

# TOWN OF MILLINGTON

## LEAD PAINT MANUAL



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[www.millingtonmd.us](http://www.millingtonmd.us)

**DISCLOSURE:** This is an informal guide for landlords and property owners in the Town of Millington. This guide does not constitute a legal document. For precise definitions and requirement descriptions refer to Maryland Department of the Environment.

## **THE FACTS ABOUT LEAD PAINT.....**

- Lead paint was banned in U. S. residential paint in 1978. It was banned in France and other countries prior to 1920.
- Three-quarters of the nation's housing contains lead paint.
- Lead poisoning is a serious disease.
- Children under six are most at risk.
- Lead poisoning is not discriminatory. Children from every region, race, and socioeconomic level are at risk.
- Lead poisoning causing learning and developmental disabilities.
- There are usually **NO** symptoms.
- Even children who appear healthy can have dangerous levels of lead in their blood.
- Most lead poisoning happens at home.
- The primary cause is tiny particles of lead dust from deteriorated paint or from painted surfaces disturbed during remodeling, repair, or renovation.
- Lead dust is invisible, so tiny in fact that it passes through most masks and filters.
- Lead poisoning affects adults as well as kids.
- Lead poisoning is preventable.

## **THE PROBLEM WITH LEAD PAINT....**

Childhood lead poisoning is the number one environmental health risk facing children in industrialized countries today. In the United States, more than three million children age six and younger already has toxic levels of lead in their bodies. Lead is one of the most significant and widespread environmental hazards for children in Maryland.

Lead is a powerful neurotoxin that hurts almost all body organs, particularly the kidneys, red blood cells, and central nervous system. Children are at greatest risk from birth to age six while their neurological systems are developing. Sustained exposure to lead can cause long-lasting neurological damage or death. In young children, lead retards the development of the central nervous system and brain. Even tiny amounts can cause reduced IQ, reading and learning disabilities, attention deficit disorder and behavioral problems. As a result, childhood lead poisoning is associated with lower educational achievement, higher rates of high school drop-out and increased behavioral problems. In the overall picture, children who are lead poisoned may be less likely to be positive contributors to our communities. It is estimated that lead poisoning has tripled the number of children needing special education.

Most children are poisoned by lead-based paint in their home. Today, most children are poisoned by ingesting leaded household dust. This dust is created when lead paint deteriorates from age, exposure to the elements, from water damage, friction (such as opening of windows or the rubbing of a tight door), or during home renovation. Most childhood exposure occurs through children's normal hand-to-mouth activity after contact with a source of leaded dust. Many home owners are not aware of the hazards of lead and unknowingly poison their own children.

How do you determine if you have lead in your home? As a rule, the older the building, the more likely it is that it has lead. According to HUD 90% of pre-1940 buildings have lead, 80% of pre-1960 buildings have lead, and 62% of pre-1978 buildings have lead.

## **MARYLAND LEAD POISONING PREVENTION PROGRAM INFORMATION GUIDE**

The Maryland Reduction of Lead Risk in Housing Law went into effect February 24, 1996. The law's intent is to reduce the incidence of lead poisoning while maintaining adequate rental housing. Property owner's that comply with the law receive limited liability protection from potential lawsuits

resulting from a tenant being poisoned in an affected property. The Maryland Department of the Environment Lead Poisoning Prevention Program serves as the coordinating agency of statewide efforts to eliminate childhood lead poisoning. Under the 1994 “Reduction of Lead Risk in Housing Law”, Maryland Department of the Environment assures compliance with mandatory requirements for lead risk reduction in rental units built before 1950; maintains a statewide listing of registered and inspected units; and provides blood level surveillance through a registry of test results of all children tested in Maryland. The Lead Program also oversees case management follow-up by local health departments for children with elevated blood lead levels, certifies and enforces performance standards for inspectors and contractors working in lead hazards reduction; and performs environmental investigations for lead poisoned children. The Lead Program provides oversight for community education to parents, tenants, rental property owners, homeowners, and health care providers to enhance their role in lead poisoning prevention.

### **What is an affected property?**

A residential rental property constructed prior to 1950 or between 1950 – 1978 where the owner elects to comply with the law.

### **What properties are not covered by the law?**

Properties constructed after 1978, properties that are certified lead-free; and properties that are not offered for rent.

### **What are my responsibilities as a property owner of affected properties?**

- (1) Register each affected property each year with the Maryland Department of the Environment for a cost of \$15 each year.
- (2) Deliver to tenants by written acknowledgement copies of the Maryland “Notice of Tenant’s Rights” and the Environmental Protection Agency’s “Protect Your Family From Lead in your Home” pamphlets at the initiation of a lease and every two years thereafter.
- (3) Deliver to tenants by written acknowledgement a copy of the current inspection certificate for the property at the initiation of a lease.
- (4) Perform “full risk reduction treatments” in the property prior to occupancy by a new tenant and have property inspection.

### **What are the “full risk reduction treatments”?**

- (1) Pass a lead dust test that meets the Maryland Lead Dust Clearance Standard and receive an Inspection Certificate provided that any chipping, peeling, or flaking paint in the property has been removed or repainted; or
- (2) Have a certified contractor or inspection complete the “full risk reduction treatments” and issue an inspection certificate. These treatments include:
  - (a) visual review of all exterior and interior painted surfaces;
  - (b) removal and repainting of any chipping, peeling, or flaking paint on interior and exterior surfaces;
  - (c) repair any structural defects that are causing paint to chip, peel, or flake;
  - (d) strip, repaint, replace, or encapsulate all interior window sills with vinyl, metal, or other approved material, in a manner approved by MDE;
  - (e) install caps of vinyl, aluminum, or other approved materials in all window wells to make wells smooth and cleanable;
  - (f) fix top sash of all windows to prevent friction caused by the opening and closing of windows;
  - (g) rehang all doors necessary to prevent the rubbing together of lead-painted surfaces with another surface;
  - (h) make sure all kitchen and bathroom floors are overlaid with a smooth, water-resistant covering;
  - (i) make sure all bare floors are smooth and cleanable; and
  - (j) HEPA vacuum and wet-wash the interior of the rental unit.

### **What are the benefits of compliance?**

A property owner who is in full compliance with each of the above provisions become eligible for limited liability protection from potential lawsuits for lead poisoning damages.

Effective September 15, 2000, HUD's Lead Based Paint Regulations 1012-1013 were adopted by the State of Maryland. The regulation requires that all rental properties be registered with the Maryland Department of the Environment. All owners of pre-1950 rental properties must be registered with Maryland Department of the Environment and pay an annual fee of \$15 per unit. Property owners that comply with this regulation may qualify for limited liability for lawsuits arising from lead poisoning. To comply with the law, property owners must register the property; distribute tenant educational information; perform risk reduction treatments and obtain inspections; obtain a verification inspection by an accredited inspector; and provide assistance through the Qualified Offer process.

As part of the rental unit inspection in the Town of Millington, ordinance 2005-03 adopted October 5, 2005; the Town of Millington requires a copy of the registration and all renewals to be kept on file in the Town Office. State registration applications can be obtained at [www.mde.state.md.us/lead](http://www.mde.state.md.us/lead) or [www.hud.gov/lead](http://www.hud.gov/lead). Additional information can be obtained from the Maryland Department of the Environment, 1800 Washington Blvd, Suite 630, Baltimore, MD 21230-1719 or 800-633-6101 extension 4199 or the Kent County Library, Chestertown, MD.

## **SUMMARY OF OWNER'S RESPONSIBILITIES**

Participation is **mandatory** for rental units built before 1950. Compliance makes the owner eligible for limited liability for the registered unit. Units built after 1950 may choose to "opt-in" but must meet all requirements. The fee for units built before 1950 and "opt-in" units are \$15 per year. An owner may submit a report to Maryland Department of the Environment certifying a unit as lead free for a one-time processing fee of \$10 per unit.

To register a property, property owner must complete the MDE registration form, obtain the unique Owner Identification number, and submit the appropriate fee. Registration is required annually on the appropriate MDE form with appropriate fee. MDE requires that any changes in ownership or management of the property must be reported within 30 days of the change.

Property owner must provide the tenant the Maryland "Notice of Tenants Rights", the EPA lead brochure "Protect Your Family From Lead in Your Home", and a copy of the current inspection certificate upon execution of lease to new tenants. Redistribute the educational materials every 2 years thereafter. Property Owner should obtain a receipt signed by the tenant verifying receipt of the distributed material. Education materials are available on the Maryland Department of the Environment's website or copies may be requested from MDE.

Property Owner is responsible for performing risk reduction treatments and obtaining inspections. Failure to perform any of the required risk reduction treatments may result in fines and loss of limited liability protection. The property owner is required to meet standards at each change of occupancy in a unit. The property owner must perform a "full risk reduction treatment" at each change of occupancy and have it verified through a "visual inspection" by an accredited lead inspector or pass a "lead dust test" by an accredited lead inspector. In registration has not occurred by the deadline of February 24, 2006, the owner of affected properties must ensure that 100% of properties have satisfied the modified risk reduction standard (review requirements at [www.mde.state.md](http://www.mde.state.md)). Property owners must perform modified risk reduction treatments within 30 days after notification of paint defects in the unit or that a child under 6 years of age or pregnant woman has a blood lead elevation level of 10 mcg/dl or more. The tenant and/or an accredited lead supervisor or inspector must sign off that the work has been completed. Notice to parents and property owners when a child has an elevated blood lead level can come from the local health

department, parents, or other sources. Property owners are required to have all work performed by trained workers, accredited supervisors, or accredited contractors.

Property Owner must obtain a verification inspection by an inspector accredited by the MDE. The Lead Inspection Certification verifies that a Risk Reduction Standard is satisfied. The accredited inspector submits a copy to MDE, and two copies to the owner. Owner is to keep on copy for his records, provide a copy to the tenant and make a copy for the Town.

If a property owner is notified of elevated blood lead level in a child or pregnant woman, the property owner is to make a “qualified offer” and relocate a child and family to certified lead-safe housing within 30 days of being notified. Payments are made as reimbursement to service providers or to the child’s family for relocation expenses or uncovered medical expenses, not as a lump sum distribution. Assistance to understand the Qualified Offer process is available from the Coalition to End Childhood Lead Poisoning pursuant to a contract with MDE.

## **ACCREDITED LEAD PAINT INSPECTORS & CONTRACTORS BY THE STATE OF MARYLAND**

**All inspectors and contractors must be accredited to perform lead paint related work. Call  
490-537-3825 to verify accreditation prior to contracting services.**

Accredited Home Inspections	Conowingo, MD	410-378-8482
Bayside Custom Builders, Inc.	Easton, MD	410-820-8414
Wayne N. Beckett	Stevensville, MD	443-249-0440
BES	Easton, MD	410-924-3414
CJS Construction	Stevensville, MD	410-908-5849
Creative Custom Builders, Inc.	Easton, MD	410-822-3588
Dale Love	Trappe, MD	410-476-5466
Danny’s Lead Paint Inspection	Easton, MD	410-829-1139
Eastern Shore Environmental Ser.	Hurlock, MD	410-943-0173
Environmental Testing, Inc.	Middletown, DE	302-378-5341
Home Check Environmental, Inc.	Chester, MD	410-643-5768
J W Parks Home Improvement	Denton, MD	410-479-3627
Janet A. Wilkerson Painting	Rock Hall, MD	410-639-7070
Joseph Streett	Chester, MD	410-758-4353
KNR, Inc.	Church Hill, MD	410-490-5196
Lead Est. & Detention Serv LLC	Denton, MD	410-479-9001
R A Parks Construction	Henderson, MD	410-482-8648
Petit Enterprises	Easton, MD	410-822-4162
Wayne J. Racz	Henderson, MD	410-482-8650
Ship & Shore Restoration	Church Hill, MD	410-758-2336
Vernon Grady Tucker Inspection	Henderson, MD	410-482-6712
Victoria Tryon	Centreville, MD	410-758-1989

**PROPERTY OWNER'S STATEMENT REGARDING  
LEAD PAINT REGISTRATION**

Property Owner \_\_\_\_\_

Mailing Address \_\_\_\_\_

Property Location \_\_\_\_\_

Maryland Department of the Environment Registration Number, if any \_\_\_\_\_

Pursuant to §18-103 of the Environmental Article of the Annotated Code of Maryland, the undersigned applicant for an inspection of rental property by the Town of Millington under Ordinance #2006-02, "Occupancy Permit Requirement for Rental Housing", hereby solemnly declares or affirms under the penalties of perjury that:

(1) the residential rental property located at \_\_\_\_\_ (insert street address), Unit \_\_\_\_\_ (insert unit number if applicable), Millington, Maryland is not an "affected property" as defined by § 6-801 of the Environment Article; **OR**

(2) the said residential rental property is an "affected property" which the property owner has registered as required under § 6-811 of the Environment Article and for which the property owner has renewed the registration as required under § 6-812 of the Environment Article; **AND**

- (a) if the current tenant moved into the said residential rental property on or after February 24, 1996, the inspection certificate number for the inspection conducted for the current tenancy as required under § 6-815(c) of the Environment Article is as set forth above; **OR**
- (b) on or after February 24, 2006, the inspection certificate number for the inspection conducted for the current tenancy as required under § 6-815(c), § 6-817(b), or § 6-819(e) of the Environment Article is as set forth above.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner