

MAINE STATE LEGISLATURE

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Date: 5/1/07

L.D. 555
(Filing No. H-179)

NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 433, L.D. 555, Bill, "An Act To Protect Children from Lead Exposure by Requiring Sufficient Notice of Renovations"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 14 MRSA §6030-B, sub-§3 is enacted to read:

3. Notification of repairs. A landlord or other lessor of residential property who undertakes, or who engages someone else to undertake, any repair, renovation or remodeling activity in a residential building built before 1978 that includes one or more units that are rented for human habitation shall give notice of the activity and the risk of an environmental lead hazard pursuant to this subsection.

A. Notice must be given at least 30 days before the activity is commenced by:

- (1) Posting a sign on the building's exterior entry doors; and
- (2) A notice sent by certified mail to every unit in the building.

B. Notwithstanding paragraph A, notice may be given less than 30 days before the activity is commenced by:

- (1) Posting a sign on the building's exterior entry doors; and
- (2) Obtaining from one adult tenant of each unit in the building a written waiver of the 30-day notice requirement and a written acknowledgment of receipt of notice for the particular activity.

C. The waiver of the 30-day notice requirement pursuant to paragraph B must be in plain language, immediately precede the signature of the adult tenant, be printed in no less than 12-point boldface type and be in the following form or in a substantially similar form:

NOTICE: YOU ARE WAIVING YOUR RIGHT UNDER STATE LAW TO RECEIVE 30 DAYS' NOTICE PRIOR TO ANY REPAIR, RENOVATION OR

COMMITTEE AMENDMENT

123

- 1 REMODELING ACTIVITY TO A RESIDENCE BUILT BEFORE 1978.
- 2 RESIDENCES BUILT BEFORE 1978 MAY CONTAIN LEAD PAINT
- 3 SUFFICIENT TO POISON CHILDREN AND SOMETIMES ADULTS.
- 4 WORKERS PERFORMING RENOVATIONS OR REPAIRS IN HOUSING BUILT
- 5 BEFORE 1978 SHOULD USE LEAD-SAFE WORK PRACTICES THAT
- 6 MINIMIZE AND CONTAIN LEAD DUST AND SHOULD CLEAN THE WORK
- 7 AREA THOROUGHLY TO PREVENT LEAD POISONING.

- 8 D. For purposes of this subsection, "repair, renovation or remodeling activity" means
- 9 the repair, reconstruction, restoration, replacement, sanding or removal of any
- 10 structural part of a residence that may disturb a surface coated with lead-based paint.

- 11 E. For purposes of this subsection, "environmental lead hazard" means any condition
- 12 that may cause exposure to lead from lead-contaminated dust or lead-based paint.

- 13 F. Emergency repairs are exempt from the notification provisions of this subsection.
- 14 For purposes of this paragraph, "emergency repairs" means repair, renovation or
- 15 remodeling activities that were not planned but result from a sudden, unexpected
- 16 event that, if not immediately attended to, presents a safety or public health hazard or
- 17 threatens equipment or property with significant damage.

- 18 G. A person who violates this subsection is liable to the lessee for actual damages or
- 19 \$100, whichever is greater, and reasonable attorney's fees and costs.

- 20 H. This subsection may not be construed to limit a tenant's rights, a landlord's duties
- 21 or any other provisions under section 6026 or Title 22, chapter 252.'

22 **SUMMARY**

23 This amendment replaces the bill. The amendment requires landlords to give 30
24 days' notice when undertaking any repair, renovation or remodeling activity in a
25 residential building built before 1978 that includes one or more units for rent. The 30-day
26 notice of the work may be waived by obtaining from one adult tenant of each unit in the
27 building a written waiver of the 30-day notice requirement and a written
28 acknowledgement of receipt of notice. The amendment requires the waiver to be in plain
29 language, to immediately precede the adult tenant's signature, to be printed in no less than
30 12-point boldface type and to be in substantially similar form to a waiver specified in the
31 amendment. The amendment exempts emergency repairs from the notification
32 requirements. Finally, the amendment provides that a person who violates the notice
33 requirements is liable to the lessee for actual damages or \$100, whichever is greater, and
34 reasonable attorney's fees and costs.

35 **FISCAL NOTE REQUIRED**
36 **(See attached)**



123rd MAINE LEGISLATURE

LD 555

LR 2120(02)

An Act To Protect Children from Lead Exposure by Requiring Sufficient Notice of Renovations

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

This bill may increase the number of civil suits filed in the court system.

The collection of additional filing fees may also increase General Fund revenue by minor amounts.