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Maine's Updated Warranty of Habitability Law: What You Need to Know About Mold & Moisture in Rental Properties

Effective **July 29, 2026**, Maine's updated **Implied Warranty of Habitability (WOH)** law takes effect. The updated WOH explicitly recognizes that **chronic moisture, leaking, humidity problems, and the resulting mold or bacterial growth (when outside the tenant's control)** make a rental unit unfit for human habitation.

This important update provides greater clarity for tenants, landlords, municipal officials, and the courts when addressing mold and moisture problems in rental housing.

Why was this change needed?

Maine's Implied Warranty of Habitability requires landlords to provide housing that is fit for human habitation, without conditions that endanger or materially impair the health or safety of tenants.

Although tenants frequently reported mold and moisture problems, the prior law did not specifically mention mold or chronic moisture. Research conducted by the Maine Indoor Air Quality Council found several challenges with this omission:

- Mold is naturally present everywhere, making it difficult for tenants to prove that it is specifically the mold in their rental unit that is causing their health problems.
- Although science indicates that exposure to mold growth indoors does cause health concerns, not everyone experiences symptoms from mold exposure.
- Tenants have had limited/no success obtaining legal remedies, despite clear evidence of moisture problems in their units.

The new legislation addresses this gap by explicitly linking chronic moisture and mold-related conditions to Maine's implied warranty of habitability requirements.

What does the new law do?

It will now be a breach of the implied warranty of fitness for human habitation when a landlord offers for rent a dwelling unit in which there is a leaking event, chronic moisture, or humidity conditions outside of the control of the tenant that results in the growth of mold, bacteria, or other biological organisms. The new law also covers common areas of dwelling units (areas that tenants have access to outside of their actual unit, such as hallways, stairwells, laundry rooms, storage rooms, etc.)

What does this mean for tenants?

The law is expected to:

- Provide clearer access to legal remedies when landlords fail to address moisture and mold problems.
- Make it easier for courts to evaluate mold and moisture cases.
- Improve access to existing tenant remedies, such as repair-and-deduct, as long as all statutory requirements are met.

Tenants should continue to report moisture problems promptly and in writing so that issues can be addressed before they become larger and more expensive issues for the landlord to repair.

What does this mean for landlords?

The law reinforces the importance of responding quickly and effectively to reports of leaks, dampness, or mold.

The presence of conditions that lead to mold growth may become a trigger for liability.

Even when a tenant's actions contributed to or created a moisture problem, landlords remain ultimately responsible for ensuring that rental units are properly repaired and restored before they are re-occupied. Addressing moisture problems early can help reduce repair costs, preserve property value, and limit potential liability.

What does this mean for municipalities?

Municipal Code Enforcement Officers and Local Health Officers now have clearer statutory support when assisting landlords and tenants with habitability complaints involving moisture and mold. The legislation provides a stronger connection between chronic moisture problems and housing habitability.

Looking Ahead

The Maine Indoor Air Quality Council believes this legislation will encourage earlier reporting of moisture problems, leading to faster repairs, healthier indoor environments, and preservation of Maine's housing stock.

The law also reinforces an important principle: **The best way to prevent mold is to prevent moisture.** Regular inspections, prompt repair of leaks, good communication between landlords and tenants, and routine moisture management by tenants remain the most effective ways to keep homes healthy.

Please note: This summary is intended for educational purposes only and is not legal advice. Individuals with specific legal questions should consult an attorney or appropriate legal assistance organization.