

HOUSE BILL 1173

M3
HB 1446/06 – ENV

8lr2709

By: **Delegates Oaks, Braveboy, Carter, Glenn, Holmes, and Rosenberg**
Introduced and read first time: February 8, 2008
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Reducing Lead Risk in Housing – Risk Reduction Standard**

3 FOR the purpose of altering the requirements for satisfying certain lead risk reduction
4 standards relating to certain changes in occupancy; and generally relating to
5 reducing lead risk in housing.

6 BY repealing and reenacting, with amendments,
7 Article – Environment
8 Section 6–815
9 Annotated Code of Maryland
10 (2007 Replacement Volume and 2007 Supplement)

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

13 **Article – Environment**

14 6–815.

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

19 (1) Passing the test for lead–contaminated dust under § 6–816 of this
20 subtitle provided that any chipping, peeling, or flaking paint has been removed or
21 repainted on:

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (ii) The interior painted surfaces of the rental dwelling unit;
2 [or] AND

3 (2) Performing the following lead hazard reduction treatments:

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

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

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

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

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

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

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

21 (viii) Making all bare floors smooth and cleanable;

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

24 (x) HEPA-vacuuuming and washing of the interior of the
25 affected property with high phosphate detergent or its equivalent, as determined by
26 the Department.

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

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

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

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

4 (c) Except for affected properties that pass a test for lead-contaminated dust
5 under § 6-816 of this subtitle, at each change in occupancy, an owner of an affected
6 property shall have the property inspected to verify that the risk reduction standard
7 specified in this section has been satisfied.

8 (d) (1) Exterior work required to satisfy the risk reduction standard may
9 be delayed, pursuant to a waiver approved by the appropriate person under paragraph
10 (2) of this subsection, during any time period in which exterior work is not required to
11 be performed under an applicable local housing code or, if no such time period is
12 specified, during the period from November 1 through April 1, inclusive.

13 (2) A waiver under paragraph (1) of this subsection may be approved
14 by the code official for enforcement of the housing code or minimum livability code of
15 the local jurisdiction, or, if there is no such official, the Department of Housing and
16 Community Development.

17 (3) Notwithstanding the terms of the waiver, all work delayed in
18 accordance with paragraph (1) of this subsection shall be completed within 30 days
19 after the end of the applicable time period.

20 (4) Any delay allowed under paragraph (1) of this subsection may not
21 affect the obligation of the owner to complete all other components of the risk
22 reduction standard and to have those components inspected and verified.

23 (5) If the owner has complied with the requirements of paragraph (4)
24 of this subsection, the owner may rent the affected property during any period of delay
25 allowed under paragraph (1) of this subsection.

26 (e) On request of a local jurisdiction, the Secretary may designate the code
27 official for enforcement of the housing code or minimum livability code for the local
28 jurisdiction, or an appropriate employee of the local jurisdiction, to conduct inspections
29 under this subtitle.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2008.