



# Lead Poisoning Prevention Program

## Notice of Tenants' 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 abate all lead-based paint hazards in rental properties constructed prior to 1950, register their properties with Maryland Department of the Environment's (MDE) Lead Poisoning Prevention Program, and provide tenants with lead educational materials. In exchange for complying with the law, property owners are entitled to limited liability protection in the event a child or pregnant woman is poisoned in their property.

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)**

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### I HAVE JUST MOVED INTO A RENTAL HOME THAT WAS BUILT BEFORE 1950, WHAT DO I NEED TO KNOW?

In order 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) Register the property with the Maryland Department of the Environment (MDE) and pay a \$15.00 annual registration fee.
- 3) Perform lead hazard maintenance called **Full Risk Reduction Treatments and provide you a certificate**. This means that when you move in, there should be:
  - a. No chipping, peeling or flaking paint;
  - b. Smooth and cleanable window wells, window sills, and floors;
  - c. Doors that open and close smoothly; and
  - d. Floors and windows that have been HEPA vacuumed and wet washed, removing lead dust.



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## DOES MY RENTAL HOME HAVE TO BE INSPECTED BEFORE I MOVE IN?

Yes. After completing the treatments, the property owner must have the unit inspected at the owner's expense. All inspections are required to be performed by an inspector accredited by MDE. If the house passes the inspection, the property owner will be given a Lead Paint Risk Reduction Inspection Certificate. This certificate will be on file at MDE. The owner is required to give you a copy of the inspection certificate when you move in. If you wish to know the results of any visual inspection or lead dust tests, ask your landlord or call the Lead Hotline at 410-537-4199, 1-800-776-2706, or TTY 800-735-2258.

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## 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 an elevated blood lead level (EBL) of 15 µg/dl or more before February 24, 2006, or 10 µg/dl or more on or after February 24, 2006, the local health department is supposed to inform the property owner of the obligation to do **Modified Risk Reduction Treatments** or pass a lead dust test. Because the property owner may not receive the Notice of EBL sent by the government, you should send one by certified mail, restricted delivery or hand deliver it and obtain the property owner's signature to evidence receipt.



The Modified Risk Reduction Treatments, or lead dust test, must also be performed if the property owner receives a written notice that there is chipping, peeling, and flaking paint in your home. Chipping, peeling and flaking paint in pre-1950 constructed rental properties is presumed to contain lead, which can be dangerous 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 by sending a letter or the Notice of Defect form provided on the back of this pamphlet.

The property owner will have 30 days to do the Modified Lead Hazard Reduction Treatments, or pass a lead dust test, after receipt of a written Notice of Defect or Notice of EBL.

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## HOW DO I TELL THE PROPERTY OWNER ABOUT THE 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." A sample copy of the form is attached on page 6. When sending a notice, it is suggested to send it **Certified Mail, Return Receipt Requested**, or **Hand Deliver** it to the property owner and obtain a signature evidencing receipt. This documentation is also useful when making a referral to MDE or your local housing department.



Once your landlord receives the notice, your property must satisfy the Modified Risk Reduction Standard within 30 days.

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## WHAT ARE THE MODIFIED RISK REDUCTION TREATMENTS?

The modified risk reduction treatments include:

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

The property owner must pay for those repairs and must use an accredited person. After all work is completed, an MDE accredited inspector must inspect the property to verify compliance with the Modified Risk Reduction standard.

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

Nobody is permitted in the work area. Pregnant women and children under 6 years old are prohibited from being in the house while the Risk 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 for all your reasonable expenses directly related to your required relocation to temporary lead safe housing.



The property owner is also responsible for expenses related to the moving, storing, or cleaning of furniture, and possibly food costs for the family while work is being done in the home.

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

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## WHAT SHOULD HAPPEN WHEN THE WORK IS COMPLETED IN MY HOME?

The property owner is required to have the home inspected to verify the Modified Risk Reduction Treatments have been completed. The property owner may, however, ask you to sign a statement verifying that the treatments were performed. You are not required to sign the statement. 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 an 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 Maryland Department of the Environment.

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## WHAT HAPPENS IF A CHILD UNDER SIX, OR A PREGNANT WOMAN, HAS A BLOOD LEAD LEVEL OF 20 µg/dl BEFORE FEBRUARY 24, 2006, OR A BLOOD LEAD LEVEL OF 15 µg/dl OR MORE ON OR AFTER FEBRUARY 24, 2006. WHAT IS A QUALIFIED OFFER?

In most cases, the property owner will receive notice from the local or State government that a child under six or a pregnant woman has been diagnosed with a lead level of 20 µg/dl before February 24, 2006, or a blood lead level of 15 µg/dl or more on or after February 24, 2006. The property owner will have 30 days after receiving notice to make



a Qualified Offer. A Qualified Offer can also be made by an agent of the property owner, including a lawyer or insurance company. In order for the property owner to make a valid Qualified Offer, the property must be in full compliance with the law.

Because the property owner may not receive the Notice of EBL sent by the government, you should send one by certified mail, restricted delivery or hand deliver it and obtain the property owner's signature to evidence receipt.

### **WHAT DOES A QUALIFIED OFFER PAY FOR?**

The Qualified Offer has two parts – Relocation Benefits and Medical Benefits

1. Relocation Benefits pay up to \$9,500, or until the child reaches age 6, whichever occurs first. The benefits pay for permanent or temporary relocation of the family of the person with a high blood lead level;
2. Medical Benefits pay for up to \$7,500, or until the child reaches age 18, whichever occurs first. The benefits pay for medical expenses associated with the elevated blood lead level, not otherwise covered by health insurance providers.

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

Once you receive a Qualified Offer, you have 30 days to either accept or reject it. If not accepted within 30 days, it will be assumed that you have rejected it. If you accept the Qualified Offer, you receive the benefits of the Offer, but you cannot sue your property owner in the future. If you reject a Qualified Offer, and your property owner was in compliance with the lead laws, you will not receive the benefits of the Qualified Offer and will not be able to sue your property owner in the future. If your property owner is not in compliance with the lead laws, you may reject the Qualified Offer and sue your property owner if you choose.

### **IF I NEED HELP UNDERSTANDING A QUALIFIED OFFER, IS THERE SOMEONE WHO CAN ANSWER MY QUESTIONS?**

If you need help understanding the Qualified Offer, call a lawyer or the Coalition to End 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.

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

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

If you have given your landlord a written Notice of Defect or Notice of EBL and no repairs have been completed, you can make a referral to Maryland Department of the Environment's Lead Poisoning Prevention Program by calling 1-800-776-2706 or call your local housing department. When making a referral, please provide copies of the Notice of Defect or Notice of EBL, 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 only prove that you landlord is not in compliance with Maryland's Lead Laws.

An 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 for repossession of property based on a tenant's failure to pay rent. If the property to be repossessed was constructed prior to 1950, the landlord must state that they have registered with Maryland Department of the Environment and provide the certificate number for the inspection conducted for the current tenancy. Failure to provide this information may result in the dismissal of the landlord's complaint. **You must provide your landlord reasonable access to the property in order to perform necessary repairs.**



## 4. Retaliatory Eviction

It is unlawful for your landlord to evict you for complaining 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 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 found to have a high blood lead level.

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If you have any questions about the Maryland Lead Law, [visit our website at: www.mde.state.md.us/lead](http://www.mde.state.md.us/lead) or call the Lead Hotline at 410-537-4199 or toll-free at 1-800-776-2706, or TTY 1-800-735-2258.



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1800 Washington Boulevard | Baltimore, MD 21230-1718 | [www.mde.state.md.us](http://www.mde.state.md.us)  
410-537-3000 | 800-633-6101 | TTY Users: 800-735-2258  
Martin O'Malley, *Governor* | Anthony G. Brown, *Lt. Governor* | Robert M. Summers, Ph.D., *Secretary*  
*Revised 04/2011*

**MARYLAND DEPARTMENT OF THE ENVIRONMENT**

Land Management Administration • Lead Compliance & Accreditation Division

1800 Washington Blvd. • Suite 630 • Baltimore Maryland 21230

410-537-3825 • 1-800-633-6101 • [www.mde.state.md.us/lead](http://www.mde.state.md.us/lead)

**Notice of Defect/Notice of Elevated Blood Level**

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: _____	From: _____
Name of Property Owner	Your Name
_____	_____
Property Owner Address	Your Address
_____	_____
City, State, Zip	City, State, Zip
_____	_____
	Phone

**THIS IS TO NOTIFY YOU TO PERFORM MODIFIED RISK REDUCTION TREATMENTS REQUIRED BY § 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, residing at the above address has been diagnosed with a blood lead level of 15 µg/dl or more before February 24, 2006, or 10 µg/dl or more on or after February 24, 2006; **and/or**

\_\_\_ 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 acknowledge receiving this Notice of Defect / EBL.

Signature \_\_\_\_\_ Date \_\_\_\_\_