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Comment:

I have been practicing law since 2004, and much of that has been in the landlord tenant area. I urge the Court to adopt the changes proposed to make the playing field more even for tenants, who are clearly the less powerful players in what is supposed to be an arms length transaction between equals. If anything, these rules don't go far enough. For example, Rule 4.201 (3)(c) requires that the complaint must allege that all health and safety rules are followed, and that the covenants of habitability must be met. What it doesn't do is give this rule any teeth. Landlords with no certificates of occupancy or who have failed multiple inspections frequently file complaints for possession, declaring their properties are fit for habitation when they are plainly not. Under Rule 1.109, they should be sanctioned for lying in their complaint and using the court to harass, vex, etc. the defendant. There should be a rule that a showing of a failed inspection or failure to produce a certificate of occupancy results in the immediate dismissal of the complaint until the plaintiff can prove he is in compliance.

Otherwise, the proposed changes tend to make the system fairer to the less powerful party, and I support their adoption.

Respectfully,  
Hunter Van Valkenburgh