

# **PINE TREE LEGAL ASSISTANCE, INC.**

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Testimony of Christopher Marot, Esq.

For Pine Tree Legal Assistance

## **In Support of LD 2176, An Act to Safeguard Personal Information and Strengthen Tenant Rights in Maine (*proposed amended title*)**

Before the Joint Standing Committee on Judiciary

Good afternoon, Senator Carney, Representative Kuhn, 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 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 housing and eviction cases, which allows us to identify trends and highlight systems issues. In 2025, our offices handled NUMBER eviction cases, and 4,999 housing cases in total.

The bill before you deals with private information shared by tenants to landlords. As you know, tenants seeking a rental unit generally fill out a written application to initiate a tenancy. That form asks for many personal details – social security numbers, dates of birth, source of income, household size and composition, rental history, and more. Tenants provide this information with the expectation that the landlord will use it for the limited purposes of running a background check and determining if the individual would make a good tenant.

When a tenant provides this information, they do so with a level of trust. Tenants trust that the information will not be shared publicly. The expectation is that this information will be private – used only for background checks and not shared with other tenants or third parties.

This expectation stems from a basic notion of fairness. If a landlord requires information from a prospective tenant so that the landlord can decide whether to rent to them, it would be patently unfair for a landlord to use that information for another, unexpected purpose. That use would offend our sense of fairness and the right to privacy.

## **DISCLOSURE OF PRIVATE INFORMATION CAN HARM A TENANT**

When a landlord betrays that tenant's trust, the consequences can be staggering. Sharing certain information, like a social security number, can lead to potential economic exploitation and stolen identity. In eviction cases, we have seen unredacted social security numbers included with documents filed with the court. In some instances, it appears that landlords do not take the time to ensure that these publicly available documents do not include this highly sensitive information.

Less obvious, but just as invasive, is disclosure of someone's status as a person with a disability. We've had clients who needed to have a service animal in their unit and explained the need to a prospective landlord who did not allow pets. The landlord allowed the client to have the service animal but then told the neighbors it was allowed because of the tenant's disability. The disclosure of a disability can have ripple effects – from the simple potential for feeling that one's privacy has been invaded, to being taken advantage of or treated in a hostile manner by neighbors. Of course, once the neighbors have that information, there is no controlling where the information goes from there.

We've also had clients who have alleged that other tenants who are at odds with our client are able to obtain information about their income or alleged child protective investigations from landlords. Clients have reported that, once in the hands of the other tenant, this information has, in some cases, been photographed and shared on social media, exposing the client's information to people in the broader community.

In one recent case in Androscoggin County, a disagreement between two tenants led to the disclosure of information from our client's tenant file. The other tenant gained access to the file through her relationship with an employee of the landlord who secured the information for her. The other tenant then posted the private information from the tenant file on social media, made inappropriate comments about our client, and tagged our client in the post so that she would see it. The bill before you would hold the landlord, and the landlord's employee, accountable for this disclosure.

Moreover, multiple clients have felt threatened by this conduct due to domestic violence history. Those clients indicated that they feared their abusive former partner would see the information and find out where they live or work, putting them in harm's way. Other survivors have shared that if an abuser got that information, they would try to use it against the survivor in a parental rights action.

Tenants often feel angry and powerless in the face of this conduct by landlords. They report feeling angry because they know the conduct isn't right, but it is not, up to this point, illegal. They feel powerless because they lack the tools to hold landlords accountable for this behavior.

A step in the right direction is the bill before your committee – LD 2176.

## **WHAT LD 2176 WOULD DO**

LD 2176 would:

1. Prohibit landlords from disclosing tenants' private information with the intent to harass, intimidate, or try to cause a person to leave a tenancy.
2. Protect vulnerable individuals – including those whose status would be protected under the Human Rights Act – by prohibiting landlords from exposing a tenant's racial or ethnic origins, religious beliefs, health conditions, or sexual activity and orientation, to gender identity, national origin, and citizenship status.
3. Give tenants a tool to recover damages and be made whole when a landlord's disclosure leads to harm or causes the tenant to relocate.
4. Disincentivizes landlords sharing a tenant's private information, which will hopefully stop the problem before it begins, by setting a \$1000 floor for violations of this Act.

### **WHY WE SUPPORT LD 2176**

We support LD 2176 as a modest, practical solution to provide tenants with a real opportunity to hold landlords accountable for sharing information that they hold in trust. For too long we've heard from tenants who complain about landlords sharing private details about their lives without any remedy.

### **CURRENT LAW DOES NOT PREVENT LANDLORDS FROM DISCLOSURE**

Under current law, there is not a clear path to hold landlords accountable when they share a tenant's private information, whether it is their financial information, like a social security number or source of income, or information about their status. While not all landlords violate their tenants' privacy, the ones that do can currently share that information without fear of consequences. LD 2176 would reinforce the importance of protecting this private information.

### **LANDLORDS CAN SHARE INFORMATION FOR LEGITIMATE REASONS**

Importantly, this bill does not prohibit landlords from sharing any information about a tenant with the tenant's clear consent, or in response to a valid judicial warrant. Landlords that need to share information for legitimate purposes have nothing to fear from this legislation. The bill before you would correct the conduct of 'bad actors' without depriving landlords of the tools they need to run background checks, communicate with landlord references, or cooperate with law enforcement requests.

I urge you to enact LD 2176 and take this step towards a more just relationship between landlords and tenants in Maine and protect Mainers who are struggling with the consequences of inappropriate disclosure of private information.