

Session 121 - (2015-2016)

H 5231 General Bill, By Robinson-Simpson, Bales, Dillard, Douglas, Henegan, Anderson, Gilliard, Mitchell, Mack and Tinkler

Summary: Indoor Mold Remediation Act

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 11 TO CHAPTER 40, TITLE 27 SO AS TO ENACT THE "INDOOR MOLD REMEDIATION ACT"; TO DEFINE NECESSARY TERMS; TO DIRECT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO SET STANDARDS, PRACTICES, AND GUIDELINES RELATING TO THE ASSESSMENT AND REMEDIATION OF INDOOR MOLD CONTAMINATION; TO ESTABLISH LICENSING REQUIREMENTS FOR INDOOR MOLD ASSESSMENT AND REMEDIATION, AND TO AUTHORIZE THE DEPARTMENT TO ESTABLISH AND COLLECT REASONABLE FEES TO ADMINISTER THE PROVISIONS OF THIS ARTICLE; TO ESTABLISH REQUIREMENTS AND PROCEDURES FOR A RESIDENTIAL PROPERTY OWNER WHO RECEIVES NOTICE FROM A TENANT THAT INDOOR MOLD EXISTS IN THE DWELLING UNIT OR COMMON AREA; TO PROVIDE THAT A PROFESSIONAL INDOOR MOLD ASSESSMENT THAT FINDS AN INDOOR MOLD CONTAMINATION CREATES A REBUTTABLE PRESUMPTION OF A VIOLATION OF THE PROPERTY OWNER'S OBLIGATIONS UNDER THIS ARTICLE AND TO PROVIDE THAT A COURT HAS DISCRETION TO REIMBURSE COSTS AND FEES AS WELL AS AWARD TREBLE DAMAGES IN CERTAIN CIRCUMSTANCES; TO ESTABLISH THE INDOOR MOLD ASSESSMENT FUND, TO PROVIDE THAT THE FUND SHALL CONSIST OF REVENUE FROM FEES COLLECTED PURSUANT TO THIS ARTICLE, AND TO AUTHORIZE THE DEPARTMENT TO ADMINISTER GRANTS FROM THIS FUND IN CERTAIN CIRCUMSTANCES; TO ESTABLISH THAT THIS ARTICLE DOES NOT CREATE A PRIVATE RIGHT OF ACTION AGAINST THE STATE OF SOUTH CAROLINA; TO PROVIDE THAT THE REMEDIES PROVIDED UNDER THIS ARTICLE DO NOT SUPPLANT A TENANT'S COMMON LAW RIGHTS AND REMEDIES; AND TO AUTHORIZE THE DEPARTMENT TO ADOPT RULES AND PROMULGATE REGULATIONS TO ACCOMPLISH THE PURPOSES OF THIS ARTICLE.

04/14/16 House Introduced and read first time (House Journal-page 83)

04/14/16 House Referred to Committee on Agriculture, Natural Resources and Environmental Affairs (House Journal-page 83)