

# SENATE BILL 361

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9lr1905

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By: ~~Senator Gladden~~ **Senators Gladden and Harrington**

Introduced and read first time: January 30, 2009

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: April 5, 2009

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## CHAPTER \_\_\_\_\_

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; repealing a certain exception to a certain requirement that  
6 owners of certain property have a certain inspection performed at each change  
7 in occupancy; requiring certain lead risk reduction standards to be performed in  
8 accordance with certain requirements; making certain conforming changes; and  
9 generally relating to reducing lead risk in housing.

10 BY repealing and reenacting, with amendments,

11 Article - Environment

12 Section ~~6-815(a) and (b)~~, (b), and (c), 6-816, and 6-819(a)

13 Annotated Code of Maryland

14 (2007 Replacement Volume and 2008 Supplement)

15 BY repealing

16 Article - Environment

17 Section 6-819(g)

18 Annotated Code of Maryland

19 (2007 Replacement Volume and 2008 Supplement)

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

22 **Article - Environment**

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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 6–815.

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

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

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

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

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

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

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

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

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

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

28 (vi) Except for a treated or replacement window that is free of  
29 lead–based paint on its friction surfaces, fixing the top sash, **SUBJECT TO STATE OR**  
30 **LOCAL FIRE CODE STANDARDS**, of all windows in place in order to eliminate the  
31 friction caused by movement of the top sash;

32 (vii) Rehanging all doors necessary in order to prevent the  
33 rubbing together of a lead–painted surface with another surface;

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

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

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

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

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

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

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

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

21 6-816.

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

24 6-819.

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

27 (1) **PASSING THE TEST FOR LEAD-CONTAMINATED DUST UNDER §**  
28 **6-816 OF THIS SUBTITLE; AND**

29 (2) **PERFORMING THE FOLLOWING LEAD HAZARD REDUCTION**  
30 **TREATMENTS:**

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

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

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

6            [(4)] (IV) [~~Stripping and repainting~~] **REPAINTING**, replacing, or  
7 encapsulating all interior ~~LEAD-BASED PAINT OR UNTESTED PAINTED~~ windowsills  
8 with vinyl, metal, or any other material in a manner and under conditions approved  
9 by the Department;

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

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

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

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

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

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

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

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

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