

HOUSE BILL 1052

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M3

2000 Regular Session
0lr2291
CF 0lr2484

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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 29, 2000

CHAPTER _____

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~~ certificate with a certain notice of tenant's rights that
5 is 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:

1

Article - Environment

2 6-818.

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

5 (1) Shall be accredited by the Department;

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

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

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

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

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

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

21 6-820.

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

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

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

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

30 (4) 100% of the owner's affected properties by February 25, 1997.

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

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

5 (d) THE OWNER SHALL INCLUDE, WITH ~~EACH THE~~ NOTICE OF THE TENANT'S
6 RIGHTS THAT IS PROVIDED TO A TENANT UNDER THIS SECTION UPON THE
7 EXECUTION OF A LEASE OR THE INCEPTION OF A TENANCY, A COPY OF THE
8 CURRENT VERIFIED INSPECTION ~~REPORT~~ CERTIFICATE FOR THE AFFECTED
9 PROPERTY PREPARED UNDER § 6-818 OF THIS SUBTITLE.

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

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

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

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

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

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