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Testimony of Katherine McGovern, Pine Tree Legal Assistance in Support of LD 1255, An Act to Prohibit Evictions until 90 Days after the End of the Governor’s Declaration of Emergency.

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Good morning Senator Carney, Representative Harnett and members of the Joint Standing Committee on the Judiciary. My name is Katherine McGovern and I am an attorney at Pine Tree Legal Assistance. Pine Tree Legal Assistance is a nonprofit organization with offices in Portland, Lewiston, Augusta, Bangor, Machias, and Presque Isle. Since 1967 Pine Tree has represented low-income Mainers in civil legal matters including representing tenants in eviction cases before District Courts throughout the state. In 2020 we assisted low-income Mainers in 1847 eviction cases.

Pine Tree Legal Assistance supports LD 1255 because the federal eviction moratorium leaves many low-income Mainers vulnerable to eviction and homelessness during this global pandemic.

Evictions increase poverty and endanger everyone’s health during a global pandemic

Sociologist Matthew Desmond described in his Pulitzer Prize winning book “Evicted” how eviction is not just a condition of poverty but actually drives poverty. Often when families are evicted they lose property, eviction records lead to rejections by future landlords and the pool of landlords who will accept them as tenants dwindles, families end up having to rent apartments in worse condition, tenants may lose their jobs, their mental health suffers and their children must leave their schools and have worse educational outcomes.¹

During the COVID-19 pandemic we have seen that evictions can be a matter of life and death. Having a home is critical to one’s ability to stay safe from infection and prevent the spread of a deadly disease. It has been estimated that for every 1% increase in evictions, there has been a 5-10% increase in infection rates, leading to approximately 1 death for every 60 evictions.²

The federal eviction moratorium leaves many vulnerable to eviction

The U.S. Centers for Disease Control issued a moratorium on evictions for nonpayment of rent in September 2020. The CDC took this unusual step in recognition of the connection between health care and housing and because the nation faces an unprecedented and devastating situation. The moratorium is currently set to expire June 30, 2021.

¹ See Eviction Lab’s website: <https://evictionlab.org/why-eviction-matters/#eviction-impact>

² See <https://www.bloomberg.com/news/articles/2020-10-22/landlords-launch-legal-attack-on-cdc-eviction-ban>

The federal eviction moratorium has provided important protections to some tenants but leaves out many tenants—in particular those who do not know about the moratorium or how to invoke its protection and tenants whose landlord issue notices of eviction for no reason.

Tenants at will and those whose leases have ended can be evicted in Maine without a reason and that type of eviction has increased since the federal eviction moratorium went into effect.

The recent Maine Affordable Housing Coalition study of the busiest eviction courts in Maine found that more landlords were using no cause evictions during the pandemic period than during the pre-pandemic period.³ The increase in no cause evictions is likely due to landlords' efforts to evade coverage of the federal eviction moratorium.

This winter I represented a family with two small children who were being evicted after they fell behind on their rent. Their landlord served them with a notice to quit that listed both nonpayment and no cause as the reasons for the eviction. The tenants served their landlord with the CDC declaration but the landlord continued to seek an eviction judgment. The family applied for all rental assistance available. The court's opinion was that it did not matter that non-payment of rent was clearly the motivation for the issuance of the combination nonpayment and no cause eviction notice and this judge's opinion was that the federal moratorium did not protect tenants in this situation. My clients asked me how this could be when the stated purpose of the federal eviction moratorium was to protect tenants who lost income due to COVID and to keep families from having to double up or live in unsafe conditions in congregate shelters. Unfortunately, that is where this family ended up.

Eviction Moratoria Save Lives

Recent studies demonstrate that eviction moratorium are an effective way to control the spread of COVID-19⁴ and we should ensure that the public health goals of the federal moratorium are met by closing these gaps.

Thank you for the opportunity to testify in support of LD 1255.

³ "Evictions in Maine: An Analysis of Eviction Data as the COVID-19 Pandemic Leads in Increase Rental Housing Instability," Maine Affordable Housing Coalition, February 2021 Update

⁴ "Eviction, Health Inequity, and the Spread of COVID-19: Housing Policy as a Primary Pandemic Mitigation Strategy," Emily Benfer et al, January 7, 2021; <https://link.springer.com/article/10.1007/s11524-020-00502-1>