

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

My name is Dahlia Romanow. I am a resident of West Hartford and an organizer with the Central Connecticut Democratic Socialists of America. 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.

I am a Connecticut native - I was born and raised in Mansfield - and am currently a resident and registered voter in West Hartford.

Right to Counsel is a critical piece of legislation to address the current eviction crisis, and create a more equitable legal system in our state. Only 7% of tenants in Connecticut are represented in housing court as compared to 80% of landlords. Right to Counsel is a cost savings measure - for every dollar spent on right to counsel, the state will save between 2 and 12 dollars. This savings comes mainly from a reduction in shelter costs - represented tenants are far less likely to become homeless. Right to Counsel is also a racial justice issue - people of color, particularly women of color, are disproportionately affected by eviction.

Tenants who are sued in housing court are also marked forever and barred from future housing. Landlords check housing court dockets as part of the vetting process for new tenants and routinely turn down anyone who has had a case in housing court – regardless of the outcome. This is why H.B. 6528 is so essential. The systemic inequalities that exist in our state are only exacerbated when landlords are allowed to deny housing to individuals based on past eviction records.

Eviction is a hugely disruptive and violent process. Tenants who are evicted are likely to experience homelessness, disruption to jobs and school, negative medical effects, and loss of personal property. This is particularly true in the context of a national pandemic, where public health mandates tell people to stay home as much as possible – this often becomes impossible for people when they lose their homes and means that they endanger their own health and the health of others in their community.

My strong belief in Right to Counsel comes from personal experience. I spent my first two years after college working for legal aid in MA and was in housing court every week. Now, I am an attorney and recent graduate of NYU Law. New York was the first city in the US to pass Right to Counsel. That means I interned for organizations doing right to counsel work. So I have seen first-hand the difference between a system where tenants have a right to counsel and one where they do not.

Housing court in New York is not perfect - housing court anywhere is a poverty court, by which I mean that it is a place where low-income people, particularly black and brown people, are systemically punished for their poverty. But it is so much better. In Massachusetts, on any given day, there would be a crowd of 50-100 tenants facing eviction and one legal aid attorney, who could only represent a handful of them. It was chaotic, disorganized, and a shock to me, as a recent college grad with what I now know was an idealized concept of the justice system. I

watched weekly as most tenants, without access to legal counsel, made hallway deals with landlord's attorneys and never even spoke to a judge. That's not happening anymore in New York.

Right to Counsel makes the court process better, fairer, and more efficient for everyone. Anyone who has had to go to court for any reason knows that the legal system is not designed for non-attorneys. It is confusing and overwhelming to navigate. Right to Counsel makes the court run more efficiently - this makes things easier for judges, court staff, and, even for landlords.

There is a common misconception that Right to Counsel is unfair to landlords - this is simply not true. We have a court system built around the premise that the best way to reach a fair and just outcome in a legal dispute is for the two sides to come to one space and duke it out in front of a neutral arbitrator. This premise breaks down when only one side has access to all the resources and institutional knowledge.

The reason we see huge reductions in evictions in places with right to counsel is not because tenant's lawyers are somehow cheating the system, but because for the first time tenants have access, through lawyers, to rights and defenses that have always existed but are hidden in lengthy statutes and opaque legal language. Attorneys also connect tenants to other resources - like social services and rental assistance. This is a good thing for landlords. Rental assistance goes directly to landlords.

A few notes on how H.B. 6531 can be improved: this bill should establish a program advisory committee that includes low-income tenants. Low-income tenants are crucial stakeholders and should have a leading voice in how the program is implemented. This bill should also require that representation be provided by legal non-profits experienced in eviction defense. These organizations have decades of expertise and infrastructure that allow them to provide by far the most effective legal assistance to tenants. The bill should also allow tenants to apply for a lawyer directly with legal non-profits before going to court - as soon as they get a Notice to Quit. The sooner tenants are connected with legal counsel, the more likely they are to be connected with rental assistance or to find a solution with their landlord, and possibly avoid court entirely.

One last note - right now there are several cities with a right to counsel, but no states. If Connecticut passes this legislation, we will have the first statewide right to counsel program in the country and be a national leader in this time of crisis.

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

Sincerely,

Dahlia Romanow, Esq.  
West Hartford