

Department of Legislative Services  
Maryland General Assembly  
2003 Session

FISCAL AND POLICY NOTE

House Bill 722

(Delegate Oaks, *et al.*)

Environmental Matters

Education, Health, and Environmental  
Affairs

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Environment - Report by Local Government Agency - Noncompliance with Lead  
Risk Reduction Provisions

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This bill requires a local government agency to report to the Maryland Department of the Environment (MDE) any known noncompliance of an “affected property” with the Reduction of Lead Risk in Housing Program administered by MDE.

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Fiscal Summary

**State Effect:** Special fund revenues could increase to the extent the bill results in an increase in penalties assessed for noncompliance. Any such increase cannot be reliably estimated at this time but is not anticipated to be significant. Expenditures would not be materially affected.

**Local Effect:** The bill is not expected to significantly affect local operations or finances.

**Small Business Effect:** None, assuming landlords are in compliance with the Reduction of Lead Risk in Housing Program.

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Analysis

**Current Law:** Chapter 114 of 1994 established the Reduction of Lead Risk in Housing 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. Enforcement includes right

of entry, administrative search warrants, written complaints, issuance of notices or orders, injunctive relief, loss of protection from liability, administrative penalties, civil penalties, and criminal penalties.

**Background:** Lead 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 childhood lead poisoning has decreased over the past few years (from 772 cases in 1998 to 288 cases in 2001), lead paint remains a significant health issue.

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 2002, there were 162,684 registered properties. Approximately 18,880 sites were inspected in fiscal 2002; of those, 347 sites had significant violations. MDE rendered 528 compliance assistance actions and issued 411 show cause, remedial, and corrective actions in fiscal 2002. MDE took four penalty actions and collected \$90,625 in penalties in fiscal 2002.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of the Environment, Harford County, Department of Legislative Services

**Fiscal Note History:** First Reader - March 6, 2003  
mam/jr

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