

ENVIRONMENTAL LAW INSTITUTE
DATABASE OF
STATE INDOOR AIR QUALITY LAWS

DATABASE EXCERPT: MOLD LAWS

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The Environmental Law Institute's Database of State Indoor Air Quality Laws contains a broad cross-section of laws on the subject of indoor air quality. The following chart collects those laws included in the database that address the subject of ***mold***. The chart does not purport to include every state law that addresses mold. The chart highlights laws that deal directly or exclusively with mold, and does not include laws that may affect the problem of indoor mold contamination indirectly. For example, a law that authorizes a state agency to undertake research on indoor air quality generally may result in mold-related activities but would not be included here.

For a fuller compilation of IAQ laws, see the complete database chart at <http://www.eli.org/buildings/database-state-indoor-air-quality-laws>. Like the complete database, this excerpt covers laws enacted through December 2014. The abstracts for documents that were added or substantially amended in 2014 appear in **bold** type.

ELI provides a variety of reports, briefs, and other materials on state and local IAQ laws. Some of these documents include analysis of state laws, and some are updated more frequently than the Database. To browse and download ELI's IAQ policy materials, please visit our Indoor Environments and Green Buildings Policy Resource Center at www.eli.org/buildings.

AR	<p>2011 Arkansas Senate Bill 531</p> <p>Created the Mold Investigation Advisory Board. Required the Board to study the effects on public health and safety of existing state mold laws and regulations, as well as options for revising state laws. Required the Board to report its findings and proposals for new legislation by December 31, 2012, on which date the Board is abolished. [Board report available at: http://plantboard.arkansas.gov/PlantIndustry/Documents/Mold%20Advosiry%20Board%20Final%20Report.pdf.]</p>
AR	<p>Arkansas Code § 26-51-1705</p> <p>Authorizes the Arkansas Development Finance Authority to promulgate rules and regulations necessary to administer the federal Low Income Housing Tax Credit program. Rules (Ark. Admin. Code 109.04.4-II) establish habitability standards that must be maintained by housing projects funded through the program, including the requirement that dwelling units and common areas must have proper ventilation and be free of mold.</p>
CA	<p>California Civil Code §§ 1102--1102.18</p> <p>Requires sellers of real property containing up to four residential units to complete a disclosure form indicating the presence of all environmental hazards, including radon gas, formaldehyde, and mold, that are known to the seller. Also requires disclosure of whether property contains a carbon monoxide device. Requires resale of manufactured homes and mobile homes to include disclosure of environmental hazards in the home interior or exterior, including radon, formaldehyde, and lead-based paint, as well as the existence of a carbon monoxide device.</p>
CA	<p>California Education Code §§ 17070.75, 17002(d)(1)</p> <p>Requires school districts to establish a facilities inspection system to ensure schools are maintained in good repair, as a condition of receiving state school facility funds. Defines "good repair" to include interior surfaces free from water damage and showing no evidence of mold or mildew and to include functional and unobstructed HVAC systems. Requires state to develop an evaluation instrument consistent with the criteria set in the law. The Facility Inspection Tool developed by the state for use in school inspections includes several IAQ-related items that address ventilation and mold/water damage. [See http://www.dgs.ca.gov/opsc/Programs/deferredmaintenanceprogram/goodrepairstandards.aspx.]</p>

CA	California Health & Safety Code § 39619.6
	Requires the Air Resources Board and the Department of Public Health to conduct a comprehensive study and review of the environmental health conditions in portable classrooms. Directs the study to include a review of design and construction specifications; a review of school maintenance practices; an assessment of IAQ; and an assessment of potential toxic contamination, including mold contamination. Provides that the study shall address the need for modified design and construction standards; emission limits for building materials and classroom furnishings; and other mitigation actions to ensure the protection of children's health. [Report available at: http://www.arb.ca.gov/research/indoor/pes/pes.htm .]

CA	California Health & Safety Code §§ 26101--26157
	Requires the state health agency to consider the feasibility of adopting permissible exposure limits to mold in indoor environments and, if feasible, to adopt such limits. Establishes criteria to consider in adopting standards, and provides that the department may also adopt alternative standards for facilities that serve people at greater risk of adverse health effects. Provides that the law shall be implemented only to the extent that the department determines that funds are available for its implementation. Establishes disclosure and property maintenance requirements for transferors, lessors and tenants of real estate following the department's issuance of standards and guidelines under the law. Authorizes local enforcement of any standards adopted by the department.

CA	California Health & Safety Code §§ 26200--26204
	Requires the California Research Bureau, in consultation with the Department of Public Health and with the assistance of a review panel, to perform a study and to publish findings on fungal contamination affecting indoor environments. Requires the study to include information on health effects, assessment, remediation, and hazard communication, among other issues. Requires the California Research Bureau to submit its findings to the legislature and the Director of Public Health. [Report available at: http://library.ca.gov/crb/06/01/06-001.pdf .]

CA	<p>California Labor Code § 142.3</p> <p>Authorizes the Occupational Safety and Health Standards Board to adopt occupational safety and health standards that are at least as effective as federal standards. Regulations promulgated under the law (8 Cal. Code Regs. 5142, 5143) apply to both private and public workplaces, such as schools. The regulations require HVAC systems to be operated continuously and inspected annually, and HVAC inspection and maintenance records to be made in writing and provided to the state and to employees upon request. Additional regulations governing general sanitation (8 Cal. Code Regs. 3362) provide that when exterior water intrusion, leakage from interior water sources, or other uncontrolled accumulation of water occurs, those conditions must be corrected because of their potential to cause the growth of mold.</p>
CT	<p>Connecticut General Statutes § 10-220</p> <p>Requires local or regional boards of education to adopt and implement an IAQ program that provides for ongoing maintenance and facility reviews, as well as a green cleaning program that provides for the procurement and use of environmentally preferable cleaning products. Requires boards of education to report triennially to the Commissioner of Construction Services on facility conditions and on actions taken to implement their IAQ program, green cleaning program, and long-term school building program. Requires that every five years, boards of education inspect and evaluate indoor air quality in all new and renovated school buildings, and lists 14 separate items to be included in the inspection and evaluation program, including radon levels in the air and potential for exposure to mold. Results of these evaluations must be provided at a board meeting and on the website of the board or individual school.</p>
CT	<p>Connecticut General Statutes § 19a-111L</p> <p>Directs the Department of Public Health to publish guidelines establishing mold abatement protocols, including acceptable methods for performing mold remediation or abatement work. [Voluntary guidelines available at: http://www.ct.gov/dph/lib/dph/environmental_health/eoha/pdf/ct_guidelines_for_mold_abatement_contractors_rev032011.pdf.]</p>
DC	<p>District of Columbia Code §§ 42-3261 -- 3269</p> <p>Requires landlords to remediate mold contamination and disclose previous mold contamination to prospective tenants, and directs the District Department of the Environment to establish minimum work practices and guidelines for mold assessment and remediation and to set a threshold level of indoor mold contamination that requires professional remediation. Also requires the Department to establish a certification system for mold professionals, along with minimum mold work practice standards and guidelines, and prohibits anyone from engaging in the business of mold assessment or remediation without being certified or licensed.</p>

FL	Florida Statutes § 719.128
	Authorizes the Board of a Cooperative to take certain actions in response to damage caused by an event for which a state of emergency is declared. Authorized actions to mitigate further damage include contracting to remove debris and to prevent or mitigate the spread of fungus (including mold or mildew) by removing and disposing of wet drywall, insulation, carpet, cabinetry, or other fixtures on or within the cooperative property. (Separate law, Fla. Stat. 720.316, authorizes neighborhood associations to take similar actions on or within the association property.)

FL	Florida Statutes §§ 468.84--.8424
	Establishes a state mold-related services licensing program for mold assessors and remediators. Sets forth examination requirements, as well as requirements for education, training, and insurance. Authorizes the state to collect application and licensing fees. Establishes penalties for violations and addresses conflict of interest involving assessment and remediation activities. Department of Business and Professional Regulation has adopted rules to administer the program (Fl. Admin. Code r. 61-31.101 et seq.).

IL	Illinois Compiled Statutes Ch. 410, §§ 105/1 et seq.
	Authorizes the state health agency to adopt rules establishing a program for state registration of mold professionals.

IL	Illinois House Joint Resolution 12
	Creates a Joint Task Force on Mold in Indoor Environments, and requires the task force to make recommendations to the legislature regarding mold in indoor environments. In 2005, the Task Force issued its report, which discusses regulating mold remediation and testing providers.

IN	Indiana Code §§ 32-21-5-1--12
	Requires sellers of property containing up to four dwelling units to complete a Seller's Residential Real Estate Sales Disclosure form. Rules adopted under the law (876 Ind. Admin. Code 1-4-1,2) establish the disclosure form, which requires sellers to disclose knowledge of hazardous conditions on the property, including radon gas, mold, other biological contaminants, lead paint, asbestos insulation, methane gas, PCBs, and toxic materials, as well as moisture or water problems. [See http://www.in.gov/icpr/webfile/formsdiv (search for form 46234).]

KS	<p>Kansas Statutes § 36-506</p> <p>Requires the state to establish minimum standards for the safe and sanitary operation of lodging establishments (hotels, rooming houses or boarding houses). Regulations adopted under the law (Kansas Admin. Code 4-27-9) provide, among other things, that guest rooms with visible mold on the floors, walls, ceiling, or windows shall not be rented until mold cleanup is completed. Regulations also require that all sinks, bathtubs, and shower areas be kept free of mold and mildew.</p>
KY	<p>Kentucky Revised Statutes § 324.360</p> <p>Requires that a Seller's Disclosure of Conditions form be used in residential real estate transactions if licensed real estate agents are involved and receive compensation. Requires the real estate commission to promulgate an administrative regulation authorizing the form. The regulation (201 Ken. Admin. Regs. 11:350) requires disclosure of any radon testing of the property, of the existence of mold or other fungi, and of any other environmental hazards on the property.</p>
KY	<p>Kentucky Revised Statutes §§ 367.83801--.83807</p> <p>Directs the state Department of Law to establish minimum standards for mold remediation companies that are based on the general mold remediation principles set forth by the Institute of Inspection, Cleaning and Restoration Certification (IICRC). Establishes that the state may take civil action against mold remediation companies that violate the law's provisions. Regulations (40 Ken. Admin. Regs. 2:330) implementing the law establish minimum required practices for mold remediation companies.</p>
LA	<p>Louisiana Revised Statutes § 1300.411</p> <p>Creates the Louisiana Toxic Mold Task Force, whose functions include: advising the legislature on “policies and practices that protect all people of this state, particularly tenants, consumers, and vulnerable populations, from harm related to toxic mold;” serve as a coordinating forum between and among state agencies, local government, and nongovernmental groups; and make recommendations on state regulations, guidelines, policies, and procedures that pertain to mold. Directs the task force to prepare and submit to the governor and the legislature a report on the status of public health risks from mold in Louisiana.</p>

LA	<p>Louisiana Revised Statutes § 1478</p> <p>Requires licensed home inspectors to include in their written inspection report the presence of suspected mold growth if the licensed home inspector discovers visually observable evidence of suspected mold growth on the inside of the structure during the inspection.</p>
LA	<p>Louisiana Revised Statutes § 22:1319</p> <p>Requires that fire insurance policies that are delivered or issued for delivery within the state include a prominent disclosure of whether the policy covers mold damage to the property.</p>
LA	<p>Louisiana Revised Statutes § 22:1332</p> <p>Requires that homeowner insurance policies delivered or issued for delivery in the state include a prominent disclosure of whether the policy covers mold damage.</p>
LA	<p>Louisiana Revised Statutes § 37:1470</p> <p>Directs the State Real Estate Commission to approve a mold information pamphlet, which may be distributed to buyers by real estate licensees in connection with any real estate transaction. Provides that if the licensee elects to deliver the mold information pamphlet to the buyer, the licensee is not required to provide any additional information about mold. Real Estate Commission regulations (La. Admin. Code 46:LXVII.3801) establish U.S. EPA as official source of state mold information under the law.</p>
LA	<p>Louisiana Revised Statutes § 51:912.4</p> <p>Establishes that new manufactured and modular home builder warranties exclude mold and mold damage unless the parties otherwise agree in writing.</p>
LA	<p>Louisiana Revised Statutes § 9:2800.15</p> <p>Provides that licensed commercial or marine contractors, architects and engineers are not liable for mold damage unless caused by defects in workmanship or design. Also applies to manufactured homes and to real estate licensees representing commercial and marine contractors.</p>

LA	Louisiana Revised Statutes §§ 37:2181 et seq.
	Requires the State Licensing Board for Contractors to: adopt rules and regulations to govern mold remediation; issue, suspend, modify, and revoke licenses to practice mold remediation; maintain an up-to-date list of all licensees; report violations to the Attorney General; and adopt minimum standards of practice for licensed mold remediators. Establishes various required practices for licensees.

ME	Maine Resolves 2006 Chapter 174
	Requires the state environmental and health agencies to convene a working group and to submit a report to the state legislature concerning: the science of mold testing and removal; considerations for establishing mold clean-up standards; and considerations for developing building standards. [Report available at: http://www.maine.gov/dep/waste/publications/legislative-reports/documents/finalmoldreport.pdf .]

ME	Maine Revised Statutes, tit. 10, §1480
	Prohibits a person or company from providing both mold assessment and remediation services on a project unless the building owner has signed a disclosure statement regarding the potential conflict of interest.

MD	2001 Maryland Senate Bill 283
	Establishes a task force on indoor air quality and requires the task force to study the nature, location, and extent of health and environmental risks posed to workers as a result of molds, spores, and other toxic organisms located in the HVAC systems of office buildings. Requires recommendations regarding prevention of illnesses, remedies and controls, a plan to provide educational information, and legislative or regulatory measures necessary to address current gaps in federal, state and local protection of office workers. Requires the task force to submit a final report of its findings and recommendations to the Governor and the legislature. [Report available at: http://www.dlir.state.md.us/labor/indoorairfinal/iaqfinalreportjuly12002.doc#_Toc13131937 .]

MD	Maryland Business Regulation Code §§ 8-701--718
	Establishes a licensing program for companies and firms that provide mold remediation services. Directs the Maryland Home Improvement Commission to adopt regulations and implement the licensing program. Provides that companies must: be licensed in order to provide mold remediation services within the state; carry a specified minimum amount of insurance; and ensure that their employees are certified by a third-party accreditation body. Implementation of the law has been postponed indefinitely by the state licensing agency.

MD	Maryland Education Code § 5-301
	Requires the state Board of Public Works to adopt regulations establishing criteria designed to enhance IAQ in relocatable (portable) school classrooms constructed after July 1, 2014 and that are purchased or leased using state or local funds. The regulations must include specifications that require units to be constructed in a manner that provides protection against water damage and with building materials that contain low amounts of volatile organic compounds consistent with industry standards. Also mandates that specifications require units to provide continuous forced ventilation while occupied.

MA	Massachusetts General Laws, ch. 111, § 127A
	Authorizes the Department of Health to adopt a state sanitary code to address matters affecting the health and well-being of the public. Regulations adopting the Sanitary Code (105 Code Mass. Regs. 675.001 et seq.) establish IAQ requirements for ice rinks, including air sampling and record-keeping requirements; action levels for carbon monoxide and nitrogen dioxide; and required corrective action, notification and evacuation measures. A separate chapter of the Sanitary Code (105 CMR 410.020) establishes Minimum Standards of Fitness for Human Habitation that apply to all dwelling units, including leased units. The Code requires dwelling owners to maintain structural elements (including foundation, floors, walls, doors, windows, ceilings, and roofs) in good repair and free from chronic dampness and defines chronic dampness as "the regular and/or periodic appearance of moisture, water, mold or fungi."

MA	Massachusetts General Laws, ch. 13, § 97
	Requires the state to publish an informational brochure for home buyers on home inspections, including information regarding radon inspections, and requires that the brochure be issued to home buyers at the signing of the first written contract to purchase. Rules promulgated under the law (266 Code Mass. Regs. 6.03) require home inspectors to notify their clients that answers to some questions, including whether or not a dwelling has been tested for radon gas, and whether there are any mold or air quality issues in the dwelling, should be ascertained from sellers and may not be readily observable through inspection.

MA	<p>Massachusetts General Laws, ch. 70B, § 3</p> <p>Establishes a School Building Assistance program to provide funding to local governments for school construction and renovation, and authorizes the Board of Education to establish policies and standards regarding school construction. Amended in 2006 to create the Massachusetts School Building Authority and school building grant program. Regulations governing these state-funded projects (963 Code Mass. Regs. 2.04) require that all reasonable efforts be made to ensure suitable indoor air quality. The regulations also establish specific IAQ-related requirements for state-funded projects, including: ventilation and thermal comfort; containment procedures for pollutants created during renovation; filtration; walk-off mats; gas-fired equipment; siting of outside air intakes; and prevention of mold and water damage in building materials.</p>
MI	<p>Michigan Compiled Laws §§ 565.951--.966</p> <p>Requires sellers of residential property consisting of up to four dwelling units to complete a seller's disclosure statement, which provides for disclosure of any environmental hazards on the property, including radon gas, asbestos, formaldehyde, and lead-based paint. The disclosure statement recommends that buyers obtain a professional inspection that specifically addresses indoor air and water quality, as well as any evidence of potential allergens such as mold, mildew and bacteria.</p>
MN	<p>Minnesota Statutes § 123B.57</p> <p>Provides that in order to receive state health and safety revenue, school districts must adopt a health and safety policy. Requires that the policy include provisions for implementing a health and safety program that complies with best practices for IAQ management. Establishes that health and safety revenues may be used for HVAC upgrades and mold abatement activities.</p>
MN	<p>Minnesota Statutes § 273.11</p> <p>Provides that the owner of a homestead property may apply to the tax assessor for a reduction in the market value of a property that has been damaged by mold, where the costs to repair the mold are at least \$20,000. Requires the owner to file a form following completion of the remediation work, which may result in an increase in market value.</p>

MN	<p>Minnesota Statutes § 326B.118</p> <p>Requires the Commissioner of Labor and Industry to review the appropriateness of model energy codes for one- and two-family residential buildings and to take steps to adopt a code. Prohibits the Commissioner from adopting a model energy code without research and analysis that addresses air quality and moisture, among other issues.</p>
MS	<p>Mississippi Code § 83-58-5</p> <p>Excludes mold and mold damage from home builder warranty, unless the builder's negligence was a proximate or contributing cause, or unless the parties agree otherwise in writing.</p>
MS	<p>Mississippi Code §§ 83-5-1, 83-5-29--51</p> <p>Authorizes the state to regulate the practice of insurance companies, including the prohibition of unfair trade practices. Regulations adopted under the law (Miss. Admin. Code 19-1:34.05) establish the Mississippi Homeowner Insurance Policy Bill of Rights which, among other things, requires that the insured be provided with a statement indicating whether their residential property coverage includes insurance against mold.</p>
MT	<p>Montana Code § 70-16-703</p> <p>Requires sellers, landlords or their agents to inform buyers or renters of the known presence of mold in a building and to provide buyers or renters with the results of any mold tests that have been conducted. Authorizes sellers, landlords, agents, and property managers to provide buyers or tenants with a mold disclosure statement specified in the statute. Provides for relief from liability in certain cases for sellers and landlords who comply with these provisions.</p>
NV	<p>Nevada Revised Statutes § 645D.300</p> <p>Establishes provisions for licensure of home energy auditors by the Department of Business and Industry. Provides that when conducting a full "energy audit" an energy auditor must include, among other things: (1) an assessment of building air flow, IAQ and ventilation; (2) any anticipated remediation issues, including moisture or combustion appliance problems; and (3) an assessment of moisture control in the home. Department requires licensure in order to perform an energy audit, a limited energy audit, or an energy assessment, and has established licensure application forms.</p>

NH	<p>New Hampshire Revised Statutes § 200:11-a</p> <p>Requires school principals to conduct an annual IAQ investigation of all school buildings, using a checklist provided by the state Department of Education. Requires completed checklists to be filed with the Department, the school board, and the local health officer and to remain on file for five years. Requires the state to review and consider the checklists when approving schools during the five-year school approval process. School IAQ Checklist adopted by the Department requires schools to indicate whether they follow a wide range of best practices for IAQ Management, including mold/moisture prevention and remediation. [See checklist at: http://www.education.nh.gov/program/school_approval/documents/a24iaq.doc.] Statute also requires the Department to encourage public schools to implement EPA's IAQ Tools for Schools program and to ensure that every school has a copy of the program materials.</p>
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NJ	<p>New Jersey Statutes § 56:8-19.1</p> <p>Limits liability of licensed real estate brokers or salespersons for communicating false, misleading or deceptive information, where the licensee had no actual knowledge of the information, and made a diligent effort (e.g., obtained a property disclosure report from seller) to ascertain whether the information was false or misleading. State real estate commission property disclosure form adopted pursuant to the law (N.J. Admin. Code 13:45A-29.1) includes disclosure of number and location of carbon monoxide detectors, as well as disclosure of the presence of mold, lead-based paint, urea-formaldehyde foam insulation, asbestos, PCBs, other toxic substances, and any condition that adversely affects, or possibly adversely affects, the quality of air on the property. Disclosure form also includes a section providing information about radon testing results, though sellers can opt to provide this information at the time of the contract for sale.</p>
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NJ	<p>New Jersey Statutes §§ 34:6A-1 et seq.</p> <p>Requires that every employer furnish a place of employment that is reasonably safe and healthful for employees and authorizes the state to adopt rules. Rules adopted under the law (N.J. Admin. Code 12:100-13.1 et seq.) establish safety and health standards for public workplaces, including certain requirements for addressing indoor air quality. The rules require that employers develop a plan for complying with the regulatory provisions and designate a person who is responsible for ensuring compliance. The rules also require employers to: establish and implement a preventive HVAC maintenance plan that includes a number of specified practices; undertake certain prevention and clean-up practices for microbial contamination; protect indoor air quality during renovation; respond to IAQ complaints; and keep and make available records of maintenance activities.</p>
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NY	New York Labor Law §§ 930--948
	Requires those who engage in mold assessment and remediation to obtain a license from the state Department of Labor. Directs the agency to establish minimum qualifications for licensing, including completion of agency-approved course work. Also requires those seeking a mold remediation license to provide an audited financial statement to demonstrate financial responsibility. Provides certain exemptions from the licensing requirement, including for residential property owners who perform mold assessment or remediation on their own property. Establishes certain minimum work standards for licensed mold assessment and remediation work, including the requirement that licensees take into account, when deciding whether to use a disinfectant, biocide or antimicrobial coating on a mold remediation project, "the potential for occupant sensitivities and possible adverse reactions to chemicals that have the potential to be off-gassed from surfaces..." [Legislation passed in 2014 and signed into law January 2015; effective July 28, 2015.]

NY	New York Public Health Law § 1384
	Established a state mold task force for the purpose of conducting a study and preparing a report covering the current state of knowledge about mold, the status of the problem in the state, and feasible legislative and executive actions to address the problem. [Law expired and deemed repealed in 2012. Report available at: http://www.health.ny.gov/environmental/indoors/air/mold/task_force/ .]

NC	North Carolina General Statutes § 115C-521.1
	Provides that public school classrooms used as licensed child care facilities for pre-school students must have floors, walls, and ceilings that are free from mold, mildew, and lead hazards.

NC	North Carolina General Statutes § 42-42
	Requires that landlords repair or remedy, within a reasonable period of time, any imminently dangerous conditions on the premises, after acquiring actual knowledge or receiving notice of the conditions. Defines "imminently dangerous condition" to include excessive standing water, sewage, or flooding problems caused by plumbing leaks or inadequate drainage that contribute to mold.

NC	<p>North Carolina General Statutes §§ 115C-12, 115C-47</p> <p>Directs the state to study methods for mold and mildew prevention and mitigation, and to incorporate recommendations into public school facilities guidelines as needed. Encourages local boards of education to remove and dispose of bulk mercury and mercury compounds in classrooms and prohibits the future use of mercury in classrooms, except in barometers. Also addresses other school environmental health issues such as arsenic-treated wood, pesticide use, and diesel emissions.</p>
OH	<p>Ohio Revised Code § 5302.30</p> <p>Requires sellers of residential real property containing up to four units to deliver a disclosure form to buyers disclosing material defects and the presence of hazardous materials or substances, including radon gas. Regulations adopted under the law (Ohio Admin. Code 1301:5-6-10) establish the form, requiring disclosure of the presence of radon, lead-based paint, asbestos, and urea-formaldehyde foam insulation. Form also requires disclosure of mold inspection or remediation of the property and contains a warning statement about mold to purchasers.</p>
OK	<p>2003 Oklahoma Session Law Serv. Hs. Conc. Res. 1011</p> <p>Establishes a Joint Task Force on Mold and Mold Remediation, and requires the task force to report its findings and recommendations to the legislature.</p>
OK	<p>Oklahoma Statutes, tit. 15 § 765.4</p> <p>Provides that any person or entity that inspects houses for mold shall not also render services for removing the mold unless the total cost of the inspection and removal is \$200 or less.</p>
OK	<p>Oklahoma Statutes, tit. 60, §§ 831--839</p> <p>Requires sellers of residential property consisting of 1-2 dwelling units to provide to purchasers either a written property disclaimer statement or written Property Condition Disclosure Statement. Requires the Oklahoma Real Estate Commission to establish by rule a form for the disclosure statement. The regulation (605 Okla. Admin. Code Ch. 10, Subch 17, App. A) adopts a disclosure form that requires seller to disclose known presence of radon or any radon testing. Also requires seller to disclose any mold inspections or treatment, the known presence of asbestos, lead-based paint, and other hazardous or regulated materials. [See http://www.ok.gov/OREC/documents/Residential%20Prop%20Disclweb%207-2008.pdf.]</p>

OR	Oregon Revised Statutes §§ 105.462--.490
	Amends existing disclosure law to require sellers of real property consisting of up to four dwelling units to provide buyers with a seller's property disclosure statement, which includes disclosure of any testing of or treatment for formaldehyde, radon gas, mold, lead-based paint, or asbestos on the property.
PA	2002 Pennsylvania Senate Resolution No. 171
	Urges the Department of Health to establish a task force to investigate mold in homes, schools, and other buildings.
SC	South Carolina Code § 38-75-755
	Requires all insurers, at the issuance of a new policy and at each renewal, to notify the applicant or policyholder of a personal lines residential property insurance policy whether or not the insured has coverage for flood or mold.
SC	South Carolina Code § 40-57-137
	Provides that no legal cause of action may be brought against real estate licensees who truthfully disclose any known material defects, including moisture or mold problems.
SD	South Dakota Codified Laws §§ 43-4-37--44
	Requires sellers of residential property to provide a form disclosing known hazardous conditions including radon, mold, methane gas, lead paint, asbestos insulation, urea formaldehyde foam insulation, and toxic materials, as well as any known testing for such conditions.
TN	2003 Tennessee Laws Pub. Ch. 381 (H.B. 891)
	Creates a special joint committee to study mold abatement in public schools, which must report findings and recommendations to the General Assembly no later than March 1, 2004.

TN	Tennessee Code § 62-6-112
	Establishes Environmental and Special Construction as one of nine major construction classifications in which a contractor may apply for a license, and requires the state contractor licensing board to adopt rules establishing specialty classifications that are automatically included in licenses issued for major classification. Licenses may also be issued for specialty classifications alone. Regulations implementing the law (Tenn. Admin. Code 0680-01-.16) establish mold remediation, asbestos material handling/removing, and lead paint abatement as specialty classifications under Environmental and Special Construction and require applicants to complete all training required by state or federal agencies and "keep abreast of all applicable state and federal requirements."

TX	Texas Government Code § 2306.053
	Authorizes the Department of Housing and Community Affairs to adopt regulations. Regulations implementing the state weatherization assistance program (10 Texas Admin. Code 5.612) require subrecipients of weatherization funding to conduct a whole house assessment on all eligible units, including the following health and safety items: smoke detectors, wiring, minimum air exchange, moisture problems, lead paint present, asbestos siding present, condition of chimney, plumbing problems, mold, unvented space heaters, carbon monoxide levels on combustion appliances, and carbon monoxide detectors. Regulations (10 Texas Admin. Code 5.522--5.523) also authorize the Department to provide mold work practices training to subrecipients and establish procedures that subrecipients must follow if they discover the presence of mold-like substances that the weatherization subcontractor cannot adequately address.

TX	Texas Health & Safety Code, §§ 385.001--.003
	Requires the Board of Health to establish voluntary guidelines for indoor air quality in government buildings, including guidelines for ventilation and indoor pollution control systems. Provides that in establishing the guidelines, the Board must consider the potential effects of air contaminants and insufficient ventilation on human health; the potential health care costs resulting from exposure to indoor air contaminants; and the potential costs of compliance with the proposed guidelines. Regulations (25 Texas Admin. Code 297) incorporate the voluntary guidelines, which include a broad range of microbial management and other recommended practices for operations, maintenance, design and construction of schools and other public buildings.

TX	<p>Texas Insurance Code §§ 542.251--.253</p> <p>Authorizes the state to adopt rules regulating the handling of water damage claims filed under residential property insurance policies, including required notice, processing procedures and time frames, claim investigation, and settlement of claims.</p>
TX	<p>Texas Insurance Code §§ 544.301--.305</p> <p>Prohibits an insurer from making an underwriting decision regarding a residential property insurance policy based on previous mold damage or mold damage claim if: mold remediation has been performed on the property and a certificate of mold remediation was issued to the property owner; or an independent assessor or adjustor inspected the property and determined that the property does not contain evidence of mold damage. State has incorporated this provision in its consumer bill of rights information to be distributed by insurers (see 28 Texas Admin. Code 5.9970) and has adopted rules to carry out the statute (see 28 Texas Admin. Code 21.1007).</p>
TX	<p>Texas Occupations Code §§ 1958.001 et seq.</p> <p>Prohibits a person from engaging in mold assessment or remediation, as defined in the law and regulations, unless that person holds a license from the state. Prohibits license holders (except those employed by school districts) from performing both mold assessment and mold remediation on the same project. Establishes certain minimum work practices and record-keeping requirements for licensed mold assessors and remediators. Requires the Board of Health to adopt rules governing the licensing program, including minimum performance standards and training requirements (25 Texas Admin. Code 295.301-295.338). Authorizes the board to adopt rules that facilitate reciprocity and communication with other states that have a similar licensing program. Directs the Department of Health to administer the program, and requires the department to investigate complaints regarding mold-related activities. Provides for administrative and civil penalties. Also requires the department to conduct a statewide education and outreach program on IAQ and mold.</p>
VT	<p>Vermont Statutes tit. 18, §102</p> <p>Authorizes the state to promulgate regulations to preserve the public health. Department of Health regulations adopting a Rental Housing Code (Code Vt. Rules 13-140-031) set forth minimum health and habitability standards for rental housing, including the requirement that dwellings be maintained “to be free from the regular or periodic appearance of standing water or excessive moisture which may result in visible mold growth.”</p>

VT	Vermont Statutes, tit. 18, §102
	Authorizes the state Department of Health to promulgate rules and regulations for preserving public health. Rules (Vt. Admin. Code 12-5-25:8) establish habitability standards for rental dwellings, including the requirement that dwelling units "be maintained to be free from the regular or periodic appearance of standing water or excessive moisture which may result in visible mold growth."

VA	Virginia Code § 55-248.11:2
	Requires landlords to disclose whether there is any visible evidence of mold in a dwelling unit, as part of the move-in inspection report. Gives tenant the option of terminating lease if mold is noted in report. Requires that if tenant elects to take possession notwithstanding presence of mold, landlord must promptly remediate condition, reinspect, and issue new report. [See also Va. Code 55-225.7.]

VA	Virginia Code §§ 55-248.4, 248.13, 248.16, 248.18
	Requires landlords and tenants to maintain the premises to prevent the accumulation of moisture and the growth of mold. Requires landlords to respond promptly to notifications by tenants of mold or moisture accumulation. Provides that where mold condition materially affects the health or safety of a tenant, the landlord may require the tenant to temporarily vacate premises for up to 30 days, while the landlord undertakes mold remediation consistent with professional standards as defined in the law. Requires landlord to pay relocation cost. [See also Va. Code 55-225.3--.9.]

WA	Revised Code of Washington § 59.18.060
	Requires landlords to provide tenants with written or posted information approved by the Department of Health about the health hazards of indoor mold and how to control mold growth to minimize health risks. The legislature appropriated \$43,000 in fiscal year 2006 for the implementation of these mold provisions.

WA	Revised Code of Washington §§ 70.164.010--.070
	Establishes a low-income weatherization program, and defines weatherization services to include indoor air quality improvements and other health and safety improvements. Specifically establishes as one purpose of the program, the identification and correction, to the extent practical, of health and safety problems for residents of low-income households, including asbestos, lead, and mold hazards.