

New lead paint compliance rule takes effect statewide

by Mary Rose Madden

BALTIMORE, MD (2006-02-24) Earlier this week, the state of Rhode Island won a verdict against the makers of lead-based paint. They must clean homes and possibly must pay families who have children who are poisoned - billions of dollars in damages. Here in Maryland, today is the first day of a new law that is intended to make all rental properties in the state lead safe. WYPR's Mary Rose Madden files this report:

As of Wednesday, Dante Sweets, a tenant and mother, hadn't seen her landlord take the laws about lead paint poisoning seriously. Last September, her three-year-old daughter, Jessica, tested positive for elevated levels of lead poisoning. It was seven months after she moved into her \$800-a-month house in southwest Baltimore. She says when she showed her daughter's health report to her landlord, he said she could take the house as it was, or leave it.

IC: "I gave him the paperwork from the health department that my child had lead poisoning and - the residual test. He's not acknowledging that. So, it's really hard."

But that type of negligence should be changing - for more than 10 years, experts, advocates, and leaders in our community have made steps towards changing and enforcing lead paint poisoning legislation.

Today, a law comes into effect that is said to have zero tolerance for any rental property in Maryland that has not been tested and treated for lead poisoning. The 100-percent compliance rule is intended, among other things, to bring landlords into risk reduction standards by obtaining a certificate saying such standards have been met. With the state threatening heavy penalties for landlords if they do not obtain the certificate - 250 dollars per day, per-unit - landlords should feel it is in their best interests to follow the law.

Director of the Waste and Management Administration for the Maryland Department of Environment, or M-D-E, Horatio Tablada, says we're looking at about 130,000 properties that either were built before 1950, or were painted with paint that was made before 1978. He explains the impact he hopes this legislation will have.

IC: "The objective of the law has always been affordable safe housing. That's our message to the property owners - if you have been whether through ignorance or procrastination - you know not having done the work you should have done - over the last ten years - just come to us talk to us there will be a penalty associated with coming in compliance but it's better than if we catch you out of compliance - there will be more severe penalties."

Others in the community, like longtime advocate, Terry Harris, say this compliance law will only work, if there is significant enforcement that will match certificates to registered property. Even then, he says, this law is not the be all and end all.

IC: "There's a federal and state effort to eliminate lead poisoning by the year 2010. This 10-year old law isn't going to do it."

Ruth Ann Norton of the Coalition to End Childhood Lead Poisoning says "bad landlords" count on the fatigue of their tenants. She suggests the Maryland Department of Health privatize the work that needs to be done to match the rental properties with compliance certificates. They need to put the resources on it, she says, and create a database that computerizes the link between the M-D-E and the department of assessment and taxation. This problem adds Norton, is not solved.

IC: "Our push is not only to have 100% of those properties in compliance. But it's time to make those properties lead safe and lead free."

There has been a visible push from landlords to get their property in compliance with the new risk reduction standards. Katherine Kelly Hallard is the chair of the Maryland Multi-housing Association's legislative committee:

IC: "There's a twofold incentive: one is there are serious penalties for not being in compliance

but secondly is, there is a mechanism by which they receive some protection from lawsuits."

Others, like Baltimore City Delegate Sandy Rosenberg, say too much of the responsibility has been in the hands of the tenants.

IC: "For too long we've let children be the canary in the mine to find out if there is lead in the house. We were blaming the children and their parents when this is a preventable disease. With this bill we can address the bulk of the problem with risk reduction."

The Maryland Department of Environment has 40 people on its staff, according to Tablada, working solely on the issue of lead paint poisoning. With so many houses, the job may seem overwhelming for the somewhat small staff.

But tenants, like Dante Sweets, are counting on laws like this one to protect their children.

Many problems remain for a tenant facing lead paint in their homes.

Dante Sweets and her four children live in what looks like an ordinary rowhouse. If the 100-percent law works, it will be an ordinary home soon. To contact the Maryland Department of the Environment with a question about lead paint poisoning, call 410-537-3942.

I'm Mary Rose Madden, reporting in Southwest Baltimore, for 88.1, WYPR.

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