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Testimony of Christopher Marot, Esq.

For Pine Tree Legal Assistance

In Support of LD 804

Before the Judiciary Committee

Good morning, Senator Carney, Representative Moonen, and distinguished members of the Committee on Judiciary. My name is Chris Marot. I am an attorney at Pine Tree Legal Assistance, and the coordinator of our statewide Eviction Prevention Project which includes issues of access to attorneys for low income tenants facing eviction. I have been asked to share the expertise of Pine Tree Legal Assistance on these issues and I am speaking today on behalf of Pine Tree Legal Assistance. Since 1967 Pine Tree has provided free legal services to low-income people throughout the State of Maine. Pine Tree has had a dedicated attorneys working on eviction defense matters since our inception and each of our six offices from Presque Isle to Portland provide advice and representation to tenants at risk of eviction.

INTRODUCTION

At Pine Tree, we see a high volume of eviction cases, which allows us to identify trends and highlight systems issues. In 2022, Pine Tree Legal Assistance saw an increase in the number of tenants seeking our representation in eviction matters over years past and the trend has been increasing since the start of the Covid-19 pandemic. In 2022, our offices handled 2,323 eviction cases, up from 1,989 in 2021 and 1,687 in 2019. This data shows that more Mainers are facing evictions with greater need for legal representation, and thus more uncertainty, than in years past.

The bill before you deals with no-cause evictions. No-cause evictions only require a 30-day notice for a landlord to initiate an eviction against a tenant-at-will. This means that even if there is nothing the tenant did wrong, and the tenant is up to date on rent, the landlord can still reclaim the rental unit in short order. The landlord can evict for no reason at all.

In the early stages of the Covid-19 pandemic, non-payment evictions were prohibited by executive order and federal bans. At that time, the court could only hear no-cause evictions and behavioral lease violation cases. The courts continued to be busy even with the restrictions in place with landlords availing themselves of the low-barrier and quick method of no-cause evictions.

Since September 2021, 35% of all evictions Pine Tree staff have handled have been no-cause evictions of tenants at will. The percentage reached its highest point in May 2022 when 45% of the eviction cases we opened that month were no-cause evictions.

Over the last several years, we have seen many tenants evicted for no reason at all. Tenants who lived in their apartments for years and paid their rent. Tenants like one of our clients, Nancy.

Nancy is 81. She lived in private housing in Wells from 2010 until fall 2021 when the building was purchased by a new owner and that owner wanted to move into Nancy's unit. She received a 30 day no cause notice to quit. Nancy could not find any other unit and moved into a motel in Wells where she lived for a year. While working with us, Nancy has described the challenges and indignities of living in a motel including struggling to do one's dishes in the bathroom sink. After renting a room from a friend fell through, Nancy is now back in a motel. She needs surgery and is not sure she will be able to have that surgery without having a home to recover in.

For tenants who are renting a unit, this is their home – for Nancy, her home for over a decade. It is the source of a person's stability, shelter, and heat. The place they rely on for safety, for a place to sleep and shower, where their kids return from school, where they receive their mail, where they manage their health, assist their disabled spouse or parent, navigate work, child care and more.

It's well known that housing stability is not just a symptom of poverty, it is a cause of poverty. If the stability that all people need to thrive is removed, a domino effect can keep people in poverty, or send formerly stable people into it.

Losing your home means losing your address – your access to important documents, whether that's notices about where you stand on a subsidized housing waitlist, the place where your case manager meets with you, and even the place that determines which school system your child is in.

It also means losing your basic necessities – such as a place to get ready for work. I've heard many clients worry most about being able to clean their bodies and their clothes so they do not lose their jobs sending them into further crisis.

Let's be clear, no cause evictions impact everyone. Regardless of whether you are low income or middle income, few people can replace their home in just 30 days. The current rental housing crisis makes it even more difficult to find a new home. For middle income renters, fewer people can afford to buy a home, making stable rental housing essential.

THE MANY FACES OF EVICTIONS

We represent tenants of many different backgrounds. In the past year, I have represented an individual who worked for the post office. He was served with a no-cause eviction. I represented a woman with multiple physical disabilities whose landlord wanted to sell the building she lived in for nearly a decade. The landlord threatened to use a no-cause eviction.

I also represented many families who received emergency rental assistance but then received no-cause notices.

There are many reasons reported by landlords, but it's not often truly no-cause. Often, it amounts to landlords wanting to re-rent the units at a higher amount, or to sell the building.

WHAT HAPPENS IN A NO CAUSE EVICTION

Tenancies at will are designed to be flexible and notices to quit are designed to give tenants a chance to vacate without court. The process gives landlords the power to decide when to serve a no-cause notice, meaning that they set the timetable. The current 30-day notice process is ineffective at resolving tenancies without court because of the nature of Maine's housing market.

If the 30-day notice does not resolve with the tenant leaving before it expires, what happens next?

The landlord serves the tenant with a summons and complaint, initiating a court appearance. This sets the tenant up on a path where there's a public record that they were brought to eviction court. This has a stigma, despite the fact that this notice was for no-cause, and likely for no reason than the landlord wanting to turn over the unit.

If the tenant cannot find a new home, move in with other family or friends, or some other arrangement they can be removed from their home just nine days after court. They will also have an eviction judgment on their record.

The current 30 day notice timetable does not help the landlord, the tenant, or the court because it is too short. The landlord will have to pay for the costs of the court case and maybe hire a lawyer. The tenant who cannot find a home in just 30 days ends up in court and as a result will have a harder time finding a home because of the eviction.

The court is required to use limited resources to manage the case and add it to the already long list of eviction cases.

So, what is the solution?

A step in the right direction is the bill before your committee – LD 804.

WHAT LD 804 WOULD DO

LD 804 would:

1. Increase the time between service of a no-cause notice to quit and the court process from 30 to 90 days.
2. Require landlords to provide legal aid and tenant resource documents to tenants at the time of a notice to quit.

3. Provide tenants with a meaningful opportunity to vacate where the issue is solely possession and not non-payment or lease violations.

WHY WE SUPPORT LD 804

We support LD 804 as a modest, practical solution to provide tenants with a real opportunity to relocate when the basis of the eviction is no-cause. This evolution of the no-cause statute makes sense for 21st century Maine for the following reasons.

THE CURRENT 30 DAY NOTICE DOES NOT ACCOUNT FOR TODAY'S RENTAL MARKET.

Maine's 30-day no-cause notice was created for a different time. In the pre-pandemic world, to say nothing of 40 or 50 years ago, the housing market was different and Maine itself was different.

In 2023, the Maine Affordable Housing Coalition reports that the State is 25,000 housing units short of being able to house all Mainers. Thirty days is simply unrealistic for an individual or a family to find new housing in this new environment.

FAMILIES IN MAINE FACE A DOMINO EFFECT OF CHALLENGES FROM HOUSING INSTABILITY.

Renters with children are impacted in a multitude of ways when facing eviction with a short 30 day notice. In my experience, clients often need to stay in the same geographic area so their children can remain in the same school district, with the same doctors, the same afterschool program, with access to other family and friends. Failing that, clients want their children to be able to finish out the year at their current school, or safely transition care, treatments, supports, and friendships.

In this new rental market, finding a new unit in the same district is challenging, especially in 30 days. Moreover, more students are having to avail themselves of McKinney-Vento homeless services. This is bad for families, bad for students, and has a cascading effect on the education system and its costs, and on the community.

A 90 day notice would provide families three times the amount of time to find a place to move.

LANDLORDS CAN ALREADY EVICT A TENANT QUICKLY.

If a landlord needs a tenant out quickly for good cause, they can do that.

Maine statutes already provide for eviction on a 7-day notice to quit on the following grounds:

1. The tenant or an invitee of the tenant has caused substantial damage to the premises that the tenant has not repaired;

2. The tenant or an invitee of the tenant caused or permitted a nuisance within the premises, has caused or permitted an invitee to cause the dwelling unit to become unfit for human habitation or has violated or permitted a violation of the law regarding the tenancy;
3. The tenant is 7 days or more in arrears in the payment of rent;
4. The tenant is a perpetrator of domestic violence, sexual assault or stalking and the victim is also a tenant;
5. The tenant or the tenant's guest or invitee is the perpetrator of violence, a threat of violence or sexual assault against another tenant, a tenant's guest, the landlord or the landlord's employee or agent, or
6. The person occupying the premises is not an authorized occupant of the premises.

That process is fair because the landlord must state the reason they are evicting the tenant and the tenant has a right to defend themselves.

IF EVICTED, THERE ARE FEW OPTIONS AND IT SHOULD TAKE MORE THAN A 30 DAY NOTICE TO REMOVE A TENANT.

While rental housing units are in short supply, even Maine's shelters of last resort are stretched thin and have waiting lists. Our Pine Tree Veterans Unit reports that VA case managers in Augusta are not able to place veterans in shelters on thirty days' notice but rather face a waitlist months' long. Municipal shelters are in similar straits with many having to use funds to purchase hotel stays for the people who are unable to stay at the shelter due to capacity issues. Financial support to find new housing is scarce or not available in most places. Supportive housing for disabled and older people is critically short in supply. The rental housing system is short thousands of affordable housing units for low income and middle income people. The short 30 day no cause eviction notice adds additional pressure that is unnecessary.

I urge you to pass LD 804 and take this step towards a more just eviction process in Maine and protect Mainers who are struggling with the ramifications of the new normal in Maine's rental housing market.