

Legal Assistance Resource Center of Connecticut, Inc.

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H.B. 5528 -- Landlord entry during eviction

Judiciary Committee public hearing -- March 11, 2016

Testimony of Raphael L. Podolsky

Recommended Committee action: OPPOSE

This bill would authorize the landlord to enter an apartment during the pendency of an eviction action without the consent of the tenant if the tenant "unreasonably withholds consent to the landlord's entry into the dwelling unit to make necessary repairs for the benefit of prospective tenants." This bill is completely unnecessary, highly undesirable, and will generate serious negative consequences. It is an open invitation to harassment of tenants in the eviction process and would invite police interventions, litigation, and physical conflicts to the disadvantage not only of tenants but of landlords as well. **We strongly urge that the proposal be rejected.**

- * **It is unnecessary.** If a tenant unreasonably denies a landlord access to make repairs, the statutes (C.G.S. 47a-16 and 47a-18) already provide a procedure, with notice and court supervision, by which the tenant can be ordered to permit entry. This bill only applies to situations in which there is no emergency. Indeed, the existing procedure is actually easier to access during an eviction than otherwise, because the case is already in court, so it can be dealt with procedurally by a simple motion to the court.
- * **There is no problem to be fixed.** In reality, landlords don't try to make repairs or prepare an apartment without the tenant's consent when they are evicting the tenant, for the obvious reason that they are afraid that the tenant will damage the apartment. They wait until the tenant moves out.
- * **The bill will produce harassment and serious violations of the law.** Since the landlord is unlikely to want to do repairs with the tenant there, a right to enter at any time without notice will have little actual purpose except to harass the tenant into vacating. It will also generate the very face-to-face conflict that the summary process statutes try to avoid by prohibiting landlord self-help. In addition, it will lead landlords into attempting various self-help tactics that will result in arrests for illegal entry and criminal lockout and civil lawsuits for unlawful entry and detainer.