

TESTIMONY OF MICHAEL KEBEDE, ESQ.

LD 45 – Ought To Pass

An Act to Prevent Retaliatory Evictions

Joint Standing Committee on Judiciary

February 9, 2023

Senator Carney, Representative Moonen and distinguished members of the Joint Standing Committee on Judiciary, greetings. My name is Michael Kebede, and I am Policy Counsel for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I urge you to support LD 45 because it would protect the free speech rights of renters.

If enacted, this bill would establish a presumption that an eviction initiated after six months or less of the tenant asserting certain rights is initiated in retaliation against the tenant's assertion of those rights. The rights the tenant must have asserted to trigger the presumption of retaliation are a violation of state or local laws concerning rent increases or a violation of the warranty of habitability. The bill would give landlords a chance to rebut the presumption of retaliation.

The right to advocate for oneself is necessary for a free society. That is why the ACLU has defended free speech for over a century. For renters, telling landlords how their property fails to meet basic standards of habitability can mean the difference between a healthy, dignified life, and a life marred by illness and constant discomfort. That is why state law requires landlords to ensure that their rental properties can maintain temperatures of at least 68 degrees Fahrenheit. 14 MRS §6021(6). That is why landlords must keep their rental properties fit for human habitation. *Id.* §6021(2).

Habitability laws, which require a basic level of health and safety in rental housing, might remain unenforced if tenants are too afraid to speak up about their rights. When the landlord has the ultimate and arbitrary power over a tenant's ability to remain in their home, there is no level playing field and no genuine opportunity for tenants to exercise their legal rights. If enacted, this bill will help ensure that tenants can speak up without fear of being made homeless. We urge you to vote *ought to pass*.