAT RENT.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 38 October 1, 1997.

