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**TESTIMONY OF THE  
CONNECTICUT COALITION OF PROPERTY OWNERS**

**BEFORE THE LEGISLATURE'S PLANNING & DEVELOPMENT COMMITTEE**

**1:00 PM, MONDAY, MARCH 3, 2008**

**ROOM 2B, LEGISLATIVE OFFICE BUILDING**

**HARTFORD, CONNECTICUT**

Good afternoon, my name is Marshall R. Collins. I am the Counsel for Government Relations for the Connecticut Coalition of Property Owners ("CTCPO"). CTCPO is the largest landlord / property owner organization in Connecticut. Its members own and operate approximately 30,000 rental units in Connecticut. Among its chapters are the Bridgeport Property Owners Association, the Stamford Property Owners Association, the Greater Hartford Property Owners Association and the Connecticut Association of Real Estate Investors.

**CTCPO strongly opposes portions of HB 5715 An Act Concerning Abatement Of Public Nuisances By Municipalities.**

HB 5715 would destroy an effective compromise that was carefully crafted nearly ten years ago between the Chief State's Attorney's Office and the CT Coalition of Property Owners. Under the leadership of the late Chief State's Attorney Jack Bailey, what became Public Act 98-220 and Sections 19a-343 to 19a-343h of the General Statutes inclusive was passed.

CTCPO supported PA 98-220 which allows the State's Attorney to initiate nuisance abatement actions against property owners and landlords who do not cooperate in trying to eliminate patterns of criminal activity in their buildings. PA 98-220 intentionally limited the ability to initiate such nuisance abatement actions to the State's Attorneys. Municipal attorneys were excluded.

The qualifications and independence of State's Attorneys is unquestioned. At the same time, the independence and experience of municipal attorneys can vary significantly. Taking away someone's property demands the high level of professionalism that is consistently found within the State's Attorney's Office. CTCPO's support was based on the assurance that such abatement actions would be initiated by the State's Attorney and not municipal attorneys.

CTCPO continues to support requiring property owners to cooperate with such abatement efforts, so long as the ability to initiate the abatement actions and confiscation of property can only be initiated by the State's Attorney's Office. If this ten year old solution no

longer works, the answer is not simply to allow more individuals to begin the process of taking away someone's property.

Section 19a-343a(i) acknowledges the importance of gaining the cooperation of the property owner. Reasonable cooperation is expressly made an affirmative defense.

*“Any defendant may offer evidence by way of an affirmative defense that such defendant has taken reasonable steps to abate the public nuisance, but has been unable to abate the nuisance.”*

CTCPO has no sympathy for those property owners who knowingly allow patterns of criminal activity to continue on their property.

Finally, CTCPO questions why HB 5715 would remove offenses involving obscene performances, and child pornography from the offenses which could result in abatement actions?

CTCPO was a strong proponent of PA 98-220, and reluctantly opposes the passage of HB 5715 for the reasons set forth herein.

This completes my testimony. Thank you for your consideration.