

TESTIMONY OF
THE CONNECTICUT COALITION OF PROPERTY OWNERS
BEFORE
THE LEGISLATURE'S HOUSING COMMITTEE
TUESDAY, MARCH 1, 2011
10AM, ROOM 1C LEGISLATIVE OFFICE BUILDING

Good afternoon. My name is Marshall R. Collins. I am the Counsel for Government Relations for the Connecticut Coalition of Property Owners

The Connecticut Coalition of Property Owners ("CCOPO") is the largest landlord organization in Connecticut and has several chapters, including the:

- Bridgeport Property Owners' Association,
- Greater Hartford Property Owners' Association,
- Stamford Property Owners' Association, and the
- Connecticut Association of Real Estate Investors.

Collectively, our members own more than 20,000 rental units throughout Connecticut.

CCOPO cannot support SB 467.

SB 467 AAC The Return Of Security Deposits By Residential Landlords.

The bill has three major provisions.

First, Section 1(d) (2) requires the landlord to:

"...explain such landlord's reason for withholding all or part of the security deposit."

This provision is unnecessary. The existing statute already requires a "written statement itemizing the nature and amount of such damages" which justifies withholding some or all of the security deposit.

Second, Section 1(d) (2) imposes that the landlord *"shall be liable for treble any portion of the security deposit found to be wrongly withheld"* as a penalty. There is a clear and unwarranted chilling effect of this provision upon landlords attempting to estimate the amount of damages the tenant has caused in order to make a timely return of the deposit. The courts would have no flexibility. Please realize that landlord's sell time. Lost time cannot be recovered and sold. Thus there is a true imperative to clean up and relet apartments as soon as possible. Estimates of damages caused by tenants must be made quickly. Landlords should not be penalized for reasonable efforts.

Third, Section 2(g) states that in any such tenant action to recover security deposits, *“the landlord shall have the burden of proof...”* Fundamental fairness in jurisprudence requires that the plaintiff have the burden of proving their case. Unnecessarily shifting the burden of proof invites harassing litigation, particularly when coupled with the treble damages provision.

SB 467 should be rejected.

HB 6464 AAC The Possessions Of Evicted Tenants.

Although apparently well intentioned, CCOPO does not support HB 6464.

CCOPO has long opposed making innocent landlords pay for the removal and transport of an evicted tenant’s personal property. Nor does CCOPO believe that municipalities should pay to store, advertise and auction such property. The costs incurred should be the sole responsibility of the person who caused the expense, namely the person that the court has issued judgment against – the evicted tenant.

HB 6464 will likely further increase the municipality’s costs. Furthermore, CCOPO recognizes that rarely is any significant revenue raised at auctions of the abandoned property. In virtually all cases the abandoned property has little if any monetary value. CCOPO does not believe it is any more equitable to make the municipality lose the marginal revenue from the auctions than it is to make the landlord pay to remove and transport the abandoned property.

Thus, CCOPO reluctantly cannot support HB 6464.

This completes my testimony. Thank you for your consideration.