



Testimony in Support of:

H.B. 6531, AN ACT CONCERNING THE RIGHT TO COUNSEL IN EVICTION PROCEEDINGS

H.B. 6528, AN ACT CONCERNING THE SEALING OF EVICTION RECORDS

S.B. 194, AN ACT ESTABLISHING A RIGHT TO HOUSING

Housing Committee Hearing
March 4, 2021

Representative McGee, Representative Smith, Senator Lopes, Senator Anwar, and distinguished members of the Housing Committee,

This testimony is submitted on behalf of the Center for Children's Advocacy (CCA), a non-profit organization representing Connecticut's most at-risk children. CCA's mission is to promote and protect the legal rights and interests of our state's most vulnerable children and young adults who are dependent upon the judicial, child welfare, health and mental health, education, and juvenile justice systems for their care. I lead CCA's Medical-Legal Partnership (MLP) at Yale New Haven Children's Hospital, where we collaborate with medical providers to address legal issues impacting children's health, including education, benefits, and housing. We often work with children whose health is compromised because their families do not have access to safe, healthy, and stable housing.

CCA supports the passage of **Raised House Bill 6531, An Act Concerning the Right to Counsel in Eviction Proceedings**; **Raised House Bill 6528, An Act Concerning the Sealing of Eviction Records**; and **Raised Senate Bill 194, An Act Establishing a Right to Housing**. We urge you to pass these bills for the following reasons:

1. Access to stable housing is critical to children's physical and mental health.

Access to housing is an essential public health necessity, and it is time for Connecticut to recognize the importance of stable housing. Without stable housing, children face worse physical and mental health outcomes.¹ This is particularly important for children who have preexisting health conditions, such as asthma, because a lack of housing or poor housing conditions can

¹ Matthew Desmond & Rachel Tolbert Kimbro, *Eviction's Fallout: Housing, Hardship, and Health*, 94 SOCIAL FORCES 295 (2015), https://scholar.harvard.edu/files/mdesmond/files/desmondkimbro.evictions.fallout.sf2015_2.pdf

exacerbate health problems. In addition, children with special health care needs are at heightened risk of housing instability.² For example, research has found that unhoused youth with asthma are 31 times more likely to be hospitalized than housed youth.³ In addition to health, unstable housing can also impact kids' academic success and mental health.

Through our work on the Medical-Legal Partnership (MLP), I am often asked by medical providers, "my patient has severe health care needs, they are entitled to housing, right?" Sadly, the answer is no. Many of the families we see in the MLP have children with health care needs such as autism, conditions causing compromised immune systems, diabetes, to name a few. These same families struggle to make ends meet due to the extensive care their children require. A right to housing would provide these most vulnerable children, as well as all of Connecticut's children, stability and improved health outcomes.

2. Lack of counsel substantially decreases families' ability to remain in their homes and risks children's stability.

Through our work, most of the parents we meet with are unsure of their rights and do not have access lawyers to represent them. We witness the impact that access to counsel can make in a parent's ability to maintain stable and healthy housing for their children. Our experience is supported by research in Connecticut, which has found that 44% of tenant cases without counsel led to removal orders, compared to 21% with counsel; and that 28% of tenant cases without counsel led to landlords obtaining a judgment of possession for non-payment of rent, compared to 3.4% with tenant counsel. Other cities that provided the right to counsel for evictions have successfully reduced evictions,⁴ and many cities predict reduced costs.⁵

The story of a family we recently worked with highlights the importance of legal representation in evictions. Ms. Smith⁶ was referred to the MLP by her son's pulmonologist due to their home being without heat in the middle of December. Her son has end stage muscular dystrophy, is wheelchair bound, and has various equipment for his health and well-being. Ms. Smith struggled

² Ruth Rose-Jacobs et al., *Housing Instability Among Families With Young Children With Special Health Care Needs*, 144 PEDIATRICS e20181704 (2019), <https://pediatrics.aappublications.org/content/144/2/e20181704>

³ Kerry K. Sease & J. Blakely Amati, "*Housing First*" for Optimal Child Health, 144 PEDIATRICS e20190500 (2019), <https://pediatrics.aappublications.org/content/144/2/e20190500>

⁴ OFFICE OF CIVIL JUSTICE, UNIVERSAL ACCESS TO LEGAL SERVICES: A REPORT ON YEAR THREE OF IMPLEMENTATION IN NEW YORK CITY (2020), https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_UA_Annual_Report_2020.pdf

⁵ STOUT RISIUS ROSS, ECONOMIC RETURN ON INVESTMENT OF PROVIDING COUNSEL IN PHILADELPHIA EVICTION CASES FOR LOW-INCOME TENANTS (2018),

<https://www.philadelphiabar.org/WebObjects/PBA.woa/Contents/WebServerResources/CMSResources/PhiladelphiaEvictionsReport.pdf>

⁶ Name changed to ensure confidentiality.

financially due to COVID and has only been able to pay her rent a few times over the past year. Ms. Smith complained to her city about her lack of heat. The city worked with the landlord to ensure she had heat, and shortly thereafter, the landlord filed for an eviction. Although the MLP was able to assist Ms. Smith in knowing what her housing rights were, we do not have the staffing or experience to represent families in eviction proceedings. We worked diligently to find Ms. Smith a legal aid attorney to represent her. After completing many intakes and calling all around, we were told no one had the capacity to take any more cases, including Ms. Smith. Even though Ms. Smith had a number of legal defenses, including no heat for over a month, she did not have the wherewithal to represent herself in court. Finally, in the eleventh hour, the MLP secured a legal aid lawyer for Ms. Smith who represented her in court and ultimately had her case dismissed. Without representation, Ms. Smith surely would have been evicted and her medically complex son would have been homeless in the winter and during a pandemic.

This story is representative of the many stories we hear every day. Ensuring access to legal counsel in eviction proceedings is critical not only for Connecticut's public health, but also for our children.

3. Action to promote stable housing is especially critical now, to protect children during the COVID-19 pandemic.

The COVID-19 pandemic has made it even harder for many low-income families to maintain stable housing. When the eviction moratorium expires, it is estimated that over 45,000 Connecticut residents will be at risk of eviction. Black and Latinx families, who are twice as likely as white families in Connecticut to be evicted, will certainly face a heightened risk.⁷ There are simply not enough Legal Aid lawyers to support the need. Because of the pandemic, action to support stable housing in Connecticut is needed now more urgently than ever.

Having worked with children and families throughout Connecticut, we understand how important access to healthy and stable homes are for children's wellbeing. On behalf of Connecticut's children, we strongly urge you to support H.B. 6531, H.B. 6528, and S.B. 194. Thank you for your time and consideration. Please do not hesitate to contact our office with any questions or concerns.

Respectfully submitted,

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⁷ *Fair Housing Blog*, CONNECTICUT FAIR HOUSING CENTER (Feb. 26, 2021), <https://www.ctfairhousing.org/addressing-clients-needs-during-the-covid-19-pandemic-22>; MATTHEW DESMOND, POOR BLACK WOMEN ARE EVICTED AT ALARMING RATES, SETTING OFF A CHAIN OF HARDSHIP (2014), https://www.macfound.org/media/files/hhm_research_brief_-_poor_black_women_are_evicted_at_alarming_rates.pdf