



# MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Governor

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## APPLICATION FOR COMPLIANCE PLAN ACQUISITION OF NONCOMPLIANT AFFECTED PROPERTIES

This form must be submitted to the Department of the Environment (MDE) at least 30 days prior to transfer of legal title to the affected properties. This form may be used for the transfer of one or more affected properties from a single transferor to a single transferee. All information must be completed in order for the application to be considered. Only affected properties acquired through an arm's length transaction, inheritance, tax sale, foreclosure, or judicially approved transfer are eligible for a compliance plan. Furthermore, neither the transferee, nor any officer or director of the transferee, may have a current interest, either individually or jointly, in the affected properties. If any information provided in this application or subsequently requested by MDE is erroneous or incomplete, MDE may declare the compliance plan void, in whole or in part. If you have any questions regarding this form, please visit MDE's website at [www.mde.state.md.us/lead](http://www.mde.state.md.us/lead) or call 1-800-776-2706.

### Transferee's Information

\_\_\_\_\_  
Name

[If the transferee is a business entity, a certification of good standing from the Maryland Department of Assessment and Taxation must be attached to this application.]

\_\_\_\_\_  
Name of Agent if Transferee is a Business Entity

\_\_\_\_\_  
Title

\_\_\_\_\_  
Address (including street, city, state and zip code)

\_\_\_\_\_  
Telephone Number

**Transferor's Information**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name of Agent if Transferor is a Business Entity

\_\_\_\_\_  
Title

\_\_\_\_\_  
Address (including street, city, state and zip code)

\_\_\_\_\_  
Telephone Number

**Occupied Noncompliant Affected Property Information**

Please use the following chart to identify the addresses of the occupied noncompliant affected properties being acquired from the above identified Transferor, the dates of transfer, the types of transfer and whether a person at risk, defined as a child under the age of six or a pregnant woman, resides in the affected properties. The term reside means to live in the unit or to spend at least 24 hours per week in the unit. Each unit in a multi-unit building must be separately identified. Failure to complete all of the information in the chart may result in the application not being processed, in whole or in part. It is the transferee's obligation to determine whether a person at risk resides in the occupied noncompliant affected properties being acquired. Failure to accurately identify that a person at risk resides in an affected property may result in the compliance plan being null and void. Please attach a separate spreadsheet that includes all the required information if more than 5 properties or units are being acquired from the Transferor.

<b>Address of Occupied Noncompliant Affected Property</b> (street, city, state, zip code)	<b>Type of Transfer</b> (arm's length, inheritance, tax sale, foreclosure, judicially approved transfer)	<b>Date of Transfer</b>	<b>Does a Person at Risk Reside or Spend at Least 24 Hours Per Week in the Unit?</b> (Yes or No)

<b>Address of Occupied Noncompliant Affected Property</b> (street, city, state, zip code)	<b>Type of Transfer</b> (arm’s length, inheritance, tax sale, foreclosure, judicially approved transfer)	<b>Date of Transfer</b>	<b>Does a Person at Risk Reside or Spend at Least 24 Hours Per Week in the Unit?</b> (Yes or No)

**Application Fee**

An application fee of \$200 per unit, not exceeding \$10,000, must be submitted with the application. The fee is for each occupied noncompliant affected property, including each unit within a multi-unit building. Failure to submit the entire fee will result in the application not being processed. The fee is a processing fee and is nonrefundable in the event that the application for a compliance plan is rejected as incomplete and additional information is not timely provided or if the application for a compliance plan is denied, in whole or in part. Please make checks payable to Lead Poisoning Prevention Fund. The following information must be noted on the check: PCA 13516, OBJ. 7587, Suffix 627.

Enclosed is a fee of \_\_\_\_\_ for \_\_\_\_\_ properties.

**Processing of the Application**

Within 20 days of receipt of this application, MDE will request additional information; approve the compliance plan, in whole or in part; or deny the compliance plan, in whole or in part. The Department may deny the application for a compliance plan, in whole or in part, based upon the following factors:

- Failure to submit or timely submit a complete application.
- Failure to submit or timely submit information requested by the Department.
- Prior violation(s) by the Transferee of Title 6, Subtitle 8 or the corresponding regulations.
- Prior extension of the compliance deadlines for an affected property.
- Potential or actual harm to the environment or to human health or safety.
- Any other factors MDE considers appropriate.

**Compliance Plan**

If the application for a compliance plan is approved, in whole or in part, the Transferee must comply with all requirements of the compliance plan. Failure to comply with any requirement of a compliance plan may result in the compliance plan being void, in whole or in part.

### 1. Obtaining Inspection Certificates

The Transferee will have the timeframes set forth below to obtain a full risk reduction, limited lead free or lead free certificate, pursuant to §§ 6-804 or 815 of the Environment Article and the corresponding regulations.

- If a person at risk resides in the affected property, within 30 days of transfer of legal title.
- If no person at risk resides in the affected property, within the following time frames:

Within 30 days after transfer of legal title for a Transferee acquiring 1 occupied noncompliant affected property.

Within 90 days after transfer of legal title for a Transferee acquiring 2 to 5 occupied noncompliant affected properties.

Within 135 days after transfer of legal title for a Transferee acquiring 6 to 10 occupied noncompliant affected properties.

Within 180 days after transfer of legal title for a Transferee acquiring more than 10 occupied noncompliant affected properties.

The extensions provided in an approved compliance plan do not apply to obligations to obtain lead inspection certificates that arise after transfer of legal title, such as a change of occupancy or a written notice of defect or elevated blood lead level. If an event occurs after transfer of legal title which would require a new inspection certificate be obtained pursuant to § 6-819 of the Environment Article, the deadline provided by law of 30 days or the compliance plan would apply, whichever is earlier.

The timeframes set forth above are determined by statute and MDE does not have the discretion to extend these deadlines for the purpose of a determination that the Transferee is in compliance with the law.

### 2. Distributing Educational Materials

The Transferee must distribute the educational materials required by §§ 6-820 and 823 of the Environment Article prior to or within 15 days of transfer of legal title of any occupied noncompliant affected property. The educational materials must be distributed by certified mail, return receipt requested or any other verifiable method approved by the Department. The educational materials may be hand delivered and signed for by the tenants. Proof of receipt must be maintained by the Transferee.

### 3. Registering Newly Acquired Properties

The Transferee requesting a compliance plan has 15 days from acquisition of an affected property to register the property with MDE. To obtain registration forms, visit MDE's website at [www.mde.state.md.us/lead](http://www.mde.state.md.us/lead) or call 1-800-776-2706. If the Transferee already has registered properties, make sure the newly acquired properties are registered under the Transferee's existing tracking number. Properties cannot be registered by adding them to a renewal form.

**Establishing Compliance with a Compliance Plan**

If the application of Compliance Plan is approved, in whole or in part, it is the obligation of the Transferee to document compliance with the compliance plan to MDE. To satisfy this obligation, the Transferee must, to the satisfaction of MDE, submit the information set forth below within the timeframes provided. A compliance plan is void unless all deadlines are met. All deadlines begin to accrue from the date of legal transfer, regardless of whether MDE has made a decision of whether to grant or deny the application for compliance plan.

- Within 15 days after transfer of legal title, the Transferee shall file with MDE:
  1. Documentation, satisfactory to MDE, of transfer of legal title.
  2. A statement certifying that, prior to or within 15 days of transfer of legal title, the Transferee provided the tenants of the occupied affected properties with the notice of tenant’s rights and lead poisoning information packet required by §§ 6-820 and 823 of Title 6, Subtitle 8 of the Environment Article.
  3. A statement certifying that within 15 days of transfer of legal title, the Transferee registered the occupied affected properties with MDE in accordance with §§ 6-811 and 812 of the Environment Article.
- Within 10 days of obtaining an inspection certificate, the Transferee shall file a copy of the inspection certificate with MDE. This requirement is in addition to the requirement that the inspector file the certificate with MDE.

All information required to be submitted to the Department shall be submitted to: Lead Poisoning Prevention Program, Maryland Department of the Environment, 1800 Washington Blvd, Suite 630, Baltimore, Maryland 21230 and received by MDE within the time frames set forth above.

Failure to comply with the deadlines of an approved compliance plan for an affected property shall result in the Transferee being considered noncompliant with § 6-815 of Title 6, Subtitle 8 of the Environment Article from the date legal title of the affected property was transferred.

**Certification**

I hereby certify under penalties of perjury that the Transferee will acquire the above listed affected properties through an arm’s length transaction, inheritance, tax sale, foreclosure, or judicially approved transfer and that neither the Transferee nor any officer or director of the Transferee has a current interest, either individually or jointly, in the affected properties.

\_\_\_\_\_  
Signature of Transferee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name of Transferee

*Revised 11/2011*