



Melissa Marshall  
Testimony  
Public Hearing  
Judiciary Committee  
March 3, 2006

Good afternoon. My name is Melissa Marshall. I am the Executive Director of Advocacy Unlimited (AU). AU is a consumer controlled organization for people with and in recovery from psychiatric disabilities. We help empower individuals with psychiatric disabilities by providing education in self, systems and legislative advocacy.

I am here today to testify against Senate Bill 361. Presently, after an eviction judgment is entered against an individual and that individual has not removed his/her property from the premises, a marshal removes a tenant's property and the town is required to store that property for 15 days. Under the proposed legislation, a landlord has no duty to return the property and may do with it what s/he pleases. This could entail keeping it, selling it or simply throwing it away.

It is critical that there remains a redemption period in a neutral location. A tenant may not understand that he or she has been evicted. This is often the case where English is not the tenant's native language or the tenant has a cognitive or psychiatric disability. Often, a psychiatric crisis precipitates an eviction. An individual may be hospitalized or otherwise in crisis when the judgment is entered.

The value of possessions may exceed rent owed. In such cases, it would be inequitable to for landlords to seize the former tenant's personal property. In other cases, the value of possessions owned may have little monetary worth, but be of great practical or sentimental value. An individual should not lose all of their clothing, furniture, kitchen supplies, family photos and collectables immediately upon eviction. What might be regarded as junk by a landlord represents all of the former tenant's worldly possessions.

Property must be held by neutral parties, such as by towns. Were the landlord to be held responsible for storage of property, which is not proposed in this bill, it is likely that the landlord would attempt to collect a storage fee or even back rent in exchange for what is legally the former tenant's property.

Towns have been involved in storing property for over 100 years. They should continue to help preserve the integrity of the eviction process. You will hear from individuals this afternoon who have lost property, even with the present protections. If anything, the protections should be made stronger, rather than be eviscerated by the General Assembly. AU urges this committee not to support this proposed legislation.