

HOUSE BILL 396

M3
HB 1158/15 – ENV

6lr1379

By: **Delegates Stein, Holmes, Jalisi, and McCray**

Introduced and read first time: January 28, 2016

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2016

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~~ complete a certain affidavit on or before a
11 certain date and annually thereafter in order to maintain a certain exemption;
12 requiring an owner of a certain residential rental property to maintain a copy of each
13 affidavit for a certain time period and, on request, to submit a copy of an affidavit to
14 the Department within a certain number of days; requiring that a certain written
15 notice of chipping, peeling, or flaking paint be sent in a certain manner; providing
16 that a certain exemption for a multifamily rental dwelling expires on a certain date
17 unless a certain inspection for the presence of lead-based paint was conducted in
18 accordance with certain Department regulations ~~adopted by the Department~~
19 effective on or after a certain date; and generally relating to exempting
20 lead-free residential rental property from certain lead-based paint risk reduction
21 standards.

22 BY repealing and reenacting, with amendments,

23 Article – Environment

24 Section 6–804

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 Annotated Code of Maryland
2 (2013 Replacement Volume and 2015 Supplement)

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

5 **Article – Environment**

6 6–804.

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

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

13 (2) States that:

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

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

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

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

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

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

31 **(II) ON OR BEFORE THE FIRST ANNIVERSARY OF THE DATE OF**
32 **THE INSPECTION AND ANNUALLY THEREAFTER, COMPLETE A NOTARIZED**
33 **AFFIDAVIT, ON A FORM APPROVED BY THE DEPARTMENT, AFFIRMING THAT THE**

1 EXTERIOR OF THE AFFECTED PROPERTY REMAINS FREE OF CHIPPING, PEELING, OR
2 FLAKING PAINT.

3 (2) THE OWNER SHALL:

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

7 (II) ON REQUEST OF THE DEPARTMENT, SUBMIT A COPY OF AN
8 AFFIDAVIT REQUIRED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION TO THE
9 DEPARTMENT WITHIN 15 DAYS AFTER RECEIPT OF THE REQUEST.

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

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

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

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

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

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

24 (3) Is verified by the Department accredited inspector who performed the
25 test.

26 (D) ON OCTOBER 1, 2020, AN EXEMPTION FOR A MULTIFAMILY RENTAL
27 DWELLING UNDER SUBSECTION (A) OF THIS SECTION SHALL EXPIRE UNLESS THE
28 NUMBER OF RENTAL DWELLING UNITS TESTED FOR THE INSPECTION REPORT WAS
29 IN ACCORDANCE WITH DEPARTMENT REGULATIONS ~~ADOPTED BY THE~~
30 DEPARTMENT EFFECTIVE ON OR AFTER SEPTEMBER 29, 2003.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2016.