

Landlords Must Be Aware of Mold Contamination

Since the first case alleging mold contamination was settled five years ago for 11.4 million dollars, significant developments have followed. Court cases have increased, and insurance coverage has decreased. Apartment owners and managers should be aware that several toxic mold lawsuits have been brought by residents claiming both property and personal damage. The best protection against liability is a course of informed prevention.

Moisture control prohibits indoor mold growth. A partial list of actions that can be taken by owner/manager include the following:

- Fix leaking or sweating pipes
- Improve ventilation in areas that show increased humidity
- Direct drain spout systems away from building foundations
- Check for leakage around doors and windows
- Check for the proper placement of ducts and diffusers to avoid cold spots on interior walls
- Replace vinyl or other impermeable wall coverings with ones that won't trap moisture
- Consider installation of forced air heating systems and ceiling fans since both increase air movement and avert mold growth

More comprehensive information about detection and correction of mold infestation can be found in the EPA publication "Building Air Quality, a Guide for Building Owners and Facility Managers."

For further protection against potential liability, apartment owners/agents need a recorded operation and maintenance plan that documents any preventive actions taken. Compliance with American Society of Heating, Refrigerating, and Air-Conditioning Engineers standards as well as local laws should be evident. Federal laws regarding airborne mold contamination ceased to exist as of December 2000. The Arizona government has not yet passed specific guidelines. However, new federal standards are being completed, and state governments across the country have defined their own regulatory restrictions or are in process of doing so. Owners/managers who can provide the operations and maintenance plan that reflects proper maintenance procedures, carried out by trained technicians, will show good faith in the absence of governmental mandates.

The management must convey to all occupants the healthy and safe indoor air quality is of the utmost importance, and complaints filed by the occupants are

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taken seriously. The lease can also include specific instructions about who to notify if there are leaking faucets, deteriorated ceiling tiles, unsanitary water damage, a “off” smell from the carpet, or standing water from clogged or designed flaw drains. They will have also demonstrated a conscientious concern for their tenants’ well being, easily enhanced by direct communication – among tenants, owners, managers and maintenance personnel.

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