

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 314

S. P. 143

In Senate, January 21, 1981

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

MAY M. ROSS, Secretary of the Senate

Presented by Senator Clark of Cumberland.

Cosponsor: Representative Gowen of Standish.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Establishing Minimum Heating Standards for Rented Residential Dwelling Units.

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

14 MRSA § 6024 is enacted to read:

§ 6024. Minimum heating standards

1. **Minimum equipment requirements.** The owner or lessor of any residential dwelling unit offered for rent shall have heating equipment and appurtenances which are properly installed and are maintained in safe and good working condition and which are capable of safely and adequately heating all habitable rooms in the unit.

2. **Residential temperature requirements.** Between October 1st and April 30th of each year all habitable rooms of any rented residential dwelling unit shall be heated to a temperature of at least 68°F at a distance of 36" above the floor, as measured at a distance of 12" from all outside walls.

3. **Substantial deviation.** Any deviation greater than 10° or greater than 5° and continuing for a duration of more than 2 days in a row shall be a substantial deviation from the minimum heating standards in subsection 2.

4. **Remedies.** Whenever heating equipment and appurtenances in a rented

**residential dwelling unit do not meet the standards of subsection 1 or there is a substantial deviation from the minimum heating standards defined in subsection 3, an action for relief shall lie. Furthermore, any failure to meet these standards is prima facie evidence of a violation of the implied warranty of habitability.**

#### STATEMENT OF FACT

Except for local codes in a few large municipalities, there are no minimum heating standards for rented residential dwelling units. Without specific guidelines, the warranty of habitability does not fill the gap. Even where local codes exist, enforcement is often inconsistent or nonexistent.

This bill establishes reasonable equipment requirements and minimum heating standards. Specifics of how and where to measure temperature in a dwelling unit are provided. Small, short-term deviations are recognized as inevitable. Only substantial deviations are subject to legal action.

With increased reports of accidental hypothermia from both young and old citizens, new steps must be taken to stop those few landlords who refuse to provide any heat during the seasonal transition months of October and April and those who arbitrarily refuse to provide sufficient heat during the winter.

This bill would not affect the vast majority of landlords who recognizes the need for a healthful environment for their tenants.