

**CITY OF BALTIMORE
COUNCIL BILL 24-0505
(First Reader)**

Introduced by: Councilmembers Burnett, Torrence, Cohen, Ramos, Porter, Dorsey, Bullock,
Conway, and Middleton

Introduced and read first time: April 8, 2024

Assigned to: Economic and Community Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Department of
Housing and Community Development, Housing Authority of Baltimore City, Health
Department

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rental Dwellings – Mold Inspection and Remediation**

3 FOR the purpose of requiring a rental dwelling to be inspected for mold prior to the issuance or
4 renewal of a certain license; defining certain terms; providing for a special effective date;
5 establishing certain penalties; and generally relating to rental dwellings and mold inspection
6 and remediation.

7 BY repealing and re-ordaining, with amendments

8 Article 1 - Mayor, City Council, and Municipal Agencies

9 Sections 40-14(e)(1)

10 Baltimore City Code

11 (Edition 2000)

12 BY repealing and re-ordaining, with amendments

13 Article 13 - Housing and Urban Renewal

14 Sections 5-1 and 5-6

15 Baltimore City Code

16 (Edition 2000)

17 BY adding

18 Article 13 - Housing and Urban Renewal

19 Sections 5-10

20 Baltimore City Code

21 (Edition 2000)

22 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
23 Laws of Baltimore City read as follows:

24 **Baltimore City Code**

25 **Article 13. Housing and Urban Renewal**

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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Subtitle 5. Licensing of Rental Dwellings

§ 5-1. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(B) *DAMPNESS.*

“DAMPNESS” MEANS ABNORMAL MOISTURE IN THE INTERIOR OF A RENTAL DWELLING, INCLUDING:

(1) EXCESSIVE HUMIDITY LEVELS;

(2) LINGERING CONDENSATION;

(3) LEAKING LIQUID;

(4) WATER DAMAGE; AND

(5) A MUSTY OR MOLDY ODOR.

(C) [(b)] *Dwelling unit.*

“Dwelling unit” has the meaning stated in § 202.2 of the Property Maintenance Code of Baltimore City.

(D) [(c)] *Housing Commissioner; Commissioner.*

“Housing Commissioner” or “Commissioner” means the Commissioner of Housing and Community Development or the Commissioner’s designee.

(E) *MOLD.*

(1) *IN GENERAL.*

“MOLD” MEANS A FORM OF MULTICELLULAR FUNGI THAT:

(I) LIVES ON PLANT OR ANIMAL MATTER; OR

(II) LIVES IN AN INDOOR ENVIRONMENT.

(2) *MOLD – INCLUSIONS.*

“MOLD” INCLUDES:

(I) ALTERNARIA;

(II) ASPERGILLUS;

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- 1 (III) CLADOSPORIUM;
- 2 (IV) FUSARIUM;
- 3 (V) MEMNONIELLA;
- 4 (VI) MUCOR;
- 5 (VII) PENICILLIUM;
- 6 (VIII) STACHYBOTRYS CHARTARUM; AND
- 7 (IX) TRICHODERMA.

8 (F) *MOLD ASSESSMENT*.

9 “MOLD ASSESSMENT” MEANS:

- 10 (1) AN INSPECTION, AN INVESTIGATION, OR A SURVEY OF A DWELLING UNIT TO
- 11 PROVIDE INFORMATION TO THE OWNER OR TENANT REGARDING THE PRESENCE,
- 12 IDENTIFICATION, OR EVALUATION OF MOLD; AND
- 13 (2) THE DEVELOPMENT OF A MOLD MANAGEMENT PLAN.

14 (G) *MOLD HAZARD*.

15 “MOLD HAZARD” MEANS AN ENVIRONMENTAL CONDITION THAT LEADS TO:

- 16 (I) AN ALLERGIC REACTION;
- 17 (II) ASTHMA SYMPTOMS;
- 18 (III) EXACERBATION OF ASTHMA;
- 19 (IV) OTHER RESPIRATORY COMPLAINTS; OR
- 20 (V) ANOTHER ADVERSE HUMAN HEALTH EFFECT ASSOCIATED WITH MOLD EXPOSURE.

21 (H) *MOLD MANAGEMENT PLAN*.

22 “MOLD MANAGEMENT PLAN” MEANS A DOCUMENT PRODUCED BY THE DEPARTMENT OF

23 HOUSING AND COMMUNITY DEVELOPMENT THAT IDENTIFIES AND EXPLAINS:

- 24 (1) THE RECOMMENDED STEPS A TENANT MAY TAKE TO HELP PREVENT POTENTIAL FOR
- 25 MOISTURE AND MOLD;
- 26 (2) THE REQUIRED STEPS FOR A MOLD ASSESSMENT; AND
- 27 (3) MOLD REMEDIATION.

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1 (I) *MOLD REMEDIATION.*

2 “MOLD REMEDIATION” MEANS:

3 (1) REMOVING, CLEANING, SANITIZING, DEMOLISHING, OR ANY OTHER ACTION
4 PERFORMED TO ADDRESS A MOLD HAZARD, MOLD, OR DAMPNES;

5 (2) ABATEMENT OF THE UNDERLYING CAUSE OF A MOLD HAZARD, MOLD, OR
6 DAMPNES, INCLUDING FIXING ANY MOISTURE LEAKS.

7 (J) [(d)] *Multiple-family dwelling.*

8 “Multiple-family dwelling” has the meaning stated in § 202.2 of the Property
9 Maintenance Code of Baltimore City.

10 (K) [(e)] *Non-owner-occupied dwelling unit.*

11 “Non-owner-occupied dwelling unit” has the meaning stated in § 4-1 of this article.

12 (L) [(f)] *Person.*

13 (1) *In general.*

14 “Person” has the meaning stated in § 1-107(a) {“Person: In general”} of the City
15 Code’s General Provisions Article.

16 (2) *Qualified inclusion of governmental entities.*

17 Notwithstanding § 1-107(b) {“Person: Exclusion”} of the General Provisions Article,
18 in this subtitle “person” also includes, except as used in § 5-21 {“Penalties”} of this
19 subtitle, a governmental entity or an instrumentality or unit of a governmental entity.

20 (M) [(g)] *Rental dwelling.*

21 “Rental dwelling” means:

22 (1) any multiple-family dwelling;

23 (2) any rooming house; and

24 (3) any non-owner-occupied dwelling unit in a 1- or 2-family dwelling that is leased
25 or rented or offered or available for lease or rental in exchange for any form of
26 consideration.

27 (N) [(h)] *Rooming house.*

28 “Rooming house” has the meaning stated in § 202.2 of the Property Maintenance Code of
29 Baltimore City.

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1 (O) [(i)] *Rooming unit.*

2 “Rooming unit” has the meaning stated in § 202.2 of the Property Maintenance Code of
3 Baltimore City.

4 **§ 5-6. Prerequisites for new or renewal license – In general.**

5 A rental dwelling license may be issued or renewed under this subtitle only if:

6 (1) all dwelling units and rooming units are currently registered as required by Subtitle 4
7 {“Registration of Non-Owner-Occupied Dwellings, Rooming Houses, and Vacant
8 Structures”} of this article;

9 (2) all registration fees for these units and all related interest and late fees required by
10 Subtitle 4 have been paid;

11 (3) the premises have passed [an inspection] A THIRD-PARTY HOME OR GOVERNMENTAL
12 AGENCY INSPECTION, as required by § 5-7 {“Prerequisites ... – Inspection”} of this
13 subtitle;

14 (4) THE PREMISES HAVE PASSED AN ASSESSMENT FOR MOLD, AS REQUIRED BY § 5-10
15 {“MOLD ASSESSMENT AND REMEDIATION”} OF THIS SUBTITLE;

16 (5) [(4)] the premises are in compliance with all Federal, State, and City laws and
17 regulations governing lead paint;

18 (6) [(5)] for premises that include a hotel or motel subject to City Code Article 15
19 {“Licensing and Regulation”}, Subtitle 10 {“Hotels”}, the hotel or motel is in
20 compliance with the training, certification, and posting requirements of that subtitle;
21 and

22 (7) [(6)] the premises are not subject to any violation notice or order that:

23 (i) has been issued under the Baltimore City Building, Fire, and Related
24 Codes Article; and

25 (ii) notwithstanding the passage of more than 90 days since its issuance,
26 has not been abated before the license issuance or renewal.

27 **§ 5-10. MOLD ASSESSMENT AND REMEDIATION.**

28 (A) *IN GENERAL.*

29 THE MOLD ASSESSMENT REQUIRED BY § 5-6 {“PREREQUISITES ... – IN GENERAL”} OF THIS
30 SUBTITLE SHALL COMPLY WITH EITHER:

31 (1) SUBSECTION (B) {“THIRD-PARTY MOLD ASSESSMENT”} OF THIS SECTION; OR

32 (2) SUBSECTION (C) {“GOVERNMENTAL AGENCY INSPECTIONS”} OF THIS SECTION.

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1 (B) *THIRD-PARTY MOLD ASSESSMENT.*

2 (1) *APPLICANT TO CONTRACT FOR TIMELY ASSESSMENT.*

3 (I) BEFORE APPLYING FOR A RENTAL DWELLING LICENSE OR RENEWAL LICENSE, THE
4 APPLICANT MUST, AT THE APPLICANT’S EXPENSE, CONTRACT WITH A HOME
5 INSPECTOR TO PERFORM A MOLD ASSESSMENT.

6 (II) THE APPLICANT SHALL CHOOSE BETWEEN 2 HOME INSPECTORS RANDOMLY
7 SELECTED BY THE DEPARTMENT.

8 (III) THE HOME INSPECTOR SHALL:

9 (A) MEET THE CRITERIA SPECIFIED IN § 5-7(B)(1)(III) {“PREREQUISITES FOR
10 NEW OR RENEWAL LICENSE – INSPECTION”} OF THIS SUBTITLE; AND

11 (B) BE A COUNCIL FOR ENGINEERING AND SCIENTIFIC SPECIALTY BOARDS
12 CERTIFIED RESIDENTIAL MOLD INSPECTOR.

13 (IV) THE ASSESSMENT MUST BE PERFORMED NOT MORE THAN 30 DAYS BEFORE A
14 COMPLETED APPLICATION FOR A LICENSE OR RENEWAL LICENSE IS SUBMITTED TO
15 THE COMMISSIONER.

16 (2) *NUMBER OF UNITS TO BE ASSESSED.*

17 FOR A MULTIPLE-FAMILY DWELLING OR ROOMING HOUSE, THE NUMBER OF UNITS THAT
18 MUST BE INSPECTED SHALL BE DETERMINED IN THE RULES AND REGULATIONS
19 ADOPTED UNDER THIS SUBTITLE.

20 (3) *UNIT ASSESSMENT TO BE AT INSPECTOR’S DISCRETION.*

21 THE HOME INSPECTOR MUST SELECT THE UNITS TO BE ASSESSED AT RANDOM.

22 (4) *INSPECTOR’S REPORT AND CERTIFICATION.*

23 (I) AFTER CONDUCTING THE MOLD ASSESSMENT, THE HOME INSPECTOR SHALL ISSUE
24 TO THE APPLICANT:

25 (A) A WRITTEN REPORT DETAILING THE RESULTS OF THE MOLD ASSESSMENT;
26 AND

27 (B) IF THE RENTAL DWELLING MEETS THE CITY’S HEALTH AND SAFETY
28 STANDARDS FOR DAMPNES, MOLD, AND MOLD HAZARDS SPECIFIED IN THE
29 RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE, A CERTIFICATE
30 OF SATISFACTORY COMPLIANCE WITH THOSE STANDARDS.

31 (II) THE REPORT AND THE CERTIFICATION MUST:

32 (A) BE IN THE FORM REQUIRED BY THE COMMISSIONER; AND

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1 (B) BE SIGNED BY THE HOME INSPECTOR, UNDER OATH AND UNDER THE HOME
2 INSPECTOR’S SEAL.

3 (C) *GOVERNMENTAL AGENCY INSPECTIONS.*

4 (1) *SCOPE OF SUBSECTION.*

5 THIS SUBSECTION APPLIES TO ANY RENTAL DWELLING UNIT THAT IS REQUIRED TO
6 UNDERGO PERIODIC MOLD ASSESSMENTS CONDUCTED BY A GOVERNMENTAL AGENCY
7 IN ACCORDANCE WITH FEDERAL OR STATE INSPECTION STANDARDS.

8 (2) *REQUIRED EVIDENCE OF COMPLIANCE WITH MOST RECENT INSPECTION.*

9 FOR A RENTAL DWELLING UNIT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION,
10 THE APPLICANT FOR A LICENSE OR RENEWAL LICENSE MAY, IN LIEU OF THE
11 REQUIREMENTS OF SUBSECTION (B) {“THIRD-PARTY HOME INSPECTIONS”} OF THIS
12 SECTION, SUBMIT EVIDENCE SATISFACTORY TO THE COMMISSIONER THAT THE UNIT
13 HAS PASSED THE MOST RECENT PERIODIC MOLD ASSESSMENT BY THE APPLICABLE
14 GOVERNMENTAL AGENCY.

15 (D) *REMEDIATION SUMMARY.*

16 IF AN APPLICATION FOR A RENTAL DWELLING LICENSE WAS PREVIOUSLY DENIED DUE TO
17 DAMPNES, MOLD, OR MOLD HAZARDS, UPON FILING A NEW APPLICATION FOR A RENTAL
18 DWELLING LICENSE, THE APPLICANT MUST SUBMIT A SUMMARY OF ALL MOLD
19 REMEDIATION THAT HAS OCCURRED SINCE THE PREVIOUS DENIAL.

20 (E) *COMMISSIONER TO AUDIT INSPECTIONS.*

21 AS PRESCRIBED BY THE RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE, THE
22 COMMISSIONER SHALL CONDUCT AN ANNUAL AUDIT OF AT LEAST 5% OF ALL
23 ASSESSMENTS CONDUCTED UNDER THIS SECTION.

24 (F) *COMMISSIONER’S INSPECTION AUTHORITY NOT AFFECTED.*

25 THIS SECTION DOES NOT IN ANY WAY PREVENT OR LIMIT THE AUTHORITY OF THE
26 COMMISSIONER TO CONDUCT ROUTINE, SPOT, QUALITY-CONTROL, OR OTHER INSPECTIONS
27 OF RENTAL DWELLINGS UNDER THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE.

28 (G) *MOLD MANAGEMENT PLAN.*

29 IF A LICENSED RENTAL DWELLING PREVIOUSLY REQUIRED MOLD ABATEMENT, THE
30 LICENSEE SHALL:

31 (1) PROVIDE TO THE TENANT A COPY OF THE STANDARD MOLD MANAGEMENT PLAN
32 DEVELOPED BY THE DEPARTMENT; AND

33 (2) OBTAIN SIGNED DOCUMENTATION FROM THE TENANT THAT THE TENANT HAS
34 RECEIVED A COPY OF THE MOLD MANAGEMENT PLAN.

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1 (H) *RULES AND REGULATIONS.*

2 SUBJECT TO TITLE 4 {“ADMINISTRATIVE PROCEDURE ACT – REGULATIONS”} OF THE CITY
3 GENERAL PROVISIONS ARTICLE, THE COMMISSIONER SHALL ADOPT RULES AND
4 REGULATIONS TO CARRY OUT THIS SUBSECTION, INCLUDING DEVELOPING A STANDARD
5 MOLD MANAGEMENT PLAN TO BE DISTRIBUTED TO TENANTS.

6 (I) *ENFORCEMENT BY CITATION.*

7 (1) *IN GENERAL.*

8 IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT
9 PROCEDURE, THIS SUBSECTION MAY BE ENFORCED BY ISSUANCE OF AN
10 ENVIRONMENTAL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 40
11 {“ENVIRONMENTAL CONTROL BOARD”}.

12 (2) *PROCESS NOT EXCLUSIVE.*

13 THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBSECTION DOES NOT PRECLUDE
14 PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION
15 AUTHORIZED BY LAW.

16 (3) *EACH DAY A SEPARATE OFFENSE.*

17 EACH DAY THAT A VIOLATION OCCURS IS A SEPARATE OFFENSE.

18 **Article 1. Mayor, City Council, and Municipal Agencies**

19 **Subtitle 40. Environmental Control Board**

20 **§ 40-14. Violations to which subtitle applies.**

21 (e) *Provisions and penalties enumerated.*

22 (1) **Article 13. Housing and Urban Renewal**

23 . . .

24 Subtitle 5. Licensing of Rental Dwellings

25 § 5-4. License required \$1,000

26 § 5-10. MOLD ASSESSMENT AND REMEDIATION \$1,000

27 § 5-15. {Offenses there listed as cause for}
28 Denial, suspension, or revocation of license \$750

29 All other provisions \$500

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1 ...

2 **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 180th
3 day after the date it is enacted.