CAHS

The Connecticut Association for Human Services
110 Bartholomew Avenue · Suite 4030
Hartford, Connecticut 06106
www.cahs.org

Robert A. Solomon, President
James P. Horan Executive Director
860.951.2212
860.951.6511

TESTIMONY BEFORE THE JUDICIARY COMMITTEE OPPOSING S.B. 591, AN ACT CONCERNING PROPERTY OF EVICTED TENANTS
Submitted by Jim Horan, Connecticut Association for Human Services
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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, strengthen families, and reconnect communities through advocacy supported by outreach, education, and research.

I am testifying in opposition to S.B. 591, An Act Concerning Property of Evicted Tenants. This bill would apply to *every tenant in the state* – public housing tenants, mobile home park residents, students, seniors, and the disabled. The bill impacts low-income individuals the most because a majority of low-income people are renters.

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 municipality takes and stores the tenant's property for 15 days. The tenant can reclaim the property during that time. If the tenant does not, the municipality auctions it off.

Under this bill, the possessions are left for 15 days *with the landlord – not the town.* The landlord is allowed to charge the tenant an unregulated storage fee as a pre-condition for releasing the property back to the tenant. After the 15-day period, the landlord owns the property and can keep it or discard.

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

- The landlord is not a neutral party in the matter, and has no particular interest in working with the tenant to return the goods.
- The relationship between the landlord and tenant is not equal; the landlord has the upper hand.
- The landlord may not be easily accessible for the tenant to contact and discuss the issue. Many landlords do not have offices, and some do not even live in the state.
- There is heightened risk of violent confrontation when the landlord and tenant are left to settle the matter without a mediating party.
- Tenants may lose all of their possessions. The landlord can refuse to return property to the tenant if the tenant cannot pay the storage fee, a fee which is set by the landlord.
- The tenant may have failed to vacate prior to eviction for a variety of reasons, including: not understanding the legal process, language barriers, being hospitalized and not receiving the papers

in time, or simply having no place to go (note that emergency shelters cannot store a tenant's property).

- Allowing the landlord to keep the property can be inequitable. The possessions could be worth more than the rent owed by the tenant (furthermore, not all evictions involve non-payment of rent.).
- The landlord could be exposed to risk. The landlord would be the entity responsible for safe storage of the tenant's property and could be subject to a lawsuit if property is missing or damaged. The landlord would not have the protection of a third-party mediator.

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 municipality, protects tenants and is not unduly burdensome. Municipalities have a duty to prevent violent confrontations and to protect evicted tenants from becoming totally impoverished. The existing system is fair, balanced, and aligns responsibilities and liabilities among landlords, tenants, and the municipality.

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