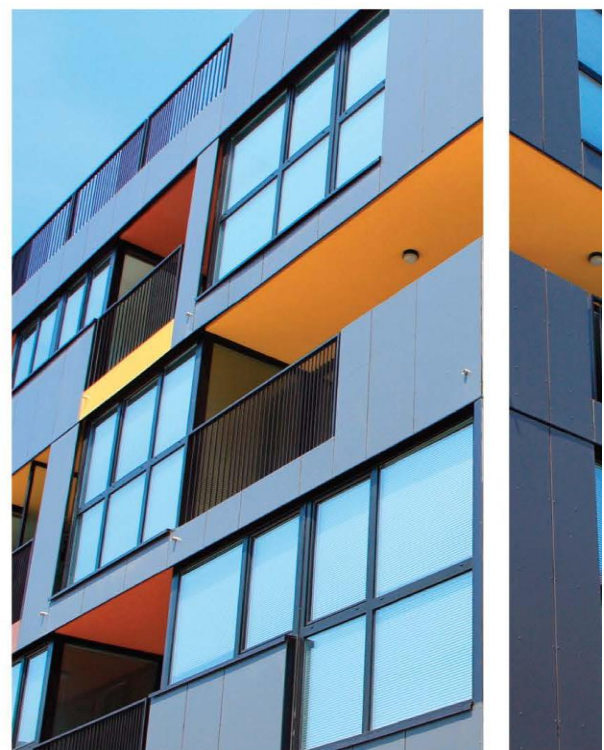




NAA MOLD ACTION KIT:

A BEST PRACTICE FOR OWNERS & MANAGERS

November 2019



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Acknowledgement

Dear NAA Member:

In our on-going effort to keep members informed about industry-related issues, I am pleased to present you with this updated version of the National Apartment Association (NAA) Mold Action Kit, complimentary to NAA members. Much has changed in the industry since this kit was initially published in 2001. It is NAA's mission to keep you updated as the impact of mold on the apartment industry continues to evolve.



In the kit, you will find a compilation of resources from NAA, government agencies and private contributors that will assist your company in managing mold issues at your apartment communities.

NAA members can visit NAA's website and search for resources. You are free to duplicate any piece of this kit for use within your company. Please, however, limit distribution to NAA members only. As more information becomes available, it will be posted in the members only section of the NAA website <http://www.naahq.org>

I would like to thank CleanHealth Environmental (www.cleanhealthenv.com) for their contribution to this kit.

The National Apartment Association hopes your company finds this kit useful.

NAA President, Bob Pinnegar

A handwritten signature in black ink, appearing to read 'Bob Pinnegar'. The signature is stylized and fluid, with a long horizontal line extending to the right.

Disclaimer

The information provided in this tool kit does not, and is not intended to, constitute legal advice; instead, all information in this tool kit is for general informational purposes only. Information in this tool kit may not constitute the most up-to-date legal or other information. Readers of this tool kit should contact their attorney to obtain advice with respect to any particular legal matter. No reader of this tool kit should act or refrain from acting on the basis of information in this tool kit without first seeking legal advice from counsel in the relevant jurisdiction. Only your individual attorney can provide assurances that the information contained herein – and your interpretation of it – is applicable or appropriate to your particular situation. Use of, and access to, this tool kit does not create an attorney-client relationship between the reader and NAA or any contributing firms. All liability with respect to actions taken or not taken based on the contents of this tool kit are hereby expressly disclaimed.

Tab 1. Ten Things You Should Know About Mold

U.S. Environmental Protection Agency (EPA)

1. Potential health effects and symptoms associated with mold exposures include allergic reactions, asthma, and other respiratory complaints.
2. There is no practical way to eliminate all mold and mold spores in the indoor environment; the way to control indoor mold growth is to control moisture.
3. If mold is a problem in your home or school, you must clean up the mold and eliminate sources of moisture.
4. Fix the source of the water problem or leak to prevent mold growth.
5. Reduce indoor humidity to (30-60%) to decrease mold growth by:
 - Venting bathrooms, dryers and other moisture-generating sources to the outside
 - Using air conditioners and de-humidifiers
 - Increasing ventilation
 - Using exhaust fans whenever cooking, dishwashing and cleaning
6. Clean and dry any damp or wet building materials and furnishings within 24-48 hours to prevent mold growth.
7. Clean mold off hard surfaces with water and detergent, and dry completely. Absorbent materials such as ceiling tiles, that are moldy, may need to be replaced.
8. Prevent condensation: Reduce the potential for condensation on cold surfaces (i.e., windows, piping, exterior walls, roof, or floors) by adding insulation.
9. In areas where there is a perpetual moisture problem, do not install carpeting (i.e., by drinking fountains, by classroom sinks, or on concrete floors with leaks or frequent condensation).
10. Molds can be found almost anywhere; they can grow on virtually any substance, providing moisture is present. There are molds that can grow on wood, paper, carpet, and foods.

Source: <https://www.epa.gov/mold/ten-things-you-should-know-about-mold>

Tab 2. Operations & Maintenance Plan

National Apartment Association

May be accessed at https://www.naahq.org/sites/default/files/naa-documents/education/tab_2_-_naa_om_plan_11-15.pdf

Tab 3. Mold Remediation in Schools and Commercial Buildings

U.S. Environmental Protection Agency (EPA)

May be accessed at <https://www.epa.gov/mold/mold-remediation-schools-and-commercial-buildings-guide>

Tab 4. Brief Guide to Mold, Moisture and Your Home

U.S. Environmental Protection Agency (EPA)

May be accessed at <https://www.epa.gov/mold/brief-guide-mold-moisture-and-your-home>

Tab 5. Mold or Moisture in My Home: What Do I Do?

California Department of Public Health (CDPH)

May be accessed at <https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/EHLB/IAQ/Pages/Mold.aspx>

Tab 6. Resource Guide: Industry Standards, Reference Documents & Government Reports Related to Mold Remediation and Health Effects

Numerous industry organization and governmental bodies have published standards pertaining to Mold Assessment & Remediation. While there are many, below is a listing of the most utilized guidance and standards to address mold assessment, remediation and water damage restoration:

1. Institute of Inspection Cleaning and Restoration (IICRC), Standard and Reference Guide for Professional Mold Remediation, S520, Institute of Inspection, Cleaning, and Restoration Certification, Vancouver, Washington, 2015
Available for purchase at <https://webstore.iicrc.org/index.php/current-standards/s520.html>
2. Institute of Inspection Cleaning and Restoration (IICRC), Standard and Reference Guide for Professional Water Damage Restoration, S500, 3rd Edition, Institute of Inspection, Cleaning, and Restoration Certification, Vancouver, Washington, 2015
Available for purchase at <https://webstore.iicrc.org/index.php/current-standards/s500.html>
3. U.S. Environmental Protection Agency (EPA), Mold Remediation in Schools and Commercial Buildings, EPA402-K-01-001, March 2008 (See Tab 3)
<https://www.epa.gov/mold/mold-remediation-schools-and-commercial-buildings-guide>
4. New York City Department of Health and Mental Hygiene, Guidelines on Assessment and Remediation of Fungi in Indoor Environments, November 2008
<https://www1.nyc.gov/assets/doh/downloads/pdf/epi/epi-mold-guidelines.pdf>
5. EPA, Indoor Air Quality Building Education and Assessment Model (I-BEAM), updated October 2008
<https://www.epa.gov/indoor-air-quality-iaq/indoor-air-quality-building-education-and-assessment-model>
6. American Industrial Hygiene Association (AIHA), Recognition, Evaluation, and Control of Indoor Mold, May 2008
<https://www.aiha.org/Lists/Products/DispForm.aspx?ID=50>

Significant Health-Related Government Reports

Both the Institute of Medicine (IOM) and the Centers for Disease Control & Prevention (CDC) have issued notable reports regarding their findings on health-related concerns of exposures resulting from damp indoor environments and microbial growth.

1. Institute of Medicine, Damp Indoor Spaces and Health, Washington, DC: The National Academies Press, 2004
<https://www.nap.edu/catalog/11011/damp-indoor-spaces-and-health>

Summary: Almost all homes, apartments, and commercial buildings will experience leaks, flooding, or other forms of excessive indoor dampness at some point. Not only is excessive dampness a health problem by itself, it also contributes to several other potentially problematic types of situations. Molds and other microbial agents favor damp indoor environments, and excessive moisture may initiate the release of chemical emissions from damaged building materials and furnishings. This new book from the Institute of Medicine examines the health impacts of exposures resulting from damp indoor environments and offers recommendations for public health interventions.

2. Update: Pulmonary Hemorrhage/Hemosiderosis Among Infants --- Cleveland, Ohio, 1993-1996

<https://www.cdc.gov/mmwr/preview/mmwrhtml/mm4909a3.htm>

Summary: Background: In December 1994 and January 1997, articles in Morbidity and Mortality Weekly Report (MMWR) described a cluster of 10* infants from Cleveland, Ohio, with acute idiopathic pulmonary hemorrhage, also referred to as pulmonary hemosiderosis. The children resided in seven contiguous postal tracts and had had one or more hemorrhagic episodes, resulting in one death, during January 1993-December 1994. Preliminary results of a CDC case-control study indicated that hemorrhage was associated with 1) major household water damage during the 6 months before illness and 2) increased levels of measurable household fungi, including the toxin-producing mold *S. chartarum* (syn. *S. atra*).

Update: In 2000, a review within CDC and by outside experts of an investigation of acute pulmonary hemorrhage/hemosiderosis in infants has identified shortcomings in the implementation and reporting of the investigation described in MMWR and detailed in other scientific publications authored, in part, by CDC personnel. **The reviews led CDC to conclude that a possible association between acute pulmonary hemorrhage/hemosiderosis in infants and exposure to molds, specifically *Stachybotrys chartarum*, commonly referred to by its synonym *Stachybotrys atra*, was not proven (*emph. added*).** This report describes the specific findings of these internal and external reviews.

Tab 7. Occupational Safety & Health Administration (OSHA) Standards During A Mold Inspection and Remediation

During a mold remediation and inspection, workers may face certain hazards on the job site. Common hazards may include electrical hazards, working in unprotected confined spaces, or encountering contaminated water during cleanup and recovery efforts.

Per OSHA, employers shall provide a safe workplace that is free from recognized hazards, promoting health and safety in the workplace, and bringing about a reduction in the occurrence of on-the-job injuries, illnesses, and fatalities. OSHA operates a number of programs designed to accomplish these goals. These programs shall be reviewed periodically, and employee training shall be provided on the contents of each program.

Currently, OSHA has not published any specific standards or regulation surrounding mold in the workplace. The OSHA's [Brief Guide to Mold in The Workplace](#) is a guideline providing recommendations for the prevention of mold growth, and describes measures designed to protect the health of building occupants and workers involved in mold remediation and prevention.

OSHA also published an additional guidance document, in 2006, [Preventing Mold-Related Problems in the Indoor Workplace](#), which focuses on prevention of mold growth in the indoor environment. Both guidance documents can be found in Tabs 7 and 8 of this kit.

In regard to specific OSHA regulations that may come into play during a mold inspection and/or remediation, the following is a list of OSHA standards that must be followed to ensure worker health and safety:

Respiratory Protection Program

Per 29 Code of Federal Regulations (CFR) 1910.134, employers must create and maintain an individualized, written respiratory program if their employees use respirators. The Respiratory Protection Program is designed to protect employees by establishing accepted practices for respirator use, providing guidelines for training and respirator selection, and explaining proper storage, use and care of respirators.

Personal Protective Equipment (PPE) Program

The Personal Protective Equipment Program is designed to reduce employees' risk of injury or death by maintaining a safe work environment. PPE is not a substitute for good work practices, elimination of hazards, substitution of hazardous operations or materials, engineering controls or administrative controls. Rather, PPE should be used, if necessary, in conjunction with these controls to ensure the safety and health of employees. These programs typically address eye, face, head, foot and hand protection.

Hazard Communication (HAZCom) Program

Chemicals pose a wide range of health hazards (such as irritation, sensitization, and carcinogenicity) and physical hazards (such as flammability, corrosion, and reactivity). Per CFR 1910.1200, the purpose of the Hazard Communication Program is to ensure that the hazards of all chemicals produced or imported are classified, and that information concerning the classified hazards is transmitted to employers and employees.

General Health & Safety Program

Per OSHA, the main goal of a health & safety program is to prevent workplace injuries, illnesses, and deaths, as well as the suffering and financial hardship these events can cause for workers, their families, and employers. The OSHA Health & Safety regulation outlines general reporting and record-keeping requirements surrounding worker safety and health.

Confined Space Entry Program

OSHA's standard for confined spaces (29 CFR 1910.146) contains the requirements for practices and procedures to protect employees in general industry from the hazards of entering confined spaces. Per OSHA, anytime an employer has workers that will be entering confined spaces, there must be a written program developed that outlines and instructs on the proper procedures for working in and around these spaces.

Emergency Action and Fire Prevention Plan

Per 29 CFR 1910.38, the purpose of an Emergency Action Plan is to facilitate and organize employer and employee actions during workplace emergencies. Well-developed emergency plans and proper employee training will result in fewer and less severe employee injuries and less structural damage to the facility during emergencies.

The purpose of a Fire Prevention Plan is to eliminate the causes of fire, prevent loss of life and property by fire, and comply with the Occupational Safety and Health Administration's (OSHA) standard on fire prevention, 29 CFR 1910.39.

Bloodborne Pathogen Exposure Control Program

OSHA's Bloodborne Pathogens standard, 29 CFR 1910.1030 prescribes safeguards to protect workers against the health hazards caused by bloodborne pathogens. Its requirements address items such as exposure control plans, universal precautions, engineering and work practice controls, personal protective equipment, housekeeping, laboratories, hepatitis B vaccination, post-exposure follow-up, hazard communication and training, and recordkeeping.

Note: *This is not an exhaustive list. Additional OSHA regulations may apply including but not limited to: asbestos abatement, lead-based paint abatement, heat disorders, lockout/tagout procedures & electrical safety, fall protection, noise, etc.*

Tab 8. A Brief Guide to Mold in The Workplace

Occupational Safety and Health Administration (OSHA)

May be accessed at <https://www.osha.gov/dts/shib/shib101003.html>

Tab 9. Preventing Mold-Related Problems in the Indoor Workplace

Occupational Safety and Health Administration (OSHA)

May be accessed at <https://www.osha.gov/SLTC/molds/>

Tab 10. Resource Guide: Industry Certifications and Training Providers

There are a handful of professional industry organizations that provided Mold Assessment and Remediation Training services. Classes are typically geared towards professionals responsible for inspecting and/or remediating indoor mold growth.

This is not an exhaustive list, however. There are many local training providers who also provide training services. Industrial hygiene firms and/or health & safety consultant may provide training services in your area. Reaching out to industry contacts for referrals or searching training providers online should be considered.

States that have licensing requirements for professionals will also have a listing of their approved training providers in their state. See Tab 12, where you will find the links to the state licensing information.

Note: NAA does not recommend or refer any specific training provider. This list is provided as a reference.

Onsite Training Providers

Name of Organization	Brief Description	Certifications/Courses Offered	Website Link
American Council for Accredited Certification (ACAC)	The certification council is North America's oldest and most prestigious certifying body dedicated to indoor air quality	<ol style="list-style-type: none"> 1. Indoor Environmental Investigation and Consulting 2. Indoor Environmental Remediation 3. Microbial Investigation and Consulting 4. Microbial Remediation 5. Residential Mold Inspection 6. Environmental Infection Control Consulting 7. Environmental Infection Control Remediation 8. Moisture Control Investigation and Consulting 9. Structural Drying 10. Indoor Air Quality Administration 11. Emergency Operations Management 12. Fire and Smoke Damage Investigation & Consulting 13. Environmental Thermography Investigation & Consulting 	https://www.acac.org/
Institute of Inspection Cleaning and Restoration	IICRC is a non-profit organization for the cleaning and restoration industry. IICRC establishes and advances globally	Applied Microbial Remediation Technician (AMRT) Applied Structural Drying Technician (ASD) Building Moisture Thermography (BMT) Commercial Carpet Maintenance Technician (CCMT) Carpet Cleaning Technician (CCT)	https://www.iicrc.org/

Certification (IICRC)	recognized standards and certifications for the inspection, cleaning, restoration and installation industries	Commercial Drying Specialist (CDS) Floor Care (Hard Surfaces) Technician (FCT) Health and Safety Technician (HST) Water Damage Restoration Technician (WRT) Click here to view all	
Restoration Industry Association (RIA)	RIA is the oldest and largest non-profit, professional trade association dedicated to providing leadership and promoting best practices through advocacy, standards & professional qualifications for the restoration industry.	Water Loss Specialist (WLS) Contents Loss Specialist (CLS) Fire Loss Specialist (FLS) Environmental Response Specialist (ERS) Certified Restorer (CR) Click here to view all	https://www.restorationindustry.org/

Online Training Options

Name of Organization	Brief Description	Certifications/Courses Offered	Website Link
U.S. EPA	This course provides an overview of mold prevention and mold remediation. It is based on EPA's voluntary March 2001 guidance document <i>Mold Remediation in Schools and Commercial Buildings</i> . Individuals who may be interested in this course, or may want to refer to this course include: <ul style="list-style-type: none"> • Public health and environmental health professionals who are involved with mold issues • Building managers • Custodians • Remediators • Contractors • Other professionals who respond to mold problems 	Introduction to Mold and Mold Remediation for Environmental and Public Health Professionals	https://www.epa.gov/mold/take-mold-course
Visto (Online Training provider through the NAA website)	Visto has over 150 convenient online courses specifically designed for the multifamily industry.	Defeating the Mold Monster Summary: As a team member in this industry it is crucial that you understand mold, how it reproduces, what it needs to thrive, and how to control and remediate it. This course is also available in Spanish.	https://www.gowithvisto.org/product?catalog=14871734040pSC0
NORMI	NORMI™ is a certifying organization that gives credit to trainings provided by	Because the mold industry operates under the general heading of "Construction", NORMI™ provides training for many of the	https://www.normi.org/the-normi-institute-

	various companies and/or organizations.	construction fields that require more advanced and detailed training in Workplace Safety along with effective and relevant Continuing Education. Online Training is offered	and-mold-training-programs/
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Tab 11. The State of Litigation: Recent Litigation and Settlements

Overview: Mold is a natural part of our environment and makes up 25% of the earth’s biomass. Over the years, there have been quite a number of mold claims impacting multi-family housing, particularly in the late 90s and early 2000s. This is still an on-going issue, where residents often think mold is a potential windfall, or an opportunity to break their lease if mold is present in their unit. This may have been as a result of the belief that inhalation exposures to mold is a significant health hazard, since the internet contains substantial information about mycotoxins produced from mold. This probably led to the expression “toxic mold”. But as the Center for Disease Control & Prevention (CDC) points out, the term “toxic mold” is not accurate. While certain molds are toxigenic, meaning they can produce toxins (specifically mycotoxins), the molds themselves are not toxic or poisonous.

In 2003, the Institute of Medicine (IOM) conducted comprehensive research regarding the relationship between damp or moldy indoor environments and the manifestation of adverse health effects. IOM found sufficient evidence between presence of mold or other agents in a damp indoor environment and the development of allergic reactions and exacerbation of asthmatic symptoms in sensitive individuals. The IOM did not find enough evidence that mold and a damp indoor environment causes asthma development, skin symptoms, gastrointestinal tract problems, fatigue, cancer, mucous membrane irritation syndrome, chronic obstructive pulmonary disease, rheumatologic and other immune diseases, and inhalation fevers.

Residents must now prove causation to successfully file a mold claim (e.g., prove that the presence of mold in their unit caused specific health issues such as allergic reactions, exacerbation of asthmatic symptoms in sensitive people), since medical and scientific research simply does not support toxic health effects from mold.

To avoid the cost of a potential lawsuit, property owners and/or property managers must ensure water intrusion events are addressed quickly, ideally within 24-48 hours per EPA, have appropriate procedures in place when residents file a mold complain or water intrusion event and hire experienced vendors/contractors to address the mold or water damage issue.

Source: <https://rentproperty.worldsecuringsystems.com/news/mold-simpler-than-you-think-it-s-about-the-money>

The following are a sampling of recent mold lawsuits and settlements:

1. [McCarney v. PA Lex Glen, LLC](#)

Plaintiff, Kevin McCarney, moved into an apartment unit in Sandy Springs, Georgia in 2012. In 2013, in response to comments by other tenants regarding the presence of mold at the complex, McCarney inspected the vents in his apartment and found a black substance. Plaintiff and his roommate also discovered water leaks and other problems with the HVAC system and complained to management. A mold remediation company was hired by the apartment complex to clean the unit. Plaintiff independently paid to have his unit tested. McCarney then notified the management company that he was cancelling his lease, based partly on the test results. Earlier in his tenancy, plaintiff had suffered various sinus ailments, resulting in surgery. Those issues continued while plaintiff remained a tenant at the apartment. McCarney sued the management company for negligence, based upon these personal injuries. The trial court granted summary judgment in favor of the defendant, finding that plaintiff had insufficient evidence of causation. [Click here to learn more.](#)

2. [Beverly Allen v. Breck Ridge Partners, LLC](#)

In 2014, a tenant living in Montgomery county, Maryland, complained to her landlord about high levels of mold in her apartment shortly after she moved in. According to the tenant, the landlord failed to respond, causing illness to the tenant's family and damage to her personal property, forcing the tenant to break her lease before the one-year term expired. After refusing to make further rent payments, the tenant sued the landlord for breach of contract, claiming that the landlord failed to maintain her apartment in a reasonably safe condition. A jury found the landlord liable and awarded the tenant \$19,400 in total compensatory damages, and an appeals court ruled that the tenant is also entitled to reasonable attorneys' fees.

3. [Cohen v. Fox Management, Inc., Multnomah County Circuit Court](#)

In 2011, an Oregon jury returned a verdict of \$103,000, plus attorneys' fees, against a property management company. The plaintiff, a radiologist, had rented a home managed by the defendant. When a water leak occurred in a stairwell, plaintiff advised the defendant property management company. Despite the complaint, no repairs were made, and a strong musty odor developed. Plaintiff suffered eye irritation, headaches and allergy symptoms. Eventually the plaintiff hired an indoor air quality expert who found multiple building defects and excessive indoor humidity levels. Plaintiff was forced to move from the house. [Click here to learn more.](#)

4. [Bair v. Kandel, 2015 Ohio 3181](#)

Tenants at an apartment in Louisville, Ohio, vacated their apartment following the discovery of mold that was allegedly caused by a water infiltration issue. After being unsuccessful in recovering money under their renters' insurance policy,

the tenants then sued the landlord to be compensated for losses to their personal property. The trial court awarded the tenants \$12,261.98 in damages and found that the landlord's insurer must cover the claim. [Click here to learn more.](#)

5. [Mold in Military Housing](#)

In April 2016, a Virginia federal court jury found in favor of Marine Gunnery Sgt. Joe Federico and his wife Shelley, who alleged that their off-base housing was contaminated with mold. Both claimed that they had become “extremely” sick as a result. Attorneys for the Federico’s made claims for both breach of contract and negligence per se. At trial, they asked for \$8 million in damages. While the jury found for the plaintiffs on the negligence claim, they rejected the contract-based cause of action and the larger request for damages and awarded the family \$350,000. The Federico’s attorney argued afterwards that these verdicts were inconsistent, and he plans to seek post-verdict relief.

Tab 12. State Licensing Requirements

While no federal regulations mandating licensing of mold assessors and remediation exist, a handful of state have implemented state regulations requiring licensure. As of July 2019, the following states have licensing requirements to conduct professional mold remediation and assessment. If managing properties in these state, property owners/managers must be aware of the requirements for hiring these licensed professionals, as delineated below:

State & Title of Regulation	When regulation must be followed	Regulation Requirements	What are the Licensing Requirements?	Penalties	Web address
<p>Washington D.C.</p> <p>Department of Energy and Environment (DOEE) Mold Assessment and Remediation Licensure Regulation</p>	<p>If it is DC residential housing involving landlord-tenant relationship</p>	<ul style="list-style-type: none"> - A licensed professional must be hired when visible suspect fungal growth of more than 10 square feet of an affected area is identified -Visible suspect fungal growth of less than 10 square feet can be remediated by a non-licensee using the DOEE guidance document (Click here) - The Mold Assessment professional must notify the department when visible suspect fungal growth of 10 square feet or more is identified. - Before the work begins, the Mold Assessment professional must provide a mold remediation protocol, while the Mold Remediator must provide a mold remediation work plan. 	<ul style="list-style-type: none"> - Yes, professionals are required to be licensed Mold Assessors or Mold Remediators to conduct mold remediation. - An indoor mold assessment professional shall maintain general liability and errors and omissions insurance coverage of at least one million dollars (\$1,000,000) for preliminary and post-remediation mold assessment. - An indoor mold remediation professional shall maintain a general liability insurance policy in an amount of at least one million dollars (\$1,000,000) that includes specific coverage for mold-related and general pollution claims. - An indoor mold assessment professional or an indoor mold remediation professional shall maintain the applicable insurance policy unless covered under an employer's policy. 	<p>The Department may issue one or more of the following</p> <ul style="list-style-type: none"> (a) Notice of Violation (b) Notice of Infraction (c) Cease and Decease Order (d) Notice of suspension, revocation, or denial of a license 	<p>Click Here</p>

			- An applicant for an indoor mold assessment or remediation professional license shall submit a completed application and a \$300 fee for an initial application.		
Texas Administrative Rules of the Texas Department of Licensing and Regulation	This regulation applies only to mold-related activities that affect indoor air quality, including a mold-related activity performed by a third party for compensation at a property owned or operated by a governmental entity.	<ul style="list-style-type: none"> - A professional is required to be licensed to perform mold remediation in an area in which the mold contamination for the project affects a total surface area of 25 contiguous square feet or more. - Mold assessment technician, mold assessment consultants, mold assessment companies, mold remediation workers, mold remediation contractors, mold remediation companies, mold analysis laboratories, and mold training providers must be licensed. - A Mold Remediation Contractor or Company must notify the Department of a mold remediation, when mold contamination affects a total surface area of 25 contiguous square feet or more. 	<ul style="list-style-type: none"> - Licensed are required when remediating mold that affects a total surface area of 25 contiguous square feet or more - Licensed professionals are required to obtain commercial general liability insurance in the amount of not less than \$1 million per occurrence and to maintain the coverage for the term of the license. - Fees for credentials for both individuals and the company range from \$150.00-\$800.00” 	Administrative penalty, the penalty shall not exceed \$5,000 per violation except as indicated	Click Here
New York 2015 New York Laws Lab - Labor Article 32 - Licensing of Mold Inspection, Assessment	The regulation must be followed for all mold-related projects in New-York State involving more than 10 square feet.	- The regulation requires Mold Remediation Contractors, Mold Abatement Workers and Mold Assessors (consultants) to obtain a license for all mold-related projects in New York State involving	- It is unlawful for any contractor to engage in mold assessment or remediation on a project, or to advertise or hold themselves out as a mold assessment or remediation contractor unless such contractor has a valid mold	The commissioner may suspend or revoke any license, or censure, fine, or impose probationary or other restrictions on any licensee for good cause shown which shall include, but not be limited to the following:	Click Here

<p>and Remediation Specialists and Minimum Work Standards</p>		<p>more than ten (10) square feet of mold.</p> <ul style="list-style-type: none"> - No licensee shall perform both mold assessment and mold remediation on the same property. - Maintenance Staff, Mold Assessment and Remediation professionals should use the New York City Department of Health and Mental Hygiene guidance document when remediating mold less than 10 square feet (small level remediation), between 10-100 square feet (medium level remediation) and >100 square feet (large level remediation) 	<p>assessment or remediation license issued by the commissioner.</p> <ul style="list-style-type: none"> - Both the Mold Remediator and Assessor must have insurance certificates showing proof of workers compensation coverage, if required, and liability insurance of at least fifty thousand dollars (\$50,000) minimum. - A fee for an initial application for a license as determined by the commissioner, of not less than \$500 nor more than \$1000 for a mold remediation license, not less than \$150 nor more than \$300 for a mold assessment license and not less than \$50 nor more than \$100 for an individual mold abatement license 	<ul style="list-style-type: none"> (a) conviction of a felony relating to the performance of a mold assessment or mold remediation; (b) deceit or misrepresentation in obtaining a license (c) providing false testimony or documents to the commissioner in relation to a license authorized by this article or any other license issued by the commissioner; (d) deceiving or defrauding the public in relation to services provided for a fee that require a license; or (e) incompetence or gross negligence in relation to mold assessment or mold remediation. <p>Violators of any of the provisions may be fined by the commissioner in an amount not to exceed \$2,000 for the initial violation and up to \$10,000 for each subsequent violation.</p>	
<p>Florida Chapter 468, Part XVI of the Florida Statutes and Rule 61-31 of the Florida Administrative Code</p>	<p>This regulation applies to landlord-tenant housing in the state of Florida.</p>	<ul style="list-style-type: none"> - Using the Florida Minimum Standards and Practices for Mold Assessors and Remediators, a licensed professional is required when the mold contamination affects a total surface area of 10 contiguous square feet or more for the project. (Click here) 	<ul style="list-style-type: none"> - Mold Assessors and Remediators must obtain licensure by Provide proof of education and/or work experience requirements and passing an examination approved by the department - Mold Assessors must obtain at least \$1 million general liability and errors-and-omissions insurance coverage for both preliminary and postremediation mold assessment -Mold Remediators must obtain at least \$1 million 	<ul style="list-style-type: none"> - A fine of \$1000 for practice by an individual with an inactive or delinquent license, in violation of Section 468.842(1)(i), F.S. - A \$1000 fine for failure of a mold assessor to maintain at least \$1 million general liability and errors-and-omissions insurance coverage for both preliminary and postremediation mold assessment, in violation of Section 468.8421, F.S. -A \$1000 fine for failure of a mold remediator to maintain at least \$1 	<p>Click here</p>

			<p>general liability insurance coverage</p> <p>Application fee: \$125 -Licensure fee: \$100</p> <p>-</p>	<p>million general liability insurance coverage, in violation of Section 468.8421, F.S.</p> <p>-A \$500 fine for failure to commence corrective action within 15 days of the Department's issuance of a notice of noncompliance, in violation of Rule 61-31.603, F.A.C.</p>	
<p>Louisiana</p> <p>Tile 37 – Chapter 24-A – Mold Remediation</p>	<p>-This regulation applies only to mold-related activities that affect indoor air quality and does not apply to routine cleaning when not conducted for the purpose of mold remediation.</p>	<p>-Louisiana state law requires that only state licensed mold remediation contractors can perform mold remediation on areas in excess of 20 sq. ft.</p> <p>-No licensee shall perform both mold assessment and mold remediation on the same property.</p> <p>- Licensees shall elect upon renewal one-, two-, or three-year license renewal terms, and licenses may be issued by the board on a multiple-year basis, not to exceed a three-year term for any license.</p>	<p>- Mold Remediation Professional must be licensed by the state.</p> <p>- Applicant must submit insurance certificates evidencing workers' compensation coverage in compliance with Title 23 of the Louisiana Revised Statutes of 1950 and liability insurance in a minimum amount of fifty thousand dollars.</p> <p>- Licensing Fees: (A) Application for license: \$100.00 (B) License renewal: \$100.00 (C) Delinquent renewal: \$ 50.00</p>	<p>The board may suspend or revoke any license, or censure, fine, or impose probationary or other restrictions on any licensee for good cause shown which shall include but not be limited to the following: (1) Conviction of a felony or the entering of a plea of guilty to a felony charge under the laws of the United States or any other state. (2) Deceit or misrepresentation in obtaining a license. (3) Providing false testimony before the board.</p>	<p>Click here</p>

Tab 13. Overview of Applicable State Indoor Air Quality Laws and Building Codes

The chart below provides a listing of state statutes and building codes pertaining to mold and indoor air quality issues.

State	Laws
Alaska	<p>Alaska Statutes §§ 34.70.010--200</p> <p>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.</p>
Arizona	<p>Arizona Revised Statutes § 8-453(A)(5)</p> <p>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."</p>
California	<p>California Civil Code §§ 1102--1102.18</p> <p>Requires sellers of real property containing up to four residential units to complete a disclosure form indicating the presence of all environmental hazards, including radon gas, formaldehyde, and mold, that are known to the seller.</p> <p>California Health & Safety Code §§ 17920, 17920.3</p> <p>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.</p> <p>California Labor Code § 142.3</p> <p>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.</p>

Connecticut	<p>Connecticut General Statutes § 19a-111L</p> <p>Directs the Department of Public Health to publish guidelines establishing mold abatement protocols, including acceptable methods for performing mold remediation or abatement work. Voluntary guidelines available at: https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/dph/environmental_health/eoha/pdf/CTguidelinesformoldabatementcontractorspdf.pdf?a=en</p>
Delaware	<p>Delaware Code, tit. 6, §§ 2570—2578</p> <p>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/.)</p>
District of Columbia (D.C.)	<p>District of Columbia Code §§ 8-241.01--.09</p> <p>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).</p>
Florida	<p>Florida Statutes § 719.128</p> <p>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.)</p> <p>Florida Statutes §§ 468.84--.8424</p> <p>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.).</p>
Illinois	<p>Illinois Compiled Statutes Ch. 410, §§ 105/1 et seq.</p>

	<p>Authorizes the state health agency to adopt rules establishing a program for state registration of mold professionals.</p>
Indiana	<p>Indiana Code §§ 16-41-37.5-1--4</p> <p>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.</p> <p>Indiana Code §§ 32-21-5-1--12</p> <p>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.)</p>
Kansas	<p>Kansas Statutes § 36-506</p> <p>Requires the state to establish minimum standards for the safe and sanitary operation of lodging establishments (hotels, rooming houses or boarding houses). Regulations adopted under the law (Kansas Admin. Code 4-27-9) provide that guest rooms with visible mold on the floors, walls, ceiling, or windows shall not be rented until mold cleanup is completed. Regulations also require that all sinks, bathtubs, and shower areas be kept free of mold and mildew.</p>
Kentucky	<p>Kentucky Revised Statutes §§ 367.83801--83807</p> <p>Directs the state Department of Law to establish minimum standards for mold remediation companies that are based on the general mold remediation principles set forth by the Institute of Inspection, Cleaning and Restoration Certification (IICRC). Establishes that the state may take civil action against mold remediation companies that violate the law's provisions. Regulations (40 Ken. Admin. Regs. 2:330) implementing the law establish minimum required practices for mold remediation companies.</p>
Louisiana	<p>Louisiana Revised Statutes §§ 37:2181 et seq.</p> <p>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.</p>
Maine	<p>Maine Revised Statutes, tit. 10, §1480</p>

	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.
Maryland	<p>Maryland Business Regulation Code §§ 8-701--718</p> <p>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.</p>
Massachusetts	<p>Massachusetts General Laws, Ch. 111, § 127A</p> <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>
Michigan	<p>Michigan Compiled Laws §§ 565.951--.966</p> <p>Requires sellers of residential property consisting of up to four dwelling units to complete a seller's disclosure statement, which provides for disclosure of any environmental hazards on the property, including radon gas, asbestos, formaldehyde, and lead-based paint. The disclosure statement recommends that buyers obtain a professional inspection that specifically addresses indoor air and water quality, as well as any evidence of potential allergens such as mold, mildew and bacteria.</p>
Minnesota	<p>Minnesota Statutes § 245D.22</p> <p>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.</p>
Mississippi	<p>Mississippi Code §§ 89-1-501—523</p> <p>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.)</p>
Montana	<p>Montana Code § 70-16-703</p> <p>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.</p>

Nevada	<p>Nevada Revised Statutes § 116.310312</p> <p>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.</p>
New Hampshire	<p>New Hampshire Revised Statutes § 310-A:189-b</p> <p>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.</p>
New Jersey	<p>New Jersey Statutes §§ 34:6A-1 et seq.</p> <p>Requires that every employer furnish a place of employment that is reasonably safe and healthful for employees and authorizes the state to adopt rules. Rules adopted under the law (N.J. Admin. Code 12:100-13.1 et seq.) establish safety and health standards for public workplaces, including certain requirements for addressing indoor air quality. The rules require that employers develop a plan for complying with the regulatory provisions and designate a person who is responsible for ensuring compliance. The rules also require employers to: establish and implement a preventive HVAC maintenance plan that includes a number of specified practices; undertake certain prevention and clean-up practices for microbial contamination; protect indoor air quality during renovation; respond to IAQ complaints; and keep and make available records of maintenance activities.</p>
North Carolina	<p>North Carolina General Statutes § 42-42</p> <p>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.</p>
Ohio	<p>Ohio Revised Code § 5302.30</p> <p>Requires sellers of residential real property containing up to four units to deliver a disclosure form to buyers disclosing material defects and the presence of hazardous materials or substances, including radon gas. Regulations adopted under the law (Ohio Admin. Code 1301:5-6-10) establish the form, requiring disclosure of the presence of radon, lead-based paint, asbestos, and urea-formaldehyde foam insulation. Form also requires disclosure of mold inspection or remediation of the property and contains a warning statement about mold to purchasers.</p>
Oklahoma	<p>Oklahoma Statutes, tit. 60, §§ 831--839</p> <p>Requires sellers of residential property consisting of 1-2 dwelling units to provide to purchasers either a written property disclaimer statement or written Property Condition Disclosure Statement. Requires the Oklahoma Real Estate Commission to establish by rule a form for the disclosure statement. The 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</p>

	regulated materials. (See http://www.ok.gov/OREC/documents/Residential%20Prop%20Disclweb%207-2008.pdf .)
Tennessee	<p>Tennessee Code §§ 62-21-105, 118</p> <p>Authorizes the Commissioner of Agriculture to issue licenses and charters for commercial pest control operators and to “determine 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.</p>
Virginia	<p>Virginia Code §§ 55-248.4, 248.13, 248.16, 248.18</p> <p>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.)</p>

Source: https://www.eli.org/sites/default/files/docs/2019_mold_with_cover_boldded.pdf

Tab 14. Best Practices for Reducing Moisture Intrusion and Excessive Mold Growth During Construction and Renovation

National Apartment Association (NAA)/National Multi Housing Council (NMHC)

May be accessed at <https://www.nmhc.org/research-insight/analysis-and-guidance/guidance-best-practices-for-reducing-mold-during-construction-and-renovation/>

Tab 15. National Apartment Association (NAA) Mold Addendum

May be accessed at <https://www.bluemoonforms.com/?previewPDF&cat=AL&formId=MOLDADDN&size=legal>