

# The Jerome N. Frank Legal Services Organization

YALE LAW SCHOOL

## Testimony Supporting

H.B. No. 6143, An Act Concerning Protections for a Tenant Whose Landlord Is Subject to a Foreclosure Action

Testimony of Benjamin Rogers, Student, Yale Law School  
To the Committee on Housing  
February 19, 2009

Distinguished Members of the Housing Committee,

My name is Benjamin Rogers. I am testifying today on behalf of Raul Flores and Melba Perez, whom I help to represent in the Community & Economic Development Clinic at Yale Law School. Raul and Melba were both unable to take time off from work today, so Raul asked me to tell the committee that he supports House Bill 6143 because he hopes that other people don't have to go through what he's gone through.

Raul and his wife Melba have lived with their two daughters at 17 Terrace Street in New Haven, Connecticut for the past five years. They have lived in Connecticut for 14 years. Raul works at the downtown New Haven restaurant Ibiza, and Melba works at a local McDonald's. Their daughters Melba, who is 12, and Sandy, who is 8, both attend Nathan Hale School in New Haven.

In September 2008, Raul and Melba had just sent the rent to their landlord when they suddenly received a notice to quit telling them they had to leave the apartment in two weeks. Frightened and confused, Raul and Melba didn't know who was trying to evict them or why. The notice to quit only had a name they had never heard before followed by the words "Attorney for Owner." Nobody had told them that their landlord had lost their building to foreclosure in mid-August. None of their neighbors, who had received the same notice, knew either.

Raul and Melba were scared. They didn't know where they were going to go, and they wondered if they and their children would be thrown out on the street in two weeks. Their children worried that, even if the family found a new apartment, they would have to change schools right after starting the new school year.

A few days later, things got even worse. Raul's and Melba's apartment water heater broke, and there was nobody they could call to have it fixed. They had to pay seven hundred dollars out of their own pocket to replace a water heater that didn't belong to them.

When Raul and Melba brought their case to me and my supervising attorney, Bob Solomon, we thought their case would be easy to settle. We were unpleasantly surprised. I called the lawyer for the bank on our clients' behalf and made an offer that they would continue paying rent at the rate they had been paying their previous landlord, if they could stay until June 30 when the



school year was over. The lawyer for the bank replied, "My client won't take June 30. I can give your clients cash for keys if they get out by the end of the month. The most I can give them is until the end of next month with no rent, but then they won't get their security deposit back." When we asked what Raul and Melba would have to pay in order to stay until June 30, he told us there was nothing we could offer the bank to let Raul and Melba stay for more than two months because the bank has a national policy of evicting all tenants from foreclosed properties, no matter what.

The bank doesn't care how much Raul and Melba love their home and their family, nor how much their children want to stay in their school, or what will happen to the neighborhood and the community when the building is vacant. The bank doesn't even care how much Raul and Melba are willing to pay and how well they maintain their apartment. The bank's automatic eviction policy is thus not only cruel but also irrational. There are no winners when good tenants are evicted for no reason.

Since September, Raul and Melba have been paying rent to the clinic's trust account because the bank refuses to accept the payments. The bank continued trying to evict them through the winter, and despite our best efforts eviction comes closer each day. If, like most tenants, they hadn't gotten a lawyer, they would likely have been evicted in the middle of winter.

When I spoke with Raul on Monday, he told me that, in spite of all his troubles, he feels lucky that at least he is young and healthy when this is happening to him. Some of his neighbors are less fortunate. One couple is 85 and 87 years old and have been living in their apartment for 35 years. They cried when they found out they would have to leave their home. Another neighbor, who needs regular kidney dialysis to survive, lives with her elderly mother and her child. None of these people know where they will go. Raul asked me to tell this Committee that he hopes this bill can help them.

Raul, Melba and I thank you for your time.

