

My name is Justin Giroux. I manage a small housing provider company based in Maine. I oppose LD 2176 as currently amended.

We are a small landlord providing housing to Maine residents. Bills like this one fall entirely on my shoulders to interpret and comply with, often at significant cost and risk.

I support reasonable tenant privacy. However, the amended language of LD 2176 is so broad and poorly defined that it would make routine, lawful housing operations legally dangerous for landlords like me. Specifically:

The bill provides only two narrow exceptions to its prohibition on sharing tenant information: a judicial warrant or “exigent circumstances.” There are no exceptions for:

- Attorneys representing the landlord in an eviction proceeding
- The court clerk or sheriff serving eviction papers
- Code enforcement officers investigating a complaint
- The insurance company
- Property management software platforms like Apartments.com that we use for rent collection and maintenance tracking.
- HUD or other federal housing subsidy administrators
- Prospective buyers conducting due diligence on a property that we are selling
- Emergency workers or social workers

I would need to share tenant names and addresses with sheriffs for court service, with our attorney when pursuing eviction for non-payment of rent, or with my insurance carrier after a claim. Under this bill, each of these ordinary acts could be characterized as an unlawful disclosure, exposing me to a \$1,000 penalty per occurrence plus attorney’s fees, and potentially a Maine Unfair Trade Practices Act violation.

The bill defines “personal information” to include a tenant’s name, address, phone number, and email address. These are the very pieces of information that must be shared in any eviction proceeding. A landlord filing an eviction complaint must provide the tenant’s name and address to the court. The sheriff must know where to serve process. Without a clear carve-out for eviction-related disclosures, this bill effectively makes eviction impossible in practice, regardless of how justified the eviction may be.

The amended bill adds a rebuttable presumption of retaliation if a tenant files a complaint alleging the landlord disclosed private information before being served with an eviction notice. This creates a powerful tool for tenants to delay or block evictions, including evictions for legitimate non-payment of rent or serious lease violations. A tenant who owes months of back rent could file a complaint under this bill and then benefit from a presumption of retaliation in the resulting eviction proceeding. That is not a protection against harassment – it is a mechanism for abuse.

Large institutional landlords have attorneys on staff who can parse ambiguous legislation and restructure workflows accordingly. We do not. The combination of a

vague prohibition, a \$1,000-per-violation penalty, potential Unfair Trade Practices liability, and a new retaliation presumption creates enormous legal exposure for small housing providers with no practical way to comply. This will cause some small landlords to exit the rental market entirely, reducing the housing supply by small landlords that Maine so desperately needs.

I support protecting tenants from genuine harassment and misuse of their personal information. If the Legislature wishes to address that concern, I would ask that the Committee consider amendments that:

- Clearly define which disclosures are permitted, including eviction proceedings, insurance, legal representation, government agencies, and routine business operations;
- Limit the prohibition to disclosures made with actual intent to harass or cause harm, rather than creating a presumption that all disclosures are violations;
- Exclude from the retaliation presumption any eviction based on non-payment of rent or documented lease violations;
- Follow the established framework of other Maine privacy laws with clear definitions, reasonable exceptions, and proportionate remedies.

As written, LD 2176 would make normal housing operations legally untenable for small landlords and would be used to impede lawful evictions for non-payment of rent. I respectfully urge the Committee to oppose this bill in its current form.

Thank you for your consideration.

Respectfully,

Justin Giroux