

HOUSE BILL 1158

M3

5lr2780

By: **Delegate Stein**

Introduced and read first time: February 20, 2015

Assigned to: Rules and Executive Nominations

Re-referred to: Environment and Transportation, March 9, 2015

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2015

CHAPTER _____

1 AN ACT concerning

2 **Lead Risk Reduction Standards – Maintenance of Exemptions**

3 FOR the purpose of altering the time period when an owner of certain residential rental
4 property is required to submit a certain certification to the Department of the
5 Environment in order to maintain a certain exemption from certain lead-based paint
6 risk reduction standards; requiring an owner of certain residential rental property
7 to submit a certain certification to the Department within a certain time period after
8 receiving a written notice of chipping, peeling, or flaking paint on the exterior of the
9 property in order to maintain a certain exemption; requiring an owner of a certain
10 residential rental property to submit a certain affidavit on or before a certain date
11 and annually thereafter in order to maintain a certain exemption; ~~providing that a~~
12 ~~failure to possess or maintain certain records does not invalidate a certain exemption~~
13 requiring an owner of a certain residential rental property to maintain a copy of each
14 affidavit for a certain time period, and, on request, to submit a copy of an affidavit
15 to the Department; requiring a certain written notice of chipping, peeling, or flaking
16 paint be sent in a certain manner; providing that a certain exemption for a
17 multifamily rental dwelling expires on a certain date unless a certain inspection for
18 the presence of lead-based paint was conducted in accordance with certain standards
19 established by the U.S. Department of Housing and Urban Development regulations
20 adopted by the Department; and generally relating to exempting lead-free
21 residential rental property from certain lead-based paint risk reduction standards.

22 BY repealing and reenacting, with amendments,

23 Article – Environment

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 Section 6–804
 2 Annotated Code of Maryland
 3 (2013 Replacement Volume and 2014 Supplement)

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

6 **Article – Environment**

7 6–804.

8 (a) **[Affected] SUBJECT TO SUBSECTIONS (B) AND (D) OF THIS SECTION,**
 9 **AFFECTED** property is exempt from the provisions of Part IV of this subtitle if the owner
 10 submits to the Department an inspection report that:

11 (1) Indicates that the affected property has been tested for the presence of
 12 lead–based paint in accordance with standards and procedures established by the
 13 Department by regulation;

14 (2) States that:

15 (i) All interior and exterior surfaces of the affected property are
 16 lead–free; or

17 (ii) 1. All interior surfaces of the affected property are lead–free
 18 and all exterior painted surfaces of the affected property that were chipping, peeling, or
 19 flaking have been restored with nonlead–based paint; and

20 2. No exterior painted surfaces of the affected property are
 21 chipping, peeling, or flaking; and

22 (3) Is verified by the Department accredited inspector who performed the
 23 test.

24 (b) **(1) ~~In~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN** order to
 25 maintain AN exemption from the provisions of Part IV of this subtitle under (a)(2)(ii) of this
 26 section, the owner shall submit to the Department [every 2 years a]:

27 **(I) EVERY 5 YEARS, AND WITHIN 30 DAYS AFTER RECEIVING A**
 28 **WRITTEN NOTICE OF CHIPPING, PEELING, OR FLAKING PAINT FROM ANY SOURCE ON**
 29 **THE EXTERIOR OF THE PROPERTY, A certification, by a Department accredited inspector,**
 30 **stating that no exterior painted surface of the affected property is chipping, peeling, or**
 31 **flaking; AND**

32 **(II) ON OR BEFORE THE FIRST ANNIVERSARY OF THE DATE OF**
 33 **THE INSPECTION AND ANNUALLY THEREAFTER, ~~AN~~ A NOTARIZED AFFIDAVIT, ON A**

1 FORM APPROVED BY THE DEPARTMENT, AFFIRMING THAT THE EXTERIOR OF THE
 2 AFFECTED PROPERTY REMAINS FREE OF CHIPPING, PEELING, OR FLAKING PAINT.

3 ~~(2) A FAILURE TO POSSESS OR MAINTAIN RECORDS OF ANY~~
 4 ~~CERTIFICATION OR AFFIDAVIT REQUIRED UNDER PARAGRAPH (1) OF THIS~~
 5 ~~SUBSECTION DOES NOT INVALIDATE THE EXEMPTION~~ THE OWNER SHALL:

6 (I) MAINTAIN A COPY OF EACH AFFIDAVIT REQUIRED UNDER
 7 PARAGRAPH (1)(II) OF THIS SUBSECTION FOR AT LEAST 10 YEARS OR THE DURATION
 8 OF OWNERSHIP OF THE AFFECTED PROPERTY, WHICHEVER IS LONGER; AND

9 (II) ON REQUEST OF THE DEPARTMENT, SUBMIT A COPY OF AN
 10 AFFIDAVIT REQUIRED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION TO THE
 11 DEPARTMENT.

12 (3) THE WRITTEN NOTICE OF CHIPPING, PEELING, OR FLAKING PAINT
 13 SUBMITTED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION SHALL BE SENT BY:

14 (I) CERTIFIED MAIL, RETURN RECEIPT REQUESTED; OR

15 (II) A VERIFIABLE METHOD APPROVED BY THE DEPARTMENT.

16 (c) Outside surfaces of an affected property, including windows, doors, trim,
 17 fences, porches, and other buildings or structures that are part of the affected property, are
 18 exempt from the risk reduction standards under §§ 6–815 and 6–819 of this subtitle if all
 19 exterior surfaces of an affected property are lead-free and the owner submits to the
 20 Department an inspection report that:

21 (1) Indicates that the outside surfaces have been tested for the presence of
 22 lead-based paint in accordance with standards and procedures established by the
 23 Department by regulation;

24 (2) States that all outside surfaces of the affected property are lead-free;
 25 and

26 (3) Is verified by the Department accredited inspector who performed the
 27 test.

28 (D) ON OCTOBER 1, 2020, AN EXEMPTION FOR A MULTIFAMILY RENTAL
 29 DWELLING UNDER SUBSECTION (A) ~~OR (C)~~ OF THIS SECTION SHALL EXPIRE UNLESS
 30 THE NUMBER OF RENTAL DWELLING UNITS, ~~COMMON AREAS, AND EXTERIOR~~
 31 ~~SURFACES~~ TESTED FOR THE INSPECTION REPORT WAS IN ACCORDANCE WITH ~~TABLE~~
 32 ~~7.3: NUMBER OF UNITS TO BE TESTED IN MULTIFAMILY DEVELOPMENTS IN THE~~
 33 ~~GUIDELINES FOR THE EVALUATION AND CONTROL OF LEAD-BASED PAINT~~
 34 ~~HAZARDS IN HOUSING (1997 REVISION) PUBLISHED BY THE U.S. DEPARTMENT OF~~

1 ~~HOUSING AND URBAN DEVELOPMENT~~ REGULATIONS ADOPTED BY THE
2 DEPARTMENT.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.