

What You Need to Know About Maryland Rental Properties Lead Law

Maryland Land Lords and Tenants

Required Disclosures (Clicking this link will take you to the full Maryland Department of the Environment [Lead Poisoning Program Notice of Tenants Rights](#) document.)

If you own or manage a rental property that was built **before 1978** the law requires that you have the property inspected (by an authorized Maryland professional) for lead hazards (Risk Reduction Investigation) upon the turnover, unless you have a Lead Free Certificate that applies to the interior and exterior or a Limited Lead Free Certificate [click 4](#) that only deals with the interior of the residence.

Why? ([Click here to read it now.](#))

To learn more the pros and cons of obtaining a [lead free certificate](#).

There are four very good reasons to obtain a Lead Hazard/Risk Reduction Test.

- 1) The law requires it and you could be sanctioned if you fail to comply.
- 2) If you fail to comply to obtain a Certificate a Land Lord Tenant Judge will refuse to hear your case no matter your issue. That is with an exception because Judge are required to refuse.
- 3) When you obtain a certificate there is a record created by an uninterested professional that memorializes the fact that on a day certain and time certain your unit had no lead paint HAZARDS. Very often that date and time will be before your next tenant moves in. The certificate could serve as reliable evidence that your unit was lead safe prior to your tenant taking possession of the unit. We live in a litigious society. Plaintiff's attorneys love cases that are easy to win and thus are unlikely to turn one down. Because attorneys often work on contingencies, they must win to profit. The best you can do is to give the plaintiff's attorney good reason to doubt the outcome of dragging you into court. It is wise to make it hard for them to win.

Note: Most landlords' Liability Insurance Policies have a maximum payout of \$17,500.00 if there is any coverage at all. That means that if you are sued you will have to pay almost **all** the cost of defending the case and nearly all of the cost of any payout from your cash savings or by liquidating your assets.

Check with your Insurance agent to verify the limitations listed in your insurance policy.

- 4) It only takes a very small amount of lead to poison a child and or a pregnant woman. As a good citizen, and a good person you would not want a child to suffer due to your action or inaction.

Click the link provided to read recent changes to MDE ([Maryland Department of the Environment's](#) pertinent changes).

Why?

Lead is a powerful neurotoxin. Its ingestion has been the cause of countless maladies that have further challenged the lives of the kids, adults, their families and their community. The financial cost must have run into the hundreds of millions over time. The manifestations of the affects due to Lead Poisoning have are, poor behavior, loss of hearing and loss of cognitive skills and many others.

Although, lead was known to be health hazard, our government did not outlaw the use of Lead Paint until 1978. Therefore, literally millions of homes across the United States have interior and exterior walls that are covered with a potentially dangerous substance. In 1994 the Maryland Legislature effectuated a law in an attempt to lessen the likelihood that a child or pregnant woman and or the life she carried would suffer from the effects of being poisoned by lead paint.

A **LEAD FREE CERTIFICATE** issued by a licensed, ethical inspector who follows the rules is good evidence that your property is PROBABLY Lead Free. IT IS NOT PROOF that your property is lead free. It does forever relieve you from the requirement to have your property inspected for lead paint and lead hazards. IT DOES NOT PREVENT YOU FROM BEING LIABLE IF A CHILD OR PREGANT WOMAN IS POISONED.

Note: If you are a property owner who owns more than ten buildings in one complex you are not required to have all of the building or all the units tested.

Why not?

- 1) Because, the protocols (promulgated be any of the authorities) for testing does not require that every component be tested. It only requires that a fraction of the component be tested. As the owner of the property you could still be held liable even though you are in complete compliance with all of their laws and regulations. Speak with your attorney.
- 2) Your certificate evidences that your property meets the standard for being assumed to be lead free but you still have the option of finding out if it is actually lead free. Your Risk Assessor or Inspector is capable of conducting a comprehensive inspection that includes every single component in the interior and on the exterior, though it will likely cost you substantially more.

Advice: Clarify the service offering with your lead professional *prior* to your purchasing the service and insure that what you received in writing is what you paid for.

- 3) A Lead Free Inspection is not a HAZARD INSPECTION. A unit that is apparently clean could actually be rife with lead dust. If an inspector is there to conduct a Lead Free Inspection he would not know that your unit is unsafe because he would not be there to determine if hazards exist. He would only be testing to find if the paint is lead. Understand the difference?

In that case your LEAD FREE CERTIFICATE would help to explain why you thought it was safe but may not mitigate your culpability if your unit actually was not safe.

- 4) It is possible but it is also unlikely that any inspector will actually travel to your home or apartment with a 30 foot latter and actually test the upper exterior of the premises though some would venture to guess what is there. Yet paint that has detached from that substrate and has fallen to the ground and then tracked into the home where it is somehow ingested by a child may remain your responsibility.

We are not attorneys. Speak with your attorney to determine what is most likely to be perceived to be a prudent and defensible course of action.

A Limited LEAD FREE CERTIFICATE issued by a licensed, ethical inspector who follows the rules is good evidence that your property's interior is PROBABLY Lead Free. IT IS NOT PROOF that your property is lead free. It does forever relieve you from the requirement to have your property inspected for lead paint and lead hazards. IT DOES NOT PREVENT YOU FROM BEING LIABLE IF A CHILD OR PREGANT WOMAN IS POISEND.

Note: If you are a property owner who owns more than ten buildings in one complex you are not required to have all of the building or all the units tested.

Why not?

- 1) Because, the protocols (promulgated by any of the authorities) for testing does not require that every component be tested. It only requires that a fraction of the component be tested. As the owner of the property you could still be held liable even though you are in complete compliance with all of their laws and regulations. Speak with your attorney.
- 2) Your certificate evidences that your property meets the standard for being assumed to be lead free but you still have the option of finding out if it is actually lead free. Your Risk Assessor or Inspector is capable of conducting a comprehensive inspection that includes every single component in the interior and on the exterior, though it will likely cost you substantially more.

Advice: Clarify the service offering with your lead professional **prior** to your purchasing the service and insure that what you received in writing is what you paid for.

- 3) A Limited Lead Free Inspection is not a HAZARD INSPECTION. A unit that is apparently clean could actually be rife with lead dust. If an inspector is there to conduct a Lead Free Inspection he would not know that your unit is unsafe because he would not be there to determine if hazards exist. He would only be testing to find if the paint is lead. Understand the difference?
- 4) Owners and managers who have Units and or homes that have been Certified to have Lead Free Interiors are required to have the exteriors inspected every two years.

In that case your LEAD FREE CERTIFICATE would help to explain why you thought it was safe but may not mitigate your culpability if your unit actually was not safe.

We are not attorneys. Speak with your attorney to determine what is most likely to be perceived to be a prudent and defensible course of action.

EPA Keep You Family Safe from Lead

http://www2.epa.gov/sites/production/files/2014-02/documents/lead_in_your_home_brochure_land_b_w_508_easy_print_0.pdf