

HOUSE BILL 1153

M3
HB 236/09 – ENV

0lr2667
CF SB 504

By: **Delegates Oaks, Ali, Anderson, Bobo, Branch, Carr, Carter, Costa, Davis, Donoghue, Glenn, Hammen, Harrison, Haynes, Healey, Holmes, Howard, Hubbard, Kirk, Krysiak, Malone, McHale, Morhaim, Nathan–Pulliam, O’Donnell, Pena–Melnyk, Reznik, Riley, Robinson, Rosenberg, Stukes, Stull, Tarrant, Taylor, Vaughn, and Walker**

Introduced and read first time: February 17, 2010

Assigned to: Environmental Matters

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 2009 Supplement)

13 BY repealing
14 Article – Environment
15 Section 6–819(g)
16 Annotated Code of Maryland
17 (2007 Replacement Volume and 2009 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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 6-816.

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

19 6-819.

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

22 (1) **PASSING THE TEST FOR LEAD-CONTAMINATED DUST UNDER §**
23 **6-816 OF THIS SUBTITLE; AND**

24 (2) **PERFORMING THE FOLLOWING LEAD HAZARD REDUCTION**
25 **TREATMENTS:**

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

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

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

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

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

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

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

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

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

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

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

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2010.