

**HB 972 -Rent Escrow-Mold in Residential Dwelling Units
Unfavorable**

February 24, 2023

Regional Management, Inc, (RMI) is a property management company which has, for over 60 years, managed over 5,000 units of affordable, market rate, residential properties in Baltimore City and County. RMI is a founding member of the Maryland MultiHousing Association.

House Bill 972 seeks to add “the **existence** of mold in a dwelling unit which presents a serious and substantial threat to the health of the occupants” to Real Property Section 8-211, Maryland’s Rent Escrow law.

RMI believes that this Bill needs additional study on this topic and requests that this Committee read closely the information provided to RMI by Julie Barth, Certified Industrial Hygienist and Certified Safety Professional.

Ms. Barth indicates that there are many species of molds, that mold spores are all always around us both inside and outside our homes and most importantly that mold cannot grow unless moisture and/or water intrusion is present. Unfortunately, nothing in this Bill, nor in current law discusses the nexus between moisture and water intrusion and mold growth.

Interestingly, Ms. Barth has referred us to EPA information that indicates there are situations where mold clean up CAN and should be done by “handling the job yourself”, that exposure to mold is not always an easy thing to find, and that the presence of mold by itself is not necessarily a “substantial threat “ to health and safety- it often depends on the type of mold that is present.

RMI suggests that before this Legislature adds **MOLD EXPOSURE** to the list of the rent escrow law’s threats to life, health and safety we seek input from professionals like Ms. Barth and put common sense regulations and standards in place.

Respectfully Submitted,

Katherine Kelly Howard, Esq., General Counsel



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Julie Barth, CIH, CSP, LEED Green Associate

**RE: Review and Comment regarding HB 972-Landlord Tenant-
Rent Escrow- Mold in Residential Dwellings**

Dear Ms. Howard;

Thank you for asking me to review and comment on the above proposed Legislative initiative regarding mold.

▪ **My Background**

I am a Certified Industrial Hygienist (CIHs) and a Certified Safety Professional (CSP) with a Master of Health Science degree in industrial hygiene, safety, and environmental health sciences from the Johns Hopkins University Bloomberg School of Public Health. I currently work as a consultant for a small firm, Aria Environmental, Inc. I have more than 20 years of training, experience, and education in this field. My certifications are renewed every 5 years, and I am required to take continuing education classes to keep my certification. I also have a certification as a LEED Green Associate that requires continuing education and/or project experience and is renewed every two years. It is noteworthy that in order to practice this profession we must also keep current in training, exams, and licensure in other environmental hazard areas including lead and asbestos.

▪ **A Short Description of "mold"**

- The EPA defines mold as follows: "Molds are a group of organisms that belong to the kingdom Fungi...There are over 20,000 species of mold. Fungi include molds, yeasts, mushrooms, and puffballs"
- Molds reproduce by making spores. Mold spores waft through the indoor and outdoor air continually. When mold spores land on a damp spot indoors, they may begin growing and digesting whatever they are growing on. Molds can grow on virtually any organic substance, providing moisture and oxygen are present. It is estimated that more than 1.5 million species of fungi exist."

▪ **HB 972 Review**

- Pg.2 lines 28-29 :

The language describing the “existence of mold” to be a “serious and substantial threat to the health of the occupants” is both overly broad and very undefined.

The “threat or potential for serious health impacts” must be based on a study of the various circumstances found in the unit, which can be unique to the situation found.

- The Bill does not differentiate between the “existence of mold” and the “source of the mold”, which generally is some form of water or moisture intrusion. Determining the source of the mold is in fact one of the most important steps in mold remediation matters.

Any mold remediation investigation must start with the source of water intrusion or dampness that gives the spores a home to reproduce. See, EPA standards, for instance those provided in the Mold Remediation in Schools and Commercial Buildings publication ([Printable Version of Mold Remediation in Schools and Commercial Buildings | US EPA](#))

- I am providing you with the section on Mold Cleanup from the EPA Mold Remediation publication, below:

“Mold Cleanup

*Who should do the cleanup depends on a number of factors. One consideration is the **size of the mold problem**. If the moldy area is less than about 10 square feet (less than roughly a 3 ft. by 3 ft. patch), in most cases, you can handle the job yourself, follow the *Mold Cleanup Tips and Techniques*.*

*However, if there has been a lot of water damage, and/or mold growth covers **more than 10 square feet**, consult EPA guide *Mold Remediation in Schools and Commercial Buildings*. Although focused on schools and commercial buildings, **this document is applicable to other building types**.*

*If you choose to hire a contractor (or other professional service provider) to do the cleanup, make sure the contractor has experience cleaning up mold. Check references and ask the contractor to follow the recommendations in EPA guide *Mold Remediation in Schools and Commercial Buildings*, the guidelines of the American Conference of Governmental Industrial Hygienists (ACGIH); Institute of Inspection, Cleaning and Restoration Certification (IICRC); or other guidelines from professional or government organizations”*

- To expand on this advice, if the water intrusion or dampness stems from a relatively clean source (e.g. no sewage contamination) the approach would be to follow the EPA’s recommendations for the size of the mold or water contamination, thus unless there is at least 10 square feet of damage only a small repair or cleaning is needed.

- The location the moisture or water intrusion also matters. If the mold is inside ductwork or an air handling unit, it could be blowing spores all through the building. (This is more likely if there is a dirty air diffuser or a dirty window air conditioner which I would recommend be cleaned seasonally). See the EPA publication link “Should I get my air ducts cleaned...”
- However, a situation involving a sewage-contaminated water intrusion is in my opinion a much more serious problem requiring extra sampling for sewage-related bacteria in addition to testing for the type of mold.

In essence the Bill’s definition needs to be more tailored in keeping with the EPA information and advice.

Thank you for allowing me to provide you with some input into this process and I look forward to working with you and any other interested parties in this regard.

Sincerely,

Julie Barth, CIH, CSP, LEED Green Associate