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TESTIMONY BEFORE THE JUDICIARY COMMITTEE OPPOSING S.B. 361, AN ACT CONCERNING POSSESSIONS AND PERSONAL EFFECTS OF TENANTS EVICTED FROM RESIDENTIAL PROPERTY

**Submitted by Jim Horan,
March 3, 2006**

Good afternoon, Senator McDonald, Representative Lawlor, and members of the Judiciary Committee. I am Jim Horan, Executive Director of the Connecticut Association for Human Services, a nonprofit advocacy organization that works to reduce poverty. I am testifying in opposition to S.B. 361, An Act Concerning Possessions and Personal Effects of Tenants Evicted from Residential Property.

This bill would change the long-standing practice that protects the possessions of the poorest tenant families. Under existing law, if a tenant is evicted and fails to vacate before the marshal comes to carry out the judgment, the marshal removes the tenant's property from the apartment. This happens only about 15% of the time—in most cases, tenants vacate before the actual eviction. When they do not, the town takes and stores the tenant's property for 15 days. The tenant can reclaim the property during that time. If he does not, the town auctions it off.

Under this bill, the marshal determines if the tenant is home, escorts the tenant off the property if they are home, leaves the tenant's property in the apartment, and allows the landlord to change the locks. The landlord can throw out the property or sell it. He is not required to give the property back to the tenant, and the tenant cannot reclaim it.

CAHS urges you to oppose this bill for the following reasons:

- Tenants will lose all their possessions, especially if they are not at home when the marshal carries out the eviction.
- Without the involvement of the town as a neutral party, the tenant will not be able to reclaim their property.
- It is inequitable to allow the landlord to keep the tenant's property. The property may be worth more than the tenant owes the landlord, and the tenant may not owe the landlord any money, since not all evictions are for non-payment of rent.

Tenants who have been evicted and do not vacate are likely to be among the poorest people in our society. Some do not understand what is happening or have any place to go. Changing a law that has been in place since 1895 will simply add to their burden following an eviction. Existing law, with its 15-day redemption period and the involvement of the town, protects tenants and is not unduly burdensome.

Thank you for the opportunity to testify on this important issue.