



# Maine Equal Justice

## People Policy Solutions

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### Testimony of Frank D'Alessandro, Maine Equal Justice In support of LD 1540 "An Act to Create the Stable Home Fund Program" April 21, 2023

Good morning, Senator Pierce, Representative Gere, and distinguished members of the Committee on Housing. My name is Frank D'Alessandro, and I am the Legal Services Director of Maine Equal Justice. We are a civil legal services organization, and we work with and for people with low income seeking solutions to poverty through policy, education, and legal representation. Thank you for the opportunity to offer written testimony in support of LD 1540.

Maine Equal Justice supports LD 1540 because nonpayment of rent is overwhelmingly the number one reason why Mainers get evicted,<sup>1</sup> and because our state is in a serious eviction crisis: rents continue to increase and the infrastructure and money that has been supporting many of our state's most vulnerable has come to an end.<sup>2</sup> This bill is an important first step towards fighting the eviction crisis in our state, and ensuring all Mainers can live in decent and affordable housing.

#### What This Bill Does

This bill establishes a fund, named the Stable Home Fund, administered by the Maine State Housing Authority, or a delegated municipality, which helps prevent evictions by paying up to \$300 per month in rental assistance for up to 24 months directly to a landlord. Eligibility for the Stable Home Fund is limited to people with incomes that are less than 60% of the median income in the area and who are neither using federal housing vouchers nor living in subsidized housing when applying for assistance from the program.

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<sup>1</sup> MAINE AFFORDABLE HOUSING COALITION, EVICTIONS IN MAINE: AN ANALYSIS OF EVICTION FILINGS AND OUTCOMES AS THE COVID-19 PANDEMIC THREATENS TO INCREASE HOUSING INSTABILITY 13 (Sep. 2020), <https://mainehousingcoalition.org/wp-content/uploads/2020/09/Maine-Eviction-Report-FINAL-September-2020.pdf> (hereinafter MAHC Report).

<sup>2</sup> More evictions have been filed in January, February, and March of 2023 than in any year since 2009, when eviction filing data was first kept. MAINE JUDICIAL BRANCH, 15-YEAR MONTHLY FED FILING TRENDS, <https://www.courts.maine.gov/about/reports/fed-monthly15yr-report.pdf> (last visited Apr. 18, 2023).

## Why Maine Equal Justice Supports LD 1540

### Maine is Facing an Eviction Crisis

In Maine, since 2000, median incomes have gone up only 14.6% (\$59,571 to \$68,316),<sup>3</sup> while average rental prices have gone up 104% (\$647 to \$1,325).<sup>4</sup> The end of rental assistance and the unbridled rises in rental costs has led to at least 41% of tenants in Maine being “cost-burdened” (spending more than one-third of their gross income on rent) and 20% of those being “severely” cost-burdened (spending more than half of their income on rent).<sup>5</sup> As of 2022, nationwide, at least 20% of renters are currently behind on payments.<sup>6</sup> Add to this that Maine is somewhere between 20,000 and 25,000 housing units short,<sup>7</sup> and that nationally there is “less housing available for rent and sale than at any time in 30 years,”<sup>8</sup> and it is clear that the necessary ingredients for an eviction crisis are currently being mixed together. With the end of rental assistance, with average rents increasing more than 14% year to year,<sup>9</sup> with housing prices soaring, and with the seventh highest in-migration in the country between April 2020 and July 2022,<sup>10</sup> the eviction crisis has come to Maine.

Evictions have very serious negative secondary effects. Evictions have been linked to psychological trauma and have been identified “as a risk factor for suicide.”<sup>11</sup> Those evicted have 63% higher odds of losing Medicaid coverage, and getting prescriptions filled or storing prescriptions becomes extremely difficult.<sup>12</sup> A housing change during childhood can lead to half

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<sup>3</sup> MAINEHOUSING, HOUSING DATA (hereinafter Maine Housing Data), <https://mainehousing.org/policy-research/housing-data/housing-affordability-indexes> (last visited Apr. 18, 2023).

<sup>4</sup> MAINEHOUSING, RENTAL AFFORDABILITY INDEXES, <https://mainehousing.org/policy-research/housing-data/affordability-indexes> (last visited Apr. 18, 2023); HUD, FY 2023 FAIR MARKET RENT DOCUMENTATION SYSTEM, [https://www.huduser.gov/portal/datasets/fmr/fmrs/FY2023\\_code/2023state\\_summary.odn](https://www.huduser.gov/portal/datasets/fmr/fmrs/FY2023_code/2023state_summary.odn) (last visited Apr. 18, 2023).

<sup>5</sup> Lucas Dufalia, *Nearly Half of All Maine Tenants Cannot Afford Rent, New Study Says*, THE PORTLAND PRESS HERALD (June 24, 2022), <https://www.pressherald.com/2022/06/23/nearly-half-of-all-mainers-cannot-afford-rent-new-study-says/> (citing JOINT CENTER FOR HOUSING STUDIES OF HARVARD, THE STATE OF THE NATION’S HOUSING (2022)).

<sup>6</sup> ACLU, NO EVICTION WITHOUT REPRESENTATION 1 (2022) (Hereinafter ACLU, NO EVICTION) (citing U.S. Census Bureau, Source: U.S. Census Bureau Household Pulse Survey, Week 42 (2022), [https://www2.census.gov/programs-surveys/demo/tables/hhp/2022/wk42/housing1b\\_week42.xlsx](https://www2.census.gov/programs-surveys/demo/tables/hhp/2022/wk42/housing1b_week42.xlsx)).

<sup>7</sup> Hannah Laclaire, *Scenes From the Affordable Housing Crisis*, PORTLAND PRESS HERALD (Feb. 12, 2023), <https://www.pressherald.com/2023/02/12/scenes-from-the-affordable-housing-crisis/>.

<sup>8</sup> JIM PARROT & MARK ZANDI, URBAN INSTITUTE & MOODY’S ANALYTICS, OVERCOMING THE NATION’S DAUNTING HOUSING SUPPLY SHORTAGE 1 (March 2021), <https://www.moodyanalytics.com/-/media/article/2021/Overcoming-the-Nations-Housing-Supply-Shortage.pdf>

<sup>9</sup> Lily Katz & Tim Ellis, *Rental Market Tracker: Rents Rise 14% in December—Biggest Jump in Over Two Years*, REDFIN NEWS (Jan 21, 2022), <https://www.redfin.com/news/redfin-rental-report-december-2021/>.

<sup>10</sup> Jenna Russell, *In Maine, a Rare Influx of New Residents, and a Housing Crunch*, N.Y. TIMES (Feb. 3, 2023), <https://www.nytimes.com/2023/02/03/us/maine-population-housing.html>.

<sup>11</sup> Matthew Desmond et al., *Evicting Children*, 92 SOCIAL FORCES 303, 303 (2013).

<sup>12</sup> ACLU, NO EVICTION, *supra* note 6, at 6; THE NETWORK FOR PUBLIC HEALTH LAW, THE PUBLIC HEALTH IMPLICATIONS OF HOUSING INSTABILITY, EVICTION, AND HOMELESSNESS (2021), <https://www.networkforphl.org/wp-content/uploads/2021/04/Fact-Sheet-Public-Health-Implications-of-Housing-Instability-Eviction-and-Homelessness.pdf>.

a year of loss in school.<sup>13</sup> Children that are forced to move three or more times generally have lower earnings, fewer work hours, and less educational attainment.<sup>14</sup> Children with unstable housing “are more likely to be truant, and are more likely to drop out”<sup>15</sup> and they “are at higher risk for developmental delay, decreased academic achievement, anxiety, depression, behavioral disturbances, and even death.”<sup>16</sup> These secondary effects are going to be felt more and more throughout Maine as the eviction crisis worsens.

### Evictions Disproportionately Effect Communities of Color and Women

Black and Latino/a people “are more likely to be renters across income levels and are disproportionately represented in jobs with low wages, compounding the damage of these rental unaffordability trends.”<sup>17</sup> During the COVID-19 pandemic, “minority renters have been disproportionately affected by the economic effects” of the pandemic, like losing their jobs.<sup>18</sup> Black and Latino/a families are twice as likely as their white counterparts to have little to no ability to make rent each month.<sup>19</sup> Nationally, Black individuals constituted almost 20% of all adult renters but were nearly 33% of all eviction filings,<sup>20</sup> and four out of every five black renter lives in a county where landlords disproportionality file evictions against Blacks.<sup>21</sup> Black renters face serial eviction filings (eviction filed repeatedly against the renter at the same address) at a rate of 14.9%, Latino/a have a rate of 13.2%, and Asians have a rate of 11.8%. All the while, whites have a rate of 9.8%.<sup>22</sup> Also, in general, women are nearly 16% more likely to be evicted than men.<sup>23</sup> But, in particular, Black women are twice as likely then white women to have an eviction filed against them,<sup>24</sup> they are more likely to have an eviction filed against them that is dismissed, and they are the group most harmed by the current tenant screening policies that blacklist an individual with even a single eviction.<sup>25</sup> Additionally, over 60% of Black women renters are cost burdened, making them even more vulnerable for eviction filings.<sup>26</sup>

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<sup>13</sup> ACLU, No EVICTION, *supra* note 6, at 5

<sup>14</sup> *Id.*

<sup>15</sup> Matthew Desmond et al, *supra* note 11, at 320.

<sup>16</sup> Ericka Petersen, *Building a House for Gideon: The Right to Counsel in Evictions*, 16 STAN. J. C.R. & C.L. 63, 69 (2020).

<sup>17</sup> SAMMI AIBINDER & LINDSAY OWENS, THE ROOSEVELT INSTITUTE, NO ROOM FOR RENT: ADDRESSING RISING RENT PRICES THROUGH PUBLIC INVESTMENT AND PUBLIC POWER 3 (2021), <https://rooseveltinstitute.org/publications/no-room-for-rent-addressing-rising-rent-prices-through-public-investment-and-public-power/>.

<sup>18</sup> Fair Credit Reporting; Name-Only Matching Procedures, 86 Fed. Reg. 62468, 62469 (Nov. 10, 2021) (Bureau of Consumer Financial Protection, Advisory Opinion) (hereinafter Fair Credit Reporting).

<sup>19</sup> Sandra Park & John Polluck, *Tenants’ Right to Counsel is Critical to Fight Mass Evictions and Advance Race Equity During the Pandemic and Beyond*, ACLU (Jan. 12, 2021), <https://www.aclu.org/news/racial-justice/tenants-right-to-counsel-is-critical-to-fight-mass-evictions-and-advance-race-equity-during-the-pandemic-and-beyond>.

<sup>20</sup> Peter Hepburn et al., *Racial and Gender Disparities Among Evicted Americans*, 7 SOCIAL SCIENCE 649, 653 (Dec. 16, 2020), <https://sociologicalscience.com/articles-v7-27-649/>.

<sup>21</sup> ACLU, No EVICTION, *supra* note 6, at 7.

<sup>22</sup> Peter Hepburn et al., *supra* note 20, at 657-58.

<sup>23</sup> *Id.* at 655.

<sup>24</sup> Sandra Park, *supra* note 19.

<sup>25</sup> ACLU, No EVICTION, *supra* note 6, at 7.

<sup>26</sup> Abby Boshart, *How Tenant Screening Services Disproportionately Exclude Renters of Color from Housing*, URBAN INSTITUTE (Dec. 21, 2022), <https://housingmatters.urban.org/articles/how-tenant-screening-services-disproportionately-exclude-renters-color-housing>.

Though the data in Maine is less robust,<sup>27</sup> the national trends are also found in Maine. In Maine, Black women renters are filed against for eviction at double the rate of white renters.<sup>28</sup> Indeed, Pine Tree Legal Assistance has reported that 12% of the tenants they represent in evictions identify themselves as people of color, though only 5% of Maine's population is non-white. Similarly, Maine Housing data shows that 34% of Maine's homeless population is Black or African American even though only 1.4% of Maine's population is Black or African American.<sup>29</sup> It is clear that that the "threshold for filing against white renters is higher than the threshold for filing against black and Latin[o/a] renters."<sup>30</sup> There can be no question that evictions are a racial and gender issue.

### Evictions Disproportionately Effect Children

Renters with children are 17% more likely to be evicted than those without children.<sup>31</sup> Additionally, renters without children who fall behind on rent have an eviction rate of 8%, but those in the same position with children have an eviction rate of 20%. This that statistically having children is "equivalent to falling 4 months behind in rent."<sup>32</sup> Additionally, the increase in children in a neighborhood correlate to an increase in evictions in that neighborhood. A one percent increase in children in a neighborhood increases the neighborhood eviction rate by 6.5%.<sup>33</sup> In neighborhoods where children made up 25% of the population 1 in 18 renters were evicted. In neighborhoods with 35% children, 1 in 14 renters were evicted, and where children are 40% of the population, 1 in 12 renters were evicted.<sup>34</sup> Children as young as 4 months old have been evicted.<sup>35</sup>

Landlords often view children as problems. Young children can test positive for lead poisoning, which can cost the landlord thousands.<sup>36</sup> In disadvantaged neighborhoods, parents often require their children to stay indoors, and this can lead to noise issues and property damage.<sup>37</sup> Young Black and Latino boys attract the attention of police, which can lead to violations against the landlord.<sup>38</sup> In larger cities, 15% of children have been evicted once by fifteen years old. For Black children that number goes up to 19% and for Latinos that goes up to 17%, as compared to 11%

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<sup>27</sup> See MAHC Report, *supra* note 1, at 13.

<sup>28</sup> Sophie Beiers, et al., *Clearing the Record: How Eviction Sealing Laws Can Advance Housing Access for Women of Color*, ACLU (Jan. 10, 2020), <https://www.aclu.org/news/racial-justice/clearing-the-record-how-eviction-sealing-laws-can-advance-housing-access-for-women-of-color>.

<sup>29</sup> MAINE STATE HOUSING AUTHORITY, MAINE HOMELESSNESS SURVEY: 2022 POINT IN TIME COUNT [https://www.mainehousing.org/docs/default-source/housing-reports/2022-point-in-time-survey---statewide.pdf?sfvrsn=1aa68615\\_7#:~:text=Note%3A%20The%20PIT%20reported%203%2C455,110%20in%20domestic%20violence%20shelters](https://www.mainehousing.org/docs/default-source/housing-reports/2022-point-in-time-survey---statewide.pdf?sfvrsn=1aa68615_7#:~:text=Note%3A%20The%20PIT%20reported%203%2C455,110%20in%20domestic%20violence%20shelters).

<sup>30</sup> Peter Hepburn et al., *supra* note 20, at 659.

<sup>31</sup> Matthew Desmond et al., *Evicting Children*, 92 SOCIAL FORCES 303, 304 (2013).

<sup>32</sup> *Id.* at 317.

<sup>33</sup> *Id.* at 304.

<sup>34</sup> *Id.* at 312.

<sup>35</sup> *Id.* at 314.

<sup>36</sup> *Id.* at 306.

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

for white children.<sup>39</sup> For children living in “deep poverty” (living below 50% of the poverty line), 29% have been evicted by age fifteen.<sup>40</sup> More and more children are being listed on rental leases, and when they are evicted that will stay on their record (blacklisted) for their lifetime.<sup>41</sup> This puts them at huge disadvantage for future housing.

As stated above, children that live with housing insecurity deal with enormous ramifications for their education and their future potential. Childhood evictions in urban areas is a powerful predictor of lead poisoning.<sup>42</sup> A housing change during childhood can lead to half a year of loss in school.<sup>43</sup> Children that are forced to move three or more times generally have lower earnings, fewer work hours, and less educational attainment.<sup>44</sup> Children with unstable housing “are more likely to be truant, and are more likely to drop out”<sup>45</sup> and they “are at higher risk for developmental delay, decreased academic achievement, anxiety, depression, behavioral disturbances, and even death.”<sup>46</sup>

### **The Stable Housing Fund is a Good Start but Not Enough**

In Maine, 30% of all renters or 44,256 households have income below 30% of the Average Median Income (AMI) and are considered extremely low-income. 52% of these households are extremely rent burdened and pay over 50% of their income in rent. Severely cost burdened poor households are more likely than other renters to sacrifice other necessities like healthy food and healthcare to pay the rent, and to experience unstable housing situations like evictions.<sup>47</sup> Most extremely low income households are in the labor force, are seniors or are disabled.<sup>48</sup> For those renters, and for the many Mainers in similar positions,<sup>49</sup> receiving \$300 a month for up to 24 months could help, but it will not be enough. By looking at the Department of Housing and Urban Development’s Fair Market Rent (FMR)<sup>50</sup> and MaineHousing’s Median Income data,<sup>51</sup> it becomes clear how much more is needed to help renters in Maine. The FMR is “the 40th percentile of rent paid by people who have moved in the last two years in any given area”<sup>52</sup> and it is defined in federal regulations at 24 C.F.R. § 888.113.

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<sup>39</sup> ACLU, *No Eviction*, *supra* note 6, at 7.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.* at 5.

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> Matthew Desmond et al, *supra* note 31, at 320.

<sup>46</sup> Ericka Petersen, *Building a House for Gideon: The Right to Counsel in Evictions*, 16 STAN. J. C.R. & C.L. 63, 69 (2020).

<sup>47</sup> <https://nlihc.org/housing-needs-by-state/maine>

<sup>48</sup> <https://nlihc.org/gap/about>

<sup>49</sup> Lucas Dufalia, *supra* note 5. 41% of all tenants in Maine are “cost-burdened” (spending more than one-third of their gross income on rent) and 20% of those are “severely” cost-burdened (spending more than half of their income on rent). *Id.*

<sup>50</sup> HUD, *supra* note 4.

<sup>51</sup> Maine Housing Data, *supra* note 3.

<sup>52</sup> RENTDATA.ORG, *2023 Guide; What is Fair Market Rent?*, <https://www.rentdata.org/articles/what-is-fair-market-rent> (last visited Apr. 18, 2023).

By using the FMR the average price of rental units can be determined. With the average price of rent and with MaineHousing’s data, calculations can be made for every county in Maine. The table below shows how much families making 30% AMI pay for an average two-bedroom rental unit in each county, how much receiving \$300 a month would help that family, and how much more is needed to ensure a family at 30% AMI can afford the rent (paying 30% of their income on rent) for an average two bedroom rental unit. In every county, even with the Stable Housing Fund assistance of \$300 a month, a family at 30% AMI would be paying between 58% to 75% of their income for rent. Furthermore, to make an average two-bedroom rental affordable to a family at 30% AMI, the amount of assistance that would be needed is between \$727 and \$1,188. This Stable Housing Fund is a good start, but we have a long way to go until all Mainers can actually afford a proper rental unit.

County	Average 2BR Rent <sup>53</sup>	2022 AMI <sup>54</sup>	30% AMI	30% AMI per month	Income Spent for Average 2BR at 30% AMI	Income Spent for Average 2BR at 30% AMI with \$300 from Stable Home Fund	Amount Needed for 30% AMI to Afford Average 2BR
Androscoggin	\$1,325	\$66,508	\$19,952	\$1,662	79%	61%	\$827
Aroostook	\$1,051	\$43,072	\$12,921	\$1,076	97%	69%	\$728
Cumberland	\$1,847	\$87,921	\$26,376	\$2,198	84%	70%	\$1,188
Franklin	\$1,173	\$58,059	\$17,417	\$1,451	80%	60%	\$738
Hancock	\$1,295	\$68,056	\$20,416	\$1,701	76%	58%	\$785
Kennebec	\$1,213	\$62,556	\$18,766	\$1,563	77%	58%	\$744
Knox	\$1,378	\$67,368	\$20,210	\$1,684	81%	64%	\$873
Lincoln	\$1,456	\$66,082	\$19,824	\$1,652	88%	69%	\$961
Oxford	\$1,207	\$57,971	\$17,391	\$1,449	83%	62%	\$773
Penobscot	\$1,228	\$57,813	\$17,343	\$1,445	84%	64%	\$795
Piscataquis	\$1,075	\$46,475	\$13,942	\$1,161	92%	66%	\$727
Sagadahoc	\$1,545	\$71,711	\$21,513	\$1,792	86%	69%	\$1,008
Somerset	\$1,150	\$50,585	\$15,175	\$1,264	73%	67%	\$771
Waldo	\$1,427	\$62,448	\$18,734	\$1,561	91%	72%	\$959
Washington	\$1,111	\$46,399	\$13,919	\$1,159	95%	69%	\$764
York	\$1,715	\$75,472	\$22,641	\$1,886	90%	75%	\$1,149

<sup>53</sup> Calculated using 2023 FMR Data HUD website. HUD, *supra* note 4.

<sup>54</sup> Maine Housing Data, *supra* note 3.

## **Conclusion**

Maine Equal Justice hopes the Committee will vote 'ought to pass' on LD 1540. Maine is in an eviction crisis and nonpayment of rent is overwhelmingly the reason why Mainers get evicted. This bill is a good start to fighting this crisis, and though we need more, it is better to have this than to have nothing. Mainers deserve to have decent affordable housing and this bill is a first step towards that.

We thank you for the opportunity to provide testimony and I am happy to answer any questions.