



Bill Title: House Bill 972, Landlord and Tenant - Rent Escrow - Mold in Residential Dwelling Units

Committee: Environment and Transportation

Date: February 28, 2023

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 membership consists of owners and managers of more than 207,246 rental housing homes in more than 937 apartment communities. Our members house over 667,000 residents of the State of Maryland throughout the entire State of Maryland. MMHA membership also includes more than 216 associate members that supply goods and services to the multi-housing industry. More information is available at <https://www.mmhaonline.org/>

House Bill 972 adds mold hazards to the list of dangerous conditions and defects for which a tenant can obtain relief under the rent escrow statute.

The U.S. Environmental Protection Agency defines mold as “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.”

MMHA’s has the following concerns with House Bill 972:

1. Overly Broad and Undefined: On page 2, lines 28-29, the bill describes the “existence of mold” to be a “serious and substantial threat to the health of the occupants”. This is both overly broad and undefined. The “threat or potential for serious health impacts” must be based on a study of the various circumstances in the unit, which can be unique to the specific situation.
2. Evidentiary Hearing: In these cases, an evidentiary hearing would be required to assess whether the mold presents a “threat or potential threat for serious health impacts.” Without any uniform standard for assessment and remediation¹, an expert would undertake a combination of a visual inspection and various forms of measurements and testing, temperature and relative humidity measurements, particle measurements, swab or

¹ House Bill 976 (2023) is intended for the State to develop uniform standards for mold assessment and remediation. This bill will be heard on March 3, 2023



tape-lift surface sampling, air testing when it is appropriate (and there are different types of air testing depending on the issue), moisture measurements, photographs, and thermal imaging as well. When testing for airborne mold spores, experts collect samples outside as well for comparison. Identifying the source of the moisture and remediating the mold is essential as well. Unfortunately, there are no standards for mold spore testing only basic guidance that indoor counts should be lower than outdoor counts. Ultimately, it would be a judgment call as to the mold's threat, and without some sort of specification of size or degree of damage, a small problem can be blown out of proportion. And, again, without uniform standards in Maryland as House Bill 976 (2023) seeks to do, the judge and housing provider are placed in an untenable position.

3. Role of the Resident: House Bill 972 neglects to account for a resident's role in causing mold. Mold could grow due to a tenant failing to notify the housing provider 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 resident. 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 972.

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