

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 808

S. P. 267

In Senate, February 28, 1979

Referred to the Committee on Judiciary. Sent down for concurrence and 2,000 ordered printed.

Presented by Senator Clark of Cumberland.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Provide for Self-help for Minor Repairs under the Landlord-tenant Statutes.

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

14 MRSA § 6022 is enacted to read:

§ 6022. Dangerous conditions requiring minor repairs

1. **Prohibition of dangerous conditions requiring minor repairs.** No landlord leasing premises for human habitation shall maintain or permit to exist on those premises any condition which endangers or materially impairs the health or safety of the tenants.

2. **Tenant action if landlord fails to act.** If a landlord fails to maintain a rental unit in compliance with the standards of subsection 1 and the reasonable cost of compliance is less than \$100 or an amount equal to 1/2 the periodic rent, whichever amount is greater, the tenant shall notify the landlord in writing of his intention to correct the condition at the landlord's expense. If the landlord fails to comply within 14 days after being notified by the tenant, or as promptly as conditions require in case of emergency, the tenant may cause the work to be done in a workmanlike manner and, after submitting to the landlord an itemized statement, the tenant may deduct from his rent the actual and reasonable cost or the fair and reasonable value of the work not exceeding the amount specified in this subsection.

3. Section not applicable if condition caused by tenant. The provisions of this section may not be invoked if the unsafe or unhealthy condition was caused by the tenant or a person acting under his control, or if the landlord has been denied reasonable access to the premises for the purpose of affecting repairs, or if extreme weather conditions prevent effecting repairs.

4. Landlord reprisals prohibited. No landlord shall take any action in reprisal against any tenant who reasonably and in good faith exercises his rights under any provision of this section. Reprisals include any action for possession, an increase in rent or any substantial alteration in the terms of the tenancy. Any such action occurring within 6 months of the tenant's exercise of his rights under this section shall create a rebuttable presumption that the action is one of reprisal.

5. Waiver void. A provision in a lease, whether oral or written, in which the tenant waives either his rights under this section or the duty of the landlord to maintain the premises in compliance with the standards of fitness specified in this section or any other duly promulgated ordinance or regulation is void.

6. Rights created by this section supplemental. The rights created by this section are supplemental to, and in no way limit, the rights of a tenant under section 6021.

7. Application. This section shall not apply to any tenancy for a dwelling unit which is part of a structure containing no more than 5 dwelling units, one of which is occupied by the landlord.

STATEMENT OF FACT

This bill will provide a means to prevent a number of landlord-tenant disputes by allowing a limited repair option to tenants with protections for the landlord. The bill will work as follows:

1. If a condition exists that "materially impairs the health or safety of the tenant," but can be repaired for less than \$100, or 1/2 the monthly rent, the tenant can repair or have the condition repaired if 14 days after he notifies the landlord no action is taken; and

2. After having the condition repaired, the tenant may deduct the cost from his monthly rent, as long as the cost is less than either \$100 or 1/2 of his monthly rent.

This applies only to situations where the condition is serious and has not been caused by the tenant, nor does this remedy apply if the tenant has denied the landlord access to the premises to make the repair or if weather conditions prevent making the repair; and

Also, this remedy does not apply to owner-occupied buildings of 5 units or less.