



**HB361 - Mold Inspections and Remediation – Standards, Reporting, Penalties,  
and Tax Credit**

**Hearing before the House  
Environment, and Transportation Committee,  
February 9, 2022**

**Position: SUPPORT (FAVORABLE)**

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Chesapeake Physicians for Social Responsibility (CPSR) supports HB361 with sponsor amendment.

CPSR is statewide evidenced-based, organization of 940 physicians, other health professionals and supporters, that addresses the existential public health threats: nuclear weapons, the climate crisis and the issues of pollution and toxics' effect on health as seen through the intersectional lens of environmental, social and racial justice. As an organization founded by physicians, we understand that prevention is far superior to treatment in reducing costs; death, illness, injury, and suffering.

Indoor mold is a contributor to preventable [respiratory illnesses](#), for which reason we support HB361 because it represents an important way to reduce mold in rental properties by creating standards for inspectors to address mold related complaints. Water, dirt and dust are important ingredients for the growth of microorganisms, including fungi, actinomycetes and other bacteria. This growth allows for the production of toxic material produced by the microorganisms that are an additional contributor to health effects including the increased risk of respiratory symptoms, respiratory infections and exacerbation of asthma. Some studies have suggested a relationship between exposure to mold and the [development of asthma](#) in susceptible children. In addition, those who are allergic, immune suppressed and those with chronic lung disease are all at higher risk of infection from mold. Dampness and mold may be particularly prevalent in poorly maintained housing for low-income people and thus it becomes an important equity issue. We know that housing is an important social determinant of health. In addition, minority families, often in low-income neighborhoods with reduced quality housing, have a [higher incidence of asthma](#) and the presence of mold may be one factor that contributes to this link.

HB361 would allow tenants in buildings with mold to, after notifying the landlord, place rent in escrow and would require standards be set for building inspectors who evaluate the complaint of mold in such circumstances. Additional protections for tenants who make such complaints would be in place if HB361 is passed.

Maryland Renters make up one-third of all households across the state and more than half of all households in cities such as Silver Spring, Hagerstown, and Baltimore City. These households are dealing with mold hazards in their homes largely without the aid of state and local agencies. Local code enforcement agencies lack standards and guidance on the inspection and remediation of mold. Furthermore, there are no black-letter legal protections for renters in mold-affected housing. As the Secretary of Housing and Urban Development said [recently](#) in a visit to Maryland: “Children should never have to live in a place where they cannot breathe. When we transform houses, we transform people.”

HB361 will answer fundamental policy gaps that weaken local housing agencies’ efforts to combat mold and allow rental property owners to skimp on remediation of mold hazards. This bill provides Maryland localities the framework for ensuring the availability of healthier housing.

### **Lack of inspection and remediation standards hurts renters and weakens code enforcement**

Under HB361, Maryland housing agencies would have the requisite legal tools to deal with mold hazards. Presently, under local adoption of the Maryland Building Performance Standards (COMAR 09.12.51), code enforcement agencies have no definition or other criteria to use in citing evidence of mold in a property. Housing inspectors therefore describe mold inconsistently in violation reports, using phrases such as “possible mold,” “appearance of mold,” or a “dark substance.”

HB361 defines “mold hazard” both in scientific terms and with due regard for occupants’ health. This bill then requires state agencies to publish standards for inspection, testing, and remediation of mold. Under HB361, we expect local agencies will hasten toward new measures to ensure habitability of rental housing.

This bill will also strengthen the position of renters who use legal actions to compel landlords to remediate mold or compensate them for hazardous living conditions and relocation. HB361 includes rent escrow and anti-retaliation provisions specific to mold hazards. These provisions should support and bolster the existing rent escrow law in Real Property Art. § 8-211, whereby a tenant may pay some or all rent into a court account, compel repairs of the rental property, and receive an equitable distribution of escrowed funds after repairs are completed.

The existing rent escrow law is weakened by the absence of standards and enforcement regarding mold, as described above. Based on vague inspection reports and the inspecting agencies' inability to require more than surface-level remediation, rent escrow has been a limited mechanism for renters to seek court-ordered resolutions of mold defects. These cases often fail to ensure mold remediation and fair compensation to the tenant because of the lack of standards. **For instance, courts may conclude that because a code violation was abated after the landlord paid over the mold, the tenant has no legal grounds to seek further repairs or compensation.** HB361 would bring clarity in this area by creating the standards for mold remediation and providing a mold-specific basis for rent escrow actions.

**Chesapeake Physicians for Social Responsibility supports HB361 with sponsor amendment so that HB361's rent escrow provision (proposed § 8-211.2 on p. 8-9) could conform and include reference to the existing state and local rent escrow laws which would allow a reduction in rent and compensation for temporary relocation if it becomes necessary to protect renters from unsafe health conditions associated with mold until such conditions are remedied.**

The standards called for in HB361 cannot wait any longer. Throughout the COVID-19 pandemic, Maryland renters who live in mold-affected homes have faced the dual risk of coronavirus outside the home and respiratory illness inside it. They have had nowhere to turn, and, in absence of a law that prescribes how mold defects in housing should be assessed and remediated, renters had little if any recourse to compel property owners to remove mold from their units.

**HB361 is a first, crucial step toward a comprehensive solution to mold in rental housing.**

Chesapeake Physicians for Social Responsibility is a member of the Renters United Maryland, a statewide coalition of renters, organizers, and advocates, and **we urge the Committee's report of Favorable on HB361**

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