



## MARYLAND DEPARTMENT OF THE ENVIRONMENT

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### NOTICE OF TENANT'S RIGHTS

#### INTRODUCTION

This Notice of Tenants' Rights explains your legal rights pursuant to the Maryland Reduction of Lead Risk in Housing Law, which went into effect on February 24, 1996. Under this law, property owners are required to address all potential lead-based paint hazards in rental properties constructed prior to 1978, register and annually renew registration of their properties with Maryland Department of the Environment ("MDE" or "Department") and provide tenants with lead educational materials. This Notice of Tenant's Rights provides a detailed explanation of what property owners are required to do to comply with the law, how to inform your landlord that repairs need to be performed in your home, and steps you can take to enforce your legal rights if your landlord refuses to respond to your request.

**Please read this material carefully and call the Lead Hotline at 410-537-4199 or 800-776-2706 if you have any questions. (TTY Users 800-735-2258)**

#### **I HAVE JUST MOVED INTO A RENTAL DWELLING THAT WAS BUILT BEFORE 1978. WHAT DO I NEED TO KNOW?**



To be fully compliant with the law, your landlord is required to:

- 1) Give you the Notice of Tenant Rights, the EPA brochure, "Protect Your Family from Lead in Your Home," and a copy of the lead inspection certificate for the unit on or before the day you move in. The property owner may ask you to sign a statement acknowledging that you received these items.
- 2) Ensure that the property is currently registered with the MDE and is required to pay a \$30.00 per property/unit registration fee.
- 3) Obtain a passing Lead Paint Inspection Certificate prior to you moving into the property.

#### **DOES MY RENTAL DWELLING UNIT HAVE TO BE INSPECTED BEFORE I MOVE IN?**

Yes. The property owner must have the unit inspected at the owner's expense. This is currently mandatory for all pre-1978 rental properties. Only an inspector accredited by MDE can perform lead inspections. If the house passes the lead inspection, the property owner will receive a copy of a Lead Paint Inspection Certificate. This certificate will be on file at MDE. The owner is required by law to give you a copy of the inspection certificate when you move in. If you wish to know the results of the inspection, ask your landlord or use the Inspection Certificates online search at [Lead Certificate](#).

## **WHAT HAPPENS IF MY CHILD IS DIAGNOSED WITH AN ELEVATED BLOOD LEAD LEVEL?**

When a child under six years of age, or a pregnant woman is identified with an elevated blood lead level (“EBL”) greater than or equal to 3.5 µg/dL, MDE or the local health department will send a Notice of EBL to the parent/guardian or pregnant woman and the property owner in writing.

MDE or the local health department will also perform an environmental investigation for a child under the age of 6 years old or pregnant woman diagnosed with a blood lead level of greater than or equal to 3.5 µg/dl. If, during the environmental investigation, the inspector identifies chipping, peeling, or flaking paint in a pre-1978 constructed rental property, MDE or the local health department will issue a Notice of Defect and send it to the property owner. Upon receipt of the Notice of Defect, the property owner must satisfy the modified risk reduction standard within 30 days.

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## **HOW DO I TELL THE PROPERTY OWNER ABOUT ANY DEFECTS AND/OR THAT THERE IS CHIPPING, PEELING, AND FLAKING PAINT IN MY HOME?**

You must send a notice to the property owner in writing. You may either write a letter or use a “Notice of Defect Form”, that can be found on page 5 of this brochure. When sending a Notice of Defect, MDE suggests sending it **Certified Mail, Restricted Delivery**. This documentation is also useful when making a referral to MDE or your local housing department. Once the property owner receives the Notice of Defect, they must satisfy the modified risk reduction standard within 30 days.

## **HOW DOES AN OWNER MEET THE MODIFIED RISK REDUCTION STANDARD?**

Within 30 days after the receipt of the Notice of Defect, the property owner is required to provide for the temporary relocation of all tenants to a property built after 1977, a pre-1978 rental property that is certified as meeting the lead-free standard or that has met the lead risk reduction standard.

OR

Within 30 days after the receipt of the Notice of Defect, the property owner ensures that the property passes a test for lead contaminated dust after performing certain lead hazard reduction treatments. The property owner must pay for all required repairs and must use a contractor that is accredited by the Department to perform lead abatement work.

## **SHOULD MY FAMILY STAY IN THE HOME WHILE THE REPAIRS ARE BEING MADE?**

Nobody, other than individuals accredited by MDE to perform lead abatement services, is permitted in the work area. Pregnant women and children under 6 years old are prohibited from being in the house while the lead hazard reduction treatments are being performed. If you must leave your home for more than 24 hours while treatments are performed, the property owner must

pay for all your reasonable expenses related to your required relocation to temporarily lead safe housing.

The property owner is also responsible for expenses related to the moving, storing, and/or cleaning of furniture, and possibly food costs while work is being performed in the home to address lead-based paint hazards.

**You must allow the property owner and accredited contractors to enter your home to perform the treatments.**

The owner of the property is required to have the home inspected to verify the modified risk reduction standard has been met. After all work is completed, an MDE accredited inspector must inspect the property to verify compliance with the modified risk reduction standard.

## **WHAT IF MY LANDLORD HAS NOT COMPLIED WITH THE LAW, OR HAS FAILED TO RESPOND TO A NOTICE OF DEFECT?**

### **1. Make a Referral**

If you have given your landlord a written Notice of Defect and no repairs have been completed after 30 days, you can make a referral to Maryland Department of the Environment's Lead Poisoning Prevention Program by calling 1-800-776-2706 or 410-537-3825. When making a referral, please provide copies of the Notice of Defect, along with any verification of receipt you may have.

### **2. Rent Escrow**

Rent Escrow is a legal process that requires you to file a complaint for rent escrow in the district court in the county in which you live. If the district court grants your request for an escrow account, you will be required to pay your rent into the district court's escrow account instead of to your landlord. This provides an incentive for your landlord to complete repairs in your home that threaten the life, health, or safety of you and your family. In order to have an escrow account established based on lead hazards, you only need to prove that your landlord is not in compliance with Maryland's lead laws.



A rent escrow account is only established after all facts have been presented to a judge in a judicial proceeding. Therefore, it is suggested that you seek the advice and representation of an attorney.

### **3. Rent Protection**

In 2004, the Maryland General Assembly enacted legislation requiring landlords to confirm their compliance with Maryland's Lead Risk Reduction in Housing Law when filing a complaint for repossession of property based on a tenant's failure to pay rent. If the property to be repossessed was constructed prior to 1978, the landlord must state that they are currently registered with the Department provide the Lead Paint Inspection Certificate Number for the inspection conducted for the current tenancy. Failure to provide this information may result in the dismissal of the landlord's failure to pay rent complaint.

### **4. Retaliatory Eviction**

Revised 8/2025  
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It is unlawful for your landlord to evict you for notifying them about dangerous conditions present in your home, including the presence of peeling, chipping, and flaking paint. The law protects tenants against eviction and illegal rent increases are initiated after notification. It is presumed that any attempt to evict a tenant or to raise the rent, except for nonpayment of rent, within two months after compliance with the applicable risk reduction standard, is in retaliation for the tenant's notification of dangerous conditions and shall be void. It is also against the law for the property owner to evict you because there is someone in your home diagnosed with a blood lead level.

### **5. Termination of Lease & Relocation Expenses**

Pursuant to § 8-215 of the Real Property Article, if you have requested a copy of the Lead Paint Inspection Certificate associated with your tenancy, and your landlord fails to provide you a copy within three business days, you may file an action in the District Court to: (i) immediately release the tenant from the terms of the lease or rental agreement for that property; (ii) pay to the tenant all reasonable relocation expenses, not to exceed \$2,500, directly related to the permanent relocation of the tenant to a lead-free dwelling unit or another dwelling unit that has satisfied the risk reduction standard in accordance with §6-815 of the Environmental Article, and reasonable attorney's fees.

\* If you have any questions about Maryland's Lead Law, visit MDE's Website or call the Lead Hotline at 410-537-4199 or toll-free at 1-800-776-2706, or TTY 1-800-735-2258.

Mail copy of Notice of Defect and certified mail receipt to:

Maryland Department of the Environment  
Lead Compliance and Enforcement Division  
1800 Washington Boulevard, Suite 630  
Baltimore, MD 21230

## Notice of Defect

Send this notice by certified mail, return receipt requested or hand-deliver this notice and get a signature from the property owner or the property owner's agent or manager.

Name of Property Owner/Property Manager

Your Name

\_\_\_\_\_

\_\_\_\_\_

Property Owner Address

Your Address

\_\_\_\_\_

\_\_\_\_\_

City, State, Zip

City, State, Zip

Phone # \_\_\_\_\_

Email \_\_\_\_\_

Property Subject to This Notice: \_\_\_\_\_

THIS IS TO NOTIFY YOU TO MEET THE MODIFIED RISK REDUCTION STANDARD AS REQUIRED BY § 6-819 OF THE ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND BECAUSE:

\_\_\_ The following defects require your attention:

**The following areas contain peeling, chipping, flaking paint that is accessible to a child:**

___ Living Room	___ Bathroom	___ Hallway	___ Door Frame
___ Dining Room	___ Front Porch	___ Stairway	___ Windows
___ Kitchen	___ Bedroom	___ Exterior Walls	___ Other _____

**The following areas contain structural defects:**

___ Living Room	___ Bathroom	___ Hallway	___ Door Frame
___ Dining Room	___ Front Porch	___ Stairway	___ Windows
___ Kitchen	___ Bedroom	___ Exterior Walls	___ Other _____

**Other Hazardous Conditions:**

\_\_\_\_\_

PROPERTY OWNER / MANAGER SIGNATURE

I, \_\_\_\_\_ owner / manager of the above-noted property  
(circle one) hereby acknowledges receiving this Notice of Defect

Signature \_\_\_\_\_

Date \_\_\_\_\_