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By: **Delegates Rosenberg, Oaks, and Hubbard**  
Introduced and read first time: February 9, 2001  
Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Reduction of Lead Risk - Qualified Offer - Housing Subsidy**

3 FOR the purpose of providing that a qualified offer made under certain provisions of  
4 law that relate to the reduction of lead risk in housing may provide a housing  
5 subsidy and other relocation expenses for the permanent relocation of the  
6 household; providing for a certain limit for the housing subsidy; altering certain  
7 definitions; and generally relating to the provision of a housing subsidy in a  
8 qualified offer.

9 BY repealing and reenacting, with amendments,  
10 Article - Environment  
11 Section 6-801(m), (r), (s), 6-839, and 6-840  
12 Annotated Code of Maryland  
13 (1996 Replacement Volume and 2000 Supplement)

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

16 **Article - Environment**

17 6-801.

18 (m) "Lead-safe housing" means:

19 (1) [a] A rental dwelling unit that:

20 [(1)] (I) Is certified to be lead-free in accordance with § 6-804 of this  
21 subtitle;

22 [(2)] (II) Was constructed after 1978;

23 [(3)] (III) Is deemed to be lead-safe by the Department in accordance  
24 with criteria established by the Department by regulation; or

25 [(4)] (IV) Is certified to be in compliance with § 6-815(a) of this subtitle  
26 and:

1                    [(i)]    1.        In which all windows are either lead-free or have been  
2 treated so that all friction surfaces are lead-free;

3                    [(ii)]   2.        In which lead particulate levels are determined to be  
4 within abatement clearance levels established by the Department by regulation,  
5 within 15 days prior to the relocation of a person at risk to the rental dwelling unit in  
6 accordance with a qualified offer made under Part V of this subtitle; and

7                    [(iii)]   3.        Which is subject to ongoing maintenance and testing as  
8 specified by the Department by regulation; AND

9                    (2)       AN OWNER-OCCUPIED DWELLING THAT COMPLIES WITH LEAD-SAFE  
10 STANDARDS ESTABLISHED BY THE DEPARTMENT.

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

16        (s)        "[Rent] HOUSING subsidy" means the difference between the rent paid by  
17 a tenant for housing at the time a qualified offer is made under Part V of this subtitle  
18 and:

19                    (1)        [the] The rent due for the lead-safe housing to which the tenant is  
20 relocated; OR

21                    (2)        THE MORTGAGE PAYMENT DUE FOR THE OWNER-OCCUPIED  
22 PROPERTY THAT IS PURCHASED BY THE TENANT AND TO WHICH THE TENANT IS  
23 RELOCATED.

24 6-839.

25        (a)        Whenever a qualified offer is made under this part, the qualified offer  
26 shall include payment for reasonable expenses and costs up to the amount specified in  
27 § 6-840 of this subtitle for:

28                    (1)        The relocation of the household of the person at risk to lead-safe  
29 housing of comparable size and quality that may provide:

30                    (i)        The permanent relocation of the household of the affected  
31 person at risk to lead-safe housing, including relocation expenses, a [rent]HOUSING  
32 subsidy, and incidental expenses; or

33                    (ii)       The temporary relocation of the household of the affected person  
34 at risk to lead-safe housing while necessary lead hazard reduction treatments are  
35 being performed in the affected property to make that affected property lead-safe;  
36 and

1           (2)       Medically necessary treatment for the affected person at risk as  
2 determined by the treating physician or other health care provider or case manager of  
3 the person at risk that is necessary to mitigate the effects of lead poisoning, as  
4 defined by the Department by regulation, and, in the case of a child, until the child  
5 reaches the age of 18 years.

6       (b)       An offeror is required to pay reasonable expenses for the medically  
7 necessary treatments under subsection (a)(2) of this section if coverage for these  
8 treatments is not otherwise provided by the Maryland Medical Assistance Program  
9 under Title 15, Subtitle 1 of the Health - General Article or by a third-party health  
10 insurance plan under which the person at risk has coverage or in which the person at  
11 risk is enrolled.

12       (c)       A qualified offer shall include a certification by the owner of the affected  
13 property, under the penalties of perjury, that the owner has complied with the  
14 applicable provisions of Parts III and IV of this subtitle in a manner that qualifies the  
15 owner to make a qualified offer under this part.

16       (d)       The Department may adopt regulations that are necessary to carry out the  
17 provisions of this section.

18 6-840.

19       (a)       The amounts payable under a qualified offer made under this part are  
20 subject to the following aggregate maximum caps:

21           (1)       \$7,500 for all medically necessary treatments as provided and limited  
22 in § 6-839(a) and (b) of this subtitle; and

23           (2)       \$9,500 for relocation benefits which shall include:

24                   (i)       Relocation expenses;

25                   (ii)       A [rent] HOUSING subsidy, up to 150% of the existing rent each  
26 month, for the period until the person at risk reaches the age of 6 years, or in the case  
27 of a pregnant woman, until the child born as a result of that pregnancy reaches the  
28 age of 6 years; and

29                   (iii)       Incidental expenses which may be incurred by the household,  
30 such as transportation and child care expenses.

31       (b)       All payments under a qualified offer specified in subsection (a) of this  
32 section shall be paid to the provider of the service, except that payment of incidental  
33 expenses as provided by subsection (a)(2)(iii) of this section may be paid directly to the  
34 person at risk, or in the case of a child, to the parent or legal guardian of the person  
35 at risk.

36       (c)       The payments under a qualified offer may not be considered income or an  
37 asset of the person at risk, the parent of a person at risk who is a child, the legal  
38 guardian, or a person who accepts the offer on behalf of a person at risk who is a child

1 under § 6-833 of this subtitle for the purposes of determining eligibility for any State  
2 entitlement program.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2001.