

TESTIMONY OF
THE CONNECTICUT COALITION OF PROPERTY OWNERS
BEFORE
THE LEGISLATURE'S JUDICIARY COMMITTEE
WEDNESDAY, MARCH 14, 2007

Good afternoon, my name is Marshall R. Collins. I am the Counsel for Government Relations for the Connecticut Coalition of Property Owners ("CTCPO"). I am here today to testify regarding:

Senate Bill 591 AAC Personal Property of Evicted Tenants,
and
Senate Bill 823 AAC The Recovery of Municipal Expenses
Incurred In The Removal, Storage And Sale Of Unclaimed
Possessions And Personal Effects Of Evicted Tenants.

The Connecticut Coalition of Property Owners is the largest landlord organization in Connecticut and has several chapters, including the:

- Bridgeport Property Owners' Association,
- Greater Hartford Property Owners' Association,
- Stamford Property Owners' Association, and the
- Connecticut Association of Real Estate Investors.

Collectively, we represent more than 15,000 rental units in Connecticut.

CTCPO cannot support either SB 591 or SB 823.

SB 591 would shift the responsibility for the removal and storage of an evicted tenant's personal property from municipalities to landlords. CTCPO believes that **neither municipalities nor landlords** should be responsible for those costs.

Please consider what occurs during the eviction process. After extending full due process rights, when the Housing Court enters judgment and orders the eviction of a tenant from a rental unit, the landlord must pay a marshal to execute the Court's Judgment. Then the landlord must pay a mover to move any possessions that the former tenant has left behind, to a municipal facility.

More than 90% of all evictions are for nonpayment of rent. If a property owner does everything right, the earliest a tenant can be evicted is about 65 days after service of the complaint. Then, after a landlord has not been paid rent for several months, and after at least another 65 days of court proceedings and legal fees, further rent will be lost while time and money are spent to make the unit suitable to rent again. It usually costs the owner of the rental unit more than \$750 to move out a two bedroom unit. This expense is in addition to months of lost rent, legal and court costs.

Then the municipality must pay to store the property for a minimum of fifteen days. At the end of the fifteen days, the municipality also must pay to publish a legal notice and to conduct an auction regarding the abandoned property. Only then may such property be disposed of.

Under the provisions of SB 591, after losing thousands of dollars, landlords then would be required to move and store the former tenant's abandoned property. CTCPO believes that it is absolutely inappropriate to force the landlord to bear such costs. The responsibility lies with the evicted tenants whom the court has entered judgment against.

SB 823 is a similar proposal. It would allow the municipality to sue either the evicted tenant or the landlord for the costs the municipality occurred in removing, storing and auctioning the evicted tenant's property. What did the landlord do wrong?

A tenant that has been evicted by the court should bear the cost of removing and storing their personal property. Taxpayers and landlords should not have to pay those costs.

If removal and storage of an evicted tenant's personal property is a social service that is to be continued, tenants should pay for it. CTCPO suggests two alternatives.

First, consider requiring all tenants of non-subsidized housing to pay an annual fee of \$20 into a state administered fund. The fund would be used to reimburse municipalities for the cost of this social service that benefits evicted tenants.

A second alternative would be to:

- Require all leases to contain mandatory plain language notice to tenants that they are responsible for the removal of their possessions and personal effects if the Court enters judgment against them. The notice also would be prominently included in

the Notice to Quit, the Writ Summons and Complaint, the Notice of Judgment and the Order of Execution.

- Give landlords the option of disposing of the former tenant's abandoned property without further liability.
- Require the landlord to notify the municipality if such abandoned property is to be placed at the curb.

Tenants should bear the responsibility for removing and storing their own personal property. Neither taxpayers nor landlords should bear those costs. To the extent that SB 591 and SB 823 shift those costs to those that did not cause them they should be rejected.

CTCPO supports the intent of both bills which is to relieve municipalities of an unnecessary burden. Nevertheless, the inequity of the current system should not be compounded by shifting the cost to a blameless landlord.

Please either amend SB 591 or SB 823 as CTCPO has suggested, or reject both bills.

This completes my testimony. Thank you for your consideration.