



Windham Property Owner's Association

Senator McDonald, Representative Lawlor and members of the Committee:

My name is Joyce Boncal and I represent the Windham Property Owner's Association.

My testimony applies to both bills 591 and 823, however, I will address bill 591 first.

The State and towns created the problem of storing personal property of tenants. The law requiring towns to store the personal property of tenants dates back hundreds of years. Unfortunately, through the years when the eviction laws were changed, no one took a look at how the law should be changed regarding storing personal property of tenants. The burden and expense carried by towns, they now want to shift to landlords. The owner of those personal items is responsible for them. If after an eviction, the towns bear that responsibility, it's up to the former tenant and the town to work out a solution because the landlord, at that point, is no longer an active participant in the legal process. His job is done. However, please keep in mind the expenses the landlord has incurred up to that point:

He has probably lost two months rent, say it's \$800 x 2 =	\$1600
The legal filing of paperwork leading up to the eviction	
Including marshal's costs, about \$200	200
Attorney's fee and lost time from work for hearings	1000
Cost for the marshal and moving company to remove the items	400

Total cost to the landlord, \$3200 and that does not include the cost to repair, paint, and re-rent the apartment. This bill would add even more of a financial burden to the landlord. The landlord did not create the problem and should not have to bear the financial burden of it. The towns eventually auction off anything of value. They receive money from those auctions which goes into the town coffers. Let the process remain as it is.

With respect to bill 823 which would allow any municipality to bring a civil action against an evicted tenant and the landlord to recover storage expenses- why should a landlord have to bear the financial burden for personal items belonging to someone else? If someone owns a car, they bear the financial responsibility of owning that car, in other words, the insurance, registration, and taxes for that car. The financial responsibility of that car is never shifted to someone else. The financial responsibility for personal items belonging to a tenant should not be any different.

What is truly needed is a change in the eviction laws and the cost to bring an eviction. We'd recommend:

- Lowering court fees and marshal's fees
- Requiring a rent payment into escrow to prevent drawn out evictions
- Redefining exactly who a tenant is so Jane Does and John Does would not have to be evicted
- Allowing marshal's access to Labor Dept. records so when a landlord brings a former tenant to small claims court to recover back rent and a wage attachment is done, the marshal can find out where that former tenant is working without having to go through an "Examination of Judgement Debtor."

Thank you for your attention to this matter.

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