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H.B. 251
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. J. Miller and Russo

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SUMMARY

- Requires the Director of Health to establish a mold information and awareness program to assist the public in understanding the threat of mold in buildings.
- As part of the program, requires the Director to:
 - Require a person that transfers commercial or industrial real property and that knows or has reasonable cause to believe that mold is present to disclose that knowledge to a potential occupant of the real property;
 - Every five years, review technology or treatment techniques for mold identification and remediation that provide additional protections to public health and safety; and
 - Establish a public awareness campaign on the dangers of mold in accordance with rules adopted under the bill.
- Requires a transferor of residential property to disclose on the existing property disclosure form the existence of mold on the property.

DETAILED ANALYSIS

Indoor mold program

The bill requires the Director of Health to establish a mold information and awareness program to assist the public in understanding:

1. The threat of mold in buildings; and
2. Eradicating mold in buildings.

Mold is microscopic fungi, bacteria, mycobacteria, and actinomycetes that can grow in damp conditions inside a building.

As part of the program, the Director must do all of the following:

1. Require a person or public entity that sells, transfers, or rents commercial or industrial real property and that knows or has reasonable cause to believe that mold is present to disclose that knowledge to a potential buyer, tenant, or occupant of the real property. The person must disclose the information on a form prescribed by the Director in rules adopted under the bill.

2. Every five years, review technology or treatment techniques for mold identification and remediation that provide additional protections to public health and safety. The Director must perform the review in accordance with rules adopted under the bill. The Director also must include an examination of any new scientific evidence that indicates that mold may present a greater health risk to the public than previously determined.

3. Establish a public awareness campaign on the dangers of mold in accordance with rules adopted under the bill. As part of the campaign, the Director must disseminate information via brochures and the Department of Health's website.

In addition to the program requirements specified above, the Director must adopt rules in accordance with the Administrative Procedure Act establishing both of the following:

1. Regarding the requirements and procedures for the public awareness campaign discussed above, requirements that ensure that the campaign educates the public on the health effects of mold in damp and water-damaged buildings, methods of identification and remediation of mold, and contact information for organizations or government agencies that can assist the public with their concerns; and

2. Any other procedures or requirements necessary to implement and administer the program.¹

Disclosure form

The bill requires a transferor of residential property to disclose on the existing property disclosure form the existence of mold on the property. Current law requires a transferor to disclose material matters relating to the physical condition of the property to be transferred, including the presence of lead-based paint and radon gas.²

HISTORY

Action	Date
Introduced	04-12-21

H0251-I-134/ec

¹ R.C. 3723.30.

² R.C. 5302.30(D)(1).