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Resolve
124th Legislature
First Regular Session

Chapter 137
H.P. 747 - L.D. 1080

Resolve, To Create a Working Group To Study Landlord and Tenant Issues

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, a working group to study issues related to landlords and tenants is created in this resolve and must issue its findings and report by December 2, 2009; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1 Working group established. Resolved: That the Director of the Maine State Housing Authority or the director's designee shall convene a working group to study issues related to landlords and tenants. The Director of the Maine State Housing Authority or the director's designee shall convene the first meeting of the working group no later than August 1, 2009, and the working group shall elect a chair from among its members; and be it further

Sec. 2 Working group members. Resolved: That the working group under section 1 consists of the following 9 members:

1. The Director of the Maine State Housing Authority or the director's designee;
2. Four members representing the following organizations:
 - A. The State's designated protection and advocacy agency pursuant to the Maine Revised Statutes, Title 5, section 19502;
 - B. A statewide nonprofit legal services organization that provides free legal services to the elderly;
 - C. A statewide nonprofit legal services organization that provides free legal services to low-income persons; and
 - D. A statewide nonprofit legal services organization that provides free legal services, including administrative and legislative advocacy, to low-income persons; and
3. Four members representing organizations of landlords and housing managers in the State.

The chair of the working group shall invite the participation of one member representing the District Court selected by the Chief Justice of the Maine Supreme Judicial Court; and be it further

Sec. 3 Selection of members. Resolved: That, no later than 30 days following the effective date of this resolve, the organizations described in section 2 shall notify the Director of the Maine State Housing Authority or the director's designee of the members selected for participation in the working group under section 1; and be it further

Sec. 4 Duties. Resolved: That the working group under section 1 shall:

1. Study the feasibility of providing heating fuel assistance and weatherization assistance for landlords who serve low-income tenants in certain economically distressed areas;
2. Study the issue of keeping housing units in proper repair, including examining the laws regarding warranty of habitability to see if there is a way to have the law work more simply to resolve both minor and major problems;
3. Study the issue of keeping tenants in their apartments in the event of a foreclosure;
4. Examine the current laws regarding evictions both in lease and tenancies at will to determine if consolidating those laws into one statutory scheme is feasible and to determine if some minimal standards should apply to lease tenancies;
5. Recommend changes to clarify and simplify the current law; and
6. Consider any other issues pertaining to landlord and tenant issues that it determines to be relevant; and be it further

Sec. 5 Notice to Legislature. Resolved: That the chair of the working group shall provide written notice of working group under section 1 meetings and copies of any minutes of meetings to members of the Joint Standing Committee on Legal and Veterans Affairs and the Office of Policy and Legal Analysis; and be it further

Sec. 6 Report. Resolved: That, no later than January 15, 2010, the working group under section 1 shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Legal and Veterans Affairs. The Joint Standing Committee on Legal and Veterans Affairs is authorized to introduce a bill related to the subject matter of the report to the Second Regular Session of the 124th Legislature upon receipt of the report.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.