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**By: Delegate Guns**

Introduced and read first time: February 13, 1997

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

**2 Lead Poisoning Prevention Program - Alteration of Deadlines and Other Dates**

3 FOR the purpose of altering the dates by which certain rental dwelling units must be  
4 registered under the Lead Poisoning Prevention Program; altering the dates by  
5 which and until which certain fees must be paid for certain rental dwelling units;  
6 altering certain deadlines for meeting certain risk reduction standards; altering  
7 certain dates by which certain information must be given to certain persons under  
8 certain circumstances; altering certain dates regarding the lowering of certain  
9 documented elevated blood lead levels for triggering certain obligations and a  
10 certain presumption; altering certain dates relating to the affect of the Program on  
11 certain events taking place before certain dates; making a stylistic change; and  
12 generally relating to the alteration of deadlines and other dates under the Lead  
13 Poisoning Prevention Program.

14 BY repealing and reenacting, with amendments,

15 Article - Environment

16 Section 6-811(a)(1), 6-812(b), 6-815(a), 6-817(a)(1) and (2)(i) and (b)(1), 6-819(c)  
17 through (e), 6-820(a), 6-823(a) and (b), 6-828(b), 6-830, 6-843(c), and  
18 6-849(a)(1)

19 Annotated Code of Maryland

20 (1996 Replacement Volume and 1996 Supplement)

21 BY repealing and reenacting, without amendments,

22 Article - Environment

23 Section 6-843(a)

24 Annotated Code of Maryland

25 (1996 Replacement Volume and 1996 Supplement)

26 BY repealing and reenacting, with amendments,

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

28 Section 7

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

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

2

1                   **Article - Environment**

2 6-811.

3                   (a) (1) On or before December 31, [1994] 1995, the owner of an affected  
4 property shall register the affected property with the Department.

5 6-812.

6                   (b) An owner who first acquires affected property after December 1, [ 1994] 1995  
7 shall register the affected property under § 6-811 of this subtitle within 30 days after the  
8 acquisition.

9 6-815.

10                   (a) No later than the first change in occupancy in an affected property that occurs  
11 on or after [October 1, 1994] FEBRUARY 24, 1996, before the next tenant occupies the  
12 property, an owner of an affected property shall initially satisfy the risk reduction  
13 standard established under this subtitle by:

14                   (1) Passing the test for lead-contaminated dust under § 6-816 of this  
15 subtitle; or

16                   (2) Performing the following lead hazard reduction treatments:

17                   (i) A visual review of all exterior and interior painted surfaces;

18                   (ii) The removal and repainting of chipping, peeling, or flaking paint  
19 on exterior and interior painted surfaces;

20                   (iii) The repair of any structural defect that is causing the paint to chip,  
21 peel, or flake that the owner of the affected property has knowledge of or, with the  
22 exercise of reasonable care, should have knowledge of;

23                   (iv) Stripping and repainting, replacing, or encapsulating all interior  
24 windowsills with vinyl, metal, or any other material in a manner and under conditions  
25 approved by the Department;

26                   (v) Ensure that caps of vinyl, aluminum, or any other material in a  
27 manner and under conditions approved by the Department, are installed in all window  
28 wells in order to make the window wells smooth and cleanable;

29                   (vi) Except for a treated or replacement window that is free of  
30 lead-based paint on its friction surfaces, fixing the top sash of all windows in place in  
31 order to eliminate the friction caused by movement of the top sash;

32                   (vii) Rehangng all doors necessary in order to prevent the rubbing  
33 together of a lead-painted surface with another surface;

34                   (viii) Making all bare floors smooth and cleanable;

35                   (ix) Ensure that all kitchen and bathroom floors are overlaid with a  
36 smooth, water-resistant covering; and

3

1 (x) HEPA-vacuuming and washing of the interior of the affected  
2 property with high phosphate detergent or its equivalent, as determined by the  
3 Department.

4 6-817.

5 (a) (1) On and after [October 1, 1999] FEBRUARY 24, 2001, an owner of  
6 affected properties shall ensure that at least 50% of the owner's affected properties have  
7 satisfied the risk reduction standard specified in § 6-815(a) of this subtitle, without  
8 regard to the number of affected properties in which there has been a change in  
9 occupancy.

10 (2) (i) Notwithstanding any other remedy that may be available, an owner  
11 who fails to meet the requirements of subsections (a)(1) and (c) of this section shall lose  
12 the liability protection under § 6-836 of this subtitle for any alleged injury or loss caused  
13 by the ingestion of lead by a person at risk that is first documented by a test for EBL of  
14 20 ug/dl or more on or after [October 1, 1999] FEBRUARY 24, 2001, in any of the owner's  
15 units that have not satisfied the risk reduction standard specified in § 6-815(a) of this  
16 subtitle and the inspection requirement of subsection (c) of this section.

17 (b) (1) On and after [October 1, 2004] FEBRUARY 24, 2006, an owner of  
18 affected properties shall ensure that 100% of the owner's affected properties in which a  
19 person at risk resides, and of whom the owner has been notified in writing, have satisfied  
20 the risk reduction standard specified in § 6-815(a) of this subtitle.

21 6-819.

22 (c) (1) After [September 30, 1994] FEBRUARY 23, 1996, an owner of an  
23 affected property shall satisfy the modified risk reduction standard:

24 (i) Within 30 days after receipt of written notice that a person at risk  
25 who resides in the property has an elevated blood lead level greater than or equal to 15  
26 ug/dl; or

27 (ii) Except as provided in paragraph (2) of this subsection, within 30  
28 days after receipt of written notice from the tenant, or from any other source, of:

29 1. A defect; and

30 2. The existence of a person at risk in the affected property.

31 (2) After [September 30, 1994] FEBRUARY 23, 1996, and before [  
32 December 1, 1995] APRIL 23, 1997, an owner of a number of affected properties shall  
33 satisfy the modified risk reduction standard within the specified period after receipt of  
34 written notice from the tenant, or from any other source, of a defect in accordance with  
35 the following schedule:

36 (i) For an owner of 300 or fewer affected properties, within 30 days;  
37 and

38 (ii) For an owner of more than 300 affected properties:

4

1                                   1. If the owner has received notice from the tenant, or from any  
2 other source, of the existence of a person at risk in the affected property, within 60 days;  
3 or

4                                   2. If the owner has not received notice from the tenant, or from  
5 any other source, of the existence of a person at risk in the affected property, within 90  
6 days.

7                   (d) After [December 31, 1995] MAY 23, 1997, an owner of an affected property  
8 shall satisfy the modified risk reduction standard within 30 days after receipt of written  
9 notice from the tenant, or from any other source, of a defect.

10                   (e) Except as provided in § 6-817(b) of this subtitle, on and after [ October 1,  
11 2004] FEBRUARY 24, 2006, an owner of affected properties shall ensure that 100% of the  
12 owner's affected properties in which a person at risk does not reside have satisfied the  
13 modified risk reduction standard.

14 6-820.

15                   (a) Except as provided in subsection (b) of this section, an owner of an affected  
16 property shall give to the tenant of the affected property a notice, prepared by the  
17 Department, of the tenant's rights under §§ 6-817 and 6-819 of this subtitle, according to  
18 the following schedule:

19                                   (1) At least 25% of the owner's affected properties by [January 1, 1995]  
20 MAY 25, 1996;

21                                   (2) At least 50% of the owner's affected properties by [April 1, 1995]  
22 AUGUST 25, 1996;

23                                   (3) At least 75% of the owner's affected properties by [July 1, 1995]  
24 NOVEMBER 25, 1996; and

25                                   (4) 100% of the owner's affected properties by [October 1, 1995]  
26 FEBRUARY 25, 1997.

27 6-823.

28                   (a) By [December 1, 1994] MAY 23, 1996, an owner of an affected property shall  
29 give to the tenant of each of the owner's affected properties a lead poisoning information  
30 packet prepared or designated by the Department.

31                   (b) On or after [October 1, 1994] FEBRUARY 24, 1996, upon the execution of a  
32 lease or the inception of a tenancy for an affected property the owner of the affected  
33 property shall give to the tenant a lead poisoning information packet prepared or  
34 designated by the Department.

35 6-828.

36                   (b) A person may not bring an action against an owner of an affected property for  
37 damages arising from alleged injury or loss to a person at risk caused by the ingestion of  
38 lead by a person at risk that is first documented by a test for EBL of 25 ug/dl or more  
39 performed on or after [ October 1, 1994] FEBRUARY 24, 1996, or 20 ug/dl or more

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1 performed on or after [October 1, 1999] FEBRUARY 24, 2001, unless the owner has been  
2 given:

3 (1) Written notice from any person that the elevated blood level of a person  
4 at risk is:

5 (i) Greater than or equal to 25 ug/dl as first documented by a test for  
6 EBL performed on or after [October 1, 1994] FEBRUARY 24, 1996; or

7 (ii) On or after [October 1, 1999] FEBRUARY 24, 2001, an EBL  
8 greater than or equal to 20 ug/dl as first documented by a test for EBL performed on or  
9 after [October 1, 1999] FEBRUARY 24, 2001; and

10 (2) An opportunity to make a qualified offer under § 6-831 of this subtitle.

11 6-830.

12 If the concentration of lead in a whole venous blood sample of a person at risk  
13 tested within 30 days after the person at risk begins residence or to regularly spend at  
14 least 24 hours per week in an affected property that is certified as being in compliance  
15 with the provisions of § 6-815 of this subtitle is greater than or equal to 25 ug/dl, or, on  
16 and after [October 1, 1999] FEBRUARY 24, 2001, greater than or equal to 20 ug/dl, it shall  
17 be presumed that the ingestion of lead occurred before a person at risk began residing or  
18 regularly spending at least 24 hours per week in the affected property.

19 6-843.

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

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

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

30 (ii) The owner of a rental dwelling unit built after 1949 that is not an  
31 affected property may not be required to pay the fee provided under this paragraph if the  
32 owner certifies to the Department that the rental dwelling unit is lead free pursuant to §  
33 6-804 of this subtitle.

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

37 (c) The fee imposed under this section shall be paid on or before December 31,  
38 [1994] 1995, or the date of registration of the affected property under Part III of this  
39 subtitle[, whichever is earlier,] and on or before December 31 of each year thereafter.

6

1 6-849.

2 (a) (1) The Department shall impose an administrative penalty on an owner  
3 who fails to register an affected property by December 31, [1994] 1995 or within the time  
4 period specified in § 6-811(a)(2) or § 6-812(b) of this subtitle or fails to renew or update  
5 a registration as provided under § 6-812(a) of this subtitle. The administrative penalty  
6 imposed shall be \$10 per day, calculated from the date compliance is required, for each  
7 affected property which is not registered or for which registration is not renewed or  
8 updated.

9 **Chapter 114 of the Acts of 1994**

10 SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall be construed  
11 only prospectively and may not be applied or interpreted to have any effect on or  
12 application to any event or conditions occurring before the effective date of this Act,  
13 except for:

14 (1) The case of a person at risk with an elevated blood lead of 25 micrograms per  
15 deciliter or more first documented by a test performed on or after [October 1, 1994]  
16 FEBRUARY 24, 1996, or with an elevated blood lead of 20 micrograms per deciliter or  
17 more first documented by a test performed on or after [October 1, 1999] FEBRUARY 24,  
18 2001, if the elevated blood lead was caused by the ingestion of lead [prior to October,  
19 1994] BEFORE FEBRUARY 24, 1996; [or]

20 (2) The acceptance of a qualified offer under § 6-835 of the Environment Article,  
21 as enacted by this Act, if the alleged injury or loss caused by the ingestion of lead by the  
22 person at risk in the affected property occurred before [October 1, 1994] FEBRUARY 24,  
23 1996; OR

24 (3) THE OBLIGATION OF AN OWNER OF AN AFFECTED PROPERTY TO  
25 REGISTER AND PAY AN ANNUAL FEE FOR THE AFFECTED PROPERTY BY DECEMBER  
26 31, 1995 AND THE OBLIGATION OF AN OWNER OF A RENTAL DWELLING UNIT TO PAY  
27 AN ANNUAL FEE AS REQUIRED UNDER § 6-843(A)(3) OF THE ENVIRONMENT ARTICLE  
28 BY DECEMBER 31, 1995.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 June 1, 1997.