

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 1527
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “an owner” and substitute “a person”; in the same line, strike “is acquiring” and substitute “intends to acquire”; in line 5, after “Environment;” insert “authorizing a person who has acquired, or will acquire, an affected property to give certain notice and information at a certain time; establishing a process and fee for submitting an application for a compliance plan;”; in line 6, strike “review and approve or deny the plan” and substitute “approve or deny the plan, or request additional information;”; in line 7, after “submitted;” insert “authorizing the Department to deny certain applications under certain circumstances; requiring certain proof that a certain risk reduction standard has been met, or a certain inspection report, to be filed with the Department under certain circumstances; providing that a compliance plan is void under certain circumstances”; strike beginning with “authorizing” in line 7 down through “modifications” in line 9; strike beginning with “prohibiting” in line 10 down through “plan;” in line 11; in line 11, strike “establishing” and substitute “providing that”; in line 13, after “date;” insert “authorizing the Department to adopt certain regulations;”; and after line 14, insert:

“BY repealing and reenacting, with amendments,

Article - Environment

Section 6-820 and 6-823

Annotated Code of Maryland

(1996 Replacement Volume and 2005 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 1, insert:

“6-820.

(a) Except as provided in subsection (b) of this section, an owner of an affected property

(Over)

shall give to the tenant of the affected property a notice, prepared by the Department, of the tenant's rights under §§ 6-817 and 6-819 of this subtitle, according to the following schedule:

- (1) At least 25% of the owner's affected properties by May 25, 1996;
- (2) At least 50% of the owner's affected properties by August 25, 1996;
- (3) At least 75% of the owner's affected properties by November 25, 1996; and
- (4) 100% of the owner's affected properties by February 25, 1997.

(b) On or after February 24, 1996, an owner of an affected property shall give to the tenant of the affected property a notice, prepared by the Department, of the tenant's rights under §§ 6-817 and 6-819 of this subtitle upon the execution of a lease or the inception of a tenancy.

(c) An owner of an affected property shall give to the tenant of the affected property a notice, prepared by the Department, of the tenant's rights under §§ 6-817 and 6-819 of this subtitle at least every 2 years after last giving notice to the tenant.

(d) The owner shall include with the notice of the tenant's rights that is provided to a tenant under this section upon the execution of a lease or the inception of a tenancy, a copy of the current verified inspection certificate for the affected property prepared under § 6-818 of this subtitle.

(e) (1) Notice given under this section shall be written, and shall be sent by:

- (i) Certified mail, return receipt requested; or
- (ii) A verifiable method approved by the Department.

(2) When giving notice to a tenant under this section, the owner shall provide documentation of the notice to the Department in a manner acceptable to the Department.

(3) A notice required to be given to a tenant under this section shall be sent to a party or parties identified as the lessee in a written lease in effect for an affected property or, if there is no written lease, the party or parties to whom the property was rented.

(F) A PERSON WHO HAS ACQUIRED, OR WILL ACQUIRE, AN AFFECTED PROPERTY MAY GIVE THE NOTICE REQUIRED UNDER THIS SECTION TO THE TENANT OF THE AFFECTED PROPERTY:

- (1) BEFORE TRANSFER OF LEGAL TITLE; OR
- (2) WITHIN 15 DAYS FOLLOWING TRANSFER OF LEGAL TITLE.

6-823.

(a) By May 23, 1996, an owner of an affected property shall give to the tenant of each of the owner's affected properties a lead poisoning information packet prepared or designated by the Department.

(b) On or after February 24, 1996, upon the execution of a lease or the inception of a tenancy for an affected property the owner of the affected property shall give to the tenant a lead poisoning information packet prepared or designated by the Department.

(c) An owner of an affected property shall give to the tenant of the affected property another copy of the lead poisoning information packet prepared or designated by the Department at least every 2 years after last giving the information packet to the tenant.

(d) A packet given to a tenant under this section shall be sent by:

- (1) Certified mail, return receipt requested; or
- (2) A verifiable method approved by the Department.

(e) The packet required to be given to a tenant under this section shall be sent to a party or parties identified as the lessee in a written lease in effect for an affected property or, if there is no written lease, the party or parties to whom the property was rented.

(Over)

(F) A PERSON WHO HAS ACQUIRED, OR WILL ACQUIRE, AN AFFECTED PROPERTY MAY GIVE THE PACKET REQUIRED UNDER THIS SECTION TO THE TENANT OF THE AFFECTED PROPERTY:

(1) BEFORE TRANSFER OF LEGAL TITLE; OR

(2) WITHIN 15 DAYS FOLLOWING TRANSFER OF LEGAL TITLE.”.

AMENDMENT NO. 3

On page 2, strike in their entirety lines 13 through 34, inclusive.

On page 3, strike in their entirety lines 1 through 7, inclusive, and substitute:

“(A) A PERSON WHO INTENDS TO ACQUIRE, THROUGH AN ARM’S LENGTH TRANSACTION, INHERITANCE, TAX SALE, FORECLOSURE, OR JUDICIALLY APPROVED TRANSFER, AN OCCUPIED AFFECTED PROPERTY THAT IS IN VIOLATION OF § 6-815, § 6-817, OR § 6-819 OF THIS SUBTITLE MAY SUBMIT TO THE DEPARTMENT AN APPLICATION FOR A COMPLIANCE PLAN.

(B) (1) THE APPLICATION FOR A COMPLIANCE PLAN SHALL:

(I) BE SUBMITTED AND RECEIVED BY THE DEPARTMENT AT LEAST 30 DAYS BEFORE TRANSFER OF LEGAL TITLE TO THE OCCUPIED AFFECTED PROPERTY; AND

(II) BE ON A FORM PROVIDED BY THE DEPARTMENT THAT INCLUDES, FOR EACH OCCUPIED AFFECTED PROPERTY, THE FOLLOWING INFORMATION:

1. THE TRANSFEREE’S NAME, ADDRESS, AND TELEPHONE NUMBER;

2. THE TRANSFEROR’S NAME AND ADDRESS;

3. A STATEMENT CERTIFYING THAT NEITHER THE TRANSFEREE NOR ANY OFFICER OR DIRECTOR OF THE TRANSFEREE HAS A CURRENT INTEREST, EITHER INDIVIDUALLY OR JOINTLY, IN THE OCCUPIED AFFECTED PROPERTY;

4. THE TYPE AND SCHEDULED DATE OF TRANSFER;

5. THE ADDRESS OF THE OCCUPIED AFFECTED PROPERTY INCLUDING, FOR A MULTIFAMILY OCCUPIED AFFECTED PROPERTY, EACH UNIT IN THE PROPERTY; AND

6. WHETHER A PERSON AT RISK RESIDES IN THE AFFECTED OCCUPIED PROPERTY.

(2) THE DEPARTMENT MAY REQUIRE ANY ADDITIONAL INFORMATION THAT IT CONSIDERS APPROPRIATE.

(3) AN APPLICATION FEE OF \$200 SHALL BE SUBMITTED TO THE DEPARTMENT WITH THE APPLICATION.

(C) (1) THE DEPARTMENT SHALL APPROVE, DENY, OR REQUEST ADDITIONAL INFORMATION WITHIN 20 DAYS AFTER RECEIPT OF AN APPLICATION FOR A COMPLIANCE PLAN.

(2) THE DEPARTMENT MAY DENY AN APPLICATION FOR A COMPLIANCE PLAN FOR AN OCCUPIED NONCOMPLIANT AFFECTED PROPERTY BASED ON THE FOLLOWING FACTORS:

(I) THE EXISTENCE OF PRIOR VIOLATIONS BY THE TRANSFEREE OF THE PROVISIONS OF THIS SUBTITLE OR APPLICABLE REGULATIONS;

(II) PRIOR EXTENSION OF THE COMPLIANCE DEADLINE UNDER SUBSECTION (D) OF THIS SECTION FOR AN AFFECTED PROPERTY;

(Over)

(III) POTENTIAL OR ACTUAL HARM TO THE ENVIRONMENT OR TO HUMAN HEALTH OR SAFETY; AND

(IV) ANY OTHER FACTOR THE DEPARTMENT CONSIDERS APPROPRIATE.

(D) SUBJECT TO SUBSECTION (E) OF THIS SECTION, IF AN APPLICATION FOR A COMPLIANCE PLAN IS APPROVED, THE TRANSFEREE SHALL FILE WITH THE DEPARTMENT PROOF THAT THE RISK REDUCTION STANDARD SPECIFIED IN § 6-815 OF THIS SUBTITLE HAS BEEN MET, OR AN INSPECTION REPORT IN ACCORDANCE WITH § 6-804 OF THIS SUBTITLE, FOR EACH NONCOMPLIANT AFFECTED PROPERTY IN WHICH A PERSON AT RISK DOES NOT RESIDE WITHIN TIME FRAMES SPECIFIED IN REGULATIONS ADOPTED BY THE DEPARTMENT.

(E) NOTWITHSTANDING THE STATUS OF AN APPLICATION FOR A COMPLIANCE PLAN, THE TRANSFEREE SHALL FILE WITH THE DEPARTMENT PROOF THAT THE RISK REDUCTION STANDARD SPECIFIED IN § 6-815 OF THIS SUBTITLE HAS BEEN MET, OR AN INSPECTION REPORT IN ACCORDANCE WITH § 6-804 OF THIS SUBTITLE, FOR EACH NONCOMPLIANT AFFECTED PROPERTY IN WHICH A PERSON AT RISK RESIDES WITHIN 30 DAYS AFTER TRANSFER OF LEGAL TITLE.

(F) A COMPLIANCE PLAN UNDER THIS SECTION IS VOID UNLESS WITHIN 15 DAYS FOLLOWING TRANSFER OF A NONCOMPLIANT AFFECTED PROPERTY, THE TRANSFEREE FILES WITH THE DEPARTMENT:

(1) DOCUMENTATION SATISFACTORY TO THE DEPARTMENT OF THE TRANSFER OF LEGAL TITLE; AND

(2) A STATEMENT CERTIFYING THAT, SUBSEQUENT TO TRANSFER OF LEGAL TITLE, ALL TENANTS HAVE BEEN PROVIDED WITH THE NOTICE OF TENANT'S RIGHTS AND LEAD POISONING INFORMATION PACKET REQUIRED BY §§ 6-820 AND 6-823 OF THIS SUBTITLE.

(G) IF THE DEPARTMENT DETERMINES THAT ANY INFORMATION PROVIDED

IN AN APPLICATION FOR A COMPLIANCE PLAN WAS ERRONEOUS OR INCOMPLETE, THE DEPARTMENT MAY DECLARE THE COMPLIANCE PLAN VOID IN WHOLE OR IN PART.

(H) THIS SECTION DOES NOT AFFECT AN OWNER'S OBLIGATION TO COMPLY WITH §§ 6-815, 6-819(C), AND 6-819(D) OF THIS SUBTITLE THAT ARISES AFTER LEGAL TITLE TO THE AFFECTED PROPERTY IS TRANSFERRED.

(I) SUBJECT TO SUBSECTION (J) OF THIS SECTION, AFTER THE DEPARTMENT APPROVES A COMPLIANCE PLAN, THE PERSON WHO ACQUIRED THE AFFECTED PROPERTY SHALL:

(1) BE CONSIDERED TO BE IN COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBTITLE; AND

(2) BE ELIGIBLE FOR THE PROTECTION AFFORDED AN OWNER OF AN AFFECTED PROPERTY WHO HAS COMPLIED WITH THE REQUIREMENTS OF THIS SUBTITLE.

(J) IF THE PERSON WHO ACQUIRED THE AFFECTED PROPERTY FAILS TO COMPLY WITH THE TERMS OF AN APPROVED COMPLIANCE PLAN, THE PERSON SHALL BE CONSIDERED TO BE NONCOMPLIANT FROM THE DATE LEGAL TITLE TO THE AFFECTED PROPERTY WAS TRANSFERRED TO THE PERSON.

(K) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.”.