



HOUSE OF REPRESENTATIVES
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002
(207) 287-1440
TTY: (207) 287-4469

Amy B. Arata

P.O. Box 2

New Gloucester, ME 04260

Residence: (207) 333-1817

Amy.Arata@legislature.maine.gov

Testimony in Opposition to L.D. 308

An Act To Increase Notification Time Periods for Rent Increases and Terminations of Tenancies at Will

Senator Bellows, Representative Sylvester, and members of the Committee on Labor and Housing, my name is Amy Arata and I am the Representative from New Gloucester. I am also a member of the Lewiston Auburn Landlords Association.

I became a landlord in 2007 in order to supplement my family's income so we could afford to send our 3 children to college. I actually hate the term "landlord" because I am certainly not anybody's lord! It's a very tough business to be in, but I have found that having a mutually respectful relationship with tenants is the key to success. For this reason, I have only had to evict tenants a handful of times. Evicting tenants is miserable and expensive and it's not something that any landlord takes lightly.

In spite of it being called a 30-day notice, if the tenant refuses to leave it can take between 48 and 92 days to have the tenant removed from the property, assuming that the paperwork was filled out and delivered correctly. The wide discrepancy is because some district courts only have eviction hearings once per month, so if you miss the required 7-day advance notice, you must wait up to 36 additional days to go to court.

I've given 30-day notices to vacate for the following 4 reasons:

1. The tenant was smoking cigarettes and marijuana in a non-smoking property. They knew the property was non-smoking before they applied and claimed to be non-smokers. In a multi-family building, if one person smokes, everybody smokes, including children and pregnant tenants. They have a right to safe and sanitary housing and I have an obligation to provide it. I personally smelled the smoke inside the building several times when nobody else was home, and the tenant above also complained about it. However, this was not enough evidence to take to court. You can't bring an odor to court as evidence. Therefore, I gave the offending tenant a 30 day notice to vacate. Under the proposed legislation, the other tenants in the building would have been exposed to smoke for an additional 30 days.

2. The tenant's boyfriend moved in and was threatening and violent to the other tenants. He claimed not to live there but was there all the time, day and night. Another tenant in the building complained to the housing authority because as a Section 8 tenant she was not supposed to have additional occupants without permission. However, he knew how to game the system and had a utility bill in his name at another address as "proof" he did not live in my building. After reported ongoing threats, he physically assaulted the neighbor's 14-year-old son. The mother did not report this to the police because underage drinking was involved, but she notified me. Again, I had an obligation to keep my tenants safe, but the neighbors were afraid to testify in court. Under the proposed legislation, the other tenants in the building would have been living in fear for an additional 30 days.
3. The tenants refused to take their dogs out, and urine had soaked through the floor, through the underlayment, and into the framing of the apartment. The stench of dog urine and feces was such that I don't know how anybody could live like that. The ammonia from the urine was drifting into the neighboring apartments and could have caused them health problems. Also, the damage to the building was going to have a significant cost to clean up. Again, you can't take an odor to court, and I would not have been able to prove that they were causing damage in order to get them out sooner. Under the proposed legislation, the tenant's dogs would have had another 30 days to damage the structure and make the neighbors live in the stench.
4. The tenant made a veiled threat against me. He had been behaving erratically and rudely toward me for several months. After asking him to keep his windows shut in the winter, he shouted various vulgar expletives at me and then made a point to tell me that he knew my home address. I knew by the look on his face that this was meant as a threat to me and to my children. It really terrified me. At that point I had to make the decision that this man was not going to intimidate me and force me out of business. One of us had to leave, and it wasn't going to be me. I had the 30-day notice delivered to him and did not return to the property alone until he was gone. For over 30 days I couldn't mow the lawn, paint, or perform other maintenance tasks. Under the proposed legislation, I would have had to fear working on my own property for an additional 30 days.

I could support the 75-day notice for rent increases if landlord's bills also gave a 75-day notice before increasing. However, landlords don't get a 75-day warning when insurance bills go up, or oil prices go up, or equipment breaks down. Also, most apartment buildings have commercial mortgages which have an adjustable rate and do not get a 75-day notice when interest rates go up. Frankly, most of the landlords in the Lewiston Auburn Landlord Association do not raise rents to market rate and, in effect, subsidize their tenants by keeping rent cheap for many years. It's very rare for a landlord to treat her tenant as the Representative from South Portland was treated. I'm sorry that he was mistreated, but all tenants and landlords in Maine should not have to suffer because of one unique circumstance.

Thank you for your time and I'd be happy to answer any questions.