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**TESTIMONY OF**  
**THE CONNECTICUT COALITION OF PROPERTY OWNERS**  
**RE: HB 5035**  
**AA REDUCING MANDATES FOR MUNICIPALITIES**

Before the Legislature's Planning & Development Committee  
Wednesday, February 22, 2012  
10:00 AM, Room 1B, Legislative Office Building

Good morning. My name is Marshall Collins. I am here today in my capacity as Counsel for the Connecticut Coalition of Property Owners. CCOPO is the largest landlord property owner association in Connecticut. CCOPO has chapters in Hartford, Bridgeport, Stamford and also includes the Connecticut Association of Real Estate Investors. Collectively CCOPO members own more than 20,000 rental units throughout Connecticut.

**CCOPO cannot support sections 6 and 7 of HB 5035 AA Reducing Municipal Mandates.** Those sections shift the burden of storing the possessions of an evicted tenant from one blameless party, the municipalities, to another, the landlord property owner. Those sections undo a compromise that this committee worked hard to pass two years ago.

Consider the facts: after months of not being paid rent, a landlord is forced to go to court to regain possession of his or her property. After all the expense of going to court, if the property owner is successful the Court will issue a judgment evicting the tenant. The judgment recognizes that the tenant has breached the lease and that no further contract exists.

Then a Writ of Execution is issued and served on the former tenant that evicts them from the landlord's property. However, the landlord has to pay to inventory, box up and move any possessions that the former tenant has left behind. The landlord also has to pay to transport the property to a municipal facility where the city then has to store it for at least 15 days. After that the municipality then has to publish legal notice of an auction and then to auction those left over possessions. The cost of this social service is expensive to everyone but the guilty party who caused the problem: the evicted tenant.

Please remember that the landlord and municipality have to pay for moving, storage and auction, only after extensive legal proceedings, during which every opportunity is presented to the tenant, to protect their rights and interests.

In the past CCOPO and the municipalities have agreed that the responsibility for any property that is left behind should be the responsibility of the tenant who was evicted and left possessions behind. It is only after the Court has determined that the landlord did nothing wrong, does the present system force both the landlord and the municipality to pay.

Sections 6 and 7 of HB 5035 shift the burden of the cost of storing the evicted tenant's property to the landlord property owner, who had to go to court to get possession of their property back. Where is the fairness under the present law to the landlord, whether it is a retired couple who depends on the rental income from a two or three family house, or an investor trying to make a mortgage payment?

Furthermore, CCOPO would point out that HB 5035 would further increase the cost to the innocent property owner by giving the evicted tenant the right to double the time that the city has to store left behind property.

CCOPO has advocated assigning the responsibility for storing left behind property to the person who the court finds was responsible for breaching a contract: the evicted tenant. Nevertheless, CCOPO has offered a compromise to protect the evicted tenant and not separate them from their property.

CCOPO has suggested giving the evicted tenant the opportunity to stay an additional 5 days from service of the Writ of Execution, (usually this amounts to about 7 days from judgment) rent free, in the apartment. After the end of that period, any property left behind would be considered abandoned property.

This would save the landlord the cost of packing up the left behind property and transporting it to the municipal facility. The municipality would save the cost of storage, legal notice and auction. And after months of well noticed court proceedings that protect the rights of the tenants, the evicted tenant would have at least one rent free week to find another place for their possessions. If you believe that this social service is necessary to protect the evicted tenant, this accomplishes that objective and relieves both the innocent landlord and the municipality of the costly mandate. It balances all interests.

Unless Sections 6 and 7 of HB 5035 are deleted or amended to shift the burden of storage to the evicted tenant, who the court has determined is at fault, what options do landlords have? Along with higher utility bills, higher fuel costs, higher insurance costs, and higher property taxes, the increased cost of moving and storing the evicted tenants possessions will be passed through wherever possible in the form of higher rents.

In other words, if you pass sections 6 and 7 of HB 5035, instead of the present situation which penalizes the innocent landlord and the municipality, you will increase the rents of those tenants who pay their rent on time and don't end up evicted by the courts. Passage of sections 6 and 7 of HB 5035 will penalize innocent renters as well as landlords. **Please reject sections 6 and 7 of HB 5035.**

**Passage of sections 6 and 7 of HB 5035 will only make a bad and unfair situation worse.**

This completes my testimony. Thank you for your consideration.