

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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Legislative Document

No. 1202

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H. P. 881

House of Representatives, February 26, 1971

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Hewes of Cape Elizabeth.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT** Relating to the Housing Needs of People Who Pay Rent.

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Be it enacted by the People of the State of Maine, as follows:

**R. S., T. 14, c. 710, additional.** Title 14 of the Revised Statutes is amended by adding a new chapter 710, to read as follows:

**CHAPTER 710**

**HOUSING OR SANITATION VIOLATIONS**

§ 6021. Definitions

The term "municipal housing or sanitation code" as used in this chapter shall mean any building, sanitation, electrical or plumbing code, or regulation heretofore or hereafter established. Where the municipality relies upon Title 32, sections 3351 and 3353 for enumeration of its plumbing code, the plumbing code there referred to and established shall apply.

§ 6022. Determination of condition

A municipal housing or sanitation code agency or person charged with the responsibility of enforcing a municipal housing or sanitation code, having received a written complaint from a tenant of a possible housing or sanitation code violation affecting the complaining tenant, shall within 10 days thereafter inspect the premises complained of to determine whether or not a code violation exists. Such inspection shall be confined to the premises of the complaining tenant unless permission of the landlord or owner is obtained, or a search warrant is obtained for a more extensive search.

If the enforcement agency or person determines that the alleged violation is, under the applicable code, such that the premises or dwelling is unfit for

human habitation, a nuisance, a health hazard or a safety hazard, the enforcing agency or person shall within 5 days of such inspection inform the landlord and owner and the complaining tenant of the determination made by the agency or person. Notice of said determination shall be given in accordance with the applicable code and shall include the alleged violation and the determination of the enforcement agency or person.

#### § 6023. Operation of rent escrow

After receiving such notification of the determination, the tenant may, if he continues to occupy the premises or dwelling, invoke the rent escrow provisions of this chapter which shall result in the suspension of the duty of the complaining tenant to pay to the landlord, and the right of the landlord or owner to collect, the rents, except as provided in sections 6024 and 6025, until such premises or dwelling are certified by said enforcement agency or person as free of the condition causing the determination or until the tenancy is terminated by any reason other than nonpayment of rent. The tenant shall invoke the escrow provisions of this chapter by notifying in writing the landlord or owner of his intention to do so and notifying in writing the municipal treasurer of such intention. The complaining tenant shall then pay the rent when due to the municipal treasurer to be placed in escrow in a bank account to be set up and held by the local municipal treasurer and to be distributed in accordance with section 6026.

If the complaining tenant elects not to pay the rent when due into such escrow account, the rent must be paid when due to the landlord or owner.

#### § 6024. Effect of tenant's nonpayment of rent

This chapter shall not apply to any complaining tenant who is in arrears in the payment of rent at the time the tenant complains to the local housing or sanitation code enforcement agency or person.

If the tenant becomes in arrears at any time after the complaint is made to the municipal housing or sanitation code enforcement agency or person, any proceedings pending under this chapter shall terminate and any money in an escrow account shall be paid to the landlord.

#### § 6025. Appeal

Whoever feels himself aggrieved by the determination of the municipal housing or sanitation code enforcement agency or person may, within 7 days after service of the notice provided in section 6022, file a complaint in the division of the District Court in which the premise or dwelling is situated and the Maine Rules of Civil Procedure of the District Court shall then apply.

If the court finds that the premises are fit for human habitation, not a nuisance, not a health and not a safety hazard, the escrow account is dissolved and the moneys in escrow are to be paid over to the landlord. If the court finds otherwise, an escrow account for the tenant or tenants involved shall be established, or if established, it shall be continued.

#### § 6026. Distribution of escrow account

If, at the end of 120 days from the date of the notice of the determination as provided in section 6022 or a final ruling of a court, whichever is later, a premise or dwelling has not been repaired and certified in proper condition by the proper agency or person, 50% of the moneys deposited in the escrow account shall be payable to the landlord or owner and the remaining 50% shall be payable to the tenant.

If the condition is removed on or before the expiration of the 120-day period, the moneys held in the escrow account shall all be payable to the landlord or owner.

If at the expiration of the 120-day period the condition which caused the determination still exists, the escrow provisions of this chapter shall remain in effect and at the expiration of every 120-day period thereafter a distribution of the moneys held in escrow shall be made as provided in this section or until the condition has been corrected and so certified by the appropriate enforcement agency or person. Notice of certification of the correction of the condition causing the determination shall be in the same manner as provided in section 6022. The landlord or owner is responsible for requesting the municipal enforcement agency or person to inspect the premises in question to certify the correction of the condition which caused the determination.

#### § 6027. Vacancy of the premises

If the tenancy is terminated by the tenant for any reason during the time when the escrow provisions of this chapter are in effect, or if the tenancy is terminated by the landlord or owner for any reason during the time when the escrow provisions of this chapter are in effect, the landlord or owner or a subsequent landlord or owner shall not again rent the premises or dwelling until the condition which caused the determination has been certified as removed as provided by this section. Once a premise or dwelling has been vacated as stated in this section it shall not again be rented until it has been approved by the proper municipal agency, whether owned by the same landlord or owner or by a subsequent landlord or owner.

#### § 6028. Retaliatory evictions

No tenant shall be evicted in retaliation for complaining or proceeding under this chapter.

#### § 6029. Penalties

Any landlord or owner, who in breach of contract deprives a tenant occupying a premise or dwelling of heat, running water, lights, electricity or adequate sewage facilities, shall be punished by a fine of not more than \$1,000.

### STATEMENT OF FACT

The purpose of this bill is to encourage landlords to improve habitability of rents, by causing rents payable to the landlord by the tenant to be held in escrow.