Testimony of Attorney Elizabeth Rosenthal
New Haven Legal Assistance Association
In Support of SB 143
An Act Concerning Eviction for Cause
February 20, 2024

Senator Moore, Representative Khan, and other members of the Housing Committee, please support SB 143 to expand eviction protections for all tenants in buildings with five or more rental units that are not owner occupied. This is expansion is necessary to protect vulnerable renters from discrimination and displacement when Connecticut is experiencing such a shortage of affordable housing.

I have listened to quite a bit of the testimony today, and I heard the repeated landlord objection that this bill would remove an important tool they have to evict problem tenants. I heard stories of terrible tenants and the landlords used lapse of time to evict them. I was puzzled however, because there are already several “for-cause” reasons landlords can evict tenants- nonpayment, breach of the lease, nuisance, and serious nuisance. There is nothing about a lapse eviction that makes the time for evicting tenants shorter – in fact a tenant could have up to six months to leave if the eviction is for lapse. Further, a landlord who evicts for-cause can do so at any time during a lease term- they don’t have to wait for the lease to end. Additionally, even the current statute provides exceptions to the “good cause” protections, for a landlord wanting to move into the unit, or the tenant refusing to agree to a reasonable rent increase. (I will note that it is correct to call it a Lapse eviction. Non-renewal of a lease is an act by the landlord, but to terminate the lease, they must serve a Notice to Quit and pursue an eviction action. There has been testimony today that seems to imply that a non-renewal of the lease allows a landlord to bypass Summary Process. That is not true.) Finally, as many before me today pointed out, just cause already exists in many kinds of housing in our state- including buildings with federal subsidies or tax-credits (many of which- except traditional public housing- are privately owned with contracts to provide certain subsidies).

The fretting we heard today from landlords about interference with contract is also overstated- there is literally a whole section of the state statute book governing landlord/tenant relationships that supersedes any conflicting contractual provisions.

As you heard from a lot of the testimony today, what Lapse of Time often covers up is discrimination, retaliation, and intimidation. Landlords use lapse to evict people with subsidies, Black and Brown mothers and their children, people with disabilities, and undocumented immigrants. Tenants are scared to report serious conditions in their apartments because they cannot afford to move. Some today have implied that the tenant has equal bargaining power with the landlord, and that the tenant can move if the landlord is a problem, but that is not the reality for the low-income clients that I represent. They have few choices when it comes to finding affordable housing and they have no money to move or pay a new deposit. Many referred to the other venues in which tenants can seek recourse against their landlord, but filing a housing code enforcement or a fair rent complaint (if your town even has a fair rent
commission) is difficult, time-consuming, and uncertain. And it does not protect the tenant from a Lapse eviction in the long-run.

I also urge you to expand the protections to buildings with 1-4 units that are not owner occupied.

I have been representing tenants in Connecticut since May 2017 (prior to that I represented tenants in another state for over 11 years), and I have seen an alarming increase in Lapse evictions of older folks who are living in single family homes or 2- or 3-unit buildings who have been there for more than 20 years. We represented someone recently who had lived in her apartment for over 30 years. She might be one of the longest, but people who have been in their homes more than ten years are calling our seeking help from my office in increased numbers. And for these long-term tenants, despite being seniors, they have no protections. This is compounded by the fact that most landlords will not rent to anyone who has any eviction- even for a no-fault lapse of time.

There is a great reverence in our State for the “mom and pop” landlords that could be most affected by that expansion, but in reality, the mom and pops are selling to industrial, investment landlords- the housing market has been white-hot the last few years and they’ve been cashing in. Several investment landlords have spent millions snapping up 2- and 3-unit buildings in New Haven over the last few years, and they are turning around and giving Lapse of Time notices to everyone in the building. In my experience, they are not interested in negotiating over rent, or new leases. They are slapping on some paint and doubling the rent. This is destabilizing to communities- as Madame Co-Chair Moore noted, it tears families apart and disconnects people from their social fabric of faith organizations, schools, and medical professionals. I know with extreme sadness that it is no coincidence that the people that serve the homeless community are also here today asking for an increase in their funding.

As many before me today have pointed out, many other states have these “good cause protections” without the parade of horribles with which the landlords and their lobby have tried to shock us.

Finally, study after study has shown how housing affects physical and mental health, family stability, income, and children (and you heard a lot of testimony about that today too). Senator Sampson asked Attorney Sarah White and others, “where does it end?” My answer to him would be when we as a state recognize that property rights and profit cannot be more important than people.

For these reasons I ask you to Support SB 143.