Nancy Bubar
Brewer
LD 45

I oppose LD 45 as it will lead to tougher screening of new tenants.

If a tenant is going to claim retaliatory eviction, then they must demonstrate that they asserted their rights about a concern prior to being served an eviction notice. How can a landlord be retaliating against an assertion of rights if there is no evidence that rights had been asserted?

Both landlords and tenants need to come to court with "clean hands" and transparent motives supported by documentation. A simple text, email, certificate of mailing, etc. should be expected evidence when time is of the essence in these matters.

Frivolous, untimely, and undocumented retaliation claims undermine the serious nature in which these issues need to be addressed. Failure by either the tenant OR the landlord to document any failure to uphold the responsibilities outlined in the rental agreement demonstrates a disregard to the contract. To do so "after the fact" sets a concerning precedent.

To "tie" a judge's hands to specific wording in statute will require a boomerang effect of rental agreements having to attempt to capture every SPECIFIC scenario that could arise that normally a judge could consider under umbrella policies of "disturbing the peaceful enjoyment by neighbors", "creating a fire safety concerns", keeping an animal under proper care and supervision, etc. If a tenant claims retaliation a judge should be able to hear the evidence presented by all parties.