



MARYLAND'S LEAD PAINT LAWS

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Maryland Department of the Environment

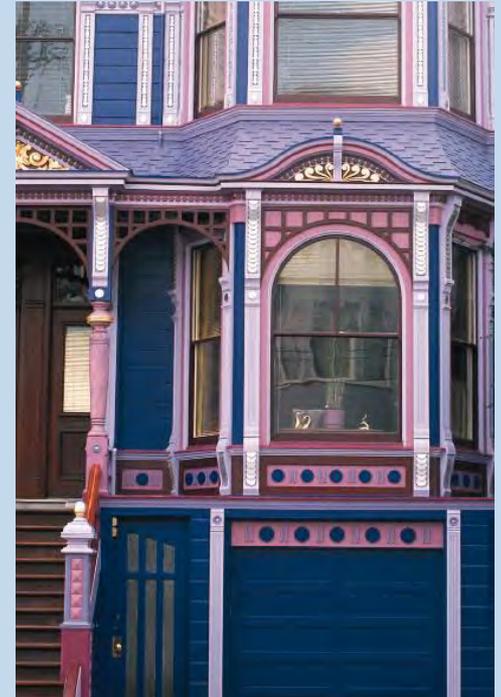
**REDUCTION
OF LEAD RISK
IN
HOUSING ACT
Title 6, Subtitle 8
of the
Environment Article**





Goals

- Prevent Childhood Lead Poisoning
- Create and preserve safer, affordable rental housing



PRESUMPTIONS

- All paint in a pre-1978 property is presumed to be lead based paint.
- A noncompliant owner failed to exercise reasonable care.
- A compliant owner exercised reasonable care.





WHO MUST COMPLY

Mandatory for all pre-1978 rental units..



EXEMPTIONS FROM LAW

- A rental dwelling unit that was built in 1978 or after.
- A rental dwelling unit built prior to 1978 that is certified “lead free” by an accredited MDE inspector and has a valid “lead free” certificate on file with MDE.
- A seasonal or transient property such a hotel or motel.
- A rental dwelling unit that does not have permanent provisions for living, sleeping, eating, cooking and sanitation.



Reduction of Lead Risk in Housing Act

- Registration
- Educational Materials
- Lead Risk Reduction



Title 6, Subtitle 8 of the Environment Article

REGISTRATION



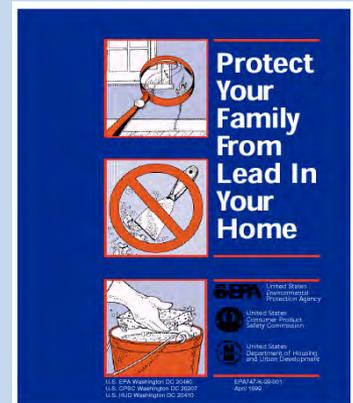
- Register each property listing all units
- Renew registration annually
- Online Registration – www.mde.state.md.us

§§ 6-811, 6-812



DISTRIBUTION OF EDUCATIONAL MATERIALS

- Information Distribution
 - Tenant's Rights Package
 - EPA – Protect Your Family From Lead in Your Home.
 - Certificate of Compliance
- Requirements for Distribution
 - Inception of Tenancy
 - Every 2 Years of Tenancy



§§ 6-820 & 6-823



Lead Poisoning Prevention

Notice of Tenants' Rights

INTRODUCTION

This Notice of Tenants' Rights explains your legal rights pursuant to the Maryland Reduction of Lead Risk in Housing Law, which went into effect on February 24, 1996. Under this law, property owners are required to abate all lead-based paint hazards in rental properties constructed prior to 1950, register their properties with Maryland Department of the Environment's (MDE) Lead Poisoning Prevention Program, and provide tenants with lead educational materials. In exchange for complying with the law, property owners are entitled to limited liability protection in the event a child or pregnant woman is poisoned in their property.

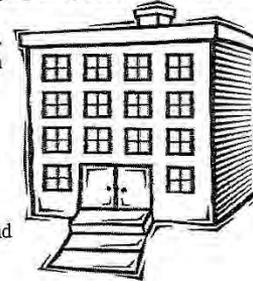
This Notice of Tenant's Rights provides a detailed explanation of what property owners are required to do to comply with the law, how to inform your landlord that repairs need to be performed in your home, and steps you can take to enforce your legal rights if your landlord refuses to respond to your request.

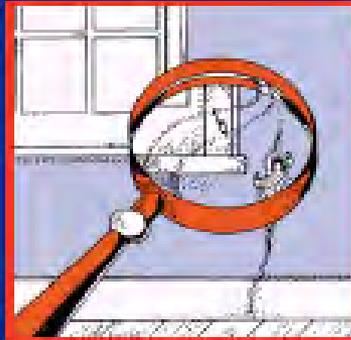
Please read this material carefully and call the Lead Hotline at 410-537-4199 or 800-776-2706 if you have any questions. (TTY Users 800-735-2258)

I HAVE JUST MOVED INTO A RENTAL HOME THAT WAS BUILT BEFORE 1950, WHAT DO I NEED TO KNOW?

In order to be fully compliant with the law, your landlord is required to:

- 1) Give you the Notice of Tenant Rights, the EPA brochure, "Protect Your Family from Lead in Your Home", and a copy of the lead inspection certificate for the unit on or before the day you move in. The property owner may ask you to sign a statement acknowledging that you received these items.
- 2) Register the property with the Maryland Department of the Environment (MDE) and pay a \$15.00 annual registration fee.
- 3) Perform lead hazard maintenance called **Full Risk Reduction Treatments and provide you a certificate**. This means that when you move in, there should be:
 - a. No chipping, peeling or flaking paint;
 - b. Smooth and cleanable window wells, window sills, and floors;
 - c. Doors that open and close smoothly; and
 - d. Floors and windows that have been HEPA vacuumed and wet washed, removing lead dust.





Protect Your Family From Lead In Your Home

 United States
Environmental
Protection Agency

 United States
Consumer Product
Safety Commission

 United States
Department of Housing
and Urban Development

U.S. EPA Washington DC 20460
U.S. CPSC Washington DC 20207
U.S. HUD Washington DC 20410

EPA747-K-00-001
April 1999

TYPES OF RISK REDUCTION CERTIFICATES

- Lead Free
- Limited Lead Free
- Full Risk Reduction
- Modified Risk Reduction



MARYLAND DEPARTMENT OF THE ENVIRONMENT
LEAD PAINT RISK REDUCTION INSPECTION CERTIFICATE NO. 243501

NOTE: This inspection certificate is not valid unless it contains the Owner's
SIDE OWNER'S NAME PROPERTY'S ADDRESS OWNER'S NAME

Property Street Address Unit # City State Zip

The inspector must inspect categories A, B, C, or A, B, C, and D ONLY (see "INSPECTION" category option for inspection or used). The following attachments are required: Visual Review Data Sampling Report C, Visual Inspection Form B, Lead Free Form E. The issued certificate are subject to a waiver for extension for a specific time frame and will be treated as the expiration date. The Inspector, Certificate No. must be specified on all forms submitted.

INSPECTION CATEGORIES

| | | | |
|--|--|--|--|
| <input type="checkbox"/> 1. Lead Free Option A: One Time Only (087) Option B: Limited Recertification Required by Expiration Date (04/01/...) | <input type="checkbox"/> 2. Full Risk Reduction Methods A. Visual Inspection (interior & exterior) (087) B. Visual Inspection (interior & exterior) (087) C. Enclosure Waiver Expiration Date (04/01/...) | <input type="checkbox"/> 3. Modified Risk Reduction Methods A. Visual Inspection (interior & exterior) (087) B. Visual Inspection (interior & exterior) (087) C. Enclosure Waiver Expiration Date (04/01/...) | <input type="checkbox"/> 4. Lead Safe Methods A. Visual Review (interior & exterior) (087) B. Visual Inspection (interior & exterior) (087) C. Enclosure Waiver Expiration Date (04/01/...) |
|--|--|--|--|

Based on the findings of the attached inspection report(s), I certify that the property/unit meets the certification criteria at this time.
PASS
(Include owner, present or not as appropriate.)

Based on the findings of the attached inspection report(s), the property/unit fails to meet certification criteria at this time.
FAIL
(Include owner, present or not as appropriate.)

I certify that I inspected the above listed property/unit on _____ at _____ a.m. to an under Title 6, Subtitle 6 of the Environment Article, Annotated Code of Maryland.

Inspector's Name (print) _____ Inspector's Signature _____ Accreditation No. _____ Inspection Company _____ Accreditation No. _____

MDDE 410 (Revised 5/02) (Every distribution: original to owner, yellow to MDDE, pink to tenant, published to inspection company)

When Does an Owner have to meet the Modified Risk Reduction Standard?

Triggers for Modified Risk Reduction

- Notice of Child with a EBL ≥ 10 $\mu\text{g/dL}$.
- Notice of Defect from any source.



§ 6-819

Notice Of Defect

NOTICE OF DEFECT/NOTICE OF ELEVATED BLOOD LEVEL ABOVE 15 µg/dl

**** TENANT: SEND THIS NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED OR HAND DELIVER THIS NOTICE AND GET A SIGNATURE FROM THE PROPERTY OWNER OR THE PROPERTY OWNER'S AGENT OR MANAGER.**

To:

Name of Property Owner/ Manager/ Agent

This is to notify you to perform Modified Risk Reduction Treatments under §6-819 of the Environment Article of the Annotated Code of Maryland because:

- A child under the age of six years or a pregnant woman at this address has a blood lead level of 15 micrograms or more per deciliter of blood.

AND/OR

- The following defects require your attention.

From:

Name of Tenant

Street Address and Unit#

City State Zipcode

Telephone - Day Telephone-Evening

CHIPPING, PEELING, FLAKING PAINT

| This room, | This room, | This room, | This room, |
|---|---|---|---|
| has chipping, peeling, or flaking paint on the: | has chipping, peeling, or flaking paint on the: | has chipping, peeling, or flaking paint on the: | has chipping, peeling, or flaking paint on the: |
| <input type="checkbox"/> Walls/ceiling | <input type="checkbox"/> Walls/ceiling | <input type="checkbox"/> Walls/ceiling | <input type="checkbox"/> Walls/ceiling |
| <input type="checkbox"/> Window sills |
| <input type="checkbox"/> Window wells |
| <input type="checkbox"/> Window frames |
| <input type="checkbox"/> Porch | <input type="checkbox"/> Porch | <input type="checkbox"/> Porch | <input type="checkbox"/> Porch |
| <input type="checkbox"/> Door/door frame |

STRUCTURAL DEFECTS

| This area, | This area, | This area, | This area, |
|---|---|---|---|
| has the following structural defects: |
| <input type="checkbox"/> Leaking ceiling |
| <input type="checkbox"/> Leaking roof |
| <input type="checkbox"/> Leaking plumbing |
| <input type="checkbox"/> Other | <input type="checkbox"/> Other | <input type="checkbox"/> Other | <input type="checkbox"/> Other |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

PROPERTY OWNER / MANAGER / AGENT SIGNATURE

I, _____ owner / agent of the owner, manager of the above-noted property (circle one) hereby acknowledge receiving this Notice of Defect / EBL.

Signature

Print Name

Date

Report of Elevated Blood Lead Level

REPORT OF ELEVATED BLOOD LEAD LEVEL OFFICIAL NOTICE

If you have any questions please call the Maryland Department of the Environment
Childhood Lead Poisoning Prevention @ 1-800-776-2706 or (410) 537-4199.

| | |
|---|----------------------|
| Property Owner | To: _____ _____ |
| | From: _____ _____ |
| | _____ |
| | _____ |
| Date issued by Local Health Department ____/____/____ | |

Regarding: This is to notify you under Environment Article §§ 6-801 – 6-852, "Reduction of Lead Risk in Housing", that a person at risk with an elevated blood lead level resides at or spends more than 24 hours per week at the address below. If the blood lead level is over 9 micrograms per deciliter and the property is pre-1950 rental, the property owner has 30 days to satisfy the modified risk reduction standard. If the blood lead level is over 14 micrograms per deciliter and the property is pre-1950 rental, and the property owner is in compliance with all provisions of the Reduction of Lead Risk in Housing law, the property owner has 30 days to make a qualified offer.

| | |
|----------------|--|
| Person at Risk | Address: _____ _____ |
| | Date of Construction: _____ Lead Rental Registry No. _____ |
| | The Person-At-Risk had an elevated blood level of _____ micrograms per deciliter on ____/____/____ |
| | Name: _____ Date of Birth (if child): ____/____/____ |

Environment Article § 6-847 Disclosure of Blood Lead Results:

(a) *Owner; authorized disclosures* - (1) An owner who receives the blood lead test results of a person at risk under this subtitle may not disclose those results to another person except: (i) The insurer of the owner, (ii) A medical doctor or other health professional with whom the owner consults, or (iii) An attorney of the owner or any person specified in subparagraph (i) or (ii) of this paragraph. (2) A person who receives blood lead test results from an owner under paragraph (1) of this subsection may not disclose those results to any person not specified in paragraph (1) of this subsection. (b) *Good faith disclosures; liability*. A person who in good faith discloses or does not disclose the results of a blood lead test to an owner under this part is not liable under any cause of action arising from the disclosure or nondisclosure of the test results. (c) *Penalties*. A person who violates the provisions of this section is subject to the penalties provided in § 4-309 of the Health - General Article.

Received by: _____ Date _____
Signature of Landlord or Property Owner/Tenant/Delivering

MARYLAND DEPARTMENT OF THE ENVIRONMENT

LEAD PAINT RISK REDUCTION (MDE FORM 330) INSPECTION CERTIFICATE NO. _____

MDE TRACKING NO. _____ MDE PROPERTY NO. (Include county code prefix.) _____ OWNER NAME _____

Street Address _____ Unit No. _____ City _____ Zip Code _____ County _____ Property Construction Date _____

The Maryland accredited lead inspector must mark an inspection category 1, 2, 3, or 5 and mark the appropriate inspection method. Only **ONE** category and method are to be marked. The following attachments are required to be submitted with the certificate: Form E for Lead Free. Form C, laboratory results, and diagrams for Full Risk Reduction, and Forms B and C, original signed copy of Supervisor's Statement of Work, laboratory results, and diagrams for Modified Risk Reduction. The certificate shall be signed by the inspector who performed the inspection. Inspection certificates and all required attachments must be submitted to MDE within 10 days following Lead Free and Lead Safe Inspections and within 10 days following the receipt of dust sample results for Full and Modified Risk Reduction Inspections. Copies of all inspection records shall be maintained for at least 5 years by lead inspection contractors. Maximum penalties will be pursued by MDE for any falsified documentation that is received by MDE. Indicate "0000" if Property Construction Date is unknown. Lead paint inspection contractors **must** mail inspection certificates and the supporting documentation for inspection certificates to: P.O. Box 943, Jessup, MD 20794.

INSPECTION CATEGORIES

| | | | |
|---|---|--|---|
| <input type="checkbox"/> 1. Lead Free <p style="text-align: center;">Methods</p> <input type="checkbox"/> A. One Time Only <i>(Interior & Exterior)</i> OR <input type="checkbox"/> B. Limited <i>(Interior Lead Free Only)</i> Passing Re-inspection required no later than: _____/_____/_____ _____ Number of Pre-1950 Lead Free Units _____ Number of Post-1949 Lead Free Units | <input type="checkbox"/> 2. Full Risk Reduction <p style="text-align: center;">Methods</p> <input type="checkbox"/> A. Dust Inspection OR <input type="checkbox"/> D. Dust Inspection with Exterior Waiver Passing Re-inspection (Form D and Supervisor Statement of Work) required no later than 04 / 30 / ____ unless otherwise noted in local code. OR <input type="checkbox"/> E. Dust Inspection with Lead Free Exterior | <input type="checkbox"/> 3. Modified Risk Reduction <p style="text-align: center;">Methods</p> <input type="checkbox"/> B. Visual Inspection <u>and</u> Dust Inspection OR <input type="checkbox"/> C. Visual Inspection <u>and</u> Dust Inspection with Exterior Waiver Passing Re-inspection (Form D and Supervisor Statement of Work) required no later than 04/ 30 / ____ unless otherwise noted in local code. OR <input type="checkbox"/> D. Visual Inspection <u>and</u> Dust Inspection with Lead Free Exterior | <input type="checkbox"/> 5. Lead Safe <p style="text-align: center;">Methods</p> <input type="checkbox"/> A. Dust Inspection OR <input type="checkbox"/> B. Dust Inspection <u>and</u> Visual Inspection OR <input type="checkbox"/> C. Dust Inspection with Lead Free Exterior OR <input type="checkbox"/> D. Dust Inspection <u>and</u> Visual Inspection with Lead Free Exterior AND Verification that windows are lead free or have been treated so friction surfaces are lead free. |
|---|---|--|---|

PASSED Based on the findings of the attached inspection report(s), I certify that the **property/unit** meets the certification criteria at this time. *(circle property or unit)*

FAILED Based on the findings of the attached inspection report(s), the **property/unit** fails to meet certification criteria at this time. *(circle property or unit)*

I certify that I inspected the above listed **property/unit** on ____ / ____ / ____ at ____ : ____ a.m./p.m. under Title 6, Subtitle 8 of the Environment Article, Annotated Code of MD.

Inspector's Name _____ Inspector's Signature _____ Accreditation No. _____ Accreditation Exp. Date _____ Inspection Contractor Name _____ Accreditation No. _____ Accreditation Exp. Date _____

Issuance of Abatement Orders

§ 6-822

- Provides the Department, health departments or other local jurisdictions the authority to issued abatement orders in response to a report of a lead poisoned person at risk.
- Abatements may be ordered in any residential building, including owner-occupied, rentals, child care facilities or pre-school facilities.
- The Department may enforce the provisions of the order.

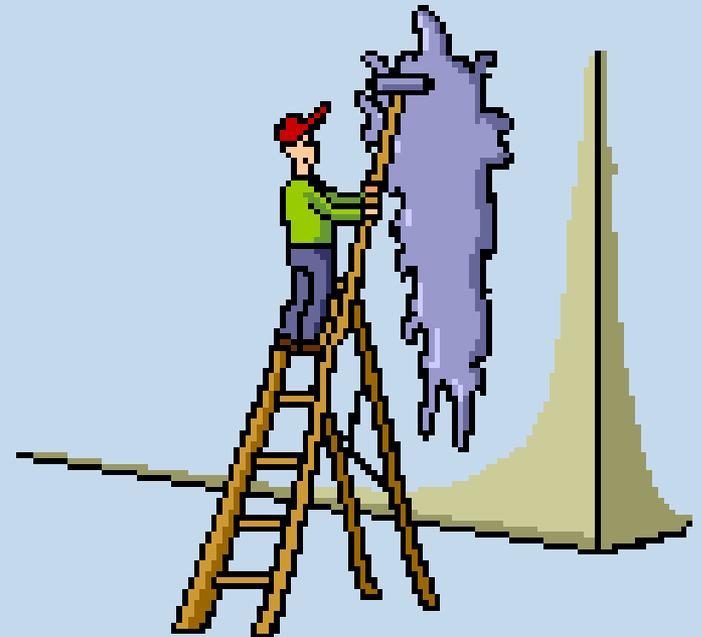


Title 6, Subtitle 10
of the
Environment Article
“Accreditation of Lead Paint Abatement
Services”



MDE ACCREDITATION

- Contractors, Supervisors, Inspectors, Risk Assessors and Trainers must be accredited.
- Workers must be trained.
- Must use safe work practices, which are similar to federal standards.



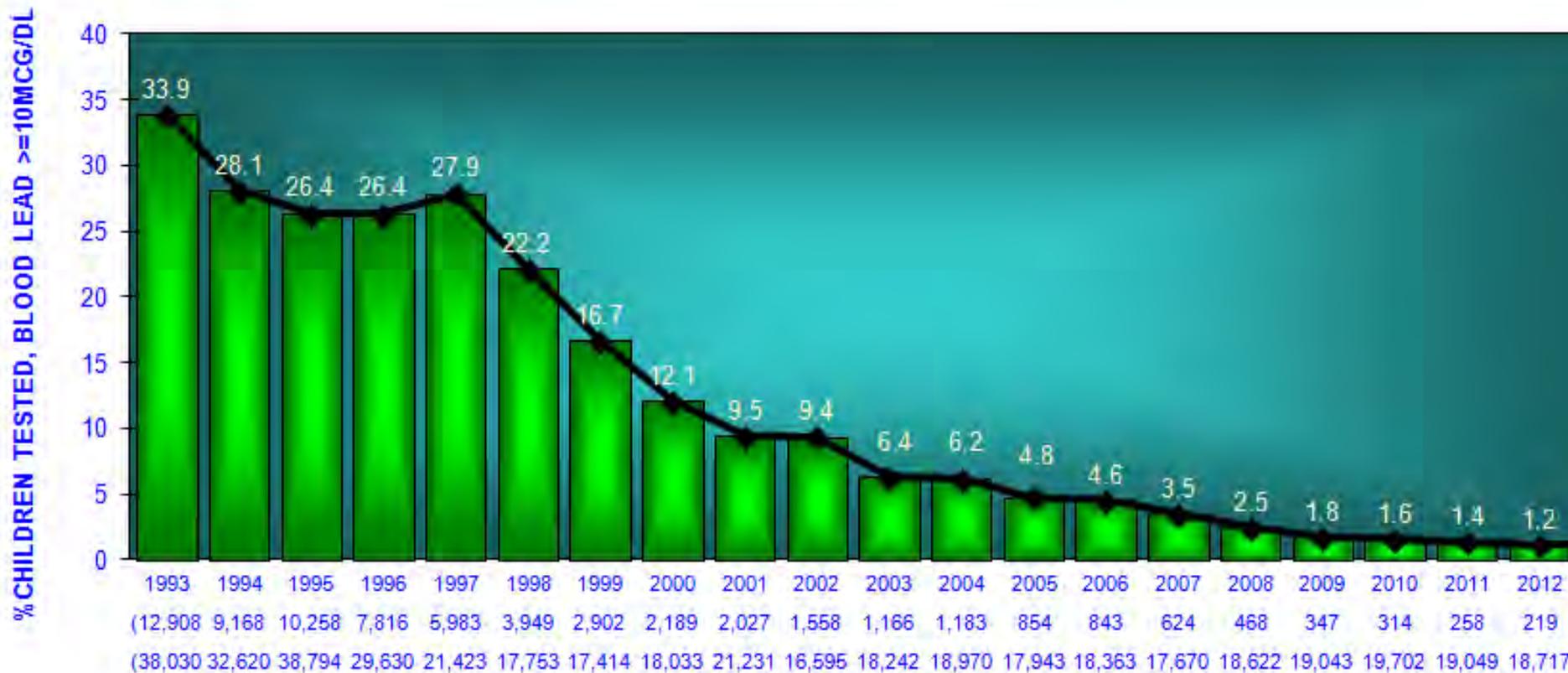
Authority to Order Compliance & Issue Penalties

- Up to \$20 per day for failure to register.
- Up to \$500 per day, per violation for failure to perform risk reduction.
- Up to \$25,000 per violation for failure to be accredited or follow safe work practices.
- Maximum Penalty of \$100,000 per action.

§ § 6-849, 6-850, & 7-266



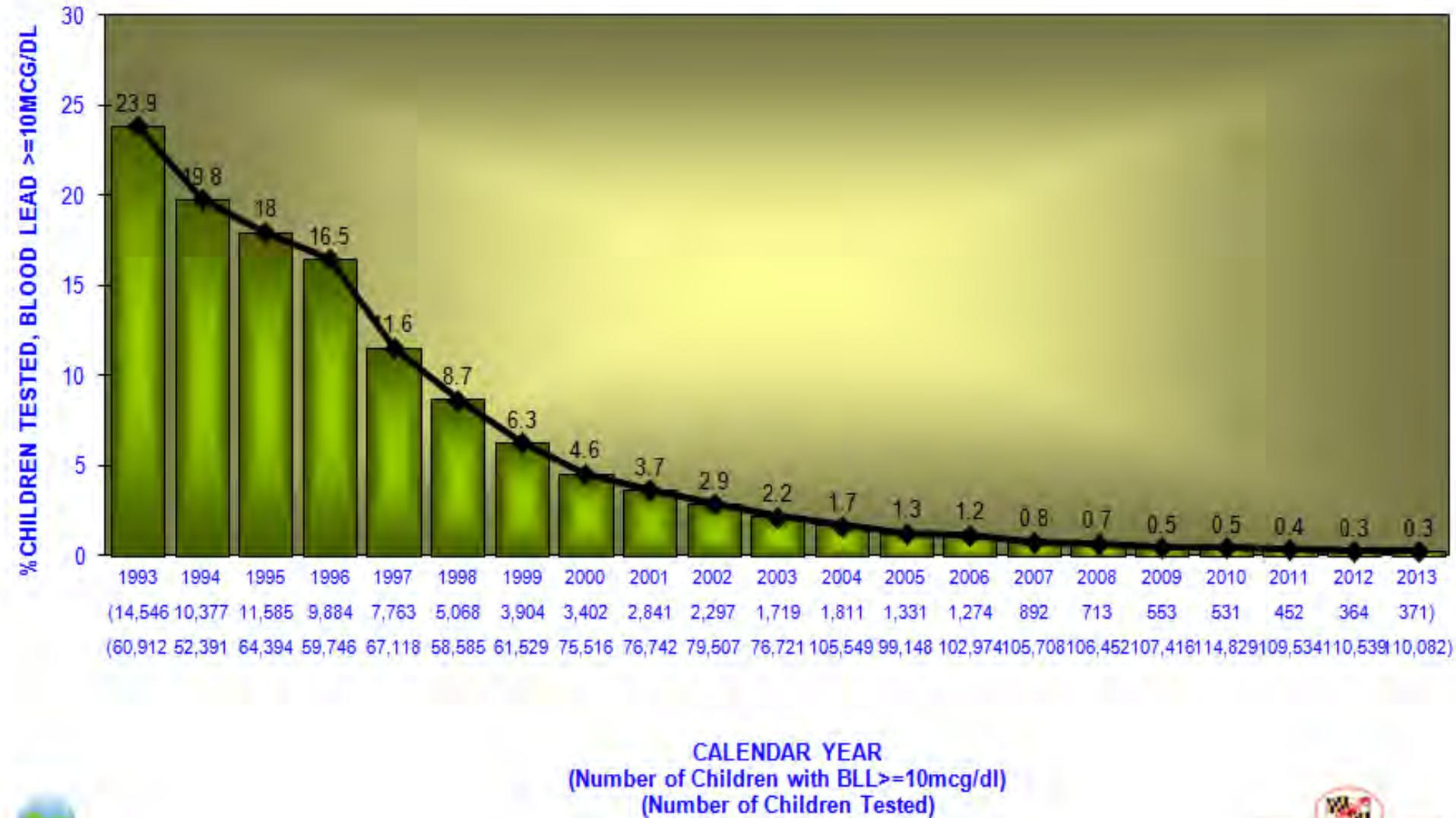
MARYLAND DEPARTMENT OF THE ENVIRONMENT
 CHILDHOOD BLOOD LEAD SURVEILLANCE
 BALTIMORE CITY 1993-2012



CALENDAR YEAR
 (Number of Children with BLL ≥ 10mcg/dl)
 (Number of Children Tested)



MARYLAND DEPARTMENT OF THE ENVIRONMENT
CHILDHOOD BLOOD LEAD SURVEILLANCE
STATEWIDE 1993-2012



Maryland Laws Supporting Title 6, Subtitle 8 of the Environment Article

- Retaliatory Eviction (1994)
- Rent Escrow (1997)
- Reports of Non-Compliance (2003)
- Failure to Pay Rent Hearings (2004)
- Local Registration/Licensure (2004)
- Termination of Lease Agreements (2008)
- Local Housing Code Notices (2009)

Real Property Article

8-208.2- Retaliatory Actions for Informing Landlord of Lead Poisoning Hazards

A landlord of real property subject to the provisions of Title 6, Subtitle 8 of the Environment Article may not evict or take any retaliatory action against a tenant primarily as a result of the tenant providing information to the landlord under Title 6, Subtitle 8 of the Environment Article.

1994

Real Property Article

§8-211.1- Failure of Lessor to Remove Lead-Based Paint; Rent Escrow

Notwithstanding any provision of law or any agreement, whether written or oral, if a landlord fails to comply with the applicable risk reduction standard under §6-815 or §6-819 of the Environmental Article, the tenant may deposit the tenant's rent in an escrow account with the clerk of the District Court for the district in which the premises are located.

1997

Environment Article

6-848.2- Reports of Non-Compliance

A local government agency shall report to the Department any known noncompliance of an affected property with this subtitle.

2003



Real Property Article

8-401(b)(1)(vi)- Failure to Pay Rent

If the property to be repossessed is an affected property, the landlord shall provide information regarding their compliance status with regard to Title 6, Subtitle 8 of the Environment Article.

2004



DISTRICT COURT OF MARYLAND FOR _____

Located at _____

| | | | | |
|------------------------------|---|---|---|---|
| No. of tenants | 1 | 2 | 3 | 4 |
| CASE NUMBER | | | | |
| TRIAL DATE & TIME | | | | |

_____ Affixed on Premises

_____ Date

_____ Mailed to Tenant

_____ Constable/Sheriff

_____ Served on Party:

_____ Date

_____ Date

Landlord/Agent (Plaintiff)

Address of Landlord/Agent

City _____ State _____ Zip _____

① Name of Tenant (Defendant)

② Name of Tenant (Defendant)

Address of Tenant

City _____ State _____ Zip _____

FAILURE TO PAY RENT - LANDLORD'S COMPLAINT FOR REPOSSESSION OF RENTED PROPERTY UNDER REAL PROPERTY § 8-401

1. The property is described as: _____ Number _____ Street _____ Apt. _____ City _____ Maryland,

2. The property is affected property under § 6-801, Environment Article ^{Property Name} is not affected under § 6-801, Environment Article.

The property is MD Dept. of the Environment registered, _____ is not MDE registered.

Owner is unable to state Certificate No. because: property is exempt tenant refused access or to relocate/vacate during remedial work.

3. The Tenant rents from the Landlord who asks for possession of the property and a judgment for the amount determined to be due.

4. The rent is \$ _____ due on the _____ of the week month which has not been paid or reduced to judgment.

As of today, rent is due for the weeks months of _____ in the total amount of \$ _____

Late charges accruing in or prior to the month in which the complaint was filed for the weeks months

of _____ are due in the amount of \$ _____

The total amount of rent and late fees due at the date of this complaint is \$ _____

5. The Landlord requests future rent between the date of complaint and date of judgment in the amount of \$ _____

6. Total including future rent \$ _____

7. The Landlord requests the Tenant's right of redemption be foreclosed due to prior judgments. List the case numbers and judgment dates within the last year: _____

All the Tenants on the lease are listed above. Case Numbers & Judgment Dates

The Tenant(s) is/are not in the military service and the facts supporting this statement are: _____

At least one Tenant serves in the military but the premises are not chiefly a dwelling for the servicemember or his/her dependents. the monthly rental rate above exceeds the amount stated in 50 U.S.C. App. § 531 as adjusted annually by the D.O.D.

I am unable to determine whether or not any Tenant is in military service.

8. The Tenant is deceased, intestate (not having made a legal will), and without next of kin.

I do solemnly declare and affirm under the penalty of perjury that the matters and facts set forth above are true to the best of my knowledge and belief.

Print Name of Landlord/Attorney/Agent _____ Signature of Landlord/Attorney/Agent _____ Date _____

Address _____ Telephone _____

Continued to _____ Request of _____ Reason _____

DISPOSITION

SUMMONS

The following parties appeared on final trial date: Landlord Tenant

Determined due and unpaid: \$ _____ By default After trial By consent

Judgment in favor of Landlord

For possession of the premises Without the right of redemption

Money judgment for \$ _____ against Tenant #1 #2

Costs against Tenant \$ _____

Voluntary dismissal by: Landlord Stipulation of parties

Case dismissed for _____

Judgment in favor of Tenant

Non Pros After trial By consent

Execution stayed until _____

Execution stayed by filing an approved appeal bond in the amount of \$ _____

STATE OF MARYLAND, TO WIT:
TO Sheriff of this County/Constable of this Court, Greetings:
You are hereby ordered to notify by first class mail, the Defendant or if the Defendant is deceased, (if paragraph 8 above is checked) notify by personal service the occupant or next of kin of the deceased tenant named in this Complaint to appear before the District Court to answer the Landlord's complaint to show cause why the prayer of the Landlord should not be granted, and you shall proceed to serve the Summons upon the Defendant in the property or upon Defendant's known or authorized agent, but if for any reason neither the Defendant, nor his agent or if the Defendant is deceased neither the occupant nor next of kin can be found, then you shall affix an attested copy of the Summons conspicuously upon the property.

Judge _____ Date _____ Judge/Clerk _____ Date _____

Art. 24, §19-103

Local Rental Registration and/or Licensure

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

- That the residential property is not an affected property; or
- That the residential property is an affected property that the landlord has registered as required under § 6-811 of the Environment Article and for which the landlord has renewed the registration as required under §6-812 of the Environment Article; and
- If the current tenant moved into the property on or after February 24, 1996, the inspection certificate number for the inspection conducted for the current tenancy as required under §6-815(c) of the Environment Article.

Real Property Article

§8-215-Termination of Lease for Failure to Comply with Applicable Risk Reduction

If an owner of an affected property fails to comply with the applicable risk reduction standard under §6-815 or §6-819 of the Environmental Article, the owner, on the written request of the tenant, shall:

(i) Immediately release the tenant from the terms of the lease or rental agreement for that property; and

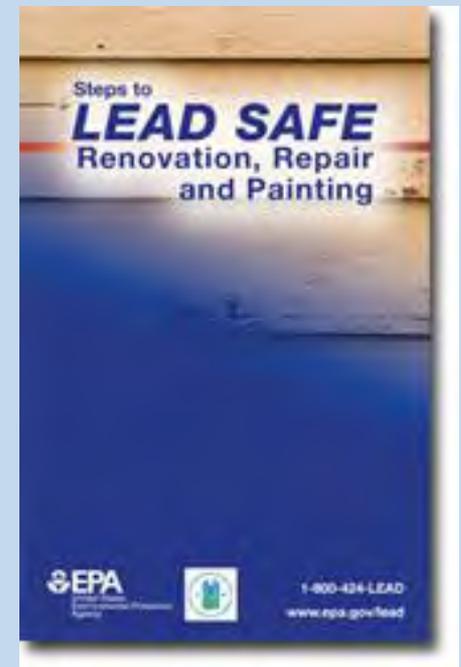
(ii) Pay to the tenant all reasonable relocation expenses, not to exceed \$2,500, directly related to the permanent relocation of the tenant to a lead free dwelling unit or another dwelling unit that has satisfied the risk reduction standard in accordance with §6-815 of the Environmental Article.

Notice of Defect Referrals

- Local Housing Code Violations for Peeling Paint
- Notice of Defect Language
- Triggers Modified Risk Reduction Treatments and Inspection

Renovation, Repair Painting Rule

- MDE to seek delegation to administer a federal rule that regulates renovations, repairs and painting in homes and child occupied facilities constructed prior to 1978.
- At this time contractors performing work on pre-1978 rental dwelling units must have federal and Maryland accreditations.



CONTACT

Maryland Department of the
Environment

Lead Poisoning Prevention Program

www.mde.state.md.us/lead

410-537-3825
