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By: **Delegate McIntosh**

Introduced and read first time: January 26, 2004

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Lead Poisoning Prevention - Fees**

3 FOR the purpose of increasing the annual fee collected by the Department of the  
4 Environment on certain rental properties; increasing the processing fee collected  
5 by the Department on each rental property for which the owner submits a report  
6 stating that the unit is lead free; and generally relating to the fees collected by  
7 the Department as part of the Department's lead poisoning prevention program.

8 BY repealing and reenacting, with amendments,  
9 Article - Environment  
10 Section 6-843  
11 Annotated Code of Maryland  
12 (1996 Replacement Volume and 2003 Supplement)

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

15 **Article - Environment**

16 6-843.

17 (a) (1) Except as provided in this subsection and subsection (b) of this  
18 section, and in cooperation with the Department of Housing and Community  
19 Development, the State Department of Assessments and Taxation, and other  
20 appropriate governmental units, the Department shall provide for the collection of an  
21 annual fee for every rental dwelling unit in the State.

22 (2) The annual fee for an affected property is [~~\$10~~] \$50.

23 (3) (i) Subject to the provisions of subparagraphs (ii) and (iii) of this  
24 paragraph, on or before December 31, 2000, the annual fee for a rental dwelling unit  
25 built after 1949 that is not an affected property is \$5. After December 31, 2000, there  
26 is no annual fee for a rental dwelling unit built after 1949 that is not an affected  
27 property.

1                   (ii)       The owner of a rental dwelling unit built after 1949 that is not  
2 an affected property may not be required to pay the fee provided under this  
3 paragraph if the owner certifies to the Department that the rental dwelling unit is  
4 lead free pursuant to § 6-804 of this subtitle.

5                   (iii)       An owner of a rental dwelling unit who submits a report to the  
6 Department that the rental dwelling unit is lead free pursuant to § 6-804 of this  
7 subtitle shall include a [\$5] \$25 processing fee with the report.

8       (b)       The fees imposed under this section do not apply to any rental dwelling  
9 unit:

10               (1)       Built after 1978; or

11               (2)       Owned and operated by a unit of federal, State, or local government,  
12 or any public, quasi-public, or municipal corporation.

13       (c)       The fee imposed under this section shall be paid on or before December 31,  
14 1995, or the date of registration of the affected property under Part III of this subtitle  
15 and on or before December 31 of each year thereafter.

16       (d)       An owner who fails to pay the fee imposed under this section is liable for a  
17 civil penalty of up to triple the amount of each registration fee unpaid that, together  
18 with all costs of collection, including reasonable attorney's fees, shall be collected in a  
19 civil action in any court of competent jurisdiction.

20       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2004.