



Rights and Responsibilities of Tenants and Landlords

Federal and State Law regulate tenant and landlord relationships, in addition to the Ordinances of the City of South Portland. There are many housing-related resources and information available on the City of South Portland Housing Resources webpage. However, in the event of a grievance it is recommended that individuals obtain professional legal advice, as necessary.

City of South Portland – Rental Housing Resources Webpage

<http://www.southportland.org/residents/renter-information/>

Tenancy at Will

When a tenant rents a dwelling unit without a written lease, or when 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 a tenancy at will, landlords must typically provide at least 30 days written notice to tenants that they must move out, and tenants must also typically provide landlords with at least 30 days written notice if the tenant chooses to move. However, the landlord cannot require a tenant to move out until after the last date for which rent has been paid. For example, if a tenant has already paid rent to the landlord through September 30th, then a landlord's notice cannot end before September 30th. Landlords do not have to provide a reason for asking the tenant to leave, and tenants do not have to provide a reason for moving. A landlord and tenant may agree, in writing, to a shorter notice period.

Exceptions to 30-day Rule: 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/or (5) is 7 days or more behind in rent. If a tenant is a victim of domestic violence, sexual assault, or stalking, then the tenant may give the landlord a minimum 7-day written notice that they intend to move out.

If the building where the tenant lives has been sold and the new landlord does not intend to continue the tenancy at will, then the new landlord must give the required notice unless the previous landlord has already done so.

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.

Rent Increases

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

Contesting an Action of the Landlord

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
- Lead Paint Pamphlet "Protect Your Family From Lead in Your Home"
- Lead Paint Disclosure (Pre-1978 Construction)
- Smoking Policy Disclosure (to be drafted by the landlord)
- Radon in Rental Housing Pamphlet
- Radon Disclosure

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 _____