

THE
LAW OFFICE
of DANIEL J. BERNIER
— LLG —

March 21, 2023

To The Distinguished Members of the Judiciary Committee

From Daniel J. Bernier, representing the

Central Maine Apartment Owners Association working in conjunction with the Rental Housing Alliance of Southern Maine, the Greater Bangor Area Owners' and Managers' Association, the Capital Area Housing Association, and Lewiston Auburn Landlord Association.

Re: LD 804 An Act to Increase the Time Period for Notice to Terminate a Tenancy at Will

I am submitting this memo in opposition to the legislation. **This bill will increase homelessness in Maine. Apartment Owners will be far less likely to take a chance on a marginal tenant who has a criminal record, a bad credit history, prior evictions, or is coming out of a homeless shelter if they are going to have to give them a ninety (90) day notice of eviction. If you vote for this bill, you are voting to increase homelessness in Maine.**

One of the great myths out there is that apartment owners do evictions for no reason; that they just evict people because they like to spend a thousand dollars (\$1000) on an eviction, they like to have an empty unit that is not producing any income, and they like spending their afternoons in District Court at eviction hearings. That is a complete myth. The most common reason for a thirty (30) day notice for no cause is for disturbing other tenants, which can include violence against other tenants, sexual harassment of other tenants, harassing other tenants over their race or sexual preferences, excessive noise and just being loud at odd hours. In many cases the good tenants do not want to show up to testify at Court. They are either afraid or they cannot get time off from work so the landlord does not have a witness to prove the cause, so they do a thirty (30) day notice for no cause. **A ninety (90) day notice will make good tenants less safe.** Landlords would also run the risk of good tenants just moving out because they are not willing to wait for what would now be a four- or five-month eviction process instead of a two month eviction process to get rid of the bad tenant.

The Maine Human Rights Act protects tenants and not landlords. If a landlord is being sexually harassed, harassed over their sexual orientation or race, there only option is a so called no cause eviction. I have done evictions in each of these circumstances. I have also done several evictions where elderly landlords were being subjected to elder

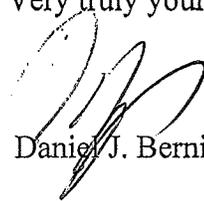
abuse by their younger tenants. Should they have to put up with this for four or five months under this statute?

Are tenants going to have to give ninety (90) day notices before they move out and be required to pay rent for ninety days rather than thirty days?

Another reason where you do see thirty (30) day no cause evictions is the building is being sold and the buyer wants it empty. I was a little shocked that we did not see a bill addressing this specific issue. That specific issue is worth some discussion.

Thank you for your time.

Very truly yours,



Daniel J. Bernier

DJB/hb