



CONNECTICUT
LEGAL
RIGHTS
PROJECT, INC.

TESTIMONY OF KATHLEEN FLAHERTY, ESQ.
EXECUTIVE DIRECTOR, CT LEGAL RIGHTS PROJECT, INC.
APPROPRIATIONS COMMITTEE PUBLIC HEARING
FEBRUARY 11, 2020

REGARDING: HB 5055, AN ACT ADJUSTING THE STATE BUDGET FOR
THE BIENNIUM ENDING JUNE 30, 2021. **Focused on: Funding for Probate
Court system and the Department of Housing**

Senator Osten, Representative Walker and distinguished members of the
Appropriations Committee:

Good afternoon. My name is Kathy Flaherty and I'm the Executive Director
of Connecticut Legal Rights Project (CLRP), a statewide non-profit agency that
provides legal services to low income adults with serious mental health conditions.
CLRP was established in 1990 pursuant to a Consent Order which mandated that the
state provide funding for CLRP to protect the civil rights of DMHAS clients who
are hospitalized, as well as those clients who are living in the community. I'm also
the Co-Chair of the Keep the Promise Coalition (KTP). KTP is a coalition of
advocates (people living with mental health conditions, family members, mental
health professionals and interested community members) with a vision of a state in
which people with mental health conditions are able to live successfully in the
community because they have access to housing and other community-based
supports and services that are recovery oriented, person-driven and holistic in their
approach to wellness. Lastly, I'm a member of the steering committee of the
Connecticut Cross Disability Lifespan Alliance, an alliance of people of all ages with
all disabilities who pursue a unified agenda.

We are particularly concerned about the **proposed downward adjustment
by \$8.5 million in the subsidy to the state's Probate Court system.**

The fundamental liberty interests of the clients of Connecticut Legal Rights Project are at issue in Probate Court proceedings. Our indigent clients are represented by court-appointed counsel in actions regarding civil commitment, involuntary medication, involuntary conservatorship, and electroshock treatment. The 2016-2017 biennial report on the Probate Court Administration website (available at <http://www.ctprobate.gov/Documents/2016%20-%202017%20Biennial%20Report.pdf>) includes the most recent publicly available data regarding these cases: the Probate Courts hear more than a thousand civil commitment petitions each year, nearly two thousand petitions for involuntary conservatorship, and hundreds of cases regarding involuntary administration of psychiatric medication and electroshock. Respondents have the right to be represented by counsel in these proceedings and Probate Court Administration must pay the fees for court-appointed attorneys for respondents who are indigent. When a conservator of person and/or estate is appointed for a person who is indigent, Probate Court Administration must pay the conservator's fees. The former Probate Court Administrator noted that the annual cost of payments to conservators has more than doubled since 2011; as Connecticut's population continues to age, it is likely to continue to increase. Elderly and disabled people living in poverty are not able to easily relocate to other states.

There is already a statute that sweeps any balance exceeding 15% of the Probate Court system's operating budget automatically at year-end to the general fund. Again, referencing the 2016-2017 biennial report, Probate Court administration received a \$5.45 million allocation from the general fund, but at year-end \$3.4 million was swept back, for a net subsidy of \$2.05 million. It is not clear to me how the Probate Court budget could sustain a cut of more than \$8.6 million and continue to "fully maintain operations." **I encourage this committee to make further inquiries into the potential impact of such a cut on the marginalized, vulnerable people whose rights are at stake in Probate Court proceedings.**

I appreciate that there have been few changes to the Department of Housing's budget in the second year of the biennium, other than additional allocations to reflect the impact of minimum wage increases on private non-profit providers and a reduction that reflects delays in transitions to the community under the Money Follows the Person program. However, I believe that **this committee should consider the need for additional investments in the DOH budget.**

You will hear from other housing advocates about the work that has been done to reduce homelessness in Connecticut. The number of people experiencing chronic homelessness has decreased by 66% since 2016. However, that does not mean that individuals, families with children, and youth do not continue to experience homelessness – they do. I represent Connecticut Legal Rights Project and the Keep the Promise Coalition on the Steering Committee of the Reaching Home campaign, a coalition of more than 200 partners with the goal of making homelessness rare, brief, and one-time by 2023. While recognizing that this is a lofty goal, much has been accomplished in the last several years in developing a system of interventions that work, and targeted new investments in that system may enable us to reach this goal.

Legal services providers representing clients in eviction cases prevent people from falling into homelessness. I believe that this committee should consider providing additional **appropriations to support a pilot program providing counsel to indigent defendants in eviction proceedings**. Connecticut historically has some of the highest eviction rates in the country (see <https://www.courant.com/business/hc-news-eviction-rates-connecticut-20180907-story.html>); while in 2016 the national average eviction rate is 2.34 percent, the rate in four of Connecticut’s largest cities were double to triple that, and we had four of the top 70 evicting cities in the country (Waterbury, 22nd in the country with a rate of 6.1%; Hartford, No. 29, 5.73%; Bridgeport No. 39, 5%; and New Haven, No. 69, with an eviction rate of 4 percent.)

That same year, the legislature appointed a task force to examine ways to improve the access to counsel in civil legal matters; providing counsel to defendants defending against eviction actions was one of our recommendations (see our final report, available at https://www.cga.ct.gov/jud/tfs/20160729_Task%20Force%20to%20Improve%20Access%20to%20Legal%20Counsel%20in%20Civil%20Matters/Final%20Report.pdf).

Two programs which have fallen victim to funding cuts are the Eviction Prevention Program, which provided assistance with back rent, and the Security Deposit Guarantee program, which enabled landlords to make a claim when the tenant moved out of an apartment if the tenant did damage to the unit. We believe that a **targeted investment of \$1.47 million in the Department of Housing’s**

Housing/Homeless Services will enhance our state's capacity to quickly resolve episodes of homelessness for individuals and youth requiring shelter through the use of flexible funds for diversion and rapid exit, so that they do not need to remain in the homeless service system.

We all know about the lack of affordable housing in Connecticut, especially for disabled people on limited incomes. Connecticut has the 9th highest housing cost in the country (see <https://reports.nlihc.org/oor/connecticut>); the median rent for a one bedroom unit in this state is almost 50% higher than the monthly SSI benefit. For this reason, we support the call for an **additional investment of \$1 million each for rental assistance and services to provide stable housing and services for highly vulnerable people experiencing or at risk of experiencing homelessness**, because we believe that this budget should reflect the morals of this state. Decent, safe, affordable, accessible, stable housing is a basic need and a human right. This state should invest the money needed to protect that right.

Thank you for your consideration of these comments as you make your decisions about the budget.