

# HOUSE BILL REPORT

## ESB 5049

---

### As Passed House - Amended:

April 5, 2005

**Title:** An act relating to disclosing information about mold in residential dwelling units.

**Brief Description:** Requiring the disclosure of information about mold in residential dwelling units.

**Sponsors:** By Senators Kohl-Welles, Benton, Fairley, Esser, Thibaudeau, Prentice, McAuliffe, Kline and Rockefeller.

### Brief History:

#### Committee Activity:

Housing: 2/22/05, 2/23/05 [DPA].

#### Floor Activity:

Passed House - Amended: 4/5/05, 60-34.

### Brief Summary of Engrossed Bill (As Amended by House)

- Landlords are required to either post information or provide tenants individually with information about health risks associated with mold as well as strategies to control mold growth.

---

## HOUSE COMMITTEE ON HOUSING

**Majority Report:** Do pass as amended. Signed by 8 members: Representatives Miloscia, Chair; Springer, Vice Chair; Holmquist, Ranking Minority Member; McCune, Ormsby, Pettigrew, Schindler and Sells.

**Minority Report:** Do not pass. Signed by 1 member: Representative Dunn, Assistant Ranking Minority Member.

**Staff:** Robyn Dupuis (786-7166).

### Background:

Indoor mold may cause health problems to residents of a dwelling, particularly in the case of residents who have allergies or asthma. Such individuals may experience skin rash, running nose, eye irritation, cough, congestion, and aggravation of asthma. An individual with an immune suppression or underlying lung disease may be at increased risk for infections from molds.

Excess moisture or water in a dwelling from, for example, a leaky roof, high humidity, or flooding, create ideal conditions for mold growth. Molds can grow on wood, ceiling tiles, wallpaper, paints, carpet, sheet rock, and insulation. When molds are disturbed, their spores may be released into the air. Individuals then can be exposed to the spores by breathing the air. Individuals can also be exposed to mold and mold spores through skin contact.

There is no way to rid all mold and mold spores from a dwelling, however mold growth should be controlled by stopping water leaks, increasing air circulation in the dwelling, installing exhaust fans, ventilating attic and crawl spaces, promptly cleaning and drying carpets and other cloth surface, and vacuuming and cleaning the dwelling regularly.

The Department of Health provides information about mold health risks, mold control, and mold abatement on its Web site.

There are no federal regulations governing indoor air quality standards for mold.

---

**Summary of Amended Bill:**

Landlords of residential property are required to either post or provide tenants individually with information about the health hazards associated with indoor mold, as well as strategies to control mold growth. This information must be provided by, or approved by, the Department of Health (DOH). When developing or changing the mold information to be provided to landlords, the DOH must include landlord representatives in the development process.

Landlords may obtain mold-related information to satisfy this requirement from the DOH Web site, or may request that the DOH mail printed information directly to the landlord.

Landlords must post mold information in a visible public location at the dwelling unit property or must provide mold information individually to new tenants at the time the lease or rental agreement is signed and to current tenants no later than January 1, 2006.

Landlords, agents, and their employees are immune from civil liability if they fail to post or provide the required information on mold, unless they do so knowingly and intentionally.

---

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** Mold is a definite health hazard in Washington and tenants need to be aware of techniques to control the growth of mold as well as the health risks associated with mold. Under existing law, landlords must inform tenants of the existence of mold in apartments, however, often mold grows in apartments as a result of tenant action or inaction. This bill will mandate that landlords provide tenants with information related to simple strategies to avoid

the growth of mold in their dwellings. Although landlords have an aversion to disclosure requirements as a rule, they support the education of tenants and this bill will help protect not only the tenants, but will also protect the health of the overall building. Critical components of the bill for landlord groups include the provision that landlords can request that the Department of Health mail mold information to them for distribution to tenants, and also the provision that landlord liability for non-compliance with this law would be waived unless the landlord intentionally did not comply with the law.

**Testimony Against:** None.

**Persons Testifying:** Senator Kohl-Welles, prime sponsor; and John Woodring, Rental Housing Association of Puget Sound.

**Persons Signed In To Testify But Not Testifying:** None.