
By: **Delegate Owings**

Introduced and read first time: February 28, 2003

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Lead-Based Paint - Reduction of Lead Risk in Housing**

3 FOR the purpose of altering the application of certain provisions of law governing
4 reduction of lead risk in housing; altering the exemption of certain property
5 from certain provisions under certain circumstances; requiring an owner of a
6 certain affected property to submit a certain certification to maintain a certain
7 exemption; providing that certificates of lead-based paint free housing are
8 effective from a certain date; providing that certain classifications are effective
9 from a certain date provided that certain renewal certificates are issued;
10 requiring an owner of an affected property to perform certain lead hazard
11 reduction treatments related to presumed lead-based paint or lead-based paint;
12 altering the type of detergent to be used in certain vacuuming and washing of an
13 affected property; authorizing certain risk reduction work to be delayed during a
14 certain period; authorizing certain inspectors to conduct certain
15 lead-contaminated dust testing under certain conditions; requiring a certain
16 testing process to consist of certain samples; prohibiting certain samples or
17 means from exceeding a certain definition; requiring certain areas of an affected
18 property to be cleaned and retested under certain conditions; requiring an owner
19 of an affected property to perform certain modified risk reduction treatments
20 related to presumed lead-based paint or lead-based paint; authorizing an owner
21 of an affected property to elect to pass a certain lead-contaminated dust test
22 instead of satisfying a certain standard; altering certain requirements to include
23 situations when an owner of affected property takes certain actions that will
24 disturb presumed lead-based paint or lead-based paint; providing that certain
25 requirements do not apply to an owner of an affected property that has certain
26 certification; adding certain definitions; altering certain definitions; making
27 certain technical corrections; and generally relating to the reduction of lead risk
28 in housing.

29 BY repealing and reenacting, with amendments,
30 Article - Environment
31 Section 6-801, 6-803, 6-804, 6-811, 6-815, 6-819, 6-821, and 6-823
32 Annotated Code of Maryland
33 (1996 Replacement Volume and 2002 Supplement)

1 BY repealing
2 Article - Environment
3 Section 6-816
4 Annotated Code of Maryland
5 (1996 Replacement Volume and 2002 Supplement)

6 BY adding to
7 Article - Environment
8 Section 6-816
9 Annotated Code of Maryland
10 (1996 Replacement Volume and 2002 Supplement)

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

13 **Article - Environment**

14 6-801.

15 (a) In this subtitle the following words have the meanings indicated.

16 (b) "ACCESSIBLE TO A CHILD" MEANS A SURFACE WITHIN A HEIGHT OF 4 FEET
17 FROM THE NEAREST HORIZONTAL SURFACE THAT HAS PRESUMED LEAD-BASED
18 PAINT OR LEAD-BASED PAINT AS A SURFACE COATING.

19 (C) (1) "Affected property" means:

20 (i) A [property] RENTAL DWELLING UNIT WITHIN A MULTIFAMILY
21 PROPERTY constructed before 1950 [that contains at least one rental dwelling unit];
22 or

23 (ii) Any [residential rental property] RENTAL DWELLING UNIT for
24 which the owner makes an election under § 6-803(a)(2) of this subtitle.

25 (2) ["Affected property" includes an individual rental dwelling unit
26 within a multifamily rental dwelling.

27 (3)] "Affected property" does not include property exempted under §
28 6-803(b) of this subtitle.

29 [(c)] (D) "Change in occupancy" means a change of tenant in an affected
30 property in which the property is vacated and possession is either surrendered to the
31 owner or abandoned.

32 [(d)] (E) "Child" means an individual under the age of 6 years.

33 [(e)] (F) "Commission" means the Lead Poisoning Prevention Commission.

34 (G) "DE MINIMIS LEVEL" MEANS:

- 1 (1) 20 SQUARE FEET ON A BUILDING'S EXTERIOR SURFACES;
2 (2) 2 SQUARE FEET IN ANY ONE INTERIOR ROOM OR SPACE; OR
3 (3) 10% OF THE TOTAL SURFACE AREA ON AN INTERIOR OR EXTERIOR
4 ARCHITECTURAL COMPONENT OR ELEMENT WITH A SMALL SURFACE AREA.

5 [(f)] (H) "Elevated blood lead" or "EBL" means a quantity of lead in whole
6 venous blood, expressed in micrograms per deciliter (ug/dl), that exceeds a specified
7 threshold level.

8 [(g)] (I) "Exterior surfaces" means:

9 (1) All fences and porches that are part of [an affected property] A
10 RENTAL DWELLING UNIT;

11 (2) All outside surfaces of [an affected property] A RENTAL DWELLING
12 UNIT that are accessible to a child and that:

13 (i) Are attached to the outside of [an affected property] A RENTAL
14 DWELLING UNIT; or

15 (ii) Consist of other buildings that are part of [the affected
16 property] A RENTAL DWELLING UNIT; and

17 (3) All painted surfaces in stairways, hallways, entrance areas,
18 recreation areas, laundry areas, and garages within a multifamily [rental dwelling
19 unit] PROPERTY that are common to individual dwelling units and are accessible to a
20 child.

21 [(h)] (J) "Fund" means the Lead Poisoning Prevention Fund.

22 [(i)] (K) (1) "High efficiency particle air vacuum" or "HEPA-vacuum"
23 means a device capable of filtering out particles of 0.3 microns or greater from a body
24 of air at an efficiency of 99.97% or greater.

25 (2) "HEPA-vacuum" includes use of a HEPA-vacuum.

26 [(j)] (L) "Lead-based paint" means [paint or other surface coatings that
27 contain lead in excess of the maximum lead content level allowed by the Department
28 by regulation] PAINT, STAIN, SHELLAC, OR VARNISH THAT EXCEEDS:

29 (1) 0.7 MILLIGRAMS OF LEAD PER SQUARE CENTIMETER AS TESTED BY
30 AN X-RAY FLUORESCENCE ANALYZER OR LABORATORY ANALYSIS; OR

31 (2) 0.5% LEAD BY WEIGHT IN DRIED STATE BY LABORATORY ANALYSIS
32 FOR APPLICATIONS WHERE AN X-RAY FLUORESCENCE INSTRUMENT OR ACCURATE
33 SURFACE AREA MEASUREMENT CANNOT BE OBTAINED.

34 [(k)] (M) "Lead-contaminated dust" means dust [in affected properties] that
35 contains [an area or mass concentration of lead in excess of the lead content level

1 determined by the Department by regulation] A MASS-PER-AREA CONCENTRATION
2 OF LEAD EQUAL TO OR EXCEEDING:

3 (1) 40 MICROGRAMS PER SQUARE FOOT ON A FLOOR; OR

4 (2) 250 MICROGRAMS PER SQUARE FOOT ON AN INTERIOR WINDOWSILL
5 BASED ON A SINGLE SURFACE WIPE SAMPLE.

6 [(l)] (N) "Lead-free" means at or below a lead content level deemed to be
7 lead-free in accordance with criteria established by [the Department by regulation]
8 STATUTE.

9 [(m)] (O) "Lead-safe housing" means a rental dwelling unit that:

10 (1) Is certified to be [lead-free] LEAD-BASED PAINT FREE HOUSING in
11 accordance with § 6-804 of this subtitle;

12 (2) Was constructed after 1978;

13 (3) Is deemed to be lead-safe by the Department in accordance with
14 criteria established by the Department by regulation; or

15 (4) Is certified to be in compliance with § 6-815(a) of this subtitle and:

16 (i) [In which all windows are either lead-free or have been treated
17 so that all friction surfaces are lead-free] ALL WINDOW FRICTION SURFACES ARE
18 FREE OF LEAD-BASED PAINT;

19 (ii) [In which lead particulate levels are determined to be within
20 abatement clearance levels established by the Department by regulation,] THE
21 INTERIOR OF THE AFFECTED PROPERTY IS FREE OF LEAD-CONTAMINATED DUST, AS
22 DETERMINED BY TESTS PERFORMED within 15 days prior to the relocation of a
23 person at risk to the rental dwelling unit in accordance with a qualified offer made
24 under Part V of this subtitle; and

25 (iii) Which is subject to ongoing maintenance and testing [as
26 specified by the Department by regulation] EVERY 2 YEARS WHILE THE RENTAL
27 DWELLING UNIT IS OCCUPIED BY A CHILD WHO WAS THE SUBJECT OF A QUALIFIED
28 OFFER UNDER PART V OF THIS SUBTITLE.

29 [(n)] (P) "Multifamily [rental dwelling] PROPERTY" means a property which
30 contains more than one rental dwelling unit.

31 [(o)] (Q) (1) "Owner" means a person, firm, corporation, guardian,
32 conservator, receiver, trustee, executor, or legal representative who, alone or jointly or
33 severally with others, owns, holds, or controls the whole or any part of the freehold or
34 leasehold interest to any property, with or without actual possession.

35 (2) "Owner" includes:

36 (i) Any vendee in possession of the property; and

1 (ii) Any authorized agent of the owner, including a [property
2 manager or leasing agent] PROPERTY MANAGEMENT COMPANY.

3 (3) "Owner" does not include:

4 (i) A trustee or a beneficiary under a deed of trust or a mortgagee;
5 or

6 (ii) The owner of a reversionary interest under a ground rent lease.

7 [(p)] (R) "Person at risk" means [a child] AN INDIVIDUAL UNDER THE AGE OF
8 6 YEARS or a pregnant woman who resides or regularly spends at least 24 hours per
9 week in an affected property.

10 (S) "PRESUMED LEAD-BASED PAINT" MEANS PAINT, STAIN, SHELLAC, OR
11 VARNISH IN A RENTAL DWELLING UNIT CONSTRUCTED BEFORE 1950 THAT HAS NOT
12 UNDERGONE DIRECT NONDESTRUCTIVE TESTING, LABORATORY ANALYSIS, OR
13 STATISTICAL SAMPLING.

14 [(q)] (T) "Related party" means any:

15 (1) Person related to an owner by blood or marriage;

16 (2) Employee of the owner; or

17 (3) Entity in which an owner, or any person referred to in paragraph (1)
18 or (2) of this subsection, has an interest.

19 [(r)] (U) "Relocation expenses" means all expenses necessitated by the
20 relocation of a tenant's household to lead-safe housing, including moving and hauling
21 expenses, the HEPA-vacuuming of all upholstered furniture, payment of a security
22 deposit for the lead-safe housing, and installation and connection of utilities and
23 appliances.

24 [(s)] (V) "Rent subsidy" means the difference between the rent paid by a
25 tenant for housing at the time a qualified offer is made under Part V of this subtitle
26 and the rent due for the lead-safe housing to which the tenant is relocated.

27 [(t)] (W) (1) "Rental dwelling unit" means a room or group of rooms that
28 form a single independent habitable rental unit for permanent occupation by one or
29 more individuals that has living facilities with permanent provisions for living,
30 sleeping, eating, cooking, and sanitation.

31 (2) "Rental dwelling unit" does not include:

32 (i) An area not used for living, sleeping, eating, cooking, or
33 sanitation, such as an unfinished basement;

34 (ii) A unit within a hotel, motel, or similar seasonal or transient
35 facility;

1 (iii) An area which is secured and inaccessible to occupants; or

2 (iv) A unit which is not offered for rent.

3 [(u)] (X) "Risk reduction standard" means a risk reduction standard
4 established under § 6-815 or § 6-819 of this subtitle.

5 6-803.

6 (a) This subtitle applies to:

7 (1) Affected property; and

8 (2) Notwithstanding subsection (b) of this section, any [residential
9 rental property] RENTAL DWELLING UNIT, the owner of which elects to comply with
10 this subtitle.

11 (b) This subtitle does not apply to:

12 (1) [Property] RENTAL DWELLING UNITS AND PROPERTY not expressly
13 covered in subsection (a) of this section;

14 (2) Affected property owned or operated by a unit of federal, State, or
15 local government, or any public, quasi-public, or municipal corporation, if the affected
16 property is subject to lead standards that are equal to, or more stringent than, the
17 risk reduction standard established under § 6-815 of this subtitle; or

18 (3) Affected property which is certified to be [lead-free] FREE OF
19 LEAD-BASED PAINT pursuant to § 6-804 of this subtitle.

20 6-804.

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

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

26 (2) [States] INDICATES THAT:

27 (I) THE AFFECTED PROPERTY IS CERTIFIED AS LEAD-BASED
28 PAINT FREE HOUSING; OR

29 (II) THE AFFECTED PROPERTY IS CLASSIFIED AS LEAD-BASED
30 PAINT FREE HOUSING WITH EXEMPTION, INCLUDING A REPORT THAT STATES:

31 [(i)] 1. All interior surfaces of the affected property are
32 [lead-free] FREE OF LEAD-BASED PAINT; AND

1 (ii) 2. All COMMON AND exterior SURFACE AREAS painted
2 [surfaces of the affected property that were chipping, peeling, or flaking have been
3 restored with nonlead-based paint; and

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

6 (3) Is verified by the Department accredited inspector who performed
7 the test], SUBJECT TO THE DE MINIMIS LEVEL, ARE INTACT.

8 (b) In order to maintain exemption from the provisions of Part IV of this
9 subtitle, the owner shall submit to the Department every 2 years a certification, by a
10 Department accredited inspector, stating that no [exterior painted] COMMON OR
11 EXTERIOR LEAD-BASED PAINTED surface of the affected property is chipping, peeling,
12 or flaking.

13 (C) ALL CERTIFICATES OF LEAD-BASED PAINT FREE HOUSING ARE
14 EFFECTIVE FROM THE DATE THE CERTIFICATE WAS ISSUED BY AN INSPECTOR.

15 (D) AN EXEMPTION CLASSIFICATION FOR LEAD-BASED PAINT FREE HOUSING
16 IS EFFECTIVE FROM THE DATE ISSUED PROVIDED THAT A RENEWAL CERTIFICATE IS
17 ISSUED IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT.

18 6-811.

19 (a) (1) On or before December 31, 1995, the owner of an affected property
20 shall register the affected property with the Department.

21 (2) Notwithstanding paragraph (1) of this subsection, an owner of
22 affected property for which an election is made under § 6-803(a)(2) of this subtitle
23 shall register at the time of the election.

24 (b) The owner shall register each affected property using forms prepared by
25 the Department, including the following information:

26 (1) The name and address of the owner;

27 (2) The address of the affected property;

28 (3) If applicable, the name and address of each property [manager]
29 MANAGEMENT COMPANY employed by the owner to manage the affected property;

30 (4) The name and address of each insurance company providing property
31 insurance or lead hazard coverage for the affected property, together with the policy
32 numbers of that insurance or coverage;

33 (5) The name and address of a resident agent, other agent of the owner,
34 or contact person in the State with respect to the affected property;

35 (6) Whether the affected property was built before 1950 or after 1949;

1 (7) The date of the latest change in occupancy of the affected property;

2 (8) The dates and nature of treatments performed to attain or maintain
3 a risk reduction standard under § 6-815 or § 6-819 of this subtitle; and

4 (9) The latest date, if any, on which the affected property has been
5 certified to be in compliance with the provisions of § 6-815 of this subtitle.

6 (c) (1) Subject to the provisions of paragraph (2) of this subsection, the
7 information provided by an owner under subsection (b) of this section shall be open to
8 the public.

9 (2) (i) Except as provided in subparagraph (ii) of this paragraph, the
10 Department may not disclose an inventory or list of properties owned by an owner.

11 (ii) The Department shall, upon request, disclose whether the
12 owner has met the percentage of inventory requirements under § 6-817 of this
13 subtitle.

14 6-815.

15 (a) No later than the first change in occupancy in an affected property that
16 occurs on or after February 24, 1996, before the next tenant occupies the property, an
17 owner of an affected property shall initially satisfy the risk reduction standard
18 established under this subtitle by:

19 (1) Passing the test for lead-contaminated dust under § 6-816 of this
20 subtitle [provided that any chipping, peeling, or flaking paint has been removed or
21 repainted on:

22 (i) The exterior painted surfaces of the residential building in
23 which the rental dwelling unit is located; and

24 (ii) The interior painted surfaces of the rental dwelling unit]; or

25 (2) Performing the following lead hazard reduction treatments:

26 (i) A visual review of [all exterior and interior] **THE AFFECTED**
27 **PROPERTY'S PRESUMED LEAD-BASED PAINT OR LEAD-BASED** painted surfaces;

28 (ii) The removal and repainting of chipping, peeling, or flaking
29 **PRESUMED LEAD-BASED PAINT OR LEAD-BASED** paint [on exterior and interior
30 painted surfaces];

31 (iii) The repair of any structural defect that is causing the
32 **PRESUMED LEAD-BASED PAINT OR LEAD-BASED** paint to chip, peel, or flake that the
33 owner of the affected property has knowledge of or, with the exercise of reasonable
34 care, should have knowledge of;

35 (iv) Stripping and repainting, replacing, or encapsulating all
36 interior windowsills **COATED WITH PRESUMED LEAD-BASED PAINT OR LEAD-BASED**

1 PAINT with vinyl, metal, or any other material in a manner and under conditions
2 approved by the Department;

3 (v) Ensure that caps of vinyl, aluminum, or any other material in a
4 manner and under conditions approved by the Department, are installed in all
5 window wells COATED WITH PRESUMED LEAD-BASED PAINT OR LEAD-BASED PAINT
6 in order to make the window wells smooth and cleanable;

7 (vi) Except for a treated or replacement window that is free of
8 lead-based paint on its friction surfaces, fixing the top sash of all windows in place in
9 order to eliminate the friction caused by movement of the top sash PROVIDED THAT IT
10 DOES NOT VIOLATE STATE, COUNTY, OR MUNICIPAL FIRE CODES;

11 (vii) Rehanging all doors necessary in order to prevent the rubbing
12 together of a [lead-painted] PRESUMED LEAD-BASED PAINT OR LEAD-BASED PAINT
13 surface with another surface;

14 (viii) Making all bare floors smooth and cleanable;

15 (ix) Ensure that all kitchen and bathroom floors are overlaid with a
16 smooth, water-resistant covering; and

17 (x) HEPA-vacuuuming and washing of the interior of the affected
18 property with [high phosphate] HIGH-GRADE detergent [or its equivalent, as
19 determined by the Department].

20 (b) At each change in occupancy thereafter, before the next tenant occupies
21 the property, the owner of an affected property shall satisfy the risk reduction
22 standard established under this subtitle by:

23 (1) Passing the test for lead-contaminated dust under § 6-816 of this
24 subtitle; or

25 (2) (i) Repeating the lead hazard reduction treatments specified in
26 subsection (a)(2)(i), (ii), (iii), and (x) of this section; and

27 (ii) Ensuring that the lead hazard reduction treatments specified in
28 subsection (a)(2)(iv), (v), (vi), (vii), (viii), and (ix) of this section are still in effect.

29 (c) Except for affected properties that pass a test for lead-contaminated dust
30 under § 6-816 of this subtitle, at each change in occupancy, an owner of an affected
31 property shall have the property inspected to verify that the risk reduction standard
32 specified in this section has been satisfied.

33 (d) (1) Exterior work required to satisfy the risk reduction standard may be
34 delayed[, pursuant to a waiver approved by the appropriate person under paragraph
35 (2) of this subsection, during any time period in which exterior work is not required to
36 be performed under an applicable local housing code or, if no such time period is
37 specified,] during the period from November 1 through April 1, inclusive.

1 (2) [A waiver under paragraph (1) of this subsection may be approved by
2 the code official for enforcement of the housing code or minimum livability code of the
3 local jurisdiction, or, if there is no such official, the Department of Housing and
4 Community Development.

5 (3)] Notwithstanding the terms of the waiver, all work delayed in
6 accordance with paragraph (1) of this subsection shall be completed within 30 days
7 after the end of the applicable time period.

8 [(4)] (3) Any delay allowed under paragraph (1) of this subsection may
9 not affect the obligation of the owner to complete all other components of the risk
10 reduction standard and to have those components inspected and verified.

11 [(5)] (4) If the owner has complied with the requirements of paragraph
12 [(4)] (3) of this subsection, the owner may rent the affected property during any
13 period of delay allowed under paragraph (1) of this subsection.

14 (e) On request of a local jurisdiction, the Secretary may designate the code
15 official for enforcement of the housing code or minimum livability code for the local
16 jurisdiction, or an appropriate employee of the local jurisdiction, to conduct
17 inspections under this subtitle.

18 [6-816.

19 The Department shall establish procedures and standards for the optional
20 lead-contaminated dust testing by regulation.]

21 6-816.

22 (A) ACCREDITED INSPECTORS MAY CONDUCT LEAD-CONTAMINATED DUST
23 TESTING TO SATISFY THE STANDARDS UNDER THIS SUBTITLE IF THE AFFECTED
24 PROPERTY, SUBJECT TO THE DE MINIMIS LEVEL, IS FREE OF CHIPPING, PEELING,
25 AND FLAKING PRESUMED LEAD-BASED PAINT OR LEAD-BASED PAINT.

26 (B) THE TESTING PROCESS SHALL CONSIST OF OBTAINING A FLOOR SAMPLE
27 AND A WINDOWSILL SAMPLE IN EACH INTERIOR ROOM WITHIN THE AFFECTED
28 PROPERTY.

29 (C) (1) THE MEAN OF THE SAMPLES' CONCENTRATIONS OF LEAD MAY NOT
30 EXCEED THE MASS-PER-CONCENTRATION LEVELS OF LEAD IN
31 LEAD-CONTAMINATED DUST.

32 (2) IF THE MEAN EXCEEDS THE MASS-PER-CONCENTRATION LEVELS OF
33 LEAD IN LEAD-CONTAMINATED DUST, THEN THE ENTIRE INTERIOR OF THE
34 AFFECTED PROPERTY SHALL BE CLEANED AND RETESTED.

35 (3) IF AN INDIVIDUAL FLOOR OR WINDOWSILL SAMPLE EXCEEDS THE
36 MASS-PER-CONCENTRATION LEVELS OF LEAD IN LEAD-CONTAMINATED DUST,
37 THEN THE INTERIOR ROOM CORRESPONDING TO THE SAMPLE SHALL BE CLEANED
38 AND RETESTED.

1 6-819.

2 (a) The modified risk reduction standard shall consist of performing the
3 following lead hazard reduction treatments:

4 (1) A visual review of [all exterior and interior] THE AFFECTED
5 PROPERTY'S PRESUMED LEAD-BASED PAINT OR LEAD-BASED painted surfaces;

6 (2) The removal and repainting of THE AFFECTED PROPERTY'S chipping,
7 peeling, or flaking [paint on exterior and interior painted surfaces] PRESUMED
8 LEAD-BASED PAINT OR LEAD-BASED PAINT;

9 (3) The repair of any structural defect that is causing the PRESUMED
10 LEAD-BASED PAINT OR LEAD-BASED paint to chip, peel, or flake, that the owner of
11 the affected property has knowledge of or, with the exercise of reasonable care, should
12 have knowledge of;

13 (4) Stripping and repainting, replacing, or encapsulating all interior
14 windowsills COATED WITH PRESUMED LEAD-BASED PAINT OR LEAD-BASED PAINT
15 with vinyl, metal, or any other material in a manner and under conditions approved
16 by the Department;

17 (5) Ensure that caps of vinyl, aluminum, or any other material in a
18 manner and under conditions approved by the Department, are installed in all
19 window wells COATED WITH PRESUMED LEAD-BASED PAINT OR LEAD-BASED PAINT
20 in order to make the window wells smooth and cleanable;

21 (6) Except for a treated or replacement window WITHIN THE AFFECTED
22 PROPERTY that is free of lead-based paint on its friction surfaces, fixing the top sash
23 of all windows in place in order to eliminate the friction caused by the movement of
24 the top sash, PROVIDED THAT IT DOES NOT VIOLATE STATE, COUNTY, OR MUNICIPAL
25 FIRE CODES;

26 (7) Rehang all doors WITHIN THE AFFECTED PROPERTY in order to
27 prevent the rubbing together of a [lead-painted] PRESUMED LEAD-BASED PAINT OR
28 LEAD-BASED PAINT surface with another surface;

29 (8) Ensure that all kitchen and bathroom floors WITHIN THE AFFECTED
30 PROPERTY are overlaid with a smooth, water-resistant covering; and

31 (9) HEPA-vacuuming and washing with [high phosphate] HIGH-GRADE
32 detergent [or its equivalent, as determined by the Department,] any area of the
33 affected property where repairs were made.

34 (b) (1) A tenant of an affected property may notify the owner of the affected
35 property of a defect in the affected property under this section in accordance with this
36 subsection.

37 (2) Notice of a defect under this section shall consist of:

1 (i) If the modified risk reduction standard has not been satisfied
2 for the affected property, the presence of chipping, peeling, or flaking PRESUMED
3 LEAD-BASED PAINT OR LEAD-BASED paint on the interior or exterior surfaces of the
4 affected property or of a structural defect causing chipping, peeling, or flaking
5 PRESUMED LEAD-BASED PAINT OR LEAD-BASED paint in the affected property; or

6 (ii) If the modified risk reduction standard has been satisfied for
7 the affected property, a defect relating to the modified risk reduction standard.

8 (c) (1) After February 23, 1996, an owner of an affected property shall
9 satisfy the modified risk reduction standard:

10 (i) Within 30 days after receipt of written notice that a person at
11 risk who resides in the property has an elevated blood lead level greater than or equal
12 to 15 ug/dl; or

13 (ii) Except as provided in paragraph (2) of this subsection, within
14 30 days after receipt of written notice from the tenant, or from any other source, of:

15 1. A defect; and

16 2. The existence of a person at risk in the affected property.

17 (2) After February 23, 1996, and before May 23, 1997, an owner of a
18 number of affected properties shall satisfy the modified risk reduction standard
19 within the specified period after receipt of written notice from the tenant, or from any
20 other source, of a defect in accordance with the following schedule:

21 (i) For an owner of 300 or fewer affected properties, within 30 days;
22 and

23 (ii) For an owner of more than 300 affected properties:

24 1. If the owner has received notice from the tenant, or from
25 any other source, of the existence of a person at risk in the affected property, within
26 60 days; or

27 2. If the owner has not received notice from the tenant, or
28 from any other source, of the existence of a person at risk in the affected property,
29 within 90 days.

30 (d) After May 23, 1997, an owner of an affected property shall satisfy the
31 modified risk reduction standard within 30 days after receipt of written notice from
32 the tenant, or from any other source, of a defect.

33 (e) Except as provided in § 6-817(b) of this subtitle, on and after February 24,
34 2006, an owner of affected properties shall ensure that 100% of the owner's affected
35 properties in which a person at risk does not reside have satisfied the modified risk
36 reduction standard.

1 (f) (1) An owner of an affected property shall verify satisfaction of the
2 modified risk reduction standard by submitting a statement of the work performed on
3 the property, verified by the tenant and an accredited supervisor or contractor, to the
4 Department on or before the tenth day of the month following the month in which the
5 work was completed.

6 (2) (i) If the tenant fails or refuses to verify the statement of work
7 performed on the affected property, the owner shall within 5 business days of the
8 failure or refusal, contact an inspector accredited under § 6-818(a) of this subtitle to
9 inspect the affected property.

10 (ii) The inspector's report shall either certify that the work required
11 to be performed under this section was satisfactorily completed or specify precisely
12 what additional work is required.

13 (iii) If additional work is required:

14 1. The owner shall have 20 days after receipt of the
15 inspector's report in which to perform the work, subject to a weather delay under the
16 provisions of subsection (j) of this section; and

17 2. The inspector shall reinspect the affected property after
18 the additional work is completed and:

19 A. Issue a report certifying that the work is complete; and

20 B. Mail a copy of the report to the tenant, the owner, and the
21 Department within 10 days after the inspection or reinspection.

22 (g) In lieu of satisfying the modified risk reduction standard, the owner of an
23 affected property may elect to pass the test for lead-contaminated dust under § 6-816
24 of this subtitle [provided that any chipping, peeling, or flaking paint has been
25 removed or repainted on:

26 (1) The exterior painted surfaces of the residential building in which the
27 rental dwelling unit is located; and

28 (2) The interior painted surfaces of the rental dwelling unit].

29 (h) Notice given under this section shall be written, and shall be sent by:

30 (1) Certified mail, return receipt requested; or

31 (2) A verifiable method approved by the Department.

32 (i) The Department may, by regulation, eliminate any treatment from the
33 modified risk reduction standard if the Department finds that performing the
34 treatment in an occupied property is harmful to public health.

35 (j) (1) Exterior work required to satisfy the modified risk reduction
36 standard may be delayed[, pursuant to a waiver approved by the appropriate person

1 under paragraph (2) of this subsection, during any time period in which exterior work
2 is not required to be performed under an applicable local housing code or, if no such
3 time period is specified,] during the period from November 1 through April 1,
4 inclusive.

5 (2) [A waiver under paragraph (1) of this subsection may be approved by
6 the code official for enforcement of the housing code or minimum livability code of the
7 local jurisdiction, or, if there is no such official, the Department of Housing and
8 Community Development.

9 (3)] Notwithstanding the terms of the waiver, all work delayed in
10 accordance with paragraph (1) of this subsection shall be completed within 30 days
11 after the end of the applicable time period.

12 [(4)] (3) Any delay allowed under paragraph (1) of this subsection may
13 not affect the obligation of the owner to complete all other components of the risk
14 reduction standard and to have those components inspected and verified.

15 (k) (1) The statement verified by the owner and the tenant of work
16 performed on the affected property in accordance with subsection (f)(1) of this section
17 or the final report of the inspector verifying that work was performed on the affected
18 property in accordance with subsection (f)(2) of this section shall create a rebuttable
19 presumption, that may be overcome by clear and convincing evidence, that the owner
20 is in compliance with the modified risk reduction standard for the affected property
21 unless there is:

22 (i) Proof of actual fraud as to that affected property; or

23 (ii) Proof that the work performed on the affected property was not
24 performed by or under the supervision of personnel accredited under § 6-1002 of this
25 title.

26 (2) The statement verified by the owner and the tenant of work
27 performed on the affected property in accordance with subsection (f)(1) of this section
28 shall contain a statement:

29 (i) Describing the modified risk reduction standard required under
30 this subtitle;

31 (ii) That execution of this statement by the tenant can affect the
32 tenant's legal rights; and

33 (iii) That if the tenant is not satisfied that the modified risk
34 reduction standard has been met, the tenant should not execute the statement and
35 should inform the owner and that the owner will have the affected property inspected
36 by a certified inspector at the owner's expense.

1 6-821.

2 (a) (1) Whenever an owner of an affected property intends to make repairs
3 or perform maintenance work that will disturb the PRESUMED LEAD-BASED PAINT
4 OR LEAD-BASED paint on interior surfaces of an affected property, the owner shall
5 make reasonable efforts to ensure that all persons who are not persons at risk are not
6 present in the area where work is performed and that all persons at risk are removed
7 from the affected property when the work is performed.

8 (2) A tenant shall allow access to an affected property, at reasonable
9 times, to the owner to perform any work required under this subtitle.

10 (3) If a tenant must vacate an affected property for a period of 24 hours
11 or more in order to allow an owner to perform work that will disturb the PRESUMED
12 LEAD-BASED PAINT OR LEAD-BASED paint on interior surfaces, the owner shall pay
13 the reasonable expenses that the tenant incurs directly related to the required
14 relocation.

15 (b) (1) If an owner has made all reasonable efforts to cause the tenant to
16 temporarily vacate an affected property in order to perform work that will disturb the
17 PRESUMED LEAD-BASED PAINT OR LEAD-BASED paint on interior surfaces, and the
18 tenant refuses to vacate the affected property, the owner may not be liable for any
19 damages arising from the tenant's refusal to vacate.

20 (2) If an owner has made all reasonable efforts to gain access to an
21 affected property in order to perform any work required under this subtitle, and the
22 tenant refuses to allow access, even after receiving reasonable advance notice of the
23 need for access, the owner may not be liable for any damages arising from the tenant's
24 refusal to allow access.

25 (c) All hazard reduction treatments required to be performed under this
26 subtitle shall be performed by or under the supervision of personnel accredited under
27 § 6-1002 of this title.

28 6-823.

29 (a) THIS SECTION DOES NOT APPLY TO AN OWNER OF AN AFFECTED
30 PROPERTY THAT HAS BEEN CERTIFIED BY AN INSPECTOR AS LEAD-BASED PAINT
31 FREE HOUSING.

32 (B) By May 23, 1996, an owner of an affected property shall give to the tenant
33 of each of the owner's affected properties a lead poisoning information packet
34 prepared or designated by the Department.

35 [(b)] (C) On or after February 24, 1996, upon the execution of a lease or the
36 inception of a tenancy for an affected property the owner of the affected property shall
37 give to the tenant a lead poisoning information packet prepared or designated by the
38 Department.

1 [(c)] (D) An owner of an affected property shall give to the tenant of the
2 affected property another copy of the lead poisoning information packet prepared or
3 designated by the Department at least every 2 years after last giving the information
4 packet to the tenant.

5 [(d)] (E) A packet given to a tenant under this section shall be sent by:

6 (1) Certified mail, return receipt requested; or

7 (2) A verifiable method approved by the Department.

8 [(e)] (F) The packet required to be given to a tenant under this section shall
9 be sent to a party or parties identified as the lessee in a written lease in effect for an
10 affected property or, if there is no written lease, the party or parties to whom the
11 property was rented.

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