

SUPPORT

House Bill 491 – Landlord and Tenant – Repossession for Failure to Pay Rent – Lead Risk Reduction Compliance

Environment and Transportation Committee

February 18, 2020

The Lead Poisoning Prevention Commission supports state and local lead poisoning prevention strategies that help to detect and eliminate environmental lead hazards, especially when children are at risk.

The Commission submits this testimony in support of HB 491. This bill will help protect the rights and health of tenant families with young children living in older housing who are at risk for lead exposure. Although the Maryland Reduction of Lead Risk in Housing Law has helped produce a 98% decline in childhood lead poisoning, Maryland has an estimated 1,483,835 houses built before 1978, with more than one third, approximately 526,300, likely to contain serious lead hazards. Landlords who fail to follow legally mandated lead risk reduction measures or to maintain proper MDE registration and valid lead certificates for their affected properties should not prevail on eviction orders.

Current law requires landlords to confirm their compliance with the Lead Risk Reduction in Housing Law when filing for repossession of the leased premises based upon the tenant's failure to pay rent. HB 491 strengthens the law and provides additional protections for tenants by requiring that landlords provide a valid registration or license number for the property to be repossessed and state that the property is an affected property pursuant to § 6-801 of the Environment Article. Importantly, the bill allows judges to dismiss or delay eviction of a tenant if the landlord is not in compliance with lead risk reduction laws.

Too often, landlords prevail in eviction proceedings even when their properties fail to adhere to the lead laws. HB 491 will strengthen the rent court process so that it is fair to all litigants, whether represented or pro se. The Lead Commission urges that this Committee give HB 491 a favorable report.

For more information, please contact Pat McLaine, RN, MPH, DrPH, Chair, Lead Poisoning Prevention Commission, at mclaine@umaryland.edu or 443-520-9678.