

HOUSE BILL 1052

Unofficial Copy  
M3

2000 Regular Session  
0lr2291  
CF 0lr2484

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By: **Delegate Marriott (Baltimore City Administration) and Delegates  
Rosenberg, V. Jones, Oaks, Boutin, Hammen, Krysiak, Dypski, Hubbard,  
Sher, Schisler, Guns, Cane, D. Davis, Nathan-Pulliam, Mohorovic, and  
Pitkin**

Introduced and read first time: February 11, 2000

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Lead Poisoning Prevention - Property Inspection - Notice**

3 FOR the purpose of requiring certain owners of affected property to include a copy of  
4 a certain inspection report with a certain notice of tenant's rights that is  
5 provided to a tenant under the Lead Poisoning Prevention Program of the  
6 Department of the Environment; and generally relating to affected property and  
7 lead poisoning prevention.

8 BY repealing and reenacting, without amendments,  
9 Article - Environment  
10 Section 6-818  
11 Annotated Code of Maryland  
12 (1996 Replacement Volume and 1999 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article - Environment  
15 Section 6-820  
16 Annotated Code of Maryland  
17 (1996 Replacement Volume and 1999 Supplement)

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

20 **Article - Environment**

21 6-818.

22 (a) Any person performing lead-contaminated dust testing or conducting  
23 inspections required by this subtitle:

24 (1) Shall be accredited by the Department;

1 (2) May not be a related party to the owner; and

2 (3) Shall submit a verified report of the result of the lead-contaminated  
3 dust testing or visual inspection to the Department, the owner, and the tenant, if any,  
4 of the affected property.

5 (b) A report submitted to the Department under subsection (a) of this section  
6 that certifies compliance for an affected property with the risk reduction standard  
7 shall be conclusive proof that the owner is in compliance with the risk reduction  
8 standard for the affected property during the period for which the certification is  
9 effective, unless there is:

10 (1) Proof of actual fraud as to that affected property;

11 (2) Proof that the work performed in the affected property was not  
12 performed by or under the supervision of personnel accredited under § 6-1002 of this  
13 title; or

14 (3) Proof that the owner failed to respond to a complaint regarding the  
15 affected property as required by § 6-819 of this subtitle.

16 6-820.

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

21 (1) At least 25% of the owner's affected properties by May 25, 1996;

22 (2) At least 50% of the owner's affected properties by August 25, 1996;

23 (3) At least 75% of the owner's affected properties by November 25, 1996;  
24 and

25 (4) 100% of the owner's affected properties by February 25, 1997.

26 (b) On or after February 24, 1996, an owner of an affected property shall give  
27 to the tenant of the affected property a notice, prepared by the Department, of the  
28 tenant's rights under §§ 6-817 and 6-819 of this subtitle upon the execution of a lease  
29 or the inception of a tenancy.

30 (c) An owner of an affected property shall give to the tenant of the affected  
31 property a notice, prepared by the Department, of the tenant's rights under §§ 6-817  
32 and 6-819 of this subtitle at least every 2 years after last giving the notice to the  
33 tenant.

34 (d) THE OWNER SHALL INCLUDE, WITH EACH NOTICE OF THE TENANT'S  
35 RIGHTS THAT IS PROVIDED TO A TENANT UNDER THIS SECTION, A COPY OF THE

1 CURRENT VERIFIED INSPECTION REPORT FOR THE AFFECTED PROPERTY PREPARED  
2 UNDER § 6-818 OF THIS SUBTITLE.

3 (E) (1) Notice given under this section shall be written, and shall be sent by:

4 (i) Certified mail, return receipt requested; or

5 (ii) A verifiable method approved by the Department.

6 (2) When giving notice to a tenant under this section, the owner shall  
7 provide documentation of the notice to the Department in a manner acceptable to the  
8 Department.

9 (3) A notice required to be given to a tenant under this section shall be  
10 sent to a party or parties identified as the lessee in a written lease in effect for an  
11 affected property or, if there is no written lease, the party or parties to whom the  
12 property was rented.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2000.