



**Testimony of Melissa Marichal
In Support of H.B. 6531 – An Act Concerning the Right to Counsel
in Eviction Proceedings, with Amendments**

Sens. Lopes and Anwar, Reps. McGee and Smith, and distinguished members of the Committee: thank you for the opportunity to testify. My name is Melissa Marichal, and I am an attorney at the Connecticut Fair Housing Center, a civil rights organization dedicated to ensuring that all of Connecticut's residents have access to the housing of their choice. I am testifying in support of H.B. 6531, ACC the Right to Counsel in Eviction Proceedings, with amendments.

Establishing a right to counsel for tenants facing eviction who cannot afford a lawyer is a crucial step forward in addressing Connecticut's eviction crisis and advancing racial justice. In 2019, Black and Latinx renter households in Connecticut were approximately twice as likely as white renter households to have an eviction filed against them, according to analysis by the Connecticut Fair Housing Center and the Eviction Lab at Princeton University. National studies also confirm that women—especially Black and Latinx women—have eviction cases filed against them at higher rates than men. These racial, ethnic, and gender disparities in evictions are likely to grow as Black and Latinx households, and households headed by women, continue to face greater economic hardships during the Covid-19 pandemic.

For tenants that have eviction cases filed against them, forced removal from their homes is just one of the many devastating losses they may soon face. A single eviction notice can spark a series of devastating consequences, including homelessness, job loss, disruptions in education, negative physical and mental health outcomes, loss of a housing subsidy, loss of child custody, and reduced access to decent housing in the future due to tenant blacklisting.

Despite these high stakes, most Connecticut tenants that want legal representation in their eviction cases cannot get it. The availability of free legal assistance—especially full legal representation—is extremely limited, and private attorneys charge more than most tenants can afford. As a result, fewer than 7% of Connecticut tenants have legal representation in their

eviction cases, compared to over 80% of landlords. The number of represented Black and Latinx tenants is even smaller; just 5% of Black and Latinx tenants have legal representation.

Connecticut’s summary process eviction laws are complex, and eviction cases move very quickly. The Judicial Branch reports that the median disposition time of an eviction case in 2019 was just 26 days. Without representation, most tenants struggle to navigate this fast-moving legal process. Too often, unrepresented tenants unwittingly waive their right to participate in their cases or raise defenses because they do not understand the court procedures and are unaware of their defenses. The challenges of defending an eviction case without representation are compounded for tenants who are elderly, disabled, or not proficient in English.

The stark imbalance in representation often results in tragic outcomes for tenants that could have been prevented or mitigated with counsel. Forced to represent themselves against skilled landlords’ attorneys, tenants that do make it to court frequently enter into one-sided court agreements that require them to abide by onerous payment schedules for large sums of back rent and fees they may not legally owe, or to quickly move out despite having a legal defense. But to many, the only alternative to these agreements appears even less favorable: going to trial alone, likely on the same day, against an experienced attorney. Unrepresented tenants may also not understand that by signing a court agreement, they are permanently waiving their right to plead their case before a judge, or that if they submit even just one payment due under a court agreement late, their landlord can immediately seek an execution—the court order that permits a marshal to physically remove a tenant and her belongings from her home.

By guaranteeing legal representation to tenants in eviction cases, we can level the playing field and prevent housing instability. Attorneys with substantial expertise in eviction defense can help tenants:

- raise defenses, including those related to substandard conditions, impermissible retaliation, and improper notice;
- resolve underlying issues that may be impacting a tenant’s ability to pay their rent or maintain their tenancy, including by connecting them with rental assistance, appealing public benefit terminations, and requesting reasonable accommodations;

- correct errors in the landlord’s accounting of charges and fees; and
- negotiate balanced agreements that provide fair and manageable resolutions for both tenants and landlords.

Data, both from Connecticut and other jurisdictions, confirms that legal representation can make a dramatic difference in the outcome of an eviction case.

According to Judicial Branch records analyzed by the Connecticut Fair Housing Center, in 2019, 44% of residential eviction cases in which the tenant did not have counsel resulted in the court’s issuance of an execution. That is compared to only 21% of cases in which tenants had counsel. These results suggest that, with counsel, tenants are less than half as likely to be forcibly removed from their homes by a marshal. The likelihood of a residential eviction case being withdrawn also more than doubled when tenants had counsel.

Results from other jurisdictions show that a right to counsel significantly reduces the number of tenants that lose their home to eviction. In New York City—the first jurisdiction to provide tenants in eviction cases with the right to counsel—[86% of tenants](#) represented in the last year were able to stay in their homes. Other jurisdictions that have established a right to counsel report similar results. In San Francisco, [67% of tenants](#) represented during the program’s first year were able to stay in their homes in the program’s first year, and in Cleveland, [93% of tenants](#) represented in the program’s first six month were able to stay in their homes.

For these reasons, H.B. 6531 can meaningfully reduce the disparate impact of evictions on Black and Latinx families, prevent homelessness, and save the state money. My colleague, Sarah White, has submitted testimony on the Connecticut Fair Housing Center’s suggested amendments to H.B. 6531. We applaud the Housing Committee for proposing H.B. 6531 and look forward to working with the Committee to make this right to counsel a reality.