

**ANTHONY G. BROWN**  
*Attorney General*

**CANDACE MCLAREN LANHAM**  
*Chief of Staff*

**CAROLYN QUATTROCKI**  
*Deputy Attorney General*



**WILLIAM D. GRUHN**  
*Chief*  
Consumer Protection Division

Writer's Fax No.

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**  
**CONSUMER PROTECTION DIVISION**

Writer's Direct Dial No.  
410-576-6986  
kwilponewelborn@oag.state.md.us

February 24, 2023

To: The Honorable Kumar P. Barve  
Chair, Environment and Transportation Committee

From: Kira Wilpone-Welborn, Assistant Attorney General  
Consumer Protection Division

Re: House Bill 972 – Landlord and Tenant - Rent Escrow - Mold in Residential Dwelling  
Units (SUPPORT)

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The Consumer Protection Division of the Office of the Attorney General (the “Division”) supports House Bill 972 sponsored by Delegate Shaneka Henson. House Bill 972 clarifies that the presence of mold in a residential unit that “presents a serious and substantial threat to the health of the occupants” is a condition that a landlord should eliminate and that, if left unabated, can form the basis of a rent escrow action or an affirmative defense in any failure to pay rent eviction proceeding.

Landlord-tenant complaints are consistently among the top complaints received from consumers by the Division, and a significant number of them involve complaints about the conditions in rental housing. Explicitly identifying mold that is a threat to the health of occupants as a condition governed by Real Property Article § 8-211 will assist tenants in rent escrow actions and failure to pay rent eviction proceedings and the Division in mediating complaints it receives from consumers about unabated mold growth in their residences. Section 8-211(e)(5) currently covers “any condition which presents a health . . . hazard...” However, specifically listing mold in § 8-211 will help tenants facing a health hazard from mold, particularly those who lack legal representation.

The Division requests that the Environment and Transportation Committee give House Bill 972 a favorable report.

cc: The Honorable Shaneka Henson  
Members, Environment and Transportation Committee