

**CITY OF BALTIMORE
COUNCIL BILL 05-0243
(First Reader)**

Introduced by: Councilmember Kraft, President Dixon, Councilmembers Holton, Young,
Conaway, Branch, Spector, Curran, Harris, Welch, Reisinger, Mitchell

Introduced and read first time: August 15, 2005

Assigned to: Education, Housing, Health, and Human Services Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Housing and
Community Development, Health Department, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Lead Risk in Housing – Relocation from Non-Compliant Property**

3 FOR the purpose of providing certain remedies to tenants of properties that fail to comply with
4 certain State standards for lead risk reduction; correcting, clarifying, and conforming certain
5 language; and generally relating to lead hazards in housing.

6 BY repealing and reordaining, with amendments

7 Article - Building, Fire, and Related Codes

8 Section(s) 7-102 (PMC § 301.4)

9 Baltimore City Revised Code

10 (Edition 2000)

11 BY adding

12 Article - Building, Fire, and Related Codes

13 Section(s) 7-102 (PMC §§ 301.5 and 301.6)

14 Baltimore City Revised Code

15 (Edition 2000)

16 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
17 Laws of Baltimore City read as follows:

18 **Baltimore City Revised Code**

19 **Article – Building, Fire, and Related Codes**

20 **Part VII. International Property Maintenance Code**

21 **§ 7-102. City modifications.**

22 The additions, deletions, amendments, and other modifications adopted by the City are as
23 follows:

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

1 **Chapter 3. General Requirements**

2 **301.4 [Lead-based paint] LEAD HAZARDS – GENERAL.** Lead-paint hazards must be abated
3 in accordance with the rules and regulations of the Maryland Department of the Environment
4 and the Baltimore City Health Department.

5 **301.5 LEAD HAZARDS – NON-COMPLIANCE WITH RISK-REDUCTION STANDARDS.** THIS
6 § 301.5 APPLIES TO ANY AFFECTED PROPERTY, AS THAT TERM IS USED AND DEFINED IN STATE
7 ENVIRONMENT ARTICLE TITLE 6 {“TOXIC, CARCINOGENIC, AND FLAMMABLE SUBSTANCES”},
8 SUBTITLE 8 {“REDUCTION OF LEAD RISK IN HOUSING”}, FOR WHICH THE OWNER HAS FAILED
9 TO COMPLY WITH:

10 A. STATE ENVIRONMENT ARTICLE § 6-815 {“SATISFACTION OF RISK REDUCTION
11 STANDARD”}; OR

12 B. STATE ENVIRONMENT ARTICLE § 6-819 {“MODIFIED RISK REDUCTION STANDARD”}.

13 **301.5.1 TENANCY TERMINATION; RELOCATION EXPENSES.** AT THE WRITTEN REQUEST
14 OF THE TENANT, THE OWNER OF THE NON-COMPLIANT AFFECTED PROPERTY MUST:

15 A. IMMEDIATELY RELEASE THE TENANT, WITHOUT PENALTY, FROM THE TERMS OF THE
16 LEASE OR OTHER RENTAL AGREEMENT FOR THAT PROPERTY; AND

17 B. PAY ALL REASONABLE RELOCATION EXPENSES, NOT TO EXCEED \$1,500, DIRECTLY
18 RELATED TO THE TENANT’S PERMANENT RELOCATION TO ANOTHER DWELLING
19 UNIT.

20 **301.5.2 REMEDY SUPPLEMENTAL.** A TENANT’S RIGHTS UNDER THIS § 301.5 ARE IN
21 ADDITION TO ANY OTHER APPLICABLE CIVIL OR CRIMINAL REMEDY, PENALTY, OR
22 ENFORCEMENT PROCEDURE.

23 **301.6 [301.4.1] LEAD HAZARDS – Unoccupied dwelling unit [– Scope].** [These provisions
24 apply] THIS § 301.6 APPLIES to any dwelling unit that:

25 a. is the subject of a notice or order for the treatment of lead paint; and

26 b. becomes unoccupied either:

27 1. before the notice or order is served; or

28 2. while the notice or order is still outstanding.

29 **301.6.1 [301.4.2 Unoccupied dwelling unit –] Posting property.** If a dwelling unit is
30 or becomes unoccupied, the Health Commissioner immediately must post 1 or more
31 public notices in, on, or around the dwelling unit stating that the dwelling unit may not be
32 reoccupied until the lead paint notice or order has been abated.

33 **301.6.2 [301.4.3 Unoccupied dwelling unit –] Reoccupancy prohibited.** If a dwelling
34 unit is or becomes unoccupied, the dwelling unit may not be reoccupied until:

- 1 a. the lead paint notice or order has been abated; and
- 2 b. the Health Commissioner has given written approval of reoccupancy.

3 **301.6.3 [301.4.4 Unoccupied dwelling unit –] Removing notice, etc., prohibited.**
4 Until the Health Commissioner has give written approval of reoccupancy, no person may
5 remove, deface, or otherwise tamper with any notice that has been posted under this
6 [section] § 301.6.

7 **301.6.4 [301.4.5 Unoccupied Dwelling Unit –] Unauthorized reoccupancy.** If a
8 dwelling unit is reoccupied in violation of this [section] § 301.6:

- 9 a. each day that an unauthorized occupancy continues is a separate offense; and
- 10 b. the owner and operator of the unit are subject to the following penalties:
 - 11 1. in a criminal prosecution, a criminal fine of up to \$1,000 for each offense;
 - 12 and
 - 13 2. in an action seeking equitable relief, a civil fine of up to \$1,000 for each
 - 14 offense.

15 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
16 are not law and may not be considered to have been enacted as a part of this or any prior
17 Ordinance.

18 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
19 after the date it is enacted.