



March 4th, 2021

**Re: Black and Brown United In Action Testimony in support of HB. 6531 - An Act Concerning the Right to Counsel in Eviction Proceedings and HB. 6528 - An Act Concerning the Sealing of Eviction Records**

Dear Representative McGee, Representative Smith, Senator Lopes, Senator Anwar, and members of the Housing Committee:

We are Black and Brown United In Action, a grassroots organization located in New Haven, Connecticut and are testifying in support of Connecticut HB. 6531 - An Act Concerning the Right to Counsel in Eviction Proceedings and HB. 6528 - An Act Concerning the Sealing of Eviction Records.

Extensive research indicates that tenants with legal representation are much more likely to avoid an eviction judgment and to keep possession of their homes than unrepresented tenants. In addition to these primary effects, a right to counsel offers several secondary benefits to defendants who are sued for eviction. Millions of tenants face the threat of eviction in the first few months of 2021 alone. Eviction and housing displacement are particularly threatening to individual and public health during a pandemic. Eviction is likely to increase COVID-19 infection rates because it results in overcrowded living environments, doubling up, transiency, limited access to healthcare, and a decreased ability to comply with pandemic mitigation strategies (e.g., social distancing, self-quarantine, and hygiene practices). The COVID-19 pandemic precipitated catastrophic job loss, unprecedented unemployment rates, and severe economic hardship in renter households. As a result, housing precarity and the risk of eviction increased and worsened during the pandemic, especially among Black and Brown people and low-income populations.

HB. 6531 guarantees no-cost legal representation for tenants facing eviction who can't afford a lawyer. Tenants get a brochure about their right to a lawyer when they're served with an eviction case. Representation by legal non-profits experienced in eviction defense is prioritized. Court delays a hearing if a tenant needs more time to get their lawyer. Courts coordinate with tenant groups to provide education. The bill can be improved to ensure the program is accountable to tenants and guarantees legal representation from a non-profit as soon as possible and with as few barriers as possible, which we understand the committee is working on.

Eviction is also a driver of health inequity as historic trends, and recent data demonstrate that people of color are more likely to face eviction and associated comorbidities. Black people have had less confidence in their ability to pay rent and are dying at 2.1 times the rate of non-Hispanic Whites. Indigenous Americans and Hispanic/Latinx/Brown people face an infection rate almost 3 times the rate of non-Hispanic whites. Disproportionate rates of both COVID-19 and eviction in communities of color compound negative health effects make eviction prevention a critical intervention to address racial health inequity. In light of the undisputed connection between eviction and health outcomes, eviction prevention, through moratoria and other supportive measures, is a key component of pandemic control strategies to mitigate COVID-19 spread and death.

Seven cities now guarantee tenants a right to counsel, and six other states are currently considering a statewide right to counsel. The results have shown significant reductions in evictions. New York has seen a 77% reduction in evictions, with 86% of tenants facing eviction staying in their homes. In Cleveland, which just implemented a right to counsel, 93% of evictions were prevented in the first 6 months. San Francisco saw a 10% reduction in eviction filings in the first year, before the program was fully implemented, with 67% of

represented tenants staying in their homes. Right to counsel saves money, with a return on investment ranging from 2:1 to 12:1 in savings from shelters, emergency services, homelessness prevention, and more. Right to counsel for tenants has broad public support. 68% of voters support a right to counsel in eviction proceedings, similar to the right that exists for criminal cases. This includes 75% of Democrats, 71% of Independents, and 58% of Republicans

HB. 6528 seals all eviction records when they're filed at the court so landlords can't discriminate against tenants just because a case was filed. Eviction records are unsealed only if the landlord wins and if the eviction was "for cause" (like not paying rent or violating the lease). Landlords can't discriminate against tenants based on sealed eviction records.

The pandemic-driven economic recession hits in the midst of this pre-existing affordable housing crisis to create a threat of mass evictions and increased housing displacement. In the absence of legal, economic, and social support to low- and middle-income people in America—a feature of the response in many other countries, strategies to control the pandemic, such as social distancing and business closures, led to unprecedented unemployment and wage loss among renter households. Furthermore, low-income and predominantly Black and Brown communities, who were already economically marginalized, experienced disproportionate economic hardship and impacts of the virus itself. COVID-19 morbidity and mortality in these populations and communities likely further exacerbated economic hardships. Black and Brown families are twice as likely to have evictions filed against them as white families in Connecticut; also women with children experience some of the highest rates of eviction.

In Connecticut, over 80% of landlords have legal representation in evictions, while less than 7% of tenants do. Most tenants who want or need legal assistance cannot get it. Free legal help is extremely limited, and private attorneys charge more than most tenants can afford. Landlord-tenant laws and the eviction process already heavily favor landlords—it is easy to evict tenants, and hard for tenants to defend themselves. Housing law is technical and complex. Tenants are even further disadvantaged if they don't have a lawyer. Data from 2019 in Connecticut supports that having a lawyer makes a difference: 44% of tenant cases without counsel led to removal orders, compared to 21% with counsel; 28% of tenant cases without counsel led to landlord obtaining a judgment of possession for non-payment of rent, compared 3.4% with tenant counsel; and the likelihood of a case being withdrawn more than doubled with tenant counsel. Increased funding is not enough. We must guarantee legal representation as a right for tenants. Funding can be reduced or eliminated over time. A right is enforceable and ensures that tenants will have legal representation, now and in the future, and that the state will prioritize funding for legal representation.

Evictions destabilize lives and are a public health issue. Evictions cause job loss and homelessness, undermine childrens' education, negatively impact physical and mental health limit access to decent housing in the future through eviction blacklisting by landlords and big data companies (even if the tenant won). Connecticut already had some of the highest urban eviction rates in the country, with four cities ranking in the top 100 evicting cities nationally: Waterbury, #22 and an eviction rate of 6.1%; Hartford, #29 with an eviction rate of 5.73%; Bridgeport, #39 and an eviction rate of 5.03%; and New Haven, #69 with an eviction rate of 4.05%. Once the eviction moratorium expires, more than 45,000 Connecticut residents expect to face eviction, most will not have access to a lawyer.

Black and Brown United In Action strongly supports HB. 6531 and HB. 6528 and look forward to your support and favorable vote on these bills as well.

Sincerely,

Black and Brown United in Action