

# SENATE BILL 361

M3

9lr1905

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By: **Senator Gladden**

Introduced and read first time: January 30, 2009

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Reducing Lead Risk in Housing – Lead Paint Dust Testing**

3 FOR the purpose of altering the requirements for certain property owners to satisfy  
4 certain lead risk reduction standards relating to certain changes in occupancy  
5 in certain properties; requiring certain lead risk reduction standards to be  
6 performed in accordance with certain requirements; making certain conforming  
7 changes; and generally relating to reducing lead risk in housing.

8 BY repealing and reenacting, with amendments,  
9 Article – Environment  
10 Section 6–815(a) and (b), 6–816, and 6–819(a)  
11 Annotated Code of Maryland  
12 (2007 Replacement Volume and 2008 Supplement)

13 BY repealing  
14 Article – Environment  
15 Section 6–819(g)  
16 Annotated Code of Maryland  
17 (2007 Replacement Volume and 2008 Supplement)

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

20 **Article – Environment**

21 6–815.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

6 (ii) The interior painted surfaces of the rental dwelling unit;  
7 [or] **AND**

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

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

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

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

15 (iv) [Stripping and repainting] **REPAINTING**, replacing, or  
16 encapsulating all interior **LEAD-BASED PAINT OR UNTESTED PAINTED** windowsills  
17 with vinyl, metal, or any other material in a manner and under conditions approved  
18 by the Department;

19 (v) Ensure that caps of vinyl, aluminum, or any other material  
20 in a manner and under conditions approved by the Department, are installed in all  
21 window wells **WHERE LEAD-BASED PAINT OR UNTESTED PAINT EXISTS** in order to  
22 make the window wells smooth and cleanable;

23 (vi) Except for a treated or replacement window that is free of  
24 lead-based paint on its friction surfaces, fixing the top sash, **SUBJECT TO LOCAL**  
25 **FIRE CODE STANDARDS**, of all windows in place in order to eliminate the friction  
26 caused by movement of the top sash;

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

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

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

1 (x) HEPA-vacuuming and washing of the interior of the  
2 affected property with high phosphate detergent or its equivalent, as determined by  
3 the Department.

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

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

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

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

14 6-816.

15 The Department shall establish procedures and standards for the [optional]  
16 lead-contaminated dust testing by regulation.

17 6-819.

18 (a) The modified risk reduction standard shall consist of performing the  
19 following [lead hazard reduction treatments]:

20 (1) **PASSING THE TEST FOR LEAD-CONTAMINATED DUST UNDER §**  
21 **6-816 OF THIS SUBTITLE; AND**

22 (2) **PERFORMING THE FOLLOWING LEAD HAZARD REDUCTION**  
23 **TREATMENTS:**

24 [(1)] (I) A visual review of all exterior and interior painted surfaces;

25 [(2)] (II) The removal and repainting of chipping, peeling, or flaking  
26 paint on exterior and interior painted surfaces;

27 [(3)] (III) The repair of any structural defect that is causing the paint  
28 to chip, peel, or flake, that the owner of the affected property has knowledge of or, with  
29 the exercise of reasonable care, should have knowledge of;

30 [(4)] (IV) [Stripping and repainting] **REPAINTING**, replacing, or  
31 encapsulating all interior **LEAD-BASED PAINT OR UNTESTED PAINTED** windowsills

1 with vinyl, metal, or any other material in a manner and under conditions approved  
2 by the Department;

3           [(5)] (V) Ensure that caps of vinyl, aluminum, or any other material  
4 in a manner and under conditions approved by the Department, are installed in all  
5 window wells **WHERE LEAD-BASED PAINT OR UNTESTED PAINT EXISTS** in order to  
6 make the window wells smooth and cleanable;

7           [(6)] (VI) Except for a treated or replacement window that is free of  
8 lead-based paint on its friction surfaces, fixing the top sash, **SUBJECT TO LOCAL**  
9 **FIRE CODE STANDARDS**, of all windows in place in order to eliminate the friction  
10 caused by the movement of the top sash;

11           [(7)] (VII) Rehangng all doors in order to prevent the rubbing together  
12 of a lead-painted surface with another surface;

13           [(8)] (VIII) Ensure that all kitchen and bathroom floors are overlaid  
14 with a smooth, water-resistant covering; and

15           [(9)] (IX) HEPA-vacuuuming and washing with high phosphate  
16 detergent or its equivalent, as determined by the Department, any area of the affected  
17 property where repairs were made.

18           [(g) In lieu of satisfying the modified risk reduction standard, the owner of an  
19 affected property may elect to pass the test for lead-contaminated dust under § 6-816  
20 of this subtitle provided that any chipping, peeling, or flaking paint has been removed  
21 or repainted on:

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

24           (2) The interior painted surfaces of the rental dwelling unit.]

25           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2009.