

HOUSE BILL 1233

M3, J1
HB 304/18 – ENV

9lr0753

By: ~~Delegates R. Lewis and Holmes,~~ **Holmes, Attar, Barve, Boyce, Ciliberti, Fraser-Hidalgo, Harrison, Healey, Jalisi, Lafferty, Lehman, Love, Stein, Stewart, and Wells**

Introduced and read first time: February 8, 2019
Assigned to: Environment and Transportation

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 13, 2019

CHAPTER _____

1 AN ACT concerning

2 **Environment – Reduction of Lead Risk in Housing – Elevated Blood Lead Levels**
3 **and Environmental Investigations**
4 **(Maryland Healthy Children Act)**

5 FOR the purpose of reducing the elevated blood lead level after a certain date that initiates
6 certain case management, notification, and lead risk reduction requirements;
7 altering certain notification requirements triggered by the receipt of the results of a
8 certain blood test; requiring the Department of the Environment to ~~conduct a~~ adopt
9 certain regulations, on or before a certain date, for conducting certain environmental
10 ~~investigation within a certain number of days when a child under a certain age or a~~
11 ~~woman who is pregnant has a certain elevated blood lead level~~ investigations in
12 accordance with certain requirements; requiring the Department to include a
13 summary of the results of certain investigations in a certain report; requiring the
14 owner of a certain affected property to satisfy a certain risk reduction standard
15 within 30 days after receiving a certain written notice; altering a certain definition;
16 defining a certain ~~terms~~ term; and generally relating to the prevention of lead
17 poisoning and the reduction of lead risk in housing.

18 BY repealing and reenacting, with amendments,
19 Article – Environment
20 Section 6–304, 6–801, 6–819(c), and 6–846(a)
21 Annotated Code of Maryland
22 (2013 Replacement Volume and 2018 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
2 Article – Environment
3 Section 6–305
4 Annotated Code of Maryland
5 (2013 Replacement Volume and 2018 Supplement)

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

8 **Article – Environment**

9 6–304.

10 (a) The Secretary shall assist local governments, if necessary, to provide case
11 management of children with elevated blood lead levels greater than or equal to ~~10~~
12 micrograms per deciliter ($\mu\text{g}/\text{dl}$) **BEFORE JULY 1, 2020, AND GREATER THAN OR EQUAL**
13 **TO THE REFERENCE LEVEL DEFINED IN § 6–801(Q) OF THIS TITLE ON OR AFTER**
14 **JULY 1, 2020.**

15 (b) ~~On receipt~~ **WITHIN 10 BUSINESS DAYS AFTER RECEIPT** of the results of a
16 blood test for lead poisoning indicating that a child under **THE AGE OF 6** years [of age] has
17 an elevated blood lead level greater than or equal to [10 $\mu\text{g}/\text{dl}$] **THE REFERENCE LEVEL**
18 **DEFINED IN § 6–801(Q) OF THIS TITLE**, the Department or a local health department
19 shall notify:

20 (1) The child's parent or legal guardian; and

21 (2) [In the case of a child who lives in a rental dwelling unit, the owner of
22 the rental dwelling unit] **IF THE CHILD DOES NOT RESIDE AT A PROPERTY OWNED BY**
23 **THE CHILD'S PARENT OR LEGAL GUARDIAN, THE OWNER OF THE PROPERTY** where
24 the child resides.

25 **6–305.**

26 (A) **ON OR BEFORE ~~OCTOBER 1~~ JULY 1, 2020, THE DEPARTMENT SHALL**
27 **ADOPT REGULATIONS FOR CONDUCTING ENVIRONMENTAL INVESTIGATIONS TO**
28 **DETERMINE LEAD HAZARDS FOR:**

29 (1) **CHILDREN UNDER THE AGE OF 6 YEARS WITH ELEVATED BLOOD**
30 **LEAD LEVELS GREATER THAN OR EQUAL TO THE REFERENCE LEVEL DEFINED IN §**
31 **6–801(Q) OF THIS TITLE; AND**

1 **(2) PREGNANT WOMEN WITH ELEVATED BLOOD LEAD LEVELS**
2 **GREATER THAN OR EQUAL TO THE REFERENCE LEVEL AS DEFINED IN § 6-801(Q) OF**
3 **THIS TITLE.**

4 **(B) (1) ~~SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE~~ THE**
5 **REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE**
6 **CONSISTENT WITH, OR MORE STRINGENT THAN, THE GUIDELINES FOR THE**
7 **EVALUATION AND CONTROL OF LEAD-BASED PAINT HAZARDS IN HOUSING**
8 **PUBLISHED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.**

9 **(2) THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS**
10 **SECTION SHALL PROVIDE FOR AN ENVIRONMENTAL INVESTIGATION TO BE**
11 **COMPLETED ~~WITHIN 10 BUSINESS DAYS OF~~ AFTER RECEIPT BY THE DEPARTMENT**
12 **OR THE COUNTY BOARD OF HEALTH OF THE RESULTS OF A BLOOD TEST UNDER §**
13 **6-304 OF THIS SUBTITLE FOR:**

14 **(I) CHILDREN UNDER THE AGE OF 6 YEARS WITH ELEVATED**
15 **BLOOD LEAD LEVELS GREATER THAN OR EQUAL TO THE REFERENCE LEVEL**
16 **DEFINED IN § 6-801(Q) OF THIS TITLE; OR**

17 **(II) PREGNANT WOMEN WITH ELEVATED BLOOD LEAD LEVELS**
18 **GREATER THAN OR EQUAL TO THE REFERENCE LEVEL DEFINED IN § 6-801(Q) OF**
19 **THIS TITLE.**

20 **~~(3) THIS SUBSECTION MAY NOT BE INTERPRETED TO REQUIRE THE~~**
21 **~~DEPARTMENT TO ALTER ANY STANDARD ESTABLISHED BY REGULATION BEFORE~~**
22 **~~OCTOBER 1, 2020, FOR LEAD-BASED PAINT OR A LEAD-CONTAINING SUBSTANCE.~~**

23 **(C) THE DEPARTMENT SHALL INCLUDE IN ITS ANNUAL REPORT ON**
24 **STATEWIDE CHILDHOOD BLOOD LEAD TESTING A SUMMARY OF THE RESULTS OF ANY**
25 **ENVIRONMENTAL INVESTIGATION CONDUCTED IN ACCORDANCE WITH THIS**
26 **SECTION.**

27 6-801.

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

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

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

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

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

3 (2) “Affected property” includes an individual rental dwelling unit within
4 a multifamily rental dwelling.

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

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

10 (d) “Child” means an individual under the age of 6 years.

11 (e) “Commission” means the Lead Poisoning Prevention Commission.

12 (f) (1) “Elevated blood lead” or “EBL” means a quantity of lead in blood,
13 expressed in micrograms per deciliter ($\mu\text{g}/\text{dl}$), that exceeds the [threshold] **REFERENCE**
14 level specified in this subtitle and is determined in accordance with the following protocols:

15 (i) A venous blood test; or

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

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

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

20 (ii) Have a second sample of capillary blood drawn and tested within
21 84 days after the first sample is drawn.

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

25 (g) “Exterior surfaces” means:

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

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

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

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

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

7 (h) “Fund” means the Lead Poisoning Prevention Fund.

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

11 (2) “HEPA–vacuum” includes use of a HEPA–vacuum.

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

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

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

19 (m) “Lead–safe housing” means a rental dwelling unit that:

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

21 (2) Was constructed after 1978;

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

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

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

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

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

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

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

7 (2) "Owner" includes:

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

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

11 (3) "Owner" does not include:

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

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

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

17 **(Q) "REFERENCE LEVEL" MEANS:**

18 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
19 **THE BLOOD LEAD REFERENCE LEVEL AS DETERMINED BY THE CENTERS FOR**
20 **DISEASE CONTROL AND PREVENTION ON OR AFTER OCTOBER 1, 2019; OR**

21 **(2) BEGINNING 1 YEAR AFTER THE DATE THAT THE CENTERS FOR**
22 **DISEASE CONTROL AND PREVENTION REVISES THE BLOOD LEAD REFERENCE**
23 **LEVEL UNTIL 1 YEAR AFTER A SUBSEQUENT REVISION, THE REVISED BLOOD LEAD**
24 **REFERENCE LEVEL AS DETERMINED BY THE CENTERS FOR DISEASE CONTROL AND**
25 **PREVENTION.**

26 **[(q)] (R)** "Related party" means any:

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

28 (2) Employee of the owner; or

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

1 [(r)] (S) “Relocation expenses” means all expenses necessitated by the relocation
 2 of a tenant’s household to lead-safe housing, including moving and hauling expenses, the
 3 HEPA-vacuuming of all upholstered furniture, payment of a security deposit for the
 4 lead-safe housing, and installation and connection of utilities and appliances.

5 [(s)] (T) “Rent subsidy” means the difference between the rent paid by a tenant
 6 for housing at the time a qualified offer is made under Part V of this subtitle and the rent
 7 due for the lead-safe housing to which the tenant is relocated.

8 [(t)] (U) (1) “Rental dwelling unit” means a room or group of rooms that form
 9 a single independent habitable rental unit for permanent occupation by one or more
 10 individuals that has living facilities with permanent provisions for living, sleeping, eating,
 11 cooking, and sanitation.

12 (2) “Rental dwelling unit” does not include:

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

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

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

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

19 [(u)] (V) “Risk reduction standard” means a risk reduction standard established
 20 under § 6-815 or § 6-819 of this subtitle.

21 6-819.

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

24 (i) Within 30 days after receipt of written notice that a person at
 25 risk who resides in the ~~property has~~ **PROPERTY:**

26 **1. HAS** an elevated blood lead level documented by a test for
 27 EBL greater than or equal to ~~15~~ $\mu\text{g}/\text{dl}$ before February 24, 2006 or greater than or equal
 28 to ~~10~~ $\mu\text{g}/\text{dl}$ ~~on or after~~ **BETWEEN** February 24, 2006] ~~BEFORE OCTOBER 1, 2019, OR~~
 29 **AND JUNE 30, 2020; OR**

30 **2. HAS AN ELEVATED BLOOD LEAD LEVEL DOCUMENTED**
 31 **BY A TEST FOR ELEVATED BLOOD LEAD LEVEL GREATER THAN OR EQUAL TO THE**
 32 **REFERENCE LEVEL DEFINED IN § 6-801(Q) OF THIS TITLE ON OR AFTER** ~~OCTOBER~~
 33 **1, 2019** **JULY 1, 2020**, AND AN ENVIRONMENTAL INVESTIGATION CONDUCTED

1 UNDER § 6-305 OF THIS TITLE HAS CONCLUDED THAT THERE IS A DEFECT AT THE
2 AFFECTED PROPERTY; or

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

5 1. A defect; and

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

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

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

18 6-846.

19 (a) On receiving the results of a blood lead test under § 6-303 of this title
20 indicating that a person at risk has an EBL greater than or equal to ~~15~~ 10 µg/dl before
21 February 24, 2006, or greater than or equal to ~~10~~ 10 µg/dl ~~for or after~~ **BETWEEN** February
22 24, 2006 ~~BEFORE OCTOBER 1, 2019 AND SEPTEMBER 30, 2019~~, **OR GREATER THAN**
23 **OR EQUAL TO THE REFERENCE LEVEL DEFINED IN § 6-801(Q) OF THIS TITLE ON OR**
24 **AFTER OCTOBER 1, 2019**, the Department or a local health department shall notify:

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

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

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2019.