



C. Matthew Hill
Attorney
Public Justice Center
201 North Charles Street, Suite 1200
Baltimore, Maryland 21201
410-625-9409, ext. 229
hillm@publicjustice.org

HB 976 - Mold Assessment and Remediation – Standards

**Hearing before the Senate Education, Energy, & Environment Committee,
March 30, 2023**

Position: SUPPORT (FAV)

The Public Justice Center (PJC) is a nonprofit public interest law firm that stands with tenants to protect and expand their rights to safe, habitable, affordable, and non-discriminatory housing. For our clients, HB 976 is important legislation that will substantially improve their living conditions. Renters throughout Maryland are dealing with mold hazards in their homes largely without the aid of state and local agencies, which lack standards on the inspection and remediation of mold. As the Secretary of Housing and Urban Development said [last year in a visit to Maryland](#): “Children should never have to live in a place where they cannot breathe. When we transform houses, we transform people.”

We urgently need the General Assembly to mandate state action to address mold hazards in housing. Public Justice Center urges the Committee’s report of Favorable on HB 976.

HB 976 will answer fundamental policy gaps that weaken local housing agencies’ efforts to combat mold and allow rental property owners to skimp on remediation of mold hazards. This bill provides Maryland localities the framework for ensuring the availability of healthier housing.

Lack of inspection and remediation standards hurts renters and weakens code enforcement

Under HB 976, Maryland housing agencies would have the requisite legal tools to deal with mold hazards. Presently, under local adoption of the Maryland Building Performance Standards (COMAR 09.12.51), code enforcement agencies have no definition or other criteria to use in citing evidence of mold in a property. Housing inspectors therefore describe mold inconsistently in violation reports, using phrases such as “possible mold,” “appearance of mold,” or a “dark substance.” These euphemistic descriptions are also the product of Maryland’s failure to require mold-specific training for code enforcement inspectors. Without training, these inspectors are limited to inspecting only the visible surface of the problem. As a result of having no definitional standard and no training requirements, code inspections lead to remedial steps that, while too

weak to address the actual habitability of the property, are nonetheless sufficient to abate code violations.

Location of Violation: Address: 2520 HARLEM AVE Block: 2363 Lot: 015	Violation: Issued: 10/30/2019 Number: 1855970A
<p>A Housing Code Enforcement Official inspected the property listed above and determined the property was in violation of the Building, Fire and Related Codes of Baltimore City. You are hereby ORDERED to obtain all required permits and to correct all the items cited on this notice on or before November 29, 2019. Individual items on this notice may require earlier completion as noted.</p>	
Violation	
Item # 1:	Complete within 30 Days
<p>Location: BASEMENT STAIRS WITH RODENT HOLES Violation: Sec. 304.28 PMCBC - Rodent Infestation. Rectify By Securely Closing All Rodent Holes In Floors And Baseboards On Interior With 26 Gauge Non-corrosive Metal Or Replace Boards.</p>	
Item # 2:	Complete within 30 Days
<p>Location: BASEMENT POSSIBLE MOLD (ALONG WALL) RIGHT SIDE OF STAIRS Violation: Sec. 304.5, 304.6, 304.20 PMCBC Defective Wall. Repair.</p>	
Item # 3:	Complete within 30 Days
<p>Location: KITCHEN POSSIBLE MOLD (ON RIGHT SIDE WALL) Violation: Sec. 304.5, 304.6, 304.20 PMCBC Defective Wall. Repair.</p>	
Item # 4:	Complete within 30 Days
<p>Location: KITCHEN POSSIBLE MOLD INSIDE OF CABINETS (RIGHT SIDE) Violation: Sec. 304.5, 304.6, 304.20 PMCBC Defective Wall. Repair.</p>	
Item # 5:	Complete within 30 Days
<p>Location: DINING ROOM POSSIBLE MOLD (NEAR WINDOWS) Violation: Sec. 304.5, 304.6, 304.20 PMCBC Defective Wall. Repair.</p>	

Example of local agency Code Violation Notice and Order, citing "possible" mold

Unless there are visible signs of water damage or moisture, inspectors lack regulations or protocols to require a property owner to do more than cover up the mold. Literally, the accepted solution to mold hazards in Maryland rental housing is to paint over the problem. In the experience of Maryland housing advocates, including Public Justice Center, code enforcement inspectors are more likely than not to abate a mold-related violation when the defect has been surface-cleaned or occluded by paint or some other covering.

We should not accept mold hazards simply because they are not visible. Renters expect more to be done, and their health, stability, productivity, and educational outcomes require it.

The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.

HB 976 defines “mold hazard” both in scientific terms and with due regard for occupants’ health. This bill then requires state agencies to create publish standards for inspection, testing, and remediation of mold. Under HB 976, we expect local agencies will hasten toward new measures to ensure habitability of rental housing.

Maryland’s clock is ticking when it comes to mold hazards in rental housing

The threat to tenant health and safety posed by the presence of mold in the home is clear. In the anecdotal experience Public Justice Center, 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 negligent property management.

The standards called for in HB 976 cannot wait any longer. Throughout the COVID-19 pandemic, Maryland renters who live in mold-affected homes have faced the dual risk of coronavirus outside the home and respiratory illness inside it. They have had nowhere to turn, 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.

HB 976 is a first, crucial step toward a comprehensive solution to mold in rental housing.

Public Justice Center is a member of the Renters United Maryland coalition and asks that the Committee **issue a FAVORABLE report on HB 976.** If you have any questions, please contact C. Matthew Hill, hillm@publicjustice.org, (410) 625-9409 Ext. 229.