

HB1033/710510/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1033
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Lead Paint Dust Testing” and substitute “Risk Reduction Standards”; in line 4, strike “initially”; in the same line, after “standard;” insert “requiring an owner of a certain affected property under certain circumstances to have the property inspected to verify that a certain risk reduction standard has been satisfied;”; in line 14, after “property;” insert “authorizing certain civil penalties for certain enforcement actions;”; in the same line, after “changes;” insert “requiring the Department of the Environment, in consultation with certain persons, to conduct a certain study to evaluate processes that reduce the incidence of lead poisoning in certain properties and submit a certain report to the General Assembly by a certain date; requiring the Department to adopt certain regulations; providing for a delayed effective date for certain provisions of this Act;”; after line 15, insert:

“BY renumbering

Article - Environment

Section 6-815(c) through (e), respectively

to be Section 6-815(d) through (f), respectively

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)

BY adding to

Article – Environment

Section 6-815(c) and 6-819(e)

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)”;

(Over)

in line 18, strike the second “and”; in the same line, after “6-819(a),” insert “(e).”; in the same line, after “(k)” insert “, and 6-850(a)”; and in line 23, strike “6-819(e)” and substitute “6-819(c) and (d)”.

AMENDMENT NO. 2

On page 2, after line 2, insert:

“SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 6-815(c) through (e), respectively, of Article - Environment of the Annotated Code of Maryland be renumbered to be Section(s) 6-815(d) through (f), respectively.”;

in line 3, strike “1.” and substitute “2. AND”; in the same line, after “IT” insert “FURTHER”; strike beginning with “BY” in line 3 down through “MARYLAND” in line 4; in line 10, strike the colon; in line 11, strike “(1) Passing” and substitute “PASSING”; in line 12, strike the bracket; and in lines 14 and 16, strike “(i)” and “(ii)”, respectively, and substitute “(1)” and “(2)”, respectively.

On pages 2 and 3, strike beginning with the semicolon in line 16 on page 2 down through “Department” in line 12 on page 3.

AMENDMENT NO. 3

On page 3, in line 15, strike the colon; in line 16, strike “(1) Passing” and substitute “PASSING”; in line 17, after “subtitle” insert “IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION”; strike beginning with the semicolon in line 17 down through “effect.” in line 22; and after line 22, insert:

“(C) AT EACH CHANGE IN OCCUPANCY, THE OWNER OF AN AFFECTED PROPERTY SHALL HAVE THE PROPERTY INSPECTED TO VERIFY THAT THE RISK REDUCTION STANDARD HAS BEEN SATISFIED IN ACCORDANCE WITH THIS SECTION.”;

and in line 30, after the semicolon insert “AND”.

AMENDMENT NO. 4

On page 4, in lines 1, 6, 15, 19, 22, 23, and 25, in each instance, strike the bracket; in line 7, strike the first bracket; in the same line, strike the second bracket; in line 11, strike the first bracket; in the same line, strike the second bracket; in lines 7, 11, 15, and 23, strike “(I)”, “(II)”, “(III)”, and “(IV)”, respectively; in line 16, after “TO” insert “FEDERAL, STATE, OR”; in line 25, strike “; AND”; and strike in their entirety lines 26 and 27 and substitute:

“(c) (1) After February 23, 1996, an owner of an affected property shall satisfy the modified risk reduction standard:

(i) Within 30 days after receipt of written notice that a person at risk who resides in the property has an elevated blood lead level documented by a test for EBL greater than or equal to 15 ug/dl before February 24, 2006 or greater than or equal to 10 ug/dl on or after February 24, 2006; or

(ii) Within 30 days after receipt of written notice from the tenant, or from any other source, of:

1. A defect; and
2. The existence of a person at risk in the affected property.

(2) (i) An owner who receives multiple notices of an elevated blood level under this subsection or multiple notices of defect under subsection (d) of this section may satisfy all such notices by subsequent compliance with the risk reduction measures specified in subsection (a) of this section, as documented by satisfaction of subsection (f) or (g) of this section, if the owner complies with the risk reduction

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measures specified in subsection (a) of this section after the date of the test documenting the elevated blood level or after the date the notices of defect were issued.

(ii) Subparagraph (i) of this paragraph does not affect an owner's obligation to perform the risk reduction measures specified in subsection (a) of this section for a triggering event that occurs after the owner satisfies the provisions of subparagraph (i) of this paragraph.

(d) After May 23, 1997, an owner of an affected property shall satisfy the modified risk reduction standard within 30 days after receipt of written notice from the tenant, or from any other source, of a defect.

(E) AN OWNER OF AN AFFECTED PROPERTY IS IN COMPLIANCE WITH SUBSECTION (C) OR (D) OF THIS SECTION IF, AS APPLICABLE:

(1) THE OWNER SATISFIES THE MODIFIED RISK REDUCTION WITHIN 30 DAYS AFTER RECEIVING A NOTICE OF ELEVATED BLOOD LEAD LEVEL OR A NOTICE OF DEFECT IN ACCORDANCE WITH THIS SECTION; OR

(2) THE OWNER PROVIDES FOR THE TEMPORARY RELOCATION OF TENANTS TO A NONAFFECTED PROPERTY OR A COMPLIANT AFFECTED PROPERTY WITHIN 30 DAYS AFTER THE RECEIPT OF A NOTICE OF ELEVATED BLOOD LEAD LEVEL OR A NOTICE OF DEFECT.”;

and in lines 28 and 32, strike “(e)” and “(f)”, respectively, and substitute “**(F)**” and “**(G)**”, respectively.

On page 5, strike beginning with “on” in line 1 down through “completed” in line 2.

AMENDMENT NO. 5

On page 6, after line 14, insert:

“6-850.

(a) Except as provided in § 6–849 of this subtitle, in addition to any other remedies provided in this subtitle, the provisions and procedures of §§ 7–256 through 7–264 and 7–266[(b)] of this article shall be used and shall apply to enforce violations of this subtitle, provided that the penalty imposed under § 7–266(b)(2)(i) of this article may not exceed \$500 per day for any violation of this subtitle.”.

AMENDMENT NO. 6

On page 6, strike lines 15 and 16, in their entirety, and substitute:

“SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The Department of the Environment shall conduct a study to evaluate processes that reduce the incidence of lead poisoning in affected and nonaffected properties, including rental properties built from 1950 through 1978 and owner-occupied properties.

(b) The Department of the Environment shall conduct the study required under subsection (a) of this section in consultation with:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House; and

(3) one or two representatives from each of the following:

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- (i) the Department of Health and Mental Hygiene;
 - (ii) the Department of Housing and Community Development;
 - (iii) the City of Baltimore;
 - (iv) the Apartment and Office Building Association;
 - (v) the Coalition to End Childhood Lead Poisoning;
 - (vi) the Maryland Association of Realtors;
 - (vii) the Maryland Lead Poisoning Prevention Commission;
 - (viii) the Maryland MultiHousing Association;
 - (ix) the Maryland Property Owners Association; and
 - (x) a lead abatement contractors association.
- (c) The study shall evaluate:
- (1) current lead poisoning data, including housing and population at-risk data from the United States Census, related to affected and nonaffected properties to determine the populations most at risk in the State;
 - (2) lead poisoning data collection methods for affected and nonaffected properties, including identification of data gaps and methods to fill them;
 - (3) outreach to and education of owners and tenants of nonaffected properties;

(4) potential for expanding the applicability of the current Reduction of Lead Risk in Housing law to nonaffected and noncompliant properties;

(5) long-term funding for lead poisoning prevention activities; and

(6) other issues the Department determines relevant to reducing the incidence of lead poisoning in affected and nonaffected properties.

(d) On or before December 31, 2011, the Department of the Environment shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the results of the study required under subsection (a) of this section.

SECTION 4. AND BE IT FURTHER ENACTED, That the Department of the Environment shall adopt regulations related to reporting requirements of dust testing laboratory results.

SECTION 5. AND BE IT FURTHER ENACTED, That Sections 1 and 2 of the Act shall take effect January 1, 2012.

SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in Section 5 of this Act, this Act shall take effect July 1, 2011.”.