

CT Coalition Of Property Owners (CCOPO) Testimony in front of the Housing committee

February 18, 2020

RE: Oppose SB 105, SB 109, HB 5126, HB 5118, HB 5123, HB5124

Conditional Support for HB 5122, HB5199

The Connecticut Coalition of Property Owners (CCOPO) is one of Connecticut's largest landlord/property owner organizations. CCOPO has chapters in Enfield, Windham, Hartford, New Haven, Bridgeport and Stamford, as well as the CT Association of Real Estate Investors (CAREI) in West Hartford. Our members own thousands of rental units throughout Connecticut, consisting of mostly small and medium sized landlords.

For over 20 years CCOPO has been a constructive voice for responsible landlords on such issues as: nuisance abatement, bedbugs and domestic violence. I am a full-time landlord myself and currently volunteer as the President of CCOPO.

SB 105 Right to Housing : OPPOSE. The eviction process is already slow enough. Most evictions (90+%) are for non- payment of rent. If the state wishes to reduce the number of evictions taking place then use the funds to help struggling tenants pay their rent instead of hiring lawyers. All additional costs to landlords will transfer into higher rents at some point!

HB 5188 Provide security Systems and lighting: OPPOSE. Property owners are already required by code to have proper hallway lighting. Security systems are a choice landlords can make and tenants can decide whether to live in a building with such capacity. All additional costs to landlords will transfer into higher rents at some point!

HB 5126: Apartment inspections, late fees and Ombusman: OPPOSE. Capping late fees and requiring inspections on demand will just add more complexity and costs to the rental housing system. Late fees are clearly noted on a written lease and are only collected after the 10-day grace period passes. Tenants and landlords can always take before and after photos to prove condition of apartment. If passed these additional costs will be passed along to tenants in the form of higher rents. A State position to act as Ombudsman is clearly not necessary as the housing court and local building departments are already equipped to handle landlord /tenant matters. All additional costs to landlords will transfer into higher rents at some point!

HB 5121 Protections for Group and family child care homes: OPPOSE. Property owners have the right to dictate how their property is used. Disturbances to other tenants as well as additional wear and tear on the property and increased utilities required are a burden to property owners. We should not be asked to shoulder the expense for this public benefit alone. All additional Costs to landlords will transfer into higher rents at some point!

HB 5123 Permitting and safety of rental units: OPPOSE. This Proposal makes property owners strictly liable for anyone with lead poisoning, whether their property is the cause or not. Once again, no

consideration is given to the source or if tenant could have contracted lead poisoning at a previous address. This combined with the new lowered standards for what is considered high levels of lead in the blood is an extremely unfair burden to place on property owners, when 75% or more of Connecticut's housing stock was built before 1978 , lead was commonly used in paint and building materials. (Government contracts often required its use then as well). The system we have in place now is working because the number of new cases is dropping each year. It would be extremely unfair to burden property owners with this alone. Affordable Housing is already scarce enough, don't make it rarer because no one is willing to take the risk to operate it. All additional Costs to landlords will transfer into higher rents at some point!

HB 5124 Notify tenants of Foreclosure : OPPOSE. I call this bill "sink the ship" because you would take any chance away from a property owner who is struggling, to keep their property during foreclosure proceedings. If tenants stop paying rent how is the landlord supposed to get current with the mortgage? Until the final judgement by a court, the property still belongs to the landlord and they should be entitled to collect any rents.

SB 109 Criminal Records of tenants: OPPOSE . The lookback period is not sufficient enough to see any patterns in behavior or show evidence of rehabilitation. Any lookback should start at the release date from confinement. The safety of our tenants has to be primary concern with any bills related to criminal record lookbacks . Please see HB 5122 testimony below for more detail.

HB 5122 Criminal Convictions of a prospective tenant: Conditionally support.

CCOPO understands the need to support the formerly incarcerated. Any proposed policies should not punish landlords who take reasonable steps and act in good faith to protect other innocent tenants, their families, and communities. The cost of legal fees in evictions and defending a discrimination actions involving landlords is particularly burdensome to small and medium landlords and should be considered when addressing this issue.

#1 Lookback period should be 10 years for a covered felony or misdemeanor, starting from the date of release from confinement. Since we cannot see into the hearts of formerly incarcerated persons, evidence of good behavior after release is the only criteria, we as landlords can assess and is critical to protecting many innocent young and or disabled existing tenants. Without the ability to see patterns of behavior the public safety will be at risk.

#2 The Opportunity to present mitigating information should not delay the application process for housing. Time is the commodity we sell and delay to the process can be a substantial burden to small /midsize landlords. The formerly incarcerated can include a letter with the submission of any application if they so wish.

#3 Existing HUD guidelines already require that each landlord examine any applicant as a whole by not automatically discarding such applicants with a misdemeanor or a felony on their record. CCOPO recommends that property owners make good faith decisions based on:

- The severity of the crime and the possibility that it would affect the other tenants if repeated.

The underlying facts resulting in conviction. - How long ago the criminal act occurred.

Any new bill should mirror the HUD guidelines as closely as possible. Even then, vague definitions of what crimes are considered a danger to the health, safety and welfare of others and what crimes are not, is an invite for lawsuits against landlords. So we ask for :#4

#4 A rebuttable presumption that landlords are "acting in good faith" when making rental decisions on an individual basis. The standard of evidence for claims brought in administrative proceedings and litigation should require "clear and convincing evidence" versus the present standard of merely a "preponderance of evidence." This standard is needed to protect landlords who act in good faith from unnecessary lawsuits. A "carrot" for landlords will go farther than more threats of legal action. Without the clear and convincing evidence standard of a landlord's intentional discrimination in violation of this proposed statute, landlords will be exposed to a highly subjective standard that encourages unfettered legal claims which are costly and unfairly difficult to defend

#5 Any landlord who rents to a formerly incarcerated person should be immune from any civil liability or injury arising from subsequent criminal act of such person.

HB 5199 Satellite dish removal: Support, with conditions. Satellite dishes can be an eye sore as well do damage to the roof system of any building. Roof leaks caused by removal or installation of the dishes are a concern for residents as well as property owners. Landlords should have sufficient notice before one is installed and any damage to roof should be recoverable as a deduction from security deposits or from the satellite company.

CCOPO looks forward to working to assist in finding a balanced solution to these important and challenging issues. I would be happy to answer questions that you may have.

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