



LEAD POISONING PREVENTION

Notice of Tenants' Rights

INTRODUCTION

This Notice of Tenants' Rights pamphlet discusses your legal rights under the Maryland law which went into effect on February 24, 1996. 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 by: repairing lead paint hazards, registering their properties and giving 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. Some tenants may also receive assistance with moving to a lead-safe house when a family member has a high blood lead level.

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

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

1) The property owner should give you the Maryland 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) The property owner should have registered the property with the Maryland Department of the Environment (MDE) and paid a \$15.00 annual registration fee.

3) Before you move in, the property owner should have performed lead hazard repairs called **Full Risk Reduction Treatments**. This means that when you move in, there should be:

- No chipping, peeling or flaking paint;
- Smooth and cleanable window wells, window sills, and floors;
- Doors that don't rub together; and
- Floors and windows that have been HEPA-vacuumed and wet washed to pick up lead dust.



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

Yes, after doing the treatments, the property owner must have the unit inspected at the owner's expense. The owner has the option of testing the house for lead dust instead of doing the treatments.

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. 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 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 **Modified Risk Reduction Treatments** or pass a lead dust test.



If your property owner receives a written notice that there is chipping, peeling, and flaking paint in your home, the owner must perform the Modified Risk Reduction Treatments or pass a lead dust test. This paint may 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 if you tell him in writing by sending a letter or a Notice of Defect

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

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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 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 RISK REDUCTION TREATMENTS?

The modified risk 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 and must use a certified lead worker.

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

Pregnant women and children under 6 years old must not be 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 reasonable expenses for overnight housing and meals for your family to stay in temporary lead safe housing.



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

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

The property owner should have the home inspected to verify that the Modified Risk Reduction Treatments have been completed. The property owner may, however, ask you to sign a statement verifying that the treatments were completed. 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 MDE.

WHAT HAPPENS IF A CHILD UNDER SIX, OR A PREGNANT WOMAN, HAS A HIGH BLOOD LEAD LEVEL OF 20 µg/dl OR ABOVE? WHAT IS A QUALIFIED OFFER?



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 lead level of 20 µg/dl or above.



The property owner will have 30 days to decide whether to make 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. The terms of a Qualified Offer are very specific and must be presented on a Maryland Department of the Environment form.

WHO CAN MAKE A QUALIFIED OFFER?

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 unit must be in full compliance with the law for the owner to be able to make an offer.

The Qualified Offer has two parts - Relocation Benefits and Medical Benefits.

- 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;



- Medical Benefits pay for up to \$7,500, or until the child reaches age 18, whichever occurs first. The benefits pay for medical expenses related to the lead problem required by a person with the high blood lead level.

HOW WILL A QUALIFIED OFFER AFFECT MY LEGAL RIGHTS?

If you accept the Qualified Offer:

- You get the benefits of the Offer, but you cannot sue for more.

If you reject the Qualified Offer:

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

You have 30 days from the day you received the Qualified Offer to decide whether 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?

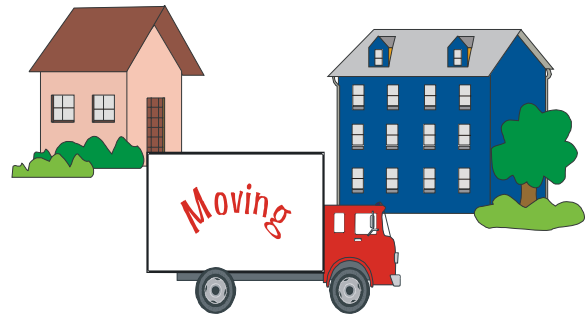
Relocation is permanently or temporarily moving the person with the high blood lead level and his family to lead-safe housing. Lead-safe housing is a house that:

- Is certified lead-free; or
- 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 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 finished, 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 will 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 will 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 ANSWER MY QUESTIONS?

If you need help understanding the Qualified Offer, call 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.

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 sources.

WHAT IF I NEED TO SPEND MY OWN MONEY?

Coordinate payments with the Offeror (owner) 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, Sections 6-801 et seq.
- 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.

CHIPPING, PEELING, FLAKING PAINT

This room, _____ has chipping, peeling, or flaking paint on the: <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	This room, _____ has chipping, peeling, or flaking paint on the: <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	This room, _____ has chipping, peeling, or flaking paint on the: <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	This room, _____ has chipping, peeling, or flaking paint on the: <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
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STRUCTURAL DEFECTS

This area, _____ has the following structural defects: <input type="checkbox"/> Leaking ceiling <input type="checkbox"/> Leaking roof <input type="checkbox"/> Leaking plumbing <input type="checkbox"/> Other _____ _____ _____	This area, _____ has the following structural defects: <input type="checkbox"/> Leaking ceiling <input type="checkbox"/> Leaking roof <input type="checkbox"/> Leaking plumbing <input type="checkbox"/> Other _____ _____ _____	This area, _____ has the following structural defects: <input type="checkbox"/> Leaking ceiling <input type="checkbox"/> Leaking roof <input type="checkbox"/> Leaking plumbing <input type="checkbox"/> Other _____ _____ _____	This area, _____ has the following structural defects: <input type="checkbox"/> Leaking ceiling <input type="checkbox"/> Leaking roof <input type="checkbox"/> Leaking plumbing <input type="checkbox"/> Other _____ _____ _____
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From:

Name of Tenant

Street Address and Unit#

MARYLAND

City State Zipcode

Telephone - Day Telephone-Evening

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 Print Name Date