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**Senate Committee on Commerce and Labor  
Testimony in support of SB 131 & SB 132**

**Mr. Chairman and Members of the Committee,**

**My name is Marshall Schultz. I am founder and president of Residents Information Center, Inc. , a Nevada tax exempt organization. We sponsor Nevada Renters Hotline, to which many state and local government offices refer callers, including the Governor's office and the AG's office. We are the only organization collating data on rental problems from all around the state.**

**Nevada Renters Hotline provides free information to all those involved in residential rentals. We do not give legal advice, only practical guidance. Most of our calls are from tenants asking about their rights. Standard practice is to tell them how to get a copy of the applicable statute, to read it carefully along with the rental agreement, and to tell landlord of any problems in writing.**

**We fully support SB 131 and SB 132. Recognition of the problem of mold has grown enormously in the past 10 years or so, becoming almost a national disgrace. If I remember rightly, the Grant Sawyer building in Las Vegas was closed down a few years ago due to mold causing illness among the workers. Buildings in California have also been shut down, at great expense to owners and tenants, because of mold growth.**

**With respect to SB 131, we believe that requiring insurers to furnish coverage for the control of mold will, at the very least, provide building owners a means of dealing with mold without bearing the great cost of testing, abatement, and remediation individually. This Insurance could compensate a building owner for loss of rental revenues as well, and with a liability provision could avoid expensive litigation between tenants and owners.**

**The Hotline gets many calls from tenants in dwellings about mold growth. In most cases mold growth is due to poorly maintained plumbing in the building, or leaky roofs, windows or doors. There is little a tenant can do to protect himself and his family if mold is present. Testing alone is expensive, to say nothing of abatement or remediation. Under NRS 118A the tenant must give the landlord written notice of a problem, then wait up to 14 days for landlord to take action. If landlord fails to take action the tenant must then give landlord a 30 day notice of his intention to vacate the premises. That's a total of 45 days, or more, during which period some molds can virtually take over the dwelling unit, and quickly spread to other damp units.**

**With respect to SB 132, we believe that all who work in the industry of mold control, including testers, laboratories, and remediators, should be licensed to protect the building owners, tenants and the public from individuals who may prey on the widespread fear of mold contamination.**

**Thank you. If there are any questions I'll try to answer them now.**

EXHIBIT C Committee on Commerce/Labor

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# Not-so-Hot-Stuff

## More on Molds

Molds have been with us forever. In fact, they were here long before we arrived. But in recent times molds have become a problem, for individuals and companies alike, and an issue with which health officials are only beginning to grapple.

Molds are earth's most typical form of fungus, comprising approximately 25% of earth's biomass. Other fungi include Athlete's Foot, yeasts and mushrooms. Yes, the yeast you bake with is a fungus, and those wonderful shiitake mushrooms, and treasured truffles, are fungi. Fungi are everywhere in one form or another and are essential to the decomposition of organic matter.

Fungi are incredibly resilient and adaptable. They obtain their nutrients by decomposing organic matter. Most indoor molds gather their food from dead moist organic matter such as wood, paper, paint, fabric, plant soil, dust, and cooked or raw foods. They can also grow on the surface of damp inorganic matter such as glass and bare concrete covered by an invisible *biofilm* (an extremely thin layer of organic matter).

Because of their need for moisture, almost no fungi grow outdoors in the desert. Yet, their spores are ever present, even in Death Valley. And some of them will find a carcass, germinate, grow, and produce a new generation of spores while decomposing the body.

In short, to germinate and grow, fungi need only an available food source, moisture, and time. Some mold can germinate in as little as four to 12 hours.

If undisturbed, mold can grow and spread in 24 to 72 hours. Molds often appear after organic materials suffer prolonged wetting. Mold spores are often brought into a building from outside on clothing, on skin or hair, or simply on air currents. Outdoor factors that seem to affect indoor mold spore concentrations include shade, high levels of available organic debris, and "uncared for property."

Uncared for property does not mean the owner doesn't care. Buildings get old, deterioration is a natural consequence of aging (yeah, tell me about it!), especially roofing, siding and plumbing (but let's not get personal). There are many sources of moisture in which mold can take root. High humidity, deficient ventilation and inadequate drying of wet areas almost always lead to mold growth.

Poor housekeeping is also a prevalent cause of mold, and personal choices such as too many people

in the household, a tightly closed house without air conditioning or dehumidifying, lots of indoor houseplants, especially over watered and without adequate ventilation, all can lead to mold growth.

## Molds in rental properties

In rental properties either landlord or tenant might be responsible for mold growth. Or both. We mentioned some of the causes of molds for which the tenant is responsible in the paragraph above.

In the paragraph before that we mentioned deterioration of building components as a cause of mold. For these the landlord will be responsible. State law (NRS 118A.290) clearly states that the landlord is to maintain an habitable dwelling, and the dwelling is not deemed to be habitable *if it substantially lacks effective waterproofing and weather protection of the roof and exterior walls, including windows and doors, and plumbing facilities which conformed to applicable law when installed and which are maintained in good working order.*

NRS 118A does not even mention mold. Few, if any laws do. This is likely because, as stated above, health officials are just now classifying the numerous dangers to human health caused by molds. And legislatures are sort of waiting for scientists to develop standards and methods for dealing with mold contamination.

Personally, I think enough is known about molds now to allow legislators to enact mold laws. The big problem for lawmakers, and thus for landlords and tenants, is assigning responsibility for the mold condition. If a tenant can show that landlord has not met the habitability standard in NRS 118A.290, tenant has a good chance of forcing landlord to make necessary repairs. But tenant has to know how to do that, and few tenants have any notion of what is required.

Similarly, if landlord can show that the tenant's lifestyle is the cause of mold, or contributes a little to mold growth, chances are pretty good the tenant will not win in court. Tenant might even be required to pay for removal of mold in the dwelling unit, and possibly, removal of all molds in the apartment complex!

That's pure speculation. To our knowledge that hasn't happened anywhere in the country. Not yet. But the possibility is worth thinking about, for both landlords and tenants.

**Next time: What to do about molds.**

**Stay tuned.**