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Testimony of Amy Eppler-Epstein  
In support of HB 6531

AN ACT CONCERNING THE RIGHT TO COUNSEL IN EVICTION PROCEEDINGS

Hearing before the Housing Committee

March 4, 2021

I am an attorney at New Haven Legal Assistance Association in our housing unit, and am writing to express my strong support for HB 6531, An Act Concerning the Right to Counsel in Eviction Proceedings.

We have long known that having decent, safe and stable housing is a keystone to success in so many areas of life. Without a reliable place to sleep at night, cook, eat, get clean, and stay warm, it is challenging, if not impossible, to pursue other things in life, like holding down a job, pursuing an education, or providing an environment in which your children can flourish and thrive. What the last year of living in a global pandemic has made abundantly clear, is that housing is also a keystone to health, on both an individual, and societal, public health level. Having and keeping a place to live, has been one key element to controlling the spread of Covid-19.

And thus this pandemic is an excellent context for Connecticut to embrace the notion of a right to counsel in eviction proceedings- a concept that has been adopted in New York City, and is gaining growing support in various parts of the nation, from Boulder, Colorado, to Baltimore, Maryland, to San Francisco, California.

The vast majority of landlords in eviction cases are represented by counsel. The vast majority of tenants are not; one nationwide study found that in many housing courts, 90 percent of the landlords have attorneys, while 90 percent of the tenants do not.<sup>1</sup> A right to counsel in eviction cases would level the playing field, and give tenants the tools they need to keep their housing when possible, or have sufficient time and resources to relocate in a reasonable and planned manner, when that is a better option.

Particularly during the pandemic when the stakes have been especially high, and eviction can mean not only homelessness, but increased risk of contracting, and possibly dying from Covid 19, our office has sought to represent as many tenants as possible who are facing eviction. In doing so, we have not only benefitted the tenant; but in many cases, also helped achieve a win-win situation, in which the landlord

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<sup>1</sup> Unaffordable America: Poverty, housing, and eviction. Matthew Desmond, [www.irp.wisc.edu/publications/fastfocus/pdfs/FF22-2015.pdf](http://www.irp.wisc.edu/publications/fastfocus/pdfs/FF22-2015.pdf)

benefits as well. Sometimes, by providing counsel, we have been able to help a tenant resolve collateral and related issues that affect their ability to maintain their tenancy and pay their rent. For instance, in one case, I was able to help my client resolve a legal issue with the State Department of Labor, which acknowledged they owed her over \$5000 in unemployment insurance, but had not been making any payments for over two months. Once she started receiving her unemployment compensation, she was able to make a payment towards her arrearage, and start paying rent to her landlord each week, which she has continued to do ever since. I was also able to help her navigate the rental assistance program, which provided her landlord with \$4000 towards the arrearage she accrued while being out of work and without income due to the pandemic. In another case, I was able to help a client get her rent recalculated by the Section 8 subsidy provider, so that her rental portion was properly based on her actual income. The tenant could again afford to make payments going forward; and the landlord received a corrective check from the subsidy provider.

In other cases, legal representation can help illuminate legal issues and defenses, and work towards their resolution—for example, by providing the reasonable accommodations of a tenant’s disabilities that they are entitled to under fair housing laws. Or, a lawyer can help restore communication when a landlord tenant relationship has broken down, and work to resolve areas of contention such as repairs that are needed, or garbage or parking conflicts that have become sore spots between the parties.

We applaud the Housing Committee for proposing HB 6531, and working towards the time that all low income tenants can have counsel to represent them in eviction cases, and help them in that most critical endeavor, of ensuring they have a place to live. A critical, and most time and cost effective means of providing counsel for eviction defense, is to provide such counsel through the existing legal services programs. Legal services programs already have a network of offices and staff to serve all parts of the state; and have the expertise to work most effectively in this specialized area of landlord tenant law.<sup>2</sup>

We also have knowledge and familiarity with the programs and resources available to help our clients. And, as part of programs that provide civil legal services in a wide range of areas, we can also provide assistance and representation in other areas of law that can affect a person’s tenancy—whether by assisting our clients in obtaining an income source, or by removing a violent domestic partner who may be damaging the premises as well as harming our client.

We look forward to working together with this Committee and assisting in any way needed, to flesh out the details of a right to counsel for eviction defense.

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<sup>2</sup> A Chicago study of the effect of providing counsel for tenants facing evictions found that legal aid lawyers did far better than private attorneys in preventing eviction. [See https://eviction.lcbh.org/reports/legal-aid-attorneys-make-the-difference](https://eviction.lcbh.org/reports/legal-aid-attorneys-make-the-difference).