

Mold & Renter Disputes



There are not any specific laws about mold in Michigan, but there are other laws that may help you. If you rent your home or apartment, this fact sheet will help you find the best way to solve your mold problem.

But I was told there are laws about mold in Michigan...

There are not any specific laws about mold, but there ARE building codes and legislative public acts, including the *Housing Law of Michigan* (see page 7), that make sure everyone has safe and healthy housing in Michigan.

On the following pages you will find a step-by-step process you can use to try to get your mold problem solved in your rented home or apartment. These suggestions are based on procedures that are in place to protect your health and safety. This document should NOT be considered legal advice.

Work your way through the steps. You may be able to stop after Step 2, or perhaps you will have to go all the way to Step 6. Continue along until you are happy with the results.

Step 1: If you can, find the mold and the reason why it is growing.

- Try to find the mold and see why the mold is growing.
 - Do you have a leaky pipe?
 - Are fans not working in your bathroom?
 - Did your home recently flood?
- Read MDHHS's flyer called "All About Mold."
 - This flyer provides more ideas about where to look for mold and other reasons it may be growing.



mold inside a bathroom cabinet

Step 2: Notify your landlord/management company.

After you find out where you have mold and think you know WHY you have mold:

- **Call your landlord or management company or submit a maintenance request.**
 - Since there are not laws about mold in Michigan, do not focus on the mold problem when you make your complaint. Instead, focus on the reason WHY you have mold.
 - Explain the problem, and ask them to repair the problem.
 - For example, you might say, “I just discovered the pipe under my sink has been leaking. Can you send someone to fix the pipe immediately and repair the area damaged by the water?”
 - Make note of the time and date that you made your request and who you spoke with, in case they do not come to fix the problem.

If your landlord does not respond, then go to Steps 3 & 4.

Step 3: Start a journal

- **Get a notebook or folder. This will be your journal.**
 - Start keeping notes about your contact with your landlord and other things you have done to try to get the problem fixed.
 - Be sure to note the date and time whenever you add something new.
- **You can also include:**
 - **Photos**
Take photos of the mold and other issues that you feel are unsafe or unhealthy and save them in your journal. Note the date and time the pictures were taken.
 - **Medical Records**
If you have gone to a doctor for health problems from your mold exposure (for example, allergies or asthma), request a letter from the doctor’s office stating the likely reason for your health problems.



Step 4: Put your request in writing.

- **Write a letter to your landlord or management company.**
 - Explain the problem (include important details).
 - Explain what you would like to have done to fix the issue.
 - Mention the date you first requested to have the problem fixed.
 - Do NOT focus on the mold when you write your letter. Focus on the problem with your home that is causing the mold.
 - Be sure to put the current date on the letter.
- **Save a copy of your letter.**
 - Put your copy of the letter into your journal.

Sample Letter:

February 18, 2010

XYZ Management
200 Washington Ln
Somewhere, MI 12345

To Whom It May Concern:

My apartment has a leak in the roof. It has not only ruined the ceiling, but also my things that were stored in the area under the leak. I called the management office and put in a maintenance request with Tanya on February 3. It has been two weeks and no one has come to fix the roof, yet. I'd appreciate if you would do so as soon as possible.

Sincerely,

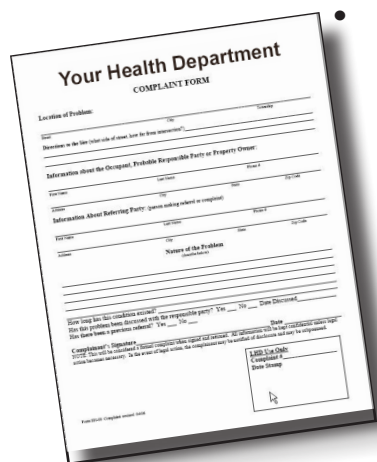
Mr. John Doe

Mr. John Doe
Apartment #303

If your landlord does not respond, then go to Step 5.

STEP 5: Get your local government involved.

- If possible, go to your local health department.
 - Find your local health department by looking in your phone book or using this website:
<http://www.malpb.org/page.cfm/108>
- Take a copy of your journal with you.
- Request an official Complaint Form to document your problem.
 - Do NOT focus on the mold when you fill out the form. Focus on the problem with your home that is causing the mold.
 - Attach the copy of your journal to the form.



- A complaint form may ask for:
 - Location of problem (including directions to the site)
 - Information about the property owner (including first name, last name, phone, address)
 - Information about the person making the complaint (you)
 - Nature of the problem (describe in detail, including when you first noticed the problem)
 - Dates you discussed problem with owner
- Check with your health department for their terms, but most will keep all information confidential unless legal action becomes necessary.

- Request that the health department's sanitarian come to your home or apartment complex.
 - Not all health departments provide this service. If they do, then a sanitarian may look at your rented home or apartment for public health hazards and talk to the landlord about repairs that are needed.



- Do NOT request that the sanitarian come to look at your mold or test your mold. They can't provide these services.

If your local health department does not have the resources to send someone out to your apartment...

- **Call your Local Building Inspector:**

- Look in your local phone book to locate your building inspector's office in your township or city government listings.

- **When you talk to the Building Inspector:**

- Do not focus on the mold. Focus on the reason WHY you have mold.
- Key words to use with the building inspector are: *water intrusion, water leaks, and possible failure to comply with building codes.*
 - For example, you might say, "Due to a broken pipe under my sink, water has continued to leak into my apartment. The management has not responded every time I asked to have it repaired, starting on February 3. I believe this water leak may be a building code violation."



- **Use your journal to provide further information to the inspector.**

- Explain in detail what you have already done to try to get the problem fixed.

- **Request that the building inspector come to your apartment complex.**

- An inspector can look at your rented home or apartment for housing code violations and talk to the landlord about repairs that are needed.

- **Do NOT request that the inspector come to look at your mold or test your mold.**

- An inspector can't provide these services. They can only enforce code violations.

If you live in a...

- **Mobile Home**

- Owners of mobile-home parks, owners of mobile homes who rent spaces in the parks, and renters of mobile homes may have additional rights.
- Call the Building Division of the Michigan Department of Consumer and Industry Services at (517) 241-9347 for assistance.

- **HUD House**

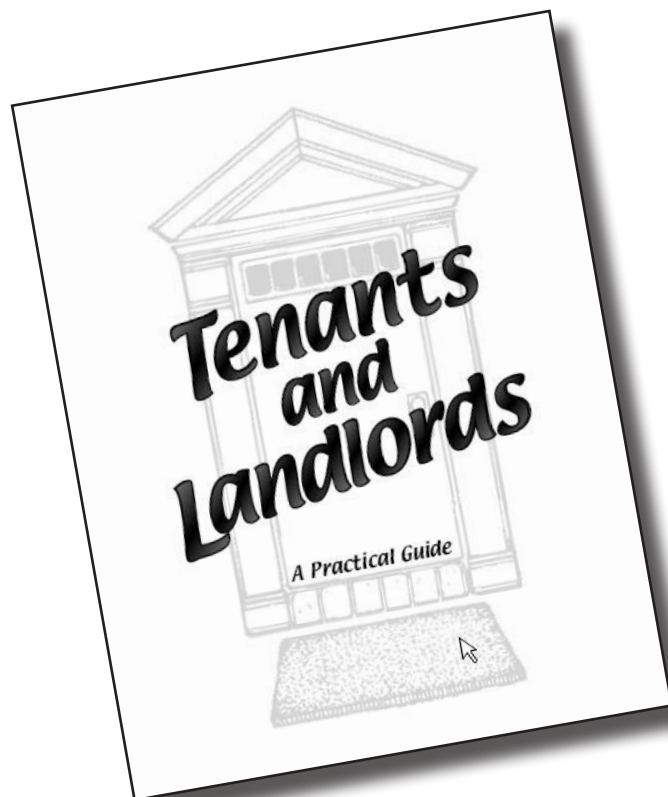
- If you own or rent a home that has been purchased or is owned by the US Department of Housing and Urban Development (HUD), call (313) 226-7900 for assistance.

If none of the suggestions in Step 5 solved your problem, then go to Step 6.

STEP 6: Exercise your legal rights.

If the problem still has not been fixed, it is now time to use your legal rights.

- **Call the Michigan Attorney General’s Landlord/Tenant Hotline: 877-765-8388.**
 - Do NOT focus on mold when you call them. Focus on the problem with your home that is causing the mold.
 - For example, you might say, “My house has a leak in the roof, and the landlord is refusing to fix it. It has not only ruined the ceiling, but also my things that were stored in the area under the leak. I am concerned about these living conditions.”
 - Use your journal to help you describe, in detail, what you have done to try to fix the situation and the response of your landlord/management.
- **Ask for advice on what you can legally do.**
 - For example, it might be possible to either withhold the rent and deposit it into an escrow account OR pay for the repairs yourself and subtract the cost from your rent.
- **Further information on your legal options and rights is available here:**
<http://www.legislature.mi.gov/documents/publications/tenantlandlord.pdf>



HOUSING LAWS OF MICHIGAN

(Adapted from 1917 PA 167, as amended by 1939 PA 303, MCL 125.471)

Act 167 of 1917

Sec. 71. Repairs and drainage. Every home and all the parts of the home including plumbing, heating, ventilating and electrical wiring will be kept in good repair by the owner. The roof will be maintained to prevent leaks and the rain water will be drained and properly emptied into the sewage system following plumbing rules to avoid dampness in the walls and ceilings and insanitary conditions.

(Adapted from MCL 554.139)

Sec. 39. (1) In every lease or license of residential premises, the lessor or licensor promises:

(a) That the premises and all common areas are fit for the use intended by the parties.

(b) To keep the premises in reasonable repair during the term of the lease or license, and to comply with the applicable health and safety laws of the state and of the local unit of government where the premises are located, except when the disrepair or violation of the applicable health or safety laws has been caused by the tenants willful or irresponsible conduct or lack of conduct.

(2) The parties to the lease or license may modify the obligations imposed by this section where the lease or license has a current term of at least 1 year.

(3) The provisions of this section shall be liberally construed, and the privilege of a prospective lessee or licensee to inspect the premises before concluding a lease or license shall not defeat his right to have the benefit of the covenants established herein.

Is more information available?

Yes! Contact the Michigan Department of Health and Human Services at 1-800-648-6942 or visit www.michigan.gov/mold for these additional fact sheets:

- **All About Mold**
- **Steps for Cleaning Mold**
- **Mold and Your Health**
- **Mold and Home Owners**
- **All About Mold (for Health Care Providers)**

