



# MAINE AFFORDABLE HOUSING COALITION

Testimony of Adam Cohen

On behalf of the Maine Affordable Housing Coalition

Before the Joint Standing Committee on Innovation, Development, Economic  
Advancement and Business

In Support of LD 913: *An Act To Enact the Maine Data Collection Protection Act*

May 4, 2021

Senator Curry, Representative Roberts and members of the Joint Standing Committee on Innovation, Development, Economic Advancement and Business, my name is Adam Cohen. I am a Fellow with the Maine Affordable Housing Coalition (MAHC).

MAHC is a diverse coalition of more than 135 private and public sector organizations including developers, architects, engineers, builders, investors, community action programs, public housing authorities, housing and service providers, advocates, and others working to advance solutions that create and preserve affordable housing in Maine.

MAHC strongly supports LD 913 and considers it to be a necessary step to ensure that Maine's renter households—a population that is disproportionately low-income, housing cost-burdened, people of color, and individuals with disabilities—do not become victim to the unintended consequences of the Maine Judicial Branch's transition to electronic case records. Eviction judgments already have devastating consequences for renter households, significantly increasing their likeliness of experiencing homelessness while diminishing their probabilities of obtaining employment, credit, and a new place to live. Without LD 913, eviction case records will become easier and less expensive to obtain, making them widely available and more likely to be used in ways that harm already disadvantaged populations.

Over the past year, I have worked with a team of students across the University of Maine system collecting data on more than 2,000 eviction filings from across the state in 2020 (findings attached). While the primary goal of our research is to better understand the prevalence, causes, and outcomes of eviction filings in Maine, the experience left me with two key takeaways regarding the ways that widespread access to eviction case records would further harm tenants.

**(1) Eviction cases are complex and, as a result, eviction case records are messy.**

There is little uniformity to the files contained within an eviction case record. Sometimes the plaintiff's complaint clearly states the alleged reason for the filing while other times it remains vague. Some cases include judgments that are counter to the agreement reached by the landlord and tenant in the case, indicating that the wrong "box" on the judgment sheet may have been checked. Sometimes judges sign off on motions to vacate a judgment while other times the motion is left unsigned but a writ of possession is never issued. Sometimes the judgment is modified in handwriting that is difficult to read. With widespread access to eviction files—without the presence of a court clerk to clarify the meaning of the documents inside them—more tenants could be unjustly denied housing based on a single person's interpretation of a highly complex series of events.

## MEMBERS

AARP Maine  
ABG Consulting, Gray  
AlliedCook Construction, Portland  
Andy Jackson, Consultant, Peaks Island  
Anew Development LLC, Portland  
Apartments for People LLC, Belfast  
Archetype Architects, Portland  
Associated General Contractors of Maine  
Auburn Housing Authority  
Augusta Housing Authority  
Avesta Housing, Portland  
Bangor Area Homeless Shelter  
Bangor Housing  
Bangor Savings Bank  
Bank of New Hampshire, Falmouth  
Bath Housing  
Bath Savings Institution  
Benchmark Construction, Westbrook  
Boston Capital  
Boston Financial Investment Management  
Bowman Constructors, Newport  
Brunswick Housing Authority  
Camden National Bank  
CEI, Brunswick  
CHA Architecture, Portland  
City of Portland Department of Housing  
Clancy Company, Kennebunkport  
Clark Insurance, Portland  
CohnReznick LLP, New York, NY  
Community Concepts, Lewiston  
Community Housing of Maine, Portland  
Cooperative Development Institute, South Freeport  
Cranberry Isles Realty Trust  
Credere Associates, Westbrook  
Cumberland County  
Curtis Thaxter, Portland  
CWS Architects, Portland  
Developers Collaborative, Portland  
Development Services of New England, Freeport  
Downeast Community Partners, Ellsworth  
DrummondWoodsum, Portland  
Easton Peabody Consulting Group, Augusta  
Fort Fairfield Residential Development Corp.  
Four Directions Development Corporation, Orono  
Freeport Community Services  
Freeport Housing Trust  
Germans Construction, Augusta  
Gowron Turgon Architects, Scarborough  
Genesis Community Loan Fund, Brunswick  
Gorham Savings Bank  
Great Falls Construction, Gorham  
Grommes Pulaski Consulting LLC, Portland  
GrowSmart Maine  
Habitat for Humanity of Greater Portland  
Hancock Lumber, Casco  
Healthy Androscoggin, Lewiston  
Home Start, Peaks Island  
Homeless Voices for Justice, Portland  
Housing Foundation, Orono  
Housing Initiatives of New England, Portland  
Housing Partnership, Portsmouth, NH  
Hunt Capital Partners LLC, El Paso, TX  
Island Institute, Rockland  
Islesboro Affordable Property  
Jensen Baird Gardner & Henry, Portland  
John Anton, Consultant, Portland  
Kaplan Thompson Architects, Portland  
Kennebec Savings Bank, Augusta  
Kennebec Valley Community Action, Waterville  
KeyBank  
Landry French Construction, Scarborough  
Lafayette Consulting, LLC, Augusta  
Lassel Architects, South Berwick  
LeadingAge Maine & New Hampshire  
Lewiston Housing Authority  
Machias Springs Bank  
Maine Bureau of Veterans' Services  
Maine Community Action Association  
Maine Community Bank  
Maine Department of Health & Human Services  
Maine Equal Justice  
Maine Immigrants' Rights Coalition  
Maine Real Estate Managers Association  
Maine Workforce Housing LLC, Portland  
Mano on Mano, Milbridge  
Maine Development LLC, Yarmouth  
NBT Bank, Portland  
Neighborhood Housing League, Lewiston  
Nickerson & O'Day, Inc., Bangor  
North Haven Sustainable Housing  
Northeast Rental Housing  
Northern NE Housing Investment Fund, Portland  
Norway Savings Bank  
Old Town Housing Authority  
Opportunity Alliance, South Portland  
Otis Atwell CPAs, South Portland  
Penobscot Nation, Indian Island  
Penquis, Bangor  
People's United Bank  
Portland Builders  
Portland Housing Authority  
Preble Street, Portland  
Preservation Management, South Portland  
Preti Flaherty, Portland  
Raise-Op Housing Cooperative, Lewiston  
Sanford Housing Authority  
Scott Simons Architects, Portland  
Sea Coast Management Company, Topsham  
Shalom House, Portland  
Silver Street Development Corporation, Portland  
South Portland Housing Authority  
Sparhawk Group, Yarmouth  
Sunrise Opportunities, Machias  
S.W. Cole Engineering, Gray  
TD Bank  
Tedford Housing, Brunswick  
The Caleb Group, Saco  
The Eagle Point Companies, South Portland  
The Park Danforth, Portland  
Thomson Tomasetti, Portland  
Through These Doors, Portland  
Total Construction Management, Winterport  
TPD Construction Co., Sanford  
United Way of Greater Portland  
Veterans Inc., Lewiston  
Volunteers of America of Northern NE  
Westbrook Housing Authority  
Western Maine Community Action, E. Wilton  
Wishcamper Companies, Portland  
Wright-Ryan Construction, Portland  
Yarmouth Senior Housing  
Year-Round Housing Corp., Long Island  
York County Community Action, Sanford  
York County Shelter Programs, Alfred  
York Housing  
Zachau Construction, Freeport

(2) **Eviction cases often last beyond the entry of an eviction judgment.** The most common outcome in residential eviction cases in Maine is a judgment in favor of the landlord by agreement of both the landlord and tenant. Often, these agreements are the product of negotiations involving the parties, their attorneys and sometimes a court-appointed mediator. Although an eviction judgment is entered against the tenant as a direct result of the agreement, there is often an opportunity for the tenant to have the judgment vacated in the case that the tenant moves out by an agreed upon date, adheres to a payment plan, or complies with some other terms specified in the agreement. Under such agreements, the tenant's obligations may extend for months or even more than a year. While the purposes of these agreements are to give tenants a chance to get back on their feet financially or extra time to find a new place to live, widespread access to the case file indicating an eviction judgment would serve to undermine these very goals.

Eviction is a complex issue rooted in far larger challenges of inequality and the country's affordable rental housing crisis. However, as the State seeks to recover from the COVID-19 pandemic, the stakes for tenants could not be higher. LD 913 is a reasonable and important step toward ensuring that the transition to electronic case records does not increase housing insecurity among an already-housing insecure renter population.

Thank you for your consideration and I would be happy to answer any questions that you have.

---

# EVICTIONS IN MAINE:

## An Analysis of Eviction Data as the COVID-19 Pandemic Leads to Increased Rental Housing Instability

February 2021 Update



MAINE AFFORDABLE HOUSING COALITION

---

## INTRODUCTION

To determine the extent of the eviction crisis in Maine and inform policymakers of its implications, the Maine Affordable Housing Coalition (MAHC) launched an eviction tracking database (ETD) in the summer of 2020. MAHC [published initial findings](#) from the ETD in September of 2020, reflecting data on eviction actions filed between January 1 and June 30 of that year in 13 district courts covering six of Maine's 16 counties: Androscoggin, Cumberland, Kennebec, Penobscot, Sagadahoc and York.

Resource limitations and geographic challenges prevented MAHC from being able to continue gathering eviction filing details from each of those 13 courts, so the update provided herein reflects a focus on the seven busiest eviction courts in Maine: Lewiston, Portland, Bangor, Biddeford, Augusta, Waterville and Springvale. 69% of Maine's overall eviction caseload between fiscal years 2015-2020 were filed in those seven district courts.

This report provides further analysis of filing prevalence, outcomes and other key data points for eviction cases filed between January 1 and November 30, 2020, as well as cases filed in Lewiston & Portland between August and December of 2019. We hope this information allows policy makers and the public to better understand how evictions are playing out in Maine and aids in formulating data-driven responses.

### KEY TAKEAWAYS

1. Eviction filings have decreased significantly since the onset of the COVID-19 pandemic in March of 2020.
2. The stated causes of eviction filings have shifted during the pandemic period.
3. Arrearages and months past due claimed in non-payment cases have increased significantly during the pandemic period.
4. Eviction case outcomes have shifted as more cases are being dismissed.
5. Tenants continue to lag far behind landlords in legal representation, and case outcomes continue to strongly correlate with this imbalance.

## MAINE'S EVICTION TRACKING DATABASE: UPDATED FINDINGS

Eviction cases in Maine are adjudicated in 29 district courthouses located throughout the state's 16 counties. As shown in Table 1 below, however, fully 75% of forcible entry and detainer (FED), or eviction, actions in the past six years were filed in just five of those counties: Cumberland, Androscoggin, Penobscot, York and Kennebec. While FED filings also include evictions of commercial tenants and evictions of personal property, residential evictions comprise the vast majority.

Table 1 further reveals that every county in Maine saw a significant decrease in eviction filings in fiscal year 2020 (which ran from July 1, 2019 through June 30, 2020), with statewide numbers decreasing by 40% from the average number of cases filed in the prior five years. This decrease may be primarily attributed to the patchwork of federal and state eviction moratoria and related enhanced tenant protections established since the onset of the pandemic. State and federal rent relief programs have also helped many vulnerable renter households to stay current on their rent and avoid the risk of eviction. However, it is important to note that the numbers below fail to capture illegal "self-help" evictions, which occur outside the court system, and which may have increased as a result of both the enhanced tenant protections described above and the backlog of cases created by the partial closure of the Maine court system during the pandemic.

**Table 1: FED Filings in Maine, FFY 2015-20, by County**

County	FY15	FY16	FY17	FY18	FY19	Yearly Avg ('15-'19)	FY20	% Change (FY20 vs. '15-'19 Avg)
Cumberland	1,024	968	889	947	834	932	587	45%
Androscoggin	969	962	950	877	850	922	582	45%
Kennebec	751	777	765	743	735	754	578	26%
York	975	779	754	848	753	822	555	39%
Penobscot	974	896	907	909	800	897	552	47%
Aroostook	248	259	271	291	297	273	216	23%
Somerset	207	201	213	197	219	207	143	37%
Sagadahoc	277	243	237	257	224	248	141	55%
Oxford	179	179	181	184	173	179	138	26%
Hancock	96	132	116	138	93	115	75	42%
Knox	136	119	140	101	90	117	68	53%
Waldo	104	80	126	103	76	98	67	38%
Franklin	69	55	66	67	59	63	56	12%
Lincoln	79	83	58	60	67	69	44	44%
Piscataquis	38	33	41	46	47	41	30	31%
Washington	60	70	67	57	59	63	26	83%
<b>Totals</b>	<b>6,186</b>	<b>5,836</b>	<b>5,781</b>	<b>5,825</b>	<b>5,376</b>	<b>5,801</b>	<b>3,858</b>	<b>40%</b>

Source: MAHC compilation of Maine Justice Information System data

In addition to compiling data from the Maine Justice Information System shown above, MAHC has comprehensively reviewed over 2,200 eviction cases filed between January 1 and November 30, 2020 in the state's seven busiest eviction courts, as well as between August and December of 2019 in the Lewiston and Portland courts. The analysis below highlights five key takeaways that have emerged from review of this data.

## 1) EVICTION FILINGS HAVE SIGNIFICANTLY DECREASED DURING THE PANDEMIC PERIOD

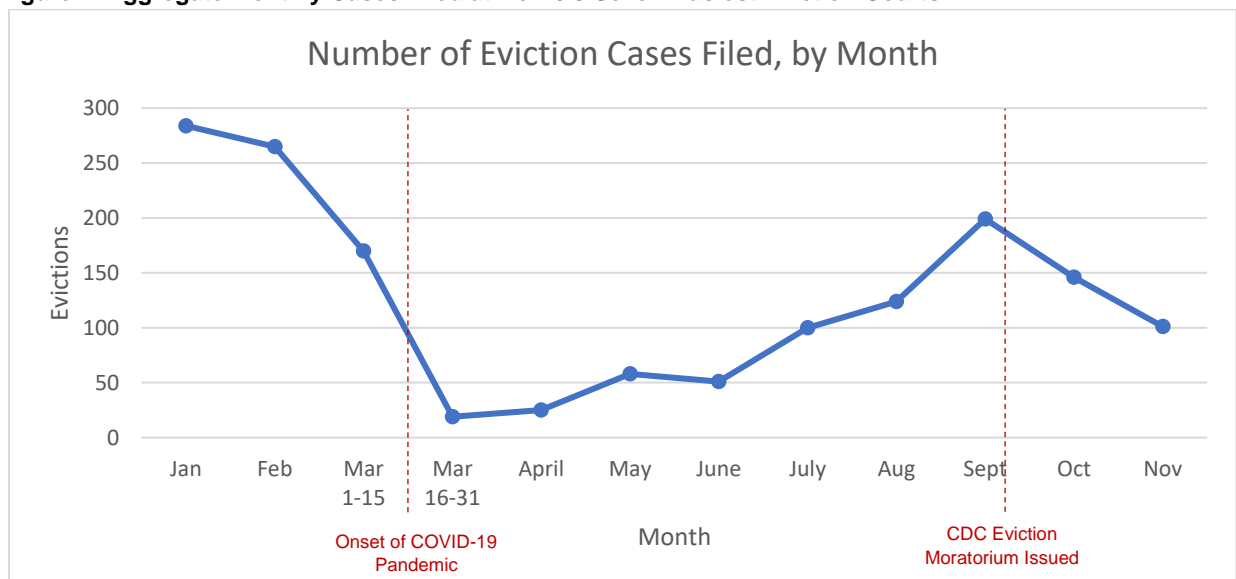
Data compiled by MAHC through ongoing visits to seven of the state's busiest eviction courts in the first 11 months of 2020 reveal a substantial reduction in filings, beginning in the second half of March when the COVID-19 pandemic caused state and local governments to declare an emergency. Table 2 provides a court-by-court breakdown of this trend, while Figure 1 shows the aggregate number of evictions filed in these 7 courts from January through November.

**Table 2. Number of Eviction Filings by District Courthouse, January – November, 2020**

Month	Augusta	Bangor	Biddeford	Lewiston	Portland	Springvale	Waterville	Total
Jan	37	61	22	50	55	26	33	<b>284</b>
Feb	36	40	23	64	55	22	25	<b>265</b>
Mar 1-15	12	14	31	41	46	12	14	<b>170</b>
<b>Onset of COVID-19 Pandemic</b>								
Mar 16-31	2	2	0	3	0	6	6	<b>19</b>
April	13	3	2	2	2	1	2	<b>25</b>
May	4	2	8	10	24	5	5	<b>58</b>
June	0	14	5	7	15	3	7	<b>51</b>
July	14	32	1	9	14	4	26	<b>100</b>
Aug	24	28	6	22	28	2	14	<b>124</b>
Sept	23	40	14	55	40	10	17	<b>199</b>
Oct	19	25	11	32	28	12	19	<b>146</b>
Nov	14	23	3	19	28	8	6	<b>101</b>

Note: the processes utilized by certain district courthouses make it difficult to review the full set of eviction cases that were filed there until those cases have reached their final disposition. The numbers above will be updated, and will increase somewhat, over the coming months as MAHC follows up with each of those courthouses to gather information about case files that were initially unavailable for review.

**Figure 1. Aggregate Monthly Cases Filed at Maine's Seven Busiest Eviction Courts**



## 2) THE STATED CAUSES OF EVICTION FILINGS HAVE SHIFTED DURING THE PANDEMIC PERIOD

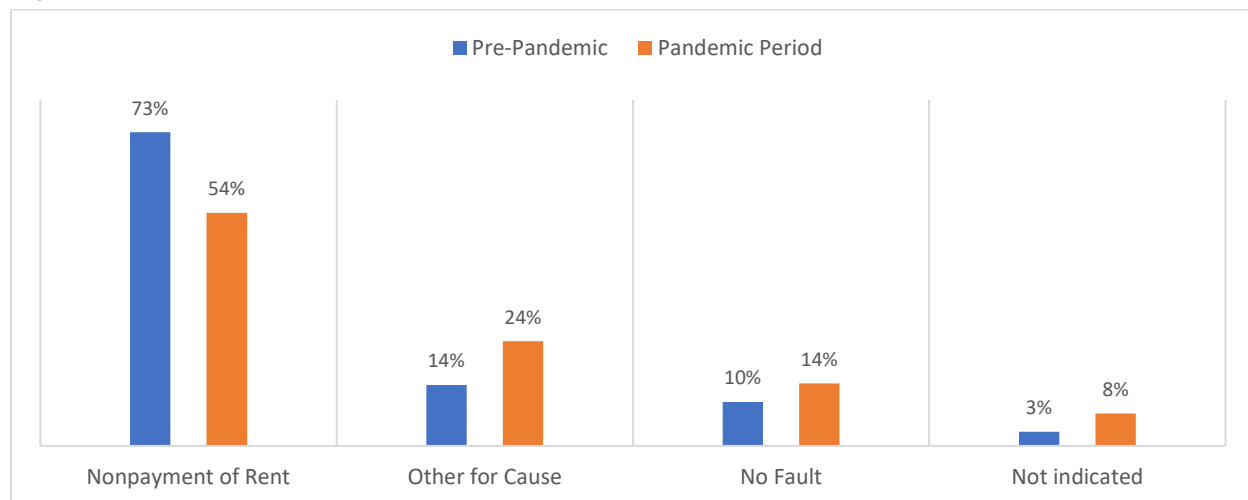
MAHC utilized the complaints and notices to quit included in the court files to discern the reasons that landlords filed for eviction. Those reasons were then categorized, as follows:

- “Nonpayment of Rent”: Alleged nonpayment of rent was the sole stated cause of the eviction filing.
- “For Cause – Other”: Allegations of damage to the apartment, causing a nuisance to other tenants or neighbors, allowing unauthorized occupants to live in the unit, or committing some other material breach of the lease (cases that cited a combination of nonpayment and one of these other “for cause” allegations were counted in this category only).
- “No Fault”: Tenant at will (i.e., a tenant who rents a unit without a lease agreement) received a notice to quit, or a landlord notified the tenant that the lease was not being renewed without fault on the tenant’s part, and the tenant failed to timely vacate the unit.
- “Not Indicated”: Complaints and/or notices to quit that were written in such a way that it was not possible to discern the reason for the eviction filing.

As shown in Figure 2 below, the reasons stated by landlords for pursuing eviction actions against their tenants have shifted during the pandemic. The primary reason for this change is that the most common eviction scenario – where a tenant has fallen behind on their rent payments – has been most protected by federal and state eviction moratoria.

It should be noted, however, that the federal eviction moratorium that has been in place since early September 2020 has many holes. For example, the moratorium only benefits those tenants who know of its existence and submit a specific declaration form to their landlord to protect their rights. It also permits “no fault” evictions to proceed, in which landlords are not alleging that their tenants have done something wrong, but are instead seeking to terminate the tenancy because, for example, the lease has come to an end or there simply is no lease governing the arrangement between the parties. Likely as a result, Figure 2 reflects a lower percentage of nonpayment evictions and a higher percentage of other “for cause” and “no fault” evictions after March 15<sup>th</sup>, 2020.

**Figure 2. Reason Cited for Eviction Action, Pre-Pandemic vs. Pandemic Period**



Pre-pandemic data includes 2019 cases and those filed in 2020 prior to March 15<sup>th</sup>. Pandemic period data includes cases filed between March 16-November 30, 2020.

### 3) ARREARAGES AND MONTHS PAST DUE CLAIMED IN NON-PAYMENT CASES HAVE INCREASED SIGNIFICANTLY DURING THE PANDEMIC MONTHS

Table 3 compares the median rent arrearages sought by landlords in nonpayment cases prior to March 15<sup>th</sup>, 2020 and nonpayment cases filed after that date. As many Maine tenants have lost jobs or work hours due to the economic crisis caused by the COVID-19 pandemic, they have accrued much larger rent arrearages. The overall increase in median arrearages owed by tenants in these cases jumped by 60%.

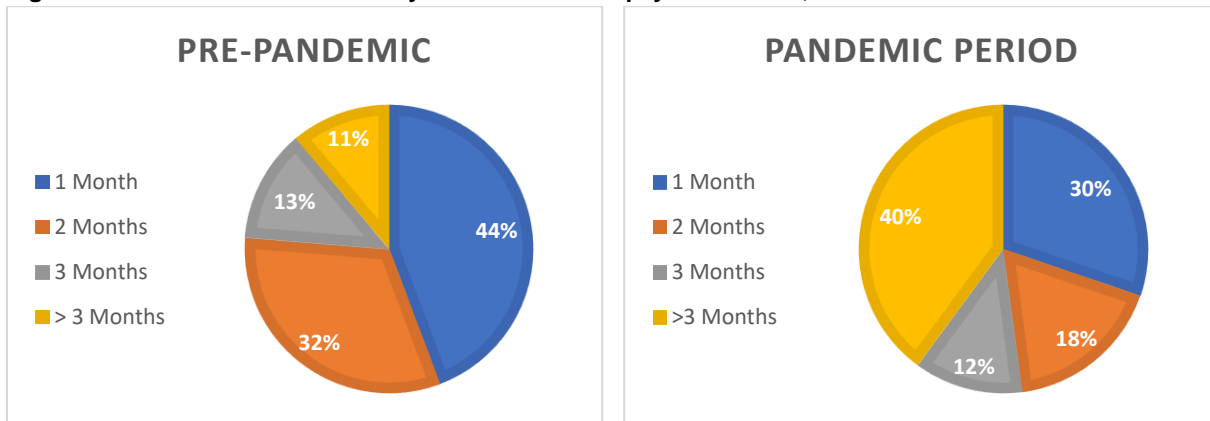
**Table 3. Median Arrearages Claimed by Landlords in Nonpayment Cases, Pre-pandemic vs. Pandemic Period**

Court	Pre-Pandemic Median	Pandemic Period Median	% Increase
Augusta	\$936	\$1,500	60%
Bangor	\$1,273	\$2,488	95%
Biddeford	\$1,248	\$2,100	68%
Lewiston	\$1,128	\$1,994	77%
Portland	\$1,450	\$2,425	67%
Springvale	\$2,145	\$2,868	34%
Waterville	\$984	\$1,567	59%
<b>Overall</b>	<b>\$1,235</b>	<b>\$1,981</b>	<b>60%</b>

Figure 3 compares the distribution of how many months tenants were alleged to be behind on their rent when these eviction cases were filed. Prior to the pandemic, the vast majority of tenants were behind on their rent by two months or less when the eviction complaint was filed. After March 15<sup>th</sup>, 2020, a majority of nonpayment cases alleged more than two months of past due rent.

The steep rise in arrearages and months past due over the course of the pandemic period make it particularly important that the state's rent relief program, recently boosted by the receipt of \$200 million in federal support, is efficiently deployed in the weeks and months ahead.

**Figure 3. Months Behind Claimed by Landlords in Nonpayment Cases, Pre-Pandemic vs. Pandemic Period**



Note: The categories above represent an approximate number of months behind based on information alleged in the complaint or notice to quit. Where tenants did not owe a whole number of months' rent (i.e. 1.5 months), MAHC rounded up (i.e. to 2 months).



## 4) EVICTION CASE OUTCOMES HAVE SHIFTED AS MORE CASES ARE DISMISSED

MAHC categorizes eviction case outcomes as follows:

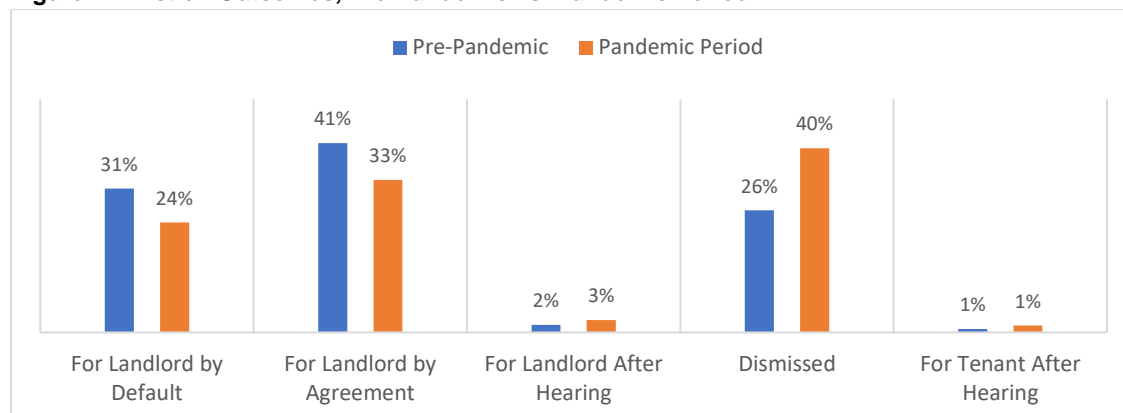
- “For Landlord by Default”: Judgment for possession granted to landlord because tenant failed to appear at the hearing.
- “For Landlord by Agreement”: Judgment for possession granted to landlord that is not contested by tenant or that is granted pursuant to an agreement such as a payment plan, an agreed upon move-out date, or similar provisions.
- “For Landlord After Hearing”: Judgment for possession granted to landlord after a judge heard testimony and evidence from both parties.
- “For Tenant After Hearing”: Judgment for tenant after a judge heard testimony and evidence from both parties.
- “Case Dismissed”: No judgment entered. This typically occurs when the tenant has moved out or has cured the arrearages owed prior to the hearing date. It also sometimes occurs when a tenant complies with an agreement, and the landlord or tenant then moves to vacate an earlier judgment and dismiss the case.

Cases are most typically adjudicated in one of three ways: (1) the tenant fails to appear at the hearing, resulting in a default judgment for the landlord; (2) the landlord and tenant enter into some form of agreement that includes a judgment of possession for the landlord; or (3) the case is dismissed.

The cases in MAHC’s eviction database which have reached the stage of final judgment reveal a significant shift in outcomes after the start of the pandemic period in mid-March. Table 5 below shows a comparison of the outcomes in cases filed before and after March 15<sup>th</sup>. While the percentage of eviction cases decided in favor of landlords (by default or agreement) has decreased by 15 points, the percentage of dismissals has increased by a similar amount.

The most likely explanation for this shift is the changes in court procedures which have been put in place since the start of the pandemic. Those changes (including the postponement of hearings, the addition of an initial telephonic status conference prior to a hearing, and more widespread use of mediation) have led to an increase in opportunities for negotiation, mutually acceptable dispute resolutions, and the ability of tenants to access rent relief programs. The new court procedures also give tenants more time to vacate their home before their hearing, leading to more dismissals.

**Figure 4. Eviction Outcomes, Pre-Pandemic vs. Pandemic Period**

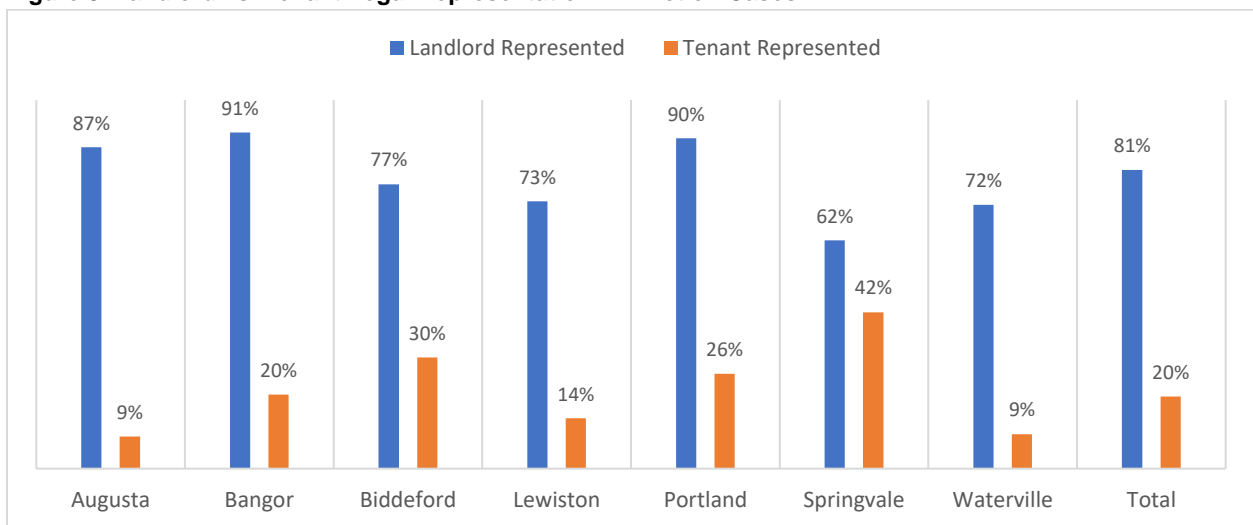


## 5) TENANTS CONTINUE TO LAG FAR BEHIND LANDLORDS IN LEGAL REPRESENTATION, AND CASE OUTCOMES CONTINUE TO STRONGLY CORRELATE WITH THIS IMBALANCE

MAHC was able to determine legal representation status for both parties in a majority of the 2,200 cases in the eviction database. Figure 5 below shows the percentage of landlords who were represented by legal counsel in eviction proceedings at each of the seven courthouses, compared to the percentage of tenants who were represented. Overall, landlords had the benefit of a lawyer in about 80% of cases, while only 20% of tenants did.

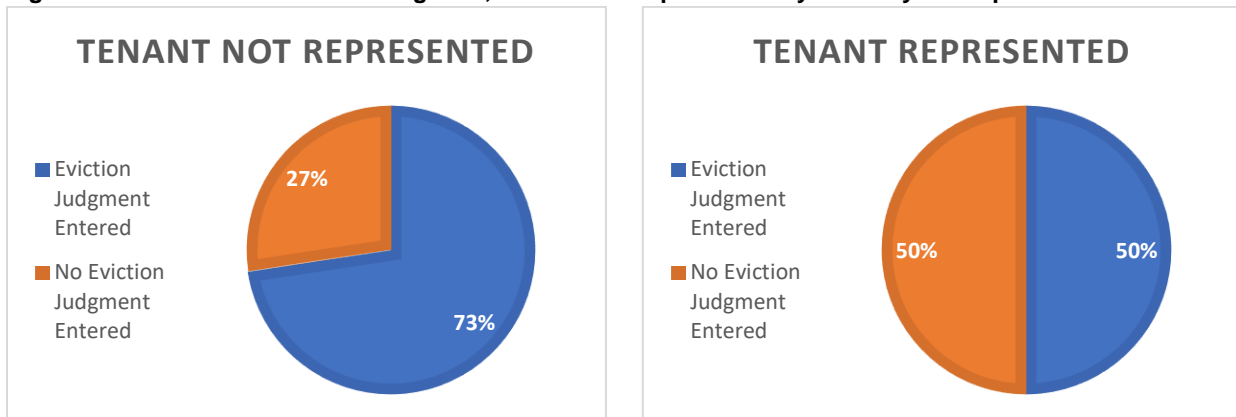
Of the 250 cases in which tenants were represented in eviction proceedings, 209 were represented by Pine Tree Legal Assistance.

**Figure 5. Landlord vs. Tenant Legal Representation in Eviction Cases**



The data also shows that tenant representation status correlates highly with case outcomes. As shown in Figure 6 below, tenants with an attorney were 85% more likely to avoid an eviction judgment than those who lacked representation.

**Figure 6. Likelihood of Eviction Judgment, Tenant Not Represented by Attorney vs. Represented**



## POLICY RECOMMENDATIONS

The data collected in MAHC's eviction tracking database and presented above point to many opportunities for policy makers to help prevent avoidable evictions in the months and years ahead. Quick action is needed to help vulnerable Maine renters and landlords alike, particularly while they continue to navigate the health and economic crises caused by the COVID-19 pandemic.

- 1) **Increase tenant access to legal representation in eviction cases:** given the large disparity in legal representation between landlords and tenants, and the fact that tenants are 85% more likely to avoid an eviction judgment when they do have an attorney, Maine lawmakers should consider ways to increase the footprint of Pine Tree Legal Assistance's eviction unit. An annual allocation of \$1.3 million would allow PTLA to assist about 1,000 additional vulnerable renter households in Maine.
- 2) **Ensure that new federal rent relief dollars are deployed quickly and effectively:** while rent relief funds successfully helped many Mainers keep current on their rent in 2020, there were numerous reports of long delays in processing applications in some parts of the state. Those delays created unnecessary stress and financial problems for tenants and landlords alike. When Maine re-launches the state rent relief program this month with an additional \$200 million in federal support, it is critical that those funds be deployed efficiently. Doing so will help to pay off the large and growing rent arrearages revealed in MAHC's eviction database and avoid the filing of preventable eviction complaints.
- 3) **Strengthen eviction protections:** the moratorium put in place by the U.S. Centers for Disease Control and Prevention, recently extended through March 31, 2021, provides protection from eviction for certain renter households who have fallen behind on their rent payments. However, that protection is not self-executing and does not attach unless the renter is aware of the moratorium and provides their landlord with a signed declaration form. It also does not prohibit the execution of "no fault" evictions, which landlords can exercise in the absence of a signed lease or when a lease period expires. At least while the COVID-19 pandemic remains a public health emergency, both of these critical holes in the existing landscape of eviction protections should be addressed by federal and state policy makers.
- 4) **Improve Maine's eviction process:** many evictions could be prevented if there were more opportunity for information-sharing and negotiation between the parties. The current eviction process in Maine does not mandate that complaints include critical information for tenants such as the availability of rent relief or how to request mediation, which means that they are often left to navigate a confusing legal system by themselves. By providing more information to at-risk renters and mandating a mediation process when requested by the court or either party, many evictions could be avoided altogether. Additionally, by requiring an initial telephonic status conference among the parties, working renters would have the opportunity to better understand their situation and their options without having to first navigate the loss of numerous work hours to attend an in-person hearing at the courthouse.
- 5) **Provide for greater public access to key eviction data:** while some states have the technological capacity to electronically track key eviction data on an ongoing basis, Maine's system is entirely paper-based and requires interested parties to conduct in-person file review at each of the state's 29 district courts in order to ferret out the number of eviction cases filed, the reason for those filings, outcomes, and other key data points. The inability to track such information online (properly de-identified to avoid its use as a screening mechanism to restrict renter households' access to their next home) creates a blind spot for policymakers, agencies, and advocates, and hinders efforts to prevent evictions whenever possible.

## APPENDICES

### APPENDIX A. COMPARISON OF KEY EVICTION DATA POINTS IN PORTLAND AND LEWISTON, 2019 VS. 2020

In addition to data from cases filed in Maine's busiest seven eviction courts between January and November of 2020, MAHC has also gathered data from eviction cases filed between August and November of 2019 in Portland and Lewiston. This allows us to compare key eviction data points from the same month in successive years, which is particularly informative because the number of eviction filings tend to rise and fall in seasonal cycles. Month to month comparisons provide an opportunity to more quickly and accurately assess whether something unusual is occurring in eviction courts.

As shown in the tables below, eviction cases filed in both Portland and Lewiston during this time frame have followed the trends described above: the total number of eviction actions has decreased significantly from 2019 to 2020, the percentage of cases filed due to nonpayment has dropped, and the median arrearages claimed by landlords has increased.

#### Portland District Court:

Month	Total Filings '19	Total Filings '20	% Nonpayment Cases '19	% Nonpayment Cases '20	Median Arrearages '19	Median Arrearages '20
Aug	63	28	57%	54%	2,028	2,975
Sept	50	40	72%	60%	1,671	1,920
Oct	58	28	60%	54%	1,119	1,396
Nov	49	28	76%	32%	1,498	4,200

#### Lewiston District Court:

Month	Total Filings '19	Total Filings '20	% Nonpayment Cases '19	% Nonpayment Cases '20	Median Arrearages '19	Median Arrearages '20
Aug	111	22	84%	59%	1,092	3,600
Sept	54	55	81%	53%	1,100	1,856
Oct	45	32	73%	66%	1,459	1,982
Nov	53	19	75%	74%	1,006	2,745

## **APPENDIX B. SUMMARY OF JANUARY 2021 INTERVIEWS WITH AT-RISK RENTER HOUSEHOLDS**



MAINE AFFORDABLE HOUSING COALITION

## **TENANT INTERVIEW PROJECT:**

### **How Working Renters are Faring While Navigating the COVID-19 Public Health and Economic Crises**

## **JANUARY 2021 SUMMARY**

### **BACKGROUND AND PROJECT OVERVIEW**

The Maine Affordable Housing Coalition has launched a year-long project to better understand how working, low income renter households are navigating the public health and economic crises brought on by the COVID-19 pandemic. While tenants in Maine and throughout the country have thus far managed to pay their rent with more success than many observers predicted, landlord rent receipt data alone does not shed light on *how* tenants are paying their rent, whether paying the rent is creating other problems for the household, and how family members are faring more generally as they look to the uncertain months ahead.

The project involves in-depth phone interviews with low-income tenant households in Maine who rely, in full or in part, on earned income in order to pay their monthly rent. The interviews are being undertaken with each such household once per month for a year, in order to gain a more robust understanding of the challenges that families are facing over time.

### **JANUARY INTERVIEW RESULTS**

MAHC conducted interviews with 62 renter households in January, the eighth month of the project. Each of the subject families are working or were working immediately prior to the pandemic lockdown in March, typically earning wages between \$12-\$20 per hour. These 62 working renter households were spread out across 20 different municipalities in Maine: Auburn, Bangor, Bath, Belfast, Biddeford, Corinna, Ellsworth, Fryeburg, Lewiston, Lincoln, Norway, Portland, Saco, Scarborough, Searsport, South Portland, Veazie, Waldoboro, Waterville and Westbrook. The interviews focused on how tenant households have navigated through the month of December and into January, and yielded the following:

- **56% of households reported having lower earned income, through reduced hours or job elimination, than they did prior to the pandemic.**

- “It’s taking me a month to make what I was making in a week before the pandemic. I’m still making money, and paying bills, but I’m not able to save anything.”

- “My boss might bring me back to 1 day a week. But at least I have a job to go back to.”

- “I might be able to work two months without interruption, but then if there’s an exposure at work I don’t get paid. There were a couple weeks where I didn’t work, so it’s like, what do I pay? What can be postponed? What can be put on a payment plan?”

- **Despite the widespread income loss, 82% of the households were eventually able to find a way to pay their full December rent.**

- “I put everything towards rent in order to not have any issues with my landlord, but when I do that, there’s very little left over.”

- “I can pay my rent, but I have absolutely nothing left over.”

- “COVID took away my ability to pay my rent.”

- **Tenants paid their December rent by cobbling the money together from an array of sources. 23% reported receipt of unemployment benefits, while 40% reported more reliance on savings than usual and 40% reported more reliance on credit cards than usual.**

- “My stimulus was gone in 60 seconds. I paid all my bills off. My electric bill was really high. I was lucky to be able to go grocery shopping a couple times this month.”

- “I had to borrow money from my mom to pay my December rent. And I skipped my electric. I’m going to try to pay double for this month once I get my next check.”

- “After I pay all my bills, it will be tight. I might have to borrow some money from my daughter.”

- “I’m getting a credit card soon because I need to be able to pay for things I can’t currently afford.”

- **However, to meet their rent obligations, 35% of interviewees reported that they skipped payment of other bills and expenses.**

- “I always skip one bill each month. I rotate them out. I rob Peter to pay Paul.”

- “I’m at the point where I’m going to skip electricity because I know they won’t shut it off. Even though I know I’ll have to deal with it later. But when you need money, you need money.”

- “I got a shutoff notice for my electric bill, I need to deal with that. But today is my daughter’s birthday.”

- “I got a disconnect notice from CMP. I applied for the low-income heating program and never heard back. Everybody is so overwhelmed, but we don’t get a break. I’m still supposed to pay. I challenge anybody to walk a day in my shoes.”

- **Households reported widespread problems in accessing the rent relief funds that they need in order to stay current on their rent obligations.**

- "I applied, but they said they were still working on November. I followed up several times and nobody knew anything. I got so panicked about it, I went ahead and paid my rent with what we had towards the end of December. I didn't want to get put on some list I've never been on before."

- "I applied for rental assistance in October. By the end of December, I started calling every other day. They basically knew my first name. Finally they said I was approved. I asked if they needed help, I'll volunteer! They never answered the phone. It was so much stress on me that didn't have to happen."

- "Applying for rental assistance is so stressful because you have to apply every month. It takes like four to five weeks before I hear from them. Sometimes, like for November and December, I didn't hear from them. I had to ask my landlord if they got any information. It's so stressful to keep waiting. Will the answer be positive or not?"

- "I filed for rental assistance in November, but never got anything back at all. Nothing. No email, no letter. But I still got letters from my landlord saying I owed them."

- **Many interviewees reported that their savings have been very negatively impacted, and their credit card debt had sharply increased, over the course of the pandemic. While about a quarter of households did not have any savings prior to the onset of COVID-19, 64% of those who did have savings reported that those savings had been significantly or completely depleted over the past ten months. An additional 3% reported having somewhat less savings now, while 23% had about the same amount of savings as prior to the pandemic and only 6% said that they now have more.**

**Similarly, of the 48 households that had a credit card, 46% reported carrying more debt on them now than they did before the pandemic started, while only 10% reported carrying less. 44% indicated that their credit card debt was about the same as it was prior to the pandemic.**

- "I have just enough [savings] to cover an emergency. I've used about 2/3 of my savings."

- "My savings are totally gone. I only have \$25 in there to keep the account open."

- "There is nothing left [in my savings]. It's impossible."

- "My credit card balance is a lot worse now. Before, I was just using it for emergencies."

- "I had to increase the limit on my credit cards, and they're all maxed."

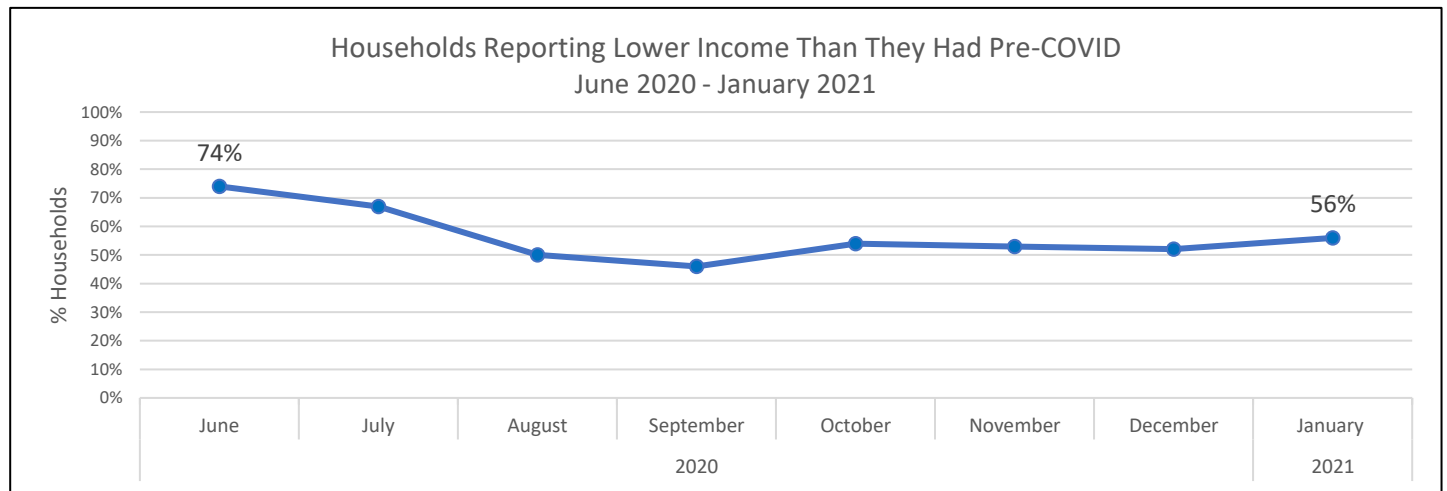
- "My credit card is a lot more (than before). Like, double."

- "My credit card balance has gone up a lot. I make the minimum payment. I try not to use them unless I really have to. Before the pandemic, I only used it for Christmas or emergencies. But now I have to use it for groceries."

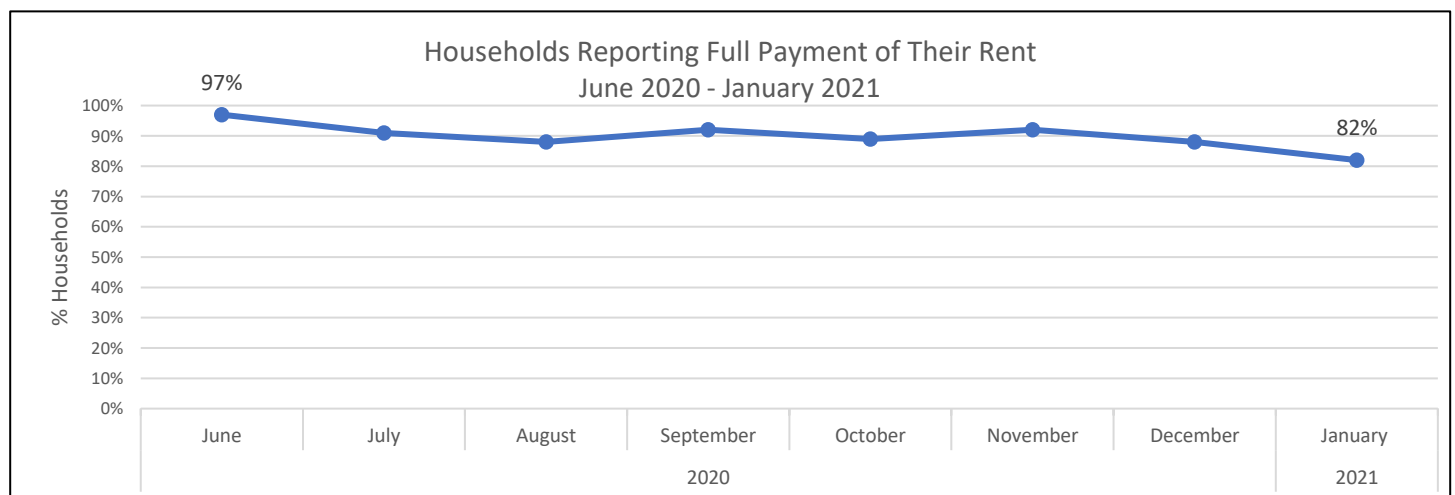


## VISUAL OVERVIEW OF RESPONSES TO KEY TENANT INTERVIEW QUESTIONS

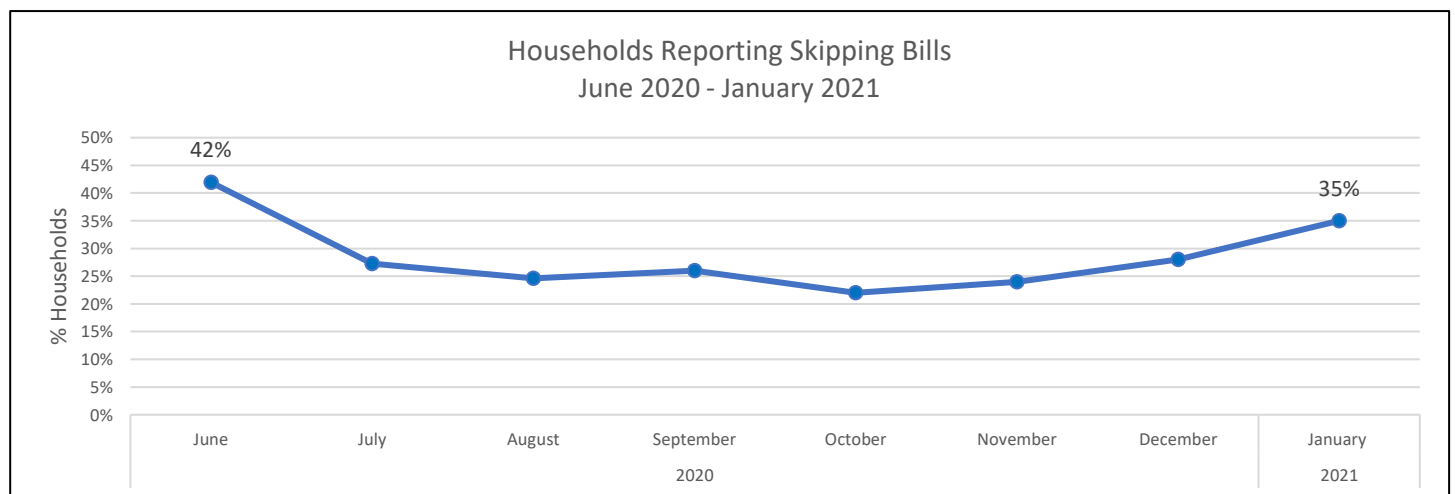
- 1) A majority of respondents continue to report that they have lower household income than they did before the pandemic started:



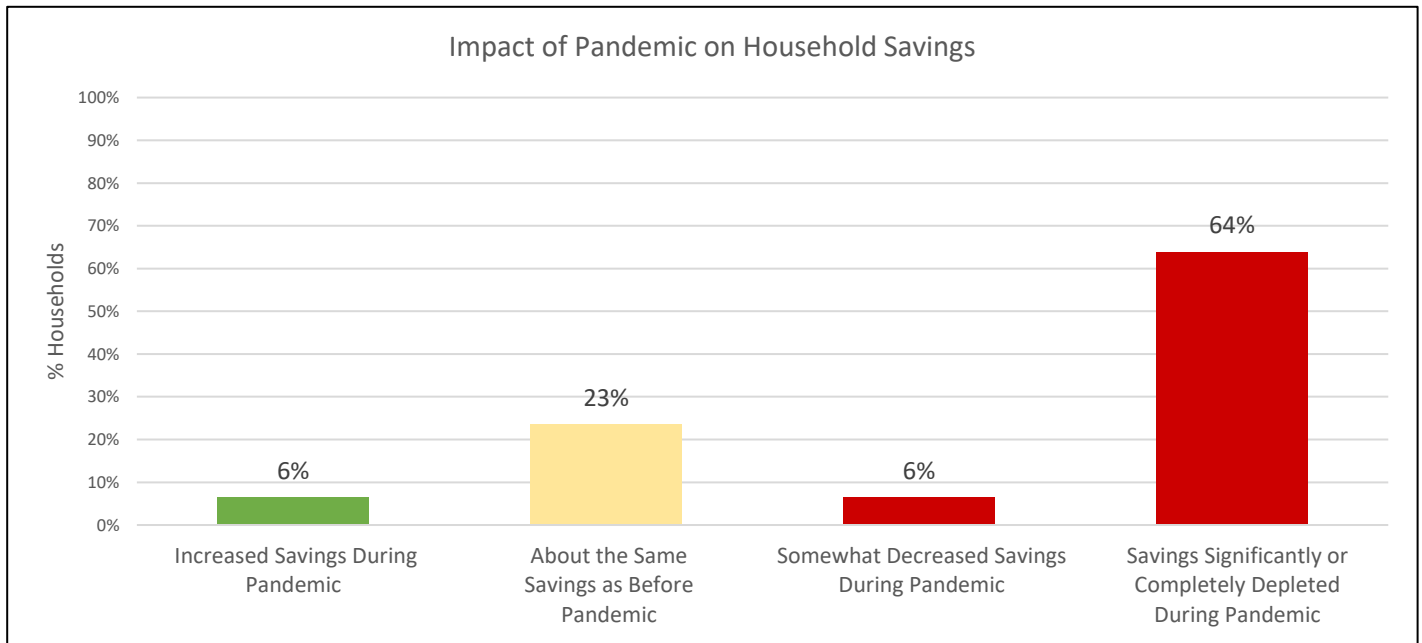
- 2) Despite those lower incomes, most families have found a way to continue paying their rent – though this number is slowly declining:



- 3) To help meet their rent obligations, a significant and growing number of respondents report skipping bills:



4) Respondents also report that their household savings have been very negatively affected during the pandemic...



5) ... while their reliance on credit card debt has sharply increased:

