

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 611

H.P. 444

House of Representatives, February 8, 2005

An Act To Strengthen Tenants' Rights When There Is a Failure To Correct a Dangerous Condition

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CAIN of Orono.

Cosponsored by Representatives: BLANCHETTE of Bangor, PILON of Saco, TUTTLE of Sanford, VALENTINO of Saco, Senator: MITCHELL of Kennebec.

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

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Sec. 1. 14 MRSA §6026, sub-§2, as amended by PL 1993, c. 236, §1, is further amended to read:

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 ~~\$250~~ \$500 or an amount equal to 1/2 the monthly rent, whichever is greater, the tenant shall notify the landlord in writing of the tenant's 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 in writing by certified mail, return receipt requested, or as promptly as conditions require in case of emergency, the tenant may cause the work to be done with due professional care with the same quality of materials as are being repaired. Installation and servicing of electrical, oil burner or plumbing equipment must be by a professional licensed pursuant to Title 32. After submitting to the landlord an itemized statement, the tenant may deduct from the tenant's rent the actual and reasonable cost or the fair and reasonable value of the work, not exceeding the amount specified in this subsection. This subsection does not apply to repairs of damage caused by the tenant or the tenant's invitee.

SUMMARY

Current law provides that if a landlord fails to fix a problem in a rental unit that endangers or materially impairs the health or safety of a tenant after being notified by the tenant, the tenant may fix the problem at the landlord's expense if the cost to fix the problem is less than \$250 or an amount equal to 1/2 the monthly rent, whichever is greater. This bill allows the tenant to fix the problem if it costs less than \$500 or an amount equal to 1/2 the monthly rent, whichever is greater.