
By: **Delegates Oaks, Rosenberg, Carter, Dumais, Franchot, Goodwin,
Holmes, Kullen, McHale, Niemann, Pendergrass, Pugh, and Quinter**
 Introduced and read first time: February 10, 2006
 Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Reducing Lead Risk in Housing - Risk Reduction Standard**

3 FOR the purpose of clarifying the requirements of certain lead risk reduction
 4 standards relating to certain changes in occupancy; and generally relating to
 5 reducing lead risk in housing.

6 BY repealing and reenacting, with amendments,
 7 Article - Environment
 8 Section 6-815
 9 Annotated Code of Maryland
 10 (1996 Replacement Volume and 2005 Supplement)

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

13 **Article - Environment**

14 6-815.

15 (a) No later than the first change in occupancy in an affected property that
 16 occurs on or after February 24, 1996, before the next tenant occupies the property, an
 17 owner of an affected property shall initially satisfy the risk reduction standard
 18 established under this subtitle by:

19 (1) Passing the test for lead-contaminated dust under § 6-816 of this
 20 subtitle provided that any chipping, peeling, or flaking paint has been removed or
 21 repainted on:

22 (i) The exterior painted surfaces of the residential building in
 23 which the rental dwelling unit is located; and

24 (ii) The interior painted surfaces of the rental dwelling unit; [or]
 25 AND

26 (2) Performing the following lead hazard reduction treatments:

- 1 (i) A visual review of all exterior and interior painted surfaces;
- 2 (ii) The removal and repainting of chipping, peeling, or flaking
3 paint on exterior and interior painted surfaces;
- 4 (iii) The repair of any structural defect that is causing the paint to
5 chip, peel, or flake that the owner of the affected property has knowledge of or, with
6 the exercise of reasonable care, should have knowledge of;
- 7 (iv) Stripping and repainting, replacing, or encapsulating all
8 interior windowsills with vinyl, metal, or any other material in a manner and under
9 conditions approved by the Department;
- 10 (v) Ensure that caps of vinyl, aluminum, or any other material in a
11 manner and under conditions approved by the Department, are installed in all
12 window wells in order to make the window wells smooth and cleanable;
- 13 (vi) Except for a treated or replacement window that is free of
14 lead-based paint on its friction surfaces, fixing the top sash of all windows in place in
15 order to eliminate the friction caused by movement of the top sash;
- 16 (vii) Rehangng all doors necessary in order to prevent the rubbing
17 together of a lead-painted surface with another surface;
- 18 (viii) Making all bare floors smooth and cleanable;
- 19 (ix) Ensure that all kitchen and bathroom floors are overlaid with a
20 smooth, water-resistant covering; and
- 21 (x) HEPA-vacuuuming and washing of the interior of the affected
22 property with high phosphate detergent or its equivalent, as determined by the
23 Department.
- 24 (b) At each change in occupancy thereafter, before the next tenant occupies
25 the property, the owner of an affected property shall satisfy the risk reduction
26 standard established under this subtitle by:
- 27 (1) Passing the test for lead-contaminated dust under § 6-816 of this
28 subtitle; [or] AND
- 29 (2) (i) Repeating the lead hazard reduction treatments specified in
30 subsection (a)(2)(i), (ii), (iii), and (x) of this section; and
- 31 (ii) Ensuring that the lead hazard reduction treatments specified in
32 subsection (a)(2)(iv), (v), (vi), (vii), (viii), and (ix) of this section are still in effect.
- 33 (c) Except for affected properties that pass a test for lead-contaminated dust
34 under § 6-816 of this subtitle, at each change in occupancy, an owner of an affected
35 property shall have the property inspected to verify that the risk reduction standard
36 specified in this section has been satisfied.

1 (d) (1) Exterior work required to satisfy the risk reduction standard may be
2 delayed, pursuant to a waiver approved by the appropriate person under paragraph
3 (2) of this subsection, during any time period in which exterior work is not required to
4 be performed under an applicable local housing code or, if no such time period is
5 specified, during the period from November 1 through April 1, inclusive.

6 (2) A waiver under paragraph (1) of this subsection may be approved by
7 the code official for enforcement of the housing code or minimum livability code of the
8 local jurisdiction, or, if there is no such official, the Department of Housing and
9 Community Development.

10 (3) Notwithstanding the terms of the waiver, all work delayed in
11 accordance with paragraph (1) of this subsection shall be completed within 30 days
12 after the end of the applicable time period.

13 (4) Any delay allowed under paragraph (1) of this subsection may not
14 affect the obligation of the owner to complete all other components of the risk
15 reduction standard and to have those components inspected and verified.

16 (5) If the owner has complied with the requirements of paragraph (4) of
17 this subsection, the owner may rent the affected property during any period of delay
18 allowed under paragraph (1) of this subsection.

19 (e) On request of a local jurisdiction, the Secretary may designate the code
20 official for enforcement of the housing code or minimum livability code for the local
21 jurisdiction, or an appropriate employee of the local jurisdiction, to conduct
22 inspections under this subtitle.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2006.