



# **LEAD POISONING PREVENTION**

## **Notice of Tenants' Rights**

### **INTRODUCTION**

*This is a Notice of Tenants' Rights which discusses your legal rights under Maryland law which went into effect October 1, 1994. The purpose of the law is to reduce the number of children poisoned by lead in paint, while maintaining the supply of affordable rental housing in Maryland.*

*Under the law, property owners receive protection from lead paint poisoning lawsuits if they meet the requirements for paint maintenance, and give tenants educational materials about lead hazards. When the property owner is given written notice of areas of chipping, peeling, and flaking paint in a property, he must repair those areas using lead-safe work practices. Tenants may also receive assistance with moving to a lead-safe house when a family member has high blood lead level.*

*Please read this material carefully and call the Lead Hotline at 410-631-4199 or 1-800-776-2706 if you have any questions about this law. TDD FOR THE DEAF 410-631-3009.*

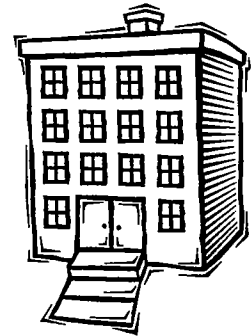
### **I HAVE JUST MOVED INTO THIS HOUSE. WHAT DO I NEED TO KNOW?**

The property owner should give you this notice, the EPA brochure "Protect Your Family from Lead Poisoning", and a copy of the lead inspection certificate for the unit on or near, the day you move in.

- The property owner may ask you to sign a statement acknowledging that you received these items.

Before you move in, the property owner should have performed **Full Lead Hazard Reduction Treatments**. This means that when you move in, there should be:

- No chipping, peeling or flaking paint;
- Smooth and cleanable window wells and window sills; and
- Smooth and cleanable floors.



After doing the treatments, the property owner must have the unit inspected.

If the house passes the inspection, the Maryland Department of the Environment (MDE) and the property owner will be given a Lead Paint Risk Reduction Inspection Certificate which states that the treatments were completed properly. This certificate will be on file at MDE.

The owner has the option of testing the house for lead dust instead of doing the treatments. If the house is tested, the lead dust test results will be on file at MDE.

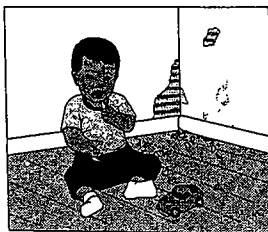
If you wish to know the results of any visual inspection or lead dust tests done to your home, ask the landlord or call the Lead Hotline at 410-631-4199, 1-800-776-2706, or TDD 410-631-3009.

## ARE THERE OTHER TIMES THAT THE PROPERTY OWNER MUST DO SPECIAL LEAD HAZARD REDUCTION TREATMENTS WHILE I LIVE HERE?

Yes. When a child under six or a pregnant woman has a blood lead level of 15 or more micrograms of lead per deciliter of blood, the local health department will inform the property owner of the obligation to do the **Modified Lead Hazard Reduction Treatments** or pass a lead dust test.

Also, if there is chipping, peeling, and flaking paint in your home, you should report it to the property owner in writing. This paint may contain lead which can be dangerous to you and to you and your children. The only way you can be sure your property owner knows about possible lead paint hazards in your home is if you tell him in writing.

In most cases, the property owner will have 30 days to do the Modified Lead Hazard Reduction Treatments, or pass a lead dust test.

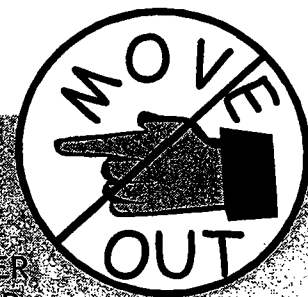
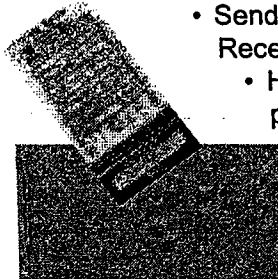


## HOW DO I TELL THE PROPERTY OWNER ABOUT THE CHIPPING, PEELING, AND FLAKING PAINT?

You must send notice to the property owner in writing. You may either write your own letter or use a "Notice of Defect Form". A sample copy of the form is attached.

In order to send a notice, you may:

- Send it Certified Mail, Return Receipt Requested; or
- Hand Deliver it to the property owner or his agent and get the signature of the person to whom you delivered it.



IT IS AGAINST THE LAW FOR THE PROPERTY OWNER TO EVICT YOU FOR REPORTING PAINT DEFECTS IN YOUR HOME OR BECAUSE THERE IS A PERSON IN YOUR HOME FOUND TO HAVE A HIGH BLOOD LEAD LEVEL.

## WHAT ARE THE MODIFIED LEAD HAZARD REDUCTION TREATMENTS?

The modified lead hazard reduction treatments include:

- Removal and repainting of any chipping, peeling, and flaking paint;
- Making window sills smooth and cleanable; and
- Special cleaning of the work area.

The property owner must pay for those repairs required to be done to your home.

Pregnant women and children under 6 years old must not be in the house while the Lead Hazard Reduction Treatments are being performed.

If you are required to leave your house for more than 24 hours while treatments are performed, the property owner must pay reasonable expenses for overnight housing and meals for your family.

You must allow the property owner to enter your home to do the treatments.

The property owner may ask you to sign a statement verifying that the treatments were completed. You are not required to sign.

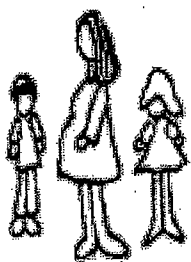
If you do sign the statement, it can be used as evidence that the property owner complied with the law.

If you refuse to sign, the property owner must have an inspector perform a visual inspection of the house at the property owner's expense. A copy of the inspection report will be sent to you, the property owner, and MDE. In most cases, the property owner will get notice from the local or state government that a child under six or a pregnant woman has been diagnosed with a high blood lead level.

The property owner will have 30 days to decide whether to make a Qualified Offer.

**WHAT HAPPENS IF A CHILD UNDER SIX, OR A PREGNANT WOMAN, HAS A HIGH BLOOD LEVEL OF 20 OR MORE MICROGRAMS OF LEAD PER DECILITER OF BLOOD? WHAT**

**IS A QUALIFIED OFFER?**



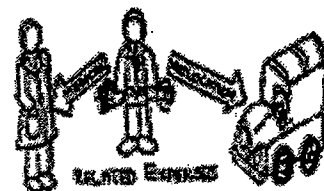
A Qualified Offer is an agreement by the owner insuring that certain expenses related to the lead problem will be paid and that the tenant will get help. However, the

terms of a Qualified Offer are very specific and must be presented on a Maryland Department of the Environment form.

A Qualified Offer can be made by the property owner, their insurance company, lawyer or other agent. Once one of these persons makes a Qualified Offer, they are known as the Offeror. The rental until must be full compliance with the law for the owner to be able to make an offer.

The Qualified Offer has two parts:

- Reimbursement for up to \$9,500, or until the child is 6, whichever occurs first, for permanent or temporary relocation of the family of the person with a high blood level level; and
- Reimbursement for up to \$7,500, or until the child is 18, whichever occurs first, for some medical expenses related to the lead problem required by a person with the high blood lead level.



A Qualified Offer is not an admission of liability by the property owner.

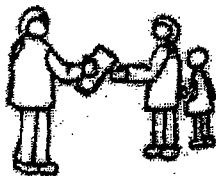
**HOW WILL A QUALIFIED OFFER AFFECT MY LEGAL RIGHTS?**

If you accept the Qualified Offer:

- You get the benefits of the Offer as required; and
- You cannot sue for more.
- You may still be able to sue, but you run the risk of getting nothing from the lawsuit unless you have certain proof. The law is very specific about the type of proof required.

***You have 30 days from the day you received the Qualified Offer to accept it. If you do not accept the Qualified Offer within 30 days, the Offeror may assume that you have rejected it.***

## IF I ACCEPT THE QUALIFIED OFFER, HOW WILL I KNOW THAT THE PAYMENTS ARE BEING MADE PROPERLY?



The Offeror is required to send a report to you and to MDE by the end of each year detailing how much money they have spent and who has received the money.

When 80% of the money for relocation or medical treatments has been spent, they are required to send you a notice warning you that only 20% is left.

## WHAT IS RELOCATION AND WHY RELOCATE?

Relocation is permanently or temporarily moving the person with the high blood level and his family to lead-safe housing. Lead-safe housing is a house that:

- Is certified lead-free;
- Was built after 1978; or
- May have lead paint in it but has specially treated windows and has passed a lead dust test and, possibly, a visual inspection.

Relocation is vital because health experts agree that one of the most important things that you can do in treating a person with a high blood lead level is to move the person to a safer environment as soon as possible.

## WHAT IS PERMANENT RELOCATION?

Permanent relocation occurs when the family moves to a lead-safe home, and does not return to the original home.

The Offeror must provide payment for moving and other related costs.

If rent for the lead-safe home that the family relocated to is higher than the rent the family was paying when it accepted the Qualified Offer, the family will pay the owner of the lead-safe home the same amount it paid for the home it lived in when it accepted the Qualified Offer.



The Offeror will pay the rest of the rent by paying a rent subsidy of up to 150% of your current rent to the owner of the lead-safe home.

## WHAT IS TEMPORARY RELOCATION?

Temporary relocation is when the family moves out of the home while the owner makes it lead-safe. After the repairs are done, the family may move back into the home.

The Offeror will pay the rent for the time the family spends in temporary, lead-safe housing.

Also, they will pay for moving, storing, or cleaning furniture, and possibly food costs for the family while work is being done on the home.

## WHO GETS THE RELOCATION PAYMENTS?

The Offeror will make most of these payments directly to the service provider (new property owner, the moving company, etc.), not the family.

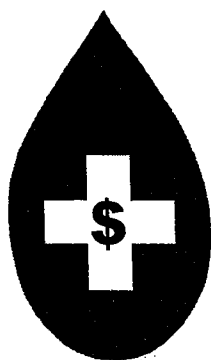
- The only payments that come directly to the family are for minor expenses.

The Offeror can stop making these payments when they have spent \$9,500, or when the child reaches 6 years of age, whichever comes first (even if the full \$9,500 has not been spent).

## WHAT MEDICAL EXPENSES WILL BE PAID, TO WHOM, AND FOR HOW LONG?

The Offeror will pay for treatments that are not covered by your own medical insurance or Medicaid.

- These include medical, emotional, educational or psychological treatments.



Payments will be made directly to the health care provider (doctor, therapist, etc.), not to the family. For costs that are not covered by the person's own medical insurance or Medicaid, the bill should be sent to the Offeror.

The Offeror can stop paying when they have paid out \$7,500 or when the child reaches the age of 18, whichever comes first.

## IF I NEED HELP UNDERSTANDING A QUALIFIED OFFER, IS THERE SOMEONE WHO CAN GIVE ME ADVICE?

If you need help understanding the Qualified Offer, call the Coalition to Fund Childhood Lead Poisoning at 410-534-6447 or 1-800-370-5323. The Coalition is under contract with the Maryland Department of the Environment to assist tenants and rental property owners to understand the law.

The person taking the call will answer your questions or refer you to an organization in your area that can help.

Also, the local health department will receive a copy of the Qualified Offer from the property owner and, within a week, will be calling you to offer assistance in finding treatment and prevention services.

## WHAT IF I NEED TO SPEND MY OWN MONEY?

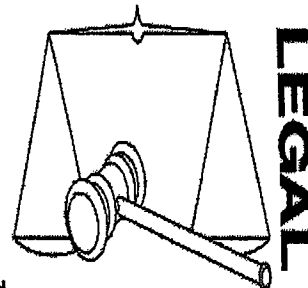
Coordinate payments with the Offeror in advance whenever possible.

Never make a large payment for a service with your own money without first agreeing with the Offeror in advance and in writing that they will reimburse you for the expense.

Otherwise, when you ask for reimbursement, the Offeror may argue that they want to pay the service providers directly, and refuse to pay you.

## WHERE CAN I READ THE LAW FOR MYSELF?

The entire law, known as House Bill 760, can be found in the following volumes of Maryland law.



- Annotated Code of Maryland, Environment Article, Title 6, Subtitle 8.
- Annotated Code of Maryland, Article 48A - Insurance Code, Sections 734-737.
- Annotated Code of Maryland, Real Property Article, Section 8-208.2.

If you wish to receive a copy of House Bill 760 from the 1994 session of the Maryland General Assembly, call:

**Department of Legislative Reference**  
**410-841-3810 (Baltimore/Annapolis area)**  
**1-800-492-7122 (elsewhere in Maryland)**

If you have any questions about the Maryland Lead Law, call the Lead Hotline at 410-631-4199 or toll-free at 1-800-776-2706, or TDD 410-631-3009.

## NOTICE OF DEFECT/NOTICE OF ELEVATED BLOOD LEVEL ABOVE 15 µg/dL

**\*\*Tenant:** 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.

To:

Name of Property Owner/Manager/Agent

This is to notify you to perform Modified Risk  
Reduction Treatments under 6-819 of the Environment  
Article of the Annotated Code of Maryland because:

- ☐ A child under the age of six years or a pregnant woman at this address has a blood lead level of 15 micrograms or more per deciliter of blood.  
AND/OR  
☐ The following defects require your attention.

From:

Name of Tenant

Street Address and Unit#

MARYLAND

City

State

Zipcode

Telephone - Day

Telephone - Evening

### CHIPPING, PEELING, FLAKING PAINT

<p>This room, _____ has chipping, peeling or flaking paint on the:</p> <p><input type="checkbox"/> Walls/ceiling <input type="checkbox"/> Window sills <input type="checkbox"/> Window wells <input type="checkbox"/> Window frames <input type="checkbox"/> Porch <input type="checkbox"/> Door/door frame</p>	<p>This room, _____ has chipping, peeling or flaking paint on the:</p> <p><input type="checkbox"/> Walls/ceiling <input type="checkbox"/> Window sills <input type="checkbox"/> Window wells <input type="checkbox"/> Window frames <input type="checkbox"/> Porch <input type="checkbox"/> Door/door frame</p>	<p>This room, _____ has chipping, peeling or flaking paint on the:</p> <p><input type="checkbox"/> Walls/ceiling <input type="checkbox"/> Window sills <input type="checkbox"/> Window wells <input type="checkbox"/> Window frames <input type="checkbox"/> Porch <input type="checkbox"/> Door/door frame</p>	<p>This room, _____ has chipping, peeling or flaking paint on the:</p> <p><input type="checkbox"/> Walls/ceiling <input type="checkbox"/> Window sills <input type="checkbox"/> Window wells <input type="checkbox"/> Window frames <input type="checkbox"/> Porch <input type="checkbox"/> Door/door frame</p>
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### STRUCTURAL DEFECTS

<p>This area, _____ has the following structural defects:</p> <p><input type="checkbox"/> Leaking ceiling <input type="checkbox"/> Leaking roof <input type="checkbox"/> Leaking plumbing <input type="checkbox"/> Other</p> <p>_____ _____ _____ _____</p>	<p>This area, _____ has the following structural defects:</p> <p><input type="checkbox"/> Leaking ceiling <input type="checkbox"/> Leaking roof <input type="checkbox"/> Leaking plumbing <input type="checkbox"/> Other</p> <p>_____ _____ _____ _____</p>	<p>This area, _____ has the following structural defects:</p> <p><input type="checkbox"/> Leaking ceiling <input type="checkbox"/> Leaking roof <input type="checkbox"/> Leaking plumbing <input type="checkbox"/> Other</p> <p>_____ _____ _____ _____</p>	<p>This area, _____ has the following structural defects:</p> <p><input type="checkbox"/> Leaking ceiling <input type="checkbox"/> Leaking roof <input type="checkbox"/> Leaking plumbing <input type="checkbox"/> Other</p> <p>_____ _____ _____ _____</p>
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### PROPERTY OWNER / MANAGER / AGENT SIGNATURE

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

Signature

Date

Print Name