



TESTIMONY

of the

CONNECTICUT CONFERENCE OF MUNICIPALITIES

to the

PLANNING & DEVELOPMENT COMMITTEE

The Tenant Evictions Mandate

March 10, 2010

The Connecticut Conference of Municipalities is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 93% of Connecticut's population.

We appreciate this opportunity to testify before this joint committee in support of the effort to remove municipalities from the responsibility to remove and store the possessions of evicted residential tenants.

The proposals are contained in **H.B. 5031, "An Act Concerning Reducing Costs to Municipalities"** and **H.B. 5255, "An Act Concerning Municipal Mandate Relief"**.

These proposals would relieve municipalities of the unfunded state mandate to remove and store the personal property belonging to evicted residential tenants. Municipalities were relieved in 1997 of the mandate to remove and store the possessions of *evicted commercial* tenants.

The proposals are also a recommendation of the Municipal Opportunities and Regional Efficiencies (MORE) Commission.

R.B. 5031 and R.B. 5255 would move responsibility for this to state marshals.

The tenant evictions mandate is costly to municipalities. It is estimated that there are about 2,500 residential evictions per year. This might be a conservative estimate: last year, Bridgeport processed 582 evictions. The mandate costs the City \$193,000.

Last year, the mandate cost a struggling New Haven \$310,000.

CCM urges the Committee to examine the Office of Legislative Research's "Research Report", Number 2006-R-0164 (attached). Entitled, "State Laws on Landlord's Treatment of Abandoned Property", the report shows that, of the 37 states researched, *Connecticut is the only state that mandates that municipalities remove and store the possessions of evicted tenants*. In other states, landlords or sheriffs have the responsibility.

And, storage costs average \$10 per day, per eviction, for an average of 15 days. The costs for storage alone – *excluding staff, vehicles and other administrative costs* – can range from approximately \$9,000 to \$147,900.

The mandate takes up considerable time on the municipal level. When a person has been evicted, municipalities must (1) secure a moving vehicle to pick up property and take it to a storage facility, and (2) store the possessions for at least 15 days. Municipalities are allowed to try to recoup some of the costs by auctioning off the items. However, municipalities must incur costs associated with conducting an auction (including publicizing the auction, etc.). And, usually the possessions are not sellable. According to one municipal official involved in this process, the belongings are reclaimed in only about 10% of the cases.

Danbury estimates \$40,000 on labor, storage, transportation and other costs associated with eviction proceedings. The mandate costs Hartford \$110,000 per year.

The notion that isolated municipalities provide social services does not justify municipal involvement. Landlords could notify tenants of social services available to them. Most of the services would likely be state services, signaling a need for state involvement, not local.

Also worn out is the notion that, since the law has been on the books since 1895, it's appropriate and right. Needless to say, Connecticut has changed drastically in 100 years. Small, isolated communities where there would be rare evictions (with an unregulated landlord-tenant process), have been replaced with ever-increasing municipal responsibilities and a highly regulated landlord –tenant process.

Further, there are many laws from 100 years ago that are obsolete, like those regarding buggies. Again, the mere fact that the law still exists has nothing to do with its relevance.

Is the tenant evictions mandate the largest unfunded state mandate? Of course not. But it is one of the over 1,200 on the books. There is no justifiable reason for towns and cities to be involved in a landlord-tenant issue. Since the State doesn't have to foot the bill, it has been content to burden communities with the mandate. This is the kind of mandate that leaves municipal officials flummoxed. In 2010, with state and local governments scratching for pennies, imposing this type of cost on local budgets is evidence to them that the State just doesn't "get it."

This committee has a reputation for “getting it” and we hope it continues to do so by relieving municipalities of this mandate.

CCM urges the Committee to combine, draft and favorably report these proposals.

Thank you.

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For more information, please contact Ron Thomas or Carl Casa of CCM at (203) 498-3000.

Attachment