

HOUSE BILL 1258

By Turner

AN ACT to amend Tennessee Code Annotated, Title 66
and Title 68, relative to mold.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 28, Part 3, is amended by adding the following as a new section:

66-28-306.

(a) As used in this section:

(1) "Dwelling unit or building" includes the structure, common walls, heating systems, and ventilating and air conditioning systems; and

(2) "Mold" means any form of multicellular fungi and includes, but is not limited to, cladosporium, penicillium, alternaria, aspergillus, fuarium, trichoderma, memnoniella, mucor, and stachybotrys chartarum.

(b) A residential landlord shall certify in writing to any prospective tenant, prior to entering into any rental agreement, that the residential landlord does not know or have reasonable cause to know that mold exists in the applicable dwelling unit and building. If the residential landlord knows that mold has been present in the applicable dwelling unit or building in the past, then the residential landlord shall disclose in writing to the prospective tenant that information and the measures taken to remove the mold.

(c) A residential landlord shall disclose in writing to any current tenant when the residential landlord knows or has reasonable cause to know that mold is present in the current tenant's dwelling unit or building.

(d) A residential landlord shall not be required to conduct air or surface tests of dwelling units or buildings for mold unless a current tenant notifies the landlord of the potential presence of mold in the applicable dwelling unit or building.

(e) Nothing in this section:

(1) Relieves a residential landlord from any obligation or duty under this chapter or applicable local codes; or

(2) Alters or modifies any right, remedy, or defense otherwise available under this chapter.

SECTION 2. Tennessee Code Annotated, Section 66-28-304(a), is amended by adding the following as a new subdivision:

(5) Repair, remediate, and remove mold from any dwelling unit or building, as those terms are described in § 66-28-306, if the landlord knows or has reasonable cause to know that mold is present.

SECTION 3. Tennessee Code Annotated, Section 66-28-401, is amended by adding the following as a new subdivision:

(6) Notify a residential landlord of any suspected mold in the tenant's dwelling unit or building as soon as practical after discovering the suspected mold.

SECTION 4. This act shall take effect July 1, 2015, the public welfare requiring it, and shall apply to rental agreements entered into or renewed on or after that date.