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SB 856 - Mold – Landlord Requirements and Regulations (MD Tenant Mold Protection Act)

**Hearing before the Senate Judicial Proceedings Committee,
February 25, 2025**

Position: SUPPORT (FAV)

The Public Justice Center (PJC) is a nonprofit public interest law firm that stands with tenants to protect and expand their rights to safe, habitable, affordable, and non-discriminatory housing. For our clients, SB 856 is an important step forward in regulating hazardous mold that will substantially improve their living conditions. Renters throughout Maryland are dealing with mold hazards in their homes largely without the aid of state and local agencies, which lack standards on the inspection and remediation of mold. As the former Secretary of Housing and Urban Development said [in a visit to Maryland](#): “Children should never have to live in a place where they cannot breathe. When we transform houses, we transform people.”

We urgently need the General Assembly to mandate state action to address mold hazards in housing. Public Justice Center urges the Committee’s report of Favorable on SB 856 to do just that.

SB 856 provides Maryland agencies, localities, tenants, and landlords the framework for ensuring the availability of healthier housing. The bill is the product of the Workgroup on Mold Standards and Remediation issued on October 1, 2024. The bill takes a balanced approach of defining certain key terms, requiring landlords to complete timely mold assessments and remediation, and then mandating that the relevant Maryland agencies with the necessary expertise further define the necessary actions and best practices in applying this framework. This approach recognizes that mold is a serious hazard that requires ongoing attention from state agencies to adopt the latest proven techniques and science to address hazardous mold.

Public Justice Center has suggested to the bill’s sponsor two clarifying amendments that would make the bill stronger. Namely, first, in developing regulations as provided for on pages 6-7, MDE should also provide guidance on when a tenant needs to be relocated during mold remediation. Second, MDE should have the flexibility to adopt guidance that is different from the EPA regarding remediation standards given the increasing likelihood that federal government agencies like the EPA may no longer be able to fulfill core functions.

Lack of inspection and remediation standards hurts renters and weakens code enforcement

Under SB 856, Maryland agencies would develop the requisite standards to identify and address mold hazards. Presently, under local adoption of the Maryland Building Performance Standards (COMAR 09.12.51), code enforcement agencies have no definition or other criteria to use in citing evidence of mold in a property. Housing inspectors therefore describe mold inconsistently in violation reports, using phrases such as "possible mold," "appearance of mold," or a "dark substance." These euphemistic descriptions are also the product of Maryland's failure to require mold-specific training for code enforcement inspectors. Without training, these inspectors are limited to inspecting only the visible surface of the problem. As a result of having no definitional standard and no training requirements, code inspections lead to remedial steps that, while too weak to address the actual habitability of the property, are nonetheless sufficient to abate code violations.

Location of Violation: Address:2520 HARLEM AVE Block:2363 Lot:015	Violation: Issued: 10/30/2019 Number: 1855970A
<p>A Housing Code Enforcement Official inspected the property listed above and determined the property was in violation of the Building, Fire and Related Codes of Baltimore City. You are hereby ORDERED to obtain all required permits and to correct all the items cited on this notice on or before November 29, 2019. Individual items on this notice may require earlier completion as noted.</p>	
Violation	
Item # 1:	Complete within 30 Days
Location: BASEMENT STAIRS WITH RODENT HOLES	
Violation: Sec. 304.28 PMCBC - Rodent Infestation. Rectify By Securely Closing All Rodent Holes In Floors And Baseboards On Interior With 26 Gauge Non-corrosive Metal Or Replace Boards.	
Item # 2:	Complete within 30 Days
Location: BASEMENT POSSIBLE MOLD (ALONG WALL)RIGHT SIDE OF STAIRS	
Violation: Sec. 304.5, 304.6, 304.20 PMCBC Defective Wall. Repair.	
Item # 3:	Complete within 30 Days
Location: KITCHEN POSSIBLE MOLD (ON RIGHT SIDE WALL)	
Violation: Sec. 304.5, 304.6, 304.20 PMCBC Defective Wall. Repair.	
Item # 4:	Complete within 30 Days
Location: KITCHEN POSSIBLE MOLD INSIDE OF CABINETS(RIGHT SIDE)	
Violation: Sec. 304.5, 304.6, 304.20 PMCBC Defective Wall. Repair.	
Item # 5:	Complete within 30 Days
Location: DINING ROOM POSSIBLE MOLD (NEAR WINDOWS)	
Violation: Sec. 304.5, 304.6, 304.20 PMCBC Defective Wall. Repair.	

Example of local agency Code Violation Notice and Order, citing "possible" mold

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Unless there are visible signs of water damage or moisture, inspectors lack regulations or protocols to require a property owner to do more than cover up the mold. Literally, the accepted solution to mold hazards in Maryland rental housing is to paint over the problem.

We should not accept mold hazards simply because they are not visible. Renters expect more to be done, and their health, stability, productivity, and educational outcomes require it.

Maryland's clock is ticking when it comes to mold hazards in rental housing

The threat to tenant health and safety posed by the presence of mold in the home is clear. In the anecdotal experience Public Justice Center, the elderly and those with existing respiratory problems suffer the worst, and in some cases have been hospitalized as a suspected result of unmitigated mold growth. Many renter families also suspect domestic mold to be the cause of their children's asthma development. [A 2009 review of existing literature](#) on the health effects of dampness and mold by the **World Health Organization found a substantial body of evidence of an association with upper respiratory tract symptoms, coughing, wheezing, asthma development in otherwise healthy children, and exacerbation of already diagnosed asthma.** Maryland law should protect renter families from the potentially long-term adverse health outcomes resulting from negligent property management.

SB 856 is a first, crucial step toward a comprehensive solution to mold in rental housing.

Public Justice Center asks that the Committee **issue a FAVORABLE report on SB 856.** If you have any questions, please contact C. Matthew Hill, hillm@publicjustice.org, (410) 625-9409 Ext. 229.