

---

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

Introduced and read first time: February 11, 2005

Assigned to: Environmental Matters

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2005

---

CHAPTER\_\_\_\_\_

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

10 BY repealing and reenacting, with amendments,  
11 Article - Environment  
12 Section 6-804  
13 Annotated Code of Maryland  
14 (1996 Replacement Volume and 2004 Supplement)

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

17 **Article - Environment**

18 6-804.

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

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

4 (2) States that:

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

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

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

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

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

17 (C) OUTSIDE SURFACES OF AN AFFECTED PROPERTY, INCLUDING WINDOWS,  
18 DOORS, TRIM, FENCES, PORCHES, AND OTHER BUILDINGS OR STRUCTURES THAT ARE  
19 PART OF THE AFFECTED PROPERTY, ARE EXEMPT FROM THE RISK REDUCTION  
20 STANDARDS UNDER §§ 6-815 AND 6-819 OF THIS SUBTITLE IF ALL EXTERIOR  
21 SURFACES OF AN AFFECTED PROPERTY ARE LEAD-FREE AND THE OWNER SUBMITS  
22 TO THE DEPARTMENT AN INSPECTION REPORT THAT:

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

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

28 (3) IS VERIFIED BY THE DEPARTMENT ACCREDITED INSPECTOR WHO  
29 PERFORMED THE TEST.

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

