

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

4 (1) Any defects in construction that may cause moisture such as
5 defects in windows, roofs, or exterior siding, or improperly laid foun-
6 dations, or the absence of vapor barriers.

7 (2) Plumbing leaks.

8 (3) Floor areas under carpeting.

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

10 (5) Cold corners of rooms which lack proper insulation and are suscep-
11 tible to mold growth.

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

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

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

22 (2) The utilization of tools, instruments and remediation methods
23 which are acceptable by the professional community engaged in the reme-
24 diation of mold.

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

27 (4) The development of a list of professional companies engaged in the
28 business of the remediation of mold, or other toxic substances, which
29 shall be available for contracting with the department for the remedi-
30 ation of indoor mold in public housing. Such professional companies
31 shall be assessed according to the technological and economic feasibil-
32 ity of contracting with such companies, and according to their success
33 in the identification, remediation and removal of toxic mold.

34 (c) Methods to prevent the return of mold in areas which have been
35 cleaned, and construction methods to prevent mold growth in new public
36 housing facilities. With respect to the prevention of mold growth in new
37 public housing units, the department shall develop construction methods
38 which will best ensure the prevention of mold according to scientif-
39 ically recognized entities in the field of environmental health and
40 safety.

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

43 ARTICLE 48-A

44 REMEDICATION OF INDOOR MOLD

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

47 § 4809. Powers and duties of the commissioner with respect to indoor
48 mold. 1. Definitions. For purposes of this section, the following terms
49 shall have the following meanings:

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

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

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

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

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

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

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

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

19 (d) Methods to prevent the return of mold in areas which have been
20 cleaned, and construction methods to prevent mold growth in new build-
21 ings.

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

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

29 § 235-j. Notice of indoor mold and remediation history. 1. All
30 prospective lessees shall be furnished with a notice, in a form promul-
31 gated or approved by the state division of housing and community
32 renewal, that sets forth the property's indoor mold and remediation
33 history.

34 2. Information shall include any history of indoor mold and remedi-
35 ation, if any, of the premises to be rented by the prospective lessee
36 and the building in which the premises are located.

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

39 § 27-2009.3 Notice of indoor mold and remediation history. For housing
40 accommodations subject to this code, an owner shall furnish to all
41 prospective lessees, a notice in a form promulgated or approved by the
42 state division of housing and community renewal that sets forth the
43 property's history of indoor mold and the remediation, if any, regarding
44 the premises to be rented by the prospective lessee and the building in
45 which the premises are located.

46 § 5. This act shall take effect on the one hundred eightieth day after
47 it shall have become a law. Effective immediately, the addition, amend-
48 ment and/or repeal of any rule or regulation necessary for the implemen-
49 tation of this act on its effective date are authorized to be made and
50 completed on or before such effective date.