



HOUSE OF REPRESENTATIVES

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Good morning, Senator Carney, Representative Kuhn, and esteemed members of the Judiciary Committee. My name is Katrina Smith, and I represent District 62. I am here today to present LD 1479, "An Act to Protect Senior Homeowners in Home Sharing Agreements by Providing for an Expedited Eviction Process."

In Maine, approximately 22.5% of our population is over the age of 65, and it is an increasingly aging population. As Mainers, we have always had a special place in our hearts and a profound sense of responsibility to care for those among us who have reached this distinguished age. However, in this state, we now find ourselves at a place where the income that our elderly population once believed would see them through their golden years is no longer able to make up for the deficit they face each month with the bills piling up on their kitchen table.

It is with these bills and the deep desire to stay in their homes that many elderly people have turned to renting a room in their house. In fact, the Maine Department of Housing believed this was such a great idea to assist our elderly in this time of financial instability that last year they established a pilot program, hosted by a corporation called Nesterly, that would work with elderly homeowners to rent a room in their house. It was not specifically under this program that the reason for my bill arose, but I believe that because we promote this program, we have an even greater responsibility to take care of the issue I will present.

So what is the problem? The problem is that when a person over the age of 65 rents a room in their personal home they need much greater ability and urgency to remove someone from their house for reasons of nonpayment, violence, or even simply due to incompatibility. My attention was brought to this matter when I received a call from a constituent from the town next door regarding a serious issue that was currently occurring within his own home. This constituent, a man over the age of 80, had rented a room in his home to a woman who seemed like the perfect solution for him. This woman was going to rent a room, pay him, and also give him some companionship in his quiet home. This is something I certainly

District 62 China, Hibberts Gore Township, Palermo, Somerville, and Windsor

understand, as my father has recently passed away and my mother is now home alone at the age of 86. The loneliness can indeed be overwhelming.

This so-called "tenant" visited happily with my constituent several times, and he felt very at ease with the relationship they seemed to be starting. My constituent offered her a room in his house, and she proceeded to pay him the rent for the first month right up front, and they lived together seemingly quite well. The first month turned out to be the only evidence of a happy relationship. By the second month, the excuses began. The tenant was not able to pay on time and started to ask to pay weekly, which my constituent graciously allowed. However, she stopped paying even this, and by the third month, she had stopped paying at all and had grown increasingly hostile.

The tenant then moved out for a couple of weeks but suddenly showed back up at his house and declared she was moving back in. My constituent stated to me in an email, "She is using the tenant at will law to continue to live here without paying, and she has demonstrated disturbing behavior like shouting, pounding on doors and countertops, etc." He went on to say, "I was under the impression she was going to move out because she had asked to come and get her belongings. I am sure she will continue to live here for free for as long as it takes me to get her evicted by the court. This has been a very stressful period in my life." And then he included the protection order he had filed against her.

In another email, my constituent spoke to me about his process of trying to evict this tenant. He said, "My first eviction claim was thrown out because of a technicality; my court date was six days too early." His next email stated that he had the Sheriff's Office serving her a seven-day quick notice for nonpayment. "It appears to me that is the only way I will be able to get her evicted. It also appears to me that the tenant laws are against me because she has not hit me. The refusal of the protection order in my lengthy conversation with the Sheriff's Civil Division convinced me that the 30-day eviction complaint would fail in court. The law is pretty much not in support of a tenant being evicted unless there is physical abuse or damage to the property, and even if she had hit me, I am in a he-said-she-said situation because there are no witnesses."

As you can see, this was a very stressful and lengthy situation for my constituent, who only wanted to rent out a room, who only wanted a little company and to make paying his bills easier. The current eviction process in Maine does not serve our elderly population. This generation who has worked in Maine, raised their family and now are in need of our guidance and oversight find themselves at great risk of abuse, theft, and stress that could potentially harm their life expectancy and definitely harms their happiness and well-being.

This bill is an effort to create a system that will allow an elderly person to evict someone from their home with a much-shortened time period of seven days. I understand that often we look

at a tenant-landlord situation and believe the landlord is at fault or dealing too harshly with a tenant who is just in a bad spot. However, a home-sharing agreement with an elderly person is an entirely different situation, and I believe we must pass something that keeps them safe and financially and mentally well.

I would like to thank you for your time, and I hope that we can pass this bill to assist our elderly in living out their years in peace. Thank you.