

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. H-533)

HOUSE AMENDMENT "A" to H.P. 1641, L.D. 1843, Bill,
"AN ACT Defining the Rights and Responsibilities of Landlords
and Tenants in Residential Property."

Amend the Bill in section 2 in section 6010 by striking
out all of subsection 1 and inserting in its place the following:

'1. Notice of condition. The tenant, without un-
reasonable delay, gave to the landlord or to the person who
customarily collects rent on behalf of the landlord written
notice of a condition which rendered the rented premises unfit
for human habitation;'

Further amend the Bill in section 2 in section 6010
by striking out all of subsection 2 and inserting in its
place the following:

'2. Cause of condition. The condition was not caused
by the tenant or another person acting under his control;'

^{Further}
/ Amend the Bill in section 2 in section 6010 by striking
out all of the first sentence of subsection 3 and inserting
in its place the following:

The landlord unreasonably failed
under the circumstances to take prompt, effective steps to
repair or remedy the condition; then the court shall deduct
from the amount of rent due and owing the difference between
the rental price and the fair value of the use and occupancy
of the premises from the time of ^{written} notice, as provided
in subsection 1, to the time when the condition is repaired
or remedied.'

Further amend the Bill in section 2 in section 6010 in subsection 3 by striking out the punctuation at the end and inserting in its place the following: '; and'

Further amend the Bill in section 2 by inserting at the end the following:

'4. Rental payments current. The tenant is current in rental payments owing to the landlord at the time written notice was given.

Further amend the Bill in section 3 in that part designated "§6021." in subsection 3 by striking out all of paragraphs C and D and inserting in their place the following:

'C. Written notice of the condition without unreasonable delay, was given to the landlord or to the person who customarily collects rent on behalf of the landlord.

D. The landlord unreasonably failed under the circumstances to take prompt, effective steps to repair or remedy the condition; and

E. The tenant / ^{was} current in rental payments owing to the landlord. at the time written notice was given.'

Statement of Fact

This amendment makes the following changes in the new draft:

1. Requires the tenant, without unreasonable delay, to give ^{written} notice of an unfit condition to the landlord or his agent.

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2. Injects the concept of reasonableness under the circumstances in judging the landlord's duty to take prompt, effective steps to repair or remedy the condition, and

3. Requires the tenant to be current in his rental payments, at the time written notice was given before he is entitled to use the breach of implied warranty of habitability for a rebate on reduction in rent, for injunctive repair of the unfit condition, or for any other forms of relief pursuant to the new draft.

Filed by Mr. Tarbell of Bangor.

Reproduced and distributed under the direction of the Clerk of the House.
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