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Dear Judiciary Committee Members:

Please Oppose LD An Act to Improve the Response Time to Tenant Mold Complaints

As a small rental property owner, I am very concerned that bills like this have such good intentions but will have unintended results. Humidity control is the key to spore growth, a true challenge in our beautiful state with challenges like temperature fluctuations from 20° to 70°, high energy and other costs, and a substantial number of wet basements.

A local health officer shall investigate a complaint from a tenant about nonsurface mold and issue a written report to the tenant and landlord within 90 days of receiving the complaint from the tenant.

I have NO problem with this time frame. If a tenant elevates a complaint against the landlord if they refuse to respond by contacting the Health Dept. than it should be seen MUCH quicker than 90 days. **What is the current capacity for managing such complaints? Is it taking a long time to inspect?**

If the report indicates that the local health officer found an unhealthy level of nonsurface mold

What process will/does current health officer use to determine unhealthy levels? What is the cost of this “testing”? If it is nonsurface, do they peel back wallpaper, pull up rug or linoleum, or even cut holes in drywall? What if the level is not found to be high and now there is damage to the unit from the testing?

the landlord is responsible for remediation and shall initiate the process by showing the tenant a plan for remediation within 5 business days of receiving the report

What “plan” will be acceptable? What if it is caused by a lease violation? IE, we had a tenant unplug a sump pump to plug in their router and flood the furnace room and basement. Fortunately, the tenant in that case did report it to us so we could be proactive but if they had simply drained the water and not thoroughly dried and treated the surfaces there could have been disastrous and expensive remediation required. Will the Health Inspector detail the apparent cause? This “testimony” would be vital to a landlords’ right to due process in its defense of a further complaint in court.

If the landlord does not successfully remediate the nonsurface mold within 60 days of the report, the tenant may initiate a complaint under subsection 3.

What if the plan includes vacating the unit to remove all existing horsehair plaster. Not only could this cost be crippling and not done within 60 days but should not be done

while a unit is occupied. Can the landlord and tenant use the report to initiate vacancy? If it is tenant caused can this also require the tenant to comply within the 5 days to initiate as well?

Ultimately, a definition of habitability would include many aspects including mold that is already has a clear statute for enforcement in

<https://www.mainelegislature.org/legis/statutes/14/title14sec6021.html>

This definition has a broad umbrella and carving out a specific concern such as mold and define timelines and remedies should be taken up with extensive studies, experts, and data. Habitability has implications for much more than just landlord/tenant relations such as child welfare, building/housing codes, disaster relief, and even public utility access/concerns. **A complete task force to explore the definition of habitability should be done before any carving up of this well-established statute.**

Please OPPOSE LD 1344.

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