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JUDICIARY

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STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 1288, L.D. 1927, “An Act to Protect Housing Quality by Enacting Mold Inspection, Notification and Remediation Requirements”

Amend the bill by striking out the title and substituting the following:

'An Act to Add Mold to the Implied Warranty and Covenant of Habitability'

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

'Sec. 1. 14 MRSA §6021, sub-§1, as enacted by PL 1977, c. 401, §4, is repealed and the following enacted in its place:

1. Definition. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Dwelling unit" includes mobile homes, apartments, buildings and other structures, including the common areas thereof, that are rented for human habitation.

B. "Leaking event" means a water leak from flooding or a system or structural failure, such as a failure of a roof, window, door, plumbing system, foundation or appliance.

Sec. 2. 14 MRSA §6021, sub-§6-B is enacted to read:

6-B. Mold; bacteria; other biological organisms. It is a breach of the implied warranty of fitness for human habitation when a landlord offers for rent a dwelling unit in which there is a leaking event, chronic moisture or humidity conditions outside of the control of a tenant that result in the growth of mold, bacteria or other biological organisms.

A municipality may adopt more stringent standards by ordinance than those provided in this section.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment replaces the bill and changes the title. The amendment provides that when a landlord offers for rent a dwelling unit and that landlord knows or should know that the dwelling unit has mold, bacteria or other biological organisms that are injurious to the health of occupants, then it is a breach of the implied warranty and covenant of habitability. The amendment also allows municipalities to adopt more stringent standards related to the implied warranty and covenant of habitability.

FISCAL NOTE REQUIRED

(See attached)