



Maine Evictions

2019-2022

May 12, 2023

Rental housing instability has devastating effects on individuals and families, disrupting work and education, and causing negative health outcomes. The COVID-19 pandemic increased rental housing instability in Maine and available data reflects many of the challenges:

- In 2022, Pine Tree Legal Assistance received five times as many calls about rent increases as in 2019 and also saw an increase in calls about eviction and other tenants' rights.
- According to a Maine State Housing Authority September 2022 report, there are 154,612 rental housing units in Maine. 42.5% of rental households pay more than 30% of their income towards housing. 16% pay more than 50% of their income towards housing.¹
- After a decrease in eviction filings during the pandemic, the Maine Courts reported 5,629 eviction filings in 2022, a 45% increase over 2021.²

Historically, data around rental housing instability in Maine has been limited, particularly when it comes to evictions. To help illuminate the story of what is happening with evictions in Maine, Pine Tree Legal Assistance embarked on a research project in 2022 in partnership with the John T. Gorman Foundation and building off the 2020 work of the Maine Affordable Housing Coalition.

Pine Tree Legal Assistance gathered and reviewed data from 5,414 eviction files for the period from March 2019 to March 2022. We reviewed files from 24 District Courts around the state. This report summarizes what we found regarding:

- The reasons for eviction
- Default judgments
- Tenant representation

Reason for Eviction

The predominant reason for eviction in the files we looked at was nonpayment of rent. To obtain an eviction judgment against a tenant, a landlord must terminate a tenancy by either serving the tenant with a notice to quit or timing the eviction precisely at the end of a lease. Notices to quit can be served for various reasons, including for no reason at all when tenants do not have leases. These are commonly called "no cause evictions." We categorized the reason for evictions as nonpayment of rent, no cause, violations (including violations of leases and tenancy-at-will rules like unauthorized occupants or damages), and other. 5,360 of the files we reviewed included the legal basis for the eviction. 3,525 were filed because of nonpayment of rent making up 65% of cases. In 2021, when Emergency Rental Assistance became widely available, there was a decrease in non-payment cases and an increase in no cause evictions. Each year saw an increase in evictions brought for violations.

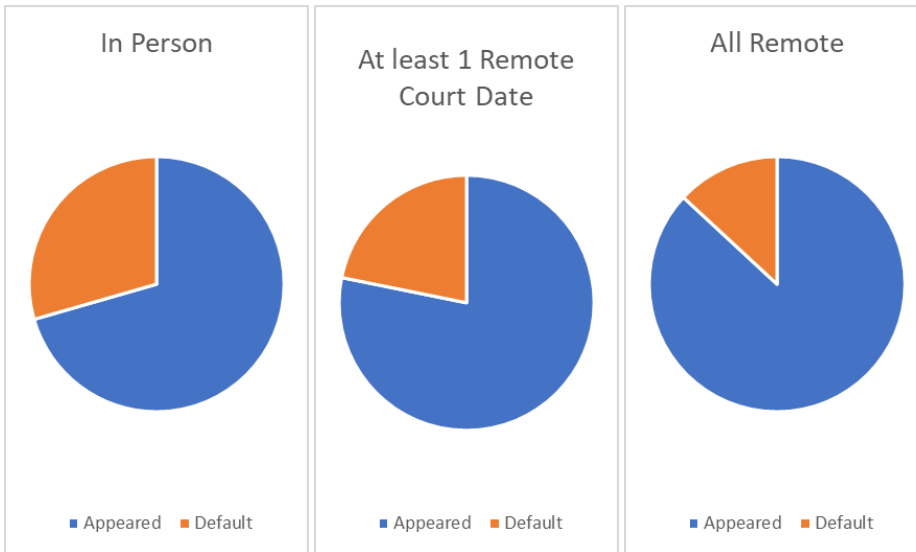


Default Judgments

Default rates in eviction court are significant. When a tenant does not go to court, the Court will enter a default judgment against them. A default judgment gives a tenant 7 days to leave the unit. If a tenant does show up for court, most often the landlord and tenant are given time to talk to see if they can work out an agreement. If they can't agree, a hearing is held in front of a judge. Missing court eliminates the tenants' ability to present a defense or negotiate an agreement that helps them avoid home-

lessness and housing instability by either extending the 7 days to a longer period of time or agreeing to preserve the tenancy. Of the files we looked at, the tenant was defaulted in 1,363 or 25.18% of cases.

Special COVID-19 court procedures created a unique opportunity to see how holding court dates remotely affected the eviction process including default rates. In the cases we looked at where the file indicated whether a hearing was held in-person or remotely, 70.92% of eviction cases were held fully in-person. In 29.08% of cases, one or more court dates was held by telephone or remote video. We found significant differences in default rates depending on whether cases were held in-person or remotely. Tenants were defaulted in 29.45% of fully in-person cases. Cases where the file indicated at least one court date was held remotely had a lower default rate at 21.83%. Cases where all court dates were held remotely had the lowest default rate at 13.09%.



Tenant Representation

Tenants have limited access to attorneys. Eviction defense is a technical process that operates in an intimidating environment for tenants who are inexperienced in litigation. Often the legal defenses to a case are found in nuances of the law or the failure of the landlord to follow the legal process. It is difficult for most tenants to defend themselves. While many criminal defendants have the right to be represented by an attorney paid for by the State, there is no similar right in evictions. Tenants can hire a private attorney or seek assistance from one of the civil legal aid programs that provides representation in evictions. Our study looked at whether tenants had legal representation and how it affected the outcome of a case.

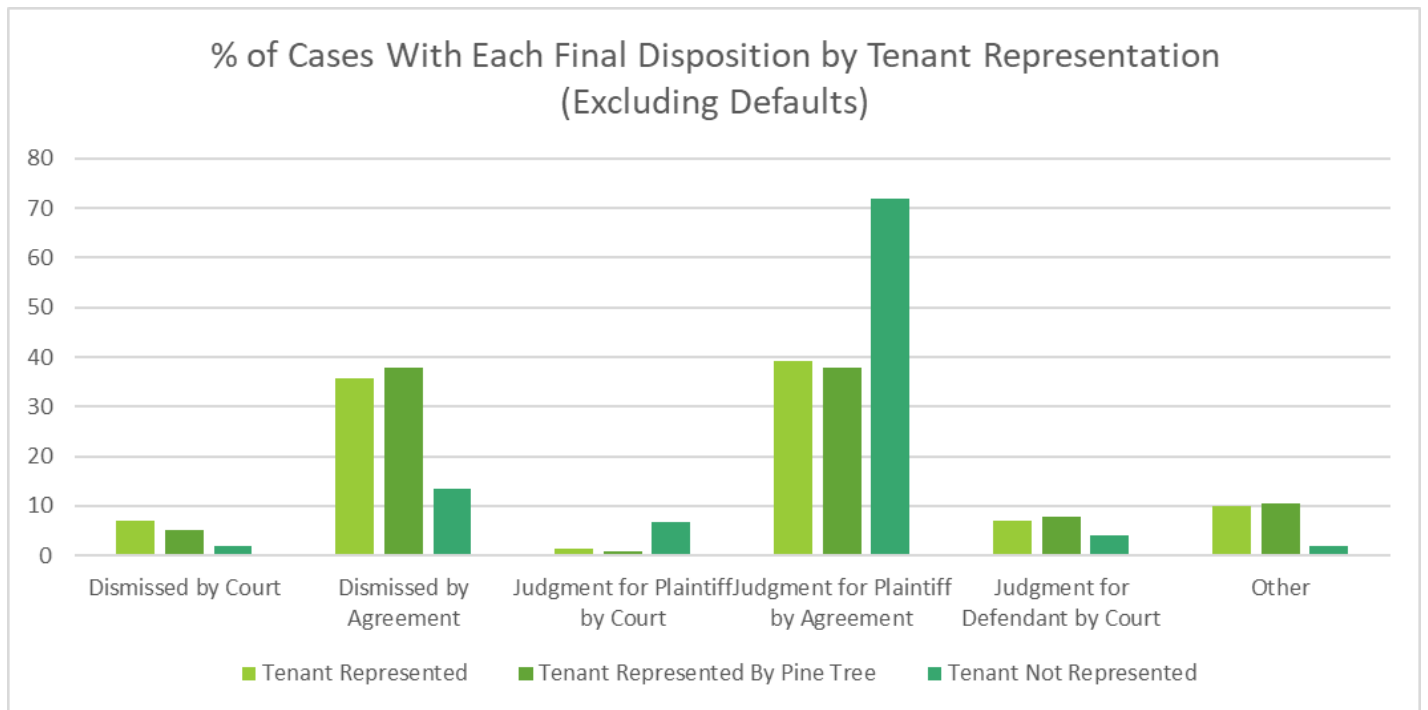
In the cases where the file indicated whether or not the tenant was represented, 15% of tenants had an attorney, 12% specifically retained Pine Tree Legal Assistance. In contrast, 77% of landlords were represented.

To look at the difference in outcomes for represented

Tenant Representation % By Year			
	No Attorney	Attorney	PTLA
2019	91.42	8.58	6.33
2020	82.86	17.14	14.21
2021	75.08	24.92	21.24
2022	75.18	24.82	19.15

and unrepresented tenants, we looked at the cases where the defendant appeared at court and the file noted whether the defendant was represented.⁴ Tenants who were unrepresented left eviction court with a judgment against them in 78.58% of cases compared to 40.42% of represented tenants. Similarly, represented tenants obtain dismissals in 49.69% of cases compared to just 19.66% of unrepresented tenants.

To further assess the effect of representation on tenant outcomes, we looked at the median amount of time the eviction process took for tenants who were unrepresented, represented, and specifically represented by Pine Tree. In the current rental market, additional time before an



eviction judgment is enforced can increase a tenant’s likelihood of finding new stable housing and avoiding homelessness. The minimum amount of time an eviction can take is 23 days⁵ but it is unlikely the process will follow that timeline because of various factors such as the landlords timely commencement, court schedules and availability of Civil Service Sheriff Deputies for service of documents. The data showed tenants with legal representation are more likely to have a longer period of time before the eviction is complete which represents more time staying housed.

Median Number of Days NTQ to Final Judgement	
No attorney	55
All attorneys	83
PTLA	97

Eviction data can be an important tool in assessing and addressing rental housing instability. In particular, examining the factors that cause negative outcomes in eviction court can provide clues as to why people are being evicted and causes of rental housing instability. The eviction files we looked at told us:

- 1) the predominant reason for eviction in Maine is nonpayment of rent
- 2) a significant number of tenants are defaulted in eviction court, and
- 3) having an attorney can improve outcomes for tenants and ensures due process.

¹ Brennan, Daniel, *Housing in Maine: An Overview*, <https://legislature.maine.gov/doc/8866> (September 13, 2022).

² State of Maine Judicial Branch, *15-year Monthly FED Filing Trends* <https://www.courts.maine.gov/about/reports/fed-monthly15yr-report.pdf>

³ Maine Affordable Housing Coalition, *EVICTIONS IN MAINE: An Analysis of Eviction Filings and Outcomes as the COVID-19 Pandemic Threatens to Increase Rental Housing Instability* [Maine-Eviction-Report-FINAL-September-2020.pdf](https://mainehousingcoalition.org/Maine-Eviction-Report-FINAL-September-2020.pdf) (September 2020) and Maine Affordable Housing Coalition, *EVICTIONS IN MAINE: An Analysis of Eviction Filings and Outcomes as the COVID-19 Pandemic Threatens to Increase Rental Housing Instability February 2021 Update* [Evictions-in-Maine-February-2021.pdf](https://mainehousingcoalition.org/Evictions-in-Maine-February-2021.pdf) (February 2021).

⁴ We excluded cases where the defendant did not appear and default judgments were entered.

⁵ The minimum process would include a 7-day Notice to Quit, service of a Summons and Complaint 7 days before a court date; a 7 day judgment, and a 48 hour Writ of Possession.

