



**Testimony of the National Coalition for a Civil Right to Counsel  
Supporting House Bill 6531, An Act Concerning the Right to Counsel in Eviction Proceedings**

Members of the Housing Committee:

On behalf of the National Coalition for a Civil Right to Counsel (NCCRC), I thank you for the opportunity to submit testimony in support of HB 6531, a vital and timely bill that would establish a right to counsel for tenants facing eviction. The NCCRC has over 600 participants and partners in 41 states (including Connecticut), and we have supported the successful eviction right to counsel campaigns in seven cities: New York City, San Francisco, Newark, Cleveland, Philadelphia, Boulder, and Baltimore. Our testimony outlines some of the ways in which HB 6531 will promote housing stability and race equity, improve the state's bottom line, and respond to tenant needs during COVID-19 and beyond.

**Existing data in Connecticut shows the clear need for right to counsel.** Even before COVID-19, the need for a right to counsel was evident: four cities in Connecticut rank in the top 100 for the highest urban eviction rates in the country, and in the last five years, Connecticut has averaged approximately 20,000 evictions per year. And COVID-19 has significantly worsened the picture in Connecticut, particularly from a race equity perspective: 51% of Black tenants and 42% of Latinx tenants have little or no confidence in their ability to pay next month's rent, compared to 14% of white tenants. Yet despite this clear need, only 7% of tenants in Connecticut have access to counsel, compared to over 80% of landlords.

**The right to counsel has been proven to keep tenants housed and provide other benefits.** Studies have consistently shown that a right to counsel will lead to 90% of tenants avoiding disruptive displacement. And in numerous pilot projects, represented tenants have remained in their units twice as often as those without counsel, saved hundreds of dollars in rental arrears, and avoided shelter use at a significantly higher rate. But beyond projections and pilots, the cities that have already enacted a right to counsel have seen the benefits. In New York City, 86% of represented tenants have remained in their homes, and eviction filings have declined by 30%. In San Francisco, eviction filings have declined by 10% in just one year, and two-thirds of fully represented tenants have remained in their homes. And in just six months of Cleveland's right to counsel, 93% of represented tenants avoided eviction or an involuntary move, while 83% of those seeking additional time to move were able to obtain it.

**There is much for attorneys to do in nonpayment of rent cases.** In the cities with right to counsel, nonpayment of rent cases make up the bulk of eviction cases, yet tenant representation has vastly increased unit retention and other benefits. These statistics belie the notion that there is nothing for attorneys to do in nonpayment cases. Indeed, such cases are often complex: issues that can arise include improper service of notice, disputes over whether rent paid has been properly credited, unauthorized or illegal fees, failure to make repairs, discrimination, harassment, and retaliation. Studies have shown that tenants with available legal defenses nearly always fail to effectively use them, either because they are entirely unaware of the defense or do not know how to assert it. Even where there is no legal defense to the eviction, a court must still decide important questions, such as how much time the tenant will be given to vacate, whether the eviction will be formally entered on the tenant's record, and how much the tenant will be held to owe in arrears. Without counsel, tenants will not be able to assert their rights and interests as these issues are being decided.

**The right to counsel will not bog down the courts.** In New York City, the place where the right to counsel has been in place the longest, the housing court judges have testified that from their perspective the right to counsel has made the proceedings more efficient and fair. This is unsurprising: even with a right to counsel, the majority of cases will settle, just as they do now. And those settlements will not require the intervention or management of the court, but rather will occur as out-of-court negotiations. The primary difference is that tenants will have counsel to negotiate effectively on their behalf, rather than being coerced into a lopsided “agreement” by the landlord’s attorney. Additionally, by providing counsel to all tenants, the courts may see a reduction of pressure on clerks, who in many places are besieged by pro se tenants looking for guidance. Lastly, as indicated above, both New York City and San Francisco have seen a reduction in case filings, which reduces court pressure.

**The right to counsel is fiscally sound.** Tenants benefit from the right to counsel, but so does the state. The right reduces strain on homeless services and other service providers while reducing pressure on the courts, which saves money at a time when the pandemic has ravaged government budgets. Studies have repeatedly found that every dollar spent on eviction representation returns many dollars in savings by reducing spending on emergency services, prisons, foster care, and other negative consequences of evictions. The most recent study, which was completed in Baltimore shortly before the right to counsel was enacted there, found that a \$5.7 million investment in right to counsel by the city would yield \$35.6 million in benefits to the city and state.

**The right to counsel will make federal and state relief more impactful.** Congress recently appropriated \$25 billion for rental assistance, and more rental assistance is anticipated in the next stimulus package. Moreover, Connecticut has a strong moratorium in place until the end of the health emergency. But without representation to enforce the moratorium and assist with rental assistance delivery, tenants will not fully benefit from these forms of relief. In many jurisdictions, landlords have served notices to quit in violation of state moratoria, or have resorted to illegal lockouts and utility shutoffs as a way of driving tenants out of their units. Without systemic representation, these types of abuses go unchecked. And many tenants need legal help to complete the often-complex documentation and other requirements to obtain rent relief. Such legal aid in obtaining rental assistance benefits both landlords and tenants.

**Evictions are about far more than property interests; tenants have an array of interests at stake.** While tenants and not landlords are the ones to nearly always lack counsel, the tenants are the ones whose basic human needs are potentially implicated in many ways, including homelessness, disruption in employment and education, loss of child custody, negative effects on physical and mental health, loss of personal property, damage to credit, and negative impacts to long-term housing access, security, and stability. The presence of counsel can help avoid this dizzying list of negative impacts.

**Numerous states are moving to establish this right.** As noted earlier, seven cities have already enacted a right to counsel in just the last three years. By acting swiftly, Connecticut could lead the country by becoming the first state to provide a right to counsel for tenants facing eviction. It would not stand alone for long, however, as similar bills are pending in Indiana, Maryland, Massachusetts, Minnesota, Nebraska, South Carolina, and Washington State, and we expect several other state bills to be filed soon. Some of the filed bills have had their first hearing and moved out of committee.

HB 6531 is a game-changing bill that will help the state decrease displacement and homelessness while increasing housing stability, and we urge you to move it forward. Thank you for your consideration.

Sincerely,



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John Pollock, Coordinator  
National Coalition for a Civil Right to Counsel