

CF 7r2222

---

**By: Senators Baker, Ferguson, Haines, Colburn, Derr, Munson, Collins, Middleton, Roesser, Boozer, McCabe, Dyson, Hogan, Hafer, Astle, and Bromwell**

Introduced and read first time: January 31, 1997

Assigned to: Judicial Proceedings

---

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 12, 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

24 (1996 Replacement Volume and 1996 Supplement)

2

1 BY repealing and reenacting, with amendments,  
2 Article - Real Property  
3 Section 8-211.1  
4 Annotated Code of Maryland  
5 (1996 Replacement Volume and 1996 Supplement)

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

8 **Article - Real Property**

9 8-211.

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

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

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

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

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

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

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

33 [(6)] (5) The existence of any condition which presents a health or fire  
34 hazard to the dwelling unit.

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

3

1 §8-211.1.

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

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

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

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

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

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

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

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

