

SENATE BILL REPORT

ESB 5049

As Passed Senate, February 9, 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: Senators Kohl-Welles, Benton, Fairley, Esser, Thibaudeau, Prentice, McAuliffe, Kline and Rockefeller.

Brief History:

Committee Activity: Financial Institutions, Housing & Consumer Protection: 1/19/05, 1/25/05 [DP].

Passed Senate: 2/9/05, 30-14.

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, HOUSING & CONSUMER PROTECTION

Majority Report: Do pass.

Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice and Spanel.

Staff: Jennifer Arnold (786-7471)

Background: A landlord does not have a duty under the Residential Landlord Tenant Act to provide tenants with information on the health hazards related to indoor mold exposure.

Mold is a class of fungi that reproduces through the production of spores. These spores can be released into the air, resulting in skin and respiratory exposure. In moist conditions, molds can grow indoors on a variety of surfaces. Everyday activities, such as cooking, doing laundry, washing dishes, and taking showers, give off moisture that may create mold growth, although not always readily visible.

Indoor mold may cause health problems. Persons with allergies or asthma could be susceptible to mold-induced skin rashes, eye irritation, and congestion, among other symptoms. Further, depending upon the level of exposure, mold toxins may result in such symptoms as fatigue, nausea, headaches, and respiratory irritations.

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

Summary of Bill: Landlords of residential property are required to provide tenants with information on the health hazards associated with indoor mold. Information, provided or approved by the Department of Health, must detail how mold growth can be controlled by the tenant in order to minimize the related health risks. The Department must make this information available on their web site and, if requested, mail a printed version to landlords

that do not have computer access. If the Department develops or changes the information, landlord representatives must be involved in the process.

This information must be provided 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 provide the required information on mold, unless the omission was knowingly and intentionally made.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Mold is a persistent entity. We need to be very careful about mold because of our climate. Dust mites go with mold. Some believe that the Puget Sound area is the dust mite capitol of the nation, where excessive mold is found in 30 percent of the homes. Mold exposure can have the same health effects as exposure to second-hand smoke. Adverse health effects on children can be reduced by 50 percent by controlling mold. Frequently, tenants contribute unknowingly to the growth of mold. Therefore, education is an important idea behind the bill. It helps landlords to better ensure that tenants are not engaged in practices unknowingly, which in turn helps the tenants. A prudent landlord would explain the information to the tenant. Further, insurance coverage for apartment owners can be very costly and this could help lower premiums.

Testimony Against: Things should be kept simple. Competition can keep renters' costs down. If the supply of rental housing is decreased, the costs will rise.

Who Testified: PRO: Senator Kohl-Welles; John Roberts, League of Women Voters; Dan Morris, Healthy Buildings, Inc. and American Lung Association. OTHER: John Woodring, Rental Housing Association.

CON: Michael Nelson.

House Amendment(s): Landlords have the option of posting mold health risk and control information in a visible public location at the residential property, instead of distributing the information to tenants individually.

Passed House: 60-34.