

HOUSE BILL 1254

M3

11r0042

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

Introduced and read first time: February 22, 2011

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, February 28, 2011

Committee Report: Favorable

House action: Adopted

Read second time: March 25, 2011

CHAPTER _____

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:

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

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

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

10 6-843.

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

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

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

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

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

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

31 (1) Built after 1978; or

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

34 (c) The fee imposed under this section shall be paid on or before December
35 31, 1995, or the date of registration of the affected property under Part III of this

1 subtitle and on or before December 31 of each year thereafter **OR ACCORDING TO A**
2 **SCHEDULE ESTABLISHED BY THE DEPARTMENT BY REGULATION.**

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.