

INFORMATIONAL HEARING RE: MOLD IN BALTIMORE HOUSING

To: Baltimore City Council Committee on Health, Environment, and Technology
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Date: February 9th, 2022

Mold has become a serious problem in Baltimore City housing. Yet, unfortunately, there are not many available remedies for tenants in the city who are dealing with mold in their property. The primary legal tool available to tenants to force landlords to make repairs is rent escrow. Rent escrow proceedings require tenants to prove that the conditions in their housing threaten their life, health, or safety. In our Clinic's experience representing clients in rent escrow matters, tenants face an up hill battle proving that mold conditions are present and are a threat to their health.

After a rent escrow action is initiated, city inspectors are responsible for conducting an inspection and documenting any threats. Unfortunately, city inspectors are neither trained, nor qualified, to perform mold inspections that measure the type and quantity of mold particles in a residence. Instead, inspectors are limited to only what they're able to see with their naked eye. Landlords are aware of this and in our experience, will simply cover up mold on the surface, just sufficient to pass a city inspection, without addressing the underlying causes. To prove the presence of mold, often tenants or advocacy groups must hire their own private inspector to come and evaluate whether mold is present and its extent. Very few Baltimore residents, and especially pro se litigants, have those kinds of resources to be able to hire a private health inspector to perform this evaluation.

One of my clients currently lives in an apartment where mold is rampant. On multiple occasions a city inspector has come to document any potential threats in the unit. Each time, however, the landlord sent a maintenance person out to the property to wipe away the mold and paint over areas of water damage before the inspection. These temporary measures left the underlying problem unaddressed. On one occasion, a private inspector came out to the unit to look at the property without notifying the landlord in advance. This time, serious mold was uncovered in the apartment, demonstrating the inadequacy of city inspectors in being able to assess whether mold is present.

Mold can lead to adverse health consequences for individuals subjected to living around it and breathing it in. In the situation I described earlier, my client has been diagnosed with mold poisoning. Having to live in these conditions has also taken a serious toll on her mental health. While she raised these issues in rent escrow proceedings, ultimately her case was dismissed when the inspector found no visible evidence of mold, despite the fact that the landlord had not addressed the source of it. The landlord has no motivation to further address the issue. Additionally, my client is not in a position of financial leverage, which is common among many tenants living in mold-infested housing. Her financial status has made it difficult to seek other housing or hold her current landlord accountable because she does not have anywhere else to go. These factors have allowed this issue to go mostly unchecked.

I urge you to acknowledge the dangers of mold in Baltimore housing by allocating more resources to training city inspectors so that they are qualified to evaluate when mold is present within properties.

This testimony is submitted on behalf of the Justice for Victims of Crime Clinic at the University of Maryland Carey School of Law and not on behalf of the School of Law; the University of Maryland, Baltimore; or the University of Maryland System.

**Practicing pursuant to Rule 19-220 of the Maryland Rules*