
By: **Delegate Arnick**
Introduced and read first time: January 16, 1998
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Lead-Based Paint - Multifamily Rental Dwellings - Definition of Affected**
3 **Property**

4 FOR the purpose of altering the definition of "affected property" to exclude certain
5 common areas and exterior surfaces associated with multifamily rental
6 dwellings under certain circumstances; defining certain terms; altering certain
7 definitions; altering the process by which certain property may be exempted
8 from certain requirements; and generally relating to lead-based paint
9 requirements in multifamily rental dwellings.

10 BY repealing and reenacting, with amendments,
11 Article - Environment
12 Section 6-801 and 6-804
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 1997 Supplement)

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

17 **Article - Environment**

18 6-801.

19 (a) In this subtitle the following words have the meanings indicated.

20 (b) (1) "Affected property" means:

21 (i) A property constructed before 1950 that contains at least one
22 rental dwelling unit; or

23 (ii) Any residential rental property for which the owner makes an
24 election under § 6-803(a)(2) of this subtitle.

25 (2) "Affected property" includes an individual rental dwelling unit within
26 a multifamily rental dwelling.

1 (3) "Affected property" does not include [property]:

2 (I) PROPERTY exempted under § 6-803(b) of this subtitle; OR

3 (II) COMMON AREAS AND EXTERIOR SURFACES ASSOCIATED WITH
4 A MULTIFAMILY RENTAL DWELLING IF THE OWNER SUBMITS TO THE DEPARTMENT
5 AN INSPECTION REPORT THAT INDICATES THAT ALL PAINTED SURFACES WITHIN
6 THE COMMON AREAS AND ALL PAINTED EXTERIOR SURFACES ARE INTACT.

7 (c) "Change in occupancy" means a change of tenant in an affected property in
8 which the property is vacated and possession is either surrendered to the owner or
9 abandoned.

10 (d) "Child" means an individual under the age of 6 years.

11 (e) "Commission" means the Lead Poisoning Prevention Commission.

12 (F) (1) "COMMON AREA" MEANS A PORTION OF A MULTIFAMILY RENTAL
13 DWELLING THAT IS GENERALLY ACCESSIBLE TO THE OCCUPANTS OF ALL RENTAL
14 DWELLING UNITS IN THE MULTIFAMILY RENTAL DWELLING.

15 (2) "COMMON AREA" INCLUDES HALLWAYS, STAIRWAYS, LAUNDRY
16 AREAS, RECREATIONAL ROOMS, PLAYGROUNDS, COMMUNITY CENTERS, ON-SITE
17 DAY CARE FACILITIES, GARAGES, AND BOUNDARY FENCES.

18 [(f)] (G) "Elevated blood lead" or "EBL" means a quantity of lead in whole
19 venous blood, expressed in micrograms per deciliter (ug/dl), that exceeds a specified
20 threshold level.

21 [(g)] (H) "Exterior surfaces" means:

22 (1) All fences and porches that are part of an affected property; [and]

23 (2) All outside surfaces of an affected property that are accessible to a
24 child and that:

25 (i) Are attached to the outside of an affected property; or

26 (ii) Consist of other buildings that are part of the affected property;

27 AND

28 (3) WITHIN A MULTIFAMILY RENTAL DWELLING, ALL SURFACES IN
29 COMMON AREAS.

30 [(h)] (I) "Fund" means the Lead Poisoning Prevention Fund.

31 [(i)] (J) (1) "High efficiency particle air vacuum" or "HEPA-vacuum"
32 means a device capable of filtering out particles of 0.3 microns or greater from a body
33 of air at an efficiency of 99.97% or greater.

34 (2) "HEPA-vacuum" includes use of a HEPA-vacuum.

1 [(j)] (K) "Lead-based paint" means paint or other surface coatings that
2 contain lead in excess of the maximum lead content level allowed by the Department
3 by regulation.

4 [(k)] (L) "Lead-contaminated dust" means dust in affected properties that
5 contains an area or mass concentration of lead in excess of the lead content level
6 determined by the Department by regulation.

7 [(l)] (M) "Lead-free" means at or below a lead content level deemed to be
8 lead-free in accordance with criteria established by the Department by regulation.

9 [(m)] (N) "Lead-safe housing" means a rental dwelling unit that:

10 (1) Is certified to be lead-free in accordance with § 6-804 of this subtitle;

11 (2) Was constructed after 1978;

12 (3) Is deemed to be lead-safe by the Department in accordance with
13 criteria established by the Department by regulation; or

14 (4) Is certified to be in compliance with § 6-815(a) of this subtitle and:

15 (i) In which all windows are either lead-free or have been treated
16 so that all friction surfaces are lead-free;

17 (ii) In which lead particulate levels are determined to be within
18 abatement clearance levels established by the Department by regulation, within 15
19 days prior to the relocation of a person at risk to the rental dwelling unit in
20 accordance with a qualified offer made under Part V of this subtitle; and

21 (iii) Which is subject to ongoing maintenance and testing as
22 specified by the Department by regulation.

23 [(n)] (O) "Multifamily rental dwelling" means a property which contains more
24 than one rental dwelling unit.

25 [(o)] (P) (1) "Owner" means a person, firm, corporation, guardian,
26 conservator, receiver, trustee, executor, or legal representative who, alone or jointly or
27 severally with others, owns, holds, or controls the whole or any part of the freehold or
28 leasehold interest to any property, with or without actual possession.

29 (2) "Owner" includes:

30 (i) Any vendee in possession of the property; and

31 (ii) Any authorized agent of the owner, including a property
32 manager or leasing agent.

33 (3) "Owner" does not include:

- 1 (i) A trustee or a beneficiary under a deed of trust or a mortgagee;
2 or
- 3 (ii) The owner of a reversionary interest under a ground rent lease.

4 [(p)] (Q) "Person at risk" means a child or a pregnant woman who resides or
5 regularly spends at least 24 hours per week in an affected property.

6 [(q)] (R) "Related party" means any:

- 7 (1) Person related to an owner by blood or marriage;
- 8 (2) Employee of the owner; or
- 9 (3) Entity in which an owner, or any person referred to in paragraph (1)
10 or (2) of this subsection, has an interest.

11 [(r)] (S) "Relocation expenses" means all expenses necessitated by the
12 relocation of a tenant's household to lead-safe housing, including moving and hauling
13 expenses, the HEPA-vacuumping of all upholstered furniture, payment of a security
14 deposit for the lead-safe housing, and installation and connection of utilities and
15 appliances.

16 [(s)] (T) "Rent subsidy" means the difference between the rent paid by a
17 tenant for housing at the time a qualified offer is made under Part V of this subtitle
18 and the rent due for the lead-safe housing to which the tenant is relocated.

19 [(t)] (U) (1) "Rental dwelling unit" means a room or group of rooms that
20 form a single independent habitable rental unit for permanent occupation by one or
21 more individuals that has living facilities with permanent provisions for living,
22 sleeping, eating, cooking, and sanitation.

23 (2) "Rental dwelling unit" does not include:

- 24 (i) An area not used for living, sleeping, eating, cooking, or
25 sanitation, such as an unfinished basement;
- 26 (ii) A unit within a hotel, motel, or similar seasonal or transient
27 facility;
- 28 (iii) An area which is secured and inaccessible to occupants; OR
- 29 [(iv) A common area which is not part of, or adjoining, a rental
30 dwelling unit within a multifamily rental dwelling; or]

31 [(v)] (IV) A unit which is not offered for rent.

32 [(u)] (V) "Risk reduction standard" means a risk reduction standard
33 established under § 6-815 or § 6-819 of this subtitle.

1 6-804.

2 (a) Affected property is exempt from the provisions of Part IV of this subtitle
3 if the owner submits to the Department an inspection report that:

4 (1) Indicates that the affected property has been tested for the presence
5 of lead-based paint in accordance with standards and procedures established by the
6 Department by regulation; AND

7 [(2) States that:

8 (i) All interior surfaces of the affected property are lead-free;

9 (ii) All exterior painted surfaces of the affected property that were
10 chipping, peeling, or flaking have been restored lead-free; and

11 (iii) No exterior painted surfaces of the affected property are
12 chipping, peeling, or flaking; and]

13 [(3)] (2) Is verified by the Department accredited inspector who
14 performed the test.

15 (b) In order to maintain exemption from the provisions of Part IV of this
16 subtitle, the owner shall submit to the Department every 2 years a certification, by a
17 Department accredited inspector, stating that no exterior painted surface of the
18 affected property is chipping, peeling, or flaking.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 1998.