

**Department of Legislative Services**

Maryland General Assembly

2002 Session

**FISCAL NOTE**

House Bill 1411

(Delegate Redmer, *et al.*)

Environmental Matters

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**Environment - Lead Paint Risk Reduction - Inspections**

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This bill reduces the frequency with which affected properties must be inspected under the Maryland Department of the Environment's (MDE) Lead Paint Poisoning Prevention Program. Specifically, the bill requires affected properties to be inspected every two years or at each change in occupancy, whichever occurs later.

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**Fiscal Summary**

**State Effect:** The bill would not materially affect State operations or finances.

**Local Effect:** None.

**Small Business Effect:** Potential minimal reduction in expenditures for property owners whose properties would have to be inspected less frequently. Potential minimal reduction in revenues for inspection firms.

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**Analysis**

**Current Law:** By December 31, 1995, the owner of an affected property must register that property with MDE. At each change in occupancy, before the next tenant occupies the property, an owner must satisfy the risk reduction standard by passing the test for lead contaminated dust or performing specified lead hazard reduction treatments. Except for affected properties that pass a test for lead-contaminated dust, at each change in occupancy, an owner of an affected property must have the property inspected to verify that the risk reduction standard has been met.

**Background:** Lead paint poisoning impacts the cognitive and physical development of young children. Children are exposed to lead through breathing lead paint dust, eating lead paint chips, or absorbing lead while in-vitro. Most of the exposures to lead can be eliminated by removing lead paint from the homes of children and pregnant women. Although the number of cases of lead poisoning has decreased over the past few years (from 772 cases in 1998 to 353 cases in 2000), lead paint remains a health issue.

Chapter 411 of 1994 established the Lead Paint Poisoning Prevention Program in MDE. The program provides limited liability relief for owners of rental property built before 1950 and others in exchange for the reduction of lead hazards in these older rental properties and limited compensation of children poisoned by lead. The program also provides increased public health intervention. Although the program was due to begin in October 1994, controversy over MDE's proposed regulations delayed full implementation of the program until February 1996.

MDE is the State's leading agency because it identifies and monitors properties contaminated with lead paint. MDE's lead rental registry program requires property owners of residential rental units built before 1950 to annually register each rental unit with MDE. Affected properties must meet a risk reduction standard at turnover. In fiscal 2001, nearly 2,000 rental dwelling units were placed under voluntary consent orders that require the performance of full risk reduction treatments. Through MDE's enforcement program, rental property owners that are not compliant with lead paint laws may be prosecuted. According to MDE's *Annual Enforcement and Compliance Report* for fiscal 2001, 150,264 properties had been registered. MDE inspected approximately 21,506 sites in fiscal 2001 and found that 469 sites had significant violations. MDE rendered 133 compliance assistance actions and issued 476 show cause, remedial, and corrective actions in fiscal 2001. MDE took 24 penalty actions and collected \$83,322 in penalties in fiscal 2001.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of the Environment, Department of Housing and Community Development, Department of Legislative Services

**Fiscal Note History:** First Reader - March 19, 2002  
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