

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1155

(Delegate Carter, *et al.*)

Environmental Matters

Judicial Proceedings

Environment - Lead-Contaminated Dust Testing and Inspections - Related Party

This bill prohibits an owner of affected property from employing or engaging a related party to the owner to perform lead-contaminated dust testing or conduct inspections required under the Reduction of Lead Risk in Housing subtitle administered by the Maryland Department of the Environment (MDE). MDE must impose an administrative penalty of up to \$25,000 on any person who violates that prohibition or the provision in current law providing that any person performing dust testing or conducting inspections may not be a related party to the owner of affected property.

Fiscal Summary

State Effect: Potential increase in special fund revenues due to the bill's administrative penalty provision. Any such increase cannot be reliably estimated at this time but is not anticipated to be significant. No effect on expenditures.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: Any person performing lead-contaminated dust testing or conducting inspections may not be a related party to the owner. A person who violates this provision is subject to an administrative penalty of up to \$250 per day, if the violation is not cured within 20 days after receipt of notice of the violation by the owner.

All penalties imposed under the Reduction of Lead Risk in Housing subtitle are paid into the Lead Poisoning Prevention Fund.

Background: Chapter 114 of 1994 established the Lead Paint Poisoning Prevention Program in MDE. The program provides limited liability relief for owners of rental property built before 1950 and others in exchange for the reduction of lead hazards in these older rental properties. The program also provides for limited compensation to children who are poisoned by lead.

By December 31, 1995, the owner of an affected property must have registered that property with MDE. An owner who first acquires affected property after that date must register the property within 30 days of acquisition. At each change in occupancy, before the next tenant occupies the property, an owner must satisfy the risk reduction standard by passing the test for lead contaminated dust or performing specified lead hazard reduction treatments.

MDE accredits lead abatement services providers. Currently, there are 553 accredited providers.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of the Environment, Department of Housing and Community Development, Department of Legislative Services

Fiscal Note History: First Reader - March 13, 2005
mp/ljm Revised - House Third Reader - March 29, 2005
Revised - Enrolled Bill - May 3, 2005

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