
By: **Senator Giannetti**

Introduced and read first time: February 3, 2006

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Lead Poisoning - Risk Reduction Standards - Exemption**

3 FOR the purpose of exempting certain outside surfaces of residential rental property
4 from certain lead paint risk reduction standards if the outside surfaces are
5 lead-free and the owner submits to the Department of the Environment a
6 certain inspection report that indicates that the outside surfaces have been
7 tested and are lead-free; and generally relating to exempting lead-free outside
8 surfaces of residential rental property from certain lead paint risk reduction
9 standards.

10 BY repealing and reenacting, with amendments,
11 Article - Environment
12 Section 6-804
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 2005 Supplement)

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

17 **Article - Environment**

18 6-804.

19 (a) Affected property is exempt from the provisions of Part IV of this subtitle
20 if the owner submits to the Department an inspection report that:

21 (1) Indicates that the affected property has been tested for the presence
22 of lead-based paint in accordance with standards and procedures established by the
23 Department by regulation;

24 (2) States that:

25 (i) All interior and exterior surfaces of the affected property are
26 lead-free; or

1 (ii) 1. All interior surfaces of the affected property are lead-free
2 and all exterior painted surfaces of the affected property that were chipping, peeling,
3 or flaking have been restored with nonlead-based paint; and

4 2. No exterior painted surfaces of the affected property are
5 chipping, peeling, or flaking; and

6 (3) Is verified by the Department accredited inspector who performed
7 the test.

8 (b) In order to maintain exemption from the provisions of Part IV of this
9 subtitle under (a)(2)(ii) of this section, the owner shall submit to the Department
10 every 2 years a certification, by a Department accredited inspector, stating that no
11 exterior painted surface of the affected property is chipping, peeling, or flaking.

12 (C) OUTSIDE SURFACES OF AN AFFECTED PROPERTY, INCLUDING WINDOWS,
13 DOORS, TRIM, FENCES, PORCHES, AND OTHER BUILDINGS OR STRUCTURES THAT ARE
14 PART OF THE AFFECTED PROPERTY, ARE EXEMPT FROM THE RISK REDUCTION
15 STANDARDS UNDER §§ 6-815 AND 6-819 OF THIS SUBTITLE IF ALL EXTERIOR
16 SURFACES OF AN AFFECTED PROPERTY ARE LEAD-FREE AND THE OWNER SUBMITS
17 TO THE DEPARTMENT AN INSPECTION REPORT THAT:

18 (1) INDICATES THAT THE OUTSIDE SURFACES HAVE BEEN TESTED FOR
19 THE PRESENCE OF LEAD-BASED PAINT IN ACCORDANCE WITH STANDARDS AND
20 PROCEDURES ESTABLISHED BY THE DEPARTMENT BY REGULATION;

21 (2) STATES THAT ALL OUTSIDE SURFACES OF THE AFFECTED PROPERTY
22 ARE LEAD-FREE; AND

23 (3) IS VERIFIED BY THE DEPARTMENT ACCREDITED INSPECTOR WHO
24 PERFORMED THE TEST.

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