

L.D. 1927

(Filing No. H- 68

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STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE

FIRST SPECIAL SESSION

9 COMMITTEE AMENDMENT (C) " to H.P. 1288, L.D. 1927, "An Act to Protect 10 Housing Quality by Enacting Mold Inspection, Notification and Remediation 11 Requirements"

12Amend the bill in section 1 in §6021-B in subsection 1 by striking out all of paragraph13E (page 1, lines 17 and 18 in L.D.).

Amend the bill in section 1 in §6201-B in subsection 1 by relettering the paragraphs to read alphabetically.

Amend the bill in section 1 in §6021-B by striking out all of subsection 2 (page 1, lines 27 to 40 and page 2, lines 1 to 25 in L.D.) and inserting the following:

¹2. Landlord duties. A landlord has the following duties.

A. Upon written or oral notice of a leaking event in a dwelling unit or common area, the landlord or the landlord's agent shall take prompt, effective steps to:

- (1) Inspect the dwelling unit or common area and take all reasonable measures necessary to stop or reduce the scope of the leaking; and
- (2) Repair the source of the leak and restore the affected area, including, but not limited to, by removing all porous building materials that have been wet for more than 48 hours.

B. Upon written or oral notice from a tenant that a dwelling unit or a common area has
visible mold or dampness, the landlord or the landlord's agent shall take prompt,
effective steps to:

29(1) Conduct an inspection of the dwelling unit or common area for visible mold30growth or chronic moisture conditions. If, during the inspection, an area of visible31mold greater than 10 square feet is found, the landlord shall have the property32assessed by a mold assessment professional;

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COMMITTEE AMENDMENT

COMMITTEE AMENDMENT	" to H.P. 1288, L.D. 1927
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(2) Upon a determination that visible mold or dampness exists in a dwelling unit or common area, create a written repair, clean-up and restoration plan, which must be shared with the impacted tenant or tenants; and

(3) Prior to any mold clean-up or restoration activities, repair the underlying leaking event or dampness problem.

C. Areas of mold contamination less than or equal to 10 square feet may be remediated by the landlord or the landlord's agent. All mold remediation work must comply with this section.

D. Areas of mold contamination greater than 10 square feet must be remediated by a mold remediation professional in compliance with this section.

11E. A landlord may employ only a mold assessment professional or mold remediation12professional that carries valid liability insurance.

F. Before renting a dwelling unit, a landlord shall disclose to a prospective tenant if the unit, an adjacent unit or a common area is currently experiencing a leaking event or has visible mold or dampness or if regular dehumidification is required to prevent dampness. Upon request from a tenant or prospective tenant, a landlord shall disclose the last date that the dwelling unit the landlord seeks to rent as well as adjacent units and common areas were inspected for evidence of a leaking event and visible mold and dampness and the results of those inspections.

- 20G. A landlord may not offer for rent a dwelling unit if the landlord knows the dwelling21unit has a leaking event or has visible mold or dampness that has not been remediated22as set forth in this section.
- 23 H. All assessment and remediation activities must follow the best practices.

Amend the bill in section 1 in 6021-B in subsection 4 in paragraph E in the 3rd line (page 3, line 37 in L.D.) by striking out the following: "<u>6</u>" and inserting the following: '<u>3</u>'

Amend the bill in section 1 in §6021-B by striking out all of subsection 5 (page 4, lines 1 to 23 in L.D.) and inserting the following:

'5. Application. This section applies only to landlords who own buildings containing 4 or more dwelling units.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
number to read consecutively.

SUMMARY

33 This amendment removes the requirement that a landlord must inspect a dwelling unit 34 within 24 hours of a leaking event and repair the source of the leak within 5 days. The 35 amendment also removes the requirement that a landlord conduct an inspection of visible 36 mold or dampness greater than 10 square feet within 5 days of notice from the tenant. The 37 amendment requires that all assessments and remediation activities follow best practices. 38 The amendment changes the rebuttable presumption in an action of forcible entry and 39 detainer for retaliatory action against a tenant from 6 months to 3 months. The amendment 40 strikes the subsection relating to additional enforcement mechanisms for local health

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COMMITTEE AMENDMENT

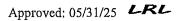
COMMITTEE AMENDMENT "C" to H.P. 1288, L.D. 1927

officers. The amendment clarifies that the provisions in the bill apply only to landlords who own buildings containing 4 or more dwelling units.

FISCAL NOTE REQUIRED (See attached)

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COMMITTEE AMENDMENT





132nd MAINE LEGISLATURE

LD 1927

LR 1868(04)

An Act to Protect Housing Quality by Enacting Mold Inspection, Notification and Remediation Requirements

> Fiscal Note for Bill as Amended by Committee Amendment "C"(H-683) Committee: Judiciary Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

This bill may increase the number of civil suits filed in the court system. The additional workload associated with minimal number of new cases filed in the court system does not require additional funding at this time. The collection of additional filing fees will increase General Fund revenue by minor amounts.