

Committee on Judiciary,

RE: LD 45: An Act to Prevent Retaliatory Evictions

I'm opposed to LD 45 for the following reasons:

- I'm unsure how a landlord can be retaliating about a tenant asserting their rights, if the tenant cannot show proof that they asserted their rights about a concern at the property in the first place BEFORE the eviction notice.
- This law put the presumption of guilt on the landlord before they have their day in court.
- Tenants have been known to start retaliation claims against landlords to retaliate against them for starting an eviction. For example, a friend of mine had a tenant well past due on rent and started the eviction process. Suddenly, the tenant called code enforcement and the State Fire Marshall about an issue with the furnace. He hired an oil burner professional who found nothing wrong with the unit. The Fire Marshall kept calling the local code enforcement officer for updates. The local code enforcement officer went to investigate found no issues with the house and told the Fire Marshall that the tenant was retaliating against the landlord.
- We currently have a tenant who is not keeping up with their full payments on time. If retaliation laws were not on the books, we would have given them more time to get into good standing, but instead we served them with an early non-renewal notice (7 months' notice) in case they wanted to play the baseless retaliation game. This is not the intention of the original retaliation law, but it's outcome forces us into a defensive posture.
- It is not unreasonable to require a copy of an email or proof of mailing to prove that the tenant asserted their rights.
- There are laws in place already that detail retaliatory evictions protections. They are sufficient.
- Problematic tenants can already make a complaint and get protection. This bill is over the line. If a tenant is getting evicted, there is likely a good reason, like they are not paying rent or disturbing the neighbors. This law undermines the serious nature of the issue at hand that caused the eviction in the first place.
- This law limits the judge's discretion to hear the evidence provided by both parties during the eviction and when considering if a relation claim is genuine.
- The law also will make drafting rental agreements difficult because they will have to cover every possible issue that could occur whereas right now we can have more broad polices banning things like creating fire hazards or disturbing the peace of the neighbors.

Regards

Justin Giroux

Manager

Habitat For ME LLC