

I am writing to express my opposition to LD1344, An Act to Improve the Response Time to Tenant Mold Complaints. While I, like most responsible landlords, share the goal of providing safe and healthy housing for tenants, this bill, as written, presents significant practical, financial, and logistical challenges that could ultimately harm both landlords and the availability of affordable housing in Maine.

My primary objections are as follows:

1. **Vagueness of "Unhealthy Level of Nonsurface Mold":** The bill hinges on the determination of an "unhealthy level of nonsurface mold" but fails to define this critical term. Mold exists naturally everywhere. Without clear, objective, science-based standards defining what constitutes an "unhealthy level" specifically for *nonsurface* mold within a dwelling, this provision invites subjective interpretations, potential disputes, and inconsistent enforcement by Local Health Officers (LHOs) across different municipalities. This lack of clarity creates significant legal uncertainty for landlords.
2. **Capacity and Expertise of Local Health Officers:** The bill mandates LHOs investigate *nonsurface* mold complaints within 90 days and verify remediation. Investigating nonsurface mold (mold within walls, under floors, etc.) often requires specialized training, diagnostic tools (like moisture meters, infrared cameras, or air/surface sampling), and an understanding of building science that may exceed the current typical training and resources available to many municipal LHOs, who often serve part-time or have broad public health responsibilities. Placing this complex diagnostic burden solely on LHOs without providing resources for specialized training or equipment is unrealistic and potentially ineffective. Furthermore, the 90-day investigation timeframe may be unachievable given existing workloads and the potential complexity of these investigations.
3. **Unrealistic Timelines for Remediation Planning and Execution:**
 - **5-Day Remediation Plan:** Requiring a landlord to present a tenant with a remediation plan within just 5 business days of *receiving* an LHO report is often impractical. Obtaining accurate assessments and competitive quotes from qualified mold remediation specialists, especially for potentially extensive nonsurface mold issues, typically takes longer than five days. This tight deadline could force landlords into rushed decisions or commitments without adequate information.
 - **60-Day Remediation Deadline:** While prompt remediation is important, a fixed 60-day deadline from the date of the *report* is arbitrary and fails to account for the potential scope and complexity of nonsurface mold issues. Significant remediation might require vacating the unit, extensive demolition and reconstruction, addressing underlying moisture sources, coordinating multiple contractors, and potential delays due to weather, supply chains, or labor availability. Responsible landlords acting in good faith could easily exceed this deadline through no fault of their own, placing them in breach according to this bill. This already happens when people are under lead abatement orders – it seems that no one can get the contractors in a timely manner for this specialized type of work.

4. **Financial Burden and Lack of Nuance:** Mold remediation, particularly for hidden nonsurface mold, can be extraordinarily expensive. This bill places the entire responsibility and cost squarely on the landlord, regardless of the cause of the underlying moisture issue, which could potentially stem from tenant actions or inaction. **For instance, I recently dealt with a situation where a tenant reported mold growing on their furniture. Upon investigation, it was discovered that the tenant's own dryer was venting directly into the apartment, creating the high humidity environment that allowed mold to thrive. Under LD 1344 as written, the landlord could be held solely responsible for remediation costs arising from such a scenario, despite the cause being entirely within the tenant's control and unrelated to the building's condition.** The bill provides no mechanism for determining causation, cost-sharing, or considering such crucial contributing factors. This absolute liability approach could be financially crippling, especially for smaller landlords operating on thin margins, potentially leading to deferred maintenance elsewhere or landlords leaving the rental market altogether, thus shrinking housing supply.
5. **Potential for Misuse and Conflict:** The lack of clear standards and the automatic trigger of formal processes could potentially be misused by tenants in disputes unrelated to genuine health concerns, placing undue burden and expense on landlords to respond to complaints lacking sufficient basis.
6. **Redundancy with Existing Law:** Maine's existing Implied Warranty of Habitability (14 MRSA §6021) already provides tenants with legal recourse if their dwelling is unsafe or unfit for habitation, which can include severe mold conditions. LD 1344 creates a specific, potentially problematic process for one type of issue (nonsurface mold) rather than strengthening or clarifying the existing, broader framework for addressing all habitability concerns. The LHO inspection *after* remediation focusing on *surface* mold also seems inconsistent with the bill's focus on *nonsurface* mold issues.

In conclusion, while the intent behind LD 1344 is understandable, its practical implementation poses significant challenges. The undefined standards, unrealistic timelines, strain on LHO resources, and potentially prohibitive costs create an unworkable framework that could negatively impact the availability and affordability of rental housing in Maine.

I urge the Committee to carefully consider these significant drawbacks and vote Ought Not to Pass on LD 1344. I believe addressing tenant health concerns is better achieved through using existing habitability laws, promoting education for both tenants and landlords on moisture control, and potentially exploring mediation resources, rather than enacting this flawed and overly prescriptive legislation.

Thank you.

Regards,

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