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By: **Senator Giannetti**

Introduced and read first time: February 3, 2006

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 29, 2006

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CHAPTER\_\_\_\_\_

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:

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

4 (2) States that:

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

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

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

12 (3) Is verified by the Department accredited inspector who performed  
13 the test.

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

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

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

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

29 (3) IS VERIFIED BY THE DEPARTMENT ACCREDITED INSPECTOR WHO  
30 PERFORMED THE TEST.

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

