

RESOLUTION NO.

WHEREAS, mold is a type of fungus that thrives in damp, warm environments; and

WHEREAS, mold can cause health problems, including respiratory symptoms, development or worsening of asthma, bronchitis, and eczema; and

WHEREAS, the Texas Department of Licensing and Regulation regulates and licenses mold assessors and remediators in Texas under Texas Occupations Code, Chapter 1958; and

WHEREAS, Texas Property Code § 92.056 states that landlords have a duty to remove conditions that “materially affect the physical health or safety of an ordinary tenant”; and

WHEREAS, Texas Administrative Code § 78.110 requires mold remediation protocols for rental properties when the mold contamination exceeds a total surface area of 25 contiguous square feet or more, and the property has 10 or more dwelling units; and

WHEREAS, the City’s Property Maintenance Code does not establish any regulations specific to the presence of mold; and

WHEREAS, Austin Development Services Code Compliance responds to all complaints received regarding mold growth in rental housing, however, code inspectors cannot explicitly determine whether mold is present; and

WHEREAS, mold arises from underlying substandard property conditions such as leaking pipes, defective air conditioning and HVAC systems, and inadequate drainage; and

WHEREAS, localities around the country, including Washington D.C. and New York City, require inspection and remediation when mold is suspected or reported; and

WHEREAS, all Austinites deserve a safe and healthy home free of mold;
NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

City Council initiates local amendments to City Code Chapter 25-12 (Technical Codes) to establish regulations for the presence of mold, standards, and protocols for inspection and mold remediation if a violation is found, in accordance with state law. When proposing the amendments necessary to implement this requirement, the City Manager is directed to consider industry practices and requirements, as well as stakeholder feedback from housing providers, licensed mold assessors and mediators, insurers, public health experts, and tenants' rights organizations.

BE IT FURTHER RESOLVED:

The City Manager is further directed to update and promote public education materials related to mold exposure and remediation, including but not limited to:

- Benefits of including mold coverage in homeowner and property owner policies;
- City home repair programs;
- Underlying property conditions that lead to mold, including leaks, water intrusion, HVAC defects, and drainage;
- Best practices for landlords and tenants to prevent mold;

- A landlord's duty to repair uninhabitable conditions and the methods tenants can use to timely report mold and the conditions that cause it;
- Differences between mildew, mold, fungal growth, staining or residue, and moisture indicators; and
- Physical health impacts from mold exposure.

BE IT FURTHER RESOLVED:

The City Manager is further directed to ensure all housing developments that receive public funding, subsidies, tax incentives, or other forms of financial assistance from the City adhere to the following:

- Conduct regular inspections of property systems that can contribute to mold such as heating and cooling systems, ventilation, plumbing, drainage, and sewage. The City Manager should investigate which systems should be inspected, best practices for inspection, and the frequency of the required inspections in consultation with industry experts;
- Follow baseline standards for remediation; and
- Maintain property-level mold remediation plans that detail how tenants can make repair requests; the process the property will follow to investigate when there is suspected mold; and the steps it will take to remediate mold and fix underlying conditions.

BE IT FURTHER RESOLVED:

The City Manager is further directed to report back to Council by May 2027 with a draft ordinance that includes all amendments necessary to accomplish the goals in this Resolution along with an affordability and operational impact analysis.

ADOPTED: _____, 2026

ATTEST: _____

Erika Brady
City Clerk