

Testimony Regarding
Raised Bill No.6661 AN ACT CONCERNING USE AND OCCUPANCY PAYMENTS IN
SUMMARY PROCESS MATTERS

By John P. Souza

Good morning. My name is John P. Souza. I have been a landlord in the greater Hartford area for more than 25 years. I also am the Treasurer for the Connecticut Coalition Of Property Owners (CCOPO).

Please favorably report HB 6661.

I am in favor of passing this bill that makes changes to the use and occupancy statute to create a fairer, more equitable relationship between landlord and tenant during summary process proceedings. The present statute is seldom used because it only serves to lengthen the time frame of the proceedings.

As landlords we "sell" a service that is time based and tenants presently live rent free during the time of the summary process proceedings. The changes to the statute will require the tenant to pay rent into the court while the action is commencing, creating a good faith basis to continue with the action. If the action takes three or four months the relationship between landlord and tenant is preserved.

These changes will not affect a tenant's right to provide a defense against paying rent. It only streamlines the process for requesting the use and occupancy payments so as not to delay the action.

Under current law, as soon as a landlord property owner begins a summary process action the tenant can stop paying rent for the duration of the process. If a landlord files for use and occupancy payments it only lengthens the process.

Under the suggested change, if the tenant has a valid defense for paying rent, the use and occupancy payments will be returned to him or her. If the landlord is successful, what would have been rent will be returned to the landlord as use and occupancy payment during the pendency of the action.

In either case, the Court will determine who is right and neither side will be able to unfairly game the system, which is what currently happens.

Thank you for your consideration.