

Transportation Committee JOINT FAVORABLE REPORT

Bill No.: HB-6657

Title: AN ACT CONCERNING NONCONSENSUAL TOWING.

Vote Date: 3/17/2023

Vote Action: Joint Favorable Substitute

PH Date: 2/15/2023

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:

Transportation Committee

CO-SPONSORS

Rep. David Michel, 146th Dist.

Sen Herron Gaston, 23rd Dist.

Rep. Robyn A. Porter, 94th Dist.

REASONS FOR BILL:

This bill was written in response to complaints from state residents concerning what they call predatory towing practices. Some residents of apartments in the state are unable to have visitors over out of fear of their guest being towed while others have reported their vehicle being wrongfully towed without notice despite living on the property. Another inconvenience this bill rectifies is towing companies requiring payments for impounded vehicles to be paid in cash, which is a major setback for residents who take off work and pay for a ride to pick up their car just to be sent away for not bringing cash in exact change. This bill fixes these issues by setting a mandatory 24-hour towing notice, requiring tow companies to not only take exact change as payment, and by prohibiting agreements between property owners and wreckers surveilling properties to find vehicles to tow.

SUBSTITUTE LANGUAGE:

Substitute language was instituted including requiring signs on private property stating that unauthorized vehicles may be towed, that residential complexes must provide a 24 hour written notice prior to towing, exceptions to these two provisions, requiring tow companies to obtain a written authorization from the property owner within the 24 hour window prior to towing, the prohibition of towing a vehicle for the sole reason of it being unregistered, and restrictions on how far a vehicle can be towed from private property.

RESPONSE FROM ADMINISTRATION/AGENCY:

Antonio Guerrero, the Commissioner of the DMV

The DMV is authorized to hold public hearings as frequently as every two years to re-determine nonconsensual towing and storage rates. The most recent public hearing, conducted on December 6, 2022, demonstrated the public's sentiment – and the need – for enhanced protections in cases where the action is taken against occupants of private property. Suggested areas for further consideration: Lines 13-16 and 205-211 may be predatory and disproportionately impact those who are financially vulnerable; and Lines 236-237 may benefit from additional, prescriptive language about applicable 3 notifications. Finally in Line 289, the agency would suggest the replacement of 'registration' with 'ownership' for additional clarity. The DMV welcomes the committee's engagement on this topic and looks forward to ongoing discussions.

NATURE AND SOURCES OF SUPPORT:

Cara White, Staff Attorney at the Connecticut Fair Housing Center

Supports the bill and provides a series of reasons that they say this bill is much needed. She says they have heard from multiple tenants and tenant organizations about predatory towing practices, particularly in complexes owned by larger corporate landlords. She also says that in some corporately owned apartment complexes, tow trucks prowl the premises looking for purported violations in order to tow vehicles and generate revenue through towing and impound fees. She states that nonconsensual towing is profitable to towing companies but devastating to tenants. They support Sections 2 through 5 of the bills, with changes to make it more protective for tenants impacted by predatory towing practices. They also support an end to prowling agreements between landlords and towing companies, which incentive towing companies to tow tenants' vehicles when there is no severe violation and has been no complaint. They also state that they oppose Section 1 of the bill, saying it appears to be designed to increase towing fees for consumers and to limit the DMV's discretion in setting reasonable rates for towing and storage.

Nicholas Boudreau, Oxford

Supports this bill stating that predatory towing limits the amount of time he can spend with his family since even visitor parking spots have an 8-hour window so he can never stay the night after driving there.

Paul X Boudreau, Tenants Union Organizer SEIU of the Hamden Tenants Union

They support parts of the bill with slight changes due to losing his truck after an instance of predatory towing. Stating the maximum tow distance should be 10 miles instead of 20 miles and that the notification period should be extended to 48 hours instead of 24 hours and stating it's crucial that we have a credit card and debit card option to recover vehicles from towing companies.

Abdul Osmanu, Hamden Legislative Council

Supports this bill stating they have had numerous instances of towing companies towing the cars of tenants, for example, parking slightly outside of parking spots where paint demarcating the parking spot is considerably chipped. More egregious than their standards

set forth as to what constitutes a parking violation that requires towing, the practices that occur after the towing are the most concerning. Requirements that individuals pay with cash only with rates that appear to be arbitrary rather than pegged to any metric, its convenient use against tenants disputing with landlords over the conditions of their apartment, and cruising of parking lots to hunt for violators constitute just an example of the bad-faith business practices by this specific company.

The following also submitted testimony in support of HB-6657

Paul Hilario, President of Hilario's Service Center Inc
Jack Anonymous

NATURE AND SOURCES OF OPPOSITION:

Alan Barbarino, Owner of Alan Barbarino Real Estate LLC

Opposes the bill stating it would be devastating to the property management of multiple properties he manages. Explaining that if he did not have the capability to have a vehicle removed immediately for various property code violations, there would be chaos in the parking lots as tenants would struggle to find parking if their spaces were taken by non-tenants.

John Belanger, Assistant Branch Manager of Restaurant Depot

Opposing the bill stating that the 24 hour notification period would be untenable for their business as semi-trucks are frequently and illegally parked there overnight. This bill would also ruin several contractual obligations the company has with organizations who lease their parking lot spaces on certain days throughout the year and under these obligations they need to ensure that vehicles are removed from the premises.

Eileen Colonese, Secretary for the Towing & Recovery Professionals of CT

Opposes this bill stating the 20-mile radius for towing charges is not realistic as CSP regulations require them to tow the vehicle to the location of the owner's choice which could very well exceed 20 miles.

John Souza, President of CT Coalition of Property Owners

Opposes the bill saying residents will be inconvenienced when trespassers take their assigned spot and there are no consequences other than a warning notice. Also emphasizing that small commercial plazas will have no control over their lots for daily parking of customers (RVs, commuters, the guy working next door will just park there because there are no consequences) again inconveniencing everyone. He said that rule violators have 24 hours to move their cars and can repeatedly get warning notices without getting towed they will only continue the bad behavior. Also, not allowing the automatic removal of unauthorized vehicles by contract will repeatedly inconvenience the good tenants and good business owners trying to peacefully use their property.

Lauren Tagliatela, CCO of CTAA

Opposes the bill and provided a list of reasons they say the bill doesn't work. They state that residents of apartment communities will be inconvenienced when a trespasser takes their

assigned spot and there are no consequences other than a warning notice. They also asked why should the government be able to tell me who I can tow off my private property, let alone decide what kind of contract I can have with my towing provider? They go further stating that this bill is protecting the inconsiderate rule violators and not the residents/customers who want to use their own property.

The following also submitted testimony in opposition to HB-6657

Adam Bonoff, Owner of Long Hill Partners LLC

Tonya Brewer, Assistant Property Manager of Clemens Place Apartments

Lon Brotman, Director of Westford Real Estate Management

Melissa D. Burokas, Multi-Site Property Manager at MCR Property Management

Antonia Collins, Property Manager of Concord Hills LLC

Yesenia Colon, Property Manager of Village at Park River

Eileen Colonese, Director of Finance and Administration at Farmington Motor Sports

Bob De Cosmo, President CT Property Owners Alliance LLC

Timothy Vibert, President of Farmington Motor Sports

Peter Decarlo, Property Owner

Broadview Terrace Partners LLC

Tanya Dorherty, Property Management Director of Harvest Properties

Ed Feliciano, Property Manager

Jennifer Widness, President Connecticut Conference of Independent Colleges

John Williams, Director of Asset Management of the Hartford Housing Authority

Ricky Flowers, Owner of Hartford Imlay LLC

Lynn Ford, Property Manager of Schochet Group

Michelle Hollembaek, Property Manager of Briarwood Hills Apartments

Tiffany Howes, Property Manager

Zimroy, Property Owner

Paul Januszewski, Housing Provider-Greater Enfield Landlord Assc.

Florence Johan, Property Manager at the Meriden Housing Authority

Edward Johansen, Owner of Johansen Properties LLC

Jakki Johnson, Member Account Service-YWCA New Britain

Aftar Khan, Property Manager

Rob Koff, Owner of KWK Management

Michelle Landry, Property Manager of the Millenium Luxury Living

Sharron L. Manns, Owner of Better-Quality Management

Timothy Mclean, Property Owner

Pasqual Montesanti, Portfolio Manager at Albert B. Ashforth Inc.

Kathy Murano, Director of Properties at Woodcliff Estates

Pwatson, Property Owner

Roni Raviv, Owner of Broad Street Twins LLC

Kerri Ann Rivera, President of Briarwood Hills Apartments

Richard O. Rivera, Property Owner

Aida Rodriguez, Assistant Property Manager of Damato Homes

Walid Simaan, Property Owner

Reported by: Nathan Vieira

Date: 3/24/23

