
By: **Delegate McKee**
Introduced and read first time: February 6, 2003
Assigned to: Environmental Matters

Committee Report: Favorable
House action: Adopted
Read second time: March 18, 2003

CHAPTER _____

1 AN ACT concerning

2 **Lead Poisoning - Risk Reduction Standards - Exemption**

3 FOR the purpose of exempting certain outside surfaces of residential rental property
4 from certain lead paint risk reduction standards if the owner submits to the
5 Department of the Environment a certain inspection report that indicates that
6 the outside surfaces have been tested and are lead-free; and generally relating
7 to exempting lead-free outside surfaces of residential rental property from
8 certain lead paint risk reduction standards.

9 BY repealing and reenacting, with amendments,
10 Article - Environment
11 Section 6-804
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 2002 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 6-804.

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

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

1 (2) States that:

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

3 (ii) All exterior painted surfaces of the affected property that were
4 chipping, peeling, or flaking have been restored with nonlead-based paint; and

5 (iii) No exterior painted surfaces of the affected property are
6 chipping, peeling, or flaking; and

7 (3) Is verified by the Department accredited inspector who performed
8 the test.

9 (b) In order to maintain exemption UNDER SUBSECTION (A) OF THIS SECTION
10 from the provisions of Part IV of this subtitle, the owner shall submit to the
11 Department every 2 years a certification, by a Department accredited inspector,
12 stating that no exterior painted surface of the affected property is chipping, peeling,
13 or flaking.

14 (C) OUTSIDE SURFACES OF AN AFFECTED PROPERTY, INCLUDING WINDOWS,
15 DOORS, TRIM, FENCES, PORCHES, AND OTHER BUILDINGS OR STRUCTURES THAT ARE
16 PART OF THE AFFECTED PROPERTY, ARE EXEMPT FROM THE RISK REDUCTION
17 STANDARDS UNDER §§ 6-815 AND 6-819 OF THIS SUBTITLE IF THE OWNER SUBMITS
18 TO THE DEPARTMENT AN INSPECTION REPORT THAT:

19 (1) INDICATES THAT THE OUTSIDE SURFACES HAVE BEEN TESTED FOR
20 THE PRESENCE OF LEAD-BASED PAINT IN ACCORDANCE WITH STANDARDS AND
21 PROCEDURES ESTABLISHED BY THE DEPARTMENT BY REGULATION;

22 (2) STATES THAT ALL OUTSIDE SURFACES OF THE AFFECTED PROPERTY
23 ARE LEAD-FREE; AND

24 (3) IS VERIFIED BY THE DEPARTMENT ACCREDITED INSPECTOR WHO
25 PERFORMED THE TEST.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
27 effect October 1, 2003.