

# Tenant Housing Rights

## Tenant/Landlord Rights and Responsibilities

The relationships between tenants and landlords in Portland are governed, in part, by the City of Portland Code of Ordinances and the State of Maine statutes, and cover a wide variety of topics. There are various resources for additional information, including the State of Maine's publication "Consumer Rights When You Rent an Apartment," Pine Tree Legal's "The Rights of Tenants in Maine," and others. It is recommended that concerned individuals obtain professional legal advice, as necessary.

## Tenants at Will

When a tenant rents a dwelling unit without a written lease OR a tenant continues to live in a dwelling unit after the term of a lease has expired, that tenant is a "tenant at will". For tenants at will, landlords must typically provide at least 30 days written notice to tenants that they must move out. The notice cannot, however, require a tenant to move out until after the last date for which rent has been paid. For example, if a tenant has paid rent to the landlord through the end of September, then a landlord's notice cannot end before September 30<sup>th</sup>. Landlords do not have to provide a reason for asking the tenant to leave.

A landlord may evict a tenant at will with a minimum 7-day written notice if the tenant: (1) has caused serious damage to the apartment and has not repaired the damage; (2) has been a nuisance to other tenants or neighbors; (3) has made the unit unlivable or unfit to live in; (4) has changed the door locks and refused to give the landlord a key; and (5) is 7 days or more behind in rent. Tenants at will must also provide landlords with at least 30 days written notice if the tenant chooses to move. A landlord and tenant may agree, in writing, upon a shorter notice period.

In the City of Portland, landlords are required to give tenants a 75 day written notice of any rent increase.

If the building the tenant lives in has been sold, the new landlord must give either a 30-day written notice or 7-day written notice of eviction, as described above, unless the old landlord already gave the tenant written notice. If a tenant is a victim of domestic violence, sexual assault, or stalking, then the tenant must give the landlord a 7-day written notice before he or she intends to move out.

If you are a tenant at will, then your landlord must return your security deposit within 21 days after you moved out and returned the keys, or send you a letter explaining why they are not returning some or all of the deposit.

Tenants have the right to contest the landlord's decision in court and it is recommended that tenants seek legal advice prior to making any decision to pursue legal proceedings.

Required Forms & Informational Material

Landlords must provide the following informational material and forms to tenants:

- Energy Efficiency Disclosure  
<http://www.maine.gov/mpuc/online/forms/RentalEffDisclosureForm-Master.pdf>
- Lead Paint Pamphlet - "Protect Your Family From Lead in Your Home"  
<https://www.epa.gov/lead/protect-your-family-lead-your-home>
- Lead Paint Disclosure  
<http://www.maine.gov/dep/waste/lead/documents/lease.pdf>
- Smoking Policy Disclosure (To be drafted by the landlord)
- Radon in Rental Housing Pamphlet  
<http://www.maine.gov/dhhs/mecdc/environmental-health/rad/radon/documents/2013%20tipsheet%2011.pdf>
- Radon Disclosure  
<https://www1.maine.gov/dhhs/mecdc/environmental-health/rad/radon/documents/Maine%20radon%20gas%20disclosure-final.pdf>

By signing below, landlords and tenants acknowledge that they have read and understand the information contained within this document and landlords have provided tenants with copies of the informational material and forms noted above.

Landlord \_\_\_\_\_ Date \_\_\_\_\_

Tenant \_\_\_\_\_ Date \_\_\_\_\_

Tenant \_\_\_\_\_ Date \_\_\_\_\_

Tenant \_\_\_\_\_ Date \_\_\_\_\_