

# HOUSE BILL 1254

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11r0042

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By: **Chair, Environmental Matters Committee (By Request – Departmental – Environment)**

Introduced and read first time: February 22, 2011

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Reduction of Lead Risk in Housing – Registration and Fees**

3 FOR the purpose of authorizing the Department of the Environment to alter by  
4 regulation the date by which certain rental dwelling units must be registered  
5 for a certain purpose and certain fees must be paid; and generally relating to  
6 the reduction of lead risk in housing.

7 BY repealing and reenacting, with amendments,  
8 Article – Environment  
9 Section 6–812 and 6–843  
10 Annotated Code of Maryland  
11 (2007 Replacement Volume and 2010 Supplement)

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

14 **Article – Environment**

15 6–812.

16 (a) An owner who has registered an affected property under § 6–811 of this  
17 subtitle shall:

18 (1) Renew the registration of the affected property on or before  
19 December 31 of each year **OR ACCORDING TO A SCHEDULE ESTABLISHED BY THE**  
20 **DEPARTMENT BY REGULATION**; and

21 (2) Update the information contained in the owner's registration  
22 required by § 6–811(b)(1) through (5) of this subtitle within 30 days after any change  
23 in the information required in the registration.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) An owner who first acquires affected property after December 1, 1995  
2 shall register the affected property under § 6–811 of this subtitle within 30 days after  
3 the acquisition.

4 6–843.

5 (a) (1) Except as provided in this subsection and subsection (b) of this  
6 section, and in cooperation with the Department of Housing and Community  
7 Development, the State Department of Assessments and Taxation, and other  
8 appropriate governmental units, the Department shall provide for the collection of an  
9 annual fee for every rental dwelling unit in the State.

10 (2) The annual fee for an affected property is \$15.

11 (3) (i) Subject to the provisions of subparagraphs (ii) and (iii) of  
12 this paragraph, on or before December 31, 2000, the annual fee for a rental dwelling  
13 unit built after 1949 that is not an affected property is \$5. After December 31, 2000,  
14 there is no annual fee for a rental dwelling unit built after 1949 that is not an affected  
15 property.

16 (ii) The owner of a rental dwelling unit built after 1949 that is  
17 not an affected property may not be required to pay the fee provided under this  
18 paragraph if the owner certifies to the Department that the rental dwelling unit is  
19 lead free pursuant to § 6–804 of this subtitle.

20 (iii) An owner of a rental dwelling unit who submits a report to  
21 the Department that the rental dwelling unit is lead free pursuant to § 6–804 of this  
22 subtitle shall include a \$10 processing fee with the report.

23 (b) The fees imposed under this section do not apply to any rental dwelling  
24 unit:

25 (1) Built after 1978; or

26 (2) Owned and operated by a unit of federal, State, or local  
27 government, or any public, quasi-public, or municipal corporation.

28 (c) The fee imposed under this section shall be paid on or before December  
29 31, 1995, or the date of registration of the affected property under Part III of this  
30 subtitle and on or before December 31 of each year thereafter **OR ACCORDING TO A**  
31 **SCHEDULE ESTABLISHED BY THE DEPARTMENT BY REGULATION.**

32 (d) An owner who fails to pay the fee imposed under this section is liable for  
33 a civil penalty of up to triple the amount of each registration fee unpaid that, together  
34 with all costs of collection, including reasonable attorney's fees, shall be collected in a  
35 civil action in any court of competent jurisdiction.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2    July 1, 2011.