



Housing Ordinance & Renter Security – Q & A

Summary

The City of South Portland recently adopted an ordinance to provide greater protections to residents who rent housing units in the City. The ordinance can be found on the [City Website](#).

The ordinance implements three new policies, as follows:

1. Prohibits discrimination of protected classes at the municipal-level
2. Extends the notice period to increase rent from 45 days to 75 days
3. Requires landlords to provide an educational disclosure form to new tenants

For items 2 & 3 above, the Landlord will need to maintain a record of the notice and/or disclosure given for a period of 6 years.

Frequently Asked Questions

1. Will the City of South Portland enforce anti-discrimination laws for the protected classes?

Answer: Although the City will now prohibit discrimination of the same classes of people protected by Maine law, the enforcement mechanism will continue to be through the Maine Human Rights Commission (MHRC). If a complaint is received by the City, staff will provide the complainant relevant information and a method to contact the MHRC.

2. How will the City enforce other sections of the ordinance?

Answer: The Office of Code Enforcement is responsible for enforcing other sections of the ordinance. If a complaint is received, then the Code Enforcement Officer will investigate the complaint by speaking with the Landlord and Tenant, reviewing any relevant documentation, and making a determination if a violation has occurred.

3. What happens if there is a violation? For example, what if a Landlord does not provide the required disclosure form to a new tenant?

Answer: The first violation will result in a warning to the Landlord. The City understands that at the start there could be inadvertent violations because the ordinance is new. However, second and subsequent violations could result in fines.

4. If there is a violation, does the Landlord have the right to appeal?

Answer: Yes, any party has the right to appeal a determination of the Code Enforcement Officer. The appeal should be submitted in writing and would be scheduled for a hearing by the Board of Appeals.

5. When does this ordinance take effect?

Answer: The ordinance is effective October 1, 2017. Landlords should provide the City's Disclosure Form to any new tenancy established on or after October 1, 2017. It is not required to provide the disclosure to tenants who had moved into their rental unit before that date. However, other sections of the ordinance, including notice period for rent increase, will apply to all rental units as of October 1, 2017.

6. Where can I find the new Disclosure Form?

Answer: The City has created a new webpage called [Rental Housing Resources](#). Information related to this ordinance can be found on that page, including the new Disclosure Form.