



Memorandum

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TO: Council Member Derwin Montgomery, Chair Community Development/Housing/General Government and Committee Members
FROM: Angela I. Carmon, City Attorney
DATE: January 18, 2018
SUBJECT: Draft Housing Code Amendment regarding Mold and Carbon Monoxide Detectors
CC: Lee D. Garrity, City Manager

During the discussion of the proposed draft ordinance amendment to the City of Winston-Salem Housing Code at December's meeting of the Community Development/Housing/General Government Committee, questions were posed about the longevity of the Durham code provisions regarding mold. A request was made for the insertion of a definition of mold into the draft ordinance. Both matters are addressed below.

Per my communications with the City of Durham, the mold provisions were added to the Durham City Code in 2012. As with the proposed draft code amendment under consideration by the General Government Committee, the Durham code focuses on the conditions that cause mold. As indicated by Durham city staff, Durham does not have the capacity to implement and conduct mold testing and remediation. The draft amendment of the Winston-Salem Housing Code does not require the inspectors to become certified mold inspectors. It simply provides an additional avenue for the inspectors to address with the property owners the conditions that lead to mold. Durham city staff identified the following benefits of having within the code provisions relating to mold: (i) specificity and clarification regarding the ability of staff which increased consistency in enforcement, (ii) better understanding amongst residents as to what the inspections department could and could not do with respect to mold and (iii) management and elected official responsiveness to the mold complaints that were received.

With respect to a definition of mold, I inserted a very basic dictionary definition of mold, which is defined as "a superficial often woolly growth produced especially on damp and decaying organic matter or on living organism by a fungus". To avoid the impression that the inspectors would become certified mold inspectors, I added the following sentences: "The provisions contained herein regarding mold do not require the inspectors to become certified mold inspectors. Instead the provisions relating to mold provide another avenue for the inspectors to address through the code enforcement process the conditions that cause mold."

Should you have any questions, please do not hesitate to let me know.