



CONNECTICUT
LEGAL
RIGHTS
PROJECT, INC.

**TESTIMONY OF GINA TEIXEIRA, ESQ.
STAFF ATTORNEY, CT LEGAL RIGHTS PROJECT, INC.
JUDICIARY COMMITTEE PUBLIC HEARING 3-3-2016**

Concerning: HB 5528, AN ACT CONCERNING THE ABILITY OF A LANDLORD TO ENTER A DWELLING UNIT TO MAKE NECESSARY REPAIRS.

Distinguished members of the Judiciary Committee:

My name is Gina Teixeira and I'm a Staff Attorney at Connecticut Legal Rights Project (CLRP), a statewide non-profit agency that provides legal services to low income adults with serious mental health conditions. CLRP was established in 1990 pursuant to a Consent Order which mandated that the state provide funding for CLRP to protect the civil rights of DMHAS clients who are hospitalized, as well as those clients who are living in the community. I have been employed at CLRP for almost 13 years, first as a paralegal and then as a staff attorney.

Connecticut Legal Rights Project, Inc. strongly opposes House Bill 5528 because it is unnecessary and its true purpose can only be to harass tenants. This bill proposes to allow landlords to enter a person's home, without their consent, during the pendency of a summary process action to make "necessary repairs in preparation for a prospective tenant." The problem with the stated purpose of this bill is that it assumes all landlords will be successful in summary process actions. This is inconsistent with the reality that many tenants, especially those represented by legal counsel, are often successful in defending eviction actions. The only legal issue for a judge to decide in summary process is the issue of possession. Landlords should not have the benefit of judgment prior to actual judgment. This bill would, in fact, provide a pre-judgment benefit to landlords without conveying any benefit to tenants.

I cannot think of another situation where a party to a civil action receives an automatic, statutory benefit prior to judgment.

This bill is unnecessary. It would allow a landlord to enter an apartment, without the tenant's consent, in a non-emergency situation, if the tenant "unreasonably withholds consent" when the landlord wants to make "necessary repairs" to benefit the next tenant. I submit that it is always reasonable for a tenant to decide who shall and who shall not enter their home until the time that they lose possession of that apartment pursuant to a judgment. What are "necessary" repairs? Existing law, CGS Section 47a-16(b), already allows landlords to enter apartments in cases of emergency without the tenant's consent. Existing law, 47a-16(a), already allows that a tenant "shall not unreasonably withhold consent to the landlord to enter into the dwelling unit in order to inspect ... make necessary ... repairs, alterations, or improvements ..." and to show the apartment to potential "purchasers ... tenants ... or contractors." Considering that existing law already allows entry to landlords in a variety of situations, allowing entry in non-emergency situations, without the tenant's consent, during summary process actions, can only be for reasons of harassment.

Landlords already have a right of entry. Existing law 47a-16(c) provides that “[a] landlord shall not abuse the right of entry or use such right of entry to harass the tenant.” It is unlikely that landlords really want to make improvements during the pendency of summary process actions. This bill would permit a landlord’s harassment of a tenant. This harassment is a problem generally, but it is especially problematic for the vulnerable populations that CLRP represents.

I recently conducted an admittedly unscientific survey of family and friends who are landlords. None of the people I questioned said that they would be willing to make improvements to an apartment they were renting to someone they were trying to evict. Most said that because summary process is an adversarial proceeding, they preferred making improvements after the current tenant had either moved out or was evicted.

A tenant pays rent in exchange for possession, or control, over their home. Our homes are places where we feel the most safe because ultimately, we have control over who is allowed to enter and who is not. Connecticut Legal Rights Project, Inc. represents low income adults with psychiatric disabilities. Our clients’ need for a feeling of safety is paramount, especially at home. Many of our clients have trauma histories. Daily life includes symptoms that are exacerbated when they are exposed to stressful situations. Allowing landlords to have automatic, pre-judgment access to our clients’ homes would negatively impact their recovery in the community and would certainly affect their sense of judicial fairness in summary process actions.

Landlords should not have an automatic, statutory right to enter a person’s home just by virtue of having filed a summary process action when they may or may not be successful. Existing law already provides opportunities for landlords to enter a dwelling without the tenant’s consent in emergency situations and with consent for reasons of inspection, making necessary repairs, alterations, improvements as well as to show the dwelling to prospective buyers or tenants. I am asking you to protect the clients CLRP represents and all tenants in Connecticut by rejecting HB 5528. Thank you for your time today.