

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 Database does not purport to include every state law that addresses mold. Moreover, the Database highlights laws that deal directly or exclusively 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 2016. The abstracts for documents that were added or substantially amended in 2016 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.

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	2011 Arkansas Senate Bill 531
	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 report available at: http://plantboard.arkansas.gov/PlantIndustry/Documents/Mold%20Advosiry%20Board%20Final%20Report.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. (See http://www.dgs.ca.gov/opsc/Programs/deferredmaintenanceprogram/goodrepairstandards.aspx .)

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: 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
	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: http://library.ca.gov/crb/06/01/06-001.pdf .)

CA	California Health and Safety Code §§ 17920, 17920.3
	Establishes minimum standards for 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 Labor Code § 142.3
	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.

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 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.

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: http://1.usa.gov/1QecnDG .)

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 are certified as radon mitigators by the National Radon Safety Board or the National Environmental Health Association.

DC	District of Columbia Code §§ 7-2034, 2036
	Requires a license 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 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 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.

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 (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.

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 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 43234 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, 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.

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.

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;” 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 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 §§ 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/legislativereports/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://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/004000/004171/unrestricted/20071008e.pdf .)

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. 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.

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 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."</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 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.

MT	Montana Code § 70-16-703
	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.

NV	Nevada Revised Statutes § 645D.300
	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.

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. (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.

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. 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." 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, 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	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	2003 Oklahoma Session Law Serv. Hs. Conc. Res. 1011
	Establishes a Joint Task Force on Mold and Mold Remediation, and requires the task force to report its findings and recommendations to the legislature.

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 regulation (Ok. Admin. Code 605:10-17-7, 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 .)

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.

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 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
	<p>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.</p>

TX	Texas Health & Safety Code, §§ 385.001--.003
	<p>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. 2015 legislation (2015 Tx. S.B. 202) repealed these statutory provisions, removing this function from the state health department.</p>

TX	Texas Insurance Code §§ 542.251--.253
	<p>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.</p>

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 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. 2015 legislation (2015 Tx. S.B. 202), effective Sept. 1, 2017, transfers the program to the Department of Licensing and Regulation.

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."

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 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	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--.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. Specifically establishes as one purpose of the account, "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." Notes the emerging science linking substandard housing and health outcomes, and authorizes grantees to propose "healthy housing improvements."