

SENATE BILL 856

M3, N1

5lr2629

By: **Senator Henson**

Introduced and read first time: January 28, 2025

Assigned to: Judicial Proceedings and Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 25, 2025

CHAPTER _____

1 AN ACT concerning

2 **Mold – Landlord Requirements and Regulations**
3 **(Maryland Tenant Mold Protection Act)**

4 FOR the purpose of requiring the Department of the Environment, the Maryland
5 Department of Health, the Department of Housing and Community Development,
6 the Maryland Department of Labor, and the Department of General Services to
7 develop a certain pamphlet and website; requiring a landlord to provide a tenant
8 with certain information at certain times and in a certain manner; requiring a
9 landlord to perform certain tasks within a certain time upon receiving a certain
10 notice; requiring the Department of the Environment, in consultation with the
11 Maryland Department of Health, the Department of Housing and Community
12 Development, and the Department of General Services, to adopt certain regulations
13 on or before a certain date establishing uniform standards for mold assessment and
14 remediation and reinforcing building codes; and generally relating to mold
15 prevention, assessment, and remediation.

16 BY adding to
17 Article – Environment
18 Section 6–1702
19 Annotated Code of Maryland
20 (2013 Replacement Volume and 2024 Supplement)

21 BY adding to
22 Article – Real Property
23 Section 8–121

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Annotated Code of Maryland
(2023 Replacement Volume and 2024 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Environment

6–1702.

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.**

**(2) “DAMPNESS” MEANS ABNORMAL MOISTURE IN THE INTERIOR OF
A FACILITY, INCLUDING:**

(I) EXCESSIVE HUMIDITY LEVELS;

(II) LINGERING CONDENSATION;

(III) LEAKS;

(IV) WATER DAMAGE; AND

(V) MUSTY OR MOLDY ODORS.

**(3) (I) “MOLD” MEANS A FORM OF MULTICELLULAR FUNGI THAT
LIVES:**

1. ON PLANT OR ANIMAL MATTER; OR

2. IN AN INDOOR ENVIRONMENT.

(II) “MOLD” INCLUDES:

1. ALTERNARIA;

2. ASPERGILLUS;

3. CLADOSPORIUM;

4. FUSARIUM;

5. MEMNONIELLA;

1 6. MUCOR;

2 7. PENICILLIUM;

3 8. STACHYBOTRYS CHARTARUM; AND

4 9. TRICHODERMA.

5 (4) “MOLD REMEDIATION” MEANS:

6 (I) REMOVING, CLEANING, SANITIZING, DEMOLISHING, OR ANY
7 OTHER TREATMENT PERFORMED TO ADDRESS A MOLD HAZARD, MOLD, OR
8 DAMPNESS; OR

9 (II) ABATEMENT OF THE UNDERLYING CAUSE OF A MOLD
10 HAZARD, MOLD, OR DAMPNESS.

11 (B) THE DEPARTMENT, IN COORDINATION WITH THE MARYLAND
12 DEPARTMENT OF HEALTH, THE DEPARTMENT OF HOUSING AND COMMUNITY
13 DEVELOPMENT, THE MARYLAND DEPARTMENT OF LABOR, AND THE DEPARTMENT
14 OF GENERAL SERVICES, SHALL DEVELOP AND UPDATE AS NECESSARY:

15 (1) A CENTRALIZED WEBSITE PROVIDING INFORMATION ABOUT
16 MOLD REMEDIATION AND DAMPNESS; AND

17 (2) SUBJECT TO SUBSECTION (C) OF THIS SECTION, AN
18 INFORMATIONAL PAMPHLET ON MOLD THAT INCLUDES:

19 (I) RESOURCES IN THE STATE RELATING TO MOLD; AND

20 (II) HOW TENANTS CAN CONTROL MOLD GROWTH IN THEIR
21 UNIT.

22 (C) INSTEAD OF DEVELOPING A PAMPHLET UNDER SUBSECTION (B)(2) OF
23 THIS SECTION, THE DEPARTMENT MAY USE THE U.S. ENVIRONMENTAL
24 PROTECTION AGENCY’S “BRIEF GUIDE TO MOLD, MOISTURE AND YOUR HOME”
25 PAMPHLET.

26 Article – Real Property

27 8–121.

28 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
29 INDICATED.

(2) "MOLD" HAS THE MEANING STATED IN § 6-1702 OF THE ENVIRONMENT ARTICLE.

(3) "MOLD ASSESSMENT" MEANS:

(I) AN INSPECTION, AN INVESTIGATION, OR A SURVEY OF A DWELLING OR OTHER STRUCTURE TO PROVIDE INFORMATION TO THE OWNER REGARDING THE PRESENCE, IDENTIFICATION, OR EVALUATION OF MOLD;

(II) THE DEVELOPMENT OF A MOLD MANAGEMENT PLAN; OR

(III) THE COLLECTION OR ANALYSIS OF A MOLD SAMPLE.

(4) "MOLD REMEDIATION" HAS THE MEANING STATED IN § 6-1702 OF THE ENVIRONMENT ARTICLE.

(B) A LANDLORD SHALL:

(1) PROVIDE THE PAMPHLET DEVELOPED OR USED UNDER § 6-1702 OF THE ENVIRONMENT ARTICLE TO EACH TENANT IN A RENTAL UNIT ON THE LANDLORD'S PROPERTY:

(I) AT THE TIME THE LEASE OR RENTAL AGREEMENT IS SIGNED; AND

(II) ~~EVERY 2 YEARS THEREAFTER~~ ON REQUEST BY A TENANT OF THE RENTAL UNIT; AND

(2) REQUEST THAT A TENANT SIGN A STATEMENT ACKNOWLEDGING RECEIPT OF THE PAMPHLET.

(C) (1) A LANDLORD SHALL PERFORM A MOLD ASSESSMENT ~~AND MOLD REMEDIATION WITHIN 45 DAYS~~ WITHIN 15 DAYS AFTER RECEIPT OF A WRITTEN NOTICE REGARDING THE DETECTION OF MOLD FROM:

(I) THE APPLICABLE LOCAL AGENCY ENFORCING HOUSING AND LIVABILITY CODES; OR

(II) A TENANT OR BUILDING OCCUPANT.

(2) IF THE ASSESSMENT IN PARAGRAPH (1) OF THIS SUBSECTION DETECTS MOLD, A LANDLORD SHALL:

(I) PERFORM MOLD REMEDIATION WITHIN 45 DAYS AFTER THE ASSESSMENT IS COMPLETED; OR

(II) IF PERFORMING MOLD REMEDIATION WITHIN THE TIME FRAME SPECIFIED IN ITEM (I) OF THIS PARAGRAPH IS NOT FEASIBLE, WITHIN A REASONABLE TIME AFTER THE ASSESSMENT IS COMPLETED.

(3) A LANDLORD SHALL ENSURE THAT THE MOLD ASSESSMENT AND MOLD REMEDIATION UNDER ~~PARAGRAPH (1)~~ PARAGRAPHS (1) AND (2) OF THIS SUBSECTION FOLLOWS THE RECOMMENDED INDUSTRY GUIDELINES AND BEST PRACTICES AND STATE AND LOCAL LAWS AND REGULATIONS.

(D) A LANDLORD SHALL:

(1) COMMUNICATE WITH OCCUPANTS DURING A MOLD ASSESSMENT AND MOLD REMEDIATION UNDER SUBSECTION (C) OF THIS SECTION TO PROVIDE UPDATES AND RELEVANT INFORMATION;

(2) ENSURE PROPER VENTILATION IN THE PROPERTY;

(3) ENSURE LOW INDOOR RELATIVE HUMIDITY IN THE PROPERTY;
AND

(4) MAINTAIN THE PROPERTY IN ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL RESIDENTIAL HOUSING AND BUILDING CODES, STANDARDS, REGULATIONS, RULES, AND REQUIREMENTS PERTAINING TO MINIMUM LIVABILITY UNDER § 12-203 OF THE PUBLIC SAFETY ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) In this section the following words have the meanings indicated.

(2) “Dampness” means abnormal moisture in the interior of a facility, including:

(i) excessive humidity levels;

(ii) lingering condensation;

(iii) leaks;

(iv) water damage; and

(v) musty or moldy odors.

(3) (i) “Mold” means a form of multicellular fungi that lives:

1. on plant or animal matter; or
2. in an indoor environment.

(ii) “Mold” includes:

1. *Alternaria*;
2. *Aspergillus*;
3. *Cladosporium*;
4. *Fusarium*;
5. *Memnoniella*;
6. *Mucor*;
7. *Penicillium*;
8. *Stachybotrys chartarum*; and
9. *Trichoderma*.

(4) “Mold assessment” means:

(i) an inspection, an investigation, or a survey of a dwelling or other structure to provide information to the owner regarding the presence, identification, or evaluation of mold;

(ii) the development of a mold management plan; or

(iii) the collection or analysis of a mold sample.

(5) “Mold hazard” means an adverse human health effect associated with mold exposure, including:

(i) allergic reactions;

(ii) asthma; and

(iii) any other respiratory complaints.

(6) “Mold remediation” means:

1 (i) removing, cleaning, sanitizing, demolishing, or any other
2 treatment performed to address a mold hazard, mold, or dampness; or

3 (ii) abatement of the underlying cause of a mold hazard, mold, or
4 dampness.

5 (b) On or before June 1, 2027, the Department of the Environment, in
6 consultation with the Maryland Department of Health, the Department of Housing and
7 Community Development, and the Department of General Services, shall adopt regulations
8 establishing uniform standards for mold assessment and mold remediation.

9 (c) The regulations adopted under this section shall:

10 (1) establish standards for:

11 (i) identifying and evaluating the presence of mold, including visible
12 mold inspection and testing;

13 (ii) mold air sample analyses in accordance with the standards of:

14 1. the Environmental Microbiology Laboratory Accreditation
15 Program at the American Industrial Hygiene Association;

16 2. the American Indoor Air Quality Council; or

17 3. any other nationally recognized accreditation entity that
18 operates independently of industry trade associations;

19 (iii) bulk or surface mold sample analyses conducted in accordance
20 with the standards of:

21 1. the American Industrial Hygiene Association;

22 2. the American Conference of Governmental Industrial
23 Hygienists; or

24 3. a similar nationally recognized professional organization;

25 (iv) visible mold inspections to assess the presence of any visible
26 water damage or dampness on surfaces, including ceiling tiles and gypsum wallboard;

27 (v) mold remediation in accordance with the U.S. Environmental
28 Protection Agency's 2008 "Mold Remediation in Schools and Commercial Buildings"
29 guidelines as revised and updated; and

30 (vi) reinforcing building codes; and

1 (2) establish a risk reduction standard for mold hazards.

2 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
3 1, 2025.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.