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## **Testimony in Support of H.B. 6531 – An Act Concerning the Right to Counsel in Eviction Proceedings**

**Testimony of:**  
**Amy Lin Meyerson, President**  
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The Connecticut Bar Association (CBA) has long supported improving access to justice in civil legal matters, and in particular supports right to counsel measures in critical civil legal matters, such as evictions, which can have profound and devastating effects on affected households. The CBA strongly supports the creation of a right to counsel for low-income tenants facing eviction.

Connecticut was in the midst of an eviction crisis before the COVID-19 pandemic, and that crisis is set to explode in the coming years due to the economic impact of COVID-19. Evictions are an uneven playing field, where most tenants are not represented by counsel, resulting in unfair and devastating effects on thousands of low-income Connecticut households. “In many housing courts around the country, 90 percent of landlords are represented by attorneys, and 90 percent of tenants are not.”<sup>1</sup> In Connecticut, just 7% of tenants are represented by counsel, in an expedited statutory process that is complex and implicates multiple areas of law. No one should lose their home because they cannot afford a lawyer.

### **Connecticut’s Eviction and Access to Justice Crisis**

“Eviction is a cause, not just a condition, of poverty.”<sup>2</sup> Four of Connecticut’s cities—Waterbury, Hartford, Bridgeport, and New Haven—are ranked among the top 100 evicting cities in the country.<sup>3</sup> Each year, thousands of renter households face evictions in each of these cities without the assistance of counsel. On average, about 20,000 evictions are filed in Connecticut each year.<sup>4</sup> COVID-19 threatens to increase that number significantly.<sup>5</sup>

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<sup>1</sup> MATTHEW DESMOND, *EVICTED: POVERTY AND PROFIT IN THE AMERICAN CITY* 303 (2016).

<sup>2</sup> *Id.* AT 299.

<sup>3</sup> Princeton University, Eviction Lab, *Top Evicting Large Cities in the United States*, <https://evictionlab.org/rankings/#/evictions?r=United%20States&a=0&d=evictionRate&lang=en> (last accessed Dec. 17, 2020). Waterbury is the 22<sup>nd</sup> city on the list, Hartford 29<sup>th</sup>, Bridgeport 39<sup>th</sup>, and New Haven 69<sup>th</sup>.

<sup>4</sup> See Conn. Advisory Council on Hous. Matters, Report to the Gen. Assembly (2019) Appendix C-2 (Summary Process Cases Filed Since 1984), p. 29.

<sup>5</sup> NAT’L LOW INCOME HOUS. COAL., *Costs of COVID-19 Evictions* (Nov. 19, 2020), <https://nlihc.org/sites/default/files/costs-of-covid19-evictions.pdf>; see also Nat’l Council of State Hous. Agencies, *Analysis of Current and Expected Rental Shortfall and Potential Evictions in the U.S.* (Sept. 25, 2020), <https://www.ncsha.org/resource/current-and-expected-rental-shortfall-and-potential-eviction-filings> (estimating 90,000 evictions in Connecticut by January 2021 absent policy interventions).

The CBA played a significant role in the establishment of the Connecticut General Assembly's Taskforce to Improve Access to Legal Counsel in Civil Matters, which was co-chaired by CBA Past President Bill Clendenen, in 2016. As noted in the Taskforce Report, "[w]ithout counsel, tenants face tremendous obstacles to defend their rights in eviction proceedings, such as the power imbalance between the parties, tenants' lack of information about their rights, and barriers such as low literacy, mental illness, and limited English proficiency. As a result, tenants without counsel do not fare well in the Court process, too often entering one-sided agreements that inevitably and unnecessarily result in eviction."<sup>6</sup> Currently, more than one-third of summary process cases in Connecticut result in tenants losing by default, meaning there was no opportunity to present a defense, or to be heard by a judge.<sup>7</sup>

### **The Disproportionate Impact of Evictions on Families of Color**

Evictions disproportionately impact low-income renters, and in particular low-income women of color and children. As noted by sociologist Matthew Desmond in his Pulitzer Prize-winning book *Evicted: Poverty and Profit in the American City*, "[i]f incarceration had come to define the lives of men from impoverished black neighborhoods, eviction was shaping the lives of women. Poor black men were locked up. Poor black women were locked out."<sup>8</sup> The epicenters of Connecticut's eviction crisis, Waterbury, Hartford, Bridgeport, and New Haven, are cities with high concentrations of poverty and high percentages of racially and ethnically diverse residents. Numerous studies have documented the disparate impact of evictions on people of color:

One study determined that Black households were more than twice as likely as white households to be evicted. A review of several studies conducted in multiple cities between 1991 and 2002 found that approximately 80% of people facing eviction were from non-white households. Pre-COVID-19, Black women were evicted at higher rates with 1 in 5 Black female renters reporting that they have experienced eviction compared with 1 in 12 Hispanic/Latinx women and 1 in 15 white women. Of all gender and race combinations, Black women renters are at the highest risk: In 17 out of 36 states studied, Black women faced eviction filings at double the rate of white renters.<sup>9</sup>

The prevalence of evictions among low-income children is especially harmful. All else being equal, research reveals that having two children makes a household 60 percent more likely to

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<sup>6</sup> Conn. Gen. Assembly, Judiciary Committee, *Report of the Task Force to Improve Access to Legal Counsel in Civil Matters* (Dec. 15, 2016), [https://www.cga.ct.gov/jud/tfs/20160729\\_Task%20Force%20to%20Improve%20Access%20to%20Legal%20Counsel%20in%20Civil%20Matters/Final%20Report.pdf](https://www.cga.ct.gov/jud/tfs/20160729_Task%20Force%20to%20Improve%20Access%20to%20Legal%20Counsel%20in%20Civil%20Matters/Final%20Report.pdf).

<sup>7</sup> Conn. Advisory Council on Hous. Matters, Report to the Gen. Assembly (2021), Default Rate in Summary Process Cases, Appendix C-6.

<sup>8</sup> MATTHEW DESMOND, *EVICTED: POVERTY AND PROFIT IN THE AMERICAN CITY* 98 (2016)

<sup>9</sup> Emily Benfer, et al., *Eviction, Health Inequity, and the Spread of COVID-19: Housing Policy as a Primary Pandemic Mitigation Strategy*, J. URB. HEALTH \*8-9 (forthcoming 2020), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3736457](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3736457). See also, American Civil Liberties Union, "The Very Prescription is to Stay Home": What it's Like to be Evicted During a Global Pandemic. <https://www.aclu.org/news/racial-justice/the-very-prescription-is-to-stay-home-what-its-like-to-be-evicted-during-a-global-pandemic/>

be evicted than a household without children.<sup>10</sup> A comprehensive study of low-income families, conducted by Princeton and Columbia Universities, found that more than 1 in 4 children in families living below the federal poverty line have experienced an eviction before their fifteenth birthday.<sup>11</sup> Children born to Black and Hispanic mothers are significantly more likely to experience eviction than children born to white mothers or mothers of other racial and ethnic backgrounds.<sup>12</sup>

## **Evictions Have Devastating Personal and Societal Impacts**

Evictions cause homelessness and housing instability, bringing devastating personal harms to evicted families, while also creating tremendous governmental and societal costs. A recent study of the New Haven Housing Session found that in the months following their cases, tenants spent one-fifth of their time homeless or housing insecure.<sup>13</sup> “Housing instability increases stress levels and leads to mental and physical health problems including depression, anxiety, suicide, high blood pressure, cardiovascular disease, and respiratory conditions.”<sup>14</sup> Evictions cause stress and trauma for children, and are likely to cause poor long-term health and educational outcomes. Evictions are expensive and cause property and income loss. The record of the eviction often serves as an enduring barrier for families seeking to secure decent, safe, and stable subsequent housing opportunities, regardless of the merits of the underlying case.<sup>15</sup> In addition to these serious personal harms and costs, the societal and governmental costs of the unaddressed eviction crisis are astronomical, reaching the hundreds of millions of dollars in increased shelter, social service, healthcare, and child welfare costs.<sup>16</sup>

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<sup>10</sup> Matthew Desmond & Carl Gershenson, *Who Gets Evicted? Assessing Individual, Neighborhood, and Network Factors*, 62 SOC. SCI. RES. 362, 370 (2017). Although Connecticut has banned housing discrimination on the basis of “familial status,” our state’s eviction system sadly remains a hotbed of such discrimination. See Conn. Gen. Stat. § 46a-64c (barring housing discrimination on the basis of “familial status”).

<sup>11</sup> Ian Lundberg & Louis Donnelly, *A Research Note on the Prevalence of Housing Eviction Among Children Born in U.S. Cities*, 56 DEMOGRAPHY 391 (2019).

<sup>12</sup> *Id.*

<sup>13</sup> Jack Tsai et al., *Longitudinal Study of the Housing and Mental Health Outcomes of Tenants Appearing in Eviction Court*, SOC. SCI. & PSYCH. EPIDEMIOLOGY \*6 (Sept. 1, 2020).

<sup>14</sup> NAT’L LOW INCOME HOUS. COAL, *Costs of COVID-19 Evictions* (Nov. 19, 2020), <https://nlihc.org/sites/default/files/costs-of-covid19-evictions.pdf>. See also Matthew Desmond & Rachel Kimbro, *Eviction’s Fallout: Housing, Hardship, and Health* 94 SOC. FORCES 295 (2015); Matthew Desmond, Carl Gershenson & Barbara Kiviat, *Forced Relocation and Residential Instability Among Urban Renters*, 89 SOC. SERV. REV. 227 (2015).

<sup>15</sup> Sophia Belers, Sandra Park & Linda Morris, *Clearing the Record: How Eviction Sealing Laws Can Advance Housing Access for Women of Color*, AM. CIVIL LIBERTIES UNION (Jan. 10, 2020), <https://www.aclu.org/news/racial-justice/clearing-the-record-how-eviction-sealing-laws-can-advance-housing-access-for-women-of-color>. See also Paula A. Franzese, *A Place to Call Home: Tenant Blacklisting and the Denial of Opportunity*, 45 FORDHAM URB. L.J. 661 (2018).

<sup>16</sup> NAT’L LOW INCOME HOUS. COAL, *Costs of COVID-19 Evictions* (Nov. 19, 2020), <https://nlihc.org/sites/default/files/costs-of-covid19-evictions.pdf>. See also Children’s HealthWatch, *Behind Closed Doors: The Hidden Health Impacts of Being Behind on Rent* (2011), [https://childrenshealthwatch.org/wp-content/uploads/behindcloseddoors\\_report\\_jan11-.pdf](https://childrenshealthwatch.org/wp-content/uploads/behindcloseddoors_report_jan11-.pdf).

## The Impacts of Investing in Access to Justice for Low-Income Tenants Facing Eviction

Investing in access to counsel for low-income tenants facing evictions results in better outcomes for those tenants in the eviction process. It also creates significant governmental and societal cost savings. Baltimore recently enacted a right to counsel for tenants facing eviction, becoming the 7<sup>th</sup> jurisdiction to adopt such a measure.<sup>17</sup> Other cities that have enacted a right to counsel in eviction cases include New York City, Philadelphia, San Francisco, and Cleveland. A number of other jurisdictions across the country have made significant investments to ensure greater access to justice for tenants facing evictions.<sup>18</sup>

As a result of enacting a civil right to counsel, tenant representation rates in evictions in New York City rose from 1% to 38% from 2013 to 2020. During that time, evictions dropped 41% overall, including a 15% drop in 2019 alone. Overall, 84% of tenants who were represented by counsel remained in their homes.<sup>19</sup> Evictions fell five times faster in zip codes where NYC's right-to-counsel law took effect in 2018 than in zip codes without right-to-counsel.<sup>20</sup> Analysis of civil legal aid representation of tenants in Baltimore found that “when tenants are represented, they can avoid the high likelihood of disruptive displacement in 92% of cases.”<sup>21</sup> A similar study in Philadelphia found that represented tenants avoided disruptive displacement in 95% of cases.<sup>22</sup> Investment in access to justice for low-income tenants facing eviction also results in significant governmental and societal costs savings. Global advisory firm Stout Risius Ross has found that every dollar invested in providing legal representation to low-income tenants, would yield estimated savings of \$12.74 to Philadelphia,<sup>23</sup> and \$6.24 to Baltimore and Maryland.<sup>24</sup> In Philadelphia, Stout found that \$3.5 million could provide legal assistance to all tenants unable to afford representation, avoiding \$45.2 million in costs to Philadelphia annually. In Baltimore, Stout found that the \$5.7 million cost to fully implement right to counsel for low-income tenants facing eviction would produce a total combined savings of \$35.6 million to Baltimore and Maryland.

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<sup>17</sup> Bennett Leckrone, *Baltimore Tenants Now Have Legal Right to Lawyer in Eviction Cases*, MARYLAND MATTERS (Dec. 4, 2020), <https://www.marylandmatters.org/blog/baltimore-tenants-now-have-legal-right-to-lawyer-in-eviction-cases>.

<sup>18</sup> See NAT'L COAL. FOR A CIVIL RIGHT TO COUNSEL, *Major Developments* (last accessed Dec. 17, 2020), [http://www.civilrighttocounsel.org/major\\_developments](http://www.civilrighttocounsel.org/major_developments). See also Kriston Capps, *The Right to Eviction Counsel is Gaining Momentum*, Bloomberg CityLab (Dec. 13, 2019), <https://www.bloomberg.com/news/articles/2019-12-13/the-fight-to-boost-tenant-right-to-counsel-laws>.

<sup>19</sup> NYC OFFICE OF CIVIL JUSTICE, *Universal Access to Legal Services: A Report on Year Three of Implementation in New York City* (Fall 2020), [https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ\\_UA\\_Annual\\_Report\\_2020.pdf](https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_UA_Annual_Report_2020.pdf).

<sup>20</sup> Oksana Mironova, *NYC Right to Counsel: First Year Results and Potential for Expansion*, CMTY. SERV. SOC'Y (Mar. 25, 2019), [https://www.cssny.org/news/entry/nyc-right-to-counsel#\\_edn3](https://www.cssny.org/news/entry/nyc-right-to-counsel#_edn3).

<sup>21</sup> Stout Risius Ross, *The Economic Impact of an Eviction Right to Counsel in Baltimore City* (May 8, 2020), <https://cdn2.hubspot.net/hubfs/4408380/PDF/Eviction-Reports-Articles-Cities-States/baltimore-rtc-report-final-5-8-2020.pdf>.

<sup>22</sup> Stout Risius Ross, *Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low - Income Tenants* (Nov. 13, 2018), [https://cdn2.hubspot.net/hubfs/4408380/PDF/Cost-Benefit-Impact-Studies/Philadelphia%20Evictions%20Report\\_11-13-18.pdf](https://cdn2.hubspot.net/hubfs/4408380/PDF/Cost-Benefit-Impact-Studies/Philadelphia%20Evictions%20Report_11-13-18.pdf).

<sup>23</sup> See n. 22.

<sup>24</sup> See n. 21.

## **Conclusion**

The Connecticut Bar Association strongly supports the creation of a right to counsel for low-income tenants facing eviction. Such an investment in justice will have profound benefits for low-income Connecticut families, and for the State of Connecticut.