

HOUSE BILL 1020

M3, N1

7lr1054

By: **Delegates Oaks, Glenn, Hubbard, Morhaim, and Rosenberg**

Introduced and read first time: February 9, 2007

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 30, 2007

CHAPTER _____

1 AN ACT concerning

2 **Lead Poisoning Prevention Act of 2007**

3 FOR the purpose of requiring ~~an applicant for a contractor license to meet a certain~~
4 ~~accreditation or training requirement under certain circumstances~~ a certain
5 application form for a contractor license to require a certain lead paint
6 abatement accreditation number and accreditation expiration date if the
7 applicant provides certain lead paint abatement services; requiring a certain
8 licensee applying for a license renewal to submit to the Maryland Home
9 Improvement Commission ~~proof of compliance with certain lead training~~
10 ~~requirements~~ a certain lead paint abatement accreditation number and
11 expiration date if the licensee performs certain lead paint abatement services;
12 prohibiting a certain licensee from violating certain lead paint abatement
13 accreditation requirements; ~~clarifying the requirements of certain lead risk~~
14 ~~reduction standards relating to certain changes in occupancy~~; requiring a
15 ~~person who intends to use certain funds to purchase a house to complete certain~~
16 ~~counseling~~; ~~providing that a qualified offer made under certain provisions of law~~
17 ~~that relate to the reduction of lead risk in housing may provide a housing~~
18 ~~subsidy and other relocation expenses for the permanent relocation of the~~
19 ~~household~~; requiring an owner of a certain property who fails to comply with
20 certain standards, on written request of a tenant, under certain circumstances
21 to release a tenant from a certain lease and pay to the tenant certain relocation

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 expenses not to exceed a certain amount; providing that an owner may provide
2 certain information to a tenant in response to a certain request; providing a
3 tenant with a certain action in district court under certain circumstances;
4 providing that certain actions, inaction, or findings may not be construed to
5 have any effect on any civil action or any administrative proceeding brought
6 under certain provision of law; altering certain definitions; and generally
7 relating to eliminating lead risk in housing.

8 BY repealing and reenacting, without amendments,
9 Article – Business Regulation
10 Section 8–301 and 8–620
11 Annotated Code of Maryland
12 (2004 Replacement Volume and 2006 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Business Regulation
15 Section ~~8–302, 2~~ 8–303(a) and (b), 8–308, and 8–611
16 Annotated Code of Maryland
17 (2004 Replacement Volume and 2006 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Environment
20 Section 6–801(m), ~~(r), and (s), 6–815(a) and (b), 6–839, and 6–840~~
21 Annotated Code of Maryland
22 (1996 Replacement Volume and 2006 Supplement)

23 ~~BY repealing and reenacting, without amendments,~~
24 ~~Article – Environment~~
25 ~~Section 6–1002~~
26 ~~Annotated Code of Maryland~~
27 ~~(1996 Replacement Volume and 2006 Supplement)~~

28 BY adding to
29 Article – Real Property
30 Section 8–215
31 Annotated Code of Maryland
32 (2003 Replacement Volume and 2006 Supplement)

33 Preamble

34 WHEREAS, Childhood lead poisoning is a major public health threat in
35 Maryland, poisoning over 1,300 children in Maryland as of 2005; and

1 WHEREAS, Lead poisoning severely and irreversibly impacts the cognitive and
2 physical development of young children; and

3 WHEREAS, The Governor and the State have endorsed plans to meet the
4 federal strategy to eliminate childhood lead poisoning by 2010; and

5 WHEREAS, Children are exposed to lead through ingesting and inhaling lead
6 dust, eating lead paint chips, or absorbing lead while in utero; and

7 WHEREAS, Most of the exposures to lead can be eliminated by removing lead
8 hazards and reducing exposure to toxic lead dust in the home; and

9 WHEREAS, Although the number of cases of childhood lead poisoning in
10 Maryland has decreased significantly over the past few years, lead paint remains a
11 significant health issue; now, therefore,

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

14 **Article – Business Regulation**

15 8–301.

16 (a) Except as otherwise provided in this title, a person must have a
17 contractor license whenever the person acts as a contractor in the State.

18 (b) Except as otherwise provided in this title, a person must have a
19 subcontractor license or contractor license whenever the person acts as a
20 subcontractor in the State.

21 (c) Except as otherwise provided in this title, a person must have a
22 salesperson license or contractor license whenever the person sells a home
23 improvement in the State.

24 (d) This section does not apply to:

25 (1) an individual who works for a contractor or subcontractor for a
26 salary or wages but who is not a salesperson for the contractor;

27 (2) a clerical employee, retail clerk, or other employee of a licensed
28 contractor who is not a salesperson, as to a transaction on the premises of the licensed
29 contractor;

(3) a solicitor for a contractor who calls an owner by telephone only;

(4) an architect, electrician, plumber, heating, ventilation, air-conditioning, or refrigeration contractor, or other person who:

(i) is required by State or local law to meet standards of competency or experience before engaging in an occupation or profession;

(ii) currently is licensed in that occupation or profession under State or local law; and

(iii) is:

1. acting only within the scope of that occupation or profession; or

2. installing a central heating or air-conditioning system;

(5) a security systems technician licensed under Title 18 of the Business Occupations and Professions Article; or

(6) a person who is selling a home improvement to be performed by a person described in item (4) of this subsection.

~~8-302.2.~~

~~(A) [An] SUBJECT TO SUBSECTION (B) OF THIS SECTION, AN applicant for a contractor license shall have:~~

~~(1) at least 2 years of trade experience that is satisfactory to the Commission, under regulations adopted by the Commission; or~~

~~(2) comparable educational training to be determined by regulations adopted by the Commission.~~

~~(B) IN ADDITION TO THE REQUIREMENTS UNDER SUBSECTION (A) OF THIS SECTION, IF AN APPLICANT PERFORMS WORK IN A RESIDENTIAL PROPERTY CONSTRUCTED BEFORE 1978 THAT DISTURBS MORE THAN 3 SQUARE FEET OF PAINT, AN APPLICANT SHALL HAVE COMPLETED:~~

~~(1) THE LEAD SUPERVISOR ACCREDITATION TRAINING REQUIREMENTS FOR RESIDENTIAL, COMMERCIAL, AND PUBLIC BUILDINGS REQUIRED UNDER § 6-1002 OF THE ENVIRONMENT ARTICLE; OR~~

~~(2) THE LEAD PAINT ABATEMENT WORKER TRAINING REQUIREMENTS FOR RESIDENTIAL, COMMERCIAL, AND PUBLIC BUILDINGS REQUIRED UNDER § 6-1002 OF THE ENVIRONMENT ARTICLE.~~

8-303.

(a) (1) An applicant for a license shall:

(i) submit to the Commission an application on the form that the Commission provides;

(ii) submit to the Commission with the license application proof of compliance with the insurance requirement of § 8-302.1 of this subtitle, if the applicant is applying for a contractor license;

(iii) pay into the Fund the fee required under § 8-404(a) of this title, if the applicant is applying for a contractor license; and

(iv) pay to the Commission an application fee.

(2) The application fee:

(i) for a contractor license is \$225 for each place of business of the contractor;

(ii) for a subcontractor license is \$125; or

(iii) for a salesperson license is \$75.

(3) To cover the cost of processing an application, \$15 of the application fee is nonrefundable.

(b) In addition to any other information required on an application form, the form shall require:

(1) for an individual applicant, the name and address of the applicant;

(2) for a corporate applicant, the name and address of each officer;

(3) for a partnership applicant, the name and address of each partner;

(4) for a joint venture applicant, the name and address of each party to the joint venture;

(5) if the applicant acts as a contractor or subcontractor through a corporation or limited partnership, the name and address of the resident agent of the corporation or limited partnership in the State;

(6) if the applicant is applying for a contractor license or subcontractor license, a complete description of the nature of the contracting business of the applicant;

(7) if the applicant is applying for a salesperson license, a complete description of the duties of the applicant;

(8) a record of the applicant's experience in the field of home improvement or other construction work, including dates when and addresses where the applicant has resided and done business;

(9) IF THE APPLICANT PROVIDES LEAD PAINT ABATEMENT SERVICES, THE DEPARTMENT OF THE ENVIRONMENT LEAD PAINT ABATEMENT ACCREDITATION NUMBER AND ACCREDITATION EXPIRATION DATE;

~~[(9)]~~ (10) whether the applicant has ever held a professional or vocational license in this or any other state; and

~~[(10)]~~ (11) whether the applicant has had a professional or vocational license denied, suspended, or revoked.

8–308.

(a) The Secretary may stagger the terms of licenses.

(b) Unless a license is renewed for a 2–year term as provided in this section, the license expires:

(1) if the Secretary staggers the terms of licenses, on the date that the Secretary sets; or

(2) if the Secretary does not stagger the terms of licenses, on the first June 30 that comes after the effective date of the license in an odd-numbered year.

(c) At least 1 month before a license expires, the Commission shall mail to the licensee, at the last known address of the licensee:

(1) a renewal application form; and

(2) a notice that states:

(i) the date on which the current license expires;

(ii) the date by which the Commission must receive the renewal application for the renewal to be issued and mailed before the license expires; and

(iii) the amount of the renewal fee.

(d) (1) Before a license expires, the licensee periodically may renew it for an additional 2-year term, if the licensee:

(i) otherwise is entitled to be licensed;

(ii) submits to the Commission a renewal application on the form that the Commission provides;

(iii) submits to the Commission proof of compliance with the insurance requirement of § 8-302.1 of this subtitle, if the licensee is renewing a contractor license; [and]

~~(IV) SUBMITS TO THE COMMISSION PROOF OF COMPLIANCE WITH THE LEAD TRAINING REQUIREMENT OF § 8-302.2(B) OF THIS SUBTITLE~~
SUBMITS TO THE COMMISSION THE DEPARTMENT OF THE ENVIRONMENT LEAD PAINT ABATEMENT ACCREDITATION NUMBER AND ACCREDITATION EXPIRATION DATE, IF THE LICENSEE PROVIDES LEAD PAINT ABATEMENT SERVICES; AND

[(iv)] (v) pays to the Commission a renewal fee.

(2) The renewal fee:

(i) for a contractor license is \$225 for each place of business of the contractor;

(ii) for a subcontractor license is \$125; or

(iii) for a salesperson license is \$75.

(3) Notwithstanding paragraph (2) of this subsection, a licensee that is incorporated or has its principal office in another state shall pay to the Commission the fee imposed in that state on a similar nonresident business if that fee is higher than the renewal fee under paragraph (2) of this subsection.

(e) For renewal of a contractor license, the licensee shall:

(1) submit to the Commission, by a credit reporting agency approved by the Commission, a credit report that contains the information required by the Commission; or

(2) pay to the Commission or the Commission's designee a credit report fee in an amount not to exceed the cost charged by a credit reporting agency approved by the Commission to obtain a credit report that contains the information required by the Commission for renewal of a contractor license.

(f) (1) The Commission shall renew the license of each licensee who meets the requirements of this section.

(2) The Commission may not renew a contractor license unless the contractor submits proof of compliance with the insurance requirement of § 8-302.1 of this subtitle.

(g) A licensed contractor shall give the Commission notice of the cancellation of insurance required under § 8-302.1 of this subtitle at least 10 days before the effective date of the cancellation.

8-611.

A licensee may not violate:

(1) a building law of the State or a political subdivision of the State;

(2) a safety or labor law of the State; [or]

(3) the Maryland Workers' Compensation Act; **OR**

**(4) THE LEAD PAINT ABATEMENT ACCREDITATION REQUIREMENT
UNDER § 6-1002 OF THE ENVIRONMENT ARTICLE OR ANY REGULATION
ADOPTED UNDER THAT SECTION.**

8-620.

(a) The Commission may impose on a person who violates this title, including § 8-607(4) of this subtitle, a civil penalty not exceeding \$5,000 for each violation, whether or not the person is licensed under this title.

(b) In setting the amount of a civil penalty, the Commission shall consider:

(1) the seriousness of the violation;

(2) the good faith of the violator;

(3) any previous violations;

(4) the harmful effect of the violation on the complainant, the public, and the business of home improvement;

(5) the assets of the violator; and

(6) any other relevant factors.

Article - Environment

6-801.

(m) "Lead-safe housing" means:

~~(1)~~ ~~[(a)]~~ ~~A~~ rental dwelling unit that:

~~[(1)]~~ ~~(1)~~ Is certified to be lead-free in accordance with § 6-804 of this subtitle;

~~[(2)]~~ ~~(2)~~ Was constructed after 1978;

~~[(3)]~~ ~~(3)~~ Is deemed to be lead-safe by the Department in accordance with criteria established by the Department by regulation; or

1 ~~[(4)] (IV)~~ Is certified to be in compliance with § 6-815(a) of this
2 subtitle and:

3 ~~[(i)] 1.~~ In which all windows are ~~[either]~~ lead-free ~~[or have]~~
4 been treated so that all friction surfaces are lead-free~~;~~;

5 ~~[(ii)] 2.~~ In which lead ~~particulate~~ CONTAMINATED DUST
6 levels are determined to be within abatement clearance levels established by the
7 Department by regulation, ~~within 15 days prior to [the relocation of a person at risk to~~
8 ~~the rental dwelling unit in accordance with a qualified offer made under Part V of this~~
9 ~~subtitle]~~ OCCUPANCY WITHIN A TIME FRAME ESTABLISHED BY THE
10 DEPARTMENT BY REGULATION; and

11 ~~[(iii)] 3.~~ Which is subject to ongoing maintenance and testing
12 as specified by the Department by regulation~~;~~ ~~OR~~

13 ~~(2) AN OWNER OCCUPIED DWELLING UNIT THAT:~~

14 ~~(I) IS VOLUNTARILY CERTIFIED TO BE LEAD FREE IN~~
15 ~~ACCORDANCE WITH § 6-804 OF THIS SUBTITLE;~~

16 ~~(II) WAS CONSTRUCTED AFTER 1978;~~

17 ~~(III) WAS CONSTRUCTED BEFORE 1978 IF:~~

18 ~~1. ALL WINDOWS ARE LEAD FREE;~~

19 ~~2. THERE IS NO PRESENCE OF PEELING, CHIPPING,~~
20 ~~OR FLAKING LEAD-BASED PAINT; AND~~

21 ~~3. LEAD PARTICULATE LEVELS ARE DETERMINED TO~~
22 ~~BE WITHIN ABATEMENT CLEARANCE LEVELS ESTABLISHED BY THE~~
23 ~~DEPARTMENT BY REGULATIONS, WITHIN 15 DAYS PRIOR TO THE DWELLING~~
24 ~~UNIT BEING OFFERED FOR SALE.~~

25 ~~(r) "Relocation expenses" means all expenses necessitated by the relocation~~
26 ~~of a tenant's household to lead-safe housing, including moving and hauling expenses,~~
27 ~~the HEPA vacuuming of all upholstered furniture, payment of a security deposit for~~
28 ~~the lead-safe housing, DOWN PAYMENTS, EARNEST MONEY, CLOSING COSTS, and~~
29 ~~installation and connection of utilities and appliances.~~

1 ~~(s) [“Rent] “HOUSING subsidy” means the difference between the rent paid~~
2 ~~by a tenant for housing at the time a qualified offer is made under Part V of this~~
3 ~~subtitle and:~~

4 ~~(1) [the] THE rent due for the lead safe housing to which the tenant~~
5 ~~is relocated; OR~~

6 ~~(2) THE MORTGAGE PAYMENT DUE FOR THE OWNER OCCUPIED~~
7 ~~PROPERTY THAT IS PURCHASED BY THE TENANT AND TO WHICH THE TENANT IS~~
8 ~~RELOCATED.~~

9 ~~6-815.~~

10 ~~(a) No later than the first change in occupancy in an affected property that~~
11 ~~occurs on or after February 24, 1996, before the next tenant occupies the property, an~~
12 ~~owner of an affected property shall initially satisfy the risk reduction standard~~
13 ~~established under this subtitle by:~~

14 ~~(1) Passing the test for lead contaminated dust under § 6-816 of this~~
15 ~~subtitle [provided that any chipping, peeling, or flaking paint has been removed or~~
16 ~~repainted on:~~

17 ~~(i) The exterior painted surfaces of the residential building in~~
18 ~~which the rental dwelling unit is located; and~~

19 ~~(ii) The interior painted surfaces of the rental dwelling unit];~~
20 ~~[or] AND~~

21 ~~(2) Performing the following lead hazard reduction treatments:~~

22 ~~(i) A visual review of all exterior and interior painted surfaces;~~

23 ~~(ii) The removal and repainting of chipping, peeling, or flaking~~
24 ~~paint on exterior and interior painted surfaces;~~

25 ~~(iii) The repair of any structural defect that is causing the paint~~
26 ~~to chip, peel, or flake that the owner of the affected property has knowledge of or, with~~
27 ~~the exercise of reasonable care, should have knowledge of;~~

28 ~~(iv) Stripping and repainting, replacing, or encapsulating all~~
29 ~~interior windowsills with vinyl, metal, or any other material in a manner and under~~
30 ~~conditions approved by the Department;~~

1 (v) ~~Ensure that caps of vinyl, aluminum, or any other material~~
2 ~~in a manner and under conditions approved by the Department, are installed in all~~
3 ~~window wells in order to make the window wells smooth and cleanable;~~

4 (vi) ~~Except for a treated or replacement window that is free of~~
5 ~~lead-based paint on its friction surfaces, fixing the top sash of all windows in place in~~
6 ~~order to eliminate the friction caused by movement of the top sash;~~

7 (vii) ~~Rehanging all doors necessary in order to prevent the~~
8 ~~rubbing together of a lead-painted surface with another surface;~~

9 (viii) ~~Making all bare floors smooth and cleanable;~~

10 (ix) ~~Ensure that all kitchen and bathroom floors are overlaid~~
11 ~~with a smooth, water-resistant covering; and~~

12 (x) ~~HEPA vacuuming and washing of the interior of the~~
13 ~~affected property with high phosphate detergent or its equivalent, as determined by~~
14 ~~the Department.~~

15 (b) ~~At each change in occupancy thereafter, before the next tenant occupies~~
16 ~~the property, the owner of an affected property shall satisfy the risk reduction~~
17 ~~standard established under this subtitle by:~~

18 (1) ~~Passing the test for lead-contaminated dust under § 6-816 of this~~
19 ~~subtitle; [or] AND~~

20 (2) (i) ~~Repeating the lead hazard reduction treatments specified in~~
21 ~~subsection (a)(2)(i), (ii), (iii), and (x) of this section; and~~

22 (ii) ~~Ensuring that the lead hazard reduction treatments~~
23 ~~specified in subsection (a)(2)(iv), (v), (vi), (vii), (viii), and (ix) of this section are still in~~
24 ~~effect.~~

25 ~~6-830.~~

26 (a) ~~Whenever a qualified offer is made under this part, the qualified offer~~
27 ~~shall include payment for reasonable expenses and costs up to the amount specified in~~
28 ~~§ 6-840 of this subtitle for:~~

29 (1) ~~The relocation of the household of the person at risk to lead-safe~~
30 ~~housing of comparable size and quality that may provide:~~

1 (i) ~~The permanent relocation of the household of the affected~~
2 ~~person at risk to lead safe housing, including relocation expenses, a [rent] HOUSING~~
3 ~~subsidy, and incidental expenses; or~~

4 (ii) ~~The temporary relocation of the household of the affected~~
5 ~~person at risk to lead safe housing while necessary lead hazard reduction treatments~~
6 ~~are being performed in the affected property to make that affected property lead safe;~~
7 ~~and~~

8 (2) ~~Medically necessary treatment for the affected person at risk as~~
9 ~~determined by the treating physician or other health care provider or case manager of~~
10 ~~the person at risk that is necessary to mitigate the effects of lead poisoning, as defined~~
11 ~~by the Department by regulation, and, in the case of a child, until the child reaches the~~
12 ~~age of 18 years.~~

13 (b) ~~An offeror is required to pay reasonable expenses for the medically~~
14 ~~necessary treatments under subsection (a)(2) of this section if coverage for these~~
15 ~~treatments is not otherwise provided by the Maryland Medical Assistance Program~~
16 ~~under Title 15, Subtitle 1 of the Health — General Article or by a third party health~~
17 ~~insurance plan under which the person at risk has coverage or in which the person at~~
18 ~~risk is enrolled.~~

19 (e) ~~A qualified offer shall include a certification by the owner of the affected~~
20 ~~property, under the penalties of perjury, that the owner has complied with the~~
21 ~~applicable provisions of Parts III and IV of this subtitle in a manner that qualifies the~~
22 ~~owner to make a qualified offer under this part.~~

23 (d) ~~**A PERSON WHO INTENDS TO USE FUNDS FROM A QUALIFIED OFFER**~~
24 ~~**FOR PURCHASING A HOUSE MUST FIRST COMPLETE COUNSELING ON**~~
25 ~~**BUDGETING, CREDIT ISSUES, AND HOUSING AFFORDABILITY WITH AN ENTITY**~~
26 ~~**THAT HAS BEEN CERTIFIED TO PERFORM HOUSING COUNSELING BY THE**~~
27 ~~**UNITED STATES DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.**~~

28 (E) ~~The Department may adopt regulations that are necessary to carry out~~
29 ~~the provisions of this section.~~

30 ~~6-840.~~

31 (a) ~~The amounts payable under a qualified offer made under this part are~~
32 ~~subject to the following aggregate maximum caps:~~

1 (1) ~~\$7,500 for all medically necessary treatments as provided and~~
2 ~~limited in § 6-839(a) and (b) of this subtitle; and~~

3 (2) ~~\$9,500 for relocation benefits which shall include:~~

4 (i) ~~Relocation expenses;~~

5 (ii) ~~A [rent] HOUSING subsidy, up to 150% of the existing rent~~
6 ~~each month, for the period until the person at risk reaches the age of 6 years, or in the~~
7 ~~case of a pregnant woman, until the child born as a result of that pregnancy reaches~~
8 ~~the age of 6 years; and~~

9 (iii) ~~Incidental expenses which may be incurred by the~~
10 ~~household, such as transportation and child care expenses.~~

11 (b) ~~All payments under a qualified offer specified in subsection (a) of this~~
12 ~~section shall be paid to the provider of the service, except that payment of incidental~~
13 ~~expenses as provided by subsection (a)(2)(iii) of this section may be paid directly to the~~
14 ~~person at risk, or in the case of a child, to the parent or legal guardian of the person at~~
15 ~~risk.~~

16 (c) ~~The payments under a qualified offer may not be considered income or an~~
17 ~~asset of the person at risk, the parent of a person at risk who is a child, the legal~~
18 ~~guardian, or a person who accepts the offer on behalf of a person at risk who is a child~~
19 ~~under § 6-833 of this subtitle for the purposes of determining eligibility for any State~~
20 ~~entitlement program.~~

21 ~~6-1002.~~

22 (a) ~~Except as provided in subsection (c) of this section, unless the person is~~
23 ~~accredited by the Department under this subtitle, a person may not:~~

24 (1) ~~Act as a contractor or supervisor for the purpose of providing lead~~
25 ~~paint abatement services;~~

26 (2) ~~Provide training to others who provide lead paint abatement~~
27 ~~services; or~~

28 (3) ~~Engage in the inspection of lead-based paint hazards.~~

29 (b) ~~The Department shall, by regulation, create exceptions to the~~
30 ~~accreditation requirement for instances where the disturbance of lead-containing~~
31 ~~substance is incidental.~~

1 (e) ~~An individual who acts only as a worker or project designer need not be~~
2 ~~accredited, but must be trained.~~

3 **Article – Real Property**

4 **8-215.**

5 (A) **IN THIS SECTION, “AFFECTED PROPERTY” ~~HAS~~ AND “OWNER” HAVE**
6 **THE ~~MEANING~~ MEANINGS STATED IN § 6-801 OF THE ENVIRONMENT ARTICLE.**

7 (B) (1) **IF AN OWNER OF AN AFFECTED PROPERTY FAILS TO COMPLY**
8 **WITH THE APPLICABLE RISK REDUCTION STANDARDS UNDER §§ 6-815 AND**
9 **6-819 OF THE ENVIRONMENT ARTICLE, THE OWNER, ON THE WRITTEN**
10 **REQUEST OF THE TENANT, SHALL:**

11 (I) **IMMEDIATELY RELEASE THE TENANT FROM THE TERMS**
12 **OF THE LEASE OR RENTAL AGREEMENT FOR THAT PROPERTY; AND**

13 (II) **PAY TO THE TENANT ALL REASONABLE RELOCATION**
14 **EXPENSES, NOT TO EXCEED \$2,500, DIRECTLY RELATED TO THE PERMANENT**
15 **RELOCATION OF THE TENANT TO A LEAD-FREE DWELLING UNIT OR ANOTHER**
16 **DWELLING UNIT THAT HAS ~~PASSED THE TEST FOR LEAD-CONTAMINATED DUST~~**
17 **~~ESTABLISHED UNDER § 6-816~~ SATISFIED THE RISK REDUCTION STANDARD IN**
18 **ACCORDANCE WITH § 6-815 OF THE ENVIRONMENT ARTICLE.**

19 (2) **A TENANT’S WRITTEN REQUEST TO THE LANDLORD UNDER**
20 **PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE ANY ~~COMPLIANCE~~ RISK**
21 **REDUCTION CERTIFICATION INFORMATION PROVIDED BY THE DEPARTMENT OF**
22 **THE ENVIRONMENT.**

23 (3) **WITHIN 3 BUSINESS DAYS OF RECEIPT OF A TENANT’S**
24 **WRITTEN REQUEST UNDER PARAGRAPH (1) OF THIS SUBSECTION, AN OWNER**
25 **MAY PROVIDE TO THE TENANT:**

26 (I) **A CURRENT AND VALID RISK REDUCTION CERTIFICATE;**

27 (II) **A LEAD-FREE CERTIFICATE;**

1 **(III) A STATEMENT OF VERIFICATION BY THE OWNER AND**
2 **TENANT OF WORK PERFORMED IN ACCORDANCE WITH § 6-819(F)(1) OF THE**
3 **ENVIRONMENT ARTICLE FOR THE AFFECTED PROPERTY; OR**

4 **(IV) THE FINAL REPORT OF AN INSPECTOR VERIFYING THAT**
5 **WORK WAS PERFORMED ON THE AFFECTED PROPERTY IN ACCORDANCE WITH §**
6 **6-819(F)(2) OF THE ENVIRONMENT ARTICLE.**

7 **(C) (1) IF AN OWNER FAILS TO RELEASE THE TENANT FROM THE**
8 **LEASE OR FAILS TO REIMBURSE THE TENANT FOR REASONABLE RELOCATION**
9 **EXPENSES IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION PROVIDE**
10 **INFORMATION IN ACCORDANCE WITH SUBSECTION (B)(3) OF THIS SECTION OR**
11 **TO COMPLY WITH THE TENANT'S WRITTEN REQUEST UNDER SUBSECTION (B)(1)**
12 **OF THIS SECTION WITHIN 3 BUSINESS DAYS OF RECEIPT OF THE REQUEST, THE**
13 **TENANT MAY BRING AN ACTION IN DISTRICT COURT FOR THE:**

14 **(1) (I) LEASE TERMINATION;**

15 **(2) (II) REIMBURSEMENT OF REASONABLE RELOCATION**
16 **EXPENSES; AND**

17 **(3) (III) REASONABLE ATTORNEY'S FEES.**

18 **(2) A TENANT DOES NOT HAVE A CAUSE OF ACTION UNDER THIS**
19 **SUBSECTION IF THE OWNER OF AN AFFECTED PROPERTY PROVIDES**
20 **INFORMATION IN ACCORDANCE WITH SUBSECTION(B)(3) OF THIS SECTION.**

21 **(D) THE RIGHT OF A TENANT TO REQUEST RELEASE IN ACCORDANCE**
22 **WITH SUBSECTION (B) OF THIS SECTION DOES NOT PRECLUDE THE TENANT**
23 **FROM PURSUING ANY OTHER RIGHT OR REMEDY AVAILABLE TO THE TENANT AT**
24 **LAW OR EQUITY AND IS IN ADDITION TO THEM.**

25 **(E) ANY ACTION OR INACTION OF THE OWNER OF AN AFFECTED**
26 **PROPERTY OR TENANT UNDER THIS SECTION OR ANY FINDING IN A**
27 **PROCEEDING UNDER THIS SECTION MAY NOT BE CONSTRUED TO HAVE ANY**
28 **EFFECT ON:**

29 **(1) ANY CIVIL ACTION; OR**

1 **(2) ANY ADMINISTRATIVE PROCEEDING BROUGHT UNDER THIS**
2 **TITLE OR TITLE 6 OF THE ENVIRONMENT ARTICLE.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.