

By: Naishtat, Madden, Seaman

H.B. No. 1328

A BILL TO BE ENTITLED

AN ACT

relating to certificates of mold remediation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 3, Article 21.21-11, Insurance Code, is amended to read as follows:

Sec. 3. PROHIBITION. An insurer may not make an underwriting decision regarding a residential property insurance policy based on previous mold damage or a claim for mold damage if:

(1) the applicant for insurance coverage has property eligible for coverage under a residential property policy;

(2) the property has had mold damage;

(3) mold remediation has been performed on the property; and

(4) the property was:

(A) remediated, as evidenced by a certificate of mold remediation issued to the property owner under Section 1958.154, Occupations Code, that establishes with reasonable certainty that the underlying cause of the mold at the property has been remediated; or

(B) inspected by an independent assessor or adjustor who determined, based on the inspection, that the property does not contain evidence of mold damage.

SECTION 2. Section 1958.154(b), Occupations Code, is amended to read as follows:

1 (b) If a property owner sells property, the property owner
2 shall provide to the buyer a copy of each certificate [~~that has~~
3 ~~been~~] issued for the property under this section during the five
4 years preceding the date the property owner sells the property.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2005.