
By: **Delegates McKee, Cluster, Hogan, Sossi, and Weir**

Introduced and read first time: February 11, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Lead Poisoning - Risk Reduction Standards - Exemption**

3 FOR the purpose of exempting certain outside surfaces of residential rental property
4 from certain lead paint risk reduction standards if the owner submits to the
5 Department of the Environment a certain inspection report that indicates that
6 the outside surfaces have been tested and are lead-free; and generally relating
7 to exempting lead-free outside surfaces of residential rental property from
8 certain lead paint risk reduction standards.

9 BY repealing and reenacting, with amendments,
10 Article - Environment
11 Section 6-804
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 2004 Supplement)

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

16 **Article - Environment**

17 6-804.

18 (a) Affected property is exempt from the provisions of Part IV of this subtitle
19 if the owner submits to the Department an inspection report that:

20 (1) Indicates that the affected property has been tested for the presence
21 of lead-based paint in accordance with standards and procedures established by the
22 Department by regulation;

23 (2) States that:

24 (i) All interior surfaces of the affected property are lead-free;

25 (ii) All exterior painted surfaces of the affected property that were
26 chipping, peeling, or flaking have been restored with nonlead-based paint; and

1 (iii) No exterior painted surfaces of the affected property are
2 chipping, peeling, or flaking; and

3 (3) Is verified by the Department accredited inspector who performed
4 the test.

5 (b) In order to maintain exemption UNDER SUBSECTION (A) OF THIS SECTION
6 from the provisions of Part IV of this subtitle, the owner shall submit to the
7 Department every 2 years a certification, by a Department accredited inspector,
8 stating that no exterior painted surface of the affected property is chipping, peeling,
9 or flaking.

10 (C) OUTSIDE SURFACES OF AN AFFECTED PROPERTY, INCLUDING WINDOWS,
11 DOORS, TRIM, FENCES, PORCHES, AND OTHER BUILDINGS OR STRUCTURES THAT ARE
12 PART OF THE AFFECTED PROPERTY, ARE EXEMPT FROM THE RISK REDUCTION
13 STANDARDS UNDER §§ 6-815 AND 6-819 OF THIS SUBTITLE IF THE OWNER SUBMITS
14 TO THE DEPARTMENT AN INSPECTION REPORT THAT:

15 (1) INDICATES THAT THE OUTSIDE SURFACES HAVE BEEN TESTED FOR
16 THE PRESENCE OF LEAD-BASED PAINT IN ACCORDANCE WITH STANDARDS AND
17 PROCEDURES ESTABLISHED BY THE DEPARTMENT BY REGULATION;

18 (2) STATES THAT ALL OUTSIDE SURFACES OF THE AFFECTED PROPERTY
19 ARE LEAD-FREE; AND

20 (3) IS VERIFIED BY THE DEPARTMENT ACCREDITED INSPECTOR WHO
21 PERFORMED THE TEST.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
23 effect October 1, 2005.