



# Lead Poisoning Prevention Program

## Notice of Tenants' Rights

Department of the Environment

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### 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) Technical Services and Operations 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 rental dwelling unit or house, 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 410-537-3825 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 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 this *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 rental dwelling unit or house 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 pay a \$30.00 per property/unit registration fee.
- 3) Obtain Lead Paint Risk Reduction Inspection Certificate indicating that a passing Full Risk Reduction was performed prior to you moving into the property.



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

Yes. The property owner must have the rental dwelling unit or house inspected at the owner's expense. All inspections are required to be performed by an inspector accredited by MDE. If the rental dwelling unit or 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 provide you with a copy of the inspection certificate when you move in.

## 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) of 5 µg/dl or more, and an environmental investigation conducted at the home where the child or pregnant woman resides or spends 24 hours or more per week has concluded that there is a defect, including but not limited to chipping, peeling or flaking paint in the interior or the exterior of the rental dwelling unit or house, MDE or the local health department will notify the property owner of the obligation to meet the **Modified Risk Reduction Standard** within 30 days of receiving MDE or the local health department's Notice of Defect.



The Modified Risk Reduction Standard must also be met when the property owner receives a written Notice of Defect from the tenant or any other source that there are structural defects and/or chipping, peeling, and flaking paint in the rental dwelling unit or house. Chipping, peeling, or flaking paint in residential rental properties constructed before 1978 are presumed to contain lead-based paint, which can be dangerous to human health.

The property owner will have 30 days to satisfy the Modified Risk Reduction Standard after receipt of a letter or other written notice regarding structural defects and/or chipping, peeling, or flaking paint or receipt of a Notice of Defect.

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



You must send a notice to the property owner in writing. You may either write a letter regarding structural defects and/or chipping, peeling, or flaking paint or use the "Notice of Defect" form. A sample copy of the form is attached on page 5.

When sending a letter or Notice of Defect regarding structural defects and/or chipping, peeling, or flaking paint to the property owner, it is suggested that you send it by **Certified Mail, Return Receipt Requested** or **Hand Deliver** the letter or Notice of Defect 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, the Modified Risk Reduction Standard must be satisfied within 30 days.

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

Within 30 days after the receipt of a letter regarding structural defects and/or chipping, flaking or peeling paint or a Notice of Defect, the property owner must provide for the temporary relocation of tenants to a lead-free dwelling unit or another dwelling unit that has met the Full Risk Reduction Standard;

OR

Within 30 days after the receipt of a 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 contractor accredited by MDE to perform lead abatement work.

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

Tenant families, including a child under six or a pregnant woman, may not remain in the rental dwelling unit or house while repairs or lead hazard reduction treatments are being performed. If you are required to leave your rental dwelling unit or house for more than 24 hours while treatments are performed, the property owner must pay for all 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 tenant family while work is being done in the rental dwelling unit or house.

**You must allow the property owner and/or the property owners accredited lead abatement contractor to enter the rental dwelling unit or house to perform the lead hazard reduction treatments.**

The property owner is required to have the rental dwelling unit or house 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.

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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 letter or other written notice regarding structural defects and/or chipping, peeling, or flaking paint or a Notice of Defect and no repairs have been completed, you can make a referral to the Maryland Department of 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 letter or other written notice regarding structural defects and/or chipping, peeling, or flaking paint or the Notice of Defect along with any verification of property owner 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 Reduction of Lead Risk in Housing Law. An escrow account is only established after all facts have been presented to a judge in a court 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 lead paint risk reduction 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 the dangerous conditions present in your home, including structural defects and/or the presence of peeling, chipping, or 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 may 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 Reduction of Lead Risk in Housing Law, visit: [www.mde.maryland.gov/lead](http://www.mde.maryland.gov/lead) or call the Lead Hotline at 410-537-3825 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.maryland.gov](http://www.mde.maryland.gov)  
410-537-3000 | 800-633-6101 | TTY Users: 800-735-2258  
Lawrence Hogan, *Governor* | Boyd Rutherford, *Lt. Governor* | Ben Grumbles, *Secretary*  
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