

Department of Legislative Services
 Maryland General Assembly
 2003 Session

FISCAL AND POLICY NOTE

House Bill 720 (Delegate Oaks, *et al.*)
 Environmental Matters

Real Property - Repossession by Landlord - Lead Poisoning Requirements

This bill requires a landlord wishing to repossess property (for failure of tenants to pay rent) to include, in the written complaint required under current law, a statement that the landlord has satisfied the registration and risk reduction standard requirements of the Reduction of Lead Risk in Housing Program within the Maryland Department of the Environment (MDE).

Fiscal Summary

State Effect: Minimal increase (approximately \$12,500) in general fund expenditures in FY 2004 for the District Court to modify the Failure to Pay Rent/Landlord’s Complaint for Repossession of Rented Property form and for associated printing costs.

| (in dollars) | FY 2004 | FY 2005 | FY 2006 | FY 2007 | FY 2008 |
|----------------|------------|---------|---------|---------|---------|
| Revenues | \$0 | \$0 | \$0 | \$0 | \$0 |
| GF Expenditure | 12,500 | 0 | 0 | 0 | 0 |
| Net Effect | (\$12,500) | \$0 | \$0 | \$0 | \$0 |

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: The bill would not materially affect local operations or finances.

Small Business Effect: Minimal, assuming affected landlords are in compliance with the requirements of the Reduction of Lead Risk in Housing Program.

Analysis

Current Law: Whenever a tenant or tenants fail to pay the rent when due and payable, the landlord may repossess the premises. Whenever any landlord desires to do so, the landlord or the landlord's agent or attorney must file the landlord's written complaint in the District Court of the county where the property is located. The written complaint must include a description of the property, the names of each tenant, the amount of rent and any late fees due and unpaid, a request to repossess the premises, and, if requested by the landlord, a judgment for the amount of rent due, costs, and any late fees.

Chapter 114 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. By December 31, 1995, the owner of an affected property must have registered 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. An affected property is exempt from the risk reduction standards under specified conditions.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of the Environment, Judiciary (Administrative Office of the Courts), Office of the Attorney General (Consumer Protection Division), Department of Legislative Services

Fiscal Note History: First Reader - March 3, 2003
mdf/jr

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