
By: **Delegate Weir**

Introduced and read first time: February 16, 2006

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Lead Risk Reduction - Acquisition of Property - Compliance Requirements**

3 FOR the purpose of authorizing an owner who is acquiring a property that is
4 considered to be affected under certain lead risk reduction provisions to submit
5 a compliance plan to the Department of the Environment; requiring the
6 Department to review and approve or deny the plan within a certain number of
7 days after the plan is submitted; authorizing the Department to request certain
8 modifications to the plan and the owner to voluntarily submit these
9 modifications; providing certain protections for an owner after a plan is
10 approved; prohibiting certain protections from applying if the owner withdraws
11 the compliance plan; establishing if the owner fails to comply with the
12 compliance plan, the owner shall be considered noncompliant as of a certain
13 date; providing for the application of this Act; and generally relating to
14 acquiring property with lead risks.

15 BY repealing and reenacting, without amendments,
16 Article - Environment
17 Section 6-824 and 6-836
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 2005 Supplement)

20 BY adding to
21 Article - Environment
22 Section 6-825
23 Annotated Code of Maryland
24 (1996 Replacement Volume and 2005 Supplement)

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

1 **Article - Environment**

2 6-824.

3 An owner shall disclose an obligation to perform either the modified or full risk
4 reduction treatment to an affected property under this subtitle to any prospective
5 purchaser of an affected property at or prior to the time a contract of sale is executed,
6 if:

7 (1) An event has occurred that requires performance of either the
8 modified or full risk reduction treatment to the affected property under this subtitle;
9 and

10 (2) The owner will not perform the required treatment prior to the
11 transfer of ownership.

12 6-825.

13 (A) THIS SECTION APPLIES TO A PERSON WHO ACQUIRES AN AFFECTED
14 PROPERTY AND WHO HAD NO CURRENT OWNERSHIP INTEREST, EXCLUSIVE OF
15 GROUND RENT, IN THE AFFECTED PROPERTY BEFORE ACQUIRING IT.

16 (B) (1) ON OR AFTER MARCH 1, 2006, WHEN A PERSON SEEKS TO PURCHASE
17 AN AFFECTED PROPERTY THAT IS NOT IN COMPLIANCE IN ACCORDANCE WITH THIS
18 SUBTITLE, THE PERSON MAY SUBMIT A COMPLIANCE PLAN TO THE DEPARTMENT
19 WITHIN 90 DAYS BEFORE AND 30 DAYS AFTER SETTLEMENT ON THE PROPERTY.

20 (2) (I) THE DEPARTMENT SHALL REVIEW AND APPROVE OR DENY THE
21 TERMS OF THE COMPLIANCE PLAN WITHIN 30 DAYS AFTER THE PERSON THAT
22 ACQUIRED THE PROPERTY SUBMITS A PLAN.

23 (II) IF MODIFICATIONS TO A COMPLIANCE PLAN ARE DETERMINED
24 TO BE NECESSARY TO RECEIVE APPROVAL, THE MODIFICATIONS MAY BE:

25 1. REQUESTED BY THE DEPARTMENT; OR

26 2. VOLUNTARILY SUBMITTED BY THE PERSON THAT
27 ACQUIRED THE PROPERTY.

28 (C) AFTER THE DEPARTMENT APPROVES A COMPLIANCE PLAN, THE PERSON
29 THAT ACQUIRED THE PROPERTY SHALL:

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

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

1 (D) (1) IF A COMPLIANCE PLAN THAT IS SUBMITTED IN ACCORDANCE WITH
2 THIS SECTION IS WITHDRAWN BY THE PERSON THAT ACQUIRED THE PROPERTY, THE
3 PROTECTION SET FORTH IN SUBSECTION (C) OF THIS SECTION DOES NOT APPLY.

4 (2) IF THE PERSON THAT ACQUIRED THE PROPERTY FAILS TO COMPLY
5 WITH THE TERMS OF THE COMPLIANCE PLAN THAT IS APPROVED BY THE
6 DEPARTMENT, THAT PERSON SHALL BE CONSIDERED TO BE NONCOMPLIANT FROM
7 THE DATE OF SETTLEMENT AND TRANSFER OF THE AFFECTED PROPERTY.

8 6-836.

9 An owner of an affected property is not liable, for alleged injury or loss caused by
10 ingestion of lead by a person at risk in the affected property, to a person at risk or a
11 parent, legal guardian, or other person authorized under § 6-833 of this subtitle to
12 respond on behalf of a person at risk who rejects a qualified offer made by the owner
13 or the owner's insurer or agent if, during the period of the alleged ingestion of lead by
14 the person at risk, and with respect to the affected property in which the exposure
15 allegedly occurred, the owner:

16 (1) Has given to the tenant the notices required by §§ 6-820 and 6-823 of
17 this subtitle; and

18 (2) Was in compliance with:

19 (i) The registration provisions of Part III of this subtitle; and

20 (ii) The applicable risk reduction standard and response standard
21 under § 6-815 or § 6-819 of this subtitle, and the risk reduction schedule under §
22 6-817 of this subtitle.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
24 construed to apply retroactively and shall be applied to and interpreted to affect any
25 purchase of affected property on or after March 1, 2006.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2006.