



Testimony in Opposition of HB 7289
AN ACT CONCERNING THE ENTRY OF A
MONEY JUDGMENT IN A SUMMARY PROCESS ACTION

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Distinguished members of the Judiciary Committee, I am Darren Pruslow, a supervising attorney at the Connecticut Veterans Legal Center. CVLC's mission is to help veterans who have experienced homelessness and mental illnesses overcome legal barriers to housing, healthcare, and income. As the first VA medical-legal partnership in the country, we co-locate with VA medical centers to provide vital legal services to our clients. We work to ensure that our clients, among the most vulnerable populations in Connecticut, have access to the resources necessary to thrive in this state. We oppose the proposed changes to Summary Process because of the dire consequences these changes would have for our clients.

To understand its impact, imagine that a veteran goes in-patient at the VA hospital due to a service connected disability. Unfortunately, the treatment takes weeks instead of days and during that time, the veteran falls behind in the rent and is evicted. When that veteran is able to return to the community, the veteran now has no place to live. While this is bad enough, the proposed legislation will only compound this problem. Under the new scenario, the veteran will have a default judgment for damages in addition to an eviction judgment that he or she never was able to challenge.

This situation may also cause them to lose a voucher that allowed them to be able to afford to live independently in the first place. So this veteran now re-enters the shelter system on the long road to find permanent housing. This alone threatens the veteran's economic and mental health. As Princeton professor Matt Desmond has made clear in his work on evictions, evictions are not only the result of poverty, they are also a cause of poverty, creating homelessness and tarring an individual's housing record in a way that often prevents him or her from finding future housing.

Unfortunately, this story is not hypothetical, but a reality that we see from veterans who we represent. In addition to its economic impacts, this proposed legislation attempts to skewer due process for the sake of convenience. What seems logical and efficient on its face, is rife with problems of due process, equity, and inefficiency.

The Summary Process statutes are designed to allow landlords to obtain possession to their property more quickly than other procedures. The standard civil process – even small claims – takes much more time than an eviction. A landlord's interest in retaking his or her property is allowed to proceed more quickly only by strict adherence to limited remedies. "Because of the summary and



statutory nature of the remedy, the Summary Process statute must be narrowly construed and strictly followed.”¹ By changing the nature of Summary Process, this bill will turn Summary Process into a much slower and more complicated proceeding.

This new law destroys the balance in what is already an unequal process. Most Landlords have the assistance of counsel while most tenants are forced to fight these battles *pro se* (unrepresented). Many of the CVLC clients that are fighting this process are disabled and on the cusp of poverty. Those we do not get to assist are often defaulted because they do not understand the process and are limited in their ability to participate. This new law would further tip this scale toward the landlord by giving the landlord immediate access to legal fees and damages. Tenants, on the other hand, still have to wait up to a month to receive the return of their security deposits – even if they need them to obtain new housing – and have to go through an ordinary, longer legal process to recover any deposits that a landlord wrongly withholds.

By expanding the scope of Summary Process, more rights and due process protections will need to be put in place. Most eviction cases now do not have discovery requests, but once financial damages are in place they will become more common. Many of the damages are not finalized at the time of trial and often can be mitigated. More trials will have to be held because of disputes about back rent and property damage. It may even result in jury trials in eviction cases. It will actually take longer to do an eviction – possibly much longer – than under today’s rules.

Evictions without money damages are already burdensome to veterans. Although there are programs to help veterans find housing, judgments of eviction limit the options available. The majority of people facing eviction are living in poverty or at risk of falling into poverty. Many cannot afford basic necessities, let alone an attorney to assist them. This proposed law only makes this situation worse.

There are many reasons why Connecticut was one of two states to meet the Presidents challenge of ending chronic homelessness among veterans. It was more than just the hard work of VA clinicians and community partners like the CVLC. It was a climate and laws that reflect compassion and understanding of the complexities of Summary Process and poverty. Connecticut is not perfect in this area, but is better than many other states in the Union. This new legislation takes us in the wrong direction. Many of our veterans are already fighting to transition back into civilian life, do not put another barrier in their way. Please do not pass this legislation.

¹ *Jefferson Garden Associates v. Greene*, 202 Conn. 128, 143 (1987);