

The following information is from <https://www.tdlr.texas.gov/mld/mldfaq.htm>

Mold in Rental Housing

This information is provided by TDLR to assist tenants in addressing mold problems in their rental units.

1. Can TDLR come to my home to check for mold?

No. TDLR does not inspect or test homes for mold problems, and cannot make a landlord or property owner clean up mold that might be present in a home. The TDLR rules do not relate to the presence of mold in buildings.

2. Can TDLR require a landlord or someone else to clean up mold?

No. TDLR does not have the authority to require a landlord or someone else to clean up mold.

3. What does TDLR do about mold?

TDLR regulates and licenses persons and companies who inspect and test for mold in buildings (mold assessment), and those who clean up and remove mold (mold remediation). TDLR rules require contractors doing these types of activities to be properly licensed by the state and to follow minimum work practices (provided they are not exempt). If a renter believes non-licensed persons are conducting mold assessment or remediation activities and are not exempted from regulation, the renter may file a complaint with TDLR. Please note that in most instances, areas of visible mold of less than 25 contiguous square feet can be cleaned up by people who are not licensed. Also, there are certain exemptions that apply for buildings containing less than 10 rental units, including houses.

4. What is mold and what causes it?

Mold is a type of fungus that is present in our natural environment. Mold spores, which are tiny microscopic 'seeds,' can be found everywhere, including inside homes, and are a part of the general dust found in homes. These spores can start growing on building materials and furnishings if they get wet or stay moist. Mold growth should not be allowed in our homes. Eventually, the mold will damage what it is growing on, which may include both the building and the renter's personal belongings. The key to preventing mold growth is to prevent moisture problems and quickly fix and dry any water leaks or spills that might occur.

5. What is the difference between mold and mildew?

Mildew is a type of mold or fungus. A lot of people use this name to describe small black spots of fungus that can start to grow on damp surfaces. If mildew appears, that means there is a moisture problem.

6. Should I have my home tested for mold if I suspect mold?

Generally, it is not necessary to identify the species of mold growing in a residence, and the Centers for Disease Control (CDC) does not recommend routine sampling for molds. Since the susceptibility of individuals can vary greatly either because of the amount or type of mold, sampling and culturing are not reliable in determining your health risk. Also, standards for judging what is an acceptable, tolerable, or normal quantity of mold have not been established. If you do decide to pay for environmental sampling for molds, before the work starts, you should ask a licensed consultant to establish criteria for interpreting the test results. Consultants should tell you in advance what they will do or what recommendations they will make based on the sampling results. The results of samples taken in your unique situation cannot be interpreted without physical inspection of the contaminated area or without considering the building's characteristics and the factors that led to the present condition. If you hire a licensed mold assessor to help document your mold problem, any individual or company who provides this service in Texas must be licensed as a Mold Assessor (Mold Assessment Technician, Consultant, or Company) by TDLR. Please note that a mold assessor must provide a copy of a [Consumer Mold Information Sheet \(PDF\)](#) to the client and to the property owner prior to providing any services.

7. What are the health concerns about mold?

Health effects from exposure to mold can vary greatly depending on the person, and the amount of mold in the home. Symptoms that may occur include coughing, wheezing, runny nose and sore throat. People with asthma or mold allergies may notice their asthma or allergy symptoms worsen. Individuals with a severely weakened immune system who are exposed to moldy environments are at risk of developing serious fungal respiratory infections. TDLR recommends that people consult a health care provider if they are concerned about the effects of a moldy environment on their health. [U.S. Centers for Disease Control \(CDC\) mold information](#)

8. What can I do as a tenant to prevent mold?

Here are some tips to prevent mold:

- Use exhaust fans or open a window during and after bathing/showering, dishwashing, using the dishwasher, cooking, or using the clothes dryer.

- Use a towel or squeegee to dry off wet surfaces after bathing. Bathtub or showers corners and joints, including tile crevices, are more susceptible to mold growth, so be sure to dry off those surfaces.
- If condensation occurs on inside windows panes (a common winter problem), take the time to dry them off frequently.
- Keep humidity levels as low as you can—no higher than 50%--all day long. An air conditioner or dehumidifier will help you keep the level low. Bear in mind that humidity levels change over the course of a day with changes in the moisture in the air and the air temperature, so you will need to check the humidity levels more than once a day.
- Use an air conditioner or a dehumidifier during humid months.
- Cover cold surfaces, such as cold water pipes, with insulation.
- Add mold inhibitors to paints.
- Clean bathrooms with mold-killing products.
- Do not carpet bathrooms.
- Quickly clean up and dry any liquids that might spill on carpets. If carpets stay wet, notify the landlord.
- Use kitchen exhaust fans when cooking.
- Avoid using humidifiers unless there is a medical reason to use one.
- Avoid the use of gas heaters that are not properly vented to the outside of the home.
- Ensure good air movement in your home.
- Open windows when possible.
- Don't block air supply and return vents.
- Keep dust off air supply vents.
- Keep a few inches of space between furniture and walls.
- Avoid clogs and overflows of drains and toilets.

When moisture problems do occur, it is critical to quickly identify the cause of moisture and to dry affected areas. Tenants should promptly notify their landlord when they find a moisture problem or mold growth. Common moisture problems include pipe leaks, roof leaks, sewage back-ups and over-flowing toilets, sinks, and bathtubs. Floodwaters can also cause mold problems. Tenants should inform landlords verbally then in writing to avoid misunderstandings. The tenant should keep a copy of this message for future

reference. Using certified mail, return receipt requested, your landlord received your message.

9. What can be done about indoor mold?

Tenants and landlords should try to work cooperatively to investigate and correct moisture problems and remove mold growth. If mold can be seen or if a musty odor is present, a careful inspection of the home should be conducted. Pay attention to hidden areas, such as plumbing access areas, crawl spaces, behind mirrors and furniture, attics, closets and cupboards.

Correcting a mold problem requires fixing the underlying moisture problem, removing the mold, and keeping the home dry in the future. Mold growth should be cleaned from non-porous surfaces such as concrete, metal, glass, tile, and solid wood. Mold growth is difficult to clean from absorbent (porous) surfaces such as drywall, carpet, fleecy furnishings and insulation. These kinds of moldy materials should be removed and discarded. Merely applying a chemical such as bleach to drywall, without removing the mold source, is not an effective, permanent solution. Painting over mold is also not effective. Personal belongings can be kept if there is no mold growth on them. These items may need a deep cleaning to remove mold particles (spores) that have settled in the fabric.

There are numerous private contractors who specialize in inspecting or cleaning up mold in homes. These contractors are required to be licensed in Texas. The landlord may want to hire a licensed Mold Assessor to determine the extent of a mold problem and to develop a remediation protocol to address it. Under TDLR rules, the remediation of 25 contiguous square feet or more of visible mold in residential properties with 10 or more units must be conducted by a licensed Mold Remediator. Small areas of mold growth (less than 25 contiguous square feet) can be cleaned/removed by an owner or by maintenance staff. Please note that testing to determine what kind of mold is present is not required prior to remediation or cleaning.

10. What are my options if my landlord does not respond to my concerns?

Know Your Rights as a Tenant

First, you must understand your rights and responsibilities as a tenant. The following documents have helpful information and guidance:

- [Texas Young Lawyers Association and the State Bar of Texas – Tenant Rights Handbook \(PDF\)](#)
- [Consumer Action Handbook](#)
- [Texas A&M University Real Estate Center – Landlords and Tenants Guide \(PDF\)](#)

You may wish to contact an attorney for legal assistance. If you need help finding an attorney, the State Bar of Texas offers a lawyer referral and information service at 1-800-252-9690.

Various tenant, apartment and consumer organizations may also have resources to help you.

Contact the Local Health Department

A tenant can try to file a complaint with the local city or county health department. Some cities or counties in larger metropolitan areas may have adopted ordinances that allow them to enforce building codes, or that authorize a local health department to declare a property a public health nuisance, and may be able to issue correction orders to the landlord. [Listings of Local Health Departments in Texas](#)

Contact the City Building Official (Code Compliance)

Tenants may seek assistance from their local building code official, if there is one. The building official may inspect the unit to determine if it is structurally sound. They may also, in some cases, enforce maintenance provisions of the building code.

11. I live in public, governmentally-subsidized housing. Are there other options?

You may contact the public housing agency for their city or county. There may be a social worker assigned to public housing in your area who can mediate between you and your landlord. For public government-funded housing, a [list of Public Housing Agencies for Texas](#) by county and city is available on the U.S. Department of Housing and Urban Development (HUD) web site. Another option for residents of HUD-insured and HUD-assisted properties is calling the [Multifamily Housing Complaint Line](#) at (800) 685-8470 to report complaints with a property's management on matters such as poor maintenance, dangers to health and safety, mismanagement and fraud. Tenants in public housing may want to pursue the other options described above, but the public housing agency should address tenants' reasonable requests that are within the bounds of property maintenance and building code. If your housing is USDA subsidized, you may wish to [file a complaint with the USDA](#).

12. My home has been flooded. What can I do regarding mold or the potential for mold?

The following resources offer flood recovery information:

- [Texas Department of Insurance – "After the Storm"](#)
- [Texas A&M AgriLife Extension information on flooding](#)
- [U.S. Centers for Disease Control \(CDC\) – Mold After a Disaster](#)
- [U.S. Environmental Protection Agency \(EPA\) – Flood Cleanup \(PDF\)](#)

Homeowner/Building Owner Exemption

1. Under the Texas mold rules, a homeowner or building owner can, in some circumstances, do his or her own remediation under the exemptions in Occup. Code §1958.102 and 16 TAC § 78.30 (b)-(d) (minimum area, residential property and facility exemptions). If a homeowner or building owner does his or her own mold remediation without using a licensed mold consultant to develop a mold remediation protocol, and then asks a consultant to conduct a clearance test/inspection, can the consultant conduct clearance?

No. A consultant who has not prepared a mold remediation protocol in advance of a remediation project cannot declare that the project has achieved clearance. In order to determine if a project has achieved clearance, the consultant must conduct a post-remediation assessment.

Note: A licensed consultant, who had no role in preparing a pre-remediation protocol, may, however, conduct a post-remediation inspection and sign/deliver a Certificate of Mold Damage Remediation (Department of Insurance Form MDR-1) certifying that he or she has inspected the property and determined that it “does not contain evidence of mold damage.” The bottom section of the form is for this purpose. [Insurance Code § 544.303(a)(4)(B).]

Homebuilder Construction and Improvement Exemption

1. Is all mold assessment/remediation done on a one- or two-family home under the homebuilder’s warranty exempt from the mold rules even if the builder contracts out the work?

Yes, all mold assessment/remediation done by the builder under a home builder’s warranty either at the time of construction or later at the time of repair is exempt and may be done without a license (see §1958.102(d)). The exemption applies whether the mold assessment/remediation is done by the individual builder, by the builder’s employee or by a subcontractor. However, if the person doing the work is licensed to perform mold assessment or remediation, the rules do apply.

After initial construction is complete, mold assessment/remediation may be done by the unlicensed builder only if done at the same time as repair work.

2. If a builder hires a licensed mold remediator, to whom does the remediator provide a Consumer Mold Information Sheet (PDF)? To whom does the remediator provide the certificate of mold damage remediation (CMDR)?

The law and rules require the remediator (or other licensee overseeing a project) to provide the CMIS to the client who hired the remediator (in this case, the builder), and to the property owner if different, prior to the initiation of any mold related activity. The remediator must also provide the CMDR to the property owner, even if hired by the builder.

3. If a builder, the builder's employees, or subcontractors conduct remediation work under the homebuilder construction and improvement exemption, can the unlicensed workers give the homeowner a CMDR?

No. Only a licensed remediator is authorized to give a CMDR. A person who uses unlicensed workers for mold remediation cannot obtain a CMDR because an unlicensed person is not authorized to give a CMDR.

4. If the homeowner cannot obtain a CMDR because the mold work was performed under the construction and improvement exemption, can the homeowner have an inspection done by an independent assessor or adjuster to determine there is no evidence of mold damage?

Yes, under the Insurance Code, a homeowner who is not eligible for a CMDR due to the work being done by unlicensed professionals may have an inspection done by an independent mold assessor or adjuster who is licensed to perform mold assessment. Therefore, a person licensed under the mold rules as a Mold Assessment Consultant may fill in the "Mold Assessment Consultant or Adjustor License Holder Certification" portion of the CMDR/MDR-1 form developed by the Texas Department of Insurance. Such a certification may be presented to an insurer who may not make an adverse underwriting decision regarding a residential property insurance policy based on previous mold damage if the requirements of the statute and related rules are met. See Insurance Code, §544.303(a)(4)(B).

5. Where do I find the "Certificate of Mold Damage Remediation?"

The Certificate of Mold Damage Remediation (PDF) is available on the Texas Department of Insurance website.

Minimum Area Exemption

1. Is a licensed Mold Remediation Contractor (MRC) exempt from all the mold rules if hired for a project where the mold contamination affects a total surface area of less than 25 contiguous square feet of visible mold?

No. The exemption in §1958.102(a) or (c) only applies to persons who are not licensed to conduct mold remediation, and was meant to allow small projects to be handled more simply and economically. A licensed MRC performing a small mold remediation project (less than 25 contiguous square feet) is not exempt from the law and rules. Regardless of the size of the area affected by mold contamination, if a licensed MRC is hired by the consumer, the MRC must comply with the requirements in the law and rules, including the development of a work plan that follows a protocol developed by a licensed Mold Assessment Consultant (MAC). The MRC does not, however, have to submit a notification for the project.

Containment Area

1. Who can and cannot enter a containment area once the area is established?

The rules allow the following persons in the containment area:

- mold licensees, and
- department representatives or designee

There may be instances where the property owner and/or owner designee makes a request to enter the containment area. If this occurs, the licensee should explain the risks involved with entering the containment area and ensure the owner and/or owner designee are properly protected if they choose to enter containment area. It may be appropriate for the licensee to require the owner and/or owner designee to sign a statement indicating they have been made aware of such risk. The contractor may also want to consider adding a statement to their contract that prohibits the owner from entering containment area.

Emergency personnel and first responders are allowed in the containment area for providing medical attention.