

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 467

H. P. 420

House of Representatives, January 28, 1981

Speaker laid before the House and on Motion of Representative Hobbins of Saco, referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Brenerman of Portland.

Cosponsors: Representative Macomber of South Portland, Senator Gill of Cumberland and Senator Kerry of York.

STATE OF MAINE

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

AN ACT To Require Prior Notice and an Option to Purchase to Tenants of Buildings Being Converted into Condominiums.

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

33 MRSA § 568-A is enacted to read:

§ 568-A. Conversion of buildings

1. Notice to tenants; service. The landlord or developer of a building which is to be converted to property intended to be submitted to the provisions of this chapter shall give at least one year's notice of the conversion to each of the tenants of the building. The notice shall be hand delivered or sent by certified mail, return receipt requested and shall inform the tenant of the intent to make the conversion.

2. Option. During the first 180 days of the one-year period each of the tenants has the exclusive right to contract for the purchase of the unit he occupies. Any tenant who does not exercise the option may remain in the premises under his existing lease, subject to all its terms and conditions. Upon the recording of the declaration under section 571, the lease is considered assigned to the declarant.

3. Unenforceable lease provision. Except under a purchase agreement for a unit, or as provided in subsection 4, any provision in a contract, lease or other undertaking which allows a landlord or developer at his option to cancel or terminate the contract, lease or other undertaking upon the conversion of the property without conforming to the notice and option requirements of this section is unenforceable and contrary to public policy.

4. Leases during one-year period. Leases executed subsequent to the announced intention to convert may contain provisions for the early or advanced termination of the lease upon not less than 30 days notice to the tenant, if the lease conspicuously discloses the intention to convert the property containing the leased premises or to convey the property for such purposes and that the lease may be cancelled upon not less than 30 days notice to the tenant of the exercise of the right to terminate.

5. Eviction. No eviction proceeding may be brought against a tenant, within the term of an existing lease, for failure to purchase or any other reason applicable to termination of tenancy other than nonpayment of rent or similar justifiable reasons ordinary to landlord rights where a written lease exists assuring quiet enjoyment.

STATEMENT OF FACT

This bill requires that tenants of a building intended to be converted into a condominium be given one year's notice of that intended conversion. It also requires that they have the option to purchase the unit being occupied.