

Dear Honorable Members of the Judiciary Committee,

I am writing to you today as the manager of a small rental housing limited liability company operating in Fairfield. While we share the goal of ensuring safe and healthy housing for all Mainers, we have significant concerns about the proposed bill, LD 1927, "An Act to Protect Housing Quality by Enacting Mold Inspection, Notification and Remediation Requirements," and its potential negative impacts on small housing providers and the overall availability of rental housing in our state.

We believe this bill, introduces several impractical and potentially burdensome mandates that could inadvertently harm the very people it aims to help.

Firstly, the proposed legislation does not adequately recognize the shared responsibility between landlords and tenants in preventing mold. As responsible landlords, we take proactive steps; for example, most of our bathrooms are equipped with ventilation fans that automatically activate with the light switch specifically to help prevent mold buildup in bathrooms or hidden within bathroom walls. Despite such measures, issues can still arise from tenant behavior. For instance, I have encountered numerous situations where visible mold in a bathroom is a direct result of tenants not regularly cleaning the tub or shower area, failing to allow the fan to run sufficiently, or not replacing shower curtains once their mold-resistant coatings have worn off. This bill places a disproportionate burden on landlords for conditions often created or exacerbated by tenant behavior, without sufficiently emphasizing the tenant's role in routine cleaning and maintaining a mold-resistant environment.

Furthermore, the bill introduces rigid timelines that are often unachievable in practice. The requirement for a 24-hour inspection following a report, and a five-day window for remediation, does not account for the realities faced by small landlords, particularly those in more rural areas of Maine. Most small housing providers do not have property managers or a maintenance crew on standby, ready to deploy at a moment's notice. If we were to take a vacation with family, or even be away for a weekend, we could inadvertently find ourselves in violation of this law. Securing a contractor for an inspection within 24 hours, especially if a landlord is out of town, is often simply not feasible, let alone guaranteeing remediation within five days. Accessing qualified contractors, especially for specialized services like mold remediation, can take time. Weekends, holidays, material availability, and even weather conditions can cause unavoidable delays. Do you think the average homeowner could comply with such aggressive timelines? Could you? Forcing such a tight turnaround sets well-intentioned landlords up for failure, even when they are diligently working to address an issue.

What if the moisture intrusion caused significant damage like a rotten structure inside a wall or framing under a leaking door? We've dealt with this a couple of times during a turnover when we found significant damage when replacing a window or a door all because the prior contractor did not bother use pan flashing under the door or window. I challenge members voting for this bill to show me how to jack up an enclosed porch's structure, build temporarily supports, rebuilt the framing, waterproof the walls, replace porch windows and doors, and reside the house in under 5 days. That would take us a couple of weeks working long hours. Even when working hard long days we would be in violation of this law because of some arbitrary 5 day provision.

We are also concerned about the lack of precise definitions for terms like "leak event" or "visible mold." As highlighted by the shower curtain example, without clear, objective standards, these terms

are open to broad interpretation. This could lead to an increase in unnecessary and costly inspections triggered by minor issues, normal condensation, or surface mold resulting from tenant upkeep rather than property defects. This ambiguity creates an environment ripe for disputes and could be exploited, where minor, non-hazardous conditions are used as leverage or complicate legitimate eviction processes.

It's important to remember that not all mold presents a health hazard. Many types of surface mold, such as that commonly found in bathrooms due to humidity and lack of cleaning, are cosmetic and can be addressed with simple cleaning. Mandating professional inspection and potentially expensive remediation for every instance of "visible mold," regardless of its type, cause, or extent, will inevitably drive up operating costs. For small landlords, who often operate on thin margins, these increased expenses could be prohibitive. This could, unfortunately, lead to some small providers being forced to sell their properties or leave the rental market altogether, thereby shrinking the supply of affordable housing at a time when Maine is already facing a significant housing shortage.

Maine already has existing laws regarding the warranty of habitability, which require landlords to maintain rental units in a safe and livable condition. We believe these existing frameworks already provide a basis for addressing significant mold problems that genuinely impact tenant health and safety. Most responsible landlords understand that addressing leaks and moisture promptly is crucial for protecting their property investment and ensuring tenant well-being; we are already motivated to act quickly.

I urge the Committee to consider the practical implications of LD 1927 on small housing providers across Maine. I believe a more balanced approach is needed – one that supports both tenant safety and the viability of providing rental housing, and one that clearly delineates responsibilities between landlords and tenants regarding property upkeep. I'd also ask the Maine legislature to stop its war on landlords, which is going to drive good housing providers out the state.

Regards,

Justin Giroux

Fairfield