MARYLAND
Department of the Environment

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 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's (MDE) Lead Poisoning Prevention Program, and provide tenants with lead educational materials. This Notice of Tenant's Rights also 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?

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) Ensure that the property is currently registered with the Maryland Department of the Environment (MDE) and is required to pay a $30.00 per property/unit registration fee.
3) Obtain a passing Full Risk Reduction certificate prior to you moving into the property.

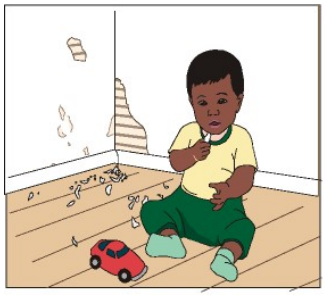
DOES MY RENTAL DWELLING UNIT HAVE TO BE INSPECTED BEFORE I MOVE IN?

Yes. The property owner must have the unit inspected at the owner's expense. 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 the inspection, ask your landlord or call the Lead Hotline at 410-537-4199, 1-800-776-2706, or TTY 800-735-2258.

ARE THERE OTHER TIMES THAT THE PROPERTY OWNER MUST COMPLY WITH SPECIAL STANDARDS WHILE I LIVE HERE?

Yes. When a child under six or a pregnant woman has an elevated blood lead level (EBL) 10 µg/dl or more, the local health department will inform the property owner of the obligation to meet the **Modified Risk Reduction Standard**.



The Modified Risk Reduction Standard must also be met when the property owner receives a written Notice of Defect that there are structural defects and/or chipping, peeling, and flaking paint in your home. Chipping, peeling and flaking paint in pre-1978 constructed rental properties is presumed to contain lead, which can be dangerous to you and your children.

The property owner will have 30 days to satisfy the Modified Reduction Standard after receipt of a written Notice of Elevated Blood Lead Level or Notice of Defect.

HOW DO I TELL THE PROPERTY OWNER ABOUT STRUCTURAL 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." A sample copy of the form is attached on page 5. 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 the property owner receives the notice, your property 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 or a Notice of Elevated Blood Lead Level or Notice of Defect, the property owner provides for the temporary relocation of tenants to a lead free dwelling unit or another dwelling unit that has meet the full risk reduction standard;

OR

Within 30 days after the receipt or a Notice of Elevated Blood Lead Level or Notice of Defect, the property owner ensures that the property passes a test for lead contaminated dust and by performing certain lead hazard reduction treatments. The property owner must pay for those repairs and must use a contractors accredited by MDE to perform lead abatement work.

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 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 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.

The property owner 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 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 410-537-3825. 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 to prove that your 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 1978, the landlord must state that they are currently 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.

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.

If you have any questions about the Maryland Lead Law, visit: www.mde.maryland.gov/lead or call the Lead Hotline at 410-537-4199 or toll-free at 1-800-776-2706, or TTY 1-800-735-2258.

MARYLAND DEPARTMENT OF THE ENVIRONMENT
Land Management Administration • Lead Poisoning Prevention Program
1800 Washington Boulevard, • Suite 630 • Baltimore, Maryland 21230-1719
410-537-3825 • 800-633-6101 x3825 • www.mde.maryland.gov

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: _____
Name of Property Owner

_____
Property Owner Address

_____
City, State, Zip

From: _____
Your Name

_____
Your Address

_____
City, State, Zip

_____
Phone

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:

___ 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 10 µg/dl or more on; **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_____

Form Number: MDE/WAS/COM.057
Revised: 7/2015
TTY Users: 800-735-2258

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