



HB 972 – Landlord and Tenant - Rent Escrow - Mold in Residential Dwelling Units
HEARING BEFORE THE ENVIRONMENT AND TRANSPORTATION COMMITTEE, FEBRUARY 28, 2023
POSITION: SUPPORT (FAV)

The Pro Bono Resource Center of Maryland (“PBRC”), an independent 501(c)(3) non-profit organization, is the statewide coordinator, thought leader and clearinghouse for volunteer civil legal services in Maryland. As the designated pro bono arm of the Maryland State Bar Association, PBRC provides training, mentorship, and pro bono service opportunities to members of the private bar. We respond to acute legal needs identified in areas across the state by piloting and operating innovative pro bono service projects targeting specific legal problems or populations.

In May 2017, with a grant from the Maryland Judiciary’s Access to Justice Department, PBRC launched the **Tenant Volunteer Lawyer of the Day (TVLD) Program** in Baltimore City Rent Court to provide day-of-court legal representation to tenants who appear unrepresented for their proceedings. Since then, this continually-expanding Program has allowed PBRC staff and volunteer attorneys to represent thousands of tenants in both Baltimore City and Baltimore County in multiple types of legal actions that could result in eviction. We also provide extended representation services in both jurisdictions for clients engaged in both affirmative and defensive rent escrow actions.

PBRC supports HB 972 because it will ensure that tenants and their children have protection from the known health hazards of mold. HB 972 will strengthen existing Maryland law related to rent escrow procedures as they pertain to mold. Real Property Art. § 8-211 allows tenants facing hazardous and unsafe conditions in their homes to pay their rent into an escrow account with the District Court of Maryland, request that the landlord fix the health and safety hazards and receive an equitable distribution of those funds once the necessary repairs have been completed. The statute contains a non-exhaustive list of conditions hazardous to human life, health, or safety that can form the basis for a rent escrow case. At present, this list does not include mold. HB 972 would make it explicitly clear that mold can also be the basis for a rent escrow claim.

In our clinics, PBRC Staff Attorneys frequently advise and represent tenants dealing with unsafe homes due to mold. This fact is not surprising when according to the Maryland Department of Health, 13.7% of adults and 33.3% of high school students in Baltimore City have asthma. This is compared to 9% of adults and 25.9% of high school students statewide. Since asthma can be triggered by mold, many of our clients are particularly vulnerable when faced with mold in their home. **All Maryland tenants, both children and adults, deserve the safety of a mold-free home and the right to effectively petition the District Court if the landlord fails to provide it.**

For the above reasons,
PBRC urges a FAVORABLE report on HB 972.

Please contact Katie Davis, Director of PBRC’s Courtroom Advocacy Project, with any questions.

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