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## **An Act To Reduce the Risk of Hypothermia in Residential Rental Units**

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

**Whereas,** the costs of heating oil and economic difficulties have resulted in a reduction in the heat and heating fuel supplied by certain landlords to their tenants; and

**Whereas,** there is an immediate need to clarify a landlord's legal responsibility to a tenant with respect to heating requirements; 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

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

**Sec. 1. 14 MRSA §6021, sub-§6, ¶B,** as enacted by PL 1983, c. 764, §1, is amended to read:

B. The dwelling unit's heating facilities ~~are not capable of maintaining~~do not maintain a minimum temperature of at least 68 degrees Fahrenheit at a distance of 3 feet from the exterior walls, 5 feet above floor level at an outside temperature of minus 20 degrees Fahrenheit; or

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

### **SUMMARY**

The purpose of this bill is to reduce the risk of serious illness caused by exposure to cold conditions by clarifying the obligation to provide heat to residential rental units. Current law provides that it is a breach of the implied warranty of fitness for human habitation when a dwelling unit's heating facilities are not capable of maintaining a minimum temperature of at least 68 degrees Fahrenheit. This bill provides instead that it is a breach of the implied warranty when the dwelling unit's heating facilities do not maintain that minimum temperature.