

Testimony of Atty. Amy Eppler-Epstein
New Haven Legal Assistance Association
In Support of Funding for Legal Services

SB 1157

March 26, 2009

My name is Amy Eppler-Epstein, and I have been an attorney at New Haven Legal Assistance since graduating from law school in 1986. My work has been primarily in the area of housing law, representing tenants. I want to tell you about some of the work we've been doing in an area that you have been hearing a lot about these days: foreclosures. Although a lot of the news has focused on the high rate of homeowners losing their homes to foreclosure, legal services advocates in CT have been focusing on another problem: the effect of foreclosures on tenants. I want you to hear what kind of advocacy work will be lost if legal aid programs are forced to lay off staff as a result of the economy's impact on IOLTA.

Now, in 2008 and 2009, we have been fighting another battle: throughout the state, banks are foreclosing on the landlords of multi-family properties, and then automatically evicting the tenants, leaving properties boarded up and vacant, targets for vandalism and crime; causing neighborhood destabilization and blight; and dislocating hundreds of families who are forced to uproot their families and move despite following all the rules and paying their rent. Legal services advocates throughout the state have combined our efforts to tackle this problem, and are achieving results: in December, after threatening suit under a provision buried in the federal bank bailout law, we were able to get Fannie Mae, and more recently Freddie Mac, to institute a nationwide moratorium on evictions. They agreed to stop evicting tenants after foreclosure, and develop programs to offer such tenants month to month leases while Fannie Mae and Freddie Mac market the properties for sale.

Recently, we were here testifying before the Housing Committee on a bill, HB 6143, that we proposed to require other lenders to do the same. Under the bill, lenders who have foreclosed on a landlord can only evict the tenants for good cause (such as non-payment of rent or damage to the property), or if the lender has a contract to sell the property that requires the property to be vacant. I am attaching some newspaper articles that describe in greater detail this important advocacy work, and hope that you will support it when it comes before the Judiciary Committee.

One thing that these stories show is that *writing* a good law is often not enough; you need to have good advocates to make sure that the law is enforced. In the case of Fannie Mae and Freddie Mac, it took legal services advocates first to *find* the tenant protections in the federal law, and then to threaten suit, in order to get it enforced. Just a few weeks ago, I had to fight with a bank's attorney in housing court, to force him and his client to abide by the provisions of the recent tenant

protections enacted by the Connecticut legislature during the special session in November. This is why it is so important to provide enough legal aid lawyers to be able to operate in courtrooms throughout all parts of the state, and make sure that these laws are enforced throughout Connecticut.

Further, these stories show that in protecting the rights of the poorest and most vulnerable in society, legal services advocates at the same time protect the rights of us all. When we make sure that banks cannot put low income tenants on the street with no opportunity for them to be heard in court, those same protections apply to all tenants. When we ensure that Fannie Mae offers leases instead of eviction cases to tenants whose landlords have lost the property to foreclosure, that protection applies just as much to a middle class renter, as to a poor one. Similarly, the systemic protections for victims of domestic violence, or for children, that are the subject of the work of some of my colleagues, benefit more than just the neediest population.

I have been before this legislature at various times in my 22 years with legal services, urging your support for various pieces of legislation to help my clients. This is the first time that I have ever come here to ask for your support to help legal services; because never before have we faced such a dire funding situation.

My colleagues and I at legal services are very committed to the work that we do. We see it as our mission to help low income people, who are so often marginalized and voiceless, get a fair shake from our legal system. Our salaries are far below those of our peers who take jobs in the private bar; and in the past few months, they have been even lower, as the lawyers at NHLAA have taken a 20% pay cut in response to this funding crisis.

I urge you to pass SB 1157, and do whatever you can to help us fill the funding gap caused by the collapse of IOLTA funding, so that we can continue to do this important work throughout the state, to help our clients.