

Chapter 620

(House Bill 1254)

AN ACT concerning

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

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

BY repealing and reenacting, with amendments,

Article – Environment

Section 6–812 and 6–843

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)

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

Article – Environment

6–812.

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

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

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

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

6–843.

(a) (1) Except as provided in this subsection and subsection (b) of this section, and in cooperation with the Department of Housing and Community

Development, the State Department of Assessments and Taxation, and other appropriate governmental units, the Department shall provide for the collection of an annual fee for every rental dwelling unit in the State.

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

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

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

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

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

(1) Built after 1978; or

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

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

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

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

Approved by the Governor, May 19, 2011.