

Know Your Rights: Rental Housing and Eviction Prevention During COVID-19



Maine Equal Justice
People Policy Solutions



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Wednesday, May 13, 2020 | 9:30am-11am

What we'll cover today...

Agenda:

1. Affording Rent:

Overview of assistance programs available to people struggling to pay rent, including what's new since the start of COVID-19.

2. Eviction Prevention:

What to know about the eviction process in Maine, including what has changed since the start of COVID-19.

3. Q & A

Checking In – Instant Poll

Which of these have you or someone you know experienced since the start of the COVID-19 pandemic?

Housing Insecurity in Maine

28% of Maine households are renters. 29% of those have extremely low-income.

For every 100 renter households in Maine with extremely low-income, there are only 52 affordable housing units available.

This amounts to a shortage of more than 20,000 units that are both affordable and available to these households.

Over 53% of Maine renters with extremely low-income pay more than half of monthly income on rent.

\$19.91 is the hourly wage a household must earn to afford a two-bedroom rental unit at HUD's Fair Market Rent (state average).

COVID-19 is intensifying Maine's affordable housing crisis

Source: National Low-Income Housing Coalition



Continue to pay your rent if you are able to!

- There are currently no new laws or policies in place that excuse tenants from paying their rent.
- Once you fall behind on rent it can be very hard to catch up.

If you're not able to pay your rent, you might be eligible for assistance...

Resources to Help Afford Rent

1. Housing Support Programs
2. Income Support Programs

Resources to Help Afford Rent

Housing Support Programs: Existing Resources

1. Is the amount you pay for rent based on your household's income?
2. Has your income changed?
3. If yes to both, contact your landlord or the housing authority who handles your voucher to let them know your household income has changed.

Vouchers – Tenant Based Rent Subsidy:

[Housing Choice Vouchers / Sec. 8](#);
[Veterans Affairs Supportive Housing \(VASH\)](#); [STEP](#); [Bridging Rental Assistance \(BRAP\)](#); [Shelter Plus Care](#)

Project-Based – Property based Rent Subsidy:

Public Housing; Elderly/Disabled; Project-Based Section 8; Mod Rehab; Rural Development ([List of Properties by County](#))

Resources to Help Afford Rent

NEW Housing Assistance Program

Maine Housing - COVID-19 Rental Relief Program

- Eligible households could receive a one-time, up to \$500 payment made directly to their landlord.
- Was only intended for April and May and the program will end when the funding runs out.
- Not available to renters who receive any type of housing subsidy or who live in a building that receives any type of subsidy.

To apply or for more information, [click here](#).



More Rental Assistance Needed



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COVID-19 take action
www.mainequaljustice.org

Sign the letter! Maine Needs More Emergency Funds from Congress.

Healthcare, hunger, and housing needs are greater than the available support. **Maine needs more resources to make sure no one is left behind!**

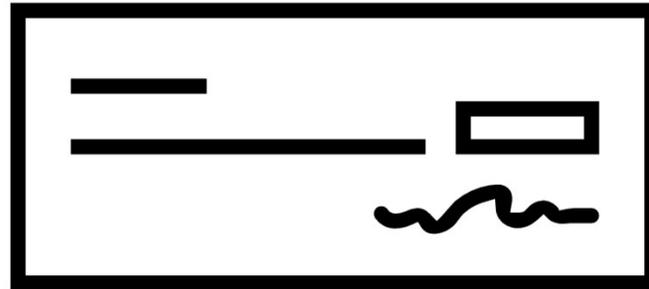


- The Maine Housing Rent Relief Program is almost out of funds.
- Congress is considering more Covid-19 relief for states that could include help for tenants.
- [Click here](#) to sign the petition

Resources to Help Afford Rent

Income Supports: Existing Programs

- [General Assistance \(GA\)](#)
- [Temporary Assistance for Needy Families \(TANF\)](#)
- [Family Emergency Assistance](#)
- [Unemployment Compensation](#)





Resources to Help to Afford Rent

NEW Income Supports:

- [Economic Impact Payments \(“stimulus checks”\)](#)
- [Pandemic Unemployment Assistance \(PUA\)](#)
- Pandemic Unemployment Compensation (PUC)

Resources to Help Afford Rent



A S S I S T A N C E

Are You Leaving Money on the Table?

- ✓ Maine Benefits Checklist

For more information about these and other income supports,

visit: https://ptla.org/sites/default/files/benefits_checklist.pdf

Resources to Help Afford Rent



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COVID-19 Resources

Our safety net is flexible in times of emergency, and can help families weather difficulties. People have a right to access benefits throughout the outbreak. If you are having trouble getting assistance like SNAP, MaineCare, TANF, or General Assistance, but you think that you should qualify, please call Maine Equal Justice at 626-7058, ext 205 or [leave a message](#).

We have additional [information and resources for Maine](#).



<https://maineequaljustice.org/people/covid-19-resources/>

Evictions During COVID-19

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Important!

This information is
current as of
5/13/2020.

Eviction Timeline

1. Notice to quit
2. Summons and complaint (Forcible Entry and Detainer)
3. Court date
4. Writ of Possession
5. Trespasser



Lease v. Rental Agreement



Lease has a “term”—
length of tenancy



List of rules with no
term is a rental
agreement

Sources of Maine Landlord/Tenant Law



14 M.R.S. 6001 ET SEQ.
LANDLORD/TENANT LAW



10 M.R.S. 9091 MOBILE
HOME PARK



SUBSIDIZED HOUSING
PROGRAMS'
REGULATIONS

Termination of Tenancy



Termination is needed prior to the commencement of an eviction action



See, generally, 14 M.R.S. 6001

Written Notice

A written notice is needed to terminate any kind of tenancy



Exceptions:

A lease may expire by its own terms and the landlord commences the eviction action within 7 days of the end

A mutual termination agreement

Termination of a Tenancy at Will

7-day notice for “cause”

30-day notice for “no cause”

Causes

- Nonpayment of rent
- Substantial damage
- Nuisance

Termination of a Tenancy at Will

- Nonpayment of rent
 - Seven-day notice with right to cure
 - “If you pay the amount of rent due as of the date of this notice before this notice expires, then this notice as it applies to rent arrearage is void. After this notice expires, if you pay all rent arrears, all rent due as of the date of payment and any filing fees and service of process fees actually paid by the landlord before the writ of possession issues at the completion of the eviction process, then your tenancy will be reinstated.”

Termination of a Leasehold Tenancy

- The lease provisions determine the length of the notice and the reasons a notice to quit can be given.

Sample notice

SEVEN DAY NOTICE TO QUIT

January 15, 2015

[REDACTED]
[REDACTED] Portland, ME 04103

[REDACTED] and all other occupants of [REDACTED], Portland, County of Cumberland and State of Maine.

NOTICE TO QUIT

Please be advised that your Landlord, [REDACTED] Limited Partnership, a Maine limited partnership ("[REDACTED]"), hereby exercises its right to terminate your tenancy in the apartment located at [REDACTED], Portland, Maine. You are to vacate the premises by 12:00 noon, at the expiration of seven (7) days from delivery of this Notice to Quit to you. Please return all of your keys to the management office located at [REDACTED], Portland, Maine 04103

SPECIFIC REASONS FOR TERMINATION OF TENANCY

Your tenancy has been terminated due to failure to pay rent charges in the amount of \$1190.00 due and payable on January 1, 2015, plus a late fee of \$40.00, for a total of \$1230.00. If you pay the amount of rent due as of the date of this notice before this notice expires, then this notice as it applies to rent arrearage is void.

After this notice expires, if you pay all rent arrears, all rent due as of the date of payment and any filing fees and service of process fees actually paid by the Landlord before the writ of possession issues at the completion of the eviction process, then your tenancy will be reinstated.

September 2020: Calculating a Worst-Case Scenario

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 (NTQ)	2	3	4	5
6	7	8 (NTQ expires)	9 (Summons)	10	11	12
13	14	15	16	17	18 (Court)	19
20	21	22	23	24	25 (Writ)	26
27 (Writ expires)	28	29	30			

Consequences of an eviction judgment



An eviction judgment results in long-term court record



An eviction may be posted on tenant's credit record



An eviction from federally subsidized housing could prevent tenant from qualifying for affordable/subsidized housing in the future.



A tenant may lose personal property in the apartment if the writ is executed before the tenant moves out.

Eviction Protections: Federal

- 3/27/20: The Coronavirus Aid, Relief, and Economic Security Act or “CARES Act”
 - Imposes a moratorium for non-payment of rent evictions in “covered properties” that expires on July 25.
 - Reason for non-payment does not have to be explicitly COVID-10 related.
 - At expiration, housing providers must give a 30-day notice to evict for non-payment. This notice cannot be served during the moratorium.
 - Also prohibits any fees or late charges related to the non-payment

Eviction Protections: Federal

- A “covered property” means any property that—
 - Participates in a VAWA housing program or the rural housing voucher program. The most common are public housing, Section 8 voucher (including VASH), Section 8 project-based housing, Section 515 Rural, and Low-Income Housing Tax Credit (LIHTC).
- How to help a tenant find out—
 - Check for rent subsidy.
 - Check for lease addendums.
 - Ask landlord or property management.
 - Ask local housing authority.

Eviction Protections: Federal

- A “covered property” means any property that—
 - Has a federally backed mortgage loan (1–4 units) or has a federally backed multifamily mortgage loan (5+ units). Common examples are Fannie Mae, Freddie Mac, FHA, HUD, VA, or USDA loans.
- How to help a tenant find out?
 - Ask landlord
 - Database search, but note that no one database is comprehensive and some properties are not in any database
 - Registry of deeds (not reliable)
- Effectiveness of these protections will depend on courts
- Databases—
 - Fannie Mae’s Multifamily Loan Lookup Tool [here](#).
 - Freddie Mac’s Multifamily Loan Lookup Tool [here](#).
 - National Low Income Housing Coalition Lookup Tool [here](#). (Does not include single family rental homes, 1–4 unit buildings, or all Fannie Mae and Freddie Mac multifamily mortgages.)
 - National Housing Preservation Database Lookup Tool [here](#). Does not include Project-Based Vouchers; McKinney Vento Permanent Housing; Housing Opportunities for Persons with AIDS (HOPWA); Tax-Exempt Multifamily Housing Bonds; and Section 516 Farm Labor Housing.)

Eviction Protections: Maine

- On 4/14, Governor Mills extended the civil emergency through May 15, 2020.
- On 4/16, Mills signed an EO to limit evictions for 30 days after expiration of the state of emergency (likely June 14). Those limitations—
 - Prevent issuances of writs for possession in nonpayment (less than 2 months), 30-day without-cause, and expiration-of-lease cases.
 - Give tenants at will being evicted without cause 60 days' notice instead of 30 days.
 - Give tenants at will being evicted for nonpayment of rent due to COVID-19, 30 days' notice instead of 7 days.



What does it
all mean?

- Tenants in a covered property who cannot pay their rent cannot be properly brought to court until July 25 + 30 days, so August 24.
 - Tenants at will in a noncovered property who cannot pay their rent due to COVID-19 are entitled to 30-day notice (instead of 7) through June 14.
- Tenants in a covered property who are being evicted without cause or for nonrenewal of lease are potentially protected through August 24.
 - Tenants at will in a noncovered property who are being evicted without cause are entitled to a 60-day notice (instead of 30) through June 14.
- Tenants with a lease in a noncovered property will only get notice required in lease.
- Tenants being evicted for something other than rent/fees will get the normal procedure and defenses.

Reasonable Accommodations

- Infection/exposure to COVID-19 can constitute a disability because it impacts ability to work, care for oneself, breathe, etc.
- Underlying disability making someone more susceptible to serious illness with exposure could also form the basis of a reasonable accommodation.
- Example requests: payment plan to pay rent due to loss of income from getting sick, delay inspection, change to guest policy, more time to address housekeeping.

Illegal evictions

- An illegal eviction is when a landlord cutoffs utilities, denies access to the premises, or denies access to tenant's personal property without following proper judicial process.
- Often occurs when landlord claims landlord-tenant laws do not apply (e.g., an innkeeper situation)
- On 4/16, the Governor made clear the law enforcement is authorized to enforce during an authorized emergency.

After expiration of moratorium

- Rent is not being forgiven—at some point tenant must pay or face eviction.
- No defense for nonpayment of rent because of economic hardship related to COVID-19; however, check reasonable-accommodation.
- Tenants in multifamily property (5+ units) where owner has sought a forbearance of a federally backed mortgage, may be protected from a nonpayment eviction “until after the expiration of the forbearance.”

Questions?



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Contact us to get help:

For instructions on how to contact the right Pine Tree Legal office, visit the 'Contact Us' page on their website:

<https://ptla.org/contact-us>

To seek assistance from Maine Equal Justice, either:

- Use our legal assistance contact form:
<https://maineequaljustice.org/people/legal-assistance-contact/>
- Or, leave a message at 207-626-7058 x205