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## TESTIMONY OF HOUSTON PUTNAM LOWRY<sup>1</sup> OPPOSING RCB-361 AN ACT CONCERNING POSSESSIONS AND PERSONAL EFFECTS OF TENANTS EVICTED FROM RESIDENTIAL PROPERTY

I am an attorney who customarily represents landlords, although I occasionally represent tenants. I oppose this bill because I don't believe it creates any significant benefits and has a number of significant problems.

The bill does not require landlords to actually remove the occupant's goods to the curb. It simply says "may" instead of "shall."

This bill gives immunity to the landlords for disposing of an occupant's goods, lines 105-107 and lines 130-131. Immunity should not lightly be granted because it has such a potential for abuse. Shouldn't the landlord use reasonable care in removing a tenant's belongings from the premises? What if the landlord fails to notify the municipality? Should a landlord make a profit from disposing of an occupant's possessions? Isn't it better the municipality should make the profit (an admittedly rare circumstance)?

What happens if the landlord fails to notify secured parties their collateral is being disposed of? Shouldn't the landlord be responsible for notifying a secured party? Why should a secured party lose its collateral without any notice, especially since that security interest is recorded with the Connecticut Secretary of State?

There is a linger question of what must be done with hazardous substances, especially environmentally hazardous substances. Is this bill really intended to grant immunity to a landlord who dumps environmentally hazardous material into a river? I would hope not.

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<sup>1</sup> A member of Brown & Welsh, P.C.