PARTNERSHIP FOR STRONG COMMUNITIES

Partnership for Strong Communities promotes equitable change in Connecticut housing policy by coordinating advocacy, advancing research, and uniting diverse partners

TESTIMONY BEFORE THE HOUSING COMMITTEE
PUBLIC HEARING AGENDA
PARTNERSHIP FOR STRONG COMMUNITIES
THURSDAY FEBRUARY 13, 2025

Representative Felipe, Senator Marx, Representative Scott, Senator Sampson and distinguished members of the Housing Committee, thank you for the opportunity to submit testimony on H.B. 6338, S.B. 616, S.B. 1266, S.B. 1268 and S.B. 1159. I am Amy Peltier, Coalition and Advocacy Director with the Partnership for Strong Communities. We are a statewide nonprofit research, policy and advocacy organization dedicated to ensuring everyone in Connecticut has a safe, stable home that is affordable to them in an equitable community of their choice. We respectfully request that the committee oppose the following bills, H.B. 6338 and S.B. 616 and take no further action on S.B. 1266, S..B 1268 or S.B. 1159.

Recommended Committee actions:
There are four bills on today's public hearing regarding fair rent commissions (FRCs). Additionally, there is a bill recommending removing individuals from property without following established legal processes. We strongly oppose S.B. 616 and H.B. 6338. As to the other bills, we think no further action on them should be taken by this or any other Committee.

- **H.B. No. 6338**:AN ACT PERMITTING REMOVAL OF AN UNAUTHORIZED INDIVIDUAL FROM REAL PROPERTY - **OPPOSE**
- **S.B. No. 616:** AN ACT REQUIRING FAIR RENT COMMISSIONS TO OPERATE UNDER THE SAME PROCEDURES AS OTHER ADMINISTRATIVE AGENCIES IN THE STATE – **OPPOSE**
- **S.B. 1266** – (RAISED) AN ACT REQUIRING THE POSTING OF FAIR RENT COMMISSION BYLAWS. **NO ACTION**
- **S.B. 1268** – (RAISED) AN ACT REQUIRING ALL FAIR RENT COMMISSION HEARINGS BE OPEN TO THE PUBLIC. **NO ACTION**
- **S.B. 1159** –AN ACT INCREASING FUNDING FOR AFFORDABLE HOUSING DEVELOPMENT AND RENTAL ASSISTANCE PROGRAMS AND EXPANDING THE AUTHORITY OF FAIR RENT COMMISSIONS. **NO ACTION**

Agenda item number 11: Proposed H.B. No. 6338 AN ACT PERMITTING REMOVAL OF AN UNAUTHORIZED INDIVIDUAL FROM REAL PROPERTY. OPPOSE

The lack of specificity in this bill, suggesting a bypassing of the relied upon legal systems that traditionally adjudicate trespass or eviction filings has the potential to result in lawsuits and financial penalties for both tenants and landlords. Without a court-ordered notice, eviction or removal finding, police may have no other grounds for removing an individual other than an owner's word that an occupant can't be there. In such cases, it is reasonable to believe that the authorities may refuse to take such action or a highly volatile situation is created where the parties must navigate threats and potential use of force inappropriately. If trying to bypass the legal eviction or criminal justice systems already in place, courts may get involved delaying any removal

further, allowing the occupant more time to stay and backfiring on the owner who could be the one paying fines or even facing criminal charges. Furthermore, engaging in what can be viewed as self-help evictions, is not only illegal, this can permanently damage a landowner or landlord's reputation, making it difficult to find quality tenants in the future and potentially damaging relationships with other property owners or real estate professionals. This long-term perspective underscores the importance of following the legal eviction process already in place, not only for immediate financial and legal reasons, but also for the sustainability and reputation of any real estate or rental business.

Additionally, without applying the formal eviction process, determined and historically relied upon by our housing systems to govern these issues, occupants may have grounds for wrongful eviction or harassment cases against landlords for removal without formal process. Furthermore, if the occupant had any claims to even temporary accommodation at the location, there may be legal claims to tenant belongings that will be lost while sudden and/or unexpected removal from a location can lead to significant emotional and financial distress as well as an inability to find alternative shelter upon such short notice. Depending on what claims a real property owner makes to have the individual removed, potential false claims may impact securing accommodation or stable housing for individuals in the future. We can not legitimize this behavior.

Eviction and trespass laws already exist, are decided by a neutral party – a judge - and are firmly understood to govern behaviors this bill is attempting to address. It is a dangerous precedent to allow select removal of individuals from spaces without formalized legal guidance that assigns all parties delineated rights and retributions, as such we strongly oppose this bill.

Agenda item number 12: Proposed S.B. No. 616 AN ACT REQUIRING FAIR RENT COMMISSIONS TO OPERATE UNDER THE SAME PROCEDURES AS OTHER ADMINISTRATIVE AGENCIES IN THE STATE. OPPOSE

This bill would require FRCs to adopt the procedural rules state agencies use, which are staffed by state employees and professionals. While less formal than courts, state agency hearings are nevertheless run under rigid quasi-judicial rules. Fair rent commissions, in sharp contrast, are intended to be lay bodies made up of municipal residents who are not legal or land-lord tenant professionals. Fair Rent Commissioners are not expected to be experts, and their task is to apply a fairness standard, with guidance on 13 elements to be considered in their decision making. While they must follow practices that produce fair and orderly hearings, they are less formal than administrative agency hearings. In fact, courts have been explicit that Fair Rent Commissions are **not** held to the same rigid standards as professionalized state agencies. S.B. 616 would make it extremely difficult for Fair Rent Commissions to function and is unnecessary when the commissions are already governed by appropriate codified standards fostering a fair process for resolving rental disagreements. By over-formalizing FRCs, without any mention of funding to support it, would also make it difficult to find dedicated community members and undermine their very purpose of reflecting the community's sense of fairness.

Agenda item numbers 2 and 3: S.B. No. 1266 (RAISED) AN ACT REQUIRING THE POSTING OF FAIR RENT COMMISSION BYLAWS and S.B. No. 1268 (RAISED) AN ACT REQUIRING ALL FAIR RENT COMMISSION HEARINGS BE OPEN TO THE PUBLIC. NO ACTION

To create bills posting bylaws and holding of public hearings by Fair Rent Commissions is unnecessary. Fair rent commissions are already subject to the Freedom of Information Act (FOIA), which requires that the meetings of municipal government agencies be public and that relevant documents be publicly available. As long ago as 1996, the Freedom of Information Commission ruled that FRCs cannot go into executive session to deliberate their decisions. There is no need to add burdensome and duplicative provisions to the FRC statute.

Agenda item number 8: Proposed S.B. No. 1159 AN ACT INCREASING FUNDING FOR AFFORDABLE HOUSING DEVELOPMENT AND RENTAL ASSISTANCE PROGRAMS AND EXPANDING THE AUTHORITY OF FAIR RENT COMMISSIONS. NO ACTION

First, this bill would increase funding for affordable housing and rental assistance programs, but it does not specify an amount or funding source for either. The second section of this bill proposes that fair rent commissions would be granted the authority to "monitor rent increases" and "enforce fair housing practices." The Fair Rent Commission Act (C.G.S. 7-148b) already authorizes FRCs to "make studies and investigations…in order to control and eliminate excessive rental charges…" In addition, it has the power to issue cease and desist orders to enforce its decisions and can monitor them as needed. Either party to a FRC action can return to the commission if issues arise. If this bill is suggesting expansion of landlord citations and other FRC authority, it is likely that this work would need additional funding. While it is our mission to engage in smart policy design and advocacy to expand housing opportunity at the Partnership, without a more comprehensive design and details in collaboration with other proposed and already existing legislation, we propose no further action be taken on this bill by this or any other Committee.

Thank you and please feel free to contact me with any questions.
Respectfully submitted,

Amy Peltier