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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 in section 1 in §6021-B in subsection 1 by striking out all of paragraph E (page 1, lines 17 and 18 in L.D.).

Amend the bill in section 1 in §6201-B in subsection 1 by relettering the paragraphs to read alphabetically.

Amend the bill in section 1 in §6021-B by striking out all of subsection 2 (page 1, lines 27 to 40 and page 2, lines 1 to 25 in L.D.) and inserting the following:

2. Landlord duties. A landlord has the following duties.

A. Upon written or oral notice of a leaking event in a dwelling unit or common area, the landlord or the landlord's agent shall take prompt, effective steps to:

(1) Inspect the dwelling unit or common area and take all reasonable measures necessary to stop or reduce the scope of the leaking; and

(2) Repair the source of the leak and restore the affected area, including, but not limited to, by removing all porous building materials that have been wet for more than 48 hours.

B. Upon written or oral notice from a tenant that a dwelling unit or a common area has visible mold or dampness, the landlord or the landlord's agent shall take prompt, effective steps to:

(1) Conduct an inspection of the dwelling unit or common area for visible mold growth or chronic moisture conditions. If, during the inspection, an area of visible mold greater than 10 square feet is found, the landlord shall have the property assessed by a mold assessment professional;

(2) Upon a determination that visible mold or dampness exists in a dwelling unit or common area, create a written repair, clean-up and restoration plan, which must be shared with the impacted tenant or tenants; and

(3) Prior to any mold clean-up or restoration activities, repair the underlying leaking event or dampness problem.

C. Areas of mold contamination less than or equal to 10 square feet may be remediated by the landlord or the landlord's agent. All mold remediation work must comply with this section.

D. Areas of mold contamination greater than 10 square feet must be remediated by a mold remediation professional in compliance with this section.

E. A landlord may employ only a mold assessment professional or mold remediation professional that carries valid liability insurance.

F. Before renting a dwelling unit, a landlord shall disclose to a prospective tenant if the unit, an adjacent unit or a common area is currently experiencing a leaking event or has visible mold or dampness or if regular dehumidification is required to prevent dampness. Upon request from a tenant or prospective tenant, a landlord shall disclose the last date that the dwelling unit the landlord seeks to rent as well as adjacent units and common areas were inspected for evidence of a leaking event and visible mold and dampness and the results of those inspections.

G. A landlord may not offer for rent a dwelling unit if the landlord knows the dwelling unit has a leaking event or has visible mold or dampness that has not been remediated as set forth in this section.

H. All assessment and remediation activities must follow the best practices.'

Amend the bill in section 1 in §6021-B in subsection 4 in paragraph E in the 3rd line (page 3, line 37 in L.D.) by striking out the following: "6" and inserting the following: '3'

Amend the bill in section 1 in §6021-B by striking out all of subsection 5 (page 4, lines 1 to 23 in L.D.) and inserting the following:

'5. Application. This section applies only to landlords who own buildings containing 4 or more dwelling units.'

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

SUMMARY

This amendment removes the requirement that a landlord must inspect a dwelling unit within 24 hours of a leaking event and repair the source of the leak within 5 days. The amendment also removes the requirement that a landlord conduct an inspection of visible mold or dampness greater than 10 square feet within 5 days of notice from the tenant. The amendment requires that all assessments and remediation activities follow best practices. The amendment changes the rebuttable presumption in an action of forcible entry and detainer for retaliatory action against a tenant from 6 months to 3 months. The amendment strikes the subsection relating to additional enforcement mechanisms for local health

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1 officers. The amendment clarifies that the provisions in the bill apply only to landlords who
2 own buildings containing 4 or more dwelling units.

3 **FISCAL NOTE REQUIRED**

4 **(See attached)**