

Senate Bill 70

Environment –Mold Inspections–Standards, Reporting, and Penalties

Before the Senate Education, Health, and Environmental Affairs
Committee, Jan. 28, 2021



Position: FAVORABLE

In 2020, Maryland renters who live in mold-affected homes faced the dual risk of coronavirus outside the home and respiratory illness inside it. They had nowhere to turn for reprieve 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. SB 70 is the law Maryland renters need at this critical time. **Renters United Maryland (RUM), a statewide coalition of renters, organizers, and advocates, urges the Committee’s favorable report on SB 70.**

Across the state, without standards or guideposts on mold, renters are paying the price for Maryland’s lack of black-letter standards on mold and mold-affected housing. SB 70 introduces much-needed solutions to this problem. The bill answers crucial questions, such as: What is an acceptable exposure of a tenant to indoor mold? What is the appropriate method of mold remediation? What precautions must be taken to remove indoor mold without increasing exposure to the tenants? When should a tenant be released from the rental agreement and reimbursed for relocation expenses? There are no answers in current law, and consequently, already vulnerable renters are suffering without relief or remedy.

Lack of standards means that renters are dealing with mold virtually on their own.

SB 70 moves Maryland forward with standards that will give housing agencies the legal tools to deal with mold. These agencies rely on variations of international codes that have not incorporated standards on mold. Consequently, for most housing agencies, complaint-based inspections inconsistently cite mold, and when mold does appear on violation reports, it is recorded as “possible mold,” “appearance of mold,” or a “dark substance.”

These euphemisms correspond to superficial home inspections. Inspectors can inspect only the surface of the problem, literally. As a result, inspections generate confusion about whether mold defect violate code and foster doubt about whether landlords have a legal obligation to remediate the mold.

In the experience of RUM’s members, housing inspectors are more likely than not to remove a mold-related violation when the defect has been surface-cleaned or occluded by paint or some

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other covering. These ineffective methods of “remediation” meet agencies’ visual surface inspections. Unless there are visible indicia of wood rot, water damage, or a leak, inspectors cannot invoke local regulations or protocols that require a property owner to do more than cover up the mold.

The implied policy in Maryland is that the presence of toxic mold, if not visible, is an acceptable condition of rental housing. Renters expect more, and their health, stability, productivity, and educational outcomes require it.

SB 70 advances the changes that Maryland renters have been demanding for years: definitional standards, inspection protocols, regulations for remediation of mold.

By creating standards, SB 70 will strengthen renters’ bases for legal actions that compel landlords to remediate mold or compensate for hazardous living conditions. SB 70 includes rent escrow and anti-retaliation provisions specific to mold defects. The existing rent escrow law, Real Property Art. § 8-211, is an important but limited mechanism for renters to seek court-ordered repair of mold defects. These cases often fail to ensure mold remediation and fair compensation to the tenant because of lack of standards. The viability of the tenant’s legal claim boils down to whether a judge can make sense of the vague, discretionary assessments of inspectors about whether mold exists and how it should be removed. **In too many cases, courts are concluding that because code enforcement officials cannot cite mold as a violation, the tenants legal right to a habitable home has not been violated.** SB 70 would bring a foundation to these legal actions that judges could rely on.

The threat to tenant health and safety posed by the presence of mold in the home is clear. In the anecdotal experience of RUM member organizations, the elderly and those with existing respiratory problems suffer the worst, and in some cases have been hospitalized as a suspected result of unmitigated mold growth. Many renter families also suspect domestic mold to be the cause of their children’s asthma development. [A 2009 review of existing literature](#) on the health effects of dampness and mold by **the World Health Organization found a substantial body of evidence of an association with upper respiratory tract symptoms, coughing, wheezing, asthma development in otherwise healthy children, and exacerbation of already diagnosed asthma.** Maryland law should protect renter families from the potentially long-term adverse health outcomes resulting from poor property management.

SB 70 is a first, crucial step toward a comprehensive solution to mold in rental housing. It requires multiple Maryland agencies to collaboratively devise standards that fill gaps in current law.

Renters United Maryland urge the Committee’s FAVORABLE report on SB 70.

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