

# Housing Committee JOINT FAVORABLE REPORT

**Bill No.:** HB-6531

AN ACT CONCERNING THE RIGHT TO COUNSEL IN EVICTION

**Title:** PROCEEDINGS.

**Vote Date:** 3/11/2021

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/4/2021

**File No.:**

***Disclaimer:** The following JOINT FAVORABLE Report is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose.*

## **SPONSORS OF BILL:**

Rep. Michel- 146<sup>th</sup> District

Sen. Anwar- 3<sup>rd</sup> District

Rep. Gilchrest- 18<sup>th</sup> District

## **REASONS FOR BILL:**

Currently, 7 cities across the country have instituted right to counsel laws in eviction proceedings. After the eviction moratorium is lifted, more than 40,000 Connecticut residents could face eviction during an unprecedented global pandemic. Within eviction proceedings, tenants are much less likely than landlords to be represented by counsel. This bill seeks to address these concerns by providing counsel to tenants who do not have the ability to hire one.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

Connecticut Judicial Branch, External Affairs Division **HAS CONCERNS REGARDING HB 6531** stating the bill could require legal representation, training, and workshops to educate one party involved and not both. Furthermore, funding would need to be allocated in order to provide all the provisions the bill requires.

## **NATURE AND SOURCES OF SUPPORT:**

Ashley Blount – **SUPPORTS** – stating evictions are damaging to tenants physiological, mental, and emotional health. This bill would help alleviate these issues.

CT Women's Education and Legal Fund - **SUPPORTS** – stating that 11% of women and 31% of Hartford women live in poverty and are unable to afford counsel in eviction proceedings. This bill would help them achieve housing stability.

Dione Dwyer – **SUPPORTS** – stating that she eviction proceedings without counsel, and it caused a great amount of personal distress. She states it is important not just to house those without housing, but also to consider the costs of eviction itself.

The Reverend Vicki Flippin- Pastor of First & Summerfield United Methodist Church- **SUPPORTS** – stating it is morally and spiritually imperative to help the most vulnerable, including those facing evictions.

Gale Heilmann- President and Co-Director of Bridgeport Generation Now - **SUPPORTS** – stating "eviction is a cause, not just a condition of poverty." Eviction leads to job loss, homelessness, and poor educational outcomes. Furthermore, Connecticut has one of the highest rates of eviction rates in the country.

Laura Hilton- **SUPPORTS** – stating that she and her family faced evictions in the past, and the prospect of eviction is itself terrifying. Even if the eviction is unsuccessful, a tenant can be denied future housing opportunities.

Amy Meyerson- President of the CT Bar Association- **SUPPORTS** – stating CT ranks among the worse states in the country when it comes to evictions, especially in cities like Hartford and New Haven. This leads to many more people of color, and especially women of color, facing eviction proceedings. These evictions push women of color in to poverty, and increase shelter social services, and child welfare costs.

Shannon O'Malley, Assistant Professor of Clinical Pediatrics at Yale School of Medicine - **SUPPORTS** – stating that housing insecurity is especially damaging for children. More than 100,000 homeless children nationally. This bill provides stability for children and their families, leading to better health and education outcomes.

Will Robbins- **SUPPORTS** – stating pro-bono services cannot possible address the need for affordable counsel in eviction proceedings, this bill would address this concern.

Sarah White- Attorney for the CT Fair Housing Center- **SUPPORTS WITH AMENDMENTS** – reiterating that Connecticut has one of the highest eviction rates in the country. Every dollar spent of legal counsel aid has returns ranging from twice to as much as twelve times as much. However, the bill would be better suited if the program was run through a non-profit such as the CT Bar Foundation, or an office in a state agency. Furthermore, there should be an advisory committee, and tenants should be able to apply for a lawyer for court hearings regarding Section 8 and RAP vouchers.

Olivia C - **SUPPORTS** – stating she faced eviction in September of 2020 and had she not had found a program to get her a lawyer, she fears she would be homeless. A right to counsel would protect other tenants like her.

Jacey Long- SUPPORTS – stating the bill works to level to playing field between tenants and landlords. 73% of LGBT Americans face housing discrimination, while one out of ten trans and gender non-conforming people have been evicted due to their gender identity.

Alice Rosenthal- Senior Staff Attorney for the Center for Children's Advocacy - SUPPORTS – stating that access to stable housing is critical for children's physical and mental health. A lack of counsel can cause housing instability for a family, disrupting a child's access to schooling and healthcare.

Kelly McConney Moore- Interim Senior Policy Counsel for ACLU-CT- SUPPORTS – stating the United States Supreme Court has expanded the right to counsel through rulings such as *Johnson v. Zerbst* and *Gideon v. Wainwright*. These rulings did not, however, give people the right to counsel in many civil cases. In Connecticut, it is more likely for at least one person involved in a civil case to not have counsel, then for both to have counsel. This is especially true in eviction cases where tenants have representation 10% of the time while landlords have counsel 90% of the time. Residents should have a fundamental right to counsel in eviction cases.

Zoe Ackerman- SUPPORTS – stating more than 45,000 residents will face eviction when the moratorium is lifted. Access to counsel provides options for tenants. The bill would also lower the amount spent on social services and public health.

Ivan Albert – SUPPORTS – stating it is cruel to force tenants into a legal process without a lawyer. While 7% of tenants have counsel in eviction proceedings, landlords have representation 80% of the time. If a tenant has representation, the odds of removal is reduced from 44% to 21%. With 45,000 residents facing eviction once the moratorium is lifted, this bill is necessary to protect tenants.

James Bhandary-Alexander- Legal Director of the Medical-Legal Partnership Program at the Solomon Center for Health Law and Policy at Yale Law School - SUPPORTS – stating 9 out of 10 tenants do not have representation in eviction proceedings. Access to counsel would provide relief to the trauma tenants can face in eviction proceedings.

Tamsyn Ambler- SUPPORTS – stating that with counsel present, the likelihood that a tenant is evicted drops from 44% to 21%. In cases where a tenant did not have counsel, a landlord obtained a judgment of possession for non-payment, while in cases where a tenant had counsel that proportion drops to 3%. The state must guarantee the right of counsel to protect tenants.

Black and Brown United in Actions- SUPPORTS – stating that evictions are a driver in health inequality: people of color face higher rates of COVID than white people. Furthermore, 7 cities across the country offer a right to counsel. In New York City, there has been a 77% decrease in evictions with 86% of tenants facing evictions staying in their homes. In Cleveland there has been a 93% decrease in evictions. A right to counsel holds support across the political spectrum: with 75% of Democrats, 71% of independents, and 8% of Republicans in favor.

Liam Brennan- Executive Director of CT Veterans Legal Center- SUPPORTS – stating housing is a key component of public health. While 7% of tenants have counsel in eviction

proceedings, 80% of landlords do. Furthermore, while veterans make up only 7% of the general population, they make up 12% of the homeless population. A right to counsel limits the power imbalance between tenants and landlords.

Deborah Brody- **SUPPORTS** – stating that New York City has passed a similar law which lead to 77% less evictions in the city and believes that the bill would lead to less costs overall for tenants and landlords.

Polly Brody- **SUPPORTS** – stating tenants do not have adequate access to counsel, especially during the COVID pandemic. This bill addresses these concerns.

Pearson Caldwell- **SUPPORTS** – stating more than 3,000 Connecticut families have faced evictions in the past 10 months. Only 7% of tenants have counsel in eviction proceedings, while landlords are represented 80% of the time. Connecticut's housing crisis is not new: 4 cities in the state are in the rank in the top 100 for eviction rates nationally. New York and other cities have instituted a similar law to great effect: New York City saw a 77% decrease in evictions, Philadelphia found that tenants with representation avoided eviction 95% of the time, and for every dollar spent on counsel a city saved between \$2.40 and \$12.74.

D.K. - **SUPPORTS** – stating that COVID has had a negative impact on housing. As a student and parent, D.K is unable to stay in their apartment and is to vacate the property on March 31<sup>st</sup>. Without access to counsel, D.K and their family will become homeless.

Amy Eppler-Epstein- Attorney for the New Haven Legal Assistance Association- **SUPPORTS** – stating that people have much harder time living fulfilling lives if they do not have a home. Homelessness is especially dangerous during a pandemic and stay-at-home orders. While 90% of landlords have counsel in eviction proceedings, 90% of tenants do not. As counsel for tenants, she has been able to secure unemployment insurance for clients and helped them provide arrearages to their landlords.

Justin Farmer- **SUPPORTS** – stating Connecticut has some of the highest eviction rates in the country: New Haven has an eviction rate of 4.05% which is the 69<sup>th</sup> highest in the country. A right to counsel saves money: Baltimore found a \$5.7 million investment in a right to counsel lead to \$35.6 million in benefits for the city.

Timothy Gabriele- **SUPPORTS** – stating that while tenants have representation 7% of the time in eviction proceedings, landlords have it 80% of the time. This becomes particularly problematic as more than 40,000 residents face evictions once the moratorium is lifted. This bill would provide a great benefit to tenants: when New York instituted a right to counsel, evictions fell by 77%.

Sarah Ganong, Campaign Director for the CT Working Families Party- **SUPPORTS** – stating that the state has one of the highest rates of eviction in the country, particularly when it comes to Black women. Hartford, Waterbury, Bridgeport, and New Haven have some of the highest eviction rates of any cities in the country. A right to counsel provides savings not just in legal fees, but it also boosts the local economy as less people lose their jobs and access to education due to homelessness.

Zenida Gonzalez- **SUPPORTS** – stating that many tenants who want counsel cannot afford it: 7% of tenants have counsel in eviction proceedings while landlords have counsel 80% of the time. This bill would help make the eviction process fairer by making tenants less disadvantaged within the proceedings.

Carolyn Graves- **SUPPORTS** – stating she was the victim of predatory lending in the past, was unable to afford counsel and lost her home. The chance of eviction drops from 44% to 21% if the tenant has counsel. A right to counsel would reduce the mental and emotional stress tenants experience during an eviction proceeding.

Noel Grisanti- **SUPPORTS** – stating that shelter is a core human need. Eviction is both a cause and a condition of poverty, and this is especially true for the 45,000 people in the state who face eviction when the moratorium is lifted. Ultimately, a right to counsel saves money: returns have ranged from 2:1 to 12:1.

Leanne Harpin- **SUPPORTS** – People have been faced with layoffs due to the pandemic, leading to financial instability for many. Research has shown that a dollar spent on providing counsel creates anywhere from \$2.40 to \$12.74 in savings. The state has an obligation to create a safety net for those facing housing instability.

Grave Holleran- **SUPPORTS** – stating the COVID pandemic has exasperated the housing crisis: more than 40,000 could face eviction when the moratorium is lifted. Black and Hispanic families are twice as likely as white families to face eviction. Counsel helps protect tenants from eviction: those with counsel were evicted 21% of the time, while those without were evicted 44% of the time.

Khadija Hussain- **SUPPORTS** – stating a right to counsel has reduced evictions in New York City. This bill could be critical tool to assist the more than 45,000 residents who face evictions after the moratorium is lifted.

Alexander Kolokotronis- **SUPPORTS** – stating he and his family suffered under a hostile landlord. His father's death threw his family into disarray and they lost their home. Ninety-three percent of tenants lack representation in housing court in Connecticut. A right to counsel would empower tenants, ensuring them some protection in housing court. Limiting evictions also brings about greater health, educational, and economic outcomes for tenants.

Nathan Leys- **SUPPORTS** – stating that cities across the country have instituted a right to counsel with great success. Philadelphia gets \$12.91 back for every dollar spent on counsel services, Los Angeles gets \$4.80, Baltimore \$6.24, and in New York City the city received \$320 in new savings.

Vanessa Liles- **SUPPORTS** – stating tenants who receive representation are only evicted 21% of the time, compared to tenants who lack counsel who are evicted 44% of the time.

Sal Luciano- President of the CT AFL-CIO- **SUPPORTS** – stating the housing crisis has been made worse due to the pandemic. Cities across the country, including in neighboring New York City, have passed laws granting counsel in eviction cases, leading to a reduction of eviction in these jurisdictions. Connecticut should provide this same relief to its residents.

Melissa Marichal- Attorney at the CT Fair Housing Center- **SUPPORTS** – stating Black and Hispanic renters are twice as likely to have an eviction filed against them than a white renter. Eviction can lead to homelessness, joblessness, and negative health outcomes. They can even face eviction blacklisting. Tenants only have counsel in eviction proceedings in 7% of cases, while landlords have counsel 80% of the time. This inequality leads to damaging outcomes for tenants. Some cities, however, have passed right to counsel laws, and have seen huge benefits. In New York City, 86% of tenants with counsel were allowed to stay in their homes, that number is 67% in San Francisco and 93% in Cleveland.

Luke Meolonakos-Harrison- **SUPPORTS** – stating that a former landlord failed to return a \$1600 security deposit. Even though he was able to win back the money in small claims court, it highlighted the power imbalance inherent in the tenant-landlord relationship. Rents have been increasing for nearly two decades, and Connecticut is one of the least affordable states in the country. With 40,000 residents facing eviction after the moratorium is lifted, and an additional 70,000 residents behind on rent, a right of counsel is critical to their housing security.

Margaret Middleton- CEO of Columbus House- **SUPPORTS** – stating that while her organization has helped 450 people find permanent housing during the pandemic, this bill would help reduce homelessness for all residents in the state.

John Murphy- UAW Region 9A- **SUPPORTS** – stating that New York City was able to pass a similar law with the support of UAW lawyers, with other cities following suit. A successful pilot program in Waterbury has shown this sort of assistance can work in Connecticut too.

Abdul Osmanu- **SUPPORTS** – stating that landlords have institutional tools that tenants lack. When tenants have counsel the chance that an eviction proceeding results in their eviction drops from 44% to 21%.

Raphael Podolsky- CT Legal Services- **SUPPORTS** – stating that while there is a right to counsel exists in criminal cases, it does not exist in civil cases. In eviction proceedings, 81% of landlords have counsel while only 7% of tenants have representation. A tenant having an attorney decreases the likelihood that a tenant will be evicted.

Stephen Poland- **SUPPORTS** – stating that as 40,000 residents will face eviction when the moratorium is lifted, a right to counsel is needed more than ever. This bill is a systemic way to address housing inequality.

Noah- **SUPPORTS** – stating they are a non-binary person and HIV positive. During the pandemic, they were forced to vacate their apartment putting them in danger due to their medical status. They were assisted by legal counsel and helped them navigate their housing situation. Having access to an attorney would help many tenants maintain their housing situations.

John Pollock- National Coalition for Civil Rights Counsel- **SUPPORTS** – stating COVID has been especially detrimental to people of color: 51% of Black tenants and 42% of Hispanic tenants have little confidence that they will be able to pay rent. A right to counsel has been consistently shown to reduce the likelihood a tenant is evicted. Despite arguments to the contrary, a right to counsel does not overflow the legal system, nor does it increase court

costs: in New York where a similar law was passed, courts have run more smoothly and more cheaply. Connecticut is not alone in looking to create this right, it is one of many states ranging from Maryland to Nebraska.

Jason Ruiz- Bridgeport Mutual Aid- **SUPPORTS** – stating that COVID has negatively impacted housing stability. Many of the people his organization assists are Spanish-speaking immigrants who are not eligible for federal stimulus. Access to counsel in eviction proceedings would help address some of the suffering of those his organization assist.

Michael Schramm- **SUPPORTS** – stating that he has firsthand experience of how damaging eviction can be for a tenant. Only 7% of tenants have counsel during the eviction process while landlords have counsel in 80% of cases. In the face of the COVID pandemic, it is important to give support to the most vulnerable in society.

Erin Sheehan- CT Voices for Children- **SUPPORTS** – stating that since March of 2020, more than 3,000 landlords have filed eviction cases. The pandemic has put between 77,000 to 161,000 at risk of eviction. This reality is especially difficult for people of color. Studies have shown that 90% of landlords have representation in eviction cases, whereas tenants are only represented in 10% of cases. Similar bills have been passed elsewhere in the country; in Baltimore, the city has had savings of \$6.24 per dollar spent on legal counsel.

Sky Thompspon- **SUPPORTS** – stating that their brother killed his landlord, as a result of a rent dispute. Their brother suffers from mental health problems, but the stress of the coronavirus has made the economic situation for many across the state. The bill should be passed in order to aid tenants.

Linda Thorpe- **SUPPORTS** – describing the struggle that one of her clients faced trying to avoid eviction in 2013. The client had to juggle a job, child care, and an eviction court case without the help of counsel. The client lost their home and had their child's education disrupted. A right to counsel works to avoid the instability that evictions cause by empowering tenants.

Henry Walton- **SUPPORTS** – describing a time in his life where he was housing insecure. He highlights the stress he felt returning home from work and not knowing if he had to a home to return to. A right to counsel saves money for municipalities and saves tenants from the stress and uncertainty that eviction can bring.

Brooke Williams- **SUPPORTS** – stating that without guaranteed legal representation housing court is not a place where facts can be presented but a place "where landlords' attorneys can bulldoze through proceedings." In addition, this bill would save lives and money: more than 45,000 residents face eviction when the moratorium is lifted.

The following from the Yale Law School Housing Clinic **SUPPORT HB 6531** stating that as more than 45,000 residents face evictions, a right to housing could be instrumental in preventing mass homelessness. Evictions disproportionately affect Black and Hispanic families. A right to counsel also saves money for the states: similar laws have been passed in Philadelphia, Maryland, Massachusetts, and New York City, with all seeing savings from a small investment in a right to counsel:

Ann Sarnak

Adam Gerard

Raymond Fang

Samarth Gupta

Jacquelyn Oesterblad

Dana Khabbaz

Susannah Howe

Sophie Clark

Hannah Abelow

Zachary Krislov

Colin Burke

Evan Walker-Wells

Nicole Cabanez

Areeb Siddiqui

Gregory Briker

The following **SUPPORT HB 6531**, stating that Connecticut should extend the right of counsel guaranteed by *Gideon v. Wainwright* to civil cases:

Megan Levan

Eli Roche

Reed Schwartz

The Following **SUPPORT HB 6531** stating that eviction proceedings have been historically unbalanced. While landlords have a lawyer 80% of the time, tenants only have representation 7% of the time. Evictions are costly, they disrupt the lives of tenants and harm their economic and health outcomes. Preventing evictions through a right to counsel has a positive ripple effect: in cities that have passed similar laws, there have been savings ranging from \$2 to \$12 dollars per dollar spent on counsel:

Alice Sara Prael- Central Connecticut Democratic Socialists of America

Dahlia Romanow- Central Connecticut Democratic Socialists of America

The following **SUPPORT HB 6531**:

Cecelia McElroy

Kathleen Flaherty- Executive Director of the CT Legal Rights Project

Benjamin Gluck

#### **NATURE AND SOURCES OF OPPOSITION:**

Paul Januszewski- President of the Greater Enfield Landlord Association- **OPPOSES AS WRITTEN** – stating the bill fails to determine the criteria for an indigent tenant. He states landlords are disincentivized from evicting tenants, and he would prefer the state inform tenants on how to make better financial decisions than provide them with counsel.

Houston Putnam Lowry – **OPPOSES** – stating the current language in the bill lacks legal clarity. Furthermore, this creates an unnecessary on landlords to inform tenants of their rights. Ultimately, the speaker feels that a right to counsel is unnecessary as housing clerks can provide some legal guidance to both parties.

Mat O'Malley – **OPPOSES** – stating that the system in place prior to the eviction moratorium was fair to both parties.

Eric Rogers- CT Association of Real Estate Investors – **OPPOSES** – stating this bill fails to understand that 85% of evictions are result from non-payment of rent. Instead, funding of legal counsel would be better spent towards helping tenants pay rent.

Pam Savejs – **OPPOSES** – stating landlords have been stripped of rights over previous decades. If this bill were to pass, it should provide counsel to both tenant and landlord.

Jennifer Zakrzewski – **OPPOSES** – stating the bill is an assault on landlords. The state should instead allow paralegals to act as counsel in eviction proceedings, as is done in other states.

Bill Abo – **OPPOSES** – stating the bill would harm a landlord's ability to make fair decisions with regards to their business.

Toni Akin – **OPPOSES** – stating the bill is unfriendly to landlords, will increase costs, and could force property owners to sell their properties.

Michael Ancona- **OPPOSES** – stating the bill will cause chaos and stress for all involved.

Trevor Dorian- **OPPOSES** – stating the bill to be unnecessary and burdensome for the courts. Tenants having counsel will drag out the process and result in more costs for all involved.

Richard Dubina- **OPPOSES** – stating the bill will harm businesses.

Dora Edgerly- **OPPOSES** – stating the bill is biased against landlords.

Michael Flaherty, Jr. - **SUPPORTS** – stating it harms his ability to do business.

David Haberfeld- **OPPOSES** – stating this bill would raise rents and legal fees.

Robert Jackson- **OPPOSES** – stating that this bill would give representation to criminals who steal from landlords. He would prefer the state shorten the eviction process, or force tenants to pay back rent.

Jie Lu- **OPPOSES** – stating a right to counsel is a waste of time and money.

Mark Matto- **OPPOSES** – stating that he has tenants who purposefully do not pay rent. While he is working with struggling tenants, this bill would make it harder for him to do his job and provide housing.

Evon Muschinsky- **OPPOSES** – stating that the bill is unfair to landlords, since only tenants are guaranteed a right to counsel.

Tara Ramlal- **OPPOSES** – stating the bill is a waste of money.

James Sun- **SUPPORTS** – stating the bill is a waste of money. It would harm the economy by allowing bad renters to abuse the system, forcing business from the state.

Helen Tu- **OPPOSES** – stating the bill is a waste of money and should instead go to helping tenants pay rent.

Hanlin Zhang- **OPPOSES** – stating that the bill would make the system more complex, wasting the money and the time of the taxpayers. It would also make tenants more likely to violate their contract with the landlord.

The following **OPPOSE HB 6531**:

Ken Burkamp

B. Glow

JinQing Li

Haiwen Ma

Marie Matta-Isona

Felipe Pereira

Jim Perras, CEO of the Home Builder and Remodelers Association of Connecticut

Steve Portera

George Qi

Yinghui Qin

Ana Ughetti

Anonymous

**Reported by: Gabriel Turco**

**Date: 3/24/21**