



Rental Property Owner FAQ's

Department of the Environment

- **What is the Maryland Lead Law?**

Title 6, Subtitle 8, of the Environment Article, Annotated Code of Maryland, and ("Law") was enacted in 1994, to reduce the incidence of lead poisoning while maintaining affordable rental housing. Currently, compliance is mandatory for rental dwelling units built prior to 1978, regardless of renovation history.

- **Who is considered an owner under the Law?**

An owner is a person, firm, corporation, vendee in possession, authorized agent, property manager, leasing agent., 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 interest to the property, with or without actual possession.

- **What properties must comply with the Law?**

The law requires owners of all residential RENTAL property(s) built before 1978 to comply with the law. Properties that are federally assisted, including housing authorities and section 8 housing must also comply.

- **What must an owner of a pre-1978 residential rental property do to comply with the Law?**

- Register each property with the Maryland Department of Environment (MDE) and renew annual. There is a \$30 per unit registration fee that must also be paid annually.
- Property owners must obtain a lead risk reduction certificate at every change in tenancy and other triggering events.
- Property owners are required to provide education materials to tenants prior to occupancy and every two years after.

NOTE: In addition to being registered with MDE, Owners may also be required to register their rental unit in the county or city where the rental property is located. MDE recommends that you consult with the local jurisdiction where the rental unit is located, to determine what local ordinances require registration/licensure.

- **What are the requirements under the Law for a multi-use building?**

If the commercial building is an apartment complex with tenants, the complex is considered residential for the purpose of the law and owners must comply. If the building is a multi-use building with commercial (retail, etc.) tenants and residential tenants, the owner must comply with the law on the residential portion of the building. This may require the owner to ensure all exterior components of the entire building, regardless if they are commercial to have not defective paint prior to a lead inspection.

- **I own a section 8 rental property, do I need to comply?**

If it is a pre-1978 residential rental unit, an owner must comply, with any federal requirements in addition to complying with Maryland's lead law.

- **How does an owner register?**

If an owner has never registered with MDE, they should contact the Rental Registry Division at 410-537-4199 or 1-800-776-2706. Existing owners should renew their registration on-line [CLICK HERE](#).

- **How much does it cost to register my property?**

Each unit is \$30. A single-family home rental is considered one unit and would pay \$30. A rental property with more than one unit is required to pay \$30 per unit, for every unit in the building. The registration fee is an annual fee, and the property owner must renew the registration each year before December 31.

- **What type of inspection is required at tenant turnover?**

An owner is required to meet the Full Risk Reduction Standard prior to every change in occupancy, by having an inspection for lead contaminated dust conducted by an MDE accredited inspector. The inspector is required to perform a visual inspection to verify that the interior and exterior of the units is free of defective paint, followed by a dust inspection. For a [LIST OF ACCREDITED INSPECTORS](#). For more information on the types of certificates see [LEAD PAINT CERTIFICATES FOR RENTAL HOUSING](#).

- **What information do I have to provide to the tenant and when?**

The owner must provide tenants with the "[NOTICE OF TENANT RIGHTS](#)" and "[PROTECT YOUR FAMILY FROM LEAD IN YOUR HOME](#)" brochures and a copy of the current lead inspection certificate. This information must be delivered at the start of each new tenancy and every two-years after that for existing tenants.

- **What if I receive a Notice of Defect from the Tenant or someone else?**

Within 30 days after receipt of a written notice from the tenant, or from any other source, of the presence of defects in the unit, the owner is required to:

- Provide for the permanent relocation of all tenants to a property that is certified lead free or in compliance with the full risk reduction standard; **or**
- Temporarily relocated all tenants while all performing specific lead hazard reduction treatments. The lead hazard treatments must be performed by an MDE [ACCREDITED CONTRACTOR](#). Once work is completed the owners is required to and obtain a passing modified risk reduction certificate prior to the tenants moving back into the property.

- **What if I receive Notice that a “Person at Risk” has been identified of Defect from the Tenant or someone else?**

Within 30 days of being notified a person at risk (pregnant woman or child under 6 years of age) has a blood lead level of 5 micrograms per deciliter or more and an Environmental Investigation has identified defects or an owner is required to:

- Provide for the permanent relocation of all tenants to a property that is certified lead free or in compliance with the full risk reduction standard; **or**
- Temporarily relocated all tenants while all performing specific lead hazard reduction treatments. The lead hazard treatments must be performed by an MDE [ACCREDITED CONTRACTOR](#). Once work is completed the owners is required to and obtain a passing modified risk reduction certificate prior to the tenants moving back into the property.

- **How can I be exempt from the Law?**

Units meeting the Lead Free Standard

- A rental dwelling unit which has been certified to be free of lead paint (lead instrument readings below 0.7mg/cm² or paint chip samples below 0.5% by weight) may be exempted from annual registration fees and from further risk reduction requirements. If a lead paint survey determines that lead paint is present in a unit, an accredited abatement supervisor or contractor can fully abate the lead paint. An accredited inspector can issue a Lead Free certificate when the abatement has been satisfactorily completed.

If the lead paint survey determines that there is no lead paint on interior surfaces of the unit, but does have lead paint on exterior surfaces, that unit may qualify for a Limited Lead Free certificate. If the unit meets the Limited Lead Free Standard, the accredited inspector must visually inspect the exterior areas to ensure there is no chipping, peeling or flaking paint on those surfaces. The unit meeting the Limited Lead Free certificate must be re-inspected every two years on or before the date of the original certification. If the re-inspection does not occur in a timely manner the original certificate is no longer considered valid.

When a the owner submits a lead free certification to the Department they are required to also submit a Lead Free Inspection Fee Payment with the appropriate processing fee. The processing fee is \$10 (per unit) for every unit represented by the certificate. This would exempt an owner from future annual registration fees as well as meeting the other disclosure and risk reduction practices required by the law.

NOTE: These properties would still be subject to federal lead paint disclosure requirements.

Units that are Temporary

Hotels, motels, or other seasonal or transient residential facilities are exempt from the lead program. You should contact MDE, Lead Poisoning Prevention Program directly if you have any questions about your property and if it meets this exemption at 410-537-3825

- **What is the penalty for not complying with the Law?**

MDE is authorized to order compliance and assess civil penalties on noncompliant property owners. In addition, noncompliance can be used by attorneys representing the tenant to establish a claim of negligence against the property owner.

For more information on Rental Registration please visit the [Rental Registration Page](#) or call 410-537-4199 or toll free in Maryland 1-800-776-2706.

For more information on Compliance please visit the [Lead Program's Rental Owner Page](#) or call (410) 537-3825 or toll free in Maryland 1-800-633-6101, Ext. 3825.