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5/13/2025

Senator Carney, Chair
Representative Kuhn, Chair
Members, Joint Standing Committee on Judiciary
100 State House Station
Augusta, ME 04333-0100

Re: LD 1344 – *An Act to Improve the Response Time to Tenant Mold Complaints*

Senator Carney, Representative Kuhn and members of the Joint Standing Committee on Judiciary:

Thank you for the opportunity to provide information as you consider LD 1344, *An Act to Improve the Response Time to Tenant Mold Complaints*.

LD 1344 intends to clarify a process for timely and effective identification and removal of mold overgrowth in rental properties. Mold overgrowth poses a potential public health threat and for some individuals, especially but not exclusively those with mold allergies or certain underlying health conditions, mold overgrowth is a serious concern. However, Maine Center for Disease Control and Prevention (Maine CDC) has a few concerns about the bill as written.

This bill proposes changes to the Implied Warranty and Covenant of Habitability (14 MRSA §6021) to create a defined process for mold inspection and removal in rental properties following a resident complaint. As part of its proposed process, the bill requires that a complaint for “nonsurface” mold in a tenant-occupied dwelling unit be investigated by the municipal local health officer (“LHO”), that the LHO produce an assessment report to tenant and landlord, and that the LHO must inspect to verify mold removal following remediation.

Maine CDC provides support and core training to municipal LHOs and technical support through our District Public Health Units. LHOs are employed by municipalities and come from a variety of backgrounds, often wearing several “hats” in town. The majority of LHOs are non-paid or stipend municipal employees. The primary concern is that LHOs do not generally possess the mold expertise required for the conclusive mold inspection, assessment, report production, and verification of mold removal this bill requires of them. They would need significant additional training to obtain the mold expertise needed to complete these tasks effectively, such as that possessed by professional mold remediation experts.

The current language does not specify who would be responsible for any additional training required. If the training responsibility falls on the Department, we expect a financial impact, which is undetermined without further clarification. Additionally, there may be costs associated with updating online resources to accommodate a specialized training program. Should

municipalities be required to provide the training, we expect they too will be impacted financially.

As one alternative, we would suggest the use of existing mold investigation and remediation experts to accomplish the bill's intent and recommend including a process to identify and address the underlying cause of mold overgrowth – water leaks and dampness - as part of the process.

Please feel free to contact me if you have any questions during your deliberation of this bill.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anthony Va".

Puthiery Va

Director

Maine Center for Disease Control and Prevention

Maine Department of Health and Human Services