

City of Philadelphia



(Bill No. 050748)

AN ORDINANCE

Amending Title 6 of The Philadelphia Code by adding Chapter 6-900, relating to mold inspections; providing for licensing of residential mold inspectors; and requiring buyers of residential properties to have a licensed mold inspector conduct a comprehensive mold inspection if a home inspection identifies mold or water intrusion; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 6 of The Philadelphia Code is hereby amended by adding Section 6-900, relating to mold inspections, as follows:

TITLE 6: HEALTH CODE

* * *

CHAPTER 6-900. MOLD INSPECTIONS

Section 6-901. Definitions.

(1) *Mold. A form of multicellular fungi that live on plant or animal matter and in indoor environments. The term includes, but is not limited to: Cladosporium, Penicillium, Alternaria, Aspergillus, Fuarim, Trichoderma, Memnoniella, Mucor and Stachybotrys chartarum.*

(2) *Comprehensive Mold Inspection. An investigation to determine the presence of mold in connection with which the inspector provides a report explaining the results of the investigation.*

Section 6-902. Mandatory Residential Mold Inspections.

A buyer of a residential property who is offered the right to conduct home inspections and elects to do so, must have a comprehensive mold inspection conducted by a licensed residential mold inspector if the home inspector identifies visible mold growth or water intrusion in the residential property during the home inspection. A comprehensive mold inspection does not need to be conducted if such an inspection was conducted within the prior six months and the mold inspection report is obtained by the buyer.

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Section 6-903. Requirements for Residential Mold Inspections.

Residential mold inspections performed pursuant to Section 6-902 shall be conducted in accordance with regulations promulgated by the Department of Public Health.

Section 6-904. Residential Mold Inspection License.

(1) No person shall engage in the business of residential mold inspections unless that person has first secured a license from the Department of Licenses and Inspections.

(2) In order to secure a license, an applicant must:

(a) be at least eighteen (18) years of age.

(b) demonstrate completion of a mold inspection training program that qualifies or certifies mold inspectors. At a minimum, the training program must include training in the following areas:

(i) comprehensive physical inspection of an entire structure and its environment with moisture and humidity meters, including but not limited to inspection of leaks; water intrusions; heating, ventilation and air conditioning systems; air handling equipment; ducts; crawl spaces; attics; and the inside of load and non-bearing partitions, floors, and ceilings;

(ii) testing of visible molds by scraping, taking bulk samples, and swabbing;

(iii) indoor air testing;

(iv) testing for carpet mold;

(v) safety precautions regarding mold, asbestos and lead paint;

(vi) writing reports detailing observations, findings and results of inspections; and

(vii) writing mold remediation plans outlining potential methods of mold remediation.

(c) maintain commercial general liability insurance in an amount to be determined by the Office of Risk Management.

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(d) *pay a license fee of three hundred (300) dollars for a license that will be valid for three years from the date of issuance.*

Section 6-905. Restrictions.

No person shall be licensed as a residential mold inspector if that person has been convicted before a court of law of a crime of fraud, dishonesty, breach of trust or deceit within the past ten years.

Section 6-906. Conflict of Interest.

(1) *A holder of a residential mold inspection license shall not perform a home inspection, a comprehensive mold inspection and mold remediation on the same project. A holder of a residential mold inspection license shall only perform one of these activities on a single project. Work performed by a company in which an individual holds an interest shall constitute work performed by the individual.*

(2) *A holder of a home inspection license, pursuant to Section 9-1302 of The Philadelphia Code, shall not accept any compensation, inducement or reward for the referral of any business to a mold inspector or a mold remediator. A holder of a residential mold inspection license shall not accept any compensation, inducement or reward for the referral of any business to a mold remediator.*

Section 6-907. Penalties.

In addition to the penalties established in Section 6-103, a license may be revoked for failure to comply with the provisions of this Chapter.

Explanation:

Italics indicate new matter added.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on December 1, 2005. The Bill was Signed by the Mayor on December 15, 2005.



Patricia Rafferty
Chief Clerk of the City Council