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Senator William C. Smith, Jr., Chair
Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401

Senator Brian J. Feldman, Chair
Senate Education, Energy and the Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

Re: **SB856 - SUPPORT** – Mold – Landlord Requirements and Regulations (Maryland Tenant Mold Protection Act)

Dear Chairman Smith, Chairman Feldman and Members of the Committees:

The Green & Healthy Homes Initiative (GHHI) writes in support of Senate Bill 856. GHHI has a long-standing history of advocating for families and children on the important issue of lead poisoning prevention and addressing healthy homes hazards such as mold. GHHI provides healthy homes education, housing assessments and direct housing intervention services in Maryland to reduce triggers that cause asthma episodes and other respiratory issues in homes for children, adults and seniors. GHHI also provides tenant's rights assistance statewide and legal representation of tenants for the repair of lead hazards and other hazardous conditions in their home.

The Centers for Disease Control and Prevention (CDC) defines mold as a fungus that can be found indoors and outdoors. Mold is most commonly found indoors in damp areas with poor ventilation such as bathrooms and basements. Mold exposure can cause or exacerbate many health issues such as: asthma, upper respiratory conditions and COPD¹. The presence of mold is a well-established trigger of asthma episodes and contributes to other negative health conditions. Due to the presence of mold in residential rental properties and the lack of an existing mechanism for tenants to effectively seek the repair of mold hazards, legislation is needed to ensure that rental property owners are accountable to remediate mold hazards and prevent mold exposure for tenant occupants in Maryland. Mold is a threat to life, health, and safety and occurs due to poor or inadequate ventilation, leaking roofs, water infiltration, faulty plumbing and other conditions in rental homes that cause mold growth.

¹ See CDC - Mold at <http://www.cdc.gov/mold/faqs.htm>.

The State of Maryland has some of the best health care systems in the country. However, in these same communities, we also see health disparities. Over 500,000 children and adults in Maryland have been diagnosed with asthma. Asthma is the number one reason children missed days from schools and mold is a major trigger in homes.

The societal costs directly correlate to 14.4 missed school days and 14.2 missed work days in the US annually due to asthma episodes. In Maryland, the state spends \$42.1 million annually for asthma related hospitalizations and \$93.3 million for asthma related emergency department visits. The need to address the problem and establish mold standards is at utmost importance to address asthma disparities in Maryland where African American children are hospitalized due to asthma at rates 2.5 times higher than White children.

By requiring that rental property owners distribute a mold informational pamphlet to tenants, this Bill will increase tenant and rental property awareness of mold hazards and its negative effects on human health as well as helping improve the use of proper protocols to identify and remediate mold hazards safely in rental properties. The creation of a centralized mold information website by MDH, MDE, MDDHD, MDL and Maryland DGS will serve as a critical resource for preventive mold information, tenant and rental property owner's rights and responsibilities related to mold, and instructional resources for Maryland residents.

SB856 strengthens tenant's rights and provides an "explicit" remedy in local District Court for mold hazards under the rent escrow process. Maryland law lacks existing mechanisms for tenants to adequately seek repair of mold hazards under the Real Property Article. The statutes do not provide a mechanism to tenants to effectively raise hazardous mold conditions in their property and receive a timely response that safely remediates a mold hazard. The statutes also do not explicitly list "mold" as a threat or hazard to life, health and safety.

GHHI represents tenants in District Courts in Maryland and has witnessed cases where judges are reluctant or unsure whether they have the authority to order mold remediation. Legislation is warranted to specifically expand the state law to include mold as a hazard and to delineate specific housing assessment and mold hazard remediation requirements for rental property owners. SB856 will provide clarity for District Court judges in rent court and to tenants and rental property owners by establishing those requirements as well as defined response period to the receipt of notice of the hazard.

A number of states and the District of Columbia have already passed laws and regulations to address mold hazards in rental properties. Some examples of states and jurisdictions passing legislation to specifically address mold hazards in rental properties and provide for tenant's rights to have mold remediated include:

- **Washington, DC** requires Landlords must respond to a tenant's complaint about mold within 7 days and remediate the area within 30 days.²

² <https://code.dccouncil.us/dc/council/code/titles/8/chapters/2B/#>

- **State of Virginia** law states that Landlords must maintain residential rental properties to prevent moisture accumulation, and that if there is visible mold, it must be remediated according to state standards.³
- **City of New York** requires Landlords to address indoor allergen hazards including mold.⁴ and establishes time frames in which they must be addressed

Maryland residents need to be protected from being exposed to mold hazards and know that there are protections in place to properly address indoor mold hazards in rental properties where they exist. SB856 will better protect the health of Maryland citizens by increasing awareness, by addressing mold hazards that are a significant home-based environmental health hazards and by providing tenants with a direct remedy when they are faced with mold hazards in their rental home. We request a Favorable Report on SB856.

Respectfully Submitted,



Ruth Ann Norton
President and CEO

³ <https://law.lis.virginia.gov/vacode/title55.1/chapter12/section55.1-1220/>

⁴ Int. No. 385-C. Introduced in 2018 by The New York City Council.

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1812831&GUID=4D6B3532-B1A2-4A7E-8134-549BFD1ED2A2&Options=ID|Text|&Search=Int.+No.+385-C>