



Bill Title: House Bill 361, Environment - Mold Inspections - Standards, Reporting, and Penalties

Committee: Environment and Transportation

Date: February 9, 2022

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). House Bill 361 mandates that local jurisdictions conduct mold inspections as part of their rental inspection regime. If potential mold is spotted, the inspector must inform the housing provider and require a mold assessment, remediate and disclose the results of a 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. House Bill 361 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 2024. Penalties include \$250 per violation, not exceeding \$10,000. This bill does authorize a tax credit for taxpayers of residential properties who incur mold remediation costs.

The following are a summary of MMHA's concerns with the bill:

1. Mold Assessment: The bill triggers an automatic requirement for a mold assessment if "potential mold" is found by an untrained government inspector (page 6, lines 5-8) which comes at a cost of about \$650 per assessment. The landlord has no other option but to have a mold assessment at that cost. A landlord is unable to address the matter in any other way. While MMHA appreciates the tax credit for mold remediation, housing providers remain concerned with the approximate cost associated with mold assessments for possible siting of mold.
2. Retaliation: On page 9, lines 7-15, the bill presumes retaliation if a landlord evicts, terminates the tenancy or raises the rent if a tenant elects to seek remedies under the bill. What if the tenant causes the mold? What if the mold is so severe, regardless of causation, that the tenant needs to leave the premises for health reasons or for



renovation? And, there already is a retaliatory action statute that would cover such an instance. See 8-208.1 Real Property Article

3. 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.
4. 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.
5. Role of Tenant: House Bill 361 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 House Bill 361.

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