

Got Mold? - Part 2

"When water leaks or spills occur indoors - ACT QUICKLY. If wet or damp materials or areas are dried 24-48 hours after a leak or spill happens, in most cases mold will not grow."

-- U.S. Environmental Protection Agency (EPA)

"I feel the need... the need for speed!"

-- "Maverick," played by actor Tom Cruise in the movie "Top Gun"

Scientists are clear that speed is the key in responding to indoor moisture that can cause the growth of mold.

Here are more common questions received by the Legal Aid Society about indoor mold.

Q. My apartment has mold due to an unrepaired leak. What are my legal options?

Mold that can be seen or smelled should be addressed promptly. Start by giving your landlord dated and signed written notice of the problem. Keep a copy of your notice.

Larger Tennessee counties (more than 68,000 residents) have a law that spells out the rights and duties of landlords and tenants. If a landlord does not respond in a timely manner to written notice of the need for repairs, then the tenant has the option of hiring a professional to make repairs. The tenant can deduct the repair bill from future rent owed to the landlord. If there is a health risk from staying in the apartment, the landlord may also have to pay for temporary lodging for the tenant while repairs are made.

In smaller counties, the tenant should still give written notice to the landlord, but the tenant often won't have the option of paying for repairs and deducting the bill from rent.

In all counties, if the landlord does not make timely repairs, then a tenant could have an option to cancel the lease because the landlord has broken, or breached, the lease.

Another option is to contact the local city or county codes office and make a complaint about the mold and the landlord's non-action. You may also have other legal options. Legal Aid has free information about renters' rights.

Q. My house that I own has a moisture problem. Will my homeowner insurance take care of dealing with water damage or mold?

Repairs can be costly when property is damaged by mold growth. As a general rule, most homeowner insurance policies cover disasters and accidents. If mold directly results from some sudden event, such as bursting pipes, then the costs of mold removal and eradication may be covered.

Homeowner insurance policies usually do not cover everyday maintenance and clean-up. Insurance companies often take the position that the expense of getting rid of mold is therefore not covered unless there has been a specific accident or event that caused the water damage and the resulting mold.

Q. What about "black mold"?

Some consumers have heard the term "toxic mold" or "black mold" and believe that certain mold is especially dangerous. This is largely a media myth. On one hand, both the Center for Disease Control (CDC) and the EPA say that there is no need to identify the type of mold growing in your home or building. On the other hand, however, both of these government groups say that any indoor mold that can be detected by sight or smell needs to be controlled and removed.

Mold won't eradicate itself. Take action – but do so safely. The EPA has helpful information, toll-free, at www.epa.gov/mold and 1-800-438-4318.

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Note: This column is not intended to take the place of legal advice. All cases are different and need individual attention. Consult with a private attorney of your choice to review the facts and law specific to your case.

The Legal Aid Society is a non-profit law firm, not a government agency, and all calls are strictly confidential. If you need more information on this or other common legal problems, please visit our Web site at www.las.org or call 1-800-238-1443.