

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 637

H. P. 561

House of Representatives, February 4, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Walker of Showhegan.

STATE OF MAINE

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

AN ACT Concerning the Habitability of a Rental Unit under the Rental Property Law.

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

14 MRSA § 6024 is enacted to read:

§ 6024. Habitability and fitness of a dwelling unit

1. **Filing and content of complaint.** If a condition exists in a "dwelling unit," as defined in section 6021, which renders the dwelling unit unfit for human habitation, a landlord may file a complaint against a tenant with the municipal department of health or welfare. The complaint shall state that:

A. A condition, which shall be described, endangers or materially impairs the health or safety of the tenants or other inhabitants in the same or other dwelling unit;

B. The condition was not caused by the landlord or another person acting under his control;

C. Written notice of the condition, without reasonable delay, was given to the tenant or to an inhabitant of the dwelling unit of reasonable age; and

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

2. Order to vacate. If the municipal department of health or welfare determines that a condition exists in the "dwelling unit" which renders the unit unfit for human habitation and which condition endangers or materially impairs the health or safety of the tenants or other inhabitants in the same or other dwelling unit, and upon being satisfied that the tenant has received notice at least 7 days prior thereto, the municipal department of health or welfare shall order the tenant to vacate the dwelling unit if the unit be vacant for the landlord to render the dwelling unit habitable.

STATEMENT OF FACT

This bill proposes to add a new section to the landlord and tenants law which protects the landlord in the event that a tenant renders a dwelling unit unfit for human habitation. In many cases a tenant may bring in disease, vermin or may maintain a dwelling unit in such a poor condition that the dwelling unit becomes a sanitary and health hazard to other tenants in the same building. In this case the landlord is obligated to use the same procedures in this eviction as permitted by law which requires that the tenant be permitted to stay in that dwelling unit for a period of 21 to 70 days.