

## What is Risk Reduction?

Risk Reduction is a series of treatments in older homes that certified lead workers perform to help minimize the risk of lead poisoning for you and your family. The treatments include the repair of chipping, peeling paint; the capping of window wells with vinyl or aluminum; and the use of special cleaning procedures to pick up lead dust once repairs are completed. (Environment Article §6-815 and §6-819).

Once completed, your landlord may ask you to sign off on the finished work. It is your right to have your landlord pay for your home to be inspected by a state certified inspector. We suggest you ask for this inspection to better protect your family.

## What if my Landlord Does Not Make the Repairs?

If your landlord does not act within 30 days you can file for a rent escrow hearing at the local District Court (Real Property Article §8-211). Ask the court clerk for the correct form to use or call the Green & Healthy Homes Initiative at 410-534-6447.

## What May Happen When I Go to Court?

When you go to court, the judge may:

- Approve the rent escrow and order that you pay your rent into the court escrow account.
- Decrease the amount of rent owed until the risk reduction takes place (rent abatement) and the property is inspected.
- Order the landlord to perform the lead risk reduction treatments using certified workers and have the property inspected once the risk reduction is completed.
- Order the landlord to repair other dangerous conditions in the property.
- Order that the lease be terminated.

**NOTE: This pamphlet is intended to provide general information only. It is not intended to give legal advice. Any tenant needing legal advice should consult an attorney.**

## What Defenses Might My Landlord Raise?

Your landlord may raise the following defenses to your Rent Escrow Complaint:

- You never gave him/her notice about the chipping, peeling paint.
- You have not given the landlord 30 days to do the risk reduction treatments.
- You have refused the certified workers or the landlord (if s/he is certified to do risk reduction) entry into your rental home to do the lead risk reduction treatments.

## What if my Landlord Starts Repairs But Does Not Use Certified Lead Workers?

It is important that all repairs are done using certified workers. Certified workers have special training in lead safe work practices. You should ask to see each worker's certification card. If unqualified workers are used, they can make a dangerous condition even worse. Call the Maryland Department of the Environment to report unsafe work practices at 410-537-3825.

**For more information on using rent escrow to protect your family from lead hazards, contact:**



2714 Hudson Street, Baltimore, MD 21224

410-534-6447 | [info@ghhi.org](mailto:info@ghhi.org) | [www.ghhi.org](http://www.ghhi.org)

## About Green & Healthy Homes Initiative

The Green & Healthy Homes Initiative (GHHI) is a national nonprofit dedicated to breaking the link between unhealthy housing and unhealthy residents. Formerly known as the Coalition to End Childhood Lead Poisoning, GHHI replaces stand-alone housing intervention programs with an integrated, whole-house approach that produces sustainable green, healthy and safe homes. As a result, we are improving health, economic and social outcomes for families across the country.

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# A Self-Help Guide for Tenants

## Using Rent Escrow to Reduce Lead Hazards

*Is there peeling, chipping or flaking paint in your rental home?*



**Rent escrow can help you get repairs to your unit.**



**Green & Healthy  
Homes Initiative®**

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## What is Rent Escrow?

Rent escrow is the **legal process** by which you ask the local District Court (Rent Court) to allow you to pay your rent into a District Court escrow account instead of to your landlord.

That does not mean that you can simply withhold your rent! It is used when you have notified your landlord (see "What is a Notice of Defect") of defects in your rental home that seriously threaten the health and safety of your family, but the landlord has failed to correct the problem.

The law does not cover repairs which are only cosmetic. It only covers serious and substantial defects such as:

- Chipping, peeling or flaking paint
- No hot or cold running water
- No heat
- No electricity
- Faulty plumbing
- Leaking roof or ceiling
- Rodent infestation
- Mold

Rent escrow can be a very effective way to get your landlord to make necessary repairs because it denies your landlord access to rent money until the repairs are made. It also will protect your rights as a tenant more than withholding rent without a court order.

## Who Can File a Rent Escrow Action?

Anyone can file a Petition in Action for Rent Escrow. Preprinted forms are available at the District Court and there is a fee to file a Petition. You do not need a lawyer to file for rent escrow and a lawyer does not have to go with you to court. You can also request rent escrow if you are defending yourself in court against a Complaint For Failure to Pay Rent that your landlord has filed against you and there are hazards in your home.

**NOTE: If your property lacks a valid lead inspection certificate, then you can file for rent escrow or ask the court for a dismissal in a Failure to Pay Rent case.**

## How do I use Rent Escrow to Reduce Lead Poisoning Hazards?

In order for the court to set up rent escrow to repair lead hazards, you must meet the following conditions:

1. You have a written or oral lease with your landlord for a rental home built before 1978;

and

2. There is chipping or peeling paint in your rental home;

and

3. You have informed your landlord **in writing** about the chipping, peeling paint by sending a Notice of Defect;

and

4. A reasonable amount of time (30 days) has passed and your landlord has failed to repair the chipping, peeling paint and has not performed lead risk reduction treatments;

and

5. Once the court sets a date for the initial hearing, it is your responsibility to call the necessary inspector **if instructed to by the court**. Even if a housing code or health department inspector has already been through your home, you still need to call any inspector required by the court;

and

6. Bring any back rent that you owe with you to the first court hearing as the judge may order you to pay any rent that is owed into the rent escrow account.

## What is a Notice of Defect?

A Notice of Defect is a written notification sent to or given to your landlord to inform him or her about chipping, peeling paint and other defects in your rental home.

The form is titled "NOTICE OF DEFECT/ ELEVATED BLOOD LEVEL OF LEAD IN BLOOD OR GREATER" and "AVISO DE DEFECTO/ NIVEL DE PLOMBO EN LA SANGRE DE 10 µg/dL O SUPERIOR". It contains the following sections:

- Date Sent (Fecha enviada):** \_\_\_\_\_
- Certified Mail Number:** \_\_\_\_\_
- To:**
  - Name of Landlord (Nombre del Propietario): \_\_\_\_\_
  - Leased Street Address (Calle del Arrendatario): \_\_\_\_\_
  - City (Ciudad): \_\_\_\_\_ State (Estado): \_\_\_\_\_ Zip Code (Código Postal): \_\_\_\_\_
- From:**
  - Name of Tenant (Nombre del Arrendatario): \_\_\_\_\_
  - Street Address and Apt. # (Calle y No. de Apartamento): \_\_\_\_\_
  - City (Ciudad): \_\_\_\_\_ State (Estado): \_\_\_\_\_ Zip Code (Código Postal): \_\_\_\_\_
  - Telephone - Day (Teléfono día): \_\_\_\_\_ Telephone - Evening (Teléfono noche): \_\_\_\_\_
- Checklist of Defects:**
  - There is chipping, peeling or flaking paint on the property. (Check all that apply) (Hay pintura que se resaca, se descama o se desmenuza en la propiedad. Marque todos los que apliquen.)
    - Front Backrooms (Salas y Baños de la Frente)
    - Living Room (Salón)
    - Stairway (Escaleras)
    - Mobile Backrooms (Salas y Baños de la Trase)
    - Dining Room (Comedor)
    - Porch (Terraza)
    - Front Backrooms (Salas y Baños de la Frente)
    - Child Backrooms (Salas de los Niños)
    - Walkways (Pasillos)
    - Down Stair (Pasillo de Bajas)
    - Stairway (Escaleras)
  - There are structural defects on the property. (Check all that apply) (Hay defectos estructurales en la propiedad. Marque todos los que apliquen.)
    - Leaky Ceiling (Techo con Goteo)
    - Loose Tiles (Azulejos Sueltos)
    - Cracks (Ranuras)
    - Loose Windows (Ventanas Sueltas)
    - Broken Windows (Ventanas Rotas)
    - Other (Otro) (Please list below) (Escriba aquí)
- Landlord Property Owner Signature (Firma del Propietario):** \_\_\_\_\_
- Landlord Property Owner Signature (Firma del Arrendatario):** \_\_\_\_\_
- Signature of Landlord or Agent (Firma del Propietario o Agente):** \_\_\_\_\_
- Signature of Tenant (Firma del Arrendatario):** \_\_\_\_\_

It can be in the form of a letter, but we suggest you use the Notice of Defect form above. The form, as well as further assistance, is available by calling the Green & Healthy Homes Initiative at 410-534-6447.

Once you fill out a Notice of Defect, send it to the landlord by **certified mail-return receipt requested**, or give it to your landlord in person. If you hand deliver the notice, be sure to **have your landlord sign a receipt for it** to better protect your rights! Keep track of when your landlord received the Notice by keeping the mail-return receipt or signed copy of the Notice of Defect.

Once your landlord *receives* the notice, he or she has 30 days to perform lead risk reduction treatments using a certified lead worker.

## What is a Notice of Elevated Blood Lead Level?

A Notice of Elevated Blood Lead Level is a written notification sent to or given to your landlord to inform him or her a resident child under the age of 6 years or a pregnant woman has been diagnosed with a blood lead level of 10 µg/dl or more.