

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 15 - L.D. 11

An Act to Strengthen Temporary Protections for Children Living in Dwellings with Identified Lead Hazards

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

Sec. 1. 22 MRSA §1321, sub-§3-A is enacted to read:

3-A. Notice to owner; interim controls. The department may order the owner to implement lead exposure reduction actions or interim controls as determined by the department with reasonable notice until the owner is able to remove, replace or securely and permanently cover lead-based substances. In order to determine the effectiveness of the actions taken or interim controls, the department may inspect the dwelling, premises, residential child-occupied facility, child care facility, premises of the family child care provider or nursery school;

Sec. 2. 22 MRSA §1322, 2nd ¶, as amended by PL 2003, c. 421, §9, is further amended to read:

Until the owner brings any residential dwelling or premises into compliance with this Act while a tenant is occupying a dwelling unit, the owner shall move the tenant to a substitute dwelling unit upon reasonable notice. The department may, on a case-by-case basis, waive this requirement if the department determines that the implementation of actions to reduce lead exposure or interim controls sufficiently protects the residents of the unit until full abatement is achieved. Pursuant to section 1321, subsection 3-A, the department may order the owner to implement lead exposure reduction actions or interim controls as determined by the department with reasonable notice. The owner shall pay reasonable moving expenses and any use and occupancy charges for a substitute dwelling unit that exceed the rent for the vacated dwelling unit for which the tenant remains responsible. "Substitute dwelling unit" means a dwelling unit of like or similar accommodation and in like or similar location that is lead-safe. If the tenant fails to accept the substitute dwelling unit selected by the owner while the owner is required to bring the vacated dwelling unit into compliance with this Act or the tenant fails to remain current in rent pursuant to the lease or tenancy at will under Title 14, section 6002, including the statutory period of right to cure, the owner is not obligated beyond 10 days after completion of remediation to reimburse the tenant for any expense or inconvenience other than moving

expenses and any use and occupancy charges for the substitute dwelling unit selected by the owner that exceed the rent for the vacated dwelling unit.