



SB 655 (Mitchell)

Healthy Housing: Enforcement Authority - Mold

Mold in Housing

Indoor mold growth in homes is common. While data on moldy conditions in housing is scarce, we know mold is one of the most common housing complaints received by tenants' rights groups, legal aid organizations, and code enforcement agencies across the state. Because dampness is a required condition for mold growth, data regarding persistent or recurring dampness in the home is the closest approximation of the extent of the mold problem in California. A report for the California Breathing Asthma Program of the California Department of Public Health (CDPH) estimated that 12.2% of Californians reported recurring or continual dampness in their home in the past year. The report further found that:

- Non-whites were more likely to report moisture problems than whites (13.7% vs. 10.5%), with African-Americans most likely to experience persistent dampness (15.9%);
- Renters report more damp housing conditions than home owners (16.3% vs. 9.2%);
- The likelihood someone lives in a home with moisture problems increases as household income goes down, ranging from 9.4% for incomes over \$100,000 up to 17.0% for incomes under \$20,000;
- Those diagnosed with asthma (17.1% vs. 11.3%), current asthma sufferers (19.4% vs. 11.4%), and

those with COPD, emphysema, or chronic bronchitis (19.4% vs. 11.8%) are more likely to live in homes with excessive moisture than those without these health problems.

This data suggest mold is a significant problem in California, especially for renters in low-income communities and communities of color and those with existing respiratory illnesses, such as asthma.ⁱ

Mold and Health

Scientific evidence on the adverse health impacts to exposure to mold have become increasingly clear. A 2011 review of the academic literature on the health risks associated with indoor dampness and mold found consensus on an association between dampness, water damage, visible mold, or mold odor and a wide range of respiratory and allergic health effects, including asthma, bronchitis, and respiratory infections.ⁱⁱ More recent studies have started showing links between exposure to moisture damage and mold, particularly early in life, with the development of asthma.ⁱⁱⁱ Additionally, a 2007 study estimates that 21% of the nation's cases of current asthma are attributable to dampness and mold in the home^{iv}, suggesting 4.6 million asthma cases are preventable simply by ensuring we have dry, mold-free homes.

These findings served as the basis for a 2011 CDPH guidance document stating that indoor dampness, water damage, mold, and mold odors require immediate remediation due to their proven health risks. To protect the health and well-being of building occupants, CDPH recommends:

- Identification and correction of the source of water that may allow microbial growth or contribute to other problems;
- Rapid drying or removal of all damp materials;
- Cleaning or removal of mold and moldy materials as rapidly and safely as possible.^v

Current Law

The Toxic Mold Act of 2001 tasked CDPH to determine if there was an evidence-based “permissible exposure limit” for mold that can serve as a minimum habitability standard. However, the department found there was not sufficient evidence to establish such a threshold for measurement of indoor mold at the time.^{vi} There has not been an effort to address indoor mold through legislation since.

Additionally, Section 17920.3 of California’s Health and Safety Code defines minimum health and safety standards for residential properties. Any housing unit that does not meet these requirements is considered substandard. Code enforcement agencies can require owners to repair or remediate any substandard conditions or face citations or other legal action.

While mold is not specifically addressed in the code, several standards in the code are relevant to protecting occupants from excessive dampness and moisture in homes, including adequate ventilation, general dampness, properly functioning plumbing, and weather protection.

These standards give local enforcement agencies the ability to address issues related to the water that can serve as the source of unhealthy damp or moldy conditions.

Clarity Needed in State Code

Because mold is not explicitly referenced in state code, local enforcement agencies are uncertain about their authority to address this common complaint. This uncertainty leads to widely inconsistent enforcement approaches to mold across the state, ranging from taking no enforcement action to limiting enforcement to water-related issues that are identified in the code to, in a few places, enforcing mold issues as a general nuisance (see San Francisco^{vii}).

The Solution

Because of the growing evidence linking mold to adverse health impacts, state code needs to be updated to provide local enforcement agencies with clear authority to address mold complaints. This authority should include the ability to require both the cleaning or removal of moldy materials and the remediation of underlying sources of moisture. Current state code provides local enforcement agencies with the authority to address moisture issues. SB 655 would add mold as a substandard condition in Health and Safety Code 17920.3.

Support

California Association of Code Enforcement Officers (Sponsor)
Regional Asthma Management and Prevention (Sponsor)
Alameda County Board of Supervisors
Alameda County Healthy Homes Department Joint Powers Authority
American Lung Association – California
Breathe California –Golden Gate
California Pan Ethnic Health Network
Cardino Inc.
Center for California Homeowner Association Law
City of Emeryville
City of Fremont
Causa Justa:Just Cause
Coalition for Economic Survival
Community Action to Fight Asthma
East Bay Community Law Center
Esperanza Community Housing Association
Healthy Homes Collaborative
Housing California

Inquilinos Unidos
Kern County Asthma Coalition
Koreatown Immigrant Workers Alliance
Legal Aid of Marin
Long Beach Alliance for Children with Asthma
Oakland Tenant’s Union
Pacoima Beautiful
Physicians for Social Responsibility – Los Angeles
Public Health Institute
St. John’s Well Child & Family Center
San Francisco Asthma Task Force
Society for Allergy Friendly Environmental Gardening
Sonoma County Asthma Coalition
Western Center on Law and Poverty
West Oakland Environmental Indicators Project
Wilma Chan, District 3 Supervisor,
Alameda County Board of Supervisors

ⁱ Hutchinson, Justine. “The Burden of Damp and Moldy Housing Conditions: California Behavioral Risk Factor Survey 2013.” A report for the California Breathing Asthma Program of the California Department of Public Health. August 2014.

ⁱⁱ Mark J. Mendell, Anna G. Mirer, Kerry Cheung, My Tong, Jeroen Douwes. *Respiratory and Allergic Health Effects of Dampness, Mold, and Dampness-Related Agents: A Review of the Epidemiologic Evidence*. Environ Health Perspectives. 2011 June; 119(6): 748–756.
<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3114807/>

ⁱⁱⁱ Karvonen, Anne M. et al. “Moisture Damage and Asthma: A Birth Cohort Study.” *Pediatrics* published online February 16, 2015
<http://pediatrics.aappublications.org/content/early/2015/02/10/peds.2014-1239.abstract>

^{iv} Mudarri, D. and Fisk, W. J., *Public health and economic impact of dampness and mold*. Indoor Air, 2007; 17: 226–235
<http://www.iaqscience.lbl.gov/pdfs/mold-2.pdf>

^v http://www.cdph.ca.gov/programs/IAQ/Documents/statement_on_building_dampness_mold_and%20health2011.pdf

^{vi} <http://www.cdph.ca.gov/programs/IAQ/Documents/SB732-LegReport-Final.pdf>

<http://www.cdph.ca.gov/programs/IAQ/Documents/SB%20732%20Implementation%20Update%20July%202008.htm> (updated)

^{vii} San Francisco Health Code: Sec. 581(b)(6):

[http://www.amlegal.com/nxt/gateway.dll/California/health/article11nuisances?f=templates\\$fn=document-frameset.htm\\$q=%5brank%3A%5bsum%3A%5bstem%3A%5dmold%5d%5d%5d\\$x=server\\$3.0#LPHit1](http://www.amlegal.com/nxt/gateway.dll/California/health/article11nuisances?f=templates$fn=document-frameset.htm$q=%5brank%3A%5bsum%3A%5bstem%3A%5dmold%5d%5d%5d$x=server$3.0#LPHit1)

San Francisco Building Inspection Commission Code: Sec 401:

[http://www.amlegal.com/nxt/gateway.dll/California/sfbuilding/housingcode2013edition/chapter4definitions?f=templates\\$fn=document-frameset.htm\\$q=%5brank%3A%5bsum%3A%5bstem%3A%5dmold%5d%5d%5d\\$x=server\\$3.0#LPHit1](http://www.amlegal.com/nxt/gateway.dll/California/sfbuilding/housingcode2013edition/chapter4definitions?f=templates$fn=document-frameset.htm$q=%5brank%3A%5bsum%3A%5bstem%3A%5dmold%5d%5d%5d$x=server$3.0#LPHit1)