

Department of Legislative Services  
Maryland General Assembly  
2004 Session

FISCAL AND POLICY NOTE

House Bill 1239 (Delegate Oaks, *et al.*)  
Environmental Matters

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**Environment - Reduction of Lead Risk - Permanent Relocation Payment**

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This bill provides that an owner of an affected property under the Lead Poisoning Prevention Program within the Maryland Department of the Environment (MDE) who fails to comply with the provisions of Part IV (Risk Reduction Standard for Affected Property), on request of the tenant, must: (1) immediately release the tenant from the terms of the lease or rental agreement; and (2) pay to the tenant all reasonable relocation expenses, up to \$1,500, directly related to the permanent relocation of the tenant. These provisions would be in addition to any other penalties provided under Title 6, Subtitle 8 of the Environment Article (Reduction of Lead Risk in Housing).

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**Fiscal Summary**

**State Effect:** The bill would not materially affect State operations or finances.

**Local Effect:** None.

**Small Business Effect:** None, assuming property owners are in compliance with the risk-reduction standards.

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**Analysis**

**Current Law:** Chapter 114 of 1994 established the Lead Poisoning Prevention Program in MDE. The program provides limited liability relief for owners of affected property (generally, rental property built before 1950) and others in exchange for the reduction of lead hazards in these older rental properties and limited compensation for children poisoned by lead. A qualified offer by a landowner to a person at risk, or a parent or

legal guardian of a minor at risk, covers up to \$7,500 for all medically necessary treatments and up to \$9,500 for relocation benefits.

For violations of Part IV (Risk Reduction Standard for Affected Property), enforcement authority includes right of entry, administrative search warrants, suspension and revocation of permits or certificates, issuance of complaints, issuance of notice or order, injunctive relief, and administrative 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-utero. 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 in Maryland has decreased significantly over the past few years (from 1,830 cases in 1996 to 260 cases in 2002), lead paint remains a significant health issue. According to MDE, 22,972 owners of residential rental property are currently registered with MDE.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 8, 2004  
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