February 2, 2023

The Honorable Marcia Fudge  
Secretary  
U.S. Department of Housing and Urban Development  
451 7th Street, S.W.  
Washington, D.C. 20410

Mr. Matthew E. Ammon  
Director  
Office of Lead Hazard Control and Healthy Homes  
U.S. Department of Housing and Urban Development  
451 7th Street, S.W.  
Washington, D.C. 20410

Re: 6086–N–02 Request for Comments: National Standards for the Physical Inspection of Real Estate and Associated Protocols

Re: Rulemaking Docket FR-6086-P-01 Economic Growth Regulatory Relief and Consumer Protection Act: Implementation of National Standards for the Physical Inspection of Real Estate (NSPIRE)

Dear Secretary Fudge and Director Ammon:

I write to provide public comment in response to the Department of Housing and Urban Development (HUD)’s Request for Comments on the National Standards for the Physical Inspection of Real Estate (NSPIRE) and Associated Protocols and earlier proposed implementation rule.

By way of background, I voted in support of the Consolidated Appropriations Act of 2016, which directed HUD to implement a single inspection protocol for public housing and voucher units, and voted in support of the Consolidated Appropriations Act of 2020, which required the installation of carbon monoxide alarms in federally-assisted housing. As HUD implements the mandates through the FY2016 and FY2020 appropriations laws, in addition to mandates from the Economic Growth Regulatory Relief and Consumer Protection Act, I write to request that HUD’s final rule include special consideration for the health and safety impacts of mold in federally-assisted housing.

My interest in this topic stems directly from an issue impacting constituents in my district. In September of 2021, because of the grassroots advocacy of tenants in my district, I learned about the proliferation of mold at Branford Manor apartment complex in Groton, CT, which had caused severe psychological distress and health problems for tenants. After learning about the
mold issues at the apartment complex, my staff contacted Hartford HUD for more information and assistance. Although HUD was not contacted by tenants directly until May of 2022, tenants had been voicing concerns about problems at the apartment complex for at least months prior to contacting HUD. When HUD was notified by tenants of the issues at Branford Manor, HUD conducted a Management & Occupancy Review (MOR) and a Real Estate Assessment Center (REAC) inspection at the building.

In the case of Branford Manor, the existing REAC inspection requirements demonstrate that the current process is not sufficient to protect tenants. Branford Manor passed their most recent REAC inspection from June 23, 2022 was a passing score of 70. Additionally, Branford Manor’s last Management and Occupancy Review was on July 29, 2022 and they also passed with a score rated “above average”. These passing scores came despite walls covered with mold throughout the buildings, including areas hidden behind picture frames or kitchen cabinetry.

I enthusiastically support the aspect of the NSPIRE proposed rule which strengthens safety and health inspection standards for public housing, project-based rental assistance units, and Housing Choice Voucher units, and I strongly support a stricter methodology to prevent mold and mold-like substances from harming the health and safety of renters in multifamily housing units. For example, I am glad that the NSPIRE proposed rule’s physical inspection standards would require ventilation or dehumidification for bathrooms to reduce the conditions conducive to mold growth. I also strongly support HUD’s decision to amend the Mold-Like Substances Standard to include a deficiency criteria related to mold risk so that sources of moisture that would be conducive to mold growth would be limited. Furthermore, I support an inspection protocol, as HUD as outlined, that would require use of moisture meters and moisture levels and would establish a deficiency threshold. However, I urge HUD to consider geographic and environmental differences in establishing these deficiency thresholds to ensure that these standards are in alignment with the variety of weather patterns throughout the country, including extreme heat, rain, hurricanes, snow, and how precipitation and temperature averages will be impacted by climate change.

I also support the aspect of the NSPIRE proposed rulemaking which would require expeditious repair and resolution of mold issues in a property. I share the concerns that many housing advocates have expressed that allowing mold in an apartment building to proliferate without remediation could cause the mold to spread to other units and could result in health problems for tenants in the residence. Additionally, I believe that HUD should allow for information to be gleaned from multiple sources, including from tenants, as well as from an inspector or through moisture-tracking technology to determine the severity of a mold problem. Empowering tenants to deal with these issues and report violations to a local health agency, public housing agency, or to HUD directly will ensure that small problems with mold can be addressed before the issue becomes serious.

To support those who manage these properties, I believe that HUD should make the standards clear and easy-to-understand for inspectors, tenants, landlords, and local public health agency staff. Information about mold standards should be provided to every tenant in a searchable format in multiple languages. Additionally, that information should include specific examples and photographs to support the identification of deficiencies.
Furthermore, in order to support the inspectors who are working to identify mold in units, HUD should provide training for inspectors on how to use moisture meters and infrared cameras if these technologies are being used to establish a deficiency for a mold-like substance. Although I support the recommendation from others to HUD that HUD require both infrared cameras and moisture meters so that inspection protocols are implemented evenly, I share the concerns of housing advocates that HUD’s final rule should include guidance on how and when to use technology devices to test for mold or mildew. Additionally, I agree that these standards should include weather or climate differences, and believe that HUD should provide a range of acceptable targets, specific guidance on the types of products that can be used, training to inspectors or others, and both regionally-specific and season-specific guidance document to inform the metrics.

Lastly, efforts to mitigate mold in a residence will require tenant maintenance and tenant buy-in. HUD should support public housing agencies and owners through the distribution of education materials, best practices guidance, and other information to help mitigate conditions that can lead to mold. For example, tenants should be provided information by property owners about the need for ventilation or dehumidification in kitchens, bathrooms, basements, or other humid areas, and property owners should ensure that dehumidifiers, vents, or fans work in the space and can sufficiently move air to prevent accumulation of moisture and mold.

To implement these changes, I request information from HUD on what Congressional resources would be required to ensure that changes could be carried out quickly and effectively. Information from HUD about the total funds that would be needed for assistance to housing providers, inspectors, landlords, and others will ensure that Congress can adequately meet these needs.

In summary, I strongly support HUD’s efforts through NSPIRE to update mold standards and urge HUD to maintain strong standards. I believe that the common-sense, actionable tweaks to the existing regulations that I have outlined in this letter will ensure the final NSPIRE rule maintains the health and safety of our affordable housing stock for years to come and will help prevent situations like the issues at Branford Manor from occurring in the future.

Sincerely,

JOE COURTNEY
Member of Congress
CC:

The Honorable Keith Hedrick
Mayor of Groton, Connecticut

Stephen Mansfield, Director of Health
Ledge Light Health District

The Honorable Heather Somers
State Senator

The Honorable Christine Conley
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