

# SENATE BILL 859

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By: **Senator Eckardt**

Introduced and read first time: February 25, 2015

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Lead – Risk Reduction Standard – Exemption for Affected Properties**

3 FOR the purpose of exempting an affected property from a certain risk reduction standard  
4 if the owner of the affected property has maintained a certain exemption certification  
5 for a certain period of time and submits proof of the exemption certification to the  
6 Department of the Environment; requiring the owner of an affected property, in  
7 order to maintain a certain exemption from the risk reduction standard, to have the  
8 windows and certain surfaces in the affected property tested for lead–contaminated  
9 dust with a certain frequency and submit a certification stating that the affected  
10 property passed the test for lead–contaminated dust to the Department; and  
11 generally relating to the risk reduction standard for affected properties.

12 BY repealing and reenacting, with amendments,  
13 Article – Environment  
14 Section 6–803 and 6–804  
15 Annotated Code of Maryland  
16 (2013 Replacement Volume and 2014 Supplement)

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

19 **Article – Environment**

20 6–803.

21 (a) This subtitle applies to:

22 (1) Affected property; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Notwithstanding subsection (b) of this section, any residential rental  
2 property, the owner of which elects to comply with this subtitle.

3 (b) This subtitle does not apply to:

4 (1) Property not expressly covered in subsection (a) of this section;

5 (2) Affected property owned or operated by a unit of federal, State, or local  
6 government, or any public, quasi-public, or municipal corporation, if the affected property  
7 is subject to lead standards that are equal to, or more stringent than, the risk reduction  
8 standard established under § 6-815 of this subtitle; [or]

9 (3) Affected property which is certified to be lead-free pursuant to [§  
10 6-804] § 6-804(B) of this subtitle; OR

11 (4) **AFFECTED PROPERTY THAT HAS RECEIVED AN EXEMPTION**  
12 **CERTIFICATION FOR TWO CONSECUTIVE CERTIFICATION PERIODS UNDER §**  
13 **6-804(C) OF THIS SUBTITLE.**

14 6-804.

15 (a) Affected property is exempt from the provisions of Part IV of this subtitle if  
16 the **OWNER MEETS THE REQUIREMENTS UNDER SUBSECTION (B) OR (C) OF THIS**  
17 **SECTION.**

18 **(B) (1) AFFECTED PROPERTY IS EXEMPT FROM THE PROVISIONS OF**  
19 **PART IV OF THIS SUBTITLE IF THE** owner submits to the Department an inspection  
20 report that:

21 [(1)] **(I)** Indicates that the affected property has been tested for the  
22 presence of lead-based paint in accordance with standards and procedures established by  
23 the Department by regulation;

24 [(2)] **(II)** States that:

25 [(i)] **1.** All interior and exterior surfaces of the affected property  
26 are lead-free; or

27 [(ii) 1.] **2. A.** All interior surfaces of the affected property are  
28 lead-free and all exterior painted surfaces of the affected property that were chipping,  
29 peeling, or flaking have been restored with nonlead-based paint; and

30 [2.] **B.** No exterior painted surfaces of the affected property  
31 are chipping, peeling, or flaking; and

1           **[(3)] (III)** Is verified by the Department accredited inspector who  
2 performed the test.

3           **[(b)] (2)** In order to maintain exemption from the provisions of Part IV of this  
4 subtitle under **[(a)(2)(ii)] PARAGRAPH (1)(II)2** of this [section] SUBSECTION, the owner  
5 shall submit to the Department every 2 years a certification, by a Department accredited  
6 inspector, stating that no exterior painted surface of the affected property is chipping,  
7 peeling, or flaking.

8           **(C) (1) AFFECTED PROPERTY IS EXEMPT FROM THE PROVISIONS OF**  
9 **PART IV OF THIS SUBTITLE IF:**

10                           **(I) THE OWNER HAS MAINTAINED AN EXEMPTION**  
11 **CERTIFICATION UNDER SUBSECTION (B) OF THIS SECTION FOR THE AFFECTED**  
12 **PROPERTY FOR TWO CONSECUTIVE CERTIFICATION PERIODS; AND**

13                           **(II) THE OWNER SUBMITS TO THE DEPARTMENT PROOF OF THE**  
14 **EXEMPTION CERTIFICATION FOR TWO CONSECUTIVE CERTIFICATION PERIODS.**

15                           **(2) IN ORDER TO MAINTAIN EXEMPTION FROM THE PROVISIONS OF**  
16 **PART IV OF THIS SUBTITLE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE**  
17 **OWNER SHALL:**

18                           **(I) EVERY 5 YEARS, HAVE THE WINDOWS AND ANY SURFACE**  
19 **THAT IS SUBJECT TO REPEATED FRICTION IN THE AFFECTED PROPERTY TESTED**  
20 **FOR LEAD-CONTAMINATED DUST UNDER § 6-816 OF THIS SUBTITLE; AND**

21                           **(II) ON COMPLETION OF THE TEST FOR LEAD-CONTAMINATED**  
22 **DUST, SUBMIT TO THE DEPARTMENT A CERTIFICATION, BY A DEPARTMENT**  
23 **ACCREDITED INSPECTOR, STATING THAT THE WINDOWS AND ANY SURFACE THAT IS**  
24 **SUBJECT TO REPEATED FRICTION IN THE AFFECTED PROPERTY HAVE PASSED THE**  
25 **TEST FOR LEAD-CONTAMINATED DUST.**

26           **[(c)] (D)** Outside surfaces of an affected property, including windows, doors,  
27 trim, fences, porches, and other buildings or structures that are part of the affected  
28 property, are exempt from the risk reduction standards under §§ 6-815 and 6-819 of this  
29 subtitle if all exterior surfaces of an affected property are lead-free and the owner submits  
30 to the Department an inspection report that:

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

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

1                   (3)    Is verified by the Department accredited inspector who performed the  
2 test.

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