Office of
The Governor

No. 5 FY 20/21
DATE July 30, 2020

AN ORDER EXPANDING RENT SUPPORTS AND CONTINUING HOUSING PROTECTIONS

WHEREAS, I proclaimed a state of emergency on March 15, 2020 and renewed states of emergency on April 14, 2020, May 13, 2020, June 9, 2020 and July 8, 2020 to authorize the use of emergency powers in order to expand and expedite the State's response to the serious health and safety risks of the highly contagious COVID-19; and

WHEREAS, on April 16, 2020 I issued Executive Order 40 FY 19/20 that, for the reasons and upon the authorities stated therein, protected tenants from unlawful evictions, extended eviction time periods for certain tenants, and suspended writs of eviction of certain tenants who were facing eviction proceedings before the pandemic commenced; and

WHEREAS, that Order expressly stated that it "shall be reviewed at the time the courts reopen their scheduling, hearings and proceedings on eviction or FED (forceable entry and detainer) actions;" and

WHEREAS, the adverse economic impacts of COVID-19 continue to cause unemployment and loss of income for a large number of Maine people, hindering the ability of individuals to pay rent and other expenses; and

WHEREAS, the Maine Supreme Judicial Court issued an Order dated March 18, 2020, which, among other things, permitted filings in eviction or FED actions but prohibited hearings and proceedings on these actions until a later date; and

WHEREAS, Maine's businesses began reopening May 1, 2020, and on August 3, 2020, the Supreme Judicial Court plans to reopen courts for hearings and resume handling evictions and related actions in an orderly manner; and

WHEREAS, it remains desirable to continue to protect tenants from unlawful evictions, to extend eviction time periods for nonpayment of rent in order to address the continuing financial impacts of the COVID-19 emergency on Maine families, while allowing evictions for nonfinancial reasons; and

WHEREAS, the state is expanding its rental assistance program to further protect Maine families from eviction and the financial impacts of the emergency; and

WHEREAS, a governor's emergency powers expressly include the authorities to control the occupancy of premises within the state pursuant to 37-B M.R.S. § 742(1)(C)(8); suspend the enforcement of statutes, orders or rules where strict compliance therewith would hinder or delay necessary action in coping with the emergency pursuant to 37-B M.R.S. § 742(1)(C)(1) and § 834; and adjust time frames imposed by law reasonably necessary to mitigate an effect of the emergency pursuant to 37-B M.R.S. § 742(1)(C)(13)(a);

NOW THEREFORE, I, Janet T. Mills, Governor of the State of Maine, pursuant to 37-B M.R.S. Ch. 13, including but not limited to the authorities cited above, do hereby Order as follows:

I. ORDERS

Effective August 3, 2020 when the courts resume handling eviction and FED actions:

A. Executive Order 40 FY 19/20 is repealed and replaced by this Order.

B. No landlord or agent of a landlord or property owner may attempt during this state of emergency to evict a tenant by a means not authorized by law. Law enforcement, with guidance of the Attorney General as necessary, are authorized to enforce this provision through 37-B M.R.S. § 786.

C. The provision in the first paragraph of 14 M.R.S. § 6002 requiring a landlord to give a 30-day notice to quit to an at-will tenant is extended to 45 days.

D. The provision in 14 M.R.S. § 6002 (1) (C) requiring a landlord to give a 7-day notice to a tenant for an arrearage is extended to 30 days.

E. This Order is complemented and supported by the state's expanded rent relief program as well as local municipal rent relief programs.

II. REVIEW

This Order shall be reviewed as the courts resume handling evictions or FED actions, as federal emergency protections may be extended, and as state and local residential rent relief programs continue to protect people from eviction and homelessness during the emergency.

III. JUDICIAL NOTICE

A copy of this Order shall be provided to the Chief Justice of the Maine Supreme Judicial Court and to the Sheriff of each county.

IV. EFFECTIVE DATE

This Order shall take effect on August 3, 2020 and, unless sooner amended or rescinded, shall expire upon termination of the COVID-19 state of emergency.

Janet T. Mills
Governor