
By: **Delegates Oaks, Carter, Rosenberg, C. Davis, Hammen, McHale, and Murray**

Introduced and read first time: February 13, 2004

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Reduction of Lead Risk in Housing - Qualified Offer - Housing Subsidy**

3 FOR the purpose of providing that a qualified offer made under certain provisions of
4 law that relate to the reduction of lead risk in housing may provide a certain
5 housing subsidy and other relocation expenses for the permanent relocation of
6 the household; requiring a person who intends to use certain funds from a
7 qualified offer to purchase a house to complete certain counseling; providing for
8 a certain limit for the housing subsidy; altering certain definitions; and
9 generally relating to the provision of a housing subsidy in a qualified offer to
10 persons at risk for lead poisoning.

11 BY repealing and reenacting, with amendments,
12 Article - Environment
13 Section 6-801(m), (r), and (s), 6-839, and 6-840
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 2003 Supplement)

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

18 **Article - Environment**

19 6-801.

20 (m) "Lead-safe housing" means:

21 (1) [a] A rental dwelling unit that:

22 [(1)] (I) Is certified to be lead-free in accordance with § 6-804 of this
23 subtitle;

24 [(2)] (II) Was constructed after 1978;

25 [(3)] (III) Is deemed to be lead-safe by the Department in accordance
26 with criteria established by the Department by regulation; or

1 [(4)] (IV) Is certified to be in compliance with § 6-815(a) of this subtitle
2 and:

3 [(i)] 1. In which all windows are either lead-free or have been
4 treated so that all friction surfaces are lead-free;

5 [(ii)] 2. In which lead particulate levels are determined to be
6 within abatement clearance levels established by the Department by regulation,
7 within 15 days prior to the relocation of a person at risk to the rental dwelling unit in
8 accordance with a qualified offer made under Part V of this subtitle; and

9 [(iii)] 3. Which is subject to ongoing maintenance and testing as
10 specified by the Department by regulation; AND

11 (2) AN OWNER-OCCUPIED DWELLING THAT COMPLIES WITH LEAD-SAFE
12 STANDARDS ESTABLISHED BY THE DEPARTMENT.

13 (r) "Relocation expenses" means all expenses necessitated by the relocation of
14 a tenant's household to lead-safe housing, including moving and hauling expenses,
15 the HEPA-vacuuuming of all upholstered furniture, payment of a security deposit for
16 the lead-safe housing, DOWN PAYMENTS, EARNEST MONEY, CLOSING COSTS, and
17 installation and connection of utilities and appliances.

18 (s) "[Rent] HOUSING subsidy" means the difference between the rent paid by
19 a tenant for housing at the time a qualified offer is made under Part V of this subtitle
20 and:

21 (1) [the] THE rent due for the lead-safe housing to which the tenant is
22 relocated; OR

23 (2) THE MORTGAGE PAYMENT DUE FOR THE OWNER-OCCUPIED
24 PROPERTY THAT IS PURCHASED BY THE TENANT AND TO WHICH THE TENANT IS
25 RELOCATED.

26 6-839.

27 (a) Whenever a qualified offer is made under this part, the qualified offer
28 shall include payment for reasonable expenses and costs up to the amount specified in
29 § 6-840 of this subtitle for:

30 (1) The relocation of the household of the person at risk to lead-safe
31 housing of comparable size and quality that may provide:

32 (i) The permanent relocation of the household of the affected
33 person at risk to lead-safe housing, including relocation expenses, a [rent] HOUSING
34 subsidy, and incidental expenses; or

35 (ii) The temporary relocation of the household of the affected person
36 at risk to lead-safe housing while necessary lead hazard reduction treatments are

1 being performed in the affected property to make that affected property lead-safe;
2 and

3 (2) Medically necessary treatment for the affected person at risk as
4 determined by the treating physician or other health care provider or case manager of
5 the person at risk that is necessary to mitigate the effects of lead poisoning, as
6 defined by the Department by regulation, and, in the case of a child, until the child
7 reaches the age of 18 years.

8 (b) An offeror is required to pay reasonable expenses for the medically
9 necessary treatments under subsection (a)(2) of this section if coverage for these
10 treatments is not otherwise provided by the Maryland Medical Assistance Program
11 under Title 15, Subtitle 1 of the Health - General Article or by a third-party health
12 insurance plan under which the person at risk has coverage or in which the person at
13 risk is enrolled.

14 (c) A qualified offer shall include a certification by the owner of the affected
15 property, under the penalties of perjury, that the owner has complied with the
16 applicable provisions of Parts III and IV of this subtitle in a manner that qualifies the
17 owner to make a qualified offer under this part.

18 (d) A PERSON WHO INTENDS TO USE FUNDS FROM A QUALIFIED OFFER FOR
19 PURCHASING A HOUSE MUST FIRST COMPLETE COUNSELING ON BUDGETING,
20 CREDIT ISSUES, AND HOUSING AFFORDABILITY WITH A NONPROFIT ENTITY THAT:

21 (1) HAS BEEN CERTIFIED TO PERFORM HOUSING COUNSELING BY THE
22 UNITED STATES DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; AND

23 (2) HAS BEEN DETERMINED BY THE INTERNAL REVENUE SERVICE TO
24 BE EXEMPT FROM TAXATION UNDER § 501(C)(3), (4), OR (6) OF THE INTERNAL
25 REVENUE CODE.

26 (E) The Department may adopt regulations that are necessary to carry out the
27 provisions of this section.

28 6-840.

29 (a) The amounts payable under a qualified offer made under this part are
30 subject to the following aggregate maximum caps:

31 (1) \$7,500 for all medically necessary treatments as provided and limited
32 in § 6-839(a) and (b) of this subtitle; and

33 (2) \$9,500 for relocation benefits which shall include:

34 (i) Relocation expenses;

35 (ii) A [rent] HOUSING subsidy, up to 150% of the existing rent each
36 month, for the period until the person at risk reaches the age of 6 years, or in the case

1 of a pregnant woman, until the child born as a result of that pregnancy reaches the
2 age of 6 years; and

3 (iii) Incidental expenses which may be incurred by the household,
4 such as transportation and child care expenses.

5 (b) All payments under a qualified offer specified in subsection (a) of this
6 section shall be paid to the provider of the service, except that payment of incidental
7 expenses as provided by subsection (a)(2)(iii) of this section may be paid directly to the
8 person at risk, or in the case of a child, to the parent or legal guardian of the person
9 at risk.

10 (c) The payments under a qualified offer may not be considered income or an
11 asset of the person at risk, the parent of a person at risk who is a child, the legal
12 guardian, or a person who accepts the offer on behalf of a person at risk who is a child
13 under § 6-833 of this subtitle for the purposes of determining eligibility for any State
14 entitlement program.

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