



Bill Title: Senate Bill 70, Environment - Mold Inspections - Standards, Reporting, and Penalties

Committee: Education, Health, and Environmental Affairs

Date: January 28, 2021

Position: Unfavorable

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose members consist of owners and managers of more than 210,000 rental housing homes in over 958 apartment communities. Our members house over 538,000 residents of the State of Maryland. MMHA also represents over 250 associate member companies who supply goods and services to the multi-housing industry.

Bill Summary: This bill requires relevant state departments to adopt regulations establishing uniform standards for mold assessment and remediation (habitable dampness, identifying and evaluating the presence of mold, mold remediation as stringent as the EPA's guidelines). Senate Bill 70 mandates local jurisdictions conduct annual mold inspection of public and private school facilities, licensed childcare centers, nursing homes, assisted living facilities and rental dwellings. Under the bill, landlords must disclose the results of the mold inspection to a tenant or prospective tenant. A tenant may not waive the disclosure requirement. A local jurisdiction, county attorney, or municipal attorney may enforce the provisions of this section. Senate Bill 70 requires the Department of the Environment to submit an annual indoor air quality report to the Governor and the General Assembly on or before December 1 beginning in 2023. Penalties for violation include to \$250 per violation, not exceeding \$10,000. the administrative penalty is assessed with consideration given to the willfulness of the violation and the extent to which the violation was known to the violator but uncorrected by the violator, the extent to which the violation resulted in actual harm to human health, the nature and degree of injury to or interference with general welfare and health; and the extent to which the current violation is part of a recurrent pattern of the same or similar type of violation committed by the violator.

Mold: 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. Molds can be found almost anywhere; they can grow on virtually any substance, providing moisture is present.

Tenant Provisions: Tenants already have the right to utilize the health department for mold-related complaints. Local code enforcement offices can also issue citations. In fact, in Baltimore City, housing inspectors are capable of issuing housing violation notices for mold issues. Once issued, the landlord must clean it up, remediate it, and test it, in order to satisfy the housing inspector and/or judge in a rent escrow action.



Senate Bill 70 neglects to account for a tenant's role in causing mold. Mold could grow due to a tenant failing to notify the landlord of any type of leak – roof, water heater, faucet, toilet or condensation for failing to turn on the vent fan in a bathroom when taking a shower. If indoor airborne moisture (relative humidity) is not controlled and a resident's windows are chronically fogged and wet, condensation is reaching other cool surfaces. This can only be controlled by a tenant. How can a landlord be held responsible for a defect that the landlord does not know about?

For these reasons, we respectfully request an unfavorable report on Senate Bill 70.

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