



**Bill No:** HB 361 – Environment—Mold Inspections—Standards, Reporting and Penalties

**Committee:** Education, Health and Environmental Affairs

**Date:** 2/9/2022

**Position:** Oppose

The Apartment and Office Building Association of Metropolitan Washington (AOBA) represents members that own or manage more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George’s Counties.

This bill would require State agencies to adopt regulations that establish uniform standards for mold assessment and remediation in rental housing. House Bill 361 also mandates that local jurisdictions conduct mold inspection rental dwellings. Under the bill, housing providers must disclose the results of the mold inspection to a tenant or prospective tenant. A tenant may not waive the disclosure requirement. The bill establishes penalties for violations of the act to include \$250 per violation, not exceeding \$10,000. The bill also creates a state income tax credit for the cost of mold remediation.

AOBA members are committed to ensuring that residents live in safe, habitable and mold free homes. As such, when dampness and mold are present or housing providers are notified about dampness or mold, they act immediately to remedy the situation. Unfortunately, according to the U.S. Environmental Protection Agency [there is no practical way to eliminate all mold and mold spores in the indoor environment](#); the way to control indoor mold growth is to control moisture.

Housing providers work diligently to eliminate indoor moisture and, when present, correct building issues (leaky pipes, water problems, etc.) that may cause mold if left unchecked. However, housing providers can do nothing to control resident actions that create increased indoor moisture and the potential for mold. Housing providers cannot require residents to use air conditioners and de-humidifiers, vent bathrooms, close windows, clean mold off hard surfaces and other such actions. Yet, this bill places the onus for indoor moisture and mold on the housing provider with no regard for the

residents' role in causing mold or their ability to mitigate factors that contribute to mold growth.

Further, residents already have the right to contact the local health department or local housing regulatory agency for mold-related complaints and have the right to deposit rent in escrow if their rental unit is found to be uninhabitable. AOBA believes these existing rights allow residents to hold housing providers responsible for timely mold remediation.

**For these reasons, AOBA requests an unfavorable report on HB 361.**

For further information contact Erin Bradley, AOBA Vice President of Government Affairs, at 301-904-0814 or [ebradley@aoba-metro.org](mailto:ebradley@aoba-metro.org).