

ENVIRONMENTAL LAW INSTITUTE
DATABASE OF STATE INDOOR AIR QUALITY LAWS

DATABASE EXCERPT: MOLD LAWS

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About the Database

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. Moreover, the chart highlights laws that deal directly with "mold", and does not necessarily include other laws that address closely related issues such as moisture and dampness.

View the complete Database chart at <http://www.eli.org/buildings/database-state-indoor-air-quality-laws>. Like the complete Database, this mold excerpt covers laws enacted through December 2018. The abstracts for policies that were established or substantially revised in 2018 appear in **bold** type.

To read other ELI summaries and analysis of state policy addressing mold, see <http://www.eli.org/buildings/publications-topic#mold>. To browse and download ELI's other IAQ policy materials, please visit our Indoor Environments and Green Buildings Policy Resource Center at www.eli.org/buildings.

AK	Alaska Statutes §§ 34.70.010--.200
	Requires transferors of an interest in residential real property to provide to transferees a written disclosure statement prior to a written offer of transfer, and directs the Alaska Real Estate Commission to establish the form. Form developed by the Commission requires disclosure of knowledge of materials deemed to be environmental hazards, including radon gas, formaldehyde, asbestos, and lead-based paint, as well as knowledge of mold or mildew issues. (See https://www.commerce.alaska.gov/web/portals/5/pub/rec4229.pdf .)
AZ	Arizona Revised Statutes § 8-453(A)(5)
	Authorizes the Arizona Department of Child Safety to adopt rules to implement the purposes of the Department. Department rules (Ariz. Admin. Code R21-8-104) applicable to licensed foster homes and residential group care facilities require providers to ensure “premises are clean to the degree that the condition does not constitute a hazard,” including an “accumulation of mold.”
AR	Arkansas Senate Bill 531 (2011)
	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 would be abolished. (Board's recommended guidelines for mold abatement contractors available at: http://www.healthy.arkansas.gov/images/uploads/pdf/Guidance_document_Mold.pdf .)
CA	California Civil Code §§ 1102--1102.18
	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.

CA	California Education Code §§ 17070.75, 17002(d)(1)
	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.

CA	California Health & Safety Code § 39619.6
	Required 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. Directed 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. Required the study to 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: https://www.arb.ca.gov/research/indoor/pcs/pcs.htm .)

CA	California Health & Safety Code §§ 17920, 17920.3
	Establishes minimum standards for rental apartments and other residential dwellings, including a list of conditions that render a building "substandard" to the extent that the condition "endangers the life, limb, health, property, safety, or welfare of the public or the occupants." Includes in the list "dampness of habitable room," as well as "visible mold growth, as determined by a health officer or a code enforcement officer... excluding the presence of mold that is minor and found on surfaces that can accumulate moisture as part of their properly functioning and intended use." Authorizes local agency inspections to ensure compliance and provides remedies. (See also Ca. Civil Code 1941.7.)

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. Provides that the law shall be implemented only to the extent that the department determines that funds are available for its implementation. Authorizes local enforcement of any standards adopted by the department.

CA	California Health & Safety Code §§ 26200--26204
	Required 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. Required the study to include information on health effects, assessment, remediation, and hazard communication, among other issues. Required the California Research Bureau to submit its findings to the legislature and the Director of Public Health. (Report available at: https://www.library.ca.gov/Content/StateTemplate/pdf/crb/reports/06-001.pdf .)

CA	California Labor Code § 142.3
	Authorizes the state 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.

CT	2018 Connecticut Public Act 18-52 (S.B. 357)
	Appropriates \$10 million for the Department of Housing and Connecticut Children's Medical Center's Healthy Homes Program, which includes not more than \$7 million for lead abatement and not more than \$3 million to “address environmental health and safety concerns, including, but not limited to mold, allergens, asthma, carbon monoxide, home safety pesticides and radon.”

CT	Connecticut General Statutes § 10-220
	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 every five years 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.

CT	Connecticut General Statutes § 19a-111L
	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: https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/dph/environmental_health/eoha/pdf/CTguidelinesformoldabatementcontractorspdf.pdf?la=en)

CT	Connecticut General Statutes §§ 20-419--420
	Requires that home improvement contractors obtain a certificate of registration from the state, and includes in definition of "home improvement" residential water/storm restoration or mold remediation, where the total price for all work exceeds \$200. Provides that contractors who perform radon mitigation may not obtain the certificate of registration unless they have achieved certification as radon mitigators by the National Radon Safety Board or the National Environmental Health Association.

DE	Delaware Code, tit. 6, §§ 2570--2578
	Requires sellers of property containing up to four residential dwelling units to disclose to the buyer, agent and/or subagent all known material defects of the property, including information about radon tests or inspections. Sellers must also provide purchasers with written information about radon developed by the state. The radon disclosure form, developed by the Delaware Real Estate Commission, requires disclosure of any radon tests performed on the property. Real estate licensees are required by regulation (24 Del. Admin. Code 2900-9.0) to obtain the radon disclosure from sellers and to make the disclosure available to purchasers. A separate Property Condition Report requires disclosure of additional environmental hazards, such as asbestos, lead paint, toxic or hazardous substances, and mold, including any past mold testing results. (See https://dpr.delaware.gov/boards/realestate/forms/ .)

DC	District of Columbia Code §§ 7-2034, 2036
	Establishes that a license is required to operate a child development facility and authorizes the Mayor to promulgate minimum standards for operation of licensed facilities. Municipal regulations (5-A D.C. Mun. Regs. 122--129) establishing health and safety standards for licensed child development facilities require licensees to “ensure that the Facility is free of moisture, mold, and mildew, including but not limited to, moisture resulting from water leakage or seepage” and maintain floors free from dampness. The facility health and safety standards also address, among other things, lead-based paint, ventilation, space heaters, pest control, use of non-toxic materials and equipment, and carbon monoxide alarms.

DC	District of Columbia Code §§ 8-241.01--.09
	Requires landlords to remediate mold contamination in rental dwellings and to 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 licensing program 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. Regulations (20 D.C. Mun. Regs. 3200) establish a licensing program, and provide guidelines for mold assessment and remediation below the threshold requiring licensing. Public housing tenants must be given notice of their rights to receive an inspection and remediation of mold under this law through the Public Housing Resident Bill of Rights, mandated under separate legislation (D.C. Code 6-232).

DC	District of Columbia Law 21-237
	Requires the D.C. Dept. of General Services to assess D.C.-owned buildings (including schools) for potential IAQ risks, including: ventilation and temperature control; mold or mildew; pests; the use of any pesticides that are not minimum risk pesticides or organic pesticides; toxic chemicals and hazardous waste; asbestos; lead-based paint; lead in drinking water; radon; and carbon monoxide. Directs the agency to establish inspection and remediation protocols and post online the results of assessments and remediation activities.

FL	Florida Statutes § 719.128
	Authorizes the board of a housing 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 (Fla. 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.

IN	Indiana Code §§ 16-41-37.5-1--4
	Requires the Department of Health to adopt rules establishing an IAQ inspection, evaluation, and parent/employee notification program. Provides that, upon written air quality complaint, the Department shall inspect a school or state agency and issue a report of its findings. Requires the inspection report to identify conditions that could contribute to poor IAQ, provide guidance on steps to address IAQ issues, and request a response from the school or agency within 60 days. Directs the Department to assist the school or agency in developing a reasonable plan to improve IAQ conditions found during the inspection. Requires the Department to develop and revise every 3 years a manual of school IAQ best practices. Regulations (410 Ind. Admin. Code 33-1-1 et seq.) address inspection procedures; designation of a school IAQ coordinator; and minimum facility criteria, including requirements for addressing mold and water intrusion and for ensuring that pollutants from construction activities do not enter occupied spaces.

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 9-1-2) 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 Form 46234 at: http://www.in.gov/iara/webfile/formsdiv/index.html .)

KS	Kansas Statutes § 36-506
	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 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.

KY	Kentucky Revised Statutes § 198B.706
	Directs the Kentucky Board of Inspectors to adopt regulations requiring that a home inspection report include a statement that the report does not address environmental hazards. Regulations promulgated by the Board (815 Ken. Admin. Regs 6:030) require inclusion of this statement and provide that "the presence or evidence of" certain environmental hazards, including radon and mold, shall not be addressed in the report.

KY	Kentucky Revised Statutes § 324.360
	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) incorporates by reference a disclosure form which 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. (See https://krec.ky.gov/legal/miscellaneous/M105.pdf .)

KY	Kentucky Revised Statutes §§ 367.83801--.83807
	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.

LA	Louisiana Revised Statutes § 22:1319
	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.

LA	Louisiana Revised Statutes § 22:1332
	Requires that homeowner insurance policies delivered or issued for delivery in the state include a prominent disclosure of whether the policy covers mold damage.

LA	Louisiana Revised Statutes § 37:1470
	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 the U.S. EPA as official source of state mold information under the law.

LA	Louisiana Revised Statutes § 37:1478
	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. Regulations (la. Admin. Code 46: XL.303) define this term as: "visually observable discoloration of the interior components within the climate controlled living space apparently occurring from moisture that may be indicative of mold or microbial growth which is visually observable, without employing moisture, environmental or other testing methods."

LA	Louisiana Revised Statutes § 40:1289.1--1289.4
	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;” serving as a coordinating forum between and among state agencies, local government, and nongovernmental groups; and making 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 an annual report on the status of public health risks from mold in Louisiana.

LA	Louisiana Revised Statutes § 51:912.4
	Establishes that new manufactured and modular home builder warranties exclude mold and mold damage unless the parties otherwise agree in writing.

LA	Louisiana Revised Statutes § 9:2800.15
	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.

LA	Louisiana Revised Statutes § 9:3198
	Requires sellers of residential real property to complete a property disclosure document containing at least the minimum language prescribed by the Louisiana Real Estate Commission. Form developed by the Commission requires disclosure of whether the property contains radon, mold/mildew, asbestos, formaldehyde, contaminated drywall, and contaminated flooring, among other items. (Form available at: https://www.lrec.state.la.us/files/01-01-2018%20Property%20Disclosure.pdf .)

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.

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	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. In 2017, the state legislature extended the date by which mold remediators must be licensed, to July 1, 2019 (2017 Md. H. 115).

MD	Maryland Education Code § 5-301
	Requires the state Interagency Commission on School Construction to adopt regulations establishing IAQ criteria for relocatable (portable) school classrooms constructed after July 1, 2014 and purchased or leased using state or local funds. The regulations must include specifications that require units to be constructed: to protect against water damage; with building materials that contain low amounts of VOCs; and to provide continuous forced ventilation while occupied. Regulations (Code of Md. Regs. 23.03.06.02) require that all relocatable classrooms at public schools conform to indoor environmental quality standards that meet the International Green Construction Code Chapter 8, as amended and adopted by The Maryland Green Building Council. Relocatable classrooms must also meet either the Model Performance Code for pre-manufactured units, or local building codes for locally-constructed relocatable classrooms.

MD	Maryland Education Code § 5-323
	Establishes a Healthy School Facility Fund “to provide grants to public primary and secondary schools in the State to improve the health of school facilities.” Directs the Governor to appropriate at least \$30 million to the fund in each of fiscal years 2020 and 2021. According to the law, priority in awarding grants from the fund is to be based on severity of issues in schools, including but not limited to indoor air quality, mold remediation, air conditioning and temperature regulation.

MD	Maryland Senate Bill 283 (2001)
	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://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/004000/004171/unrestricted/20071008e.pdf .)

MA	Massachusetts General Laws, ch. 111, § 127A
	<p>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 rental 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."</p>

MA	Massachusetts General Laws, ch. 13, § 97
	<p>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.</p>

MA	Massachusetts General Laws, ch. 70B, § 3
	<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	Michigan Compiled Laws §§ 565.951--.966
	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.
MN	Minnesota Statutes § 123B.595
	Governs school district use of long-term facilities maintenance revenue. Provides that in order to qualify for such revenue, school districts must update annually and submit biennially a 10-year facility plan that includes provisions for implementing a health and safety program that complies with best practices for IAQ management. Establishes that revenue may be used for health and safety capital projects, which may include expenditures necessary for indoor air quality inspections, investigations, and testing; mold abatement; upgrades or replacement of mechanical ventilation systems to meet ASHRAE standards and the State Mechanical Code; cleanup after major weather-related disasters or flooding; and mitigation of specified indoor environmental pollutants, including mold and radon. (See also Minn. Stat. 123B.57.)
MN	Minnesota Statutes § 245D.22
	State law governing licensing of programs that provide home and community-based services to persons with disabilities and persons age 65 and older requires that license holders must maintain the interior and exterior of buildings clean and free from the accumulation of mold.
MN	Minnesota Statutes § 273.11
	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.

MN	Minnesota Statutes § 326B.118
	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.

MS	Mississippi Code § 83-58-5
	Excludes mold and mold damage from a home builder warranty, unless the builder's negligence was a proximate or contributing cause, or unless the parties agree otherwise in writing.

MS	Mississippi Code §§ 83-5-1, 83-5-29--51
	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.

MS	Mississippi Code §§ 89-1-501--523
	Requires written disclosure of the condition of real property consisting of up to four dwelling units, when property is transferred with the aid of real estate brokers or salespersons. Property Condition Disclosure Statement adopted under the law requires the disclosure of problems which may exist on the property, including hazardous or toxic waste, asbestos, lead-based paint, formaldehyde insulation, radon gas, and mold. (Disclosure Statement available at: http://www.mrec.ms.gov/docs/mrec_forms_property_condition_disclosure_statement.pdf .)

MT	Montana Code § 70-16-703
	Requires sellers, landlords or their agents to inform buyers or tenants in rental dwellings 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.

NV	Nevada Revised Statutes § 116.310312
	Establishes the power of the executive boards of “common interest” communities to enter units to conduct certain maintenance or to remove or abate a public nuisance. Authorizes the association, after providing notice to a unit owner, to remove furniture, fixtures, appliances and other components of a vacant unit that suffered water or mold damage and to remediate or remove the water or mold damage in the unit, under specified circumstances.

NV	Nevada Revised Statutes § 645D.300
	Establishes provisions for licensing 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.

NH	New Hampshire Revised Statutes § 170-E:34
	Directs state health agency to adopt rules establishing minimum standards for licensing child care facilities, including standards relating to the environmental health and safety of the premises. Regulations promulgated by the agency (NH Admin. Code He-C 4002.14) require licensed programs to maintain the child care environment free from conditions hazardous to children, including fumes from harmful chemicals or materials, and damp conditions that result in visible mold or mildew or a musty odor. Regulations also provide that when information indicates the building may contain radon hazards, the program must either submit evidence that the building has undergone a radon inspection and is free of radon hazards or submit a plan of action for reducing radon levels.

NH	New Hampshire Revised Statutes § 200:11-a
	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. (Department’s online IAQ Survey checklist available at: https://www.education.nh.gov/program/school_approval/index.htm .) 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.

NH	New Hampshire Revised Statutes § 310-A:189-b
	Requires those who perform residential mold assessment for compensation to hold a valid third-party certification from a national nonprofit organization whose programs are accredited by ANSI (American National Standards Institute), CESB (Council of Engineering and Scientific Specialty Boards), NCCA (National Commission for Certifying Agencies), or another accrediting body operating in accordance with ISO (International Organization for Standardization) standards. Exempts professionals hired by homeowners if the primary contracted work is not mold assessment. Requires the state board of home inspectors to post information about the certification requirements on its web page.

NJ	New Jersey Statutes § 56:8-19.1
	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 may adversely affect 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.

NJ	New Jersey Statutes §§ 34:6A-1 et seq.
	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.

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 and demonstrated financial responsibility. Provides certain exemptions from licensing, 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." The department has developed a list of approved mold training course providers. (See https://labor.ny.gov/workerprotection/safetyhealth/mold/approved-mold-training-providers.shtm .)

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 any imminently dangerous conditions on the rental premises, within a reasonable period of time 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	North Carolina General Statutes §§ 115C-12, 115C-47
	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.

OH	Ohio Revised Code § 5302.30
	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.

OK	Oklahoma Statutes, tit. 15 § 765.4
	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.

OK	Oklahoma Statutes, tit. 60, §§ 831--839
	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 regulations (Ok. Admin. Code 605:10-17-7, App. A) adopt 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 .)

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.

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 §§ 27-50-10--110
	Requires sellers of property containing up to four dwelling units to provide purchasers with a written disclosure statement disclosing environmental contamination on the property, including the presence of radon gas, lead-based paint, asbestos, methane gas, hazardous or toxic materials, and other environmental contamination. Disclosure statement adopted pursuant to the law also requires sellers to report the presence of formaldehyde or mold. (See http://www.llr.state.sc.us/pol/rec/recpdf/doc360.pdf .)

SD	South Dakota Codified Laws §§ 43-4-37--44
	Requires sellers of residential property to provide a property disclosure form that addresses 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	Tennessee Code § 62-6-112
	Establishes Environmental and Special Construction as one of nine major construction licensing classifications, and requires the state contractor licensing board to adopt rules establishing specialty classifications that are automatically included in licenses issued for major classifications. Licenses may also be issued for specialty classifications alone. Regulations implementing the law (Tenn. Admin. Code 0680-01-.16) establish a Specialty/Environmental classification that includes, among other things, mold remediation, asbestos material handling/removing, and lead paint abatement; a license holder must "keep abreast of all applicable state and federal requirements to ensure ‘state of the art’ handling and removing" of these materials and must notify the board within 10 days of any citation lodged against it.

TN	Tennessee Code §§ 62-21-105, 118
	Authorizes the Commissioner of Agriculture to issue licenses and charters for commercial pest control operators and to “[d]etermine the different categories of service or classes that will require separate charters or licenses....” Department of Agriculture regulations (Tenn. Admin. Code 0080-09-04-.04) establish a Mold Remediation license category, which “includes the control of mold and fungus in structures due to water damage” and require applicants for that license to “be certified in Industrial, Institutional, Structural and Health Related Pest Control or Microbial Pest Control” categories.

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 6.416) 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. The regulations (10 Texas Admin. Code 6.412) 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 Government Code § 2306.201, et seq.
	Establishes the state Housing Trust Fund to provide financial assistance to enable households to finance, acquire, rehabilitate and develop decent, safe and sanitary housing. The Department of Housing and Community Affairs administers the fund and established the Amy Young Barrier Removal Program to provide one-time grants from the fund to persons with disabilities in low income households, for the purpose of home modifications. Regulations implementing the program (10 Texas Admin. Code 26.27) allow a portion of the funds to be used to repair life-threatening hazards and unsafe conditions, which the regulations define to include environmental hazards such as mold, lead-based paint, asbestos or radon.

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 297.1 et seq.) 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. 2015 legislation (2015 Tx. S.B. 202) repealed these statutory provisions, removing this function from the state health department.

TX	Texas Insurance Code §§ 542.251--.253
	Authorizes the state to adopt rules regulating the handling of water damage and mold claims filed under residential property insurance policies, including required notice, processing procedures and time frames, claim investigation, and settlement of claims.

TX	Texas Insurance Code §§ 544.301--.305
	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).

TX	Texas Occupations Code §§ 1958.001 et seq.
	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 state to adopt rules governing the licensing program, including minimum performance standards and training requirements (25 Texas Admin. Code 295.301-295.338). Directs the state to administer the program and to investigate complaints regarding mold-related activities. 2015 legislation (2015 Tx. S.B. 202), effective Sept. 1, 2017, transferred the program from the Department of Health to the Department of Licensing and Regulation, which issued additional regulations in 2017 (16 Texas Admin. Code 78.1 et seq.).

VT	Vermont Statutes tit. 18, §102
	Authorizes the state to promulgate regulations to preserve the public health. Department of Health regulations adopting a Rental Housing Code (Vt. Admin. Code 12-5-25:10.0) 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."

VT	Vermont Statutes, tit. 18, § 4303
	Directs the Commissioner of Health to adopt rules establishing minimum standards for the safe and sanitary operation of lodging establishments and children’s camps that require an establishment to be “constructed, maintained, and operated with strict regard for the health of the employees and the public.” State regulations (Vt. Admin. Code 12-55-29:11.0) prohibit lodging establishments from renting a guest room with visible mold on the floors, walls, ceiling or windows until mold cleanup is completed. Regulations governing children’s camps (Vt. Admin. Code 12-5-58-11.0) establish the same prohibition for camper rooms.

VA	Virginia Code § 55-248.11:2
	Requires landlords to disclose whether there is any visible evidence of mold in a rental dwelling unit, as part of the move-in inspection report. Gives tenant the option of terminating lease if mold disclosure is provided 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 §§ 54.1-201, -1102
	Requires the Board for Contractors to promulgate regulations necessary for licensure of contractors, inspectors, and tradesmen. Rules adopted under the law (18 Va. Admin. Code 50-22-30, 40) require that firms applying for a contractor's license and seeking licensing in the radon mitigation services specialty must name a qualified individual who has obtained an EPA or Virginia DEQ accepted radon certification. Separate regulations (18 Va. Admin. Code 15-40-120) require that if home inspections do not cover specified items (including mold, radon, and other environmental hazards), the inspection contract must note the exclusions.

VA	Virginia Code §§ 55-248.4, 248.13, 248.16, 248.18
	Requires landlords and tenants to maintain the residential rental 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 and establishes that, "where there is visible evidence of mold, the landlord shall promptly remediate the mold conditions... and reinspect the dwelling unit..." Requires that remediation be conducted in accordance with guidance documents specified in the law. 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. Requires landlord to pay relocation cost. (See also Va. Code 55-225.3--.9.)

WA	Washington Revised Code § 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 in their rental dwellings. The legislature appropriated \$43,000 in fiscal year 2006 for the implementation of these mold provisions.

WA	Washington Revised Code §§ 70.164.010--.040
	Establishes a low-income weatherization and structural rehabilitation assistance account in the state treasury. Defines weatherization services to include indoor air quality improvements and other health and safety improvements. Notes the emerging science linking substandard housing and health outcomes, and authorizes grantees to propose "healthy housing improvements."

WI

Wisconsin Statutes § 66.0104

Establishes authorities of political subdivisions to enact ordinances governing landlords. Provides that political subdivisions may create a local rental property inspection program, and defines “habitability violation” to include rental properties or units that contain “excessive mold.”