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Testimony on behalf of Maine Equal Justice in *Opposition* of LD 1479, An Act to Prohibit Housing Discrimination

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Senator Carney, Representative Kuhn, distinguished members of the Judiciary Committee. I'm Andrea Steward, (she/her/hers) a policy advocate at Maine Equal Justice nonprofit civil legal aid provider working to increase economic security, opportunity, and equity for people in Maine.

I am writing to express my strong opposition to LD 1479, which proposes an expedited eviction process for tenants in home-sharing agreements with landlords aged 65 and older. While the intent to protect senior homeowners is understandable, this bill raises significant constitutional concerns and poses severe risks to tenants' housing security, especially in the current housing market.

Violation of Constitutional Rights and Due Process

The Maine Constitution guarantees the right to a jury trial in civil cases. In *North School Congregate Housing v. Merrithew*, the Maine Supreme Judicial Court affirmed that tenants facing eviction are entitled to a jury trial. The Court stated:

"We conclude that, until the 1960's, jury trials were always available in suits of this general nature and that the Maine Constitution requires them to be available now."¹

LD 1479's provision allowing landlords to declare tenants as trespassers without a court proceeding effectively bypasses this constitutional right, denying tenants the due process and fair treatment they are entitled to under Maine law.² The quick-turnaround eviction mandated by this bill undermines these constitutional guarantees by:

¹ Case Law: <https://case-law.vlex.com/vid/north-school-congregate-housing-894943323>

² PTLA Introduction to maine Landlord-Tenant Law
<https://www.ptla.org/sites/default/files/2021-11/Introduction%20to%20Maine%20Landlord-Tenant%20Law.pdf>

- **Denying Adequate Notice and Opportunity to Challenge:** A seven-day eviction period offers tenants virtually no time to secure legal counsel or present a defense against eviction. This abridgment of due process is contrary to the principles laid out in our state and federal judicial precedents.
- **Failing to Provide a Meaningful Judicial Review:** The rapidity of the process significantly reduces the time for judicial oversight, leading to circumstances where tenants are deprived of their right to a fair hearing—a right that is especially critical when one’s home and basic security are at stake.

In *North School Congregate Housing*, the court recognized the fundamental importance of procedural protections and fair notice in housing disputes. The ruling emphasized that when people’s primary residence—and by extension, their dignity and wellbeing—are on the line, the legal system must provide sufficient safeguards against abrupt or unfair dispossession. The current bill, by allowing a mere seven days for eviction proceedings, stands in stark violation of the principles affirmed by that decision.

Impact on the Housing Market and Risk of Homelessness

Maine’s housing market is currently characterized by a severe shortage of affordable housing and an increasingly competitive rental landscape:

- **Scarcity of Affordable Housing:** In a market where vacancies are limited and rental prices continue to soar, the window between eviction and securing new housing is perilously short. A seven-day eviction does not allow sufficient time for tenants to search for new accommodation, apply for housing assistance, or move to an alternative dwelling.
- **Immediate Risk of Homelessness:** With so few immediate options, those facing eviction under this bill are at high risk of becoming homeless. Homelessness is not only a personal tragedy—it has wider social and economic repercussions, including increased pressure on social services, public health systems, and community safety nets.
- **Undermining Community Stability:** Housing security is a cornerstone of stable communities. When tenants are swiftly and harshly evicted, the ensuing instability affects neighborhoods at large, eroding the trust between citizens and the institutions meant to protect them.

According to MaineHousing's 2025 Housing Outlook Report, the number of people experiencing homelessness in Maine increased from less than 1,700 to more than 2,300 in 2024.³

3

<https://www.wabi.tv/2025/02/05/mainehousing-states-housing-authority-releases-first-housing-outlook-report/>

Implementing expedited evictions will likely exacerbate this crisis, increasing the strain on emergency shelters and social services.

Why Protections Are Fundamental

We have in place tenant protections because housing is not merely another commodity—it is a fundamental human right and a basic necessity. By undermining these protections, LD 1479 not only jeopardizes individual tenants but also imposes broader societal costs.

Protections in the housing market exist to:

- **Promote Fairness and Equity:** They ensure that all individuals, regardless of economic standing, are given a fair chance to defend their home against unjust eviction.
- **Prevent Arbitrary Displacement:** Robust procedural safeguards help prevent landlords or property managers from exercising undue power over tenants, particularly in economically challenging circumstances.
- **Foster Social and Economic Stability:** Secure housing is essential for personal well-being, community cohesion, and the economic health of our society. Rapid evictions not only harm individuals and families but also destabilize entire communities.

Conclusion

While the protection of senior homeowners is a valid concern, LD 1479's approach infringes upon constitutional rights and threatens to increase homelessness in Maine. I urge the Committee to consider alternative measures that balance the interests of senior homeowners with the fundamental rights and housing security of tenants.

Thank you for your attention to this critical issue.