

Mold

This Probably Never Happened To You, But...

(#128)

The tenant from #3 called to report that she'd been cleaning out the cupboard under her bathroom sink, and noticed that the hot water valve had been leaking. She thought that it might have been leaking for quite some time as the wood under the valve was saturated. She also reported that it looked "gross and dirty" in there. What she was seeing might be dirt, it might be mildew, but it could also be MOLD !!! It's such a "hot-button" item these days, so the only course is to act very fast, and treat this very aggressively.

You will likely hear lots of solutions to this scenario, but here's what I would do.

Immediately take a look at the situation. If you see anything that you would not want in your own bath or kitchen, immediately spray every visible spot with bleach or some product like "Tilex for Mold and Mildew". What you are seeing may very well be just mildew, but get rid of it. After allowing the bleach to "work", you could then wash down all visible surfaces with something like "Dutch Cleanser" or "Comet". Scrub it clean. Do not wait for the tenant's permission. This should be done immediately.

If you feel comfortable dealing with the situation further, immediately cut out and remove any effected wood, fiberboard, drywall. Again, do not wait for the tenant's permission. Do this immediately.

After removing any effected material, again spray all of the remaining and surrounding areas with bleach or something like "Tilex for Mold and Mildew". Again, after allowing the bleach to "work", you could then wash down all visible surfaces with something like "Dutch Cleanser" or "Comet". Scrub it clean. Once again, do not wait for the tenant's permission. Do this immediately.

Now, completely resolve whatever was causing the moisture build-up, and check all other units for similar conditions.

Go back 1 week later to inspect. Two weeks after that, inspect again. One month after that, inspect again. Two months after that inspect again.

If these above steps have not completely resolved the issue, or if the tenant somehow prevents you from acting as aggressively as you would choose, the next goal is to get the tenant out of the way so that work can proceed effectively.

If major demolition and reconstruction will be involved, and if the work can be done in a week or so, offer the tenant an incentive payment to vacate temporarily. If the work will take much longer, or if the tenant is not being cooperative, give the tenant the shortest "Notice to Move" possible, refund their current month's rent, and refund their security deposit in full. You might also offer the tenant an additional incentive payment if they move out faster than the notice requires.

And remember... even if it were true, it is not constructive at this stage to blame the tenant in any way for alerting you to this. If the plumbing leaked, it's your plumbing. Unless it is specifically stated in your rental agreement, it is not reasonable to expect tenants to make regular, vigilant inspections of the rear areas of their under-counter cabinets. What you want the tenant to know is that once you were alerted to this situation, YOU did everything possible to fix it. Help the tenant any way you can. Definitely, do not attempt to blame them. If writing the tenant a nice letter-of-recommendation would help them move, write it truthfully, and just do it. "...the tenant paid her rent on time, did no damage to the property, and obeyed all of the rules".

The goal is simple ... eliminate the potential risk in the shortest possible time (the day you hear about it). If this cannot be done, do all you can to remove the tenant from further exposure to the potential risk. It just makes sense.

Dear Readers: This article is the 128th in a series based on the lessons we have learned the hard way. The contents of these articles are merely opinions of the writer. They are not intended as specific legal advice and should not be relied upon for that purpose. Our practice is in constant refinement as we adjust the way we operate to an ever- changing market. I appreciate your questions, comments, suggestions, and solutions. Contact C. Finley Beven, CPM, CCAM, 99 S. Lake Avenue, Pasadena. (626) 243-4145. FinBeven@MSN.com