

Legal Assistance Resource Center

❖ of Connecticut, Inc. ❖

44 Capitol Avenue, Suite 301 ❖ Hartford, Connecticut 06106
(860) 278-5688 x203 ❖ cell (860) 836-6355 ❖ fax (860) 278-2957 ❖ RPodolsky@LARCC.org

Testimony of Raphael L. Podolsky

Miscellaneous bills

Housing Committee public hearing -- March 1, 2011

H.B. 6464 -- Possessions of evicted tenants

NO OBJECTION to the specific change contained in this bill

Last year the General Assembly, in an effort to give some relief to municipalities, modified the requirement that towns pick up and store the possessions of evicted tenants so that the tenant could reclaim them. The bill retained the town's responsibility for storage (and, if necessary, auction), thereby preserving a neutral entity from which the tenant could reclaim property and preventing direct and potentially volatile confrontations between landlord and tenant. The former procedure had held us in good stead for 125 years, and its modification may not have been the best of decisions. This bill makes a small adjustment in the 2010 bill, to which we do not object. The Committee may also want to consider requiring that storage be within the town from which eviction occurs, so as to avoid imposing long-distance removals of goods, which are inconvenient for the tenant and may add unnecessary cost for the landlord. We would oppose, however, any effort this year to reopen in any substantial way the compromise legislation that was adopted last year.

H.B. 6463 -- Foreclosure Mediation Program

SUPPORT

The state's Foreclosure Mediation Program, which has become a national model of how court-based mediators can help homeowners and banks work out mortgage modifications so as to prevent the loss of the home, is a program of critical importance. It will terminate, however, on July 1, 2012. This bill extends the program to 2014. We support this proposal and would, in addition, support making the program permanent, without a termination date. In addition, the bill fixes a weakness in the Foreclosure Mediation Program by requiring that the foreclosure action itself be put on hold until mediation is completed. Under the existing statute, the foreclosing lender can continue to move the foreclosure forward while court-based mediation in progress. This is contrary to the concept of mediation and forces the homeowner (who usually has no lawyer) to try to defend against foreclosure pleadings which he does not fully understand while simultaneously attending mediation sessions presumably intended to avoid foreclosure.

H.B. 6052 -- 10% supportive housing set-aside

FURTHER REVIEW

This bill requires DECD to create a program requiring housing built with DECD or CHFA assistance to set aside 10% of its units for supportive housing. We strongly support the expansion of supportive housing and its integration into other forms of housing. We are not sure, however, that a mandatory 10% set-aside, especially in the absence of the funding of

(continued on reverse side)

the supportive services required for supportive housing to be successful, is the best way to make this happen. For that reason, we think that the proposal may need further study.

S.B. 467 -- Return of security deposits

REVISE

This bill makes several changes in the Security Deposit Act. The particular changes proposed, however, are either already the law or may not accomplish the purpose of the bill. In particular, the existing statute already requires an itemized statement from the landlord as to the basis for any withholding from the security deposit, and the burden of proof to justify withholding is already on the landlord. In addition, the present sanction for failure to give proper notice -- a doubling of the security deposit -- is satisfactory and is preferable to the proposal in the bill. It is my understanding that the real purpose of the bill was supposed to be to increase the criminal sanctions in subsection (k) of the Security Deposit Act (Gen. Stats. §47a-21(k)), which I believe have not been adjusted since 1973. If this bill is to move forward, we suggest that any revision be to subsection (k) rather than to subsection (d).