

Testimony against LD 1410: An Act to Provide Due Process in Confiscation and Destruction of Personal Items of Unhoused Persons

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Good morning,

My name is Aubrey Russell. I have been a practicing attorney and represented landlords for over seventeen years. I currently represent many large-scale management companies and landlords in Maine, including two public housing authorities. My concern with the current bill is it fails to provide an exception for public housing providers who have properly gone through the abandoned property procedure (14 MRS § 6013). I foresee that tenant advocates will argue LD 1410 requires public housing authorities to store property left behind for ninety days under this statute, even when the landlord has provided proper notice pursuant to 14 MRS § 6013.

When a tenant is evicted or abandons an apartment, they are sent notice pursuant to 14 MRS § 6013. The law allows the landlord to leave the items in the unit or to store the items in another safe, secure, and dry location, while the landlord waits for a response from the tenant. Realistically, landlords usually leave the items in the unit because there is usually furniture, clothing, and a large amount of personal property left behind. These landlords do not have additional space on site to store these items. This means that if LD 1410 does not provide an exception for landlords, public housing authorities could be left storing personal property for tenants for 90 days. This has negative impacts on the landlord, but more importantly, on the housing crisis. The landlords will be required to store these items in otherwise available apartments, causing less affordable housing to be available to those that need this housing the most.

I ask the committee to consider an exception making it clear that this law would not apply to landlords and public housing authorities.

Thank you,

Aubrey Russell, Esq.