

Chapter 282. Tenant Housing Rights

282-1. Purpose.

The purpose of this Chapter is to address housing insecurity in the City of Bangor; to minimize the potential adverse impacts of un-noticed or short-noticed rent increases; to educate at-will tenants of their rights; and to help bring about, through fair, orderly procedures, the opportunity of each person within the City of Bangor without regard to, among other things, receipt of public benefits, to rent, enjoy and retain secure housing.

282-2. Applicability.

This Chapter shall apply to any and all rental housing units in the City limits of Bangor.

282-3. Definitions.

Applicant means a prospective tenant for a rental housing unit, who signs or intends to sign a lease or other contractual agreement in relation to the unit.

Discrimination means the unjust, prejudicial treatment of different categories of people, when those categories are protected from discrimination by municipal, state and federal law, including, but not limited to, categories based on race, color, religious creed, sex, sexual preference, national origin, age, physical or mental handicap, and receipt of public assistance, as provided in 5 M.R.S. §4581-A, as amended from time to time.

Housing unit means one or more rooms forming a single unit including food preparation, living, sanitary, and sleeping facilities used or intended to be used by two or more persons living in common or by a person living alone.

Landlord means an owner, manager, lessee, sub-lessee, managing agent or other person having the right to rent, sell, or manage any housing unit or rental property, or any agent of these individuals or entities.

Rental Application means the written document used by a landlord to determine if an applicant is qualified to become a tenant of the rental housing unit.

Rental Application Fee means any cost, payment, charge, or any other kind of expenditure or remuneration that an applicant is asked to pay in order to be considered by the landlord for a rental housing unit.

Screening Fee means any cost, payment, charge, or any other kind of expenditure or remuneration, excluding administrative costs, that an applicant is required to pay in order to offset a landlord's hard costs of screening that particular applicant who has been accepted as a tenant. Costs that may be included in a screening fee include but are not limited to national, state, and local criminal background checks, credit reports, rental history records, eviction records, and employment verification.

Tenant means an individual, individuals, an entity, entities, a lessee or sub-lessee, or other persons having the right to rent any housing unit or rental property, or any agent of these individuals or entities. This definition includes a tenant at will as described in 14 M.R. S. §6002, as amended from time to time.

282-4. Discrimination Prohibited in Sale or Rental of Housing Units

- (a) An applicant or tenant shall have the right to secure a rental housing unit without being refused that right on the basis of discrimination on or because of race, color, sex, sexual orientation or gender identity, physical or mental disability, religion, ancestry, national origin, or familial status, pursuant to 5 M.R.S. §4581-A, *et seq.*, as amended from time to time.
- (b) A landlord shall not refuse to rent or impose terms of tenancy on any applicant or tenant who is a recipient of federal, state or local public assistance, including medical assistance and housing subsidies, primarily because of the individual's status as a recipient as described in 5 M.R.S. §4581-A(4), as amended from time to time.

282-5. Notification of Rent Increases.

Notwithstanding 14 M.R.S. §6015, a landlord shall give sixty (60) days' written notice of any rent increase to a tenant.

282-6. Rental Application Fees and Screening Fees Restricted.

- (a) **Rental Application Fees.** Landlords shall not charge a rental application fee.
- (b) **Availability of Units.** Landlords shall only advertise rental housing units, receive applications, screen applicants, and accept screening fees for rental housing units when such rental housing units are actually available and ready for occupancy, or are expected to be available for occupancy within a reasonable time period; provided, however, that an applicant may consent to be screened and placed on a waiting list. For purposes of this section, a rental housing unit is no longer considered available if a different applicant has been screened by the landlord, has been offered the rental housing unit and accepted it, and has placed a deposit on the rental housing unit. A rental housing unit may be considered available if a tenant of a unit has declared they will not be renewing a lease or have otherwise vacated the property. Landlords shall document the date and time that deposits are placed on rental housing units.
- (c) **Screening Fees.** Screening fees for rental housing units shall not exceed the actual cost of the screening process or seventy-five dollars (\$75.00), whichever is less. Landlords may only require that a screening fee be paid by a successful applicant who is to be a tenant in the housing unit, and the screening fee may only be required to be paid when the first month's rent is due and not before. Landlords may not charge a screening fee to any applicant who is not accepted as a tenant. The actual cost of the screening process includes only the hard costs associated with a background check. Labor costs and other soft costs associated with the application process must be excluded. Hard costs may include, but are not limited to, the following: national, state, and local criminal background checks, credit reports, rental history records and/or reference checks, eviction records, and/or employment verification. Each adult who will be residing in the rental housing unit may be charged a screening fee. In the event that a screening fee collected by a landlord ends up being more than the amount of the actual screening cost incurred by the landlord with respect to that particular tenant,

the landlord shall give that tenant a credit on the tenant's rent equal to the difference between the amount of the screening fee collected and the actual screening cost incurred. A landlord who collects a screening fee shall keep a record of the amount of the fee collected from each tenant and any amount returned to each tenant, for a period of not less than two years, and shall make such records available for inspection at the request of the City of Bangor.

- (d) **Current Tenants.** A current tenant of a rental housing unit shall not be charged a screening fee to move to another rental housing unit owned by the same landlord.

282-7. Protection of Tenants.

- (a) The City's Legal Department or its designee shall create and make available on the City's publicly accessible web site a plain language document that explains tenancy at will and the rights and responsibilities of tenants and landlords of rental housing units. That document shall also include a checklist of required notices concerning environmental lead hazards, energy efficiency, or radon testing, pursuant to 14 M.R.S. §§ 6030-B, 6030-C, and 6030-D, respectively, as amended from time to time.
- (b) The document referenced above shall be provided by landlords to all tenants in the City of Bangor at the commencement of the rental of a housing unit and shall be provided again upon any update to the document made by the City's Legal Department.
- (c) An acknowledgement of receipt of the documents described above must be signed by all tenants, and a copy of the acknowledgement must be kept on file by the landlord for at least two years and made available for inspection at the request of the City of Bangor.

282-8. No Waiver by Agreement.

No provision of, or right conferred by, this Chapter may be waived by an applicant or tenant, by agreement or otherwise, and any such waiver shall be void. Any attempt to require, encourage or induce an applicant or tenant to waive any provision hereof or right hereby shall be a violation of this Chapter. Nothing herein shall be construed to void any term of a lease that offers greater rights to tenants than those conferred hereby.

282-9. Limitation of Liabilities.

- (a) Nothing in this Chapter shall be interpreted to contravene the general laws of the State of Maine; and
- (b) Nothing in this Chapter shall be construed to create additional liabilities greater than those already existing under law or to create private causes of action.

282-10. Enforcement of Remedies.

- (a) Any violation of sections 282-5, 282-6, 282-7, or 282-8 of this Chapter may be considered a civil infraction and may be enforced pursuant to the administration and enforcement provisions of City Code, §165-10, and the appeals provisions of City Code §165-11.

(b) Any violation of §282-4 of this Article shall be enforced as required by the Maine Human Rights Act, 5 M.R.S. §§4551, *et seq.*

282-11. Severability.

The provisions of this Chapter are severable. If any of its provisions are held invalid by act of competent jurisdiction, all other provisions of this Chapter shall continue in full force and effect.