

# HOUSE BILL 1299

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By: **Delegates McMillan, Beidle, Niemann, Norman, Stein, and Weir**

Introduced and read first time: February 8, 2013

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Lead Poisoning – Risk Reduction Standard – Frequency of Testing**

3 FOR the purpose of requiring an owner of an affected property with windows that  
4 were installed after a certain date to pass the test for lead-contaminated dust  
5 with a certain frequency; requiring an owner of an affected property with  
6 windows that were installed after a certain date to pass the test for  
7 lead-contaminated dust before a pregnant woman or a child occupies the  
8 property and on notification that an individual occupying the affected property  
9 is pregnant; making conforming changes; and generally relating to the  
10 frequency of testing to satisfy the risk reduction standard for certain affected  
11 properties.

12 BY repealing and reenacting, without amendments,  
13 Article – Environment  
14 Section 6–815(a)  
15 Annotated Code of Maryland  
16 (2007 Replacement Volume and 2012 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article – Environment  
19 Section 6–815(b) and (c)  
20 Annotated Code of Maryland  
21 (2007 Replacement Volume and 2012 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article – Real Property  
24 Section 8–401(b)(1)  
25 Annotated Code of Maryland  
26 (2010 Replacement Volume and 2012 Supplement)

27 BY repealing and reenacting, with amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article 24 – Political Subdivisions – Miscellaneous Provisions  
2 Section 19–103  
3 Annotated Code of Maryland  
4 (2011 Replacement Volume and 2012 Supplement)

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

7 **Article – Environment**

8 6–815.

9 (a) No later than the first change in occupancy in an affected property that  
10 occurs on or after February 24, 1996, before the next tenant occupies the property, an  
11 owner of an affected property shall initially satisfy the risk reduction standard  
12 established under this subtitle by passing the test for lead–contaminated dust under §  
13 6–816 of this subtitle provided that any chipping, peeling, or flaking paint has been  
14 removed or repainted on:

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

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

18 (b) **(1) [At] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
19 **SUBSECTION, AT** each change in occupancy thereafter, before the next tenant  
20 occupies the property, the owner of an affected property shall satisfy the risk reduction  
21 standard established under this subtitle by passing the test for lead–contaminated  
22 dust under § 6–816 of this subtitle in accordance with subsection (a) of this section.

23 **(2) THE OWNER OF AN AFFECTED PROPERTY WITH WINDOWS**  
24 **THAT WERE INSTALLED AFTER 1978 SHALL SATISFY THE RISK REDUCTION**  
25 **STANDARD ESTABLISHED UNDER THIS SUBTITLE BY PASSING THE TEST FOR**  
26 **LEAD–CONTAMINATED DUST UNDER § 6–816 OF THIS SUBTITLE IN ACCORDANCE**  
27 **WITH SUBSECTION (A) OF THIS SECTION:**

28 **(I) EVERY 5 YEARS;**

29 **(II) BEFORE A PREGNANT WOMAN OR A CHILD OCCUPIES**  
30 **THE AFFECTED PROPERTY; AND**

31 **(III) ON NOTIFICATION THAT AN INDIVIDUAL OCCUPYING**  
32 **THE AFFECTED PROPERTY IS PREGNANT.**

1 (c) [At each change in occupancy, an] **WHENEVER AN** owner of an affected  
2 property **IS REQUIRED TO SATISFY THE APPLICABLE RISK REDUCTION**  
3 **STANDARD, THE OWNER** shall have the property inspected to verify that the risk  
4 reduction standard specified in this section has been satisfied.

5 **Article – Real Property**

6 8–401.

7 (b) (1) Whenever any landlord shall desire to repossess any premises to  
8 which the landlord is entitled under the provisions of subsection (a) of this section, the  
9 landlord or the landlord's duly qualified agent or attorney shall file the landlord's  
10 written complaint under oath or affirmation, in the District Court of the county  
11 wherein the property is situated:

12 (i) Describing in general terms the property sought to be  
13 repossessed;

14 (ii) Setting forth the name of each tenant to whom the property  
15 is rented or any assignee or subtenant;

16 (iii) Stating the amount of rent and any late fees due and  
17 unpaid;

18 (iv) Requesting to repossess the premises and, if requested by  
19 the landlord, a judgment for the amount of rent due, costs, and any late fees;

20 (v) If applicable, stating that, to the best of the landlord's  
21 knowledge, the tenant is deceased, intestate, and without next of kin; and

22 (vi) If the property to be repossessed is an affected property as  
23 defined in § 6–801 of the Environment Article, stating that the landlord has registered  
24 the affected property as required under § 6–811 of the Environment Article and  
25 renewed the registration as required under § 6–812 of the Environment Article and:

26 1. A. If the current tenant moved into the property  
27 on or after February 24, 1996, stating the inspection certificate number for the **MOST**  
28 **RECENT** inspection [conducted for the current tenancy as] required under § 6–815(c)  
29 of the Environment Article; or

30 B. On or after February 24, 2006, stating the inspection  
31 certificate number for the **MOST RECENT** inspection [conducted for the current  
32 tenancy as] required under § 6–815(c), § 6–817(b), or § 6–819(f) of the Environment  
33 Article; or

1                   2.     Stating that the owner is unable to provide an  
2 inspection certificate number because:

3                   A.     The owner has requested that the tenant allow the  
4 owner access to the property to perform the work required under Title 6, Subtitle 8 of  
5 the Environment Article;

6                   B.     The owner has offered to relocate the tenant in order  
7 to allow the owner to perform work if the work will disturb the paint on the interior  
8 surfaces of the property and to pay the reasonable expenses the tenant would incur  
9 directly related to the relocation; and

10                  C.     The tenant has refused to allow access to the owner or  
11 refused to vacate the property in order for the owner to perform the required work.

## 12                   **Article 24 – Political Subdivisions – Miscellaneous Provisions**

13     19–103.

14                  Before a local government authorizes or certifies residential property to be  
15 rented or leased, the owner of the residential property shall state in writing to the  
16 local government under penalty of perjury:

17                   (1)     That the residential property is not an affected property; or

18                   (2)     (i)     That the residential property is an affected property that the  
19 landlord has registered as required under § 6–811 of the Environment Article and for  
20 which the landlord has renewed the registration as required under § 6–812 of the  
21 Environment Article; and

22                   (ii)    1.     If the current tenant moved into the property on or  
23 after February 24, 1996, the inspection certificate number for the **MOST RECENT**  
24 inspection [conducted for the current tenancy as] required under § 6–815(c) of the  
25 Environment Article; or

26                   2.     On or after February 24, 2006, the inspection  
27 certificate number for the **MOST RECENT** inspection [conducted for the current  
28 tenancy as] required under § 6–815(c), § 6–817(b), or § 6–819(f) of the Environment  
29 Article.

30                  SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2013.