

Legislative efforts in recent years to ensure safe and sanitary living conditions for tenants of rental properties in Arkansas have been unsuccessful. An implied warranty of habitability would offer tenants a legal avenue against landlords who fail to meet reasonable standards. Arkansas is the only state in the U.S. that has not adopted an implied warranty of habitability.¹ This remains the case despite a legislatively-established commission's recommendation in 2012 to adopt, along with 14 other reforms, an implied warranty of habitability.² The substandard housing conditions that occur in the absence of such protection affect individual and community health. This fact sheet provides information on the hazards of substandard housing, the impact of housing on health, housing status among Arkansans, and policies designed to improve housing including implied warranty of habitability.

INTRODUCTION

Where people live, work, and play directly affects their health and health outcomes.³⁻⁵ Environment often affects access to adequate education and job opportunities, public safety, proper nutrition, medical care, and transportation.³⁻⁵ In Arkansas, increased morbidity and reduced life expectancy are linked with deficits in these areas, especially in certain areas of the state.⁶ For example, a nearly eight-year difference in life expectancy exists between Phillips and Poinsett counties (72.1 years of age) and Benton County (79.8 years of age).⁷

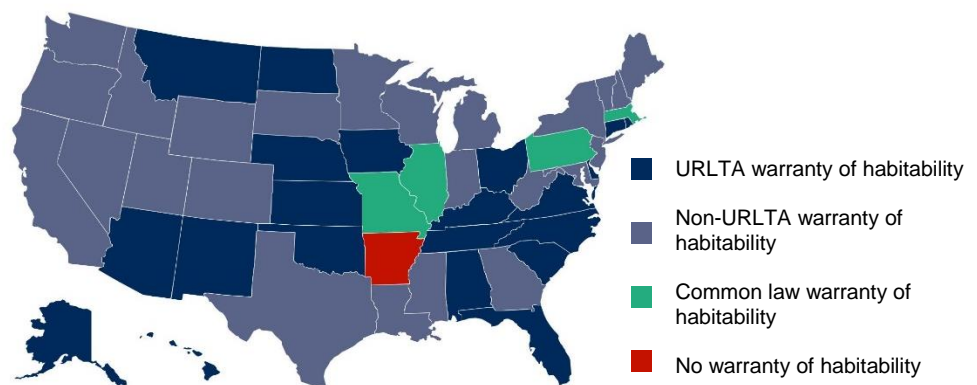
HOUSING CONDITIONS

Individuals and families who rent property in certain areas have greater housing challenges and less ability to combat those challenges with property owners.^{3, 6, 8-22} Tenants may face housing deficiencies such as plumbing and electrical problems, mold, mildew, insect and rodent infestations, inadequate insulation, and toxic intrusions.^{9, 17, 20-24} Some Arkansas cities offer limited housing code protection, but smaller, rural towns frequently do not offer such protection.⁹ Arkansans are particularly vulnerable because Arkansas is the only state without a statewide basic tenant rights law—an implied warranty of habitability—requiring landlords to maintain a habitable rental property.^{1, 9, 14} (See Figure 1.^{a,b})

Resulting Health Problems

Poor housing conditions affect children and seniors the most.^{21, 23, 24} Children have higher risks of developing health problems due to their greater amount of time spent indoors, faster breathing rates, and tendency to be closer to the floor where pesticides and lead might concentrate.²¹ Seniors are more susceptible to problems caused by environmental hazards like mold and mildew.²³⁻²⁵ Some studies show that people living in poor housing conditions face higher rates of cancer, heart disease, asthma, and mental health issues.^{22, 26, 27}

Figure 1: State Map of Implied Warranty of Habitability ^{a,b}



^a Figure 1 adapted from source: *The Uniform Residential Landlord and Tenant Act as a Public Health Law*, Jennifer Berstein.¹

^b The common law concept of “habitability” was memorialized by the 1972 Uniform Law Commission in the “Uniform Residential Landlord and Tenant Act” (URLTA) to standardize state fair housing laws.¹ Under URLTA, a landlord must take the necessary measures to abide by applicable building and housing codes which allows the tenant to have housing conditions that will not negatively impact their overall health and safety.¹

Extent of Problem

Substandard housing and landlord-tenant issues are pervasive in Arkansas, spawning recent media coverage, environmental advocacy, and citizen complaints.^{9, 28, 29} A July 2015 report found that 33 percent of Arkansans were renters, and one-quarter of those who had problems with their landlords experienced a health issue that they attributed to the dwelling.⁹ Arkansas tenants who were less educated, lower-income, and/or minority reported greater problems with their landlords compared to tenants who were more educated, had higher incomes, and/or were non-minority.⁹

Poor housing conditions may affect family dynamics in addition to individual health outcomes. The July 2015 report noted at least one tenant who feared losing custody of a child due to poor living conditions and a lack of landlord assistance.⁹

HOUSING POLICY LANDSCAPE

The federal government sets minimum property maintenance standards for housing receiving federal assistance,²⁵ requires landlords to disclose lead hazards,³⁰ and ensures fair housing without discrimination.³¹ However, there is no generally applicable federal health code for housing.

While some of Arkansas's cities offer protection through housing codes, housing codes in rural areas and most small towns are frequently absent. Because an implied warranty of habitability is not recognized by the courts or in legislation,⁹ Arkansas landlords have no duty to repair substandard housing conditions unless specified in a lease agreement. Tenants have no formal recourse to ensure that housing is safe and habitable. Previous legislative attempts to provide Arkansas tenants with greater rights to improve housing conditions and ensure health, including the 2015 House Bill 1486 proposing an implied warranty of habitability, have not been successful.⁹

RESULTS FROM EVIDENCE

A 2011 study found that adding three features in housing (an enhanced exterior vapor-barrier, interior finishings that minimized dust and off-gassing, and an enhanced ventilation system, with an average cost of \$6,000) resulted in improved clinical outcomes, decreased trigger exposure (allergens, mold, etc.), and decreased number of children's missed school days and adults' missed work days among asthmatic families.³² According to a 2014 study, adding various low-cost housing repairs, averaging \$192 per asthmatic child, resulted in net savings of \$38,522 in reduced medical expenditures.²⁰ A 2015 study found that new, environmentally-friendly construction practices increased the self-reported general, physical, and mental health of tenants. The study compared tenants who resided in low-income public housing that had been redeveloped using sustainable, "green" construction practices with those whose housing had been renovated using traditional, "non-green" methods.³³

CONCLUSION

Arkansas is an outlier in the U.S. in relation to basic tenant protections from poor living conditions, which lead to poor health outcomes. Establishing basic protections similar to those provided to individuals in other states could improve clinical outcomes and reduce medical costs. Potential savings resulting from fewer days of missed work/school and more appropriate medical utilization could offset the costs of improving housing conditions in Arkansas. Enhanced regulatory protections for Arkansas tenants could increase their overall health and wellbeing.³²

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