

# Chapter 17 - Mold



*Creating Community*

## ABC'S OF HOA LAW IN NEW MEXICO

A Guide to New Mexico Community Association Law

### Mold

Mold is becoming a very serious issue for associations, particularly condominiums. The cost of remediating mold can be very expensive. However, mold cannot be ignored, as some forms of mold can cause health problems. Therefore, the association should consider the following possible actions in addressing the issue of mold:

1. If the association has water intrusion, it should immediately take care of the problem. Standing water can lead to mold growth.
2. If the association discovers mold, it should immediately retain an appropriate expert to make sure that the mold is properly remediated, and the problem appropriately treated. The association then needs to follow the steps set forth by its expert.
3. The association should carefully review its insurance policy to determine what limitations exist for mold coverage. Most insurance policies either completely exclude mold, or have severe limitations on the amount of coverage.
4. If the association has, or could have, problems with water leaks, the association should consider adopting rules that require owners to take certain actions within their units to help prevent water leaks. These actions could include, but are not limited to, making sure all water lines within the unit are wire reinforced or metal tubing rather than plastic tubing, replacing water heaters after so many years, shutting off the water to the unit (if possible) when the unit is vacant, etc. If the association is going to adopt these types of rules, it needs to make sure that it has the power to adopt them.