

HEALTH AND HOUSING

Introduction

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 explainer 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.

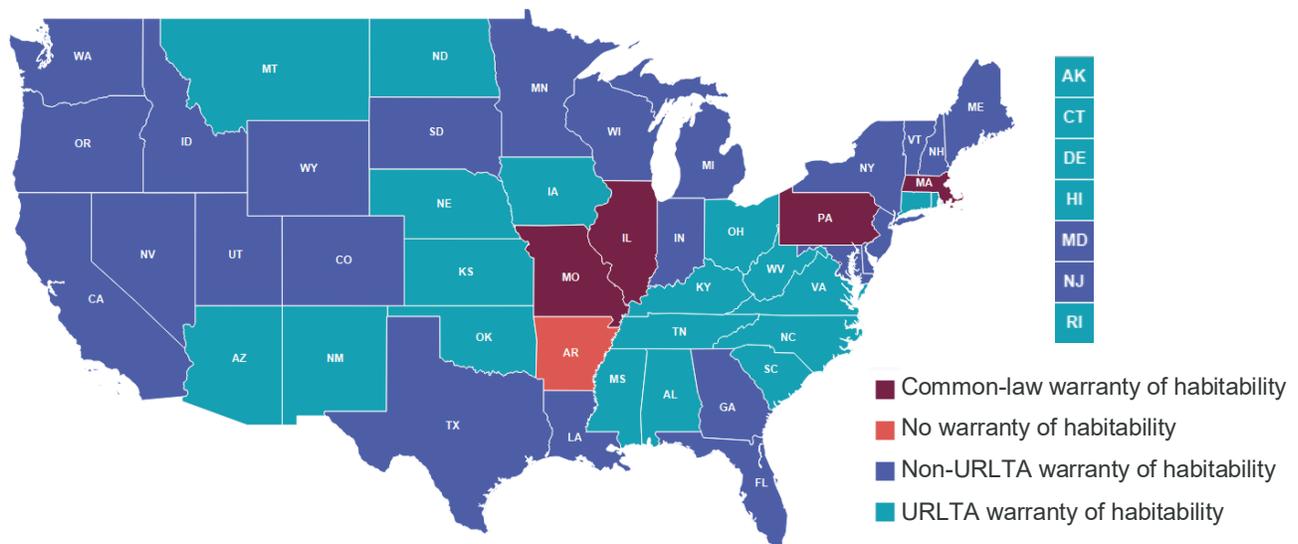
Where people live, work, and play directly affects their health and health outcomes. Environment often affects access to adequate education and job opportunities, public safety, proper nutrition, medical care, and transportation.³ In Arkansas, increased morbidity and reduced life expectancy are linked with deficits in these areas, especially in certain parts of the state.⁴ For example, a nearly nine-year difference in life expectancy exists between Monroe County (70.6 years) and Benton County (79.7 years).⁵ In Little Rock, among the census tracts with the highest and lowest average life expectancies in 2015, there was an 18-year difference.⁶



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.⁷ Tenants may face housing deficiencies such as plumbing and electrical problems, mold, mildew, insect and rodent infestations, inadequate insulation, and toxic intrusions.⁸ Some Arkansas cities offer limited housing code protection, but smaller, rural towns frequently do not offer such protection.⁷ 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 (see figure).^{1,9}

STATES WITH IMPLIED WARRANTY OF HABITABILITY



Sources: National Housing Law Project and the National Conference of State Legislatures.

Note: 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, allowing the tenant to have housing conditions that will not negatively impact the tenant’s overall health and safety.¹ URLTA designation was given to states that have adopted the URLTA landlord obligations language in whole or in part.

RESULTING HEALTH PROBLEMS

Poor housing conditions affect children and seniors the most. 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.¹⁰



Seniors are more susceptible to problems caused by environmental hazards like mold and mildew.¹¹ Some studies show that people living in poor housing conditions face higher rates of cancer, heart disease, asthma, and mental health issues.¹²

EXTENT OF PROBLEM

Substandard housing and landlord-tenant issues are pervasive in Arkansas, spawning recent media coverage, environmental advocacy, and citizen complaints.¹³ A July 2015 report by the University of Arkansas for Medical Sciences found that 33% 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.⁸ Arkansas tenants who were less educated, lower-income, and/or minorities reported greater problems with their landlords compared to tenants who were more educated, had higher incomes, and/or were non-minority.

In addition to affecting individual health outcomes, poor housing conditions may affect family dynamics. The UAMS report noted at least one tenant who feared losing custody of a child due to poor living conditions and a lack of landlord assistance.

Housing Policy Landscape

The federal government sets minimum property maintenance standards for housing receiving federal assistance, requires landlords to disclose lead hazards, and ensures fair housing without discrimination.¹⁴ 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, Arkansas landlords have no duty to repair substandard housing conditions unless specified in a lease agreement.⁷ 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 House Bill 1410 from the 2019 legislative session, proposing minimum habitability standards, have not been successful.



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 exposures (allergens, mold, etc.), and decreased numbers of children’s missed school days and adults’ missed work days among asthmatic families.¹⁵ 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.¹⁶ 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.¹⁷ There is evidence that poor housing quality standards can lead to health issues, as shown in a 2020 study linking poor housing with a higher number of medical visits and a higher likelihood of being hospitalized.¹⁸

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 and 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 well-being.

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