**LHO GUIDE\* – MOLD**

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**Expand a section by clicking on left arrow .***[To expand all sections: Right-click on any section* ***>*** *Expand/Collapse* ***>*** *Expand All Headings.]*

## 🞏 1. **Is the complaint within the jurisdiction of the LHO?**

           Yes =  landlord/tenant or owner/renter mold complaint (residential); general mold info for homeowner

            No =  licensed facility including lodging, campgrounds, youth camps, medical facilities; schools

#### If no, refer complainant to the organization with jurisdiction:

 ¡  **Licensed lodging/hotel, campgrounds or youth camps:** [**Health Inspection Program (HIP)**](https://www.maine.gov/dhhs/mecdc/environmental-health/el/)**.**

 Notify HIP of general complaint and advise complainant to follow up with HIP. HIP will need to hear
 complaint directly from complainant to proceed, but a heads-up from LHO can be helpful.
 LHO responsibility ends here unless HIP asks for further assistance.

   HIP Contact for LHO:  (207) 287-5671 M-F 8-5; or
 LHO can email HIP staff directly [contact your District Liaison for email addresses for LHO use].
 After-hours call: 1- 800 - 821-5821 epi #

   HIP Contact for Complainant: (207) 287-5671 M-F 8-5 or hiplicensing.dhhs@maine.gov.

  After-hours call: 1- 800 - 821-5821 epi #

 ¡  **Medical or nursing facilities, assisted housing:** [**Division of Licensing & Inspections**](https://www.maine.gov/dhhs/dlc/safety-reporting/file-a-complaint)

 ¡  **Schools:** Refer to School Administration (District Superintendent).
 Each school is responsible for indoor air quality inspections and remediation at the facility .

 ¡  **Mobile home park:** For homeowners with structural complaints (leaks), owner can contact the
 [*Manufactured Housing Board*](https://www.maine.gov/pfr/professionallicensing/professions/manufactured-housing-board/home/contact-us)*. If home is rented (not just the land), LHO can proceed as for usual
 landlord/tenant complaint.*

#### MOLD at a private residence:

Provide public health education and resources as indicated, which could include CDC resources about mold prevention, remediation and information for landlords and tenants (see #5) -- Otherwise, private residences with mold posing no extended public health nuisance are not within an LHO’s responsibility.

## 🞏 2. **Educate yourself about MOLD if needed**

(Arrange a follow-up call after research if needed)

⭘ Selection of resources for LHOs can be found here:

 [Maine CDC's LHO Resources page](https://www.maine.gov/dhhs/mecdc/public-health-systems/lho/resources.shtml)

 [Maine Indoor Air Quality Council's Resources pages](https://maineindoorair.org/iaq-info/)

 [CDC’s Basic Facts About Mold and Dampness page](https://www.cdc.gov/mold/faqs.htm)

⭘ Review relevant Maine statutes: (see #6 Below)
⭘ Check for any related municipal housing codes or town ordinances

⭘ Consult your town’s code enforcement officer for information about relevant building codes

## 🞏 3. **Hear complaint, ask information-gathering questions as needed**

*Pertinent information to obtain could include:*

⭘ How long has issue been present;

⭘ What signs of mold are present;

⭘ What signs of water leaks or moisture/excess humidity are present;

⭘ Has the landlord/owner been notified, when/how;

⭘ What steps have already been taken by renter and by landlord/owner;

⭘ Are there especially vulnerable individuals living in the home (ex: children, persons with
 chronic lung disease such as asthma);

⭘ What is the complainant looking for from you or town; what is next step requested?

## 🞏 4. **Enter notes to your municipal LHO record**

 Use note-keeping method that is standard for your municipality.

## 🞏 5. **Educate complainant about MOLD AND WHAT TO EXPECT**

*Important basic points might include:*

⭘ Importance of notifying landlord/owner if renter;

⭘ A mold problem is a *moisture* problem. First steps will include addressing leaks, moisture issues.

⭘ Individual health responses to mold can vary. If mold is present, it will need to be remediated;

 decision is not based on a resident’s presence or absence of symptoms.

⭘ How to determine if mold is present; what to expect from site inspection; testing of visible mold is
 generally not needed, but testing may be recommended if hidden mold is suspected.

⭘ Remediation overview: depending on size of the mold problem, sometimes a homeowner can
 address and sometimes a remediation professional will be needed.

⭘ How to find a qualified remediation company if applicable;

⭘ Mold prevention – steps for homeowner, renter and landlord;

⭘ Other mold information as requested.

## 🞏 6. **Educate complainant about RELEVANT Maine statuteS**

The following statutes might be helpful guides as you proceed. In addition, check local housing codes and local ordinances. Keep your selectboard in the loop. Town might also want to consult town attorney to determine if resources listed below are applicable in the situation.

⭘ [Title 14 Section 6021](https://www.mainelegislature.org/legis/statutes/14/title14sec6021.html) Implied Warranty and Covenant of Habitability

⭘ [Title 22 Section 1561](https://legislature.maine.gov/statutes/22/title22sec1561.html) Removal of a Private Nuisance

⭘ [Title 22 Section 461](https://www.mainelegislature.org/legis/statutes/22/title22sec461.html) Notice to owner to clean premises; expenses on refusal

⭘ [Title 22 Section 252](https://www.mainelegislature.org/legis/statutes/22/title22sec252.html) Penalties

⭘ [Title 22 Section 451-A Powers and Duties.](https://www.mainelegislature.org/legis/statutes/22/title22sec454-A.html)  Local health officer duties

⭘ [Consumer Rights When You Rent an Apartment (Maine Attorney General's Office)](https://www.maine.gov/ag/consumer/law_guide_article.shtml?id=27933)

⭘ Any relevant local code or ordinance

## 🞏 7. **Has complainant taken necessary tenant steps (incl notification to landlord)?**

#### No - action steps ARE still needed

⭘ Recommend they take any missing steps, including that they notify their landlord of the problem, including in writing, to ask them to find and fix the water problem and fix water damage (including mold). Assess if there might be barriers to tenant notifying landlord.

⭘ Arrange a follow-up call between yourself and complainant to reassess status.

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At follow-up call, note if tenant has notified the landlord, if the landlord has begun resolution steps. Hear complainant’s assessment of current state. Then:

⭘ **Schedule an inspection visit if not already done or not planned by landlord;**

⭘ **Obtain consent for site access, and notate consent;**⭘ **Set expectations for visit.**

#### Yes - they’ve taken necessary steps and have notified landlord in writing:

Determine if the landlord has begun resolution steps. If no:

⭘ **Schedule an inspection visit, if not already done**

⭘ **Obtain consent for site access, and notate consent;**⭘ **Set expectations for visit.**

## 🞏 8. **set expectations for visit**

Determine whether a mold remediation company is already planning to visit and inspect the location, either hired by the landlord/owner or the tenant/renter. If you will be doing the initial inspection, let the renter or owner know what to expect during an inspection visit in general terms. Let them know you will be taking pictures to document the mold and moisture problem. Let them know you might be bringing a municipal colleague, such as the code enforcement officer (or police officer if indicated per routine).

## 🞏 9. **Site inspection**

* Safety during inspection: If possible, do not respond alone. Inspect as a team with a municipal colleague - if possible, respond with building code expertise (ex: CEO, Firefighter). Bring law enforcement if you have any concerns;
* Bring municipal identification;
* Bring a camera;
* Keep notes (with a checklist if possible) as you inspect.
* **A helpful guide & checklist for your inspection is:**

[**NIOSH Dampness and Mold Assessment Tool**](https://www.cdc.gov/niosh/docs/2019-115/pdfs/2019-115.pdf)

* Note: You will be noting smells as well as visual cues. You will be noting mold if visible, but also signs of moisture, leaks, or rot. Note that infestations often follow moisture problems; take note of any signs.

## 🞏 10. **Enter notes about site inspection to LHO records**

 Use note-keeping method that is standard for your municipality.

## 🞏 11. **Determine necessary next steps by landlord and tenant and put these in writing for both**

Initial goal for all complaints is to resolve issues informally between parties whenever possible.

* Following inspection, you’ll want to follow-up with complainant and owner:
* In writing, summarize the complaint, the findings upon your inspection;
* Include expected resolution steps from owner and/or resident;
* Include “due by” date;
* Include what to expect from you as your next steps;
* Include your town government whenever sending a formal letter to complainant or owner; town might also include town attorney in this process.

## 🞏 12. **On due-by date, ASSESS WORK COMPLETION**

* Re-inspect if needed;
* Note if tenant remains unsatisfied, (unable to compel needed actions from landlord), provide next resources or referral for tenant to take next steps (housing repair funding sources, legal aid);
* Note if landlord remains unsatisfied (unable to compel needed actions from tenant), resources/referral for landlord (ex: housing repair funding sources, landlord organization contact);
* Note: You might choose to extend the due-by-date if steps are being taken but a reasonable amount of additional time is needed; then reassess.
* For technical assistance, contact your Maine CDC District Liaison
 🡪 [Find your District Liaison here](https://www.maine.gov/dhhs/mecdc/public-health-systems/lphd/index.shtml)

## 🞏 13. **MAKE YOUR Report to Selectboard (resolved, unresolved)**

 Let the town selectboard know the steps you have taken and where the situation now

 stands, whether it is resolved or unresolved. If a situation remains unresolved, it will be up

 to the town whether or not to pursue more aggressive steps, such as district court.

## 🞏 [END]**LHO Role COMPLETE, ISSUE NOW IN TOWN HANDS**

Town might request you continue in an advisory role or to assist in further inspection or education.
Otherwise, LHO role is complete.

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***RESOURCES MENTIONED IN THIS GUIDE:***

 [*Maine CDC's LHO Resources page*](https://www.maine.gov/dhhs/mecdc/public-health-systems/lho/resources.shtml)

[*Maine Indoor Air Quality Council's Resources pages*](https://maineindoorair.org/iaq-info/)

[*CDC’s Basic Facts About Mold and Dampness page*](https://www.cdc.gov/mold/faqs.htm)

[*NIOSH Dampness and Mold Assessment Tool*](https://www.cdc.gov/niosh/docs/2019-115/pdfs/2019-115.pdf)

For further assistance, contact your Maine CDC District Liaison 🡪 [Find your District Liaison here](https://www.maine.gov/dhhs/mecdc/public-health-systems/lphd/index.shtml)

*\*Note: All steps listed above are suggestions. Contact your town government and town attorney for expectations and plan.*