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Written Testimony of Rob Liscord, Maine Equal Justice
In support of LD 1464 “An Act To Improve Accessibility of Affordable Housing Data”
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To Senator Hickman, Representative Silverster, and members of the Joint Standing Committee on Labor and Housing. I submit this written testimony in support of LD 1464 on behalf of Maine Equal Justice. Maine Equal Justice is a civil legal services organization, and we work with and for people with low income seeking solutions to poverty through policy, education, and legal representation. Thank you for the opportunity to offer written testimony to you in support of LD 1464.

Maine Equal Justice supports LD 1464. Mainers’ health, wellbeing, and economic stability all start at home. Ongoing federal rental assistance through the Section 8 program and state and federally funded emergency rental assistance during the pandemic are crucial to ensure that families can afford rent and keep their homes in the face of economic hardship. Maine Equal Justice supports a range of bills this sessions that would strengthen federal and state rental assistance programs. LD 1464 complements these efforts to strengthen rental assistance for those who need it by providing the legislature the data and information necessary to ensure these programs work for all Mainers.

Furthermore, Maine’s families struggling with financial hardship and who are rent burdened deserve programs that are accountable to them and their representatives and strive every day to improve service delivery. Maine Equal Justice supports LD 1464 because it provides the accountability that Mainer’s deserve.

What This Bill Does

This bill requires Maine Housing to provide annual reports on the Section 8 program and the reasons why families struggle to find housing. The bill also requires Maine Housing to provide monthly reports to the Joint Standing Committee on Labor and Housing on Emergency Rental Assistance and account for the time from when an initial application is received and the time until the application is received.

Why Maine Equal Justice Supports LD 1464

- I. Data and Reporting is a Key Piece to Improving Permanent and Emergency Rental Assistance.**

Even before the pandemic, thousands of Mainers struggle month in and month out to afford rent and stay housed. In Maine, wages aren't high enough for everyone to keep a roof over their heads.¹ On average, Mainers need an annual income of \$42,489 to pay for a two bedroom home, but a typical low income renter makes only \$35,098 (and many make far less). As a result, nearly 60% of extremely low-income households pay more than 50% of their monthly income towards rent, a threshold which HUD deems *severely* rent burdened.¹ With so many households living on a razor's thin edge to make rent, it is no surprise that in the 5 years before the pandemic Maine Courts handled between 5,300 and 6,200 eviction cases every year. This means that an average of 14 to 17 households faced loss of their homes every day – these included families with children, seniors, veterans, and single adults striving every day to make ends meet. These households need short or long term rental assistance to keep them housed.

Given the tremendous need for rental assistance, Maine Equal Justice supports a range of bills this session that will help families find and keep permanent housing. These include:

- LD 473 – An Act to To Create the Maine Rental Assistance and Voucher Guarantee Program – which expands state funded rental assistance and funds housing navigation to help tenants find and keep housing as well as incentives for landlords.
- LD 1180 – An Act to Prohibit Discrimination in Housing Based on a Person's Participation in a Rental Assistance Program – which prohibits landlord discrimination against voucher holders for their receipt of public assistance.
- LD 1508 – An Act to Prevent Homelessness by Establishing an Eviction Mediation Program – which provides an improved eviction court process with the goal resolving cases in a manner that keeps tenants housed and landlords whole.

Maine Equal Justice has also worked with the Maine Housing, the Community Action Agencies and the Administration, to provide guidance on the rollout of the emergency rent relief made available during the Covid-19 Pandemic. We are committed to ensuring that emergency and long term rental assistance helps those who need it.

Given the dire and longstanding challenges with housing affordability, Maine needs to ensure these programs are running as intended and leaving no resources on the table that could help Mainers in need. Regular data collection, monitoring and reporting is crucial to ensuring these programs are effective. Furthermore, the Legislature, as the representative body for constituents from every Maine community, is the right body to evaluate that data and ensure programs are working well for Maine people.

Maine Equal Justice's support of this bill in no way means that the other reforms put forward this session should be put on hold. The problems faced by low income families struggling to make rent are broad – with a range of causes and solutions. As we implement reforms, strong data tracking will help Maine refine its initiatives and learn in real time about what works best for Maine families. This data collection and monitoring will not only serve to evaluate the underlying rental assistance program. It will also help to evaluate the efficacy of commonly accepted approaches to improve rental program success.

¹ Andrew Aurand, et. al., *Out of Reach: The High Cost of Housing*, NATIONAL LOW INCOME HOUSING COALITION, (2020), https://reports.nlihc.org/sites/default/files/oor/OOR_2020.pdf.

II. For Every Section 8 Voucher Unused, Maine Foregoes A Valuable Resources to Address our Housing Crisis.

Maine’s tenants are in desperate need of long-term rental assistance. The largest rental assistance program in the U.S., the Section 8 Housing Choice Voucher Program (“Section 8 Voucher Program”), only funds vouchers for 1 in every 5 families who are eligible for it. **In Maine, the joint Section 8 waiting list which covers most of the state has over 25,000 households on it.** Families wait years for needed assistance. But even when these families do get vouchers, many will still struggle to find safe, affordable housing.

Voucher holders can become and remain homeless and lose their vouchers when they can’t find a landlord who will rent to them. Most voucher programs give tenants a limited amount of time to “lease up” their voucher at a new apartment, and the program can terminate rental assistance if tenants fail to find an apartment in that time. This can range anywhere from 30 to 120 days. But in 2015, Maine Housing reported that fewer than half of its Section 8 Voucher participants found housing in the first 30 days.² Often, tenants lose their vouchers simply because they can’t find a landlord who will accept their voucher in that time.

In 2018, the Bangor Daily News documented one man’s long struggle to find housing for his family.³ Lawrence Bergeron had a housing voucher that would have assured his ability to pay the rent in any market-rate unit. Still, he had to apply to nearly one hundred apartments over almost six months until he found a landlord willing to accept his voucher. In that time, Bergeron and his four grandchildren lived out of their car.

Lawrence Bergeron’s experience is not unique. In 2019, Russell Williams, a homeless man and lifelong member of the Brunswick community, died sleeping outside though he had recently received a housing voucher.⁴ According to the Times Record, he could not find housing within the allotted 60 days and lost the voucher.

There are hundreds of stories just like these from around Maine. Throughout 2020, Maine Housing reported that it had over 600 households who held Section 8 vouchers but could not find an apartment that would accept it. **With an average annual subsidy of \$7,500, Maine Housing’s unused vouchers represent well over \$4.5 million of federal rental assistance left on the table.**

² This was part of Maine Housing’s decision to extend their 30 day time limit to 120 days, in part to avoid the need to process extension requests. Maine Housing administers one-third of the State’s 12,000 Section 8 Vouchers with the rest being administered by local housing authorities. Callie Ferguson, *Homeless with 4 Kids, A Bangor Man Called Nearly 100 Landlords to Find a Place to Live*, Bangor Daily News (Nov. 19, 2018), <https://bangordailynews.com/2018/11/19/news/bangor/homeless-with-4-kids-a-bangor-man-called-nearly-100-landlords-to-find-a-place-to-live/>.

³ *Id.*

⁴ Hannah LaClaire, *‘It’s Wrong This Happened.’ Loved Ones Mourn Homeless Brunswick Man*, Times Record (Dec. 3, 2019), <https://www.pressherald.com/2019/12/02/its-wrong-that-this-happened-friends-loved-ones-mourn-the-death-of-local-homeless-man-russell-williams/>.

Maine needs to better understand the range of reasons why voucher holders cannot find housing. Whether it is discrimination against voucher holders, old housing stock that will not pass inspections, a lack of access to security deposits, or overstretched support services that help families find housing, all these challenges have thoughtful and tested responses that can overcome them. The Legislature needs the information necessary to determine the size and scope of each intervention needed across Maine communities.

III. Covid-19 Emergency Rental Assistance Must be Timely to Be Effective.

The monthly reporting and monitoring provided to the legislature in LD 1464 is necessary to ensure that this emergency rental assistance works for both tenants and landlords alike. Such a program could effectively stop evictions for non-payment in Maine. A 2020 study of eviction dockets by the Maine Affordable Housing Coalition revealed that the average rental arrears upon eviction filing was \$1,423.⁵ This study showed that many of the five to six thousand evictions every year could be stopped with a relatively small, timely intervention with rental assistance.

Timely rental assistance could stop most evictions before the case gets to court or could be relied upon to negotiate mutually beneficial settlement of court evictions. However, during the past year, the biggest challenge Maine Equal Justice hears from tenants and their advocates is that emergency rental assistance is either (a) delayed to such an extent that it cannot be relied on to resolve evictions for non-payment; or (b) does not provide sufficient assistance to cure rental arrears. Similarly, landlords often share that rental assistance does not come fast enough to forestall expensive and time consuming evictions. Too often when legal aid attorneys present a rental assistance program to a landlord, landlords are reluctant to agree to work with the program based on past experience with the same or other forms of assistance. In short, delays in rental assistance put tenants at risk of homelessness and undermine a landlord's willingness to work with housing programs writ large.

This bill works to address this challenge by providing the Joint Standing Committee on Labor and Housing the precise information needed to address the chief concern that landlords and tenants have with the emergency rental assistance program – timely payment of rent.

Recommended Amendment: Add Household Size and Demographic Data

To improve the data made available to the legislature and advocates, Maine Equal Justice recommends that the LD 1464 be amended to require that both the Section 8 annual reports and the monthly emergency rental assistance reports cross reference program outcomes against household size and demographics. Such an amendment would be consistent with the legislature's commitment to evaluate the racial impact of legislation and policy decisions made with the passage of LD 2 – “An Act to Require the Inclusion of Racial Impact Statements in the Legislative Process” – earlier this session. Adding household demographics will give a more complete picture of the families who struggle the most to utilize rental assistance programs and

⁵ *Evictions in Maine: An Analysis of Eviction Filings and Outcomes as the Covid-19 Pandemic Threatens to Increase Rental Housing Instability*, MAINE AFFORDABLE HOUSING COALITION, (Sept. 2020), <https://mainehousingcoalition.org/wp-content/uploads/2020/09/Maine-Eviction-Report-FINAL-September-2020.pdf>

identify disproportionate impacts based race, national origin, disability, gender, sexual orientation, family status and other protected classes.

Conclusion

Maine Equal Justice hopes the Committee will vote ‘ought to pass’ on LD 1464 to ensure that Maine has the data necessary to make informed policy decisions regarding rental voucher programs and emergency rental assistance.

We thank you for the opportunity to provide written testimony.