



Senate Bill 856

Mold – Landlord Requirements and Regulations (Maryland Tenant Mold Protection Act)

Hearing in the House Environment and Transportation Committee

On March 18, 2025

Position: Favorable

Maryland Legal Aid submits its written and oral testimony on SB0856 at the request of the bill sponsor Senator Shaneka Henson.

Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. Our offices serve residents in each of Maryland's 24 jurisdictions and handle a range of civil legal matters, the most prominent of which is housing. Maryland Legal Aid asks that this Committee report **favorably** on SB 856.

Mold is a ubiquitous threat to Maryland renters.

Mold hazards are one of the most cited concerns among our clients. Our Tenant Right to Counsel Project represented tenants in over 4,600 cases in 2024, and one-fifth of those cases involved mold. Our clients' experiences demonstrate that mold in residential rental housing poses significant physical, psychological, and economic harms to children, elders, and renters who suffer from respiratory illnesses, from allergies to chronic obstructive pulmonary disease (COPD). One recent client reported having to sleep with a mask on because of the mold in his apartment. Like too many of our clients, he endures living this way because, with meager fixed income, he cannot pack up and move. He can only wait and hope that his landlord remediated the mold.

The 2021 American Housing Survey estimated that 94,000 Maryland rental properties were affected by interior water leakage and 74,000 by exterior water leakage, approximately half of which originated from defective roofing. The survey estimated that 38,000 rental properties were affected by mold.¹

MLA supports SB 846 because of clients like Isaac Boro in Washington County.

Maryland Legal Aid recently represented a client, Isaac Boro, who rented a property in Hancock, Maryland. After moving into the home in March of 2022, he immediately notified his landlord of mold issues in the insulation and the attic. The landlord did not act. Things only grew worse. In October 2024, when mold appeared on the kitchen ceiling, Mr. Boro notified his landlord. Again, no action. In December,

¹ U.S. Census Bureau, "American Housing Survey Table Creator," American Housing Survey, 2021, https://www.census.gov/programs-surveys/ahs/data/interactive/ahstablecreator.html?s_areas=00024&s_year=2021&s_tablename=TABLE5&s_bygroup1=2&s_bygroup2=19&s_filtergroup1=3&s_filtergroup2=1.

he notified his landlord that he would stop paying rent unless the mold and other issues were addressed, and still the landlord took no steps to assess or to remediate the mold. Instead, in February, the landlord filed a Failure to Pay Rent Action against him. Representing Mr. Boro, Maryland Legal Aid informed the landlord that we would be raising the mold condition as a defense. But without statewide standards for assessment and remediation of mold, the landlord was compelled only to do a mediocre repair job. They slapped some primer on the mold; the mold is now growing through the primer. They rearranged the insulation but did not remove and replace the moldy insulation. Rather than continue to fight his landlord, Mr. Boro ultimately agreed to vacate.

SB 856 establishes a needed framework for mold remediation.

SB 856 requires landlords perform a mold assessment and mold remediation within 45 days of receipt of a written notice regarding the detection of mold. That notice may come from a tenant or from a local housing agency. This is an important provision, as it gives tenants agency to start the remediation process by simply contacting their landlord.

“Mold assessment” is defined as follows:

- an inspection, investigation, or a survey of a dwelling or other structure to provide information to the owner regarding the presence, identification, or evaluation of mold;
- the development of a mold management plan; or
- the collection or analysis of a mold sample.

“Mold remediation” is defined as:

- removing, cleaning, sanitizing, demolishing, or any other treatment performed to address a mold hazard, mold, or dampness; or
- abatement of the underlying cause of a mold hazard, mold, or dampness.”

Importantly, in the SB 856 process, tenants may initiate assessment and remediation through notice rather than rely entirely on local officials to get involved. Upon a written notice from a tenant, within 45 days, a landlord “shall perform” a “mold assessment” and “mold remediation.” At that stage, the landlord has discretion as to the methods of assessment and remediation.

This bill does not hold landlords to a one-size-fits-all solution to mold remediation.

SB 856 targets nine harmful types of molds.

Remediation under SB 856 applies to conditions of “dampness” – inclusive of water damage, leaks, condensation, musty or moldy odor, and excessive humidity – and nine hazardous types of molds:

1. ***Alternaria*** – Considered an allergenic mold, it can trigger asthma and hay fever symptoms. Some species may produce mycotoxins that can be harmful in high concentrations.

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2. ***Aspergillus*** – Some species, such as *Aspergillus fumigatus* and *Aspergillus flavus*, produce toxic compounds (mycotoxins) that can cause respiratory infections, particularly in immunocompromised individuals.
 3. ***Cladosporium*** – Generally considered an allergenic mold, it can cause respiratory issues and skin irritation under prolonged exposure.
 4. ***Fusarium*** – Some species produce potent mycotoxins that are harmful to humans and animals. Exposure can lead to infections in immunocompromised individuals.
 5. ***Memnoniella*** – This genus is closely related to *Stachybotrys*, and some species may produce mycotoxins that could pose health risks.
 6. ***Mucor*** – Can cause opportunistic infections, particularly in immunocompromised individuals. *Mucorales* fungi are associated with mucormycosis, a severe fungal infection.
 7. ***Penicillium*** – While some species are used in antibiotics and food production, others produce mycotoxins that can be harmful, particularly in damp indoor environments.
 8. ***Stachybotrys chartarum*** – Commonly called “black mold,” this type is known to produce potent mycotoxins that can cause respiratory problems, neurological issues, and other health concerns in susceptible individuals.
 9. ***Trichoderma*** – Some species produce mycotoxins, and prolonged exposure to airborne spores may cause respiratory issues.²

Federal agencies report the health consequences of mold can be severe:

Molds produce allergens (substances that can cause allergic reactions) and irritants. Inhaling or touching mold or mold spores may cause allergic reactions in sensitive individuals. Allergic responses include hay fever-type symptoms, such as sneezing, runny nose, red eyes, and skin rash. Allergic reactions to mold are common. They can be immediate or delayed. Molds can also cause asthma attacks in people with asthma who are allergic to mold.³

Cognitive issues – Extended exposure to mold has been linked to short-term memory loss, lightheadedness, dizziness, blurred vision, ringing in the ears, and loss of cognitive functions, also known as “brain fog.”

² “Which of the following are considered unhealthy or dangerous? Alternaria, Aspergillus, Cladosporium, Fusarium, Memnoniella, Mucor, Penicillium, Stachybotrys chartarum, Trichoderma” prompt. ChatGPT-4-turbo, OpenAI (Feb. 21, 2025).

³ U.S. Environmental Protection Agency, “Mold and Health,” <https://www.epa.gov/mold/mold-and-health>.

Immune effects – Long-term exposure to inhaled mycotoxins may promote inflammation and immune system changes.

Mental health issues – Studies have associated prolonged mold exposure to increased levels of depression, anxiety, and stress in both children and adults.⁴

Not one single person living in Maryland should have to risk their health because their landlord refuses to address mold hazards in their rental housing. SB 856 is a key step towards making sure no one does.

Foreseeable Gaps in Protection

While Maryland Legal Aid believes that SB 856 is a necessary step towards providing relief to our clients, SB 856 leaves some areas of concern unaddressed.

- SB 856 does not specify the responsibility of local code enforcement agencies to conduct mold testing and/or air quality testing.
- SB 856 does not create a private right of action or other enforcement mechanism.
- SB 856 does not add “mold hazard” to the enumerated list of threats to life, health, and safety for which a tenant may seek relief in a rent escrow or warranty of habitability claim.

It is our hope that these concerns will be addressed in the regulatory scheme that SB 856 requires Maryland state agencies to establish by July 1, 2027, or otherwise in future legislation.

Maryland Legal Aid urges the Committee to issue a FAVORABLE report on Senate Bill 856.

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⁴ National Institute of Health, National Institute of Environmental Health Sciences, “Mold,” <https://www.niehs.nih.gov/health/topics/agents/mold>