

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1203

H. P. 882

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.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Providing for the Prerental Inspection of Certain Property.

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

Sec. 1. R. S., T. 30, § 2151, sub-§ 4, ¶ A, amended. Paragraph A of subsection 4 of section 2151 of Title 30 of the Revised Statutes is amended by adding the following new paragraphs :

All housing ordinances enacted pursuant to this subsection and relating to the maintenance, repair, use, safety features, light, ventilation and sanitation facilities of buildings and to the installation, alteration, maintenance, repair and use of equipment in or connected to all buildings shall require as a precondition to the rental or occupancy of buildings, excepting those used exclusively for summer occupancy, a certificate of occupancy be issued by the proper enforcing authority to the building owner or operator indicating compliance with the reference ordinances.

The certificate shall be issued only upon an inspection of the premises by the enforcing authority. The certificate shall be issued within 7 days after written application. Certificates and inspections shall be required and made prior to first occupancy of buildings or parts thereof where first occupancy will occur after the effective date of this provision.

Upon a finding that there is no condition that would constitute a hazard to the health and safety of the occupants and that the premises are otherwise fit for occupancy and are in compliance with the reference ordinances, the certificate shall be issued. If the finding is of a condition that would constitute a hazard to health or safety or that the reference ordinances have not been complied with, or both, no certificate shall be issued. On reinspection and proof of compliance, a certificate shall be issued.

A tenant, purchaser or mortgagee shall have a right to repudiate the lease, sale or mortgage within one month after the date of the lease, or, in case of a sale or mortgage within 3 months after the date of the deed or the mortgage if violations are found to have existed.

A certificate of compliance shall be issued on condition that the premises remain in a safe, healthful and fit condition for occupancy. A new certificate of occupancy shall be required for each new tenancy.

Municipalities may require reasonable fees for the issuance of a certificate of occupancy. The ordinance providing for the certificate of occupancy shall provide for a method of application; for a method of action on the application; for notice of the application; for procedure for revocation of the certificate of occupancy and for appeals from a denial of a certificate of occupancy.

Sec. 2. R. S., T. 30, § 2151, sub-§ 4, amended. Subsection 4 of section 2151 of Title 30 of the Revised Statutes, as amended by section 46 of chapter 504 of the public laws of 1969, is further amended by adding at the end the following new paragraphs:

This subsection shall only apply to tenancies entered into after the effective date of this Act and shall not apply to tenancies between the same landlord and tenant which shall continue after the effective date of this Act.

An owner or operator who rents or allows occupancy prior to having obtained a certificate of compliance, or, once having received such a certificate, rerents or allows reoccupation without having obtained a new certificate shall be fined a minimum of \$100 which shall be paid to the municipality.

STATEMENT OF FACT

The intent of this legislation is to require municipalities with existing housing codes to require as a precondition to the rental of housing in their municipality that the owner or operator of housing have as a precondition to rental of property a certificate of compliance from the proper enforcing authority that the property complies with applicable housing codes. The provision will protect both landlord and tenant since it will have the effect of indicating at the outset of a tenancy whether or not a property is in compliance with applicable housing codes. It will also protect landlord and tenant in that it will keep adequate housing on the market by preventing dwellings from falling into serious disrepair and ultimate condemnation.