

Homes

Adopt landlord-tenant laws that establish basic landlord responsibilities for maintaining residential properties.

Background

The home may be the most critical environment for the management and, possibly, even the prevalence of asthma. Some environmental exposures in the home may be readily addressed,¹ particularly measures to control bioaerosols, such as maintaining water-tight premises and eliminating cockroaches and dust mites.

One third of the housing units in the U.S. are occupied by renters; 27 % of all housing units are in multi-unit buildings.² Nearly half of all renters in the U.S. spend more than 30% of their income in rent and utilities.³ In a 2003 report on indoor air quality in rental property, the Environmental Law Institute (ELI) described the legal basis for state and local governments (as well as the federal government) to establish minimal housing conditions for rental property.⁴ State and local laws can require landlords and tenants to maintain the premises, to restrict or eliminate nuisances and/or to protect public health.

Feasibility of implementation

Landlord-tenant laws establish a legal relationship between landlords and tenants. Most states recognize the legal responsibility of the landlord to ensure that the housing is habitable, implied in the contract, though court decisions, state laws or both. At least 15 state laws follow a national model, the Uniform Residential Landlord/Tenant Act, that places general responsibility on the landlord to maintain the property and on the tenant to maintain their units. Other states have adopted different measures. Tenants can take a variety of steps to respond to a landlord's failure to maintain the property, including moving, taking court action on rent escrow and having the rent abated. The State of Massachusetts provides broad legal tools for tenants to force corrections to substandard housing. However, even in Massachusetts, tenants lack legal assistance and face other obstacles to using landlord/tenant laws to remedy problems.

Strength of research or historical evidence

Reviews of measures of reducing exacerbations of asthma in homes have recognized the importance of controlling asthma allergens and triggers, especially bioaerosols with allergenic proteins.⁵ The Institute of Medicine found evidence of a causal relationship between asthma exacerbations and exposure of sensitized individuals to allergens from cats, cockroaches, and house dust mites.⁶ In a separate review, the IOM also found that asthma symptoms in sensitized persons, wheeze, cough and upper respiratory symptoms were associated with damp indoor environments and mold.⁷ The IOM recommended taking action to reduce the presence of cockroach and dust mites through a combination of control measures, including cleaning and extermination. To reduce dampness and mold, the IOM included modification of "regulations,

building codes, and building-related contracts” and “enforcement of existing rules,” among the recommendations. Also included were recommendations to develop guidelines for the prevention of dampness-related problems and establishment of economic incentives to reward actions that prevent or reduce building dampness. The IOM also recognized the need to continue research to determine the effectiveness of these measures in reducing asthma morbidity.

Impact

Although the legal responsibilities of landlord-tenant relationships are enforceable, the tenants often lack the legal assistance to challenge their landlords. Further, the lack of affordable housing makes this option even more challenging to tenants, closing off the option of “just leaving” that is also available in the law.

¹ Eggleston, PA. The Environment and Asthma in US Inner Cities. *Chest* 2007; 132:782S-788S.

² U.S. Census Bureau, Housing Characteristics & Housing: Occupancy and Tenure. 2000.

³ U.S. Census Bureau, American Fact Finder. Percent of Renter-Occupied Units Spending 30 Percent or more of Household Income on Rent and Utilities: 2006. American Community Survey. Access at www.factfinder.census.gov.

⁴ Environmental Law Institute. *Improving Indoor Air Quality in Rental Units: A Review of Policies in Five U.S. Localities*. 2003. Available at <http://www.eli.org/buildings/reports.cfm>.

⁵ Eggleston, PA. *Report to the California Legislature: Indoor Air Pollution in California*. July 2005.

⁶ Institute of Medicine. *Clearing the Air: Asthma and Indoor Air Exposures*. 2000. The IOM also found associations with secondhand smoke and exacerbations of asthma in preschool children. These are

⁷ IOM. *Damp Indoor Spaces and Health*. 2004.