

**Marshall R. Collins & Associates**

**TESTIMONY OF**  
**THE CONNECTICUT COALITION OF PROPERTY OWNERS**  
**BEFORE THE LEGISLATURE'S JUDICIARY COMMITTEE**  
**FRIDAY, FEBRUARY 26, 2010**  
**10:00 AM, ROOM 2C, LEGISLATIVE OFFICE BUILDING**

***Re: HB 5148 AAC FUNDING FOR THE JUCICIAL BRANCH***

Good morning. My name is Marshall Collins. I am appearing in my capacity as the Counsel for Government Relations for the Connecticut Coalition of Property Owners ("CCOPO") which is the state's largest landlord property owner organization. We have chapters in Hartford, Bridgeport, Stamford, East Hartford, Manchester, as well as the CT Association of Real Estate Investors. Collectively, our members own more than 25,000 rental units throughout Connecticut.

***CTCPO believes that HB 5148 should be amended.***

CCOPO strongly supports providing sufficient funding the Judicial Department. In particular, landlords and tenants alike deserve reasonable access to the judicial process. The need is particularly acute in the Small Claims Court.

I was privileged to serve on the Bench Bar Centralized Small Claims Committee which was convened in the summer of 2008 by the Chief Court Administrator, Judge Quinn and chaired by Judge Clarence Jones. The Committee was charged with making recommendations to improve the Small Claims Court system. After meeting for months, the Committee made numerous recommendations to improve both access to justice and to make the Small Claims Court run more efficiently.

One of the Bench Bar Committee's important recommendations was to transfer housing related small claims matters out of the centralized filing system and back to Housing Courts.

All members of the Committee acknowledged that the centralization of Small Claims filings resulted in a massive backlog that denies landlords, tenants and small businesses essential and cost effective access to our judicial system. Despite the best intentions and efforts of the Small Claims Court personnel, there has been no meaningful improvement and the Small Claims Court System remains nearly gridlocked. The backlog costs significant dollars in personnel and overtime.

Consider these facts:

- It takes 1-2 months to receive notification of actual filing.
- A defendant then has 1-2 months to file an answer.
- After an answer is filed it takes at least 2 months to get an actual hearing.
- A magistrate then has 90 days to make a decision, with payment to start at least 1 month later.
- If the defendant does not pay, then a Wage Execution is filed and it can take 3 months to get it signed.

This unacceptable backlog denies justice to both plaintiffs and defendants alike. From a financing standpoint, the backlog costs money to the Judicial Department as well as those that seek justice. The Small Claims Court System needs help.

CCPO believes that returning housing related small claims to Housing Courts saves money and will help the entire system. Short of massive funding and instituting electronic filing, which was also a recommendation of the Bench Bar Committee, few other remedies exist.

If housing matters were moved back to Housing Session, there would be a 4% reduction in the case load to centralized Small Claims Court. And recognize that housing cases take a disproportionate amount of time, since all must have a hearing even if the matter is not answered.

This recommendation was supported Bar Bench Committee and in particular by the Magistrate members who served on it.

There is no cost to putting these cases back in Housing Session. In fact, it will free up resources and reduce the tremendous amounts of overtime that Small Claims Court personnel are putting in to try and reduce the backlog. Consequently, as the Legislature seeks to ensure adequate funding for the Judicial Department, this is one measure that can be taken which will reduce overtime and make the Judicial Department's resources go farther.

We believe that the unique nature of housing matters and existing budget constraints makes returning housing related small claims matters to the Housing Courts a realistic and achievable option.

Something has to be done. There are approximately 90,000 small claims matters a year. This is where the average citizen goes to resolve small but important disputes. If Small Claims Court doesn't work, it only increases the burden on the rest of the civil justice system.

Therefore, **CCPO respectfully requests that you amend HB 5148 and transfer housing related small claims out of centralized filing and send them back to Housing Court** which is not backlogged and has adequate resources. This completes my testimony. Thank you for your consideration.