
By: **Senator McFadden (By Request - Baltimore City Administration)**

Introduced and read first time: January 31, 2005

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Residential Property - Registration - Lead Paint Regulation**

3 FOR the purpose of adding registration of residential rental property as an event that
4 triggers the requirement that the property owner report compliance with certain
5 provisions of law regulating lead paint; requiring the property owner to state
6 under oath whether the owner has units of affected property, whether all units
7 of affected property are registered, and whether each unit of affected property
8 meets certain lead risk reduction requirements; repealing the requirement that
9 the property owner report that the residential property is not an affected
10 property; repealing the requirement that the property owner report affected
11 property inspection certificate numbers under certain circumstances; and
12 generally relating to registration of residential rental property and compliance
13 with provisions of law regulating lead paint.

14 BY repealing and reenacting, without amendments,
15 Article 24 - Political Subdivisions - Miscellaneous Provisions
16 Section 19-101, 19-102, and 19-104
17 Annotated Code of Maryland
18 (2001 Replacement Volume and 2004 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article 24 - Political Subdivisions - Miscellaneous Provisions
21 Section 19-103
22 Annotated Code of Maryland
23 (2001 Replacement Volume and 2004 Supplement)

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

26 **Article 24 - Political Subdivisions - Miscellaneous Provisions**

27 19-101.

28 (a) In this title the following words have the meanings indicated.

1 (b) "Affected property" has the meaning stated in § 6-801(b) of the
2 Environment Article.

3 (c) "Local government" means:

4 (1) A county; or

5 (2) A municipal corporation.

6 (d) (1) "Residential property" means a building or a portion of a building
7 that provides complete living facilities, including, at a minimum, facilities for cooking,
8 sanitation, and sleeping.

9 (2) "Residential property" includes:

10 (i) A single-family unit in a multifamily dwelling; and

11 (ii) A "rental dwelling unit" as defined under § 6-801(t) of the
12 Environment Article.

13 19-102.

14 This title applies to the regulation in any manner by a local government of
15 residential property that is rented or leased, including regulation by the issuance or
16 renewal of:

17 (1) A license or registration to authorize the owner of residential
18 property to engage in the business of renting or leasing the residential property;

19 (2) A license or registration to authorize residential property to be rented
20 or leased; or

21 (3) A certification that residential property that is rented or leased is in
22 compliance with a local housing, livability, or property maintenance code.

23 19-103.

24 Before a local government authorizes or certifies residential property to be
25 rented or leased, OR REGISTERS RESIDENTIAL RENTAL PROPERTY FOR ANY REASON,
26 the owner of the residential property shall state in writing to the local government
27 under penalty of perjury:

28 [(1) That the residential property is not an affected property; or]

29 (1) WHETHER ONE OR MORE OF THE OWNER'S RENTAL DWELLING
30 UNITS ARE AFFECTED PROPERTY; AND

31 (2) [(i) That the residential property is an] WHETHER ALL UNITS OF
32 affected property [that the landlord has] ARE registered [as required under § 6-811
33 of the Environment Article and for which the landlord has renewed the registration as
34 required under § 6-812 of the Environment Article; and] FOR THE CURRENT YEAR

1 WITH THE DEPARTMENT OF THE ENVIRONMENT AS REQUIRED UNDER §§ 6-811 AND
2 6-812 OF THE ENVIRONMENT ARTICLE; AND

3 [(ii) 1. If the current tenant moved into the property on or after
4 February 24, 1996, the inspection certificate number for the inspection conducted for
5 the current tenancy as required under § 6-815(c) of the Environment Article; or

6 2. On or after February 24, 2006, the inspection certificate
7 number for the inspection conducted for the current tenancy as required under §
8 6-815(c), § 6-817(b), or § 6-819(e) of the Environment Article.]

9 (3) WHETHER EACH UNIT OF AFFECTED PROPERTY MEETS THE LEAD
10 RISK REDUCTION REQUIREMENTS OF TITLE 6, SUBTITLE 8, PART IV OF THE
11 ENVIRONMENT ARTICLE.

12 19-104.

13 In addition to reporting as required under § 6-848.2 of the Environment Article
14 any known noncompliance of an affected property with the provisions of Title 6,
15 Subtitle 8 of the Environment Article, a local government may forward to the
16 Department of the Environment any information obtained under this title regarding
17 residential property.

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