

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 745

(Senator McFadden)

Judicial Proceedings

Residential Rental Property - Registration - Lead Paint Regulation

This bill modifies provisions that require owners of residential property, before a local government *authorizes or certifies* the property to be rented or leased, to provide a written statement to local governments regarding lead paint. First, the bill applies that requirement to the *registration* of residential rental property for any reason. Second, the bill modifies the content of the required written statement.

Fiscal Summary

State Effect: The bill would not materially affect State operations or finances.

Local Effect: The bill would not materially affect local operations or finances.

Small Business Effect: Minimal, assuming affected landlords are in compliance with the requirements of the Reduction of Lead Risk in Housing Program within the Maryland Department of the Environment (MDE).

Analysis

Bill Summary: The bill modifies the content of the required written statement by: (1) repealing the requirement that the owner state that the property is not an affected property and substituting a requirement that the owner state whether one or more of the owner's rental dwelling units are affected property; (2) requiring an owner to state whether all units of affected property are registered for the current year with MDE; (3) repealing the requirement that the owner provide the property's inspection certificate number; and (4) requiring that the owner state whether each unit of affected property meets the lead risk

reduction requirements under the Reduction of Lead Risk in Housing Program within MDE.

Current Law: Chapter 114 of 1994 established the Lead Paint Poisoning Prevention Program in MDE. The program provides limited liability relief for owners of rental property built before 1950 and others in exchange for the reduction of lead hazards in these older rental properties. The program also provides for limited compensation to children who are poisoned by lead.

By December 31, 1995, the owner of an affected property must have registered that property with MDE. An owner who first acquires affected property after that date must register the property within 30 days of acquisition. At each change in occupancy, before the next tenant occupies the property, an owner must satisfy the risk reduction standard by passing the test for lead contaminated dust or performing specified lead hazard reduction treatments. An affected property is exempt from the risk reduction standards under specified conditions.

Chapter 540 of 2004 requires the owner of residential real property, before a local government authorizes or certifies the property to be rented or leased, to state in writing under penalty of perjury: (1) that the property is not an affected property under the lead risk reduction provisions; or (2) if an affected property, that the property is registered and the inspection certificate number for the property.

Background: Lead poisoning impacts the cognitive and physical development of young children. Children are exposed to lead through breathing lead paint dust, eating lead paint chips, or absorbing lead while in-utero. Most of the exposures to lead can be eliminated by removing lead paint from the homes of children and pregnant women. Although the number of cases of childhood lead poisoning in Maryland has decreased significantly over the past few years (from 1,830 cases in 1996 to 260 cases in 2002), lead paint remains a significant health issue.

Additional Information

Prior Introductions: Identical legislation was introduced as SB 320/HB 369 of 2005. SB 320 was referred to the Senate Judicial Proceedings Committee but was subsequently withdrawn. HB 369 was referred to the House Environmental Matters Committee but was subsequently withdrawn.

Cross File: None.

Information Source(s): Maryland Department of the Environment, Department of Housing and Community Development, Caroline County, Howard County, Prince George's County, City of Annapolis, Town of Thurmont, Department of Legislative Services

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nas/ljm

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