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January 31, 2022

Senator Paul G. Pinsky, Chairman
Senate Education, Health and Environmental Affairs Committee
2 West
Miller Senate Office Building
Annapolis, Maryland 21401

Re: **SB320 - SUPPORT** - Mold Inspections and Remediation - Standards, Reporting,
Penalties and Tax Credit

Dear Chairman Pinsky and Members of the Committee:

The Green & Healthy Homes Initiative (GHHI) writes in Support of Senate Bill 320. The Green & Healthy Homes Initiative has a long-standing history of advocating for families and children on the important issue of lead poisoning prevention and addressing healthy homes hazards such as mold. Across the State of Maryland, GHHI provides healthy homes education and direct housing intervention services to reduce triggers that cause asthma episodes and other respiratory issues in homes for children, adults and seniors.

The Centers for Disease Control and Prevention (CDC) defines mold as a fungus that can be found indoors and outdoors. Mold is most commonly found indoors in damp areas with poor ventilation such as bathrooms and basements. Mold exposure can cause or exacerbate many health issues such as: asthma, upper respiratory conditions and COPD¹. The presence of mold is a well-established trigger of asthma episodes and contributes to other negative health conditions. Due to the presence of mold in residential rental properties and the lack of an existing mechanism for tenants to effectively seek the repair of mold hazards, legislation is needed to ensure that regulations are put in place to properly inspect and remediate mold exposure. Mold is a threat to life, health, and safety and occurs due to poor or inadequate ventilation, leaking roofs, water infiltration, faulty plumbing and other conditions in rental homes that cause mold growth.

In the State Maryland we have some of the best health care systems in the country. However, in these same communities, we also see health disparities. Our health is not defined by whether we go to the doctor's office. Our health is not defined by the four walls of a clinic or hospitals. Our health is defined by where we live, what we eat, our education and our socioeconomic status. Maryland has over 606,500 adults (13.4%) and 232,100 children (17.3%) of its population affected

¹ See CDC - Mold at <http://www.cdc.gov/mold/faqs.htm>.

by asthma². Asthma is the number one reason children missed days from schools and mold is a major trigger in homes. The societal costs directly correlate to 14.4 missed school days and 14.2 missed work days in the US annually due to asthma. In Maryland, the state spends \$42.1 million annually for asthma related hospitalizations and \$93.3 million for asthma related emergency department visits. The need to address the problem and establish mold standards is at utmost importance to address asthma disparities in Maryland where African American children are hospitalized due to asthma at rates 2.5 times higher than White children.

Previously, the Maryland General Assembly passed HB1309 in 2008, creating the Maryland Mold Remediation Services Act. This Act would have required individuals who provide mold remediation services to be licensed by the Maryland Home Improvement Commission.³ However, this Act never received enough funding, and the mold remediation licensure program was terminated in 2019.⁴ Because of this, Maryland has no state laws addressing mold assessment, remediation and licensure.

Solution

SB320 seeks to implement the following mold remediation standards and solutions:

1. Requires **interagency partnership** amongst MDE, MDH, MDDHCD and DGS to adopt regulations and establish mold standards for inspections and reporting for rental units.
2. **Adopts the EPA’s technical guidance and other national technical recommendations on testing and mold remediation.** The EPA, CDC and HUD have guidelines for proper mold remediation. The EPA requires specific mold remediation guidelines for 10 square feet or more of mold. The CDC’s recommendations also reference the EPA standards for mold remediation and the need to address mold as a significant respiratory irritant. The CDC cites to studies including by the Institute of Medicine which find links between damp indoor environments and mold and upper respiratory tract symptoms, coughing, and wheezing.
3. Addresses mold hazards in rental properties by requiring local jurisdictions and rental property owners to conduct **mold inspections** in rental dwellings and for rental property owners to be required to **remediate** identified mold hazards.
4. Improves notice to tenants by requiring that rental property owners disclose to the tenant the results of mold inspections.
5. **Strengthens tenant’s rights and provides an “explicit” remedy in local District Court for mold hazards.** Maryland law lacks existing mechanisms for tenants to adequately seek

² Maryland Department of Health and Mental Hygiene. Maryland Behavioral Risk Factor Surveillance System Data, 2001-2012. Baltimore, MD: Maryland Department of Health and Mental Hygiene; Accessed and analyzed in 2014. <https://phpa.health.maryland.gov/Documents/HB0420-PHPA-Asthma-Final-2014.pdf> Accessed 2020 March 1.

³ House Bill 1309. Introduced in 2008 by Maryland General Assembly. <http://mgaleg.maryland.gov/mgawebsite/Search/Legislation?target=/2008rs/billfile/HB1309.htm>

⁴ House Bill 0115. Introduced in 2017 by Maryland General Assembly. <http://mgaleg.maryland.gov/mgawebsite/Legislation/Details/HB0115/?ys=2017rs>

repair of mold hazards under the current rent escrow statute (Real Property Article § 8-211). The statute is silent and does not explicitly list “mold” as a threat or hazard. Legislation is warranted to specifically expand the state law and include mold as a delineated threat to the life, health and safety of occupants in rental properties. GHHI also requests that the Bill allow for local jurisdictions to adopt more stringent mold standards for rental housing and/or rent escrow related to mold hazards in rental properties.

6. Increases mold educational resources in Maryland by requiring MDE to establish a website to educate the public on mold hazards and available resources for Maryland residents.
7. Provides for financial assistance through **up to \$10,000 in tax credits** for rental property owners to pay for mold remediation where the owner may need other financial resources.

15 States and the District of Columbia have passed laws and regulations to address mold (Arizona, California, Connecticut, Florida, Indiana, Kansas, Louisiana, Maine, Massachusetts, Minnesota, New Hampshire, North Carolina, Rhode Island, Texas, Vermont, Washington DC). Highlights of the Washington, DC, Virginia, New York, and Louisiana laws:

- **Washington, DC** requires that mold contamination exceeding a set threshold level be remediated by a licensed mold professional. This remediation must comply with Environmental Protection Agency or Occupational Safety Hazard A standards. If the mold contamination is below the set threshold, a guide is provided on how to properly clean the mold. Landlords must also respond to a tenant’s complaint about mold within 7 days and remediate the area within 30 days.⁵
- **Virginia** law states that landlords must maintain residential rental properties to prevent moisture accumulation, and that if there is visible mold, it must be remediated according to state standards.⁶
- In 2017, **New York City** passed comprehensive legislation that delineates the responsibilities of rental property owners in relation to indoor allergen hazards including mold, pests, and other health hazards.⁷ This bill classifies violations for indoor allergen hazards and the time frame in which they must be addressed. The bill also requires one of the city health agencies to educate physicians and health care providers who treat individuals with asthma on indoor asthma triggers. Specifically relating to mold, the bill describes the process in which mold should be remediated, and that any work done must comply with New York State’s Mold Program. The Mold Program is responsible for establishing licensing requirements, training, and minimum work standards for professionals engaged in mold assessment and remediation in the state.⁸

⁵ <https://code.dccouncil.us/dc/council/code/titles/8/chapters/2B/#>

⁶ <https://law.lis.virginia.gov/vacode/title55.1/chapter12/section55.1-1220/>

⁷ Int. No. 385-C. Introduced in 2018 by The New York City Council.
<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1812831&GUID=4D6B3532-B1A2-4A7E-8134-549BFD1ED2A2&Options=ID|Text|&Search=Int.+No.+385-C>

⁸ Mold Program. Department of Labor. Retrieved on November 12, 2019
<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1812831&GUID=4D6B3532-B1A2-4A7E-8134-549BFD1ED2A2&Options=ID|Text|&Search=Int.+No.+385-C>

- **Louisiana**⁹ established regulations regarding mold assessment and remediation standards.

Maryland residents need to be protected from being exposed to mold hazards and know that there are regulatory standards in place to properly inspect and address indoor mold hazards in rental properties where they exist. SB320 will better protect the health of Maryland citizens by addressing mold hazards that are significant home-based environmental health hazards and by providing residents with the opportunity to thrive. **WE ASK YOU TO SUPPORT SB320.**

Respectfully Submitted,



Ruth Ann Norton
President and CEO

⁹ <https://www.legis.la.gov/legis/law.aspx?d=208413>