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## Exterior (Winter) Waiver

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Maryland Department of the Environment



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*Lead Poisoning Prevention Program*



Dear Maryland Accredited / Trained Lead Paint Professionals:

The cold weather has arrived, and with that we wanted to highlight the exterior (winter) waiver, which recently went into effect in Maryland.

FAQs:

1. What is an exterior waiver?

An exterior waiver is an inspection option used to temporarily delay a property owner's obligation to perform exterior paint stabilization necessary to meet the Lead Paint Risk Reduction Standards. Generally speaking, paint-related work on the exterior of homes is not practical during the colder months, and that is why this option is available.

2. How is an exterior waiver obtained?

The owner must contact the local code official in the specific county or municipality where the property is located and follow their guidance. Click [HERE](#) for a list of contacts. If there is no local code official, the owner must contact the Department of Housing and Community Development.

A notable exception is Baltimore City, which has implemented an automatic waiver period beginning November 1<sup>st</sup> through April 1<sup>st</sup>. In other words, there is no approval necessary to use the waiver in Baltimore City, but the correct category must be checked on the Inspection Certificate (Form 330). Some municipalities will not approve an exterior waiver at all.

3. When is an exterior waiver applicable?

It varies, but in most jurisdictions the waiver period begins November 1<sup>st</sup> and ends on April 1<sup>st</sup> of the following year. All defective paint must be repaired and the property must pass the re-inspection within 30 days after the end of the waiver period, which means no later than April 30<sup>th</sup> for most.

4. An exterior waiver was obtained. What's next?

The inspector may skip the visual review of the exterior and proceed with the rest of the inspection. The Inspection Certificate issued must have the exterior waiver option checked. Write the name of the agency and/or person approving the waiver on the Dust Inspection Form (Form C, Part I). Next, the necessary work must be performed under the supervision of an accredited lead paint supervisor, who must complete a Supervisor's Statement of Work (SSW). Once

the exterior work has been completed, the inspector must perform a visual review of the exterior. If the exterior is satisfactory, the inspector must submit the SSW (with original signature) and a completed Re-inspection Form (Form D) to MDE.

5. Does MDE issue exterior waivers?

No, MDE is not authorized to issue exterior waivers. See the Annotated Code of Maryland, Environment Article, § 6-815 for more information.

6. Can the exterior waiver option be used when issuing a limited lead free certificate?

No, limited lead free inspections are a higher standard of inspection and there cannot be any peeling, chipping or flaking paint on the exterior of the property regardless of time of year the inspection is performed.

7. What are some of the common mistakes that inspectors and property owners make when utilizing the Exterior Waiver?

Inspectors mistakenly complete the inspection before a waiver is approved – the waiver must be obtained first. Inspectors fail to clearly explain to owners that they **MUST** use an accredited lead paint contractor to fix exterior paint. Inspectors forget to check the exterior waiver box on the Inspection Certificate.

Owners forget to schedule the re-inspection, fail to have the work completed in time, or fail to use an accredited contractor. When one of these examples occurs, the certificate ends up expiring or being invalidated, which causes the owner to have the whole inspection re-done.

Please visit the [Lead Poisoning Prevention](#) webpage on the [MDE](#) website for more information.

This is our second bulletin and we would like to know what you think. Is it helpful? What would you like to see more of? Please email your feedback to [mde.lppp@maryland.gov](mailto:mde.lppp@maryland.gov) and write "Feedback" in the subject line.

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- [LeadfsExteriorWaiverGuidance.pdf](#)



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