
By: **Delegates Oaks, Bobo, Carter, Dumais, Feldman, Franchot, Goodwin,
Holmes, Hubbard, Jameson, Kullen, McHale, Niemann, Pendergrass,
Pugh, Quinter, Rosenberg, and Ross**

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 - Penalties**

3 FOR the purpose of altering the maximum administrative and civil penalty that may
4 be imposed for certain violations relating to reducing lead risk in housing; and
5 generally relating to reducing lead risk in housing.

6 BY repealing and reenacting, with amendments,
7 Article - Environment
8 Section 6-813, 6-849, and 6-850
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 6-813.

15 (a) An owner who fails to register an affected property under § 6-811 of this
16 subtitle, or who fails to renew the registration of an affected property under § 6-812
17 of this subtitle, is not in compliance with respect to that affected property with the
18 provisions of this subtitle for purposes of § 6-836 of this subtitle.

19 (b) A person who willfully and knowingly falsifies information filed in a
20 registration or renewal under this part is guilty of a misdemeanor and on conviction
21 is subject to a fine not exceeding [\$1,000] \$2,000.

22 6-849.

23 (a) (1) The Department shall impose an administrative penalty on an owner
24 who fails to register an affected property by December 31, 1995 or within the time
25 period specified in § 6-811(a)(2) or § 6-812(b) of this subtitle or fails to renew or
26 update a registration as provided under § 6-812(a) of this subtitle. The

1 administrative penalty imposed shall be up to [\$10] \$20 per day, calculated from the
2 date compliance is required, for each affected property which is not registered or for
3 which registration is not renewed or updated.

4 (2) The Department shall impose an administrative penalty, not to
5 exceed [\$25,000] \$50,000, on any person who violates § 6-818(a)(1)(ii) or (2) of this
6 subtitle.

7 (3) The penalty shall be assessed with consideration given to:

8 (i) The willfulness of the violation, the extent to which the
9 existence of the violation was known to the violator but uncorrected by the violator,
10 and the extent to which the violator exercised reasonable care;

11 (ii) The extent to which the violation resulted in actual harm to the
12 environment or to human health or safety;

13 (iii) The nature and degree of injury to or interference with general
14 welfare, health, and property;

15 (iv) The extent to which the current violation is part of a recurrent
16 pattern of the same or similar type of violation committed by the violator; and

17 (v) The extent to which the violation creates the potential for harm
18 to the environment or to human health or safety.

19 (4) On or before March 31, 2002, the Department may waive an
20 administrative penalty under this subsection upon a showing of hardship or provided
21 that:

22 (i) The affected property is registered, the registration is renewed,
23 or the registration is updated;

24 (ii) The Department has not initiated an enforcement action for
25 violation of this subtitle before the date upon which the property is registered or the
26 registration is renewed or updated; and

27 (iii) All of the owner's affected properties have been brought into
28 compliance with this subtitle and 65% of the owner's affected properties have been
29 certified in compliance with the full risk reduction standards in accordance with §§
30 6-815 and 6-817(b) of this subtitle.

31 (b) An owner who fails to renew or update a registration as required under §
32 6-812 of this subtitle within 90 days after the date specified shall be deemed to be out
33 of compliance with the provisions of this subtitle, with respect to each affected
34 property to which that renewal or update relates, for purposes of § 6-836 of this
35 subtitle on the 91st day after the date the renewal or update was required.

1 6-850.

2 (a) Except as provided in § 6-849 of this subtitle, in addition to any other
3 remedies provided in this subtitle, the provisions and procedures of §§ 7-256 through
4 7-264 and 7-266(b) of this article shall be used and shall apply to enforce violations of
5 this subtitle, provided that the penalty imposed under § 7-266(b)(2)(i) of this article
6 may not exceed [~~\$250~~] \$500 per day for any violation of this subtitle.

7 (b) If an accredited supervisor falsely verifies that work was performed on an
8 affected property pursuant to § 6-819(f) of this subtitle, the owner of the affected
9 property who employs the supervisor and who has actual knowledge of the false
10 verification shall be subject to a civil penalty not to exceed [~~\$15,000~~] \$30,000.

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