



# House of Representatives *State of Utah*

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February 25, 2004

Mr. Speaker:

The Political Subdivisions Committee recommends **H.B. 281**, TOXIC MOLD DISCLOSURE, by Representative D. Hogue, be replaced and reports a favorable recommendation on **1st Sub. H.B. 281**, TOXIC MOLD DISCLOSURE with the following amendments:

1. *Page 1, Lines 8 through 9:*

8 This bill enacts provisions within the Utah Health Code ~~[[and the Utah Fit~~  
9 ~~Premises Act]]~~  
related to mold.

2. *Page 1, Lines 15 through 17:*

15 the Legislature ~~[[, and~~  
16 ~~requires an owner to make a disclosure to a renter or prospective renter~~  
17 ~~regarding~~  
~~mold in a rental unit]]~~ .

3. *Page 1, Lines 23 through 24:*

23 ~~[[AMENDS:~~  
24 ~~57-22-2, as enacted by Chapter 314, Laws of Utah 1990]]~~

4. *Page 2, Line 30:*

30 ~~[[57-22-4.2, Utah Code Annotated 1953]]~~

5. *Page 3, Line 72 through Page 4, Line 103:*

72 ~~[[Section 5. Section 57-22-2 is amended to read:~~  
73 ~~57-22-2. Definitions:~~  
74 ~~As used in this chapter:~~  
75 ~~(1) "Mold" is as defined in Section 26-48-102.~~  
76 ~~[(1)] (2) "Owner" means the owner, lessor, or sublessor of a residential rental~~

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~~unit. A~~  
77 ~~managing agent, leasing agent, or resident manager is considered an owner for~~  
~~purposes of~~  
78 ~~notice and other communication required or allowed under this chapter unless the~~  
~~agent or~~  
79 ~~manager specifies otherwise in writing in the rental agreement.~~  
80 ~~— [(2)] (3) "Rental agreement" means any agreement, written or oral, which~~  
~~establishes or~~  
81 ~~modifies the terms, conditions, rules, or any other provisions regarding the use and~~  
~~occupancy~~  
82 ~~of a residential rental unit.~~  
83 ~~— [(3)] (4) "Renter" means any person entitled under a rental agreement to~~  
~~occupy a~~  
84 ~~residential rental unit to the exclusion of others.~~  
85 ~~— [(4)] (5) "Residential rental unit" means a renter's principal place of residence~~  
~~and~~  
86 ~~includes the appurtenances, grounds, and facilities held out for the use of the~~  
~~residential renter~~  
87 ~~generally, and any other area or facility provided to the renter in the rental~~  
~~agreement. It does~~  
88 ~~not include facilities contained in a boarding or rooming house or similar facility,~~  
~~mobile home~~  
89 ~~lot, or recreational property rented on an occasional basis.~~  
90 ~~— Section 6. Section 57-22-4.2 is enacted to read:~~  
91 ~~— 57-22-4.2. Owner's duties -- Mold -- Civil action.~~  
92 ~~— (1) An owner shall comply with Subsection (2) if the owner knows that a~~  
~~residential~~  
93 ~~rental unit contains visible mold.~~  
94 ~~— (2) An owner described in Subsection (1) shall provide written notice to:~~  
95 ~~— (a) a prospective renter prior to entering into a rental agreement; and~~  
96 ~~— (b) a renter within five calendar days after the owner becomes aware of a~~  
~~condition~~  
97 ~~described in Subsection (1).~~  
98 ~~— (3) This section does not require an owner to conduct tests to determine~~

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whether a  
99 rental unit contains visible mold.  
100 — (4) (a) A renter may bring an action against an owner for a violation of this  
section.  
101 — (b) In an action under Subsection (4)(a), a renter may recover the greater of:  
102 — (i) actual damages; or  
103 — (ii) \$1,000. ]]

Respectfully,

Kory M. Holdaway  
Committee Chair

Voting: 9-0-1

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