



CONNECTICUT
LEGAL
RIGHTS
PROJECT, INC.

TESTIMONY OF KATHLEEN FLAHERTY, ESQ.
EXECUTIVE DIRECTOR, CT LEGAL RIGHTS PROJECT, INC.
HOUSING COMMITTEE PUBLIC HEARING
MARCH 4, 2021

In support of HB 6531, AN ACT CONCERNING THE RIGHT TO COUNSEL
IN EVICTION PROCEEDINGS.

Support in concept: SB 355, AN ACT CONCERNING A LANDLORD'S
ABILITY TO CONSIDER THE CRIMINAL RECORD OF PROSPECTIVE
TENANTS.

In opposition to: SB 944, AN ACT CONCERNING STORAGE OF A
TENANT'S POSSESSIONS AND USE AND OCCUPANCY PAYMENTS.

1

In support of HB 6528, AN ACT CONCERNING THE SEALING OF
EVICTION RECORDS

In support of: HB 6532, AN ACT APPROPRIATING STATE FUNDS FOR
MENTAL HEALTH SERVICES AND HOUSING.

In opposition to: HB 6533, AN ACT REQUIRING A STUDY OF METHODS
TO PROVIDE HOUSING ASSISTANCE DURING THE COVID-19
PANDEMIC.

Senator Lopes, Representative McGee, Senator Cicarella, Representative Poletta
and distinguished members of the Housing Committee:

Good afternoon. My name is Kathy Flaherty and I am 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 that 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 very much appreciate this committee's enthusiasm in addressing the challenges faced by tenants in this state. Approximately 1/3 of the cases that CLRP opens each year are housing-related matters. Our clients face challenges in both accessing and maintaining their housing. Our case statistics show the importance of having counsel, especially if the case ends up in court. In all of the housing cases CLRP closed last year, our clients remained housed. It should not take a lawyer to keep a roof over one's head, but sometimes it does. Thank you for bringing forward a bill that would establish the right to counsel in eviction cases. We support **HB 6531** and look forward to working with this committee and our colleagues to make this a reality.

Many people with mental health conditions end up interacting with the criminal legal system when they are unable to access services and supports. We know that most people who go to jail or prison eventually return to the community. When formerly incarcerated people are barred from housing because of their criminal record, they face more difficulties in re-establishing a life in the community. **SB 355** requires DOH to adopt regulations limiting the lookback period. We agree with the amendments suggested by our colleagues at the Connecticut Fair Housing Center.

SB 944 will result in the loss of tenants' possessions; we oppose it. Eviction is a court process and a judicial marshal carries out the final stage, execution (the removal of the tenant and their possessions from the dwelling unit) in order to ensure that property owners do not result to self-help. The process of town storage of belongings after eviction has been in place for more than 125 years; it protects tenants from losing all of their belongings because it provides for the opportunity to redeem. The other proposed changes to the eviction process in this bill are unnecessary; the provisions related to tenants' possessions are harmful.

HB 6528 reflects the recognition that having an eviction case filed against you makes it that much more difficult for you to obtain other housing. Several

problems arise when future landlords rely on judicial branch eviction records as a tenant screening method. In fact, the branch now includes this disclaimer on its website: “Housing case information on the Judicial Branch website is not intended for use in landlord or tenant screening. It does not contain personal identifying information necessary to adequately identify the parties.” However, we know that credit-reporting services scrape and compile data and nothing can stop someone from looking up another person’s name on the website. This bill would ensure that the mere existence of a filing – including cases where the tenant was not accused of wrongdoing, or cases where the tenant prevailed – would not serve as a barrier to future housing opportunities. Sealing records until after for-cause judgment in favor of the landlord after trial is a good idea.

The lack of accessible housing combined with voluntary services and supports is a barrier to discharge for many of CLRP’s clients at DMHAS inpatient facilities. Expansion of DMHAS housing services and supports with additional appropriations pursuant to **HB 6532** would be a huge help to our clients. Thank you for putting this bill forward.

I do not think DOH should be required to do a study of how to help provide housing assistance during the COVID-19 pandemic. DOH needs to focus on getting the federal housing assistance money to landlords so that tenants can stay housed or transition to new housing. Please do not distract them from this mission. Do not take further action on **HB 6533**.