§6–801.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "Affected property" means:

(i) A property constructed before 1950 that contains at least one rental dwelling unit;

(ii) On and after January 1, 2015, a property constructed before 1978 that contains at least one rental unit; or

(iii) Any residential rental property for which the owner makes an election under § 6–803(a)(2) of this subtitle.

(2) "Affected property" includes an individual rental dwelling unit within a multifamily rental dwelling.

(3) "Affected property" does not include property exempted under § 6–803(b) of this subtitle.

(c) "Change in occupancy" means a change of tenant in an affected property in which the property is vacated and possession is either surrendered to the owner or abandoned.

(d) "Child" means an individual under the age of 6 years.

(e) "Commission" means the Lead Poisoning Prevention Commission.

(f) (1) "Elevated blood lead" or "EBL" means a quantity of lead in blood, expressed in micrograms per deciliter (μg/dl), greater than or equal to the reference level specified in this subtitle and is determined in accordance with the following protocols:

(i) A venous blood test; or

(ii) Two capillary blood tests taken in accordance with paragraph (2) of this subsection.

(2) If the capillary blood test method is used, an individual shall:

(i) Have a first sample of capillary blood drawn and tested; and

(ii) Have a second sample of capillary blood drawn and tested within 84 days after the first sample is drawn.

(3) If the result of one capillary blood test would require action under this subtitle and the other result would not, an individual's elevated blood lead level shall be confirmed by a venous blood test.

(g) "Exterior surfaces" means:

(1) All fences and porches that are part of an affected property;

(2) All outside surfaces of an affected property that are accessible to a child and that are:

(i) Attached to the outside of an affected property; or

(ii) Other buildings and structures, including play equipment, benches, and laundry line poles, that are part of the affected property, except buildings or structures that are not owned or controlled by the owner of the affected property; and

(3) All painted surfaces in stairways, hallways, entrance areas, recreation areas, laundry areas, and garages within a multifamily rental dwelling unit that are common to individual dwelling units and are accessible to a child.

(h) "Fund" means the Lead Poisoning Prevention Fund.

(i) (1) "High efficiency particle air vacuum" or "HEPA–vacuum" means a device capable of filtering out particles of 0.3 microns or greater from a body of air at an efficiency of 99.97% or greater.

(2) "HEPA–vacuum" includes use of a HEPA–vacuum.

(j) "Lead–based paint" means paint or other surface coatings that contain lead in excess of the maximum lead content level allowed by the Department by regulation.

(k) "Lead–contaminated dust" means dust in affected properties that contains an area or mass concentration of lead in excess of the lead content level determined by the Department by regulation.

(l) "Lead–free" means at or below a lead content level deemed to be lead–free in accordance with criteria established by the Department by regulation.

(m) "Lead–safe housing" means a rental dwelling unit that:

(1) Is certified to be lead–free in accordance with § 6–804 of this subtitle;

(2) Was constructed after 1978;

(3) Is deemed to be lead–safe by the Department in accordance with criteria established by the Department by regulation; or

(4) Is certified to be in compliance with § 6–815(a) of this subtitle and:

(i) In which all windows are either lead–free or have been treated so that all friction surfaces are lead–free;

(ii) In which lead–contaminated dust levels are determined to be within abatement clearance levels established by the Department by regulation, within a time frame established by the Department by regulation; and

(iii) Which is subject to ongoing maintenance and testing as specified by the Department by regulation.

(n) "Multifamily rental dwelling" means a property which contains more than one rental dwelling unit.

(o) (1) "Owner" means a person, firm, corporation, guardian, conservator, receiver, trustee, executor, or legal representative who, alone or jointly or severally with others, owns, holds, or controls the whole or any part of the freehold or leasehold interest to any property, with or without actual possession.

(2) "Owner" includes:

(i) Any vendee in possession of the property; and

(ii) Any authorized agent of the owner, including a property manager or leasing agent.

(3) "Owner" does not include:

(i) A trustee or a beneficiary under a deed of trust or a mortgagee; or

(ii) The owner of a reversionary interest under a ground rent lease.

(p) "Person at risk" means a child or a pregnant woman who resides or regularly spends at least 24 hours per week in an affected property.

(q) "Reference level" means:

(1) (i) Between July 1, 2020, and December 31, 2023, inclusive, a blood lead level of 5 μg/dl; and

(ii) On and after January 1, 2024, a blood lead level of 3.5 μg/dl; or

(2) If the Centers for Disease Control and Prevention revises the blood lead reference value after December 31, 2023, the revised blood lead reference value, beginning 1 year after the date that the Centers for Disease Control and Prevention revised the blood lead reference value.

(r) "Related party" means any:

(1) Person related to an owner by blood or marriage;

(2) Employee of the owner; or

(3) Entity in which an owner, or any person referred to in paragraph (1) or (2) of this subsection, has an interest.

(s) "Relocation expenses" means all expenses necessitated by the relocation of a tenant's household to lead–safe housing, including moving and hauling expenses, the HEPA–vacuuming of all upholstered furniture, payment of a security deposit for the lead–safe housing, and installation and connection of utilities and appliances.

(t) "Rent subsidy" means the difference between the rent paid by a tenant for housing at the time a qualified offer is made under Part V of this subtitle and the rent due for the lead–safe housing to which the tenant is relocated.

(u) (1) "Rental dwelling unit" means a room or group of rooms that form a single independent habitable rental unit for permanent occupation by one or more individuals that has living facilities with permanent provisions for living, sleeping, eating, cooking, and sanitation.

(2) "Rental dwelling unit" does not include:

(i) An area not used for living, sleeping, eating, cooking, or sanitation, such as an unfinished basement;

(ii) A unit within a hotel, motel, or similar seasonal or transient facility;

(iii) An area which is secured and inaccessible to occupants; or

(iv) A unit which is not offered for rent.

(v) "Risk reduction standard" means a risk reduction standard established under § 6–815 or § 6–819 of this subtitle.

§6–802.

The purpose of this subtitle is to reduce the incidence of childhood lead poisoning, while maintaining the stock of available affordable rental housing.

§6–803.

(a) This subtitle applies to:

(1) Affected property; and

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

(b) This subtitle does not apply to:

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

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

(3) Affected property which is certified to be lead-free pursuant to § 6-804 of this subtitle.

§6–804.

(a) Affected property is exempt from the provisions of Part IV of this subtitle if the owner submits to the Department an inspection report that:

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

(2) States that:

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

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

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

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

(b) In order to maintain exemption from the provisions of Part IV of this subtitle under subsection (a)(2)(ii) of this section, the owner shall submit to the Department every 2 years a certification, by a Department accredited inspector, stating that no exterior painted surface of the affected property is chipping, peeling, or flaking.

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

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

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

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

§6–807.

(a) There is a Lead Poisoning Prevention Commission in the Department.

(b) (1) The Commission consists of 19 members.

(2) Of the members:

(i) One shall be a member of the Senate of Maryland, appointed by the President of the Senate;

(ii) One shall be a member of the Maryland House of Delegates, appointed by the Speaker of the House; and

(iii) 17 shall be appointed by the Governor as follows:

1. The Secretary or the Secretary's designee;

2. The Secretary of Health or the Secretary's designee;

3. The Secretary of Housing and Community Development or the Secretary's designee;

4. The Maryland Insurance Commissioner or the Commissioner's designee;

5. The Director of the Early Childhood Development Division, State Department of Education, or the Director's designee;

6. A representative of local government;

7. A representative of a nonprofit organization that works on lead poisoning prevention issues in the State;

8. A representative of owners of rental property located in Baltimore City built before 1950;

9. A representative of owners of rental property located outside Baltimore City built before 1950;

10. A representative of owners of rental property built after 1949;

11. A representative of a child health or youth advocacy group;

12. A health care provider;

13. A child advocate;

14. A parent of a lead poisoned child;

15. A lead hazard identification professional;

16. A representative of child care providers; and

17. A representative of the Maryland Chapter of the American Academy of Pediatrics.

(3) In appointing members to the Commission, the Governor shall give due consideration to appointing members representing geographically diverse jurisdictions across the State.

(c) (1) (i) The term of a member appointed by the Governor is 4 years.

(ii) A member appointed by the President and Speaker serves at the pleasure of the appointing officer.

(2) The terms of members are staggered as required by the terms provided for the members of the Commission on October 1, 1994.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the remainder of the term and until a successor is appointed and qualifies.

§6–808.

(a) The Commission shall meet at least quarterly at the times and places it determines.

(b) From among the members, the Governor shall appoint the Chairman of the Commission.

(c) (1) A majority of the members then serving on the Commission constitutes a quorum.

(2) The Commission may act upon a majority vote of the quorum.

(d) A member of the Commission:

(1) May not receive compensation; but

(2) Is entitled to reimbursement from the Fund for reasonable travel expenses related to attending meetings and other Commission events in accordance with the Standard State Travel Regulations.

§6–810.

(a) The Commission shall study and collect information on the:

(1) Effectiveness of this subtitle in:

(i) Protecting children from lead poisoning; and

(ii) Lessening risks to responsible owners;

(2) Effectiveness of the treatments specified in §§ 6–815 and 6–819 of this subtitle, including recommendations for changes to those treatments;

(3) Ability of State and local officials to respond to lead poisoning cases;

(4) Availability of affordable housing; and

(5) Need to expand the scope of this subtitle to other property serving persons at risk, including child care centers, family child care homes, and preschool facilities.

(b) The Commission may appoint a subcommittee or subcommittees to study the following subjects relating to lead and lead poisoning:

(1) Case management;

(2) Regulation and compliance;

(3) Lead paint abatement service provider education and training;

(4) Social services;

(5) Educational services;

(6) Legal aspects;

(7) Blood lead testing;

(8) Abatement of lead sources;

(9) Financial subsidies and other encouragement and support for the abatement of the causes of lead poisoning;

(10) Laboratory services; and

(11) Other subjects that the Commission considers necessary.

(c) The Commission shall review the implementation and operation of this subtitle and, on or before January 1 of each year, starting in 1996, submit a report to the Governor and, subject to the provisions of § 2–1257 of the State Government Article, the General Assembly on the results of the review, and the Commission's recommendations concerning this subtitle, other lead poisoning issues, and the need for further action that the Commission determines to be necessary.

(d) The Department shall consult with the Commission in developing regulations to implement this subtitle.

§6–811.

(a) (1) On or before December 31, 1995, the owner of an affected property shall register the affected property with the Department.

(2) Notwithstanding paragraph (1) of this subsection, an owner of affected property for which an election is made under § 6-803(a)(2) of this subtitle shall register at the time of the election.

(b) The owner shall register each affected property using forms prepared by the Department, including the following information:

(1) The name and address of the owner;

(2) The address of the affected property;

(3) If applicable, the name and address of each property manager employed by the owner to manage the affected property;

(4) The name and address of each insurance company providing property insurance or lead hazard coverage for the affected property, together with the policy numbers of that insurance or coverage;

(5) The name and address of a resident agent, other agent of the owner, or contact person in the State with respect to the affected property;

(6) Whether the affected property was built before 1950 or after 1949;

(7) The date of the latest change in occupancy of the affected property;

(8) The dates and nature of treatments performed to attain or maintain a risk reduction standard under § 6-815 or § 6-819 of this subtitle; and

(9) The latest date, if any, on which the affected property has been certified to be in compliance with the provisions of § 6-815 of this subtitle.

(c) (1) Subject to the provisions of paragraph (2) of this subsection, the information provided by an owner under subsection (b) of this section shall be open to the public.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the Department may not disclose an inventory or list of properties owned by an owner.

(ii) The Department shall, upon request, disclose whether the owner has met the percentage of inventory requirements under § 6-817 of this subtitle.

§6–812.

(a) An owner who has registered an affected property under § 6–811 of this subtitle shall:

(1) Renew the registration of the affected property on or before December 31 of each year or according to a schedule established by the Department by regulation; and

(2) Update the information contained in the owner's registration required by § 6–811(b)(1) through (5) of this subtitle within 30 days after any change in the information required in the registration.

(b) An owner who first acquires affected property after December 1, 1995 shall register the affected property under § 6–811 of this subtitle within 30 days after the acquisition.

§6–813.

(a) An owner who fails to register an affected property under § 6-811 of this subtitle, or who fails to renew the registration of an affected property under § 6-812 of this subtitle, is not in compliance with respect to that affected property with the provisions of this subtitle for purposes of § 6-836 of this subtitle.

(b) A person who willfully and knowingly falsifies information filed in a registration or renewal under this part is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $2,000.

§6–815.

(a) No later than the first change in occupancy in an affected property that occurs on or after February 24, 1996, before the next tenant occupies the property, an owner of an affected property shall initially satisfy the risk reduction standard established under this subtitle by passing the test for lead–contaminated dust under § 6–816 of this subtitle provided that any chipping, peeling, or flaking paint has been removed or repainted on:

(1) The exterior painted surfaces of the residential building in which the rental dwelling unit is located; and

(2) The interior painted surfaces of the rental dwelling unit.

(b) At each change in occupancy thereafter, before the next tenant occupies the property, the owner of an affected property shall satisfy the risk reduction standard established under this subtitle by passing the test for lead–contaminated dust under § 6–816 of this subtitle in accordance with subsection (a) of this section.

(c) At each change in occupancy, an owner of an affected property shall have the property inspected to verify that the risk reduction standard specified in this section has been satisfied.

(d) (1) Exterior work required to satisfy the risk reduction standard may be delayed, pursuant to a waiver approved by the appropriate person under paragraph (2) of this subsection, during any time period in which exterior work is not required to be performed under an applicable local housing code or, if no such time period is specified, during the period from November 1 through April 1, inclusive.

(2) A waiver under paragraph (1) of this subsection may be approved by the code official for enforcement of the housing code or minimum livability code of the local jurisdiction, or, if there is no such official, the Department of Housing and Community Development.

(3) Notwithstanding the terms of the waiver, all work delayed in accordance with paragraph (1) of this subsection shall be completed within 30 days after the end of the applicable time period.

(4) Any delay allowed under paragraph (1) of this subsection may not affect the obligation of the owner to complete all other components of the risk reduction standard and to have those components inspected and verified.

(5) If the owner has complied with the requirements of paragraph (4) of this subsection, the owner may rent the affected property during any period of delay allowed under paragraph (1) of this subsection.

(e) On request of a local jurisdiction, the Secretary may designate the code official for enforcement of the housing code or minimum livability code for the local jurisdiction, or an appropriate employee of the local jurisdiction, to conduct inspections under this subtitle.

§6–816.

The Department shall establish procedures and standards for the lead–contaminated dust testing by regulation.

§6–817.

(a) (1) Except for properties constructed between January 1, 1950, and December 31, 1977, both inclusive, on and after February 24, 2001, an owner of affected properties shall ensure that at least 50% of the owner's affected properties have satisfied the risk reduction standard specified in § 6–815(a) of this subtitle, without regard to the number of affected properties in which there has been a change in occupancy.

(2) (i) Notwithstanding any other remedy that may be available, an owner who fails to meet the requirements of subsections (a)(1) and (c) of this section shall lose the liability protection under § 6–836 of this subtitle for any alleged injury or loss caused by the ingestion of lead by a person at risk that is first documented by a test for EBL of 20 µg/dl or more performed between February 24, 2001 and February 23, 2006, inclusive, or 15 µg/dl or more performed on or after February 24, 2006, in any of the owner's units that have not satisfied the risk reduction standard specified in § 6–815(a) of this subtitle and the inspection requirement of subsection (c) of this section.

(ii) On or after the date that the owner meets the requirements of subsections (a)(1) and (c) of this section, the liability protection under § 6–836 of this subtitle shall be reinstated for any alleged injury or loss caused by the ingestion of lead by a person at risk that is first documented by a test for EBL of 20 µg/dl or more performed between February 24, 2001 and February 23, 2006, inclusive, or 15 µg/dl or more performed on or after February 24, 2006.

(b) (1) Except for properties constructed between January 1, 1950, and December 31, 1977, both inclusive, on and after February 24, 2006, an owner of affected properties shall ensure that 100% of the owner's affected properties in which a person at risk resides, and of whom the owner has been notified in writing, have satisfied the risk reduction standard specified in § 6–815(a) of this subtitle.

(2) (i) Notwithstanding any other remedy that may be available, an owner who fails to meet the requirements of paragraph (1) of this subsection and subsection (c) of this section, or of § 6–819(f) of this subtitle shall lose the liability protection under § 6–836 of this subtitle for any alleged injury or loss caused by the ingestion of lead by a person at risk that is first documented by a test for EBL of 15 μg/dl or more on or after February 24, 2006 in any of the owner's units that have not satisfied the risk reduction standard specified in § 6–815(a) of this subtitle, the inspection requirement of subsection (c) of this section, or the modified risk reduction standard specified in § 6–819(a) of this subtitle, as applicable.

(ii) The liability protection under § 6–836 of this subtitle shall be reinstated for any alleged injury or loss caused by the ingestion of lead that is first documented by a test for EBL of 15 μg/dl or more after the date that the owner meets the requirements of paragraph (1) of this subsection, subsection (c) of this section, and the requirements of § 6–819(f) of this subtitle.

(iii) The provisions of this paragraph do not apply if the owner proves that the noncompliance results from:

1. A tenant's lack of cooperation with the owner's compliance efforts; or

2. Legal action affecting access to the unit.

(3) Notice given under paragraph (1) of this subsection shall be sent by:

(i) Certified mail, return receipt requested; or

(ii) A verifiable method approved by the Department.

(c) On each occasion that an affected property which has not undergone a change in occupancy is treated to satisfy the requirements of this section, the owner of the affected property shall have the property inspected to verify that the risk reduction standard specified in § 6–815(a) of this subtitle has been satisfied.

(d) The owner of an affected property shall be responsible for the cost of any temporary relocation of the tenants of the affected property that is necessary to fulfill the requirements of this section.

§6–818.

(a) (1) Any person performing lead-contaminated dust testing or conducting inspections required by this subtitle:

(i) Shall be accredited by the Department;

(ii) May not be a related party to the owner; and

(iii) Shall submit a verified report of the result of the lead-contaminated dust testing or visual inspection to the Department, the owner, and the tenant, if any, of the affected property.

(2) An owner may not employ or engage a related party to the owner to perform lead-contaminated dust testing or conduct inspections required by this subtitle.

(b) A report submitted to the Department under subsection (a) of this section that certifies compliance for an affected property with the risk reduction standard shall be conclusive proof that the owner is in compliance with the risk reduction standard for the affected property during the period for which the certification is effective, unless there is:

(1) Proof of actual fraud as to that affected property;

(2) Proof that the work performed in the affected property was not performed by or under the supervision of personnel accredited under § 6-1002 of this title; or

(3) Proof that the owner failed to respond to a complaint regarding the affected property as required by § 6-819 of this subtitle.

§6–819.

(a) The modified risk reduction standard shall consist of performing the following:

(1) Passing the test for lead–contaminated dust under § 6–816 of this subtitle; and

(2) Performing the following lead hazard reduction treatments:

(i) A visual review of all exterior and interior painted surfaces;

(ii) The removal and repainting of chipping, peeling, or flaking paint on exterior and interior painted surfaces;

(iii) The repair of any structural defect that is causing the paint to chip, peel, or flake, that the owner of the affected property has knowledge of or, with the exercise of reasonable care, should have knowledge of;

(iv) Repainting, replacing, or encapsulating all interior lead–based paint or untested painted windowsills with vinyl, metal, or any other material in a manner and under conditions approved by the Department;

(v) Ensuring that caps of vinyl, aluminum, or any other material in a manner and under conditions approved by the Department, are installed in all window wells where lead–based paint or untested paint exists in order to make the window wells smooth and cleanable;

(vi) Except for a treated or replacement window that is free of lead–based paint on its friction surfaces, fixing the top sash, subject to federal, State, or local fire code standards, of all windows in place in order to eliminate the friction caused by the movement of the top sash;

(vii) Rehanging all doors in order to prevent the rubbing together of a lead–painted surface with another surface;

(viii) Ensuring that all kitchen and bathroom floors are overlaid with a smooth, water–resistant covering; and

(ix) HEPA–vacuuming and washing with high phosphate detergent or its equivalent, as determined by the Department, any area of the affected property where repairs were made.

(b) (1) A tenant of an affected property may notify the owner of the affected property of a defect in the affected property under this section in accordance with this subsection.

(2) Notice of a defect under this section shall consist of:

(i) If the modified risk reduction standard has not been satisfied for the affected property, the presence of chipping, peeling, or flaking paint on the interior or exterior surfaces of the affected property or of a structural defect causing chipping, peeling, or flaking paint in the affected property; or

(ii) If the modified risk reduction standard has been satisfied for the affected property, a defect relating to the modified risk reduction standard.

(c) (1) After February 23, 1996, an owner of an affected property shall satisfy the modified risk reduction standard:

(i) Within 30 days after receipt of written notice that a person at risk who resides in the property:

1. Has an elevated blood lead level documented by a test for EBL greater than or equal to 15 µg/dl before February 24, 2006 or greater than or equal to 10 µg/dl between February 24, 2006 and June 30, 2020; or

2. Has an elevated blood lead level documented by a test for elevated blood lead level greater than or equal to the reference level defined in § 6–801(q) of this title on or after July 1, 2020, and an environmental investigation conducted under § 6–305 of this title has concluded that there is a defect at the affected property; or

(ii) Within 30 days after receipt of written notice from the tenant, or from any other source, of:

1. A defect; and

2. The existence of a person at risk in the affected property.

(2) (i) An owner who receives multiple notices of an elevated blood lead level under this subsection or multiple notices of defect under subsection (d) of this section may satisfy all such notices by subsequent compliance with the risk reduction measures specified in subsection (a) of this section, as documented by satisfaction of subsection (f) or (g) of this section, if the owner complies with the risk reduction measures specified in subsection (a) of this section after the date of the test documenting the elevated blood lead level or after the date the notices of defect were issued.

(ii) Subparagraph (i) of this paragraph does not affect an owner's obligation to perform the risk reduction measures specified in subsection (a) of this section for a triggering event that occurs after the owner satisfies the provisions of subparagraph (i) of this paragraph.

(d) After May 23, 1997, an owner of an affected property shall satisfy the modified risk reduction standard within 30 days after receipt of written notice from the tenant, or from any other source, of a defect.

(e) An owner of an affected property is in compliance with subsection (c) or (d) of this section if, as applicable:

(1) The owner satisfies the modified risk reduction within 30 days after receiving a notice of elevated blood lead level or a notice of defect in accordance with this section; or

(2) The owner provides for the temporary relocation of tenants to a lead–free dwelling unit or another dwelling unit that has satisfied the risk reduction standard in accordance with § 6–815 of this subtitle within 30 days after the receipt of a notice of elevated blood lead level or a notice of defect.

(f) Except as provided in § 6–817(b) of this subtitle and except for properties constructed between January 1, 1950, and December 31, 1977, both inclusive, on and after February 24, 2006, an owner of affected properties shall ensure that 100% of the owner's affected properties in which a person at risk does not reside have satisfied the modified risk reduction standard.

(g) An owner of an affected property shall verify satisfaction of the modified risk reduction standard by submitting a report from an accredited inspector to the Department.

(h) Notice given under this section shall be written, and shall be sent by:

(1) Certified mail, return receipt requested; or

(2) A verifiable method approved by the Department.

(i) The Department may, by regulation, eliminate any treatment from the modified risk reduction standard if the Department finds that performing the treatment in an occupied property is harmful to public health.

(j) (1) Exterior work required to satisfy the modified risk reduction standard may be delayed, pursuant to a waiver approved by the appropriate person under paragraph (2) of this subsection, during any time period in which exterior work is not required to be performed under an applicable local housing code or, if no such time period is specified, during the period from November 1 through April 1, inclusive.

(2) A waiver under paragraph (1) of this subsection may be approved by the code official for enforcement of the housing code or minimum livability code of the local jurisdiction, or, if there is no such official, the Department of Housing and Community Development.

(3) Notwithstanding the terms of the waiver, all work delayed in accordance with paragraph (1) of this subsection shall be completed within 30 days after the end of the applicable time period.

(4) Any delay allowed under paragraph (1) of this subsection may not affect the obligation of the owner to complete all other components of the risk reduction standard and to have those components inspected and verified.

(k) The report of the inspector verifying compliance with this subtitle shall create a rebuttable presumption, that may be overcome by clear and convincing evidence, that the owner is in compliance with the modified risk reduction standard for the affected property unless there is:

(1) Proof of actual fraud as to that affected property; or

(2) Proof that the work performed on the affected property was not performed by or under the supervision of personnel accredited under § 6–1002 of this title.

§6–820.

(a) Except as provided in subsection (b) of this section, an owner of an affected property shall give to the tenant of the affected property a notice, prepared by the Department, of the tenant's rights under §§ 6–817 and 6–819 of this subtitle, according to the following schedule:

(1) At least 25% of the owner's affected properties by May 25, 1996;

(2) At least 50% of the owner's affected properties by August 25, 1996;

(3) At least 75% of the owner's affected properties by November 25, 1996; and

(4) 100% of the owner's affected properties by February 25, 1997.

(b) On or after February 24, 1996, an owner of an affected property shall give to the tenant of the affected property a notice, prepared by the Department, of the tenant's rights under §§ 6–817 and 6–819 of this subtitle upon the execution of a lease or the inception of a tenancy.

(c) An owner of an affected property shall give to the tenant of the affected property a notice, prepared by the Department, of the tenant's rights under §§ 6–817 and 6–819 of this subtitle at least every 2 years after last giving the notice to the tenant.

(d) The owner shall include, with the notice of the tenant's rights that is provided to a tenant under this section upon the execution of a lease or the inception of a tenancy, a copy of the current verified inspection certificate for the affected property prepared under § 6–818 of this subtitle.

(e) (1) Notice given under this section shall be written, and shall be sent by:

(i) Certified mail, return receipt requested; or

(ii) A verifiable method approved by the Department.

(2) When giving notice to a tenant under this section, the owner shall provide documentation of the notice to the Department in a manner acceptable to the Department.

(3) A notice required to be given to a tenant under this section shall be sent to a party or parties identified as the lessee in a written lease in effect for an affected property or, if there is no written lease, the party or parties to whom the property was rented.

(f) A person who has acquired, or will acquire, an affected property shall give the notice required under this section to the tenant of the affected property:

(1) Before transfer of legal title; or

(2) Within 15 days following transfer of legal title.

§6–821.

(a) (1) Whenever an owner of an affected property intends to make repairs or perform maintenance work that will disturb the paint on interior surfaces of an affected property, the owner shall make reasonable efforts to ensure that all persons who are not persons at risk are not present in the area where work is performed and that all persons at risk are removed from the affected property when the work is performed.

(2) A tenant shall allow access to an affected property, at reasonable times, to the owner to perform any work required under this subtitle.

(3) If a tenant must vacate an affected property for a period of 24 hours or more in order to allow an owner to perform work that will disturb the paint on interior surfaces, the owner shall pay the reasonable expenses that the tenant incurs directly related to the required relocation.

(b) (1) If an owner has made all reasonable efforts to cause the tenant to temporarily vacate an affected property in order to perform work that will disturb the paint on interior surfaces, and the tenant refuses to vacate the affected property, the owner may not be liable for any damages arising from the tenant's refusal to vacate.

(2) If an owner has made all reasonable efforts to gain access to an affected property in order to perform any work required under this subtitle, and the tenant refuses to allow access, even after receiving reasonable advance notice of the need for access, the owner may not be liable for any damages arising from the tenant's refusal to allow access.

(c) All hazard reduction treatments required to be performed under this subtitle shall be performed by or under the supervision of personnel accredited under § 6-1002 of this title.

§6–822.

(a) The provisions of this subtitle do not affect:

(1) The duties and obligations of an owner of an affected property to repair or maintain the affected property as required under any applicable State or local law or regulation; or

(2) The authority of a State or local agency to enforce applicable housing or livability codes or to order lead abatements in accordance with any applicable State or local law or regulation.

(b) (1) Notwithstanding § 6–803 of this subtitle, following an environmental investigation in response to a report of a lead poisoned person at risk, the Department or a local jurisdiction, including the local health department, may order an abatement, as defined in § 6–1001 of this title, in any residential property, child care center, family child care home, or preschool facility.

(2) No provision of this Act may be construed to limit the treatments which may be encompassed by an order to abate lead hazards.

(c) (1) Whenever there is a conflict between the requirements of an abatement order issued by a State or local agency to an owner of an affected property and the provisions of this subtitle, the more stringent provisions of this subtitle and of the abatement order shall be controlling in determining the owner's obligations regarding the necessary lead hazard reduction treatments that shall be performed in the affected property that is subject to the abatement order.

(2) The Department may enforce the terms of an abatement ordered by a local jurisdiction or local health department in a civil or an administrative action.

§6–823.

(a) By May 23, 1996, an owner of an affected property shall give to the tenant of each of the owner's affected properties a lead poisoning information packet prepared or designated by the Department.

(b) On or after February 24, 1996, upon the execution of a lease or the inception of a tenancy for an affected property, the owner of the affected property shall give to the tenant a lead poisoning information packet prepared or designated by the Department.

(c) An owner of an affected property shall give to the tenant of the affected property another copy of the lead poisoning information packet prepared or designated by the Department at least every 2 years after last giving the information packet to the tenant.

(d) A packet given to a tenant under this section shall be sent by:

(1) Certified mail, return receipt requested; or

(2) A verifiable method approved by the Department.

(e) The packet required to be given to a tenant under this section shall be sent to a party or parties identified as the lessee in a written lease in effect for an affected property or, if there is no written lease, the party or parties to whom the property was rented.

(f) A person who has acquired, or will acquire, an affected property shall give the packet required under this section to the tenant of the affected property:

(1) Before transfer of legal title; or

(2) Within 15 days following transfer of legal title.

§6–824.

An owner shall disclose an obligation to perform either the modified or full risk reduction treatment to an affected property under this subtitle to any prospective purchaser of an affected property at or prior to the time a contract of sale is executed, if:

(1) An event has occurred that requires performance of either the modified or full risk reduction treatment to the affected property under this subtitle; and

(2) The owner will not perform the required treatment prior to the transfer of ownership.

§6–825.

(a) A person who intends to acquire, through an arm's length transaction, inheritance, tax sale, foreclosure, or judicially approved transfer, an occupied affected property that is in violation of § 6–815, § 6–817, or § 6–819 of this subtitle may submit to the Department an application for a compliance plan.

(b) (1) The application for a compliance plan shall:

(i) Be submitted and received by the Department at least 30 days before transfer of legal title to the occupied affected property; and

(ii) Be on a form provided by the Department that includes, for each occupied affected property, the following information:

1. The transferee's name, address, and telephone number;

2. The transferor's name and address;

3. A statement certifying that neither the transferee nor any officer or director of the transferee has a current interest, either individually or jointly, in the occupied affected property;

4. The type and scheduled date of transfer;

5. The address of the occupied affected property including, for a multifamily–occupied affected property, each unit in the property; and

6. Whether a person at risk resides in the occupied affected property.

(2) The Department may require any additional information that it considers appropriate.

(3) An application fee of $200 for each occupied affected property and each occupied unit in a multifamily affected property, not to exceed $10,000, shall be submitted to the Department with the application.

(c) (1) Within 20 days of receipt of the application for a compliance plan, the Department shall:

(i) Approve the compliance plan, in whole or in part;

(ii) Deny the compliance plan, in whole or in part; or

(iii) Request additional information.

(2) The Department may deny an application for a compliance plan for an occupied affected property based on the following factors:

(i) Failure to submit or timely submit a complete application;

(ii) Failure to submit or timely submit information requested by the Department;

(iii) The existence of prior violations by the transferee of the provisions of this subtitle or applicable regulations;

(iv) Prior extension of the compliance deadline under subsection (d) of this section for an affected property;

(v) Potential or actual harm to the environment or to human health or safety; and

(vi) Any other factor the Department considers appropriate.

(d) (1) This subsection applies to an occupied affected property in which a person at risk does not reside.

(2) Subject to subsection (e) of this section, if an application for a compliance plan is approved, the transferee shall file with the Department an inspection report as proof that the risk reduction standard specified in § 6–815 of this subtitle has been satisfied, or an inspection report in accordance with § 6–804 of this subtitle, for each occupied affected property that has not satisfied the requirements of § 6–815, § 6–817, or § 6–819 of this subtitle within the following time frames:

(i) Within 30 days after transfer of legal title for a transferee acquiring 1 occupied affected property;

(ii) Within 90 days after the transfer of legal title for a transferee acquiring 2 to 5 occupied affected properties;

(iii) Within 135 days after the transfer of legal title for a transferee acquiring 6 to 10 occupied affected properties; or

(iv) Within 180 days after the transfer of legal title for a transferee acquiring more than 10 occupied affected properties.

(e) (1) This subsection applies to an occupied affected property in which a person at risk resides.

(2) Notwithstanding the status of an application for a compliance plan, the transferee shall file with the Department an inspection report as proof that the risk reduction standard specified in § 6–815 of this subtitle has been satisfied, or an inspection report in accordance with § 6–804 of this subtitle, for each occupied affected property that has not satisfied the requirements of § 6–815, § 6–817, or § 6–819 of this subtitle within 30 days after transfer of legal title.

(f) A compliance plan for an occupied affected property under this section is void unless within 15 days following transfer of the occupied affected property subject to the compliance plan, the transferee files with the Department:

(1) Documentation satisfactory to the Department of the transfer of legal title;

(2) A statement certifying that, prior to or within 15 days of transfer of legal title, the transferee provided the tenants of the occupied properties with the notice of tenant's rights and lead poisoning information packet required by §§ 6–820 and 6–823 of this subtitle; and

(3) A statement certifying that within 15 days of transfer of legal title, the transferee registered the occupied affected properties with the Department in accordance with §§ 6–811 and 6–812 of this subtitle.

(g) If the Department determines that any information provided in an application for a compliance plan or required in subsection (f) of this section was erroneous or incomplete, the Department may declare the compliance plan void in whole or in part.

(h) This section does not affect an owner's obligation to comply with §§ 6–815 and 6–819(c) and (d) of this subtitle that arises after legal title to the affected property is transferred.

(i) Subject to subsections (h) and (j) of this section, if the Department approves a compliance plan, an affected property subject to the compliance plan shall be considered in compliance with §§ 6–815, 6–817, and 6–819 of this subtitle as of the day of the date of transfer.

(j) If the person who acquired an occupied affected property that does not satisfy the requirements of § 6–815, § 6–817, or § 6–819 of this subtitle fails to comply with the terms of an approved compliance plan, the affected property shall be considered to be noncompliant with § 6–815 of this subtitle from the date legal title to the affected property was transferred to the person.

(k) The Department may adopt regulations to carry out this section.

§6–826.

(a) In this part the following words have the meanings indicated.

(b) "Action" includes a complaint, counterclaim, cross-claim, or third-party complaint.

(c) "Co-offer" means a qualified offer which is made by or on behalf of more than one person as provided under this part.

(d) "Offeror" means a person including an insurer or other agent who makes a qualified offer under this part.

§6–827.

This part applies to all potential bases of liability for alleged injury or loss to a person caused by the ingestion of lead by a person at risk in an affected property.

§6–828.

(a) This section applies to an owner of an affected property who has, with respect to the affected property, complied with the applicable requirements of §§ 6–811, 6–812, 6–815, 6–817, and 6–819 of this subtitle, and has sent to the tenant the notices required by §§ 6–820 and 6–823 of this subtitle.

(b) A person may not bring an action against an owner of an affected property for damages arising from alleged injury or loss to a person at risk caused by the ingestion of lead by a person at risk that is first documented by a test for EBL of 25 μg/dl or more performed between February 24, 1996 and February 23, 2001, inclusive, or 20 μg/dl or more performed between February 24, 2001 and February 23,

2006, inclusive, or 15 µg/dl or more performed on or after February 24, 2006, unless the owner has been given:

(1) Written notice from any person that the elevated blood level of a person at risk is:

(i) Greater than or equal to 25 µg/dl as first documented by a test for EBL performed between February 24, 1996 and February 23, 2001, inclusive;

(ii) Between February 24, 2001 and February 23, 2006, inclusive, an EBL greater than or equal to 20 µg/dl as first documented by a test for EBL performed between February 24, 2001 and February 23, 2006, inclusive; or

(iii) On or after February 24, 2006, an EBL greater than or equal to 15 µg/dl as first documented by a test for EBL performed on or after February 24, 2006; and

(2) An opportunity to make a qualified offer under § 6–831 of this subtitle.

§6–829.

(a) A person who receives notice under § 6-828(b)(1) of this subtitle is entitled to the results of any available prior blood lead tests of the person at risk for the purpose of determining whether to make a qualified offer under this subtitle and whether the qualified offer should be designated as a co-offer.

(b) In the event a local health department notifies an owner of an affected property in accordance with § 6-828(b)(1) of this subtitle, the local health department shall also provide the owner with any blood lead test results and history of residence for the person at risk which the local health department has on record.

§6–830.

(a) If, between February 24, 1996 and February 23, 2001, inclusive, the concentration of lead in a whole venous blood sample of a person at risk tested within 30 days after the person at risk begins residence or to regularly spend at least 24 hours per week in an affected property that is certified as being in compliance with the provisions of § 6–815 of this subtitle is greater than or equal to 25 µg/dl, or, between February 24, 2001 and February 23, 2006, inclusive, greater than or equal to 20 µg/dl, or, on or after February 24, 2006, greater than or equal to 15 µg/dl, it shall be presumed that the ingestion of lead occurred before a person at risk began residing or regularly spending at least 24 hours per week in the affected property.

(b) On or after July 1, 2006, the EBL concentration of lead in a blood sample shall be determined in accordance with § 6–801(f) of this subtitle.

§6–831.

(a) A qualified offer may be made to a person at risk under this part by:

(1) The owner of the affected property in which the person at risk resides or regularly spends at least 24 hours a week;

(2) An insurer of the owner; or

(3) An agent of the owner.

(b) Upon notice to a third party, an offeror may designate the third party as a co-offeror.

(c) If a qualified offer is made under subsection (a) of this section, the qualified offer shall:

(1) Be made within 30 days after the offeror receives notice under § 6-828 of this subtitle;

(2) Include the provisions specified in § 6-839 of this subtitle; and

(3) Satisfy the requirements of § 6-832(a) of this subtitle.

§6–832.

(a) An offeror under § 6-831 of this subtitle shall send notice of the qualified offer to the person at risk, or in the case of a minor, the parent or legal guardian of the minor in the form and manner specified by the Department.

(b) (1) An offeror under § 6-831 of this subtitle shall send a copy of the qualified offer to the local health department in the jurisdiction where the person at risk resides.

(2) Within 5 business days after receiving the copy of the qualified offer under paragraph (1) of this subsection, the local health department shall personally notify the person at risk, or in the case of a minor, the parent or legal guardian of the minor of State and local resources available for lead poisoning prevention and treatment.

(3) The local health department shall maintain a copy of the qualified offer in the case management file of the person at risk.

§6–833.

(a) For purposes of this section, a parent or legal guardian of a person at risk who is a minor is unavailable if, following reasonable efforts, the offeror is unable to locate or communicate with the parent or guardian of the minor.

(b) (1) If a parent or legal guardian of the minor is unavailable, the offeror may:

(i) Petition a court in accordance with the provisions of Title 13, Subtitle 7 of the Estates and Trusts Article to appoint a person to respond to the offer on behalf of the minor; and

(ii) File the qualified offer with the court.

(2) The court shall appoint a person to act on behalf of the minor within 15 days after the date of filing of the petition.

(3) A person appointed to act on behalf of the minor shall file a response with the court either rejecting or accepting the qualified offer within 30 days after appointment by the court.

(4) The response of the person appointed to respond to the offer on behalf of the minor is subject to approval by the court.

(c) Within 15 days after a response to a qualified offer is filed with a court under subsection (b)(3) of this section, the court:

(1) May hold a hearing; and

(2) Shall approve or disapprove the response to the qualified offer.

(d) If a court disapproves the response to the qualified offer filed by the person acting on behalf of the minor, the court may order:

(1) That an additional response be filed on behalf of the minor; or

(2) Any action the court considers necessary and appropriate to protect the interests of the minor.

(e) If the court approves a response accepting a qualified offer on behalf of the minor, the order of the court shall designate one or more persons who shall be responsible for and authorized to make all decisions on behalf of the minor necessary to implement the qualified offer.

§6–834.

(a) A person at risk, or a parent or legal guardian of a minor who is a person at risk, may accept or reject a qualified offer made under this part as provided in this section.

(b) Subject to the provisions of § 6-833 of this subtitle, a person at risk, or a parent or legal guardian of a minor who is a person at risk, may accept a qualified offer within 30 days after receipt of the qualified offer unless the parties agree otherwise.

(c) Subject to the provisions of § 6-833 of this subtitle and unless the parties agree otherwise, an offer which is not accepted within 30 days following receipt shall be deemed to have been rejected.

§6–835.

Acceptance of a qualified offer by a person at risk, or by a parent, legal guardian, or other person authorized under § 6-833 of this subtitle to respond on behalf of a person discharges and releases all potential liability of the offeror, the offeror's insured or principal, and any participating co-offeror to the person at risk and to the parent or legal guardian of the person at risk for alleged injury or loss caused by the ingestion of lead by the person at risk in the affected property.

§6–836.

An owner of an affected property is not liable, for alleged injury or loss caused by ingestion of lead by a person at risk in the affected property, to a person at risk or a parent, legal guardian, or other person authorized under § 6-833 of this subtitle to respond on behalf of a person at risk who rejects a qualified offer made by the owner or the owner's insurer or agent if, during the period of the alleged ingestion of lead by the person at risk, and with respect to the affected property in which the exposure allegedly occurred, the owner:

(1) Has given to the tenant the notices required by §§ 6-820 and 6-823 of this subtitle; and

(2) Was in compliance with:

(i) The registration provisions of Part III of this subtitle; and

(ii) The applicable risk reduction standard and response standard under § 6-815 or § 6-819 of this subtitle, and the risk reduction schedule under § 6-817 of this subtitle.

§6–836.1.

In an action in which the owner's immunity from liability under § 6-835 or § 6-836 of this subtitle is challenged, upon motion by any party and prior to authorizing further proceedings in the action, the court shall:

(1) Allow discovery limited solely to the issue of the owner's immunity under § 6-835 or § 6-836 of this subtitle;

(2) Determine if there are any disputes of material fact as to whether the owner is entitled to immunity under § 6-835 or § 6-836 of this subtitle;

(3) Hold an evidentiary hearing on issues of material fact as to the immunity, if any, which shall, upon request of any party, be before a jury; and

(4) Determine as a matter of law whether the owner is entitled to immunity from liability under § 6-835 or § 6-836 of this subtitle.

§6–837.

A qualified offer shall be treated as an offer of compromise for purposes of admissibility in evidence, notwithstanding that the amount is not in controversy.

§6–838.

(a) (1) In an action seeking damages for alleged injury or loss caused by the ingestion of lead by a person at risk in an affected property, evidence that the owner of the affected property was in compliance with the provisions of Part IV of this subtitle during the period of residency of the person at risk is admissible as evidence that the owner exercised reasonable care with respect to lead hazards during that period.

(2) In an action seeking damages for alleged injury or loss caused by the ingestion of lead by a person at risk in an affected property, evidence that the owner of the affected property was not in compliance with the provisions of Part IV of this subtitle during the period of residency of the person at risk is admissible as evidence that the owner failed to exercise reasonable care with respect to lead hazards during that period.

(b) If a party to an action for damages arising from ingestion of lead by a person at risk in an affected property alleges or denies the time and place of residence of, or visitation by, the person at risk without a good faith basis for the allegation or denial, the court shall require the offending party, the party's attorney, or both to pay the reasonable costs, including attorney's fees, incurred by the adverse party in opposing the allegation or denial.

§6–839.

(a) Whenever a qualified offer is made under this part, the qualified offer shall include payment for reasonable expenses and costs up to the amount specified in § 6-840 of this subtitle for:

(1) The relocation of the household of the person at risk to lead-safe housing of comparable size and quality that may provide:

(i) The permanent relocation of the household of the affected person at risk to lead-safe housing, including relocation expenses, a rent subsidy, and incidental expenses; or

(ii) The temporary relocation of the household of the affected person at risk to lead-safe housing while necessary lead hazard reduction treatments are being performed in the affected property to make that affected property lead-safe; and

(2) Medically necessary treatment for the affected person at risk as determined by the treating physician or other health care provider or case manager of the person at risk that is necessary to mitigate the effects of lead poisoning, as defined by the Department by regulation, and, in the case of a child, until the child reaches the age of 18 years.

(b) An offeror is required to pay reasonable expenses for the medically necessary treatments under subsection (a)(2) of this section if coverage for these treatments is not otherwise provided by the Maryland Medical Assistance Program under Title 15, Subtitle 1 of the Health - General Article or by a third-party health insurance plan under which the person at risk has coverage or in which the person at risk is enrolled.

(c) A qualified offer shall include a certification by the owner of the affected property, under the penalties of perjury, that the owner has complied with the applicable provisions of Parts III and IV of this subtitle in a manner that qualifies the owner to make a qualified offer under this part.

(d) The Department may adopt regulations that are necessary to carry out the provisions of this section.

§6–840.

(a) The amounts payable under a qualified offer made under this part are subject to the following aggregate maximum caps:

(1) $7,500 for all medically necessary treatments as provided and limited in § 6-839(a) and (b) of this subtitle; and

(2) $9,500 for relocation benefits which shall include:

(i) Relocation expenses;

(ii) A rent subsidy, up to 150% of the existing rent each month, for the period until the person at risk reaches the age of 6 years, or in the case of a pregnant woman, until the child born as a result of that pregnancy reaches the age of 6 years; and

(iii) Incidental expenses which may be incurred by the household, such as transportation and child care expenses.

(b) All payments under a qualified offer specified in subsection (a) of this section shall be paid to the provider of the service, except that payment of incidental expenses as provided by subsection (a)(2)(iii) of this section may be paid directly to the person at risk, or in the case of a child, to the parent or legal guardian of the person at risk.

(c) The payments under a qualified offer may not be considered income or an asset of the person at risk, the parent of a person at risk who is a child, the legal guardian, or a person who accepts the offer on behalf of a person at risk who is a child under § 6-833 of this subtitle for the purposes of determining eligibility for any State entitlement program.

§6–841.

(a) Payments under a qualified offer for temporary relocation shall include:

(1) Transportation expenses;

(2) The rent or per diem cost of temporary lead-safe housing;

(3) Meal expenses, if the temporary lead-safe housing does not contain meal preparation facilities; and

(4) The cost of moving, hauling, or storing furniture or other personal belongings.

(b) The household of the person at risk may not reoccupy the affected property until the property has been certified as lead-safe.

§6–842.

(a) An offeror who fails to comply with the terms of a qualified offer, or who falsely certifies compliance under § 6-839(c) of this subtitle, shall be deemed to be out of compliance with the provisions of Part IV of this subtitle with respect to the person who is the subject of the qualified offer for purposes of § 6-836 of this subtitle.

(b) The statute of limitations shall be tolled until the failure to comply under subsection (a) of this section is discovered.

§6–843.

(a) (1) Except as provided in this subsection and subsection (b) of this section, and in cooperation with the Department of Housing and Community Development, the State Department of Assessments and Taxation, and other appropriate governmental units, the Department shall provide for the collection of an annual fee for every rental dwelling unit in the State.

(2) The annual fee for an affected property is $30.

(3) (i) Subject to the provisions of subparagraphs (ii) and (iii) of this paragraph, on or before December 31, 2000, the annual fee for a rental dwelling unit built after 1949 that is not an affected property is $5. After December 31, 2000, there is no annual fee for a rental dwelling unit built after 1949 that is not an affected property.

(ii) The owner of a rental dwelling unit built after 1949 that is not an affected property may not be required to pay the fee provided under this paragraph if the owner certifies to the Department that the rental dwelling unit is lead free pursuant to § 6–804 of this subtitle.

(iii) An owner of a rental dwelling unit who submits a report to the Department that the rental dwelling unit is lead free pursuant to § 6–804 of this subtitle shall include a $10 processing fee with the report.

(b) The fees imposed under this section do not apply to any rental dwelling unit:

(1) Built after 1978; or

(2) Owned and operated by a unit of federal, State, or local government, or any public, quasi–public, or municipal corporation.

(c) The fee imposed under this section shall be paid on or before December 31, 1995, or the date of registration of the affected property under Part III of this subtitle and on or before December 31 of each year thereafter or according to a schedule established by the Department by regulation.

(d) An owner who fails to pay the fee imposed under this section is liable for a civil penalty of up to triple the amount of each registration fee unpaid that, together with all costs of collection, including reasonable attorney's fees, shall be collected in a civil action in any court of competent jurisdiction.

§6–844.

(a) There is a Lead Poisoning Prevention Fund in the Department.

(b) The Fund consists of:

(1) All fees collected and penalties imposed under this subtitle; and

(2) Moneys received by grant, donation, appropriation, or from any other source.

(c) The Department shall use the Fund to cover the costs of fulfilling the duties and responsibilities of the Department and the Commission under this subtitle, and for program development of these activities.

(d) (1) The Fund is a continuing, nonlapsing special fund, and is not subject to § 7-302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold and the State Comptroller shall account for the Fund.

(3) The Fund shall be invested and reinvested and any investment earnings shall be paid into the Fund.

(e) For each fiscal year, at least $750,000 of the moneys in the Fund shall be used only for any of the following purposes:

(1) Community outreach and education programs under § 6-848 of this subtitle; and

(2) Enforcement efforts under this subtitle.

§6–845.

(a) The Department shall establish and maintain a statewide data base which tracks the status of affected property.

(b) (1) Except as provided in paragraph (2) of this subsection, the Department may, by regulation, require owners of affected property to provide information that the Department considers necessary for the data base.

(2) The Department may not require the owner to provide:

(i) Information more frequently than annually;

(ii) The identities of persons or entities having an ownership interest in an owner of an affected property who are not otherwise owners of the affected property; and

(iii) Any financial information regarding an affected property or the owner of an affected property, other than data on any costs that an owner has incurred with respect to an affected property in order to comply with Part IV of this subtitle.

(c) The data base shall be used to implement the provisions of this subtitle.

(d) (1) An owner who uses a standard lease form may only be required to submit one copy of that form and any alterations to, or variations from, that form.

(2) The Department may, by regulation, designate or define minor alterations and variations to standard lease forms that do not require separate submittal.

(e) (1) Subject to the provisions of paragraph (2) of this subsection, the information provided by the owner under this section shall be open to the public.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the Department may not disclose:

1. An inventory or list of properties owned by an owner; or

2. The costs that an owner has incurred with respect to an affected property in order to comply with Part IV of this subtitle, if the information is identified to:

A. A specific owner; or

B. A specific affected property or group of affected properties owned by the same owner.

(ii) The Department shall, upon request, disclose whether the owner has met the percentage of inventory requirements under § 6-817 of this subtitle.

§6–846.

(a) This section establishes notification requirements of a person at risk that has an elevated blood lead level greater than or equal to:

(1) Before February 24, 2006, 15 μg/dl;

(2) Between February 24, 2006, and September 30, 2019, inclusive, 10 μg/dl;

(3) Between October 1, 2019, and October 27, 2022, inclusive, 5 μg/dl;

(4) Between October 28, 2022, and December 31, 2023, inclusive, 3.5 μg/dl; and

(5) On and after January 1, 2024, the reference level.

(b) On receiving the results of a blood lead test under § 6–303 of this title indicating that a person at risk has an EBL, the Department or a local health department shall notify:

(1) The person at risk, or in the case of a minor, the parent or legal guardian of the person at risk, of the results of the test; and

(2) The owner of the affected property in which the person at risk resides or regularly spends at least 24 hours per week of the results of the test.

(c) The notices to be provided to the parent or owner under subsection (b) of this section shall be on the forms prepared by the Department, and shall contain any information required by the Department.

§6–847.

(a) (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 item (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) 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) A person who violates the provisions of this section is subject to the penalties provided in § 4–309 of the Health – General Article.

§6–848.

The Department shall:

(1) Develop and establish community outreach programs to high lead risk areas, which may be implemented by the Department, local governments, or community groups; and

(2) Assist local governments to provide case management services if necessary to persons at risk with elevated blood lead.

§6–848.1.

(a) In this section, "retailer" means any person who sells paint or paint supplies to a consumer.

(b) A retailer shall display a poster developed and provided by the Department under subsection (c) of this section:

(1) Within an area in which paint or paint supplies are sold or displayed; or

(2) At each register or check-out aisle.

(c) The Department shall develop and provide a poster to retailers that includes the following information:

(1) The dangers and hazards of lead poisoning; and

(2) A phone number that consumers can call for assistance in lead risk reduction and safe renovation practices.

§6–848.2.

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

§6–849.

(a) (1) The Department shall impose an administrative penalty on an owner who fails to register an affected property by December 31, 1995 or within the time period specified in § 6-811(a)(2) or § 6-812(b) of this subtitle or fails to renew or update a registration as provided under § 6-812(a) of this subtitle. The administrative penalty imposed shall be up to $20 per day, calculated from the date compliance is required, for each affected property which is not registered or for which registration is not renewed or updated.

(2) The Department shall impose an administrative penalty, not to exceed $50,000, on any person who violates § 6-818(a)(1)(ii) or (2) of this subtitle.

(3) The penalty shall be assessed with consideration given to:

(i) The willfulness of the violation, the extent to which the existence of the violation was known to the violator but uncorrected by the violator, and the extent to which the violator exercised reasonable care;

(ii) The extent to which the violation resulted in actual harm to the environment or to human health or safety;

(iii) The nature and degree of injury to or interference with general welfare, health, and property;

(iv) The extent to which the current violation is part of a recurrent pattern of the same or similar type of violation committed by the violator; and

(v) The extent to which the violation creates the potential for harm to the environment or to human health or safety.

(4) On or before March 31, 2002, the Department may waive an administrative penalty under this subsection upon a showing of hardship or provided that:

(i) The affected property is registered, the registration is renewed, or the registration is updated;

(ii) The Department has not initiated an enforcement action for violation of this subtitle before the date upon which the property is registered or the registration is renewed or updated; and

(iii) All of the owner's affected properties have been brought into compliance with this subtitle and 65% of the owner's affected properties have been certified in compliance with the full risk reduction standards in accordance with §§ 6-815 and 6-817(b) of this subtitle.

(b) An owner who fails to renew or update a registration as required under § 6-812 of this subtitle within 90 days after the date specified shall be deemed to be out of compliance with the provisions of this subtitle, with respect to each affected property to which that renewal or update relates, for purposes of § 6-836 of this subtitle on the 91st day after the date the renewal or update was required.

§6–850.

(a) Except as provided in § 6–849 of this subtitle, in addition to any other remedies provided in this subtitle, the provisions and procedures of §§ 7–256 through 7–264 and 7–266 of this article shall be used and shall apply to enforce violations of this subtitle, provided that the penalty imposed under § 7–266(b)(2)(i) of this article may not exceed $500 per day for any violation of this subtitle.

(b) If an accredited supervisor falsely verifies that work was performed on an affected property pursuant to § 6–819(g) of this subtitle, the owner of the affected property who employs the supervisor and who has actual knowledge of the false verification shall be subject to a civil penalty not to exceed $30,000.

§6–851.

(a) The Department may audit, through a spot check or other investigation, the verification of work performed pursuant to § 6–819(g) of this subtitle.

(b) If the Department, through audits conducted within 30 days of receipt of verification of work performed pursuant to § 6–819(g) of this subtitle, finds that the condition of the affected property does not comport with the work that was verified by the same contractor or supervisor, an owner of a property for which work was verified by that contractor or supervisor within the previous year shall be required to have that property inspected and treated as necessary to satisfy the modified risk reduction standard under § 6–819 of this subtitle.

§6–852.

(a) The Department may, at any time, spot check affected properties that have been reported as satisfying the risk reduction standard or verified as satisfying the modified risk reduction standard.

(b) If a spot check pursuant to subsection (a) of this section reveals that an affected property that has been reported as satisfying the risk reduction standard under § 6-815 of this subtitle does not satisfy that standard, the Department may order that the owner of the property satisfy the risk reduction standard, as verified by an inspection conducted within 30 days of receipt of the order.

(c) If a spot check pursuant to subsection (a) of this section reveals that an affected property that has been verified as satisfying the modified risk reduction standard under § 6-819 of this subtitle, but has not been reported as satisfying the risk reduction standard under § 6-815 of this subtitle, does not satisfy the modified risk reduction standard, the Department may order the owner of the property to satisfy the modified risk reduction standard, as verified by an inspection conducted within 30 days of receipt of the order.

~~§6–901.~~

~~(a) On or after July 1, 1994, a person may not dispose of a mercuric oxide battery except in a manner that the Department approves under regulations adopted by the Department.~~

~~(b) Any 2 or more manufacturers may develop a joint plan for recycling or disposal of any specified mercuric oxide battery that they manufacture~~.