



**MARYLAND  
LEGAL AID**

*Advancing*  
**Human Rights and  
Justice for All**

**RE: TESTIMONY IN SUPPORT OF HOUSE BILL 972  
Landlord and Tenant – Rent Escrow – Mold in Residential Dwellings**

Hearing before the House Environment & Transportation Committee,  
Feb. 28, 2023, 1:00PM

*Maryland Legal Aid (MLA) submits its written and oral testimony on HB972 at the request of bill sponsor Delegate Shaneka Henson.*

**Position: FAVORABLE (With Sponsor’s Amendments)**

MLA is a non-profit law firm that provides free legal services to the State’s low-income and vulnerable residents. Our 12 offices serve residents in each of Maryland’s 24 jurisdictions and handle a range of civil legal matters, including housing, family law, public benefits, bankruptcy and other debt collection matters, and criminal record expungements. MLA urges the Committee’s favorable report on HB972, which would address the issue of mold in rental dwelling units, an important issue that affects tenants throughout the State.

Mold and its pernicious effects on rental housing have long plagued residents (particularly children, the elderly, and other particularly vulnerable populations), and local jurisdictions have struggled to remedy its devastating effects on residents and their health broadly. After a pipe burst in the walls of a senior living facility, the tenant’s council and their members were forced to deal with the long-term consequences of their landlord’s failure to fully address the issue. The water damaged the walls and carpeting throughout the building. The damaged carpet remained in the common areas for approximately seven months after the flood, which provided a breeding ground for mold. The flood-damaged units in the building did not have their carpets replaced or repairs made. Moisture and water from the HVAC system caused mold and mold spores to grow in the HVAC system and mold to grow on the unit’s walls and floor covering. The residents reported health problems due to the mold including the sudden onset of respiratory problems, such as asthma, or bronchitis. Those who had a history of allergies, but managed symptoms well over the years, experienced an increase in the need for medication as a result of an increase in the symptoms they experienced.

Both the local jurisdiction and the County in which the housing was located had rental housing inspection units but neither had the capacity or the resources to test for mold. The owner took halfhearted steps to address the problem. Residents had to purchase their own mold testing kits or engage mold

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inspectors on their own. Others who could not afford to test for mold merely suffered or were forced to seek other housing. This story is especially tragic due to the vulnerability of the residents involved, but it is neither an isolated incident, nor surprising to anyone who has spent time working on housing cases for low-income tenants. Throughout the state, MLA's advocates have seen numerous tenants who have had to endure the outrageous and health-endangering effects of mold. In the past, the MLA has had to go so far as to file a Federal lawsuit on behalf of the tenants who had suffered the life-altering effects of mold on the health of them and their families.

The rent escrow process provides a fair and ordered procedure for addressing issues that constitute a threat to the life, health, or safety of tenants, but it has noticeable gaps that leave some tenants without a real hope of success. Courts are leery to venture outside a very narrow interpretation of the statute, and this bill would clarify an ambiguity in the law while still giving the landlords more than ample opportunity to make their case. Specifically it adds language to the existing escrow statute to include "THE EXISTENCE OF MOLD IN A DWELLING UNIT WHICH PRESENTS A SERIOUS AND SUBSTANTIAL THREAT TO THE HEALTH OF THE OCCUPANTS" to the list of defects for which a tenant may withhold rent.

While landlords provide a valuable service by leasing rental property, too often these same landlords shirk their duties to their tenants when it comes to maintaining that property and keeping it free of mold. This bill provides an important tool for tenants: the right to withhold rent when an irresponsible landlord refuses to deal with dangerous mold.

For those reasons, Maryland Legal Aid supports HB 972 and asks that this committee give it a favorable report.

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