

Living With Mold

This article specifically covers common questions about mold problems and how they can create unsanitary housing conditions.

Q. What are molds?

Molds are everywhere, and there are over 100,000 species of molds. They are microscopic organisms that produce enzymes to digest organic matter and spores to reproduce. They are kin to mushrooms, yeast, and mildews.

Q. How is mold a health hazard?

Most molds do not harm healthy people. But people who have allergies or asthma may be more sensitive to molds. Sensitive people may experience skin rash, running nose, eye irritation, cough, nasal congestion, aggravation of asthma or difficulty breathing. People with an immune suppression or underlying lung disease, may be at increased risk for infections from molds.

A small number of molds produce toxins called mycotoxins. When people are exposed to high levels of mold mycotoxins they may suffer toxic effects, including fatigue, nausea, headaches, and irritation to the lungs and eyes.

Q. What are the laws about indoor mold?

The federal government does not regulate mold or mold spores in indoor air. The CDC and Environmental Protection Agency (EPA) are careful to note that they can only present "recommendations" for dealing with mold.

This means that it is up to state laws and local ordinances. Some states have laws that require landlords and building owners to give tenants notice of mold problems, but Tennessee has no such laws.

The Metro Nashville Public Health Department notes that "there are no regulatory limits for mold in the home or work environment," and urges consumers to look for a moisture source if they suspect a mold problem. On the other hand, the Health Department does concede that once mold appears in wallboard or insulation, "the only way to deal with the problem is by removal and replacement."

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 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.

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Note: This community education column from the Legal Aid Society 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 call 1-800-238-1443 or visit our Web site at www.las.org. Many previous "Legal Notes" newspaper columns are available on the Web site.

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