# STATE OF NEW YORK

4887

2023-2024 Regular Sessions

# IN ASSEMBLY

February 24, 2023

Introduced by M. of A. L. ROSENTHAL, LUPARDO, WEPRIN, CLARK -- Multi-Sponsored by -- M. of A. BENEDETTO, GUNTHER -- read once and referred to the Committee on Housing

AN ACT to amend the public housing law, the public health law, and the real property law, in relation to the remediation and prevention of indoor mold; and to amend the real property law and the administrative code of the city of New York, in relation to requiring notice of indoor mold history to prospective lessees of apartments

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. The public housing law is amended by adding a new section 16-a to read as follows:

**§ 16-a. Powers and duties of the commissioner with respect to indoor mold. 1. Definitions. For purposes of this section, the following terms shall have the following meanings:**

**(a) "Mold" means any form of multicellular fungi that live on plant or animal matter and in indoor environments. Types of mold include, but are not limited to, cladosporium, penicillium, alternaria, aspergillus, fusarium, trichoderma, memnoniella, mucor, and stachybotrys chartarum, often found in water damaged building materials.**

**(b) "Affect" means to cause a condition by the presence of mold in the dwelling unit, building, appurtenant structure, common wall, heating system, or ventilating and air conditioning system that affects the indoor air quality of a dwelling unit or building.**

**(c) "Acceptable exposure limit" means a level of mold that will not adversely affect the health of residents of public housing units, and does not pose a significant threat to the public health.**

**2. Procedures for the remediation and prevention of mold in public housing. The commissioner is hereby directed and authorized to create procedures for the remediation and prevention of mold in public housing. Such procedures shall include:**

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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(a) A visual survey of public housing units to check for evidence of water damage and the extent of mold growth, including an inspection of the following:

(1) Any defects in construction that may cause moisture such as defects in windows, roofs, or exterior siding, or improperly laid foundations, or the absence of vapor barriers.

(2) Plumbing leaks.

(3) Floor areas under carpeting.

(4) Spaces under buildings and living areas, and ceiling spaces.

(5) Cold corners of rooms which lack proper insulation and are susceptible to mold growth.

(6) Any other moisture damage, water intrusion, or leaks and rot in wall cavities of public housing spaces.

(b) A protocol for the remediation of existing mold in public housing, including standards relating to an acceptable exposure limit, including compliance to such an acceptable exposure limit. Such protocol shall include the following:

(1) Guidelines for the remediation of indoor mold which shall include precautions to protect the health of residents of public housing and overall public health, including preventative measures to ensure that contamination does not leave the affected area.

(2) The utilization of tools, instruments and remediation methods which are acceptable by the professional community engaged in the remediation of mold.

(3) The utilization of protective gear and equipment to ensure the health and safety of persons performing the remediation.

(4) The development of a list of professional companies engaged in the business of the remediation of mold, or other toxic substances, which shall be available for contracting with the department for the remediation of indoor mold in public housing. Such professional companies shall be assessed according to the technological and economic feasibility of contracting with such companies, and according to their success in the identification, remediation and removal of toxic mold.

(c) Methods to prevent the return of mold in areas which have been cleaned, and construction methods to prevent mold growth in new public housing facilities. With respect to the prevention of mold growth in new public housing units, the department shall develop construction methods which will best ensure the prevention of mold according to scientifically recognized entities in the field of environmental health and safety.

§ 2. The public health law is amended by adding a new article 48-A to read as follows:

ARTICLE 48-A

REMEDIATION OF INDOOR MOLD

Section 4809. Powers and duties of the commissioner with respect to indoor mold.

§ 4809. Powers and duties of the commissioner with respect to indoor mold. 1. Definitions. For purposes of this section, the following terms shall have the following meanings:

(a) "Mold" means any form of multicellular fungi that live on plant or animal matter and in indoor environments. Types of mold include, but are not limited to, cladosporium, penicillium, alternaria, aspergillus, fusarium, trichoderma, memnoniella, mucor, and stachybotrys chartarum, often found in water damaged building materials.

(b) "Affect" means to cause a condition by the presence of mold in the dwelling unit, building, appurtenant structure, common wall, heating

system, or ventilating and air conditioning system that affects the indoor air quality of a dwelling unit or building.

(c) "Acceptable exposure limit" means a level of mold that will not adversely affect the health of occupants, and does not pose a significant threat to the public health.

2. Standards for the remediation and prevention of mold. The commissioner, or his or her designated representative, is hereby authorized and directed to promulgate standards for the detection, prevention, and remediation of mold growth in indoor environments which are subject to the rules and regulations of the department, including workplaces, public facilities, and other establishments under the jurisdiction of the department. Such standards shall include guidelines relating to the following:

(a) The inspection of indoor spaces for the presence of mold growth and water damage.

(b) An acceptable exposure limit, including standards relating to compliance with such an acceptable exposure limit.

(c) Protocol for the removal and remediation of existing indoor mold.

(d) Methods to prevent the return of mold in areas which have been cleaned, and construction methods to prevent mold growth in new buildings.

3. Consultation with related experts. In effectuating the purposes of this section, the commissioner, or his or her designated representative, shall consult with scientifically recognized entities in the field of environmental health and safety, and related authoritative bodies in the field of remediation of mold and other toxic substances.

§ 3. The real property law is amended by adding a new section 235-j to read as follows:

§ 235-j. Notice of indoor mold and remediation history. 1. All prospective lessees shall be furnished with a notice, in a form promulgated or approved by the state division of housing and community renewal, that sets forth the property's indoor mold and remediation history.

2. Information shall include any history of indoor mold and remediation, if any, of the premises to be rented by the prospective lessee and the building in which the premises are located.

§ 4. The administrative code of the city of New York is amended by adding a new section 27-2009.3 to read as follows:

§ 27-2009.3 Notice of indoor mold and remediation history. For housing accommodations subject to this code, an owner shall furnish to all prospective lessees, a notice in a form promulgated or approved by the state division of housing and community renewal that sets forth the property's history of indoor mold and the remediation, if any, regarding the premises to be rented by the prospective lessee and the building in which the premises are located.

§ 5. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.