

Dear Reps. McGee and Smith, Sens. Lopes and Anwar, and members of the Housing Committee:

My name is Stephen Poland. I am a resident of New Haven, and a registered voter. I am testifying in **SUPPORT of Connecticut H.B. 6531 - An Act Concerning the Right to Counsel in Eviction Proceedings** and **H.B. 6528 - An Act Concerning the Sealing of Eviction Records**.

Over the past 16 months of community outreach, I have knocked on hundreds of doors and spoken with scores of tenants, many of whom were in the midst of eviction. The pandemic has only exacerbated the unquantifiable fear and confusion that permeates the eviction process for tenants. I think of a New Haven tenant who was illegally locked out of his home in late-March 2020, after the eviction moratorium was in place. Without legal counsel or any knowledge of his rights or the eviction process, he lost all of his possessions and moved into a tent in an encampment. I put him in contact with legal aid resources, but without a guaranteed *right* to counsel, he was not eligible for the legal aid's limited resources. The last time I spoke with him by phone in early-December, his tent and the few possessions he had accumulated had been swept away in a brutal winter windstorm. He told me he thought he was supposed to have an eviction hearing in January, but with no address and extremely limited access to electronic notifications, let alone the Zoom resources necessary to appear in online housing court, had all but given up on the process or any prospects for justice.

We know that Connecticut averages around 20,000 evictions per year, but is set to face 40,000 or more evictions once the eviction moratorium is lifted. We know that in Connecticut 80% of landlords have attorneys in eviction cases, while less than 7% of tenants have legal counsel. But none of the data or statistics can convey the fear and confusion around eviction, and how this fear and confusion leads people to give up on any possibility of hope or justice, while destabilizing families and communities. It cannot be overstated how corrosive it is for our society democracy to have tens of thousands of people so overwhelmed by the power disparities in accessing legal counsel that they justifiably give up on any hope for fairness or justice. We must establish a *right* to legal counsel for everyone facing eviction so that tenants have equal rights when faced with eviction, and can therefore go through the process with sufficient information, understanding, and faith that their case will be fairly heard.

Make no mistake: this is a matter of power, and the disparities in power between landlords and tenants are very real and apparent in every level of the system. If there were any doubt about that, I encourage the members of the Housing Committee to look among yourselves. How many members of this committee are landlords? How many elected officials in the Connecticut General Assembly are landlords? We rightfully insist upon equitable representation in our government, and yet we do not have a representative number of tenants in elected office making decisions about housing. Our democracy is founded on a commitment to equal rights, not enlightened benevolence, and that is why passing a *right* to counsel for evictions is a powerful, necessary step rooted in this founding democratic tradition of our country.

The New Haven tenant who was illegally locked out of his building in March 2020—during the pandemic, with an eviction moratorium in place—has now been homeless for nearly a year not because he did anything wrong, but because the power disparities between landlords and tenants did not give him a fair chance. This tenant's individual experience is demonstrative of what we've seen from municipalities that have passed and implemented a right to counsel for evictions, which have seen decreases in eviction executions by up to 77% in New York City and 93% in Cleveland. **Not**

guaranteeing a *right* to legal counsel for evictions is decimating people's lives, communities, and permanently marking people's names with an eviction record without guaranteeing them a fair and equal process. Moreover, by perpetuating a system in which Black and Latinx households disproportionately have evictions filed against them at up to *twice* the rate of white households, **not** guaranteeing a *right* to legal counsel for evictions is upholding white supremacy as it structures our society.

We were in a housing crisis before the pandemic, and we must not come out of this pandemic retaining the same broken structures with which we entered it. We absolutely need financial assistance for tenants and landlords who have experienced economic hardship due to the pandemic, but *right* to counsel is a *systemic* way to address the eviction and housing instability that we have the opportunity to put in place now before the next unforeseen crisis. If we are committed to the long-term project of housing as a human right, then we need to look at the concrete, specific ways we can work toward that goal in a *systemic* way in the present. **H.B. 6531 – An Act Concerning a Right to Counsel in Eviction Proceedings** is exactly that.

The power disparity between tenants and landlords is also at the root of my strong support for **H.B. 6528 – An Act Concerning the Sealing of Eviction Records**. Given the fact that many tenants have evictions on their records without ever having a fair chance at navigating the system or defending themselves through a right to counsel, a multi-billion dollar industry algorithmically trading in these records is a grotesque and cruel way to turn tragedy into a mechanism for wealth accumulation. Who is examining these algorithms? Who is checking to see the validity of the eviction records? Who is profiting from this market? Who is regulating it? From the 2008 financial crisis through the last decade of controversies around Big Tech and data privacy, we have learned time and time again about the devastating, predatory nature of unregulated markets and algorithmic discrimination.

I have unfortunately lost contact with the New Haven tenant illegally evicted in March 2020, and it weighs on me heavily. This single case is tragically more representative than exceptional, and housing organizers continue active outreach to tenants with eviction filings in process, trying to connect people to legal aid for their cases. But this kind of largely unpaid outreach is no way for Connecticut to connect tenants with legal counsel, without which many will find it increasingly difficult to find stable housing with an eviction record. We need a systemic response to provide tenants with the right to counsel, and protect them from predatory trading of eviction records for profit.

**I strongly support H.B. 6531 and H.B. 6528 and urge you to favorably vote for these bills out of the Housing Committee.**

Sincerely,  
Stephen Poland  
New Haven, CT