

JAN 20 2023

A BILL FOR AN ACT

RELATING TO MOLD.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . MOLD INFORMATION AND AWARENESS PROGRAM**

5 **§321-A Definitions.** As used in this part:

6 "Building" means a publicly or privately owned structure
7 consisting of any combination of foundations, walls, columns,
8 girders, beams, floors, or roofs, with or without other elements
9 or appurtenances.

10 "Department" means the department of health.

11 "Director" means the director of health.

12 "Mold" means microscopic organisms or fungi that can grow
13 in damp conditions in the interior of a building, including
14 important mycotoxin-producing organisms, such as stachybotrys
15 chartarum, chaetomium globosum, and aspergillus versicolor.

16 **§321-B Mold information and awareness program.** (a) There
17 is established the mold information and awareness program to be



1 administered by the department. The purpose of the program
2 shall be to assist the public in understanding the threat of and
3 importance of removing mold in buildings.

4 (b) Every individual or entity that sells, transfers, or
5 rents real property used for residential, commercial, or
6 industrial purposes and that knows or has reasonable cause to
7 believe that mold is present shall disclose that knowledge on a
8 form prescribed by the director.

9 (c) Every five years, the department shall conduct a
10 review of technology or treatment techniques for mold
11 identification and remediation that provide additional
12 protections for public health and safety, including an
13 examination of any new scientific evidence that indicates that
14 mold may present a greater health risk to the public than
15 previously determined.

16 (d) The director shall establish a public awareness
17 campaign on the dangers of mold and post this information on the
18 department's website.

19 (e) The director shall adopt rules pursuant to chapter 91
20 to carry out the purposes of this part. The rules shall include
21 but not be limited to:



- 1 (1) Developing the disclosure form required under
- 2 subsection (b);
- 3 (2) Establishing requirements and procedures for the
- 4 review required under subsection (c);
- 5 (3) Establishing requirements and procedures for the
- 6 public awareness campaign established under subsection
- 7 (d), including educating the public on:
- 8 (A) The health effects of mold in damp and water-
- 9 damaged buildings;
- 10 (B) Methods of identification and remediation of
- 11 mold; and
- 12 (C) Contact information for organizations or
- 13 government agencies that can assist the public
- 14 with their concerns; and
- 15 (4) Developing any other procedures or requirements
- 16 necessary to implement and administer this part."

17 SECTION 2. Section 508D-11, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§508D-11 Disclosure form.** In addition to the other
20 information required by this chapter, the form for the
21 disclosure statement shall include the following:



- 1 (1) A notice to the buyer that the buyer may wish to
2 obtain professional advice and inspections of the
3 residential real property;
- 4 (2) A notice to the buyer that the information contained
5 in the disclosure statement is the representation of
6 the seller and not the representation of the seller's
7 agent (except as to those representations, if any,
8 specifically identified as being made by the seller's
9 agent and not by the seller); ~~and~~
- 10 (3) A notice to the buyer of the presence of mold, as
11 defined in section 321-A, if applicable; and
- 12 ~~[(3)]~~ (4) A notice of the buyer's rescission rights
13 pursuant to this chapter."

14 SECTION 3. Section 521-43, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) A landlord or any person authorized to enter into a
17 rental agreement on the landlord's behalf shall disclose to the
18 tenant in writing at or before the commencement of the tenancy
19 ~~[the name and address of:~~

- 20 ~~(1) Each person authorized to manage the premises; and~~
21 ~~(2) Each person who is an];~~



- 1 (1) The name and address of each person who is:
2 (A) Authorized to manage the premises; and
3 (B) An owner of the premises or who is authorized to
4 act for or on behalf of the owner for the purpose
5 of service of process and receiving and
6 receipting for rents, notices, and demands[-];
7 and
8 (2) The presence of mold, as defined in section 321-A, if
9 applicable.

10 The information required to be furnished shall be kept
11 current and shall be enforceable against any successor landlord,
12 owner, or manager."

13 SECTION 4. (a) The department of health shall study any
14 adverse effects to humans from exposure to mold in damp and
15 water-damaged buildings. The department of health may consult
16 with any medical research institution or professional nonprofit
17 medical organization that has staff who are knowledgeable on
18 mold.

19 (b) The department of health shall submit a report of its
20 findings and recommendations, including any proposed




1 legislation, to the legislature no later than twenty days prior
2 to the convening of the regular session of 2024.

3 SECTION 5. In codifying the new sections added by section
4 1 of this Act, the revisor of statutes shall substitute
5 appropriate section numbers for the letters used in designating
6 the new sections in this Act.

7 SECTION 6. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 7. This Act shall take effect upon its approval.

10

INTRODUCED BY: 



S.B. NO. 645

Report Title:

Department of Health; Mold Information and Awareness Program;
Mandatory Disclosures; Mold Inspection and Treatment Reviews;
Public Awareness Campaign

Description:

Establishes the mold information and awareness program administered by DOH. Requires mandatory disclosure of the presence of mold as part of any sale, transfer, or rental of residential, commercial, or industrial property. Requires DOH to conduct reviews every five years on mold identification and remediation technology or treatment techniques. Requires the director of health to establish a public awareness campaign. Requires disclosure forms for the sale of residential real property to include a notice to buyers about the presence of mold, if applicable. Requires a landlord or any person authorized to enter into a rental agreement on the landlord's behalf to disclose the presence of mold, if applicable. Requires DOH to study the adverse effects of mold on humans and report to the legislature.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

