

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

A BILL ENTITLED

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

21 BY repealing and reenacting, with amendments,
22 Article – Environment
23 Section 6–804
24 Annotated Code of Maryland
25 (2013 Replacement Volume and 2015 Supplement)

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

28 **Article – Environment**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 6-804.

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

5 (1) Indicates that the affected property has been tested for the presence of
6 lead-based paint in accordance with standards and procedures established by the
7 Department by regulation;

8 (2) States that:

9 (i) All interior and exterior surfaces of the affected property are
10 lead-free; or

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

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

16 (3) Is verified by the Department accredited inspector who performed the
17 test.

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

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

26 **(II) ON OR BEFORE THE FIRST ANNIVERSARY OF THE DATE OF**
27 **THE INSPECTION AND ANNUALLY THEREAFTER, A NOTARIZED AFFIDAVIT, ON A**
28 **FORM APPROVED BY THE DEPARTMENT, AFFIRMING THAT THE EXTERIOR OF THE**
29 **AFFECTED PROPERTY REMAINS FREE OF CHIPPING, PEELING, OR FLAKING PAINT.**

30 **(2) THE OWNER SHALL:**

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

1 **(II) ON REQUEST OF THE DEPARTMENT, SUBMIT A COPY OF AN**
2 **AFFIDAVIT REQUIRED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION TO THE**
3 **DEPARTMENT.**

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

6 **(I) CERTIFIED MAIL, RETURN RECEIPT REQUESTED; OR**

7 **(II) A VERIFIABLE METHOD APPROVED BY THE DEPARTMENT.**

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

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

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

18 (3) Is verified by the Department accredited inspector who performed the
19 test.

20 **(D) ON OCTOBER 1, 2020, AN EXEMPTION FOR A MULTIFAMILY RENTAL**
21 **DWELLING UNDER SUBSECTION (A) OF THIS SECTION SHALL EXPIRE UNLESS THE**
22 **NUMBER OF RENTAL DWELLING UNITS TESTED FOR THE INSPECTION REPORT WAS**
23 **IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT.**

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