

**PA10-171**

**HB5255**

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House Bill Number 5255.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

The motion is for suspension of the rules for immediate consideration of House Bill 5255, Calendar 228.

Is there objection? Is there objection?

Representative Cafero.

REP. CAFERO (142nd):

Mr. Speaker, in this particular case because of the opponents of this bill to the state of Connecticut, we will not object to the fact that it's a single starred item.

Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

Hearing no objection, the rules are suspended for immediate consideration of Calendar 228.

Will the Clerk please Calendar 228.

THE CLERK:

On page 36, Calendar 228, Substitute for House Bill Number 5255, AN ACT CONCERNING MUNICIPAL MANDATE RELIEF, favorable report of the Committee on Finance Revenue and Bonding.

SPEAKER DONOVAN:

The Chairman of Planning and Development,  
Representative Brendan Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker. Good evening.

SPEAKER DONOVAN:

Good evening, sir.

REP. SHARKEY (88th):

Mr. Speaker, I move acceptance of the joint  
committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

The question is acceptance of the joint  
committee's favorable report and passage of the bill.

Will you remark, sir.

REP. SHARKEY (88th):

I will. Thank you, Mr. Speaker.

Mr. Speaker, this is the last of the MORE  
Commission recommendations that we'll be taking up  
this evening and this is one that resonates with  
everyone in this chamber. Our towns and cities have  
told us that in these tough economic times, the worst  
thing that we can do is to impose additional mandates  
on them that cost money.

We have had and I think we have to -- all of us

here in this chamber have to acknowledge that over the years we have, from time to time, imposed requirements on our cities in towns, perhaps not realizing the cost to them, perhaps not recognizing that these things have long-term impacts on our towns' ability to make ends meet, but nevertheless we've done it and we've done it without necessarily fully considering our towns' and cities' needs.

The MORE commission recognized that and, in fact, we had a separate committee that was dedicated just to the issue of mandate relief. We also recognized that some of these things are sticky things. Some of these things are tough things. Some of these things could not be resolved in the short five weeks that we had in the phase I portion of the MORE Commission to be taken up and dealt with in this year.

So we make sure that we left a place marker for some of those other issues to be taken up in the phase two portion of the MORE Commission after our current legislative session ends, but in the meantime we also felt very, very strongly that there were certain things that we had to do to make and to demonstrate to our cities and towns were part of the MORE Commission that we are serious about this. We're taking these

issues seriously. We're hearing them. We're hearing from our local taxpayers and we're hearing from our towns and cities that we are serious about mandate relief.

And so we narrowed our focus a bit. We focused on the things that we don't do we could do this year. We recognized that some of the tougher longer-term things. We may have to push off until the MORE Commission can reconvene, but for now we decided to take on some relatively tough issues to try to make that happen.

So Mr. Speaker, before I go further, the Clerk has an amendment, which is LCO 4604. I ask that it be called and I be given leave of the chamber to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO Number 4604, which will be designated House Amendment Schedule A.

THE CLERK:

LCO number 4604, House "A," offered by Representative Sharkey.

SPEAKER DONOVAN:

The Representative seeks leave of the chamber to summarize the amendment.

Is there objection?

Hearing none, Representative Sharkey, you may proceed with summarization.

REP. SHARKEY (88th):

Thank you, Mr. Speaker.

Mr. Speaker, the amendment, if adopted, would create a three-section bill in the end that accomplishes three very specific things with regard to mandate relief to our cities and towns. One is to establish, for now at least, a clear statement that we are not going to request or require, mandate our towns and cities to post notices on websites.

This is something that I think we did in a very well meaning way a few years ago in an effort to move our towns and cities into the 21st century, recognizing that the web is where many, many people get their information.

But again, as I described earlier, I think sometimes, though, very well meaning, these proposals don't often take into consideration the impact they have on our towns and cities. And what we've heard of the last few years is the fact that this now means towns and cities are going to have to either hire new people to maintain their websites on a regular basis.

In some cases, they actually have to put up a website for the first time.

Now, these things made it seem like major things, but in reality it's a cost. Is a cost to our cities and towns to constantly maintain and update, particularly with regard to legal notices and other notices of meetings that we required of them in the earlier legislation. This bill will eliminate the need for those kinds of postings henceforth.

Mr. Speaker, another issue that we've heard over and over again, which is also published by this amendment, is the issue of tenant evictions and what we do with the possessions of the evicted tenants once they are evicted.

Under the current law, the way it stands, we have a system where the landlord is responsible for moving the tenant's possessions from the unit, the apartment unit to the curb and then we have our towns and cities go to that location with their own resources, pick up those materials without supervision by anyone, deliver them to a storage facility and keep them at the storage facility for the statutory period of time for redemption by the tenant, or if it's not redeemed, to then auction them off.

Our towns and cities have said to us over and over again, look, this is ridiculous. Why is it that we are one of the few, if not only states in the country that force cities and towns to get in the middle of this process and incur all the costs of the delivery and storage. Isn't this normally a landlord/tenant issue?

Every -- just about every other state in the country sees it that way, and why do we impose this additional cost on our cities and towns? Well, I'm happy to report, Mr. Speaker, for the MORE Commission recognize this as one of the things that we really wanted to try to get our arms around. And I think many were somewhat surprised to realize how strongly the various stakeholders in this issue felt about their relative positions.

But nevertheless, the MORE Commission felt that we should do something about this to try to relieve this burden on our cities and towns and I'm happy to report that after the more commission made its recommendations on March 1st, the last couple of months, all the stakeholders -- and by stakeholders, I mean, the landlords, the tenant advocates, the state marshals and the towns themselves -- all got together

in a cooperative way and came up with a solution in the solution is actually relatively simple and, if anything, enhances the tenant's protections of their units while reducing costs to the towns and not overburdening our landlords and marshals. The solution simply is that from here henceforth the materials, the possessions of the evicted tenant will be -- it will be the responsibility of the marshals to oversee the removal from the units and the delivery all the way to the town designated storage facility, all to be paid by the landlords.

This has a couple of benefits. One is it takes to cost a thing of the delivery from the town, which is the largest, single largest element of cost. It protects our tenants because we are telling the marshals that they have to follow the possessions all the way from the unit to the storage facility. So they are being overseen and protected there. And also for the tenants, the towns still stay in the same position that they are now in terms of protecting those stored materials and possessions for the statutory period until the tenant comes and picks it up or it has to be auctioned off.

The landlords are the ones I think particularly

came to the table on this issue and have agreed to incur that additional cost, take it off the cities and towns and incur that additional cost of the actual delivery to the storage facility.

And I applaud them and all of the members of -- those that were representing the various stakeholders in a future for coming together and coming up with this common sense but common solution to this problem.

Finally, Mr. Speaker, with this amendment there is a third mandate relief provision, which actually will enhance the revenues available to all of our cities and towns. It is a very technical thing. I'll try to keep it as brief as I can, but it allows our cities and towns to add onto their grand lists wireless telecommunications equipment for the first time since 1998.

The tradition in the state since the early -- since the 1980s has been that we've had a statewide mill rate of 47 mills that is imposed on all telecom equipment, wired telecom equipment. When wireless became the vogue in the late 1990s, without really any input from the town's, we added wireless equipment to that same schedule for personal property tax purposes. And while we have a statewide mill rate of 47 mills

which sounds like a lot, but we also have allowed the telecom companies to depreciate over five years that equipment down to zero. So after five years, our towns and cities could collect anything on either the wired telecom equipment or the wireless telecom equipment. What this amendment will do is say that this point forward, as of the October 1 grand list in 2010, all new wireless equipment will be subject to the local mill rate of the town where it's located, but there will be a floor of 25 percent below which it cannot be depreciated.

So it will always remain on the tax rolls from this point forward. For that equipment is currently in service, what we'll call it legacy equipment, that will be added back -- even it's been depreciated to zero up until now that will be added on to the grand list over a period of five years on a graduated basis.

So Mr. Speaker, I should say that the intent of this is that it's for all, again, this is for all -- the new treatment of this material is starting with the October 1, 2010 grand list -- all new equipment as of the date. The equipment that precedes that that's already in service will be subject to the phase in up to 25 percent.

So with that, Mr. Speaker, I realize that this is not everything. We certainly have a lot more things we can look at. I know the MORE commission has dedicated itself over the next six to eight months to look at a whole host of other issues, other mandates that we have imposed on our cities and towns in an effort to help reduce their costs. Those are -- a lot of those are big issues. A lot of those are issues that will take a lot of time and a lot of thought had a lot of input to address and resolve, but for now, these are the things that were doable now. We worked very hard to get these things right now and we wish that our colleagues will support this, recognize the step that we're making, the good-faith effort that we're making towards our cities and towns to help them out in a difficult economic time.

SPEAKER DONOVAN:

Representative, if you could summarize.

REP. SHARKEY (88th):

And I will move this amendment.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Representative, are you moving adoption?

REP. SHARKEY (88th):

I'm moving adoption, Mr. Speaker.

SPEAKER DONOVAN:

The question is on adoption of the amendment.

Do you care to remark? Would you care to remark further? Do you care to remark?

Representative Aman.

REP. AMAN (14th):

Good evening, Mr. Speaker.

SPEAKER DONOVAN:

Good evening, Representative.

REP. AMAN (14th):

The first question I do have looking at the amendment is to make sure that the paperwork I'm looking at is the same as what the Chamber is looking at and what we will be talking about.

Because in the amendment that I'm looking at, the section that the good Representative spoke about regarding the posting of things on the Internet, I do not see in the amendment. I see it in the original bill in that Section 4, but I do not see it in the amendment and I just want to make sure that we are talking on the same amendment and the same sheets of paper.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker, thank you for that clarification.

What the amendment does is actually strike only sections one through four of the underlying bill -- I'm sorry, one through three of the underlying bill, Section 4 of the underlying bill is about the web postings and that is the portion that is remaining, unchanged by the amendment. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Aman.

REP. AMAN (14th):

I thank you for the explanation. I thought that's what happened that we've been talking about these bills back and forth and it was fairly easy to mix up two sections in your mind and I just wanted to make sure that we were talking about the same thing.

The first section of the bill does talk at length. That really was surprised in the public hearings and the amount of discussion that went on regarding tenant's positions; also how emotional that subject was by all parties involved.

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And what it comes down to is the tenants are in a terrible situation. Most likely they're being put out of their apartment because they can't afford the rent. So they are very, very unhappy about being forced to leave. They're very unhappy about their current financial conditions. The landlord is also very unhappy because they're losing a tenant. They're going through the cost of eviction. They have all of the variety of problems of asking a tenant to leave and getting them out of the property.

The marshals then get brought into the system because if the tenant does not clear out the apartment or the home or the piece of land that they are being evicted from, someone has to take possession of all of those personal effects and something has to happen to them.

Again, the tenant does not, who is being evicted, doesn't want the landlord involved and to be honest, the landlords themselves don't want to be involved because it's not a very friendly situation at that point.

In comes the marshals as the solution. They are then given responsibility of inventorying all the property and moving it out of the apartment. Current

law has that being moved to the curb, at which point the town takes over possession of it.

Well, needless to say that does not work especially on cold, windy, rainy days. So the marshals have to normally work something out with the towns and move the possessions into some sort of a truck. The towns then get -- takes over the responsibility of the possessions. What the town's problem is very often, when they would arrive at the apartment, which is usually what's being spoken about, the landlord and the tenant may be in negotiations, a door may be locked. The marshals may not be ready. There may be any sorts of things delaying it and the town ends up having its individual standing around or waiting or working or doing something for a long period of time, and of course, they're being paid.

These individuals, of course, are costing the town a considerable amount of money. The possessions are then having to be moved into a storage facility owned by the town or controlled by the town. Last year, we confused the issue maybe a little a bit more because we allow towns to work with other towns for the storage of possessions.

This has led to a problem for the tenants who

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want to reclaim their property because some of them have had the problem of not knowing where to go to pick up their equipment or their possessions.

And the bill, it's my understanding, includes something from the judicial department that must make it very clear to the tenant where they have to go to pick up their property. This particular section also now has the marshals putting the equipment to the town. The one thing I don't see in a quick reading of the bill, and I will -- or the amendment -- and through you, Mr. Speaker, I do have a question regarding that, to the proponent of the bill.

SPEAKER DONOVAN:

Please proceed, sir.

REP. AMAN (14th):

I pretty much understand exactly what happens to all the possessions from the time the marshal takes it, puts it on the truck paid for by the landlord. The truck is driven over to a storage facility.

Is the bill, or the amendment, as it is written -- deal with how possessions are moved from the truck into the storage facility of the municipality, the actual last, maybe anywhere from a few feet moving across a warehouse. Through you, Mr.

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Speaker.

SPEAKER DONOVAN:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker, the term of art that's being used in lines 23 through 25 that was somewhat carefully crafted to reflect the intent that the delivery includes the removal from the truck and bringing the possessions into the place that's been designated by the town.

The language is, delivered to the place of storage designated by the chief executive officer for such purposes. So the intent of delivery includes taking it off the truck and bringing it to the storage facility, whether it's a rental place or something, some other place the town designates. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Aman.

REP. AMAN (14th):

Yes. If a town has a union contract with its public works employees, would this normally, the movement of this material from the tailgate of truck into some storage bin somewhere normally be done by

the town employees or is this something that it would be a management discretion of the municipalities. Or basically how is -- is this labor decision made on this particular movement of the material? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker, we were -- we looked at that question and what we found was that many towns do this very differently. Some towns use their own employees for the pick up and delivery to the storage area. Other towns can track for it.

And in other cases, the landlords actually handle the delivery to the storage facility, even though it's not their responsibility under state law and they are reimbursed for those costs. So towns do things very differently depending upon how many of these they do, when the volume is. So I believe the answer to your question is that this is somewhat in a management discretionary area, not necessarily a mandatory issue of bargaining. But it may, in fact, be the case in some towns where that might come up.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Aman.

REP. AMAN (14th):

I thank you for the answer. The possessions, once they are moved in, the bill does deal with the fact that there's a period of time for the tenant to come back; redeem his possessions.

And if not, at that point, the municipality may dispose of them. Any proceeds can be used to offset the costs of the storage and my question is, and if there is -- and this again, is something that happens very seldom -- any additional money from the sale of the possessions that exceeds the cost to the municipality of storage, what happens to those proceeds. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker, current law requires that any proceeds left after the cost of storage is taken out, the town has to do its best to locate the tenant and whose possessions they were and return those funds to the tenant. This current law. We're not -- nothing in this amendment is changing the

status of current law with regard to any residual proceeds that may result after the town's expenses are covered. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Aman.

REP. AMAN (14th):

So the condensed version of what this tenant possession says in the change from current law is that the marshals are now to move into the town's facility, where ever the town says, and the landlord is to pay the marshals for moving and the cost of the truck, the cost of inventorying and whatever other expenses of removing the material, turning it into the town.

However, the law has not changed about any access proceeds that -- to go back to the landlord to cover these expenses. Again, that goes to the tenant. Is that a correct understanding?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Sharkey.

REP. SHARKEY (88th):

That's correct, Mr. Speaker. And I would refer the gentleman to line 62 and 3 of the amendment, the Chief Executive Officer shall deliver to the

defendant, meaning the tenant, the net proceeds of such sale, if any, after deducting a reasonable charge for the storage of such possessions and affects. That is current law. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Aman.

REP. AMAN (14th):

As I started it a while ago before asking me questions regarding this, this is a very unhappy situation. It's a very uncomfortable situation for everyone and a very emotional one. Hopefully, this amendment and the change in process will save the towns a little bit of money and make things a little easier for everyone involved.

I think it also tracks probably what is happening, especially in our major cities even though it is not what the law may be specified. I think it was very much what we designed is what may be actually happening in the real world.

Going onto the section regarding telecommunications service and depreciation, which if anyone reading this, who is not someone well versed, is going to have a terrible time trying to understand it. I know it was worked out between the CCM and the

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telecommunication companies, but I do have a few questions, because I'm sure that there's other people in the chamber that may have the same problem that I have looking at it.

And to start with, if the chairman of the Planning and Development Committee can explain what a telecommunications service company and wireless -- is -- the words that are used within this document, what type of companies are we talking about and what type of equipment are we talking about taxing and the money going to the municipalities? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker, this is a very technical area of the current law as well as -- and what we're changing is actually hopefully not complicating things too much, but we currently offer -- we have offered as of the late 1980s, an option for our telecommunications companies, these -- are in the 1980s -- this was SNET primarily. And I understand just before our debate began that Representative Pat Dillon was one of the authors of

the original bill that I never knew, that created a new -- that did not allow -- apparently, previously they were not subject to personal property tax by our cities and towns.

In the 1980s, we said, no. Actually Representative Dillon said, no. Were going to allow towns and cities to tax telecom equipment. This is a telephone equipment, which is what it was originally intended. SNET -- that SNET owned. And the way we did, appeal to me for a moment -- and the way we did it, if you'll indulge me for a moment in answering the question, the way we did was we offer to the telecom companies an option of applying a statewide mill rate of 47 mills, but also allowed them to depreciate the equipment on a five-year basis down to zero. So the equipment -- and then --

So that was the law until the late 1990s. Around 1988, we added on to that this new technology that was coming onto the -- for wireless equipment, wireless towers and antennas and other equipment to the same scheduling that we did with wired traditional telephone equipment. And most towns and cities I think I didn't realize it was happening at the time or if they did they were upset about it, they felt that

this should be treated as a completely separate animal from the wired telephone and telecom equipment.

But nevertheless, we lumped the wireless into the wired element and that -- those -- these schedules. What we're doing now is segregating them back out and say, no. Wireless equipment should not be subject to the zero percent depreciation. We shouldn't allow wireless companies to depreciate this very expensive, valuable equipment down to zero.

We should set a floor of which we've done a 25 percent over the same time period. So the difference that this amendment is creating is that we're treating wireless equipment different from wired traditional, wired equipment.

Through you, Mr. Speaker.

(Deputy Speaker Kirkley-Bey in the Chair.)

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

Thank you, Madam Speaker.

The wireless equipment that we have prior to and maybe under the current law, OPM had the

responsibility of reviewing the equipment that was submitted; the paperwork and determining if fair value was placed on this fairly technical equipment.

Is the responsibility for auditing or determining the value of this equipment still going to be a responsibility of the State or will the local assessor have to come up with the value of the equipment and if there's a dispute, handle the dispute and go to court or whatever else is necessary.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Good to see you up there, Madam Speaker.

Through you, these would be assessed by the local tax assessor. It would be the same as if, under the old system, the telecommunications company opted out of the statewide mill rate system and opted to be taxed at the local mill rate.

That's the way we used to have it. They could opt into the state system or opt for local, the local mill rate, but their depreciation schedule would be different. So most telecom companies opted for the statewide mill rate so they could depreciate it to

zero. So this would be going -- this would be as if those companies were opting for the local mill rate option, so the local assessor would be responsible. Through you, Mr. Speaker -- Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

Yes. Under the current system without this amendment, did the State receive any revenue from the telecommunication companies that they will no longer be receiving from, after this amendment is passed?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

No. Through you, Madam Speaker, if anything they would be receiving more because equipment that's really depreciated to zero, legacy equipment that may have been in existence for ten years now, will now be subject to a 25 percent floor. So in that sense, they would be receiving more. More items would be added to the grand list.

They would receive a deduction on new equipment coming online because they wouldn't be getting at the

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47 mills, they'd be getting at the local mill rate, but over time they would make out because, again, it would not go down to zero in terms of depreciation. It would stay at the 25 percent level.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

Yes. A very good answer to what the municipalities got -- however, which was going to be my next question. But the question I asked was whether the State receives currently any money in property tax revenue or fee revenue or anything else for handling this or did the -- or is there any change in the revenue pattern to the state from what is currently happening? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, no. That's not my understanding.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

Does the state currently receive any funds from

the telecommunications companies?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, not through this program, as far as I know I don't think they do.

Through you, Madam -- there may be other payments or surcharges that are charged through other venues either through DPUC or through some other means but under this program they don't receive anything.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

Under this new tax system, which I believe in the long run will benefit the municipalities and probably be a fairer across-the-board way of taxing the telecommunication companies, however, the floor is going to be phased in over a five-year period.

However, new equipment is going to come in at, for many towns, a lower mill rate than the statewide mill rate. And for some towns, such as Hartford, that has a very high mill rate, they will be gaining on it.

But for the towns that have a mill rate below the statewide average, will they have a net loss until several years go by and things stabilize? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, their loss would only be for your equipment prospectively from October -- from the October 1, 2010 grand list on. So it's money that they're currently not collecting any way. This is future equipment that would be added to the grand list.

The legacy equipment, if you will, that was in place before would actually received -- they'd actually start receiving more money from that equipment because that's going to be brought up to the 25 percent level. So we believe that at worst, towns will be -- will be -- will even out into future years as new equipment comes on line.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

Yes. I definitely understand in future years. I'm just looking at the equipment that's going on that would have been put up anyhow. So the town would have received a tax based on a forty-something mill rate. And if they have a twenty-something mill rate, my feeling would be on the new equipment as of October 1, they would be receiving approximately half what they would have been receiving on that particular piece of equipment than what the current law is and I just would like to have that clarified, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, through that example, yes. That would be true for -- for future equipment and put into service after October 1st of 2010.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

That concludes the questions that I have on the amendment. I believe the amendment does work for the areas that we are talking about. I will have other questions when we get to the bill as a whole.

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Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir.

Representative Noujaim.

REP. NOUJAIM (74th):

Good evening, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Good evening, sir.

REP. NOUJAIM (74th):

Almost good morning, Madam Speaker. How are you?

DEPUTY SPEAKER KIRKLEY-BEY:

I'm fine. Thank you.

REP. NOUJAIM (74th):

Madam Speaker, through you, I would like to pose some questions to the proponent of the amendment.

DEPUTY SPEAKER KIRKLEY-BEY:

Please proceed, sir.

REP. NOUJAIM (74th):

Thank you, Madam Speaker.

To Representative Sharkey, Representative Sharkey, please accept my apologies if you have already answered one of those questions and I did not hear the answer.

But I would like to ask you some questions

primarily in reference to the amendment about the marshals and the roles of the marshals in the situation. I am looking at lines 20, 23 and 24 and again, on lines 106 and 108, when they talk about the responsibility of the marshals.

Initially, current legislation says in line 22 such possessions and personal effects may be set out on the adjacent sidewalk, street or highway. But now under the new proposed legislation, the marshals would have to pick up those possessions and deliver them to a storage area. Am I correct? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, yes. And at the cost of the landlord. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Madam Speaker.

And through you, Madam Speaker just to clarify over the Chamber, when does this new legislation take effect?

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Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

It goes into effect July 1st 2010, Madam Speaker.

REP. NOUJAIM (74th):

Thank you, Madam Speaker.

So this would be about three months from now.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. NOUJAIM (74th):

About three months from now, Madam Speaker. So through you, Madam Speaker to Representative Sharkey, if a marshal does not have a possession does not possess a truck or a large vehicle to carry those products, how would he or she do this task and responsibility? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Represent Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, from the marshals themselves, they've indicated that they would hire a service, local trucking company, again, at the cost of the landlord.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Madam Speaker.

So would I be accurate in stating that we have here -- an analogy if I may paint -- we have a landlord who's already trying to evict a tenant. Obviously, the tenant is not paying the rent and in all likelihood this tenant has not paid probably a few months in the past before he or she is evicted.

So they have not been paying. The landlord is out of this money and now we are going to be asking the landlord to pick up the cost of the transportation of those possessions. Am I correct? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Yes, Madam Speaker.

We're asking landlords to supplant this cost from the municipality. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Noujaim.

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REP. NOUJAIM (74th):

Thank you, Madam Speaker.

Does this mean that the landlord will ask the municipality for reimbursement of his or her costs? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, no. This would be exclusively the cost of the landlord. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Madam Speaker.

And Madam Speaker, if the landlord has not been receiving compensation from the tenant for the rent probably for several months, would the landlord still be obligated to pay his or her taxes to the municipality for this time period, even though they do not have any revenues coming in from the rental of this unit? Through Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, yes.

REP. NOUJAIM (74th):

Thank you, Madam Speaker.

And through you, Madam Speaker, so I am I concluding here -- and am I wrong in concluding that that poor landlord is going to be out of rent, is going to be probably having damage to his or her building, because obviously the tenant does not care anymore about it?

And am I under the impression that even though the landlord will no longer be receiving any revenues, the landlord will still have to pay the taxes and in addition to that, the landlord has to pay for the removal of the property? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, the landlord has always had to pay for the removal of the property to the curb. The only additional cost that they would be occurring, under this bill, would be the moving and delivery of those possessions from the curb. We're eliminating that point.

So the only additional cost is the cost of delivery to the storage facility. That is an additional cost that the landlord would be picking up in lieu of the town having to pay for that. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you.

To Representative Sharkey and through you, Madam Speaker, this would be obviously additional cost of the landlord. Am I correct?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, yes.

REP. NOUJAIM (74th):

Thank you. Thank you, Representative Sharkey.

And through you, Madam Speaker, once -- once the possessions are transferred to a storage area, who would be paying for the storage and for the monitoring of the storage area for the safety, for the security, insurance on the storage area and all of the expenses

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related to that storage area and the storage of those possessions? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, the towns. That's not -- we're not changing that aspect of their responsibilities under this amendment. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Madam Speaker.

So the town would still be paying, but yet we are calling this bill, AN ACT CONCERNING MUNICIPAL MANDATE RELIEF. So we are calling it -- we are getting relieved the municipality, but yet the municipality is still paying for those costs. Through you, Madam Speaker, I am I correct?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, the compromise on this is that the municipalities will not have to pay

the cost of delivering to the storage facility.

That's the relief that we are offering that the title of the bill refers to.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Madam Speaker.

And let's just say that the tenant decided to come back some time and reclaim his or her possession. Who would pay for the removal of the possessions from the storage area and to be transported someplace where they're going to go we go through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, if the tenant comes to the storage facility and wishes to redeem their property, that also remains to be -- the current law will still remain. That will be the responsibility of the tenant in terms of the pickup and removal of those possessions that they are redeeming at the storage facility. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Madam Speaker.

And through you, Madam Speaker, and let us be realistic in here; if a tenant has not paid and a long-time, it is a rented apartment, and the tenant has been evicted, one can probably be so assured that the value of the possessions and those -- in the apartment is not going to be of any extraordinary value.

What if five months or six months down the road, somebody or the municipality or whoever is responsible gave up on the tenant and said, okay. The tenant is not going to come and pick them up anyway because probably they are not worth as much as the rent is on them. What would happen in this case?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, the same thing that happens under current law. If once the possessions are kept by the town and put into storage, the town must keep them for a minimum of 15 days. After which

time, if it's not reclaimed the town has the right to sell those items at auction after public notice and redeem whatever costs they've incurred from that with a residual go back to the tenant. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Madam Speaker.

And through you, Madam Speaker, I have not seen here in the amendment. So if the town decides to auction those possessions and the possessions are not worth as much, in this case, what would happen? The town would be losing -- essentially the municipality would be losing a portion of the expenses that were incurred by the municipality, or perhaps all of the expenses if the possessions are not worth much. Am I correct? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, yes.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Madam Speaker and through you, Madam Speaker, one more question to Representative Sharkey. Let us see -- let us say as an analogy, the tenant, evicted after several months of attempts by the landlord. And the tenant has done some damages to the apartment.

Am I to presume that the landlord must repair the damages to his or her own dwelling at his or her own expense? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Represent a Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, I'm sure -- it sounds like Representative Noujaim is aware of this area of the law so I'm sure that he knows that the security deposit that is received from the tenant at the front end of the tenancy is a reserve fund that can be used to repair any damages to the apartment that may have occurred and been done by the tenant during the tenant's possession of the unit. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Madam Speaker. I truly appreciate Representative Sharkey's answer, but what if the security deposit does not cover the cost of the repairs if the repairs and the damages are more extensive than the security deposit would cover? Would this mean that the landlord would be on the hook for the expenses? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, yes and there's nothing in this amendment that changes that current law. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you. Thank you, Madam Speaker.

And I truly appreciate the answer. And I do have, essentially --

Actually, no. I do not have any more questions, Madam Speaker. Thank you so much and thank you, Representative Sharkey, for your answers.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative Dillon.

REP. DILLON (92nd):

Thank you, Madam Speaker.

Through you a question to the chair of the  
Planning and Development Committee.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey, prepare yourself.

Representative Dillon, please frame your  
question.

REP. DILLON (92nd):

Yes. Thank you, Madam Speaker.

I agree, I guess, that some of the sections are  
technical, though, they assume outsized importance  
when you're putting together a budget on the municipal  
level.

And as it happens, the budget process has been  
very lively in the city of New Haven this year. And  
there are a number of citizens who have actually  
looked at some of these particular issues and they've  
assumed a lot of importance.

And for that reason I'd like to ask you about one  
particular issue -- well, two, but one that was a  
request from a number of constituents about the method  
of taxing the property of utility companies. Did your

group contemplate or consider or will it contemplate or consider any changes in the way that the property of utility companies is taxed. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, one of the most prominent municipal officials, who participated in the MORE Commission, was Representative Dillon's old mayor, Mayor DeStefano, who urged us to consider a proposal that would have changed the tax laws with regard utilities.

That was actually originally part of this bill. It was stripped out actually by the Finance Committee during that process. It turned out to be a little bit unwieldy, but it's certainly something that the MORE Commission will continue to look in phase II of its deliberations. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Dillon.

REP. DILLON (92nd):

Thank you, Madam Speaker.

And on the second, I believe you covered some of

the issues on the telecommunication, but I'd just like a little bit --

The original changes, as you know, are always going to be a balance with keeping up the technology and also, sometimes the town's anxiety about actually having the business move out of town and go to a lower mill rate town.

So that when the change was made on really what are now legacy land lines, the last-mile technology, the change was made from gross receipts, which exempted personal property to the statewide mill rate so that no one would leave.

And now, I didn't know about the wireless add, but that's fine. I guess the bottom line, because there is keen interest in this, as in the utility, some of many of the citizens that I represent who were following the budget process very keenly, I would just like to make sure for the record what will be either in the short run or in the long run, the revenue impact on the city of New Haven of this change in the tax law if you know?

Through you, Madam Speaker.

REP. GUERRERA (29th):

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, I obviously can't tell exactly what the City of New Haven's grand list growth might be, but I can speak in generalities.

Any wireless equipment that is currently in place in the city of New Haven, which is currently subjected to a depreciation level of zero, or perhaps somewhere between zero and its full value -- would gradually start coming back onto the tax rolls over the next five years up to that floor level of 25 percent.

So that results in -- that means we would be adding all of that equipment that currently the city of New Haven cannot tax, that wireless equipment, that the city of New Haven cannot tax currently because it's been depreciated to nothing and add those back onto the grand list. So that would be the net effect of this amendment. It would be phased in over the next five years.

Now, if I may, this gets to Representative Aman's questions earlier. For new equipment that is put into effect as of October 1st -- I don't know what New Haven's current mill rate is not to the extent that is above or below the statewide level of 47 mills, if it's below, new equipment will generate a little bit

less revenue for the city because it will be taxed at a lower mill rate to begin with. It will be at the local mill rate, not the statewide rate. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Dillon.

REP. DILLON (92nd):

Thank you, Madam Speaker.

I guess what I was hoping, and as I said, I'm lucky enough to represent a lot of people who are either -- who are very detailed oriented on issues involving the city budget and the state revenue stream, and have been quite energized this year about the city budget and have been communicating their views to us.

So when I was hoping for at the very least with some assurance that, if not in the short-run but in the long-run, this will be a net gain for the grand list of New Haven. Is that an accurate thing to say? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, absolutely because

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the equipment that's added in after October 1st, under current law, after five years, can depreciate to zero and the city cannot collect anything on that from that point forward. That will not happen under this bill.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Dillon.

REP. DILLON (92nd):

Thank you, Madam Speaker and I thank you for your answers.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

Representative Willis.

REP. WILLIAMS (68th):

Thank you, Madam Speaker and through you, a few questions to the proponent of the.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey, prepare yourself.

Representative Williams, please proceed.

REP. WILLIAMS (68th):

Thank you, Madam Speaker.

And through you to Representative Sharkey, I guess I'm expanding a little bit on Representative Dillon's line of questioning, that it appears to me, especially in reading the fiscal note -- and I am far

from an expert in taxation policy of telecommunications property -- but it would appear to be that property that is located in a municipality that has a mill rate of far less than 47 mills, which is the current statewide mill rate on this type of property, would result in an immediate loss of revenue, you know, community that might be smaller and have a mill rate of 24 or 25 or somewhere thereabouts. Am I correct in that assumption? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey -- sorry.

REP. SHARKEY (88th):

Through you, Madam Speaker, no. That's not accurate because first of all, that would only apply to new equipment that's placed in service on or after October 1 of 2010. That equipment would be subject to a local mill rate of whatever the local mill rate is.

It's true that that would have been taxed at a 47 mill statewide rate, but the problem is that after five years the company could depreciate that completely cut to zero in the town would get nothing from it at that point forward.

So existing equipment that's already on the

ground, a tower that happens to be in your town, all the equipment and the antennas that go with it, that currently, if it's been there for more than five years, the town is getting zero from that right now.

We're allowing that to be taxed at the local mill rate and depreciated down to 25 percent as a floor and that will be new revenue to the towns from this point forward. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Williams.

REP. WILLIAMS (68th):

Thank you, Madam Speaker.

So if new equipment, a significant amount of new equipment was installed in this particular municipality in the hypothetical situation after the effective date of this legislation, then they theoretically would see a decrease versus what they would see if current law was still in place at that particular date. Just for clarification. Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, in those -- in that

first year and for the couple of years thereafter as the company is depreciating in town. So it's depreciating 20 percent every year down to -- ultimately down to zero. So those first two or three years, they probably get more from the statewide mill rate, but keeping in mind that is being depreciated, that amount is reducing overtime and there's no floor. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Williams.

REP. WILLIAMS (68th):

Thank you, Madam Speaker and through you to Representative Sharkey, I think I understand the reason in terms of the long-term policy as to why we would do this, but as far as the consideration of legislation called, municipal mandate relief, which I can assume -- I think I can safely assume is designed to give local cities and towns here in Connecticut the ability to reduce their spending with -- by, you know, eliminating some of the restraints that we have here.

Why, at this point, in our state's economy would we decide to, in the short term, and at the same time that we are reducing those constraints on cities and towns, also in the short-term, reduce their ability to

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tax this new equipment? Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Oh, through you, Madam Speaker, well, that's because equipment that's currently in place in the ground is currently -- the towns are getting zero for that wireless equipment. So a five-year-old tower, the town is getting nothing for that. Under this bill, were allowing that to now be added to the town's grand list. So the net effect is that for the first couple of years it may be a net even but the long-term effect is that all this equipment will be able to be taxed in the long-term forever at that 25 percent depreciation rate.

This is something that the towns asked us to do as far as the MORE commission because they're frustrated that this would that's very high-tech and very much in use -- and this equipment gets turned over fairly frequently as new technologies emerge, but once a tower, say, goes -- which is worth, you know, often times hundreds of thousands of dollars depending on how you assess it, they're getting nothing for it and once it turns five years old. So this is putting

all these things back on the tax rolls where we would otherwise not one of them to do that.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Williams.

REP. WILLIAMS (68th):

Thank you, Madam Speaker. I think that makes perfect sense in terms of the long-term fiscal policy that we are enacting here in Connecticut.

I guess, through you, I would ask the committee foresaw situations where there may be municipalities who have a swarm of interest in terms of new telecommunications equipment coming in in the next few years whereby the town would potentially lose out on this potential new revenue that would exist if the law was still in place at that time.

And so, you know, understanding that the possibilities exist -- well, it's a very real possibility that most municipalities would in the long term see an increase. You know, we also know that a technology is forever changing and that there's a greater demand for telecommunications equipment, you know, really throughout our country and certainly here in Connecticut.

Is there a possibility that there are cities and towns with very low mill rate that is the short-term will lose out on revenue? Or was there no cities and towns that came and testified on this or spoke to the committee with that particular concern?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, I think they came to us with the knowledge that in those first -- in that first year or two there may be a reduction but that the long-term impact would be beneficial to the towns going forward.

Not only because it will never depreciate to zero, but also because all of the legacy equipment already in the ground that they currently get nothing more will now be put onto the tax rolls for the first time. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Williams.

REP. WILLIAMS (68th):

Thank you, Madam Speaker and I thank the gentleman for his answers. I think that policy that

is being set forth here with regard to telecommunications equipment makes perfect sense. I certainly think that in long-term this will be more beneficial to cities and towns than it will be harmful.

I certainly think that under the guise of municipal mandate relief that there is so much more that we can do here in the Legislature to provide true municipal mandate relief to cities and towns and allow them to control their own fiscal destinies, but in terms of what we're discussing here very narrowly in Section 3 of the amendment, I would urge adoption. Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir.

Representative Rebimbas, you have the floor.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

Madam Speaker, just some brief questions, for you to the proponent of the amendment.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey, prepare yourself.

Representative, please frame your question. I apologize for interrupting.

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REP. REBIMBAS (70th):

Thank you, Madam Speaker.

Madam Speaker, through you a question to the proponent of the amendment regarding, I believe earlier he had testified that landlords agreed to take on the cost of having the items removed. I just wanted some clarification as to exactly who are the landlords or how this agreement came about.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, the landlords through their lobbying organization were represented on the MORE Commission and participated in the MORE Commission and also directly participated in the negotiations.

Obviously, there are a lot of landlords in the state, but they've seen fit to hire a -- someone who can represent their interests in these negotiations. And it was through those representatives that we pulled everyone together at the table.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

Through you, Madam Speaker, during these negotiations -- in reading the amendment I noticed that the landlords have an extra expense of having to pay for this cost. Is there anything in this amendment that there is a return to the landlords?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, no. It does not change anything with regard to current law. They still above the current responsibilities they have now -- sorry -- they have all the responsibility that they currently have financially, but then they have been added -- added to that has been the cost of the delivery of the materials to the storage facility.

That's the additional cost to them. There's no remuneration to the landlord for those costs. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

I guess that's the point that I'm a little bit confused what I'm reading this amendment because although, supposedly there were lobbyists hired on behalf of the landlords, yet the only thing I see in this amendment is giving the landlords giving up additional funds with absolutely nothing in return. I would strongly encourage those landlords to get their money back from those lobbyists.

Nonetheless the -- regarding this amendment, the purpose of the municipalities having the costs, incurring the costs of removing the store -- the items to storage, having the ability to then auction those items, the municipalities were reimbursed, hopefully, at least a portion if not fully. And in fact, if there was any net proceeds thereafter after all the debts were satisfied, the money that was provided to the tenant, but there is no change whatsoever regarding those net proceeds, which I would think would be logical to go back to the landlord that incurred the additional expense of having to provide those items into the storage.

So I really do not see the purpose of this

amendment. What I do you see is one more added cost on to the landlords. Through you, Madam Speaker to the proponent of the amendment, do you have any idea how much this is actually extra expense on a landlord? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, no. What we heard in testimony and through discussions and negotiations on the bill was that, in many cases in many towns the landlords already are, to some degree for convenience sake -- they're, rather than putting it at the curb they make arrangements with either the town or the marshals to do the delivery to the ultimate location. There a lot of different practical realities that happen on the street when these -- that have developed over time.

So I don't have a dollar figure. What we do know is that from the municipality's standpoint -- again, this is about municipal mandate relief. We're trying to save these costs from having our local property taxpayers cover these costs as much as we can. So there were variations on this theme, where we were

going to have to landlords be responsible for even more than this in theory, but the compromise agreement that was reached was that the landlords were willing to incur this -- this additional cost of the delivery without having any additional responsibilities for the storage, for the, you know, what to do with this stuff up after it's gone, to have immediate access to their units as they do now once the eviction takes place.

So what we've heard from our towns and cities, to answer your question, is that this is a significant cost. The cost to deliver a, pickup and delivery to a storage facility was a significant cost that our local taxpayers were bearing. And the argument was, why should the towns and our taxpayers be responsible for this expense, which in most other states in the country is incurred by the landlords. Why do we ask our local taxpayers to pay for this? That was the driving theme and based upon the testimony received from the municipalities, that was a fairly significant amount of money statewide.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

Madam Speaker, I want to thank the Representative for his response and I would just want to probably highlight that even though this is being forth as a relief on the municipality, I want to remind everyone a relief on a municipality -- we're categorizing it, we're putting a beautiful title on something that is leading us to believe that that isn't going to be the taxpayer, who is going to pay it, but let me remind everyone here this evening and, I know it's almost morning, the taxpayer is the landlord.

So the landlord, if it's not paying a municipality for these expenses, they're incurring these expenses with absolutely no return. It would be logical to then have when these items go up for auction, if there's any net proceeds, that it gets back to the landlord. There should be no way that we should be rewarding these tenants with those proceeds if there's outstanding debts.

Landlords already have to bear the expense of not having rent being paid and yes, there is security deposits, but most often you only collect one or two months security deposit. Unfortunately, tenants who no the system, it could be up to six to nine months

before a landlord could successfully, under what we "call summary process" get these tenants out.

Now, they have to actually bear the expense not only of paying the marshal to what they were already doing, to put the items on the street. And now they have to pay the marshal to store the items. Then they have to also have to see the realities of after those items are actually sold, if there's any net proceeds, guess what? We're going to reward that tenant back and that landlord will have to bring an additional action, not through the eviction, but an additional action to go and collect on all of these unpaid arrearages to the landlord. Through you, Madam Speaker, just one final question to the proponent of the amendment.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey, prepare.

Please proceed, madam.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

To the proponent of the amendment, as I read the amendment, I see on several places including lines 52 through 61, where it specifically says that this -- the burden of the delivery and storage of the items is

to be billed on the defendant. Where in the amendment doesn't say that the landlord is responsible for the payment?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, the good Representative does accurately reflect the current law, which is stated in the amendment, which is that ultimately the cost of delivery and storage shall be at the expense of the defendant.

But when the marshal is responsible for handling the eviction, the landlord has to pay the marshal to affect that eviction and the disposition of the positions. So while ultimately the defendant could, in theory, be billed for all of these expenses associated with removal delivery and storage, the practical reality of actually getting it done is borne by the landlord upfront. So in theory, the landlord go -- can come back after the tenant to try to retrieve those costs. I think the practical reality is if they can't pay their rent, they'll probably not going to pay -- be able to pay these fees as well. I mean, I think that's just -- I think that's fair to

say but there's nothing about this amendment that changes that current law. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker and I wanted to thank the gentleman for his responses, but once, again, I would say that this is, in fact, not municipal relief at all because when we think of municipalities, we think of them having to tax the taxpayers and the citizens and the residents of the municipality and if the taxpayer isn't paying the municipality directly in increased taxes, they are unfortunately being punished for having investment properties in those towns that they have to maintain.

And unfortunately, this is just one more added expense. So thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, madam.

Representative Johnston, you have the floor.

REP. JOHNSTON (51st):

Thank you, Madam Speaker.

Madam Speaker, through you a few questions to the proponent of the amendment as it is before us, Madam

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Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey, prepare yourself.

Representative Johnston, please frame your question.

REP. JOHNSTON (51st):

Thank you, Madam Speaker.

I've listened to the full conversation about the marshals being now responsible for getting the possessions and affects actually to the storage facility. And that the landlord would now be responsible for the cost of that. Am I to assume that the marshal will have to organize -- either have the vehicle or lease a vehicle or pay a company that's in this business? And is there a fee structure for them charging back to the landlord? Or is it pretty much a competitive market that a landlord can pick whichever marshal he thinks could do it as the most effective rate?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker I think I heard two questions in there. Let me try to answer them in

sequence.

The first question I think was -- is the landlord -- I'm sorry. Is the cost of the delivery that's now added to this -- oh, maybe I didn't get it right. I'm sorry. If you could repeat his questions, and maybe do it one by one, then I can answer them. I'm sorry.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Johnston, would you mind?

REP. JOHNSTON (51st):

If he could, through you, Madam Speaker, I'll try to rephrase it and maybe let him explain it, but I'm trying to understand the -- how the cost of the delivery is to be made.

Who makes the payment and how is the payment charge arrived at? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Well, the delivery itself -- and I thank the gentleman for repeating the question. The hour is late so I'm getting a little -- it's hard to stay on it.

But the delivery charge, practically speaking,

and I'll just give the -- this is more anecdotal, but this is based upon the testimony that we received during public hearings and in -- during negotiations with the marshals themselves.

The practical reality is that when an eviction is taking place, the landlord calls a marshal. The marshal has to effectively make arrangements for not only the removal from the unit to the curb, but really in the coordination with the town for having a truck there at the curb when the eviction is taking place. Practically speaking, nobody wants this stuff sitting out of the curb for days on end. So it oftentimes falls on the marshal, usually does, on the marshal to make all that coordination happened between the landlord and the town and whatever means of delivery the town is offering.

Now, the cost of that, currently, the marshal is only responsible, though, for overseeing the removal from the unit to the curb. Once it's on the curb, the marshal walks away and the town has to step in and the marshal has nothing to do with it.

That is a cost borne by the landlord. The marshals now will be responsible for overseeing the entire process from unit -- no more curb. Straight to

a truck and out to the storage facility. All of that being overseen by the marshal and coordinated by the marshal.

The cost of the marshal is set by statute at a statutory fee of, I think not more than -- I want to say \$75, I think, an hour. I believe that's the hourly rate, but it is an hourly rate. They cannot charge more than that on an hourly basis, obviously, because they're going to spend more time with the truck to the delivery location. That will be additional charges for the marshal's fees as a result. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Can I interject for a minute? I thought Representative Johnston wants to know who pays for the truck as well to remove the items from the curb and was there a fee structure already in place, or is it the lowest bidder?

REP. JOHNSTON (51st):

You are on your game, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, darling.

REP. SHARKEY (88th):

Thank you, Madam Speaker, for the clarification.

Under current law, the town is responsible for it once it's on the curb for delivery, pickup at the curb and delivery to the storage.

Under the new law, there is no standard fee. It's just a local arrangement for the cost of the actual putting on the truck and delivery. It's, you know, whoever the marshal happens to coordinate with. Maybe the landlord oftentimes will coordinate with the marshal to pick a local delivery guy that does them all the time and he gets a better rate, but there's no rate schedule set by statute as to how much they cost of delivery will be. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Johnston.

REP. JOHNSTON (51st):

I thank the gentleman very much for his answer.

So if marshal decided that it might be more cost effective to go out and buy a box truck. He could figure the cost of that box truck, how often it's used for evictions, taxes, title, registration, insurance, upkeep and maintenance on the vehicle.

I can understand \$75 an hour manual labor to move possessions to the sidewalk and that's pretty easy to figure out and you bring the marshal in and you know

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what it's going to cost you. And what I'm trying to drive at is, does the marshal move this and then after-the-fact based upon his pay structure that he -- his cost, does he just develop a bill and bill the landlord? Is it negotiated beforehand with the landlord as to how much it's going to cost that marshal to actually get all these possessions out onto a vehicle and to the site?

And depending on how far away the storage facility is, it could be a ten minute drive. If it's across one of our cities at 4 o'clock in the afternoon, it could be a two-hour drive. So I'm trying to sort of understand is it going to be sort of market rate that each individual marshal will come up with for the costs of all of this additional -- all of these additional services? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, it's certainly appropriate and common practice for the landlord to talk to the marshal about what they would potentially charge for the service, but, again, it's a based upon

my hourly rate that's fixed by statute. That hourly rate is fixed by statute for the marshal's time. Now, the cost of the delivery truck or the cost of, you know, hiring a worker to take the stuff out of the apartment to the truck and loading the truck, unloading the truck; that's not physically done by the marshal. That's done by a crew of folks that the marshal coordinates the hiring of and bills, then, the landlord for those costs.

Now, oftentimes that's also negotiated with the landlord. You know, the landlord will tell the marshal, no. I want to you to use XYZ Company, moving company because they give me a better rate for these kinds of things.

And the marshal, you know, if the marshal what doesn't want to do that then they'll -- that the landlord just takes a different marshal. So it's a -- it's oftentimes -- these things are often negotiated based upon the relationship that the landlord and the marshal as well as what the local moving companies. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Johnston.

REP. JOHNSTON (51st):

Thank you very much. It's going to be interesting to watch that all unfold, but thank you. I was just trying to struggle as to how that was going to take place and what I did sort of get at the end of it is at least the cost of transporting as opposed to the cost of the marshal's time per hour, is going to be, I would think, market rate and in somewhat of a competitive and an appropriate relationship between the landlord, who is eventually going to pay the bill.

When we look at this as a mandate relief and as saving municipality money, when I think of savings about a lot of times at the end of the day, I think at some point we've reduced the cost of something. And in this case, we've reduced the cost to the municipality, but we haven't reduced the cost of what's happening.

We've just said to the municipality, you're not going to have to pay the full cost. The next guy behind you in line at the checkout counter is going to pay the rest of the cost.

You were paying a hundred dollars for that item at the beginning of the day and we're going to give you mandate relief. And so now you're only going to have to pay \$60 for that product, sir. And the next

gentleman in line who has nothing to do with, really, that product, is going to pay the other 40.

So we do have mandate relief and we do have a savings to our municipalities, but I'd say we just -- at the expense of landlords. And I think Representative Rebimbas made some good points about some of the unintended consequences, that as you raise their cost has landlords, do you end up in a situation where, at some point someone decides that the apartment building that they're renting out isn't worth their while anymore, that there costs have started to exceed some of the revenue coming in and do we lose a few buildings that were on the tax rolls, they let go. Or they deteriorate so the next time you have a reevaluation, that building's grand list value has decreased. So we could have an unintended consequence.

Madam Speaker, if I can, on one last section of the bill that I don't quite clearly understand yet, on the telecommunications taxing of their property: It seems to be again related that in the long run this is going to be a savings to municipalities and I'm trying to marry that discussion up to the fiscal note that we have on this.

And on the fiscal note, under Section 3, the second part of the fiscal note says, and I read a revenue loss to most municipalities. And it says currently the personal property of telecommunications companies providing wireless service is subject to a property tax at a statewide rate of 47 mills, rather than the mill rate that applies in the town.

This amendment, which is what we're discussing now, requires that this property be taxed at the mill rate of the town in which the property is located, which will result in revenue loss for most municipalities because their mill rates are below 47 mills.

And for someone who represents three towns that, hard to believe like me, are probably pretty tight with their pennies and squeezing them pretty tight, we've got very low mill rates, dramatically lower than 47.

So I'm trying to understand the discussion that in a mandate relief bill, were saying that this is going to provide a savings to municipalities but yet I'm looking at a fiscal note that clearly is telling me that our independent Office of Fiscal Analysis has analyzed this and they've come to the conclusion that

a revenue loss to most municipalities is going to transpire and talking to a lot of people who understand this better, their description to me seems to be in conflict with the fiscal note.

And they think maybe OFA looked at the immediate taxation of that telecommunications property when it first comes on the roll and shows that a municipality will receive less revenue, but they would contend that over the life of that equipment, maybe that's where the savings would come in.

So I'm just trying to understand it better because I'm looking at a note that says it's going to be a loss to municipalities and yet, the discussion seems to be to the other effect. And if the Representative could try to steer me in a more clear direction, I'd be very happy to listen. Through you, Mr. Speaker -- Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, I think Representative Johnston hit it right on the head. The OFA analysis is only for the next two fiscal years. So it is -- while it is probably true that new

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equipment brought in under the new system beginning on the 10/1/10 grand list would experience a lower mill rate in most towns and therefore less revenue.

The feeling also is that over -- that in years three, four, five, ten and 20, there will be money collected from these facilities that are brought online as of 10/1/10 that they currently -- that they wouldn't otherwise be able to collect. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Johnston.

REP. JOHNSTON (51st):

Thank you, Madam Speaker and I thank the Representative.

Would he be able to enlighten me, through you, Madam Speaker, as to how an assessor in a town comes up with the assessment for these telecommunication companies? Is there a set schedule as it's very different than an assessor trying to determine the home value per se, and they can look at recent sales over the last year's comparable neighborhoods and houses in similar fashion.

And we all understand that process as to how they come up with evaluation of that. And I'm wondering if

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the original language that we had were these telecommunication facilities were able to basically lose their value quickly, but I'm wondering if there's a schedule that we set the value for these telecommunication facilities that help assessors to determine their value, because in this language change now, it's not going to be sort of a one-time deal of them understanding the value of this equipment because they're going to be assessing it out over a 20-year period. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, fortunately for our local assessors this equipment is actually put on an index that the telecom companies report for federal tax purposes as well as for local.

So there's a standard table and index for valuation that local assessors use for the purposes of establishing their own valuation and the local level. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Johnston.

REP. JOHNSTON (51st):

Thank you.

And would that schedule -- would that be sort of a set schedule as to their value over a 20 year life of that telecommunications equipment or would we end up in a situation where some towns end up oftentimes in a court of law fighting over the assessed value of a very specialized energy plant or the famous one with Bradley Airport it seemed forever was in court over the value of the airport and a local assessor in a town trying to come up with a fair valuation of an airport versus that airport itself, always seem to be a problem.

So I'm curious, is the schedule go right out so they're not -- we're not looking at a period of sort of squabbles over that assessed value. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, yes. There is a standardized schedule value.

This equipment, while it's expensive, you know, they're fairly common. It's not a unique piece of property. It's, you know, a cell tower is a cell

tower. There's not all that much variation between style and, you know, type and the same is true of the equipment itself. So this schedule is a pretty regular schedule that the federal government recognizes and we're just piggybacking off of that.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Johnston.

REP. JOHNSTON (51st):

Madam Speaker, I thank the chairman of the Planning and Development Committee very, very greatly for his very succinct answers and it did help me to understand the questions I had, much more clearly and I truly appreciate it.

Thank you.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you. Representative Camillo, you have the floor, sir.

REP. CAMILLO (151st):

Thank you, Madam Speaker. Good morning.

DEPUTY SPEAKER KIRKLEY-BEY:

Good morning.

REP. CAMILLO (151st):

Thank you, Madam Speaker. Good morning.

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DEPUTY SPEAKER KIRKLEY-BEY:

Good morning.

REP. CAMILLO (151st):

I know at this late hour I'm not -- I won't be too long. Like the previous speakers, in particular, Representative Johnston and Representative Rebimbas, the landlord provision of this bothers me a little bit.

I think everybody in here really wants to see municipal mandate relief, but I'm worried about the little guy, in this case, the landlord, the person who maybe lives in a two family house and is depending on that rent from that other apartment. And not only are they getting stiffed out of that money, now, we're putting another cost on to them.

Through you to Representative Sharkey, just a point of clarification. I understand under the new law that the landlord would have to pay for the contents from the tenant that's evicted to be put out on the street. And if and when the tenant reclaims the -- goes to reclaim the possessions, they would have to reimburse the landlord. My question is, if they don't, and as Representative Sharkey said, they probably may not have the money to reclaim it so,

therefore, the landlord would not get the money back.

But as I'm reading the bill online -- and here's where my confusion is, I'm reading that if the items were sold off at auction for the money would go back to reimburse the landlord. Through you, Madam Speaker, is that correct? ]

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, current law, and stays in effect which is the cost -- or the revenue that's generated from a potential auction would actually go to the town for their cost of storage and that any remainder would go back to the tenant. So I think that answers the Representative's question.

The auction would take place. The proceeds of the auction would go to reimburse the town for its expenses and any remainder goes to the tenant.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Camillo.

REP. CAMILLO (151st):

Thank you. One other last question. How long before it would go to auction? Through you.

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DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Madam Speaker, current law is, I believe, 15 days it has to be stored and after which time the municipality at any time may hold an auction and publish it.

In fact, what most towns do, if they have multiple situations like this, they'll typically do once a month auctions for all those that have expired, gone beyond the 15 days. They'll do one auction and auction it all off at the same time.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Camillo.

REP. CAMILLO (151st):

Thank you, Madam Speaker.

And I thank Representative Sharkey.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

Will you remark? Will you remark further on the amendment?

If not, let me try your minds. All those in favor, please signify by saying, aye.

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Aye.

DEPUTY SPEAKER KIRKLEY-BEY:

All those opposed, nay.

REPRESENTATIVES:

Nay.

DEPUTY SPEAKER KIRKLEY-BEY:

The ayes have it. The amendment has been  
adopted.

Will you remark further on the bill is amended?

Representative Nicastro, you have the floor, sir.

REP. NICASTRO (79th):

Good morning, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Good morning, sir.

REP. NICASTRO (79th):

Madam Speaker, I'd be remiss in my responsibilities if I did stand up and show strong support for the pending bill.

First of all, I'd like to commend Representative Sharkey for the outstanding job he did in chairing this.

When this MORE Committee was formed, we were given a task. As you well know, we were given a task we had just so many weeks to do it and I'm proud to

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say that the committee that I served with was 18 to 20 people. We had mayors from large cities such as New Haven. We had first selectman from Litchfield. We ran the gamut, Madam Speaker.

We had people from all different walks of life. We had the director of CCM. In fact, he gave a major presentation on things that they'd like to see. Madam Speaker, we have a responsibility and the reoccurring, repeating, that kept coming out was these three things that are being mentioned tonight and several others.

And what we did is we polled each member of that committee and we ask them to put their things and prioritize them. How would you like to see these? What would you like to see done, number one? Would you like to see done, number two? And on like that and like that. And the reoccurring theme in coming back like this, what you're seeing here in this bill tonight.

And I have to tell you, basically it was unanimous from all those committee members. Yes, there was debate. Yes, there was discussion. And yes, there were votes taken, but in the final result is what you saw here tonight.

More important and most importantly we have a

responsibility to take and help the municipalities and why should the municipalities, as number one, why should the municipalities be paying for storage? It costs the City of Bristol \$50,000 last year. It cost Bridgeport, my understanding, over \$200,000 last year to store people's furniture.

We're not in the storage business. We're in government and it was very clear from the people who served on our committee what they wanted to see done and there were several things that we couldn't get done because it was a short session and because it needed to be talked about further.

And has Representative Sharkey so wisely put it, that this is not over. It's just a beginning and we'll be talking about these in weeks and months to come. We know there's a lot more to be accomplished, but we have to start somewhere. We had to get something done.

Is it perfect? No. But it's a step in the right direction. We owe this to our municipalities. They say, do away with mandates. Here's what we're trying to do. We've laid them out in front of you tonight.

I think the chairman of this, Representative Sharkey, has made it very clear. And the questions

that were posed by our colleagues on both sides of the aisle were very fair questions but we have a responsibility to do it and we did it. And we did it as a team. And I must tell you quite frankly and quite honestly, when I walked out of here the last day of the meeting I felt good. I knew that we hadn't accomplished everything, but we ran out of time and that's why there's another session next year and that's why we'll keep working on it.

I think anybody who participated in those MORE Committee meetings and all the people that came in, many people came in and sat there and listened and raised their hands and asked to be heard and nobody was shut out regardless of where they were from what they did. We did our job. We did it to the best of our ability and I would strongly recommend to my colleagues on both sides of the aisle that they support this legislation. Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

There's noise coming from my right. Please take your conversation outside the, gentleman. Please.

Thank you.

Representative Candelora, you have the floor,

sir.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

Madam Speaker, we've heard a lot of discussion tonight about the inclusive process with the MORE Commission and that this is a product of that process. And I have to say that the people on the side of the aisle were certainly not included in the committee process.

So I stand here today to note that because we didn't have that opportunity to weigh in on it, but what I did see was a bill that came out of Planning and Development and I likened it to a big ball of yarn. And there was all sorts of items that was in this bill and as it moved through the process and that ball of yarn started rolling down the hill, it got smaller and smaller and smaller.

And what I see here today, as the final product, is a couple of pieces of requests from our towns and cities for municipal mandate relief. I think this bill has fallen far short of what we needed to do this session and I'm concerned. I'm concerned because the municipalities are going in to a very rough budget year and we all know how bad it is going to be for

them next year.

And this was our opportunity to fix the issues now in this session so that they -- when they go through their budget cycles next year they would be better prepared.

What I see in this bill right now is I think we -- there was laudable efforts made on that landlord/tenant possession issue in who should bear the burden of the cost, but I think, as Representative Johnson pointed out, we didn't reduce costs. We just shifted it.

And we've heard discussions about tax on wireless companies. Now, interestingly, this particular piece of legislation did not have the benefit of public hearings. The wireless companies did not weigh in on what the impacts are going to be and I think as we see from the fiscal note and we heard from the discussions today, we really don't know what the impact, revenue impacts are going to be for our towns.

And I'm concerned. when I look at a fiscal note that states that there's going to be a revenue loss potentially to our principalities in the short run. We're not sure about that amount and what I do understand is whether or not there's going to be a

municipal revenue gain in the long term depends upon what property is being taxed, how long that property is depreciated for and when it does come off line, when it gets replaced with new technology to generate new taxes. We don't have those depreciation schedules. We don't have those runs. We didn't have that dialogue in an open public forum. We never heard from these companies. Why? Because when the bill came out in finance we had our other telecommunication companies, our utility companies up in arms with the way this language was drafted.

So what we were able to do is redraft that language to meet the needs of our utility companies recognizing it could have an adverse impact on investment in Connecticut, on jobs in Connecticut, but what we did is we left the one entity in here that never came to the table because they may or may not even know this is what we are doing to them. And certainly the municipalities didn't speak to this particular issue. So I have grave concerns about how this final product is before us.

And what I also know is what this product doesn't have. This product doesn't address the issues that we heard about over and over again, issues like

prevailing wage, collective-bargaining, the in-school suspension, the impact of Raise the Age on our municipalities, the impacts of all the unfunded mandates that we pass down. We didn't address any of the tough questions. So we sort of skimmed the surface and we're leaving those difficult decisions for another day and it's a pattern that we cannot continue your.

And so with that, Madam Speaker, the Clerk is in possession of LCO 4719 and I ask that it be called and I be allowed to summarize.

DEPUTY SPEAKER KIRKLEY-BEY:

Will the House please stand at ease.

(Chamber at ease.)

DEPUTY SPEAKER KIRKLEY-BEY:

The House will come back to order. And will the Clerk please call Calendar -- I mean LCO 4719, designated House Schedule "B."

THE CLERK:

LCO Number 4719, House "B," offered by Representative Cafero, Hamzy and Klarides.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Candelora has asked for permission to summarize.

Is there any objection? Is there any objection?

Hearing none, so moved. Please proceed, sir.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

Madam Speaker, this amendment seeks to postpone the requirement that municipalities post their minutes online to July 1, 2012.

It also allows for reverse auctions for municipalities for services. Currently, the procedure is allowed for goods. It also calls for a delay of the in-school suspension statute to July 1st of 2012. I think it would give us time to be able to ascertain what the costs are.

It requires a two-thirds vote of the General assembly prior to passing any local mandate on government. It also proposes to delaying the Raise the Age for municipalities to 2012. And this bill also incorporates the landlord/tenant language that was brought out in the underlying bill and with that, I move adoption.

DEPUTY SPEAKER KIRKLEY-BEY:

The question before us is one option.

Will you remark? Will you remark on House Senate  
"B?"

Representative Sharkey.

REP. CANDELORA (86th):

Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Oh, Representative Candelora, I apologize.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

Just to summarize, I think as I said already,  
this is much-needed mandate relief for our towns.  
Many of these proposals are not too controversial. I  
think that they are issues that we have discussed in  
these chambers, in committees and I think it's needed  
and I ask that when it be called -- when the vote be  
taken, it be taken by role.

DEPUTY SPEAKER KIRKLEY-BEY:

The question before us is on a roll call vote.  
All those in favor please indicate by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER KIRKLEY-BEY:

The 20 percent has been met. When the vote is  
taken and will be taken by roll.

Representative Sharkey, you have the floor.

REP. SHARKEY (88th):

Thank you, Madam Speaker.

Through you, a couple of questions to the proponent of the amendment.

DEPUTY SPEAKER KIRKLEY-BEY:

Please proceed, sir.

Representative Candelora, prepare yourself.

REP. SHARKEY (88th):

Thank you, Madam Speaker.

Madam Speaker, obviously I'm just seeing this amendment for the first time so I hope the gentleman will forgive me if I have a few questions.

I guess, first I'm looking at the section involved -- I guess in Section 1 involving the relief of the mandate that we have placed previously on the posting of notices on websites.

It seems to me that this amendment, as I'm reading it, would only postpone the requirement for posting on websites to July of 2012, rather than eliminating the requirement altogether. Is that accurate? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Candelora.

REP. CANDELORA (86th):

Yes, Madam Speaker. That's correct.

REP. SHARKEY (88th):

And through you, Madam Speaker, is there a reason why the gentleman, the proponent of the amendment believes that we should just eliminate this mandate at least for now -- or at least eliminate this mandate as the underlying bill calls for, but rather just put off the date by which towns will have to start complying with this requirement?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

The rationale for this is rather than calling for an outright elimination, we understand that there are proponents of current law and opponents. And by merely calling for a delay, this would stall the cost to municipalities, give this body the opportunity to weigh the pros and cons and make a final determination on whether to eliminate it in a future session.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Madam Speaker.

And moving on, just briefly. With regard to the in-school suspension mandate that the gentleman referred to, the proponent of the amendment referred to, is the gentleman aware of efforts being undertaken currently and other legislation to address the in-school suspension requirements, specifically what's being called the Race to The Top Legislation that the Education Committee has been championing?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

I am generally aware of those discussions, yes.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

And through you, Madam Speaker. I'm sorry that I'm not seeing this and it's only because I just haven't had time to read it entirely. In the proposed suspension of the in-school suspension mandate, is

there a provision in this language anywhere that would call for any type of analysis of the costs associated with, if any, associated with the in-school suspension mandate? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Candelora.

REP. CANDELORA (86th):

No, Madam Speaker.

This provision merely calls for a delay. I think with the understanding, again, like the other provision that we would make that evaluation.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Madam Speaker.

And through you, I know -- I don't know the section number, but I did happen to see it as I was skimming through it. Is there a provision in the amendment that calls for a two-thirds vote requirement for any future items that may be deemed a mandate on municipalities? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Candelora.

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REP. CANDELORA (86th):

Yes, Madam Speaker. In lines 267 through 270, we call for a two-thirds vote. Through you.

REP. SHARKEY (88th):

Through you, Madam Speaker, I'm just wondering -- it's my understanding that that we cannot -- that the rules of the House and Senate are not subject to statutory change or dictate. Is the proponent of the amendment aware of that provision? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker. I'm not aware that provision. I would think that we would be able to pass legislation that would be superior to any rules that this chamber may have.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Madam Speaker.

Obviously, I didn't have a full chance to go through this, but I would recommend rejection of this amendment. I recognize that there are a lot of issues

in here that the proponent is trying to address. I think these are things that are -- some of them are complicated. Some of them are being worked on as we speak. Some of them are, in my opinion, are outright illegal under our current system.

I think we're doing the best we can to address the mandate relief issue and a short period of time that we've had since the beginning of this year. And while I support the idea that we should continue to work on this. I do believe that this is an amendment that's not well timed and well crafted for a number of reasons and I would urge my colleagues to reject this amendment. Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir.

Representative Spallone.

REP. SPALLONE (36th):

Thank you, Madam Speaker.

I have one or two brief questions for the proponent of the amendment.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Candelora, prepare yourself.

Representative Spallone, please proceed.

REP. SPALLONE (36th):

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Thank you. Through you, Madam Speaker, to the gentleman from North Branford, in Section 1 of the bill -- well, let me back up. In the underlying bill, which has a section for concerning the posting of minutes of public agencies, would you agree with me, sir, that that's narrowly tailored to eliminate that requirement for municipalities?

Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Candelora.

REP. CANDELORA (86th):

Through you, yes. I believe so.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone.

REP. SPALLONE (36th):

Thank you, Madam Speaker and through you, Madam Speaker to the proponent, in Section 1 of the amendment pending before the House, isn't it a fact that this amendment actually is not narrowly tailored for municipalities, but actually would delay -- would eliminate the requirement for the Web posting of all public agencies, including state agencies for a period of apparently from passage through July 1, 2012 and is, in fact, not narrowly tailored to municipalities.

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Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Candelora.

REP. CANDELORA (86th):

Madam Speaker, my read of that section is that it does not include those agencies. It only includes in municipalities. And as I read OFA analysis, that seems to be the case.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, rather than drag this with further questions, I would respectfully disagree with the gentleman, the proponent of the amendment. This amends Section 1-225 of the General statutes. It refers to all public agencies and it puts them of until July 1, 2012.

I'm sure the intention was to affect municipalities. I believe that the drafting does not accomplish that and I wish to point out to the House. Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir.

Representative Hamzy, you have the floor, sir.

REP. HAMZY (78th):

Thank you, Madam Speaker.

And I certainly rise in support of this amendment. As was pointed out that there may be improvements that can be made on this. I think I'll be the first to acknowledge that. With regard to the posting of the minutes, I would certainly support eliminating that requirement and -- but that remember, if we adopt this amendment and, those changes or improvements can be made in another bill or through another amendment to this bill.

What I'd like people to keep in mind however, is that the savings that are called for in this amendment far exceeded the savings that were offered in previous bills. I don't think there's a municipality in this state that hasn't complained about these various unfunded mandates, including the ones that have yet to take effect. As we all acknowledge, there will be a limited amount of money that we can send to municipalities and towns in the next several fiscal years.

And I think it would only be fair for us to give cities and towns as much flexibility as we possibly can in spending the money that we do send them, by

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providing as much flexibility in the form of relief from unfunded mandates, which is the intention of this amendment and which I think it achieves. And I would hope that members of this Chamber would vote for the amendment. Thank you, Mr. Speaker.

(Speaker Donovan in the Chair.)

SPEAKER DONOVAN:

Thank you, Representative Hamzy.

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

I stand in strong support of this amendment.

Ladies and gentlemen, this isn't the first, second, third, fourth, fifth, sixth or seventh time we've done this. We, on this side of the aisle, have offered mandate relief to our municipalities. We've heard from them loud and clear over the last two years. If you can't give us extra money, we get that they'd say. We get that. Times are tough, but for God sakes, help us out a little bit. Give us a little relief. Give us a little relief.

And thus far, this General Assembly has refused

to do so. The underlying bill purports to do just that, but it doesn't come close. Frankly, I think what is the symbol of the differences of our opinion comes with the in-school suspension portion of the amendment that's before us.

How many times have we talked about and learned from our municipalities and towns that this well-intentioned amendment that will have its day and, that we this General Assembly believe is the right way to go, just should be delayed for a couple of years.

In fact, this General Assembly believed that so much that a year ago they delay it. We did delay it finally for one year, but as we're speaking, our towns, our municipalities, our board of education, our superintendents are planning their budget for September's school year and in each and every one of those budgets they had to set aside precious resources.

And my town, for instance, close to \$300,000 for this new program. In other towns, estimates have gone as high as \$600,000 to a small town even if it's \$25,000. That's a lot of money.

A lot of money in a year where people are cutting back on pencils, supplies and laying off teachers.

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They might be increasing class size because they have to comply with this mandate. With all due respect, I heard referenced during, when this bill was brought out to the fact, well, are we aware that there is a bill floating out there that might take care of this. Well, you hear rumors. You hear a lot of rumors in this place. I have no guarantee whether we'll ever see that bill or whether it will ever pass. And I need to look at our superintendents and our mayors and first selectman and say hang in there, we've got a bill.

No, we haven't done our budget. We haven't done securitization. We haven't done UConn Hospital. We haven't done about 99 other things but if you hang in there and you have faith, maybe in the next three days, we're going to pass and give you some sort of relief regarding in-school suspension. I'm not so sure folks and guess what, I don't think any of us here could be so sure.

But right now, right here, very plain and simple. Part of this amendment says, let's postpone for a couple of years. Let's give our towns and municipalities a break. Let's allow them to free up those resources they've budgeted to put directed in

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the classroom, to maybe retain some teachers, to maybe not increase class size. Let's do that instead of embark on this new program that will have its day but not today. That's what this amendment is all about.

If we say we're going to get mandate relief, let's not give mandate light. Let's get true relief that is measured in dollars. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative Cafero.

Would you remark on the amendment? Remark further on amendment?

If not, staff and guests please come to the well of the House. Members take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting House Amendment Schedule "B" by roll call. Members to the chamber, please.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board to make sure your vote has been properly cast. If all the members have voted, the machine will be locked, and the Clerk

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will please take a tally.

Will the Clerk, please, announce the tally.

THE CLERK:

On House Amendment "B" for House Bill 5255.

Total Number voting 135

Necessary for adoption 68

Those voting Yea 35

Those voting Nay 100

Those absent and not voting 16

SPEAKER DONOVAN:

That amendment fails.

Remark further on the bill as amended? Remark  
further on the bill as amended?

If not, staff and guests please come to the well  
of the House. Members take their seats. The machine  
will be open.

THE CLERK:

The House of Representatives is voting by roll  
call. Members to the chamber. The House is voting by  
roll call. Members to the chamber, please.

SPEAKER DONOVAN:

Have all the members voted? Have all the members  
voted? Will the members please check the board to  
determine if your vote has been properly cast. If all

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the members have voted, the machine will be locked and the Clerk will please take a tally. Will the Clerk, please, announce the tally.

THE CLERK:

House Bill Number 5255 as amended by House "A."

Total Number voting 136

Necessary for adoption 69

Those voting Yea 103

Those voting Nay 33

Those absent and not voting 15

SPEAKER DONOVAN:

The bill as amended is passed.

Are there any announcements or introductions?

Representative Betty Boukus.

REP. BOUKUS (22nd):

Thank you, Mr. Speaker.

Mr. Speaker, for our nightly journal and transcript notations -- or morning transcripts. Missing votes today, Representative Baker, illness; Caruso, death in the family; Tallarita, family business; Genga, he attended a funeral in his district; Gentile, personal business; Leone, work in the district; and Representative Fawcett, illness; legislative business outside the chamber

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2010**

**VOL. 53  
PART 13  
3842 - 4128**

cd  
SENATE

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THE CHAIR:

That's a House -- sir, Senator Looney, that's a House Joint Resolution 36 on 529.

SENATOR LOONEY:

All right.

Mr. President, then, if we might withdraw that?

THE CHAIR:

Okay. That is withdrawn.

SENATOR LOONEY:

Mr. President, moving to an item on Agenda, I believe it's Agenda Number 3, Calendar 569, House Bill 5208.

THE CHAIR:

Yes, sir. Like to place that on consent?

SENATOR LOONEY:

Yes, Mr. President, would you place that on the consent calendar?

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Calendar page 16, Mr. President -- returning to calendar page 16, Calendar 525, House Bill 5255, move to place that item on the consent calendar.

THE CHAIR:

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SENATE

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May 5, 2010

Seeing no objection, so ordered.

SENATOR LOONEY:

Yes, thank you, Mr. President.

And, Mr. President, calendar page 14, Calendar 514,  
House Bill 5426, move to place the item on the consent  
calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Yes, Mr. President, at this time would call the  
consent calendar.

THE CHAIR:

Mr. Clerk, please call for the consent calendar.

THE CLERK:

An immediate roll call vote has been ordered in the  
Senate on the consent calendar. Will all Senators please  
return to the chamber. An immediate roll call vote has  
been ordered in the Senate on the consent calendar. Will  
all Senators please return to the chamber.

Mr. President, the items on the Consent Calendar  
Number 2:

Calling from agendas first: Agenda 3, Substitute  
for House Bill 5208, Substitute for House Bill 5490;

Senate Agenda Number 6, House Bill 5482.

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Calendar page 10, Calendar 461, House Bill 5207;  
Calendar 483, House Bill 5244.

Calendar 484, on page 11, House Bill 5383; Calendar  
487, House Bill 5220; Calendar 488, House Bill 5297;  
Calendar 490, 5425 -- House; Calendar 496, House Bill  
5497; Calendar 509, House Bill 5126.

Calendar page 14, Calendar 511, House Bill 5527;  
Calendar 514, House Bill 5426; Calendar 516, House Bill  
5393.

Calendar page 15, Calendar 520, House Bill 5336;  
Calendar 521, House Bill 5424; Calendar 523, House Bill  
5223; Calendar 525, House Bill 5255.

Calendar page 16, Calendar 531, House Bill 5004.

Calendar page 17, Calendar 533, House Bill 5436;  
Calendar 540, House Bill 5494; Calendar 543, House Bill  
5399.

Calendar page 18, Calendar 544, House Bill 5434;  
Calendar 547, House Bill 5196; Calendar 548, House Bill  
5533; Calendar 549, House Bill 5387; Calendar 550, House  
Bill 5471; Calendar 551, House Bill 5413; Calendar 552,  
House Bill 5163; Calendar 553, House Bill 5159.

Calendar page 19, Calendar 554, House Bill 5164.

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Calendar page 20, Calendar 556, House Bill 5498;  
Calendar 557, House Bill 5270; 559, House Bill 5407; 562,  
House Bill 5253; and House Bill -- Calendar 563, House  
Bill 5340; Calendar 567, House Bill 5371; and Calendar  
573, House Bill 5371.

Mr. President, I believe that completes the items

THE CHAIR:

Mr. Clerk, could you please give me on Calendar 567,  
do you have 5516, sir?

THE CLERK:

What -- what calendar?

THE CHAIR:

567 on page 22.

THE CLERK:

It's 5516.

THE CHAIR:

Yes, sir. Okay.

Machine's open.

THE CLERK:

An immediate roll call vote has been ordered in the  
Senate on the consent calendar. Will all Senators please  
return to the chamber. Immediate roll call has been ordered in the Senate on the  
consent calendar. Will all Senators please return to the chamber.

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THE CHAIR:

Have all Senators voted? Please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent  
Calendar Number 2.

Total number voting	35
Necessary for Adoption	18
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

Consent Calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President.

Mr. President -- Mr. President, before moving to adjourn, I would like to ensure the entire chamber will wish Laura Stefon, Senator McDonald's aide, my former intern, a happy birthday.

And with that -- and with that, Mr. President, I would move the Senate stand adjourn

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**FINANCE  
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1 – 279**

**2010**

to do that and have the regional planning authorities to handle it with the chief elected officials at the table because it is revenue decisions you are making. And we are better connected with the residents I think, than appointed officials. I think there's definitely a role for appointed officials to play and would never diminish that. But I do think there's something about standing for election every couple of years that makes you a little bit more accountable in how you handle money, taxpayers dollars. I strongly support that.

In relation to diversifying the ability to raise money, I really think if I could count on the PILOT funds, for instance with some certainty of what I was going to get, I could look at my budget and be sure of where I was going. But never being able to count on having a project fully funded, PILOT-wise, it makes it very difficult for me to do budgeting.

MICHAEL MILONE: Representative Sharkey, while this isn't going to be a windfall, certainly one of the other things the MORE Commission is looking at is the telecommunications PILOT. And that's been a big frustration of ours for many years because the depreciation on that allows the value to depreciate to zero so there's no residual property value. Unlike all other depreciation schedules, there's a 20 or 30 percent residual value. For this equipment there's none and as a result of that we see these major spikes in revenue when there's a lot of construction activity regarding the telecommunications industry and then it drops very, very dramatically to practically zero. And yet, that property will continue to be worked for 20, 25 years after it hits that residual value of zero, and our feeling is that

[HB5255]

that's something that really needs to be revisited.

And I understand that the uniform mill rate is high, it's 47 mills and we're certainly understanding of the fact that maybe that should come down to accommodate what would be an increase in assessed values. The other problem we have with this is they don't report that value to us so we don't know the accuracy of it. And the third problem we have with it is that we can't audit it. So I think one of the things that the MORE Commission is doing relative to the telecommunications industry is important and could have some benefits throughout the state. Thank you.

MAYOR JOHN DESTEFANO: Representative Sharkey, thanks for all your work you're doing. I guess I disagree with some of your premises, that these taxes are bad. I mean -- and that there are other really choices here. I think saying they're bad could be construed -- not that this is what you're suggesting -- to do nothing. So let me go backwards. Let's, you know, look at our other side of our budget for a minute.

In New Haven, 72 cents of every dollar I spent is on a person, their health care benefits and their pension benefits and worker's compensation benefits. Unlike your budget, we don't have a lot of transfer payments. You know, cops, teachers, firemen, blah, blah, librarians and stuff like that.

Right now we have a structure about collective bargaining, about the way that we do collective bargaining that's entirely driven by statute. I don't see necessarily a lot of will, particularly within my own party, to change any of that. And I think somewhere in here that's

## State of Connecticut

## GENERAL ASSEMBLY

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## PLANNING AND DEVELOPMENT COMMITTEE

## 2010 COMMITTEE EVENT ATTENDANCE SHEET

EVENT:

Meeting

Public Hearing

Other:

PURPOSE:

Mandates, More Commission Bills, Regionalism

DATE:

3/10/10

SCHEDULED START TIME: 11:30

ACTUAL TIME FRAME: 11:42

LOCATION:

2B

PRESIDING CHAIRPERSON:

State Senator Eric Coleman

State Representative Brendan Sharkey

COMMITTEE MEMBERS PRESENT:

MEMBER	P/A	MEMBER	P/A	MEMBER	P/A	MEMBER	P/A
Sen. Coleman	P	Rep. Aman	P	Rep. Fritz	P	Rep. Reed	P
Rep. Sharkey	P	Rep. Ayala	P	Rep. Gentile	P	Rep. Reynolds	P
Sen. Harris	P	Rep. Candelora	P	Rep. Godfrey	P	Rep. Rojas	P
Rep. Drew	P	Rep. Flexer	P	Rep. Hennessy	P	Rep. Rowe	P
Sen. Fasano	P	Rep. Fox	P	Rep. Miner	P	Rep. Santiago	P

COMMITTEE CLERK:

David Velez

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pat/gbr PLANNING AND DEVELOPMENT  
COMMITTEE

March 10, 2010  
11:30 A.M.

Secondly, there are a total of, by my count six bills that are on the public hearing agenda today, for which we have actually some proposed substitute language that's already been drafted by LCO, and area available at the Clerk's desk this morning.

These are, five of those six bills related to the recommendations of the MORE Commission regarding Municipal Opportunities on Regional Efficiencies. Those recommendations were finalized just last week well past our deadline for raising bills, so we had some place holders that we've held as a committee to be able to utilize for those recommendations that came out of the MORE Commission.

So if possible, I realize that we posted those items on the website for the MORE Commission yesterday. Hopefully, you've been able to obtain those, that proposed substitute language and your comments can relate to that proposed substitute language rather than what may be in the bill book itself at this point.

If you don't have that, or if that's not part of your testimony, obviously we do accept testimony after the public hearing. So if you'd like to supplement your comments today with written testimony that directly responds to that proposed substitute language, that would be helpful.

The other bill in the same category is Item Number 5. I should enumerate. These are items from the MORE Commission. They are Items 3, Senate Bill 197, Item 6, Senate Bill 303, Items 8, House Bill 5255, Item 11, House Bill 5336 and Item 12, House Bill 5337.

SB199

submittal are also posted on the website. The information is there, but there's a huge amount of information on our website and it may be difficult to slog through it and find it. I'd be happy to help any of your staff, or well, if anyone's interested in it, we can always provide it.

REP. FLEXER: Okay, because I'm actually looking at the budget for this year right now, and I was trying to scan through and find the breakdown for the administrative costs, and I was unable to locate it, but it would be helpful if someone could help me find that.

And I would hope that other folks who ask the question who perhaps don't have the title Representative before their name would have access to that same information.

TOM KIRK: They sure do. Thanks.

SENATOR COLEMAN: Other questions?

Seeing none, thank you, Mr. Kirk.

TOM KIRK: Thank you.

SENATOR COLEMAN: Mayor Currey is next, followed by First Selectman Barlow.

MELODY CURREY: Mr. Chairman, if you would like, we could do it together. It might save you some time since we both are from CRUG.

SENATOR COLEMAN: We encourage joint testimony. (Inaudible).

MELODY CURREY: Thank you, Mr. Chairman and members of P&D. It's a pleasure to be here today. I'm here as Melody Currey, the Chair of CROG,

HB5255  
HB5338  
HB5336  
SB144  
SB159  
SB394  
HB5337

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March 10, 2010  
11:30 A.M.

Mayor of the Town of East Hartford.

You have number of bills before you that CRUG has submitted testimony on, 5255, a municipal mandate relief, 5338, local plans of conservation and development.

I'd just like to say in relation to municipal mandate relief, legal notices alone being allowed to be put on the web as opposed to in newspapers would save between \$80,000 to \$100,000 in East Hartford alone, to just mention one.

Under House Bill 5336 AN ACT CONCERNING SHARED SERVICES, we have been the benefit of your legislation in the past and your grants to shared services, and we had money given to us two years ago, and we have been administering that to put together some shared services.

We've done items in the area of public safety. We have an exciting IT project going on now with our building and permits and we'll be available on line. We have nine communities, I believe, involved in that at the present moment, and eventually construction folks and homeowners will be able to go on line, fill out a permit, fill out all the information. In some cases, permits will actually be issued on line.

In some cases you'll be stopped to say you need to come into the office with your plans and designs, et cetera, forward whatever is there. But it will make it much easier for constituents, and that's really thanks to the benefit of the dollars we receive from the state.

We're doing things in the area of public

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pat/gbr PLANNING AND DEVELOPMENT  
COMMITTEE

March 10, 2010  
11:30 A.M.

REP. AMAN: Yes. Earlier, Mayor Currey, you mentioned that the Town of East Hartford spends almost \$100,000 a year on legal notices alone.

HB5255

Do you know that if that's a negotiated rate, or what you're paying for those ads in the paper?

MELODY CURREY: In some cases, yes, it is a negotiated rate. In other cases, it's, depending on what ad we have to place, it's the going rate for municipalities.

REP. AMAN: Okay. And do you have an idea how that compares with the rates that the local stores or that are paying for within the paper for the same amount of space?

MELODY CURREY: I don't off the top of my head.

REP. AMAN: Okay, thank you.

SENATOR COLEMAN: Other questions?

Senator Fasano.

SENATOR FASANO: Good morning, or good afternoon, I guess, right? A couple questions. I'm wondering, you didn't testify as to a few of the other proposals to reduce the cost to municipalities, and I'm kind of wondering why. In school suspension, any reason why, or what your view is, perhaps?

MELODY CURREY: I believe there are other people here who may be testifying in favor of the bill.

SENATOR FASANO: Can I ask you your opinion?

BARBARA HENRY: Thank you very much.

SENATOR COLEMAN: John Lawlor.

JOHN LAWLOR: Senator Coleman, Representative Sharkey, honorable members of the Planning and Development Committee, my name is John Lawlor. I'm the Director of Public Works for the City of Waterbury.

I'm here today to speak in favor of House Bill 5031 AN ACT CONCERNING REDUCING COSTS TO MUNICIPALITIES and House Bill 5255 AN ACT CONCERNING MUNICIPAL MANDATE RELIEF.

I ask that you consider these bills favorably and relieve communities of the responsibility and costs for residential evictions programs.

In its current form the Connecticut General Statute 47a-42 governs the eviction of tenant and occupants from residential properties, the removal and sale of unclaimed possessions and personal effects.

Specifically 47a-42 states, and I quote whenever the possessions and personal effects of a defendant are set out on the sidewalk, street or highway and are not immediately removed by the defendant, the chief executive officer of the town shall remove and store the same.

In all communities that I know of in Connecticut, this responsibility falls on the public works department to execute on behalf of the CEO. There is not a public works official that I've spoken with that is not negatively affected by this program.

Whether a small town that only handles a few evictions a year, or a major city that handles hundreds a year, the evictions program is a strain on their operation and budget.

The number of evictions that Waterbury faces is approximately 20 per month. While this number may be down approximately 33 percent from three years ago, it still represents a significant cost to the Waterbury community.

My public works department used to handle the eviction program internally. However, like most public works agencies, we are not equipped to properly handle personal property nor store it temporarily. This is not a program that I consider to be part of a public works agency's core function.

Therefore, approximately 10 years ago we began to contract out the collection and storage of the evicted property and focused our efforts on oversight and management of the program.

For those communities that continue to run their programs internally, workman's compensation and property damage claims must be contended with.

Given the number of evictions that Waterbury conducts regularly, this would prove to be a full-time dedication for several employees. This, together with the space required to temporarily store the evicted property would prove a challenge for Waterbury.

Under the current Waterbury program, the evicted tenant is given ample notice prior to an eviction occurring. This allows the tenant an opportunity to remove the more valuable property they most desire to keep.

The result is that the property that remains for eviction is not likely to be reclaimed. On average, 98 percent of the evicted property in Waterbury does go unclaimed.

The annual cost of Waterbury's program has four components, disposal fees, contract costs, labor and equipment costs and applicable surcharges.

The tipping fees to dispose of the evicted property are approximately \$23,000 a year. The contract cost to hire Ace Moving to pick up and store the evicted property is \$94,680 a year.

The combined labor and equipment costs for a city public works force to then collect up the unclaimed property and dispose of it is approximately \$47,000 a year.

Since Waterbury's a CRRA partner community, and as such we are subject to the defined CRRA surcharges. And as was stated earlier, this year the cost of disposing mattresses and box springs will increase to \$45 each piece.

Considering only the number of mattresses and box springs that appear in the eviction program, this may result in a cost to the city of over \$64,000 a year.

The total cost for the eviction program to the citizens of Waterbury this year may reach approximately \$230,000.

It should be noted that the Connecticut commercial eviction program, Connecticut General Statute 47a-42a does not place the responsibility on community chief elected

officials. Rather, it places the responsibility on landlords.

The statute gives the landlord the ability to secure the tenant property on site and subsequently recover any storage and removal costs from the tenant.

In closing, I ask that you consider and approve House Bill 5031 or House Bill 5255 and relieve the communities of the responsibility of residential evictions and place the burden on those individuals in better positions to control the process.

I'll be happy to answer any questions you may have.

SENATOR COLEMAN: Are there questions for Mr. Lawlor?

Senator Fasano.

SENATOR FASANO: Thank you. On the eviction of the tenants and the property, some view the reason why the municipality is involved is they are a neutral party. If a tenant and landlord aren't getting along and therefore that's what the eviction usually is, a disagreement with respect to someone wanting rent and maybe someone not paying rent, there needs to be a party that gets involved that has no axe to grind, that say, listen I'm here under statute. This is my obligation and the town kind of preserves the property of the tenant.

It's not junk. It's real property. And kind of acts as the go between. And they've always looked at this over time as a social service, much like other social services that towns provide.

And I think there's some folks who may not be able to afford the cost that's associated in the marketplace for moving their items, and maybe rely upon the city to take it for a period of time until they find a new place and then move on.

How do you view that sort of social twist to the eviction in your world by moving it out of the hands of the city and putting it, let's say, in a marshal's hands or a landlord's hands?

JOHN LAWLOR: Well, there's two things, Senator, that I'd like to respond to in regard to that question. First of all, as I stated earlier, the commercial evictions program works without the municipality CEO involved, and in my understanding it seems to work well.

And my position in my statement was that we attempt to mirror that or in any way get the municipality out of it, to the point of the municipality playing the person facilitating it.

I could tell you that, and as I stated earlier, the majority of what we collect does not get claimed, so that poses a problem. So now we're talking about storage, tipping fees, disposal associated with it.

I can't speak for other communities, but I do know that is a problem in Waterbury, and I suspect in all the other larger communities as well.

There is enough ample notice that's given to the resident in order for them to take out, quite frankly, anything they want to and you

know, my fear is that the program is now being used as a way to get rid of items that a tenant, quite frankly, might not want to move.

Now, I'm not suggesting that the program doesn't work. I just don't think it works for the municipalities, given that we're not set up to manage it.

SENATOR FASANO: Well, on the commercial, let's be clear. That is a very, very, very expensive proposition. When you do a commercial eviction, the marshal must get insurance for the stuff. It's got to be inventoried. There's a bond requirement from marshals. It is a very expensive proposition from a commercial, and I will tell you that when landlords, because they end up paying for that.

If you're going to sort of assimilate, or simulate the commercial eviction into residential, you've escalated costs for someone at a pretty high amount. A sheriff can't make the independent determination under the commercial statute, as I understand it, hey, this is a piece of junk and this isn't. So all of it has to be logged in and taken. So I think that I'm not sure that you equate the two economically speaking.

Number two, while some, I agree with you, some of the furniture does end up not getting repurchased or the landlord, the tenant doesn't come down and buy it back or pay the storage charge or the fee to the town and take the items back and some of it just ends up at the dump. I understand that.

But the town has always been perceived as that buffer between the landlord and the tenant. In those cases where, you know, for whatever

reason the tenants fall behind in hard times, doesn't have the money to move it out, wants to store it and sort of recollect his or her life.

And I think that there's a social service requirement that I think a lot of, since the statute I think is really old, I don't know how old it is. But it could have been there forever, was the prevailing view as to why that was there. It was the mediator between the parties.

It was to ensure fairness. It was to protect something that's not commercial, but pure personal property in all the sense of the word personal, and I don't know how you can disassociate that from the other.

That being said, I understand the impact to a municipality, and we could differ whether it's a social service program or not.

If you do flip it around and let's say it's a landlord's responsibility to pay for the storage, there are two concerns I have.

Number one, that may make sense if you allow the landlord to get a security for the rent, which I think is up to two months for the damage done to the apartment and so forth. And if you add another security, which would allow them at some parameter for eviction, such that if there was an eviction, the landlord would be able to use that money to help pay for the storage for the period of time. Perhaps that may possibly solve the problem.

Because if you store it in a self-storage container, as I understand the self-storage

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container law, if I pay for a self-storage container and I stop paying the owner of the storage facility can, with certain notice in the newspaper, sell the stuff. So the tenant has no protection.

So if I were to evict out of a house, let's not take a small apartment, let's take a house, throw it in a self-storage and I was the landlord and I say, you know, I'm not going to pay for this thing after two months. I stop paying it. Self-storage can publish it, sell the items. They're not mine. I would get the notice. I don't care. The tenant would lose the stuff.

So we'd have to deal with that situation, and I think now we're going to get over cumbersome in how to deal with it. So those are the issues that jostle in my mind as we talk about this.

JOHN LAWLOR: I agree, Senator, and I think that your point about the landlord, an option might be for them to secure enough funds to potentially cover an eviction is valid, but my understanding of the reading of both of the House bills proposed, they do suggest the State Marshals fill that void that the communities currently feel that would give some security and peace of mind to the tenants to ensure that parts of the scenario as you just described, don't happen without somebody providing some oversight to the program.

SENATOR FASANO: And that cost that the sheriff's going to absorb, or responsibility, is not a free cost or responsibility. Someone's going to --

JOHN LAWLOR: It's not free right now.

SENATOR FASANO: Well, I understand it. But I'm saying that to say the marshal's going to take it, now that cost is going to be, someone's going to pay for that cost.

So, but what I'm suggesting is that storing it in self-storage doesn't necessarily protect the tenants' goods, and the point, I think, of this law from way back when was to act as a, now I'm sure when it was first put into law that it wasn't as much as we have going on today, I understand that.

But that was the point of the law as I understand it. But I appreciate your comments. Thank you.

SENATOR COLEMAN: Mr. Lawlor, in your comments you indicated that ample notice was provided to the tenant, and I'm just curious how that notice is provided.

JOHN LAWLOR: I don't have the specifics. It's provided as it's laid out in the current General Statutes. There's a prescribed amount of time that a notice has to be posted at the site and before the property can be collected.

SENATOR COLEMAN: Which site are we talking about?

JOHN LAWLOR: At the site, wherever the tenant is evicted.

SENATOR COLEMAN: So the tenant is evicted from the property, presumably no longer living at the property or residing at the property, but that's where the notice is provided.

JOHN LAWLOR: Yes, sir. I believe that the, and I'd have to refer back to the statute, but it

spells out that there has to be a notice posted at the site as well as in the newspaper, if I'm not mistaken.

SENATOR COLEMAN: Okay. Other questions?  
Representative Aman.

REP. AMAN: Yes. I'm just wondering if, when you're looking at this for savings for the town, if Waterbury has done the arithmetic of, as far as I can tell under the bill, your housing authorities would also have to pay this annual fee per unit, and with the fees that your housing authority would be paying or any other units that the city owns, how that would compare with what your current cost to run this program is.

JOHN LAWLOR: The only calculations that I've done are the ones that I've mentioned here this morning, which are, which cover curbside pickup, which cover evictions specifically, and we've also considered ones that are brought through the transfer station.

So we, public works, have not considered the housing authority costs. I could work with them, and I'd be happy to do so but I'm not aware of how many mattresses or evictions they might deal with.

REP. AMAN: It wouldn't be evictions. As I understand the bill, it's a per unit charge that they would have to pay equivalent to a tax. As the landlord, they are the landlord and they would be paying it so even though they may have no evictions for years, they would still be paying the fee.

JOHN LAWLOR: Again, I'm not involved with the housing authority, so I unfortunately can't

speak to those issues.

REP. AMAN: If you could ask someone about you know, running the true arithmetic of the bill. I'm going to ask some of the other people from the larger cities that this is a major problem for the same question, because I don't want to put something out that says, oh, the towns all save all of this amount of money but their housing authorities lose more or the same amount of money and so that there's no net gain to the cities.

JOHN LAWLOR: It's a valid point, Representative, and I'll be happy to go back and work with our housing authority and determine how many of the evictions are through housing authority versus not through housing authority and be able to provide that information to you.

REP. AMAN: Okay, thank you.

SENATOR COLEMAN: Other questions?

Representative Sharkey.

REP. SHARKEY: Thank you, Mr. Chairman.

The, I think what Representative Aman was referring to is the proposed substitute language that was introduced today, that's available today for House Bill 5255.

The language in that bill actually mirrors the Governor's bill on this issue, and the Governor's bill calls for the cost of this service, if you will, to be borne by the State Marshals, but the Governor's bill doesn't establish any kind of means of making the State Marshals whole for the cost that they would absorb. It would just transfer the

costs from towns on to the State Marshals with no other means of covering those costs.

Given that, well, what the substitute language does is, what Representative Aman was referring to is, establish some kind of a fund within the State Marshal's Office that would be paid into by landlords to help defray the cost of storage and removal.

If not the towns, who do you feel should be responsible for the cost of pick up and storage under these circumstances?

JOHN LAWLOR: As I stated, I think that landlords would be the first choice that I would go to, given that they have some control, more control, I think, than the communities do over who the tenants are and how they're managed within the properties and how they interact with the landlords or the other tenants within the building.

So they certainly have much more control and much more first-hand knowledge of the tenant situation. So I would turn to those individuals first.

REP. SHARKEY: And perhaps the colloquy with Senator Fasano and Representative Aman produced another potential solution as far as the funding, which is not necessarily to have landlords be paying annually or something into this fund, but maybe it could be a function of the security deposit that's taken at the front end of the tenancy, but we can discuss that a little bit further. Thank you.

SENATOR COLEMAN: Other questions? Seeing none, thank you, sir.

decisions.

I'm passionate enough to be out here today testifying on this. I'm moving forward locally and anticipating that something like this will pass to require that regardless of whether we have a choice or not according to state statute, that New Britain will continue to put it in the local newspaper because I would argue it's in the best interest of the public to do so, regardless of what it costs us.

SENATOR FASANO: And I would suggest that's what democracy is all about, and you're entitled to that position. But I believe that other people may take a different view and not necessarily wrong or inaccurate, or lessening the ability for public input.

They're looking at the public and saying, it's either going to cost you more personal property or real property taxes or I'm going to lessen that and we'll put it in the paper, or on the web. That's their decision. And I appreciate it. But thank you for your testimony.

PHIL SHERWOOD: Thank you, Senator.

SENATOR COLEMAN: Other questions? Seeing none, thank you, Mr. Sherwood.

PHIL SHERWOOD: Have a good one.

SENATOR COLEMAN: Kathleen Kittrick.

KATHLEEN KITTRICK: Good afternoon. I'm Kathleen Kittrick with Verizon and Verizon Wireless. I've asked Deborah Bierbaum from AT&T, she's the Director of Text Policy for AT&T to join

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me in my testimony since we have similar concerns regarding H.B. 5255, which sets a minimum depreciation floor of 30 percent for telecommunications personal property.

There are a couple of points I want to make before I turn it over to Deborah. First, telecommunications technology depreciates very quickly, becoming functionally and economically obsolete in a very short time.

Wireless carriers race to compete with the latest and greatest technologies and within the last few years we've upgraded our networks to compete with traditional broadband.

Increased property taxes will have an impact on our ability to invest in Connecticut. If there is one point I cannot stress enough, it is that taxes do matter when our companies make decisions where to invest scarce capital.

Verizon and Verizon Wireless urge you to keep Connecticut competitive and keep our taxes on the property tax stable. Thank you.

DEBORAH BIERBAUM: Senator Coleman, Representative Sharkey, members of the committee, thank you for the opportunity to testify in opposition to Bill Number 5255.

The establishment of depreciation floors in the bill establishes erroneous values for a property that far exceeds the cost of (inaudible) or technology and this is particularly true when our equipment is computer related and high technology.

I mean, how many of you have purchased a computer only to find three years later that you can get a newer model that's smaller and

slimmer and can do a lot more for cheaper, and this bill says the older stuff has to be at artificially high values.

As a result, it's going to increase a number of appeals on the assessments and litigation as we try to establish true and fair value for our high technology property.

A depreciation floor also penalizes companies for keeping in backward compatible equipment. Sometimes our customers do not want the newest and latest phones. They have their old phone. They're comfortable with it.

As we increase technologies to make broadband and higher speed wireless technology available to those who want it, we also want to make sure that our customers that keep the older technology can still use their phones. We shouldn't be penalized for doing that.

In economic times such as these, Connecticut should not consider a proposal that would discourage us from investing in the state, place job growth at risk, and put existing jobs at AT&T and other communication providers at risk.

The institution of depreciation floor runs contrary to existing telecom policy in this state, which Connecticut telecom laws are designed to encourage us to invest in our own facilities instead of relying on the older facilities.

Consumers want the latest and greatest products, and today's technology allows us to locate equipment in other states. We don't always have to put things in Connecticut to serve Connecticut customers. So why at a time

like this would you want to encourage us to put this property elsewhere?

We strongly oppose this bill as it discourages investment and would damage Connecticut's already reeling economy. Thank you. We'd be happy to answer any questions.

SENATOR COLEMAN: Representative Sharkey.

REP. SHARKEY: I find your testimony confusing, to say the least. First of all, if the depreciation schedule for telecommunications is, depreciates very quickly, well then doesn't that encourage you to keep old equipment that has depreciated at zero?

Why would you want to continue to upgrade things and then put your new equipment, your brand new equipment that you're upgrading constantly, back on the tax rolls?

Doesn't the current system discourage you from upgrading your systems?

DEBORAH BIERBAUM: The current system for, that this bill impacts, allows us to depreciate our property to its fair and true value and the current tables generally have a 10 percent floor.

But there are times that property can become obsolete and when you're working with the municipalities on what the assessment is for that property, you come up with those values.

This bill says, you can't go below 30 percent, and then it maintains that you can still have true value. Well, if the floor starts at 30 percent, then you have a lot of time and effort spent negotiating whether 30 percent of

that value is true and fair.

REP. SHARKEY: Well, okay. But that's true of any property owner. I mean, you know, you're dealing with the local towns.

I mean, to me, this is precisely the time that we should be, contrary to your testimony, I think this is precisely the time that we should be looking at things like this because we've offered as a state policy, admittedly, that we want to provide a deal to telecom providers for their equipment to encourage their continued presence in the state, which I can understand.

But this is a time when everybody's got to be pitching in and there are towns, the testimony we received in the MORE Commission was that towns and cities are losing tremendous amounts of revenue because the telecom companies are allowed to depreciate their equipment down to zero, even though they're continuing to use it well beyond the point at which they've reached their lowest level.

So again, I don't quite under, I mean, maybe we can establish what a correct floor should be, but it's counter-intuitive to say that we want, that you are actually by current law increasing the turnover of new equipment and that your customers want new equipment and you're always wanting to put new equipment in.

The current law actually discourages that because the longer you keep your equipment, the less taxes you have to pay, including down to zero.

DEBORAH BIERBAUM: I think we are a little confused over what is perhaps intended by this bill

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because this doesn't impact, there is nothing in the telecom companies that are impacted by this bill that allows them to depreciate to zero.

The telecom companies impacted by this bill are at local assessment where they deal with municipalities. The floor currently in the bill, in the statute, is 10 percent but you can negotiate fair and true value.

This raises it and penalizes that property and says now you can't go below 30 percent of the value.

We keep older technology in place so that our phones are backward compatible, that customers can still use older technology and that people aren't forced into buying newer technology if they don't want.

We are and do for our customers in the new technology so they can get the latest and greatest, but not everybody wants the same thing. We should not be penalized for maintaining the older technology for those customers who want it.

REP. SHARKEY: Well, I'm not suggesting that we're trying to penalize for keeping the old technologies. In fact, what I'm suggesting is that the current law encourages you to keep the old technologies for as long as you possibly can, and not invest in new technologies because you're going to have to pay more taxes when you install the new technologies.

So, you know, I think what towns and cities are saying to us is that look, you know, this is a deal that the state has made for telecom,

and you know, there's a policy associated with it, but towns are bearing the cost and the burden of that policy, and shouldn't we revisit that policy to come up with a better mechanism that allows towns and cities to come up with a fairer mechanism for taxing what clearly is equipment that still has value and is still in use for years after it's reached its absolute floor.

So I think this is precisely the time that we have to be looking at these kinds of things because you and all of us have to be looking for, you know, ways that we can all chip in to help our cities and towns, so, that's my, I don't if you've got a comment on that, but I think we may just disagree in terms of our positions. Thank you, Mr. Chairman.

SENATOR COLEMAN: Senator Fasano.

SENATOR FASANO: I just have a question. I understand the copiers and everything that's kind of laid out here. Do you have the bill in front of you by any slim chance?

DEBORAH BIERBAUM: Yes.

SENATOR FASANO: Because you use 30 percent as the amount that it would not exceed less than, that's the criteria that you would fall under in seven?

DEBORAH BIERBAUM: Yes. The way the opening of the, in bill Section 4, B1, there's new language added to define a utility to mean any person who owns or operates any plan, equipment, real property, franchise or license for the transmission of communications and it applies that definition to the entire subsection, and then it creates a new class of

property that takes this high technology equipment and only for communications provider, treats it worse than it would be for any other company having the same high technology property because the floor is 10 percent for everyone else and only for communications is it moved up to 30 percent.

SENATOR FASANO: Okay. So you're saying that we take all the property we put through the sieve, at the end, the only person or the only group that's being held to a higher floor is the telecommunication at 30 percent?

DEBORAH BIERBAUM: Correct.

SENATOR FASANO: Okay. Just out of curiosity, you're not held to this or bound by it. Is there any other technology other than telecommunication that's held to 30 percent that you could think of? Just out of curiosity.

DEBORAH BIERBAUM: Well, I think there are tables in the current law that take, oh, you know, other types of equipment that are not high technology and keep them at 30 percent.

SENATOR FASANO: Okay.

DEBORAH BIERBAUM: But for high technology equipment I'm not aware of anything else.

SENATOR FASANO: And Representative Sharkey had indicated that currently, he understands from some testimony he might have received, that AT&T or telecommunications, not just AT&T, but telecommunications, are able to write that down to zero. Is that, you kind of looked at each other. I don't know if you looked at each other to say that's not true, or that's

not accurate, or yes, we do do that, how did he know?

So I'm kind of curious as to what the, if that's accurate.

KATHLEEN KITTRICK: I think the honest answer is that there are jurisdictions where we have appealed values and worked with the local jurisdictions and they may have, you know, lowered the value, down to, you know, less than 10 percent or zero. I think it depends on the jurisdiction.

SENATOR FASANO: So, but it would be fair to say, to get that argument in, you'd have to go in and say --

KATHLEEN KITTRICK: We'd have to appeal it by litigation.

SENATOR FASANO: You have to be the one to say that it's worth zero.

KATHLEEN KITTRICK: Right.

SENATOR FASANO: Is that correct?

KATHLEEN KITTRICK: Right.

DEBORAH BIERBAUM: Correct.

SENATOR FASANO: Okay. Thank you.

KATHLEEN KITTRICK: The bottom line is, we don't have to litigate and file appeals all over the state of Connecticut. It's very time consuming and very costly and it's costly for the local jurisdictions as well.

SENATOR FASANO: Okay. Thank you. Thank you, Mr.

Chairman.

SENATOR COLEMAN: Thank you.

Are there other questions?

If not, thank you, ladies.

DEBORAH BIERBAUM: Thank you.

SENATOR COLEMAN: Kendall Wiggin.

KENDALL WIGGIN: Senator Coleman, Representative Sharkey, members of the committee, my name is Kendall Wiggin, State Librarian. I'm here to just about two comments on House Bill 5031 specifically Section 35.

I've submitted written testimony and I won't read it. I'd just like to point out that the State Library is very sensitive to the burden of retaining records at the municipal level but our goal through our retention schedules is the timely, legal disposition of municipal public records, and we routinely review retention schedules and we use expert committees and individuals to help us with that.

So I would respectfully suggest that the real property electronic recording advisory committee not be charged with any responsibility for electronic records. It was set up by the Legislature a couple of years ago and is hard at work at coming up with regulations to implement electronic land recording in our state.

And as written, only one record on the municipal schedule actually has a specific 20-year retention. It happens to be one of my

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records, and we'd be glad to work with the committee to craft any language that would be necessary regarding the improvement of the retention of municipal records.

With that, I'll take any questions you might have.

SENATOR COLEMAN: Are there questions?  
Representative Sharkey.

REP. SHARKEY: Yes, briefly. This Bill Number 5031 is actually the Governor's bill.

KENDALL WIGGIN: I know.

REP. SHARKEY: So have you spoken with the administration about your concerns over this?

KENDALL WIGGIN: Yes. OPM and I have discussed this and I relayed my concerns to them and they have okayed my testimony.

REP. SHARKEY: Okay. Thank you.

SENATOR COLEMAN: Other questions? Seeing none, thank you, sir.

KENDALL WIGGIN: Okay, thank you.

SENATOR COLEMAN: Paul Rosow.

PAUL ROSOW: Good afternoon. My name is Paul Rosow. I'm a landlord and a property owner and the President of the Connecticut Coalition of Property Owners. I'm here today to testify regarding the storage of evicted tenants' possession mandate addressed by the following proposed bill, H.B. 5255, which was changed, I believe today, to LCO 2249.

The Connecticut Coalition of Property Owners in all likelihood is the largest landlord organization in the State of Connecticut with members throughout Connecticut in several chapters including Bridgeport property owners, greater Hartford property owners, Stamford property owners, Connecticut Association of Real Estate Investors.

Collectively, we represent about 25,000 rental units in the State of Connecticut. We opposed H.B. 5255. The bill would shift the responsibility to remove, store, advertise and auction the personal property of an evicted tenant, which has been left behind to marshals and landlords.

Marshals are not moving and storage companies. Any costs that they incur would be passed through to the people that have to pay for their services, in case, the innocent landlord. I spoke with the president of the marshals and they opposed the bill also.

Shifting the requirement of providing a free service to evicted tenants is unnecessary, costly and particularly unfair. What has the landlord done wrong?

Please consider what occurs during the eviction process, and that 95 percent of all evictions in Connecticut result from nonpayment of rent. An eviction occurs only after a lengthy process during which tenants are extended full due process rights. Property owners frequently have not been paid rent for months before summary process is even begun.

When the courts ultimately rule for the owner an order eviction of the tenant, the

landlord's expenses are only beginning. Upon judgment in favor of the landlord by the Housing Court, a writ of execution is issued. The landlord must then pay a state marshal to serve the writ and remove the tenant from the property.

Then the landlord must pay a mover to box and move any possessions that the former tenant has left behind. The landlord must move the evicted tenant's personal property to a municipal truck. The city or town then must take the personal property to a storage facility and store it there for 25 days. Then the municipality must pay to publish legal notice and to attempt to auction the personal property.

Anything which is not sold at auction, which is overwhelmingly the result, then is disposed of at the town's transfer station.

But the landlord's costs are not finished there yet. After the tenant's possessions are removed, the landlord must clean and repair the unit. Frequently, evicted tenants damage the property and cleaning and repairs can be costly.

A tenant that has been evicted by court should bear the cost of removing and storing their personal property. Taxpayers and landlords should not have to pay these costs. If removal and storage of an evicted tenant's personal property is a social service that is to be continued, tenants should pay for that.

Connecticut Property Owners stand ready to work with the parties to resolve this issue. We have offered solutions to this problem in the past that assist evicted tenants while

eliminating costs to the innocent parties, the taxpayers and the property owners, who have done nothing wrong.

However, this bill 5255 should not pass. It punishes and taxes the innocent. Whether the landlord is an elderly couple dependent on the rental income, or a small business person trying to make a living, the additional expense should not be dumped on them.

The responsibility for an evicted tenant's personal property belongs to the tenant and not to the taxpayers or the landlords.

Thank you very much.

SENATOR COLEMAN: Thank you, Paul.

Questions for Mr. Rosow?

Representative Sharkey.

REP. SHARKEY: I appreciate the testimony, and I'm not surprised, obviously that you oppose it. But do you oppose the Governor's bill, which is 5031. It just has a blanket statement that towns will no longer be responsible, essentially, and that marshals will be responsible for the collection and storage of evicted tenants' possessions, taking the towns out of it.

The proposed substitute language calls for the creation of a fund that would be paid into. That language I think talks about the potential for you know, having it be sort of like what lawyers pay into for clients, when clients are, money is stolen from clients by attorneys that all attorneys pay into a fund to cover those kinds of payouts for victims of

that kind of behavior by other attorneys. So that's what the bill, the proposed substitute language calls for now.

I don't know if you heard the discussions that we were having before. Would it make sense, then, in the alternative, to have a fund established that could be part of the security deposit that tenants pay so that that could be used by the marshals to cover their cost for storage and moving and storage of evicted tenants' possessions?

PAUL ROSOW: The security deposit bill, or statute right now, says that you can collect up to two months. It's very hard to even collect one month in this particular economy that we live in today.

Some landlords in our organization are allowing people to move in without a security deposit. So it's very difficult if you ask for a security deposit and then ask for an additional security deposit to cover any potential eviction cost.

I honestly don't think you're going to be able to collect that.

REP. SHARKEY: Well, as a former landlord myself, and with due respect to my friend, Senator Fasano, who is a landlord, I, you know, I think there is an argument to be made that taxpayers should not be responsible for this cost, certainly.

And that argument goes a step further to say that that is the risk that landlords incur when they get into the business of leasing properties, particular residentials.

So, how do you, that's not necessarily my position. It's just that's what we hear from folks a lot. How do you respond to that argument that this is just, you know, this is part of the cost of doing business.

PAUL ROSOW: Well, since you're a landlord, and since you're a landlord --

REP. SHARKEY: Not currently. I was.

PAUL ROSOW: -- or was a landlord, you know that when you do have to evict someone it is a process that takes at least two to three months, and there are steps that go along the way, and there's notices. The tenant knows that at a certain point that there will come a day that they will not be in that unit any more.

So they've had notices all the way along that journey to eviction to get their things out of the unit, okay?

We believe that it's the responsibility of the tenant to take their stuff, to take their belongings out of the unit. Why should the landlord, why should the town, why should the state, why should the taxpayers have to pay for that, at that point.

In my written testimony that we've submitted, I gave you a chart of the costs of eviction, and if you'd like, I can go over that cost.

REP. SHARKEY: No, we've got the testimony.

PAUL ROSOW: Okay. But I just wanted to let you know that at some point here, the tenant needs to be responsible for their actions. If they haven't paid the rent, which is 95 percent of

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the time, they should take their things and  
move out of the unit.

REP. SHARKEY: Okay. Thank you.

PAUL ROSOW: You're welcome.

SENATOR COLEMAN: Are there other questions?

Quickly, Paul, you probably discussed this  
with me before. Refresh my recollection. You  
make reference to solutions that have been  
offered by the landlords' association, or  
Property Owners Association in the past.

Could you refresh my recollection regarding  
that?

PAUL ROSOW: Sure. I have that with me today. I  
anticipated maybe that question. We suggest a  
few things.

First of all, require all leases to contain  
mandatory language, notice to tenants that  
they are responsible for the removal of their  
possessions and personal effects if the court  
enters judgment against them.

The notice also would be prominently included  
in the notice to quit, the writ, summons and  
complaint, the notice of judgment and the  
order of execution, and all court motions and  
notices, so they get notice all the way down  
the journey.

Require that a copy of the writ of execution  
also be served upon the chief executive of the  
municipality or the director of municipal  
social service agencies so that intervention  
can be initiated where appropriate.

Allow the tenant to remain, rent free in the dwelling unit for five days after the issuance of judgment in order to be able to remove their property themselves.

After the tenant has vacated the property, or been removed by the state marshal, allow the landlord the option of disposing of any of the personal property that has been left behind, without further liability.

Require the landlord to notify the municipality to prevent blight if such property is to be placed at the curb, in order that the municipality may send a truck to dispose of it.

What does that achieve? That achieves, gives the tenant unprecedented plain language notice of their responsibility in the event of an eviction.

Saves Connecticut's cities and towns an estimated \$3 million annually.

Gives evicted tenants even more time to move their property.

Allows tenants to remain in control of their possessions after they have been evicted, rather than be separated from them and have to pay to get them out of a municipal storage facility.

Saves landlords the time and expense of moving the personal property out of the unit.

Makes it easier for municipal social service agencies to intervene to prevent hardship and prevents blight by notifying the municipality of bulky waste that cannot be placed in the

dumpster.

SENATOR COLEMAN: Okay. At some point during the course of your testimony you observed that many landlords were having difficulty receiving or having, finding tenants who were in a position to pay twice the monthly rent, and I think you even went so far as to say that some landlords were allowing tenants to move into a unit without any security deposit at all.

And just recognizing that those are the conditions that prevail --

PAUL ROSOW: Today.

SENATOR COLEMAN: Yes. Given all of the notices that you referred to in your proposal, what good does that do if the tenant just doesn't have the resources in order to remove the property?

PAUL ROSOW: What does it do for the tenant?

SENATOR COLEMAN: No. What does it, how does that accomplish the problem, or how does that address the problem if the, the real problem is the tenant doesn't have the resources in order to remove the property from the unit.

PAUL ROSOW: I'm not sure I understand the question.

SENATOR COLEMAN: Well, you went through a bunch of notices, I guess all of which seem to me to contemplate that because the tenant has notice that they are responsible for the removal of their property. That that means the tenant should be able accomplish that because they've had ample and sufficient notice that it is

their responsibility.

PAUL ROSOW: As the gentleman from Waterbury testified, the public official, he testified that it was about 95 percent of the stuff that's left usually becomes garbage. That was his testimony, and that is from our research also.

So it seems to me that the tenant does have the ability to get the things out of there.

SENATOR COLEMAN: Let's talk about the five percent of stuff that's not garbage because I just want to get some better grasp of where this expense should be apportioned, and I guess to me apportioning it to the municipality means that we're all paying for it. It's an expense that's distributed, rather than burdening the landlord or burdening the marshal or burdening some other individual.

PAUL ROSOW: How about the tenant?

SENATOR COLEMAN: Well, if the tenant can do it, yeah, let's do that.

PAUL ROSOW: Right. It's their stuff.

SENATOR COLEMAN: Your own testimony seems to indicate that tenants aren't in a financial position in order to pay security deposits, much less pay for the expense of removing property.

PAUL ROSOW: My comment on that was that in the present climate today --

SENATOR COLEMAN: Yes.

PAUL ROSOW: -- due to economic constraints by a

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lot of people, and people leaving the State of Connecticut, tenants moving out, tenants having to go and live with their parents again or doubling up in another apartment, it is very difficult. The vacancy rate has grown. It's the highest I've ever seen my 30 years in this business, and it's difficult to attract tenants.

If you're going to ask for a two-month security deposit, that's a very difficult thing to get from a tenant today because there's other people that are advertising --

SENATOR COLEMAN: Well, we're in agreement on that point, and you know, a two-month security deposit is difficult to get --

PAUL ROSOW: Okay.

SENATOR COLEMAN: -- and I think if you're asking tenants who have reached the point of being evicted to pay the expense of removing their possessions from the unit, I think that's also going to be difficult to accomplish.

And so, I mean the solution seems to be --

PAUL ROSOW: Senator. Senator, isn't it, at some point, isn't it the responsibility of a person to take their stuff with them or at least make some sort of arrangement to take their belongings. It's not my belongings if I'm the landlord. It's their belongings.

SENATOR COLEMAN: Well, the current state of affairs is that it's the municipality's responsibility to store those possessions.

PAUL ROSOW: The way it stands today. Correct. It does. And we've heard testimony or I think

one of the Senators has said maybe it's a social service that should stay in place or something like that, and maybe it should. Maybe it should stay exactly the way it is. We don't want to have the confrontations with the tenant. It's already an adverse, you know, if you're evicting someone they're not very happy about it, so we may not want to have that situation.

Maybe we should just keep it the way it is and it's just one of those things that should stay the way it is.

SENATOR COLEMAN: Okay. Well, I appreciate your --

PAUL ROSOW: I'm trying to answer your questions.

SENATOR COLEMAN: I understand that.

PAUL ROSOW: And you and I have had this discussion numerous times.

SENATOR COLEMAN: And you and I agree it's not an easy question to answer. It's not an easy issue to solve.

PAUL ROSOW: It's not, but at some point, and I do want to just finish with this. I really think that people need to be responsible for their actions, and in this case the tenant needs to be responsible at least to take their belongings with them, and that's how I feel.

SENATOR COLEMAN: And I understand and appreciate how you feel. And not to have the last word, but I think that particularly in these economic conditions when people are just having a lot of difficulty, including landlords, including municipalities, including marshals, but most especially tenants who are

facing eviction.

I don't think we ought to be doing things that are going to contribute to a downward spiral that perhaps increases the homeless population, increase destitution among the members of our community.

Senator Fasano.

SENATOR FASANO: Thank you, Mr. Chairman. One, I would ask, if you don't mind, at least I'd like a copy of what you just read before about alternatives.

PAUL ROSOW: It would be my please. I'll have our lobbyist get it to you.

SENATOR FASANO: If I can, I think, just let's go through what you said, and I want to be clear. Maybe I misunderstood.

What you said that throughout the whole process there would be a notice, and at the bottom of that notice it would say, what were the words that you had? I apologize.

PAUL ROSOW: I'll pull that right up for you.

SENATOR FASANO: I think I want to get to what Senator Coleman was talking about.

PAUL ROSOW: Tenants are responsible for the removal of their possessions after eviction. Personal property remaining five days after a judgment and eviction may be disposed of without liability by the owner of the dwelling unit.

SENATOR FASANO: Okay. So in an eviction process you get the notice to quit, you get the

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complaint and then there's pleadings that go along here and there, and eventually there's the judgment.

PAUL ROSOW: Well, there's also notice of hearings. There's a lot of notices, I think I even broke down --

SENATOR FASANO: No, no, that's what I'm saying, forget about all the hearings.

PAUL ROSOW: There's about 12 notices.

SENATOR FASANO: Forget about all the hearings. Then there's judgment that you get at the end of the day if you were to get judgment against the tenant for failure to pay rent.

Then there's a period of time that you have to wait that you cannot ask for an execution, which is the appeal period, which is the five days, correct?

PAUL ROSOW: The five days.

SENATOR FASANO: Correct?

PAUL ROSOW: Correct.

SENATOR FASANO: Then you ask for an execution.

PAUL ROSOW: Right.

SENATOR FASANO: And a copy of the request for the execution is also sent, I believe, to the tenant, but I'm not sure about that any more. But anyway, you ask for the execution.

Then when you get the execution at least some lawyers may give it to the marshal who will, sometimes what a marshal does is go up and

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say, I'm coming tomorrow.

PAUL ROSOW: You have to have 24 hours notice.

SENATOR FASANO: Right. But they really don't come tomorrow. They just try to get the tenant to get out so they don't have to have a cost because the landlord doesn't really want to pay for the movers to move the stuff down the stairs or whatever, and then also they don't want the whole hassle, so they figure if they do a fake-out, maybe the tenant moves out.

That's what lawyers generally do in the trading business. But then eventually you do have to take the action.

If you were to have all those notices you are giving, if on that date of the ejection, if the furniture is still there and you don't want the responsibility to be with the municipality, then the landlord could just get rid of, let's assume.

Let's assume that we change laws to say if after the end, at the ejection day, when the tenant is tossed out, they no longer have legal possession to the property, they've had notice, they had the five days, we put your language in there, if they're not on ejection day, would it be your position that the landlord could then dispose of the items that are left in the unit?

PAUL ROSOW: Yes, sir.

SENATOR FASANO: Okay. And I understand what Senator Coleman said, and I appreciate his comments with respect to, well, if the tenant can't afford to move out, then the tenant cannot afford, the tenant can't afford the

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rent, the tenant can't afford to move out.

Perhaps at that point in time when it is taken by the city and it's put in the bins, right, and there's a rental charge for that and other costs I think the city does charge --

PAUL ROSOW: Most of the time the cities just, if you show up --

SENATOR FASANO: They just --

PAUL ROSOW: If you actually show up --

SENATOR FASANO: They just give it?

PAUL ROSOW: That's my understanding.

SENATOR FASANO: So your proposal therefore is to say, at the end of this period, after all these notices, after everything written in, after the five days and the ejection, which usually takes some period of time after that because you have to set up the marshal and set up the trucks.

It's not like at the end of five days when you get the ejection from the court, which could take two or three days, sometimes a week. When you get it you've got to call the marshal. The marshal's got to call the city. The city's got to say here's the date. That's ten days, two weeks, three weeks --

PAUL ROSOW: Yeah, you make an appointment with the city.

SENATOR FASANO: -- after the judgment's ever been entered. Is that a fair statement?

PAUL ROSOW: It could be up to a month.

SENATOR FASANO: And at the end of that period of time you're saying, listen, they had this whole opportunity to get the stuff out of there, and they have, that there's got to be an end to this story.

And the end is whether or not we're going to put the burden with the municipality, put the burden with the landlord who's already been burned on the rent and paid for all the costs for eviction, or are we going to put the burden on the tenant who owns the stuff.

And you're saying at that point in time, the burden's either got to be with the tenant to get the stuff back or the landlord's able to toss it out. Is that sort of like a fair scenario of what you're saying?

PAUL ROSOW: Or keep it status quo, the way it is today.

SENATOR FASANO: Or keep it status quo.

PAUL ROSOW: Right.

SENATOR FASANO: Thank you.

PAUL ROSOW: You're welcome.

SENATOR COLEMAN: Are there other questions? Thank you, Paul.

PAUL ROSOW: Thank you.

SENATOR COLEMAN: Dave LeVasseur.

DAVID LEVASSEUR: Good afternoon, Senator Coleman, Representative Sharkey, Senator Fasano and members of the committee, I'm Dave LeVasseur

HB5031

from the Office of Policy and Management, and I'm here to testify in support of the Governor's bill, 5031.

As you know, Governor Rell proposed mandate relief for unfunded mandates last year, and as a former municipal CEO I can tell you that I'm encouraged to see the large number of bills that are on the agenda for hearing today and also to see that the administration and the General Assembly are on the same page.

I'm not going to read my testimony. You've had a lot of reading to you today. I'll just hit on the key points of the bill, if I could.

The key elements are to allow towns to avoid the cost of printing annual reports.

To allow towns to use their websites to post notices and other information in lieu of newspaper publication.

To allow state agencies to do the same.

To require state agencies to facilitate the acceptance of electronic reports from municipalities, thereby saving administrative costs for both levels of government.

Remove the requirement the towns must remove, store, sell at auction, the abandoned personal property of evicted tenants.

To delay in-school suspension requirements for an additional two years.

To remove the treble damages provisions from zoning enforcement officers.

To establish a municipal employees retirement

fund C.

To require review of costly municipal record retention periods.

Require any new unfunded mandates to pass by a two-thirds majority in both Chambers of the General Assembly.

And we're aware there are some issues that have come up both today and previously and we're more than happy to work with the committee and with the other parties to resolve those issues.

And with that, I'll take any questions.

SENATOR COLEMAN: Are there questions?

Seeing none, thank you for your appearance and your testimony.

DAVID LEVASSEUR: Thank you.

SENATOR COLEMAN: John Souza.

JOHN SOUZA: Good afternoon. John Souza. Members of the committee, I'm a small landlord or a mid-sized landlord and I know a lot of stuff was just, went back and forth with the previous landlord. I've been doing this for over 20 years.

I'm also the secretary and the former president of the Connecticut Association of Real Estate Investors. I've been around some of these discussions with Legal Aid and the towns, listening to what people are trying to solve this problem. It is a very expensive proposition and I won't go over my written testimony, but I made a few notes from the

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previous landlord's discussion with you guys and I'd like to comment on it if you don't mind.

I notice that they want to put the \$50 tax for landlords, I believe it's over 10 units from when I just read the bill this morning for the first time.

I'd like to point out that, you know, evictions don't only happen, first of all, you make tenants pay for it in effect because we raise their rents down the road putting up with pressure and cost.

But you know, in this climate, there's also lots of homeowners that are getting evicted because of the foreclosure rate, et cetera. This is not just a tenant problem, landlord/tenant problem. This is also a bank problem, getting rid of people that live in houses that are being evicted.

Nobody wants to be evicted. Nobody likes to see people evicted and we'd like to either keep it the way it is if we can, or I had a thought, to Senator Coleman.

You said that people are destitute, basically at the end. They don't have the money to move out and someone should pay, and I agree. I mean, it could be a very tough thing for people, but they don't have the money today on the move-out date after they received all their notices, they've only got 15 days presently to come and get their stuff and where are they going to get the money to do that, you know, to start again.

If they have the ability to move, they should move. That's the way it's going to have to

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be. Unfortunately, it doesn't happen like that.

The only time I've had a problem with this type of situation where there's a big confrontation or not a confrontation is when the person is missing and it turns out that they're either in the hospital or they are in jail, and we've contacted the family and said hey, we're going to evict this person. Can you contact them and get permission to take their stuff out and we work with them.

As a proposal to the towns to help cut their budgets, maybe they would consider just paying for, instead of moving the stuff, if they could relieve us of the obligation or them of the obligation, maybe they could pay for a storage facility and I checked around.

You can rent a regular storage facility anywhere from \$45 to \$100 a month, depending on the size, for a month for that amount of money. It sounds a lot less expensive than requiring everybody a lot of wasted energy, from people, from towns, landlords, everybody, and this expense upon society just doesn't seem like it's a necessary cost. That should happen.

I will take questions if you have any other questions along the line.

SENATOR COLEMAN: Are there questions of Mr. Souza?

JOHN SOUZA: I'm sorry. I'm a little nervous.

SENATOR COLEMAN: We appreciate your testimony.  
You did fine.

JOHN SOUZA: Thank you.

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SENATOR COLEMAN: John Salamone.

JOHN SALAMONE: Good afternoon. I know you must be getting tired now and I'll try to not be redundant. My name is John Salamone. I'm the Town Manager of Newington, Connecticut. I'm also President of the City and Town Managers Association of Connecticut.

I'm not speaking on behalf of the Association. I'm speaking on behalf of Newington.

So I know that most of your testimony has been repetitive and I'll be brief. I think it is incumbent on municipal officials to speak out on concerns with the State Legislature is debating policy changes.

I want to speak on two items. I could speak on all of them, but I know you've heard a lot. One is, and I'm surprised that nobody's talked about this today, is the act 303 concerning municipal hotel tax.

This is anew source of revenue for cities and towns and not one municipality has really discussed it. I know today that, and I looked at the revised legislation. It's a little different formula than the previous, and I'm not sure if I understand how the revenue flow would work based on the new legislation, but I'm strongly in favor of it.

I believe that we have to diversify our revenue stream. Right now, Newington is 78 percent of its income is from property tax. The other 15 or so is state aid and then the rest is miscellaneous fees and things like that.

Even if the hotel tax would be a small portion of that, it is a step in the right direction to give us some diversification, and I strongly support that and applaud the Legislature for looking at that.

So I just am surprised that it hasn't been discussed at all and I thank you for looking at that.

I just want to, briefly, if I may finish just for the municipal mandate relief. I've heard a lot of discussion on the eviction process. I've been a local government official for 30 years. I was surprised in 1978 when I started that we had this responsibility.

I look at it in a little different way than most people have discussed it today. I look at not so much as a mandate relief but a more efficient and humane way of relocating people's possessions. I've been doing it for 30 years and I would tell you that sometimes we get the notices one or two days before the eviction takes place.

From a standpoint, it does not make sense for the marshal to come in, remove the items, move it 100 feet to the curb and then have a new entity then having to cart it away for storage.

We can debate how we pay for it, but that system inherently is inefficient and needs to be reformed, whether we pick up the whole tab, which is probably blasphemous for me to say, but right now it's not efficient. We have marshals paying for their movers and then we pay for our movers, and that doesn't make sense.

So I think it is something that needs to be more efficient and more humane. Sometimes we do release the property for free. Sometimes we don't. It comes to our discretion on that, and it's a difficult decision.

I'll take any questions on those two items or any others that you might have, and I'm glad to talk about them.

REP. SHARKEY: Thank you for your testimony. I share with you some surprise that we haven't heard testimony about the hotel tax proposal. As you know, that came from the MORE Commission recommendations.

And just to clarify. I think it may have just been the luck of the draw that those who are following you are the ones who are actually going to be testifying on this bill.

But just to be clear for the public standpoint, what the proposed language calls for is adding a three percent increase to the hotel tax and then splitting that evenly so that one-third goes back to the host communities where the hotel is located. One-third goes to all towns to be distributed using the Mashantucket Pequot formula, so that all towns will get that portion.

And then the third would be available to regional planning organizations for their cost, but also primarily to be used for the up front costs associated with regionalizing services.

As we know, and have heard --

JOHN SALAMONE: Yes.

REP. SHARKEY: -- it's, towns and cities really get it as far as understanding that the kinds of things that they should do and they would like to do when it comes to combining and regionalizing services, the key roadblock is cost, that there's oftentimes an up front expense --

JOHN SALAMONE: Exactly.

REP. SHARKEY: -- that would be incurred in order to be able to implement, say, a regional IT service or regional payroll services or other kinds of efficiencies.

So that last third would go toward those costs at the regional level, so hopefully that clarifies for you and for people.

JOHN SALAMONE: It does, and I fully support the revisions.

REP. SHARKEY: Okay, thank you very much.

SENATOR COLEMAN: Senator Fasano.

SENATOR FASANO: Thank you, Mr. Chairman. You said that you get the notice like two days before. It's my understanding that the marshals first talk to the town and make sure public works can schedule, that the town really sets the time and the place, not the place but the time and date for the eviction.

And my experience is the marshal, you're right. It's a two-step process. He lines up his trucks but they're private. So he can get them one, two three.

JOHN SALAMONE: That's right.

SENATOR FASANO: But it doesn't do any good to put them on the corner and wait three days for the city. So what they do is, they call the city up and say, what dates do you have available, and you guys give them dates. Unless something opens up earlier, you'll give them dates, and they work around your schedule.

So I'm kind of curious as to why or how they could even say, hey, we're doing it, you know, tomorrow at 2:00, you've got to be there. So I'm kind of curious as to how that works.

JOHN SALAMONE: Well, in theory, Senator Fasano, that's the way it's supposed to work. You try to work with the marshals and we do have a good relationship with most of the marshals.

Sometimes it doesn't work out that we don't have available dates, especially in the winter when it's snowing --

SENATOR FASANO: Right.

JOHN SALAMONE: -- and items like that. There's not that communication that always occurs. Because it's a public works director they're doing, as you hear from the public works director from Waterbury, there's not always the greatest communication.

It's the ones that fall through the cracks that we get notices really, literally the day before, that create the hardship and because the system is not perfect, that does happen and when it does, that's a real stress on the whole environment.

SENATOR FASANO: As a lawyer I do evictions, landlord/tenant work, both landlord and tenant and it's surprising to me. I've never seen an

eviction in all my years of practicing law, where on either side of the represented tenant or landlord where the coordination is not secured with the town.

In fact, if the town says we can't do it because we don't have it scheduled, the eviction is called off because the marshal can't take the risk of leaving personal property at the curbside unattended or if it rains or if it snows, he's responsible until it gets into the hands of the city. So I find that odd.

Well, let me move on to the other issue, which is the hotel tax. Some of the opponents to the bill suggest that this is you know, another tax in the State of Connecticut, another tax that we're putting on businesses. We're already hurting in tourism dollars.

We're already hurting in competition for convention centers. We have the new one up here in Hartford that there's some report that says even a two percent tax on lodging is going to have a negative result, a negative result on sales associated visitors and spending.

I understand the sort of, no interest like self interest as Senator Fonfara once taught me, but that a city and a town would want this just to get more money as another revenue source, but the overall impact to the state. Have you given that any consideration? Have you looked at that? Have you looked at any research? I'm just sort of curious.

JOHN SALAMONE: I can say that I have not. So I can, I'm sure that you have much better research on the economic impact of that. I

can only give you anecdotal, which would not necessarily be correct that when I make a travel decision, I don't look at the occupancy tax of the hotel before I make a residential decision.

Now, on the convention level, I'm sure that they look at every dollar from multi-thousand conventions and I certainly don't want to speak on that.

But the reality is that we need to diversify the revenue and I think this is less of an impact on the local residents than other alternative type of taxes. Nobody wants to pay more taxes. I agree with that. This at least smoothes the playing field out a little bit. I think it's a little fairer than some others.

SENATOR FASANO: And if I can, just remember what the state giveth, the state taketh, and as soon as that money gets into the hands of the state, although we're well intended as we are with the PILOT program and special ed and all the other transportation projects, all the other promises that we make up here. Just let us do it. Let's take a dollar more. Take it five dollars more, you know, it's still got to come through us to get down to you.

So I wouldn't start putting that in the plus column too early.

JOHN SALAMONE: That is always a cautionary tale that I don't disagree with.

SENATOR FASANO: Thank you. Thank you, Mr. Chairman.

SENATOR COLEMAN: Just quickly. Out of curiosity,

how does Newington store the possessions of evicted tenants.

JOHN SALAMONE: Usually, we have a designated area, which we've constructed to store the property. Sometimes we use town forces and sometimes we use an outside mover, depending on how much items, but we usually store it ourselves.

SENATOR COLEMAN: Is it in a yard, or what do you call it, a warehouse?

JOHN SALAMONE: Yeah. It's part of the, one of the public works garage areas, a bay that we don't use. We've designated that for it.

SENATOR COLEMAN: Okay. Any idea the volume of evictions that might occur that would require the storing of tenants' possession?

JOHN SALAMONE: We have about three a month, so that would be about 30 to 40 a year. It's increased a little bit. Our out-of-pocket costs are in the area of \$30,000 to \$40,000. I didn't include the tipping fee that, which would be an increase. That's a concern.

I've always looked at it not so much as a cost, but an administrative thing. I'm sorry that Senator Fasano left. I did want to address that again, that we do have times when we get very little notice and the system is not perfect, and it's those times that it's the most stress on the town, the marshal and the tenant.

SENATOR COLEMAN: And just for the record, my experience is the same as Senator Fasano's, the coordination between the municipality and at least the attorney for the landlord, is dependent, or whether or not the eviction

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actually goes forward, the actual removal of the possessions is dependent upon that coordination between the attorney, the marshal and the municipality.

And if for whatever reason the municipality is not available to collect the property, then the eviction is postponed, the actual removal of the property is postponed.

JOHN WALAMONE: We may be the weak link in that.

SENATOR COLEMAN: In any event, we appreciate your testimony.

Are there any other questions for Mr. Salamone?

Seeing none, thank you for being here today.

JOHN SALAMONE: Thank you, Senator.

Thank you, Representative Sharkey.

SENATOR COLEMAN: Gian-Carl Casa.

GIAN-CARL CASA: Thank you, Mr. Chairman, Representative Sharkey, Representative Aman, other members of the committee. My name is Gian-Carl Casa. I'm Director of Public Policy and Advocacy for CCM. We've submitted testimony on the 300 bills before you today, and my colleague Ron Thomas will be addressing several of them. I don't feel the need to read through all of them but I do want to touch on a couple of points.

First of all, CCM supports the version that had been released of Raised Bill 5337 that would have clarified that two or more municipalities can jointly pool for health

HB5031  
SB303

appreciate it because I really don't know, but my instinct would say that over the, until the defined benefit section is more fully funded, the towns could actually be cash out of hand in the next several budgets, and this is not the right time to do that, even though in the long run it might be to their benefit.

GIAN-CARL CASA: I think that will vary according to municipalities, and if you look down the list that the comptroller produces of where towns are and value and having fulfilled their outstanding pension obligations, it's all over the map.

A lot of them, you know, are funded at 30 percent or 40 percent but others are funded at much higher levels, so it may play out differently, depending on the municipality and depending on the bargaining unit being discussed.

REP. AMAN: Okay. Thank you very much.

SENATOR COLEMAN: Other questions? Seeing none, thank you, Mr. Casa.

GIAN-CARL CASA: Thank you.

SENATOR COLEMAN: Representative Russ Morin.

REP. MORIN: Good afternoon, Chairmen Sharkey and Coleman, ranking members and esteemed members of this committee. I guess I bring it back. This makes me feel like the movie Ground Hog Day. Anybody that's watching, I keep waking up and testifying in front of the P&D Committee about the hotel tax bill, so I very much appreciate the opportunity to be here with you.

SB303

SB197

HB5255

HB5336

HB5337

to make this work.

I think that now more than ever is the time for us to start thinking differently how we do business and originally both of you know that I was more, on the outset I was more on the home team keeping the funds, and as we worked through the process and listening to other people with different ideas, I've seen the light and realize that we really, if we want to grow we have to think outside of just what our own town's needs are and work on the region.

And so I appreciate the opportunity to work with many of the members here to look at different ways that we can work to get this through.

I won't speak on many of the other bills, but I will tell you, I do support Senate Bill 197, House Bill 5255, 5336 and 5337 amongst others. You have my written testimony and again, I really do appreciate the opportunity to speak in front of you today on this and I certainly hope that we can pass this this legislative session.

JEFF BRIDGES: Thank you, Representative. Thank you Senator Coleman, Representative Sharkey for holding these hearings today, and deep appreciation to the MORE Commission for their hard work.

We are faced with a different time, and the MORE Committee, nothing but kudos for looking at these issues and working the issues for local units of government.

My comments are written. They're based upon an overwhelming expression of a need at the

local level for more independence and more ability at the local level to chart our own pass. Many of those regionally, more revenue streams that are decided at the local level, kept at the local level and if necessary, voted on by the local taxpayers to make choices.

Funding that can be protected by the local unit of government dedicated to a certain purpose that can't be used for other things are going to be important as we go forward.

Strong local units of government are one of the pillars of a strong state. I think if the local units of government are able to fend for themselves much better than they can today, it leaves the state with much more opportunity to look at bigger issues and not worry about their local units of government coming begging every opportunity.

So we would support overall the MORE Commission's work and the MORE Commission's recommendations and look forward to passage of substantial portions of that legislation. Thank you.

SENATOR COLEMAN: Thank you both for the opportunity to have you come and speak to us. Any questions? If not, thank you both for your testimony.

REP. MORIN: Thank you.

SENATOR COLEMAN: Chet Valiante.

CHET VALIANTE: Chairman Coleman and Chairman Sharkey, members of the Planning and Development Committee, my name is Chet Valiante. I'm the Publisher and Chief

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Operating Officer of a group of newspapers in the southern part of the state, and I'm really here today before you as the President of the Connecticut Daily Newspaper Association, also known as CDNA.

We, our members represent all of the daily newspapers in the state, of which there are 17 as well as 100 affiliated weekly and monthly publications and literally dozens of newspaper websites.

I'd like to thank you, first of all, for allowing us the opportunity to express our deep concerns, starting with House Bill Number 5255, but I was happy to learn late last night that that bill substitute language for H.B. 5255 was based on the MORE Commission's recommendation and the posting of legal notice and public notices on town websites in lieu of newspapers is not recommended by that Commission.

But CT Daily Newspaper Association certainly supports that decision. However, the committee is aware that this issue continues to be a focal point of the towns and cities as evidenced by H.B. 5031 AN ACT REDUCING COSTS TO MUNICIPALITIES.

We strongly believe that we are on the right side of this issue. This section authorized municipalities to discontinue a 200-year tradition of publishing public notices in their local newspaper..

The legislation allows towns to fulfill their obligation of notifying the residents by simply posting their public notices on infrequently visited municipal websites.

We based our argument basically on three premises, transparency in government, accessibility, and also viability of newspapers.

In terms of transparency in government, this proposed legislation undermines really, the intent of public notices, which is to alert the general populous concerning matters of public interest.

Good governing principles would dictate that access to public notices should be available in a timely manner and to the widest possible audience of stakeholders.

Posting on government sites alone deprives the notice of the independence, wow that's fast, that protects against tampering, alteration, political bias and after the fact publication. Such posting of notice after legal deadline, Connecticut's recent ethical troubles concerning both state and local officials, should give Legislature pause to make it easier to defraud the public.

Town websites could easily bury notices deep in their website to avoid publicizing controversial issues. Newspapers perform a watchdog role ensuring the people know what their town officials are doing. Acting in their traditional role as paper of record, newspapers provide an independent third part to ensure compliance with legal requirements for public notices.

Accessibility. The 17 publishing newspapers delivered to 600,000 daily and 700,000 households of the Connecticut's 1.3 million households. Three out of every four adults in Connecticut say they read a newspaper at least

once a week.

Our affiliated weekly newspapers and growing presence on line augment this already considerable reach. We recognize the emerging audience of people who get their information on line, and newspapers have been investing heavily on their own websites.

Printing public notices exclusively on line will take that information out of many people's hands. Connecticut newspapers back in 2001, I should say, created CTpublicnotices.org, which puts every public notice that's in a newspaper on a common website that is searchable, includes all municipalities and it includes all newspapers.

So that with the combined formats of the dailies, the weeklies, the online presentation, newspaper companies can give public notices the visibility that no other medium can match.

I'm going to skip some stuff because finally, I'd like to make sure you're aware. It really probably comes as no surprise to the members of this panel that public notices are a necessary source of advertising revenue to newspapers.

The loss of this revenue to newspapers will result in the loss of numerous newspaper jobs in Connecticut. At least one publisher stated it will mean he will have to close down his publications.

Losing that revenue could undoubtedly erode the quality of local news. So when determining whether legal notice requirement gives value, the value of news reporting about

government has to be considered, since that is also what legal notice advertising pays for and what will be diminished if that revenue is diminished, and I think that would be a tragedy, because newspaper companies are a vital conduit that connects citizens to their governments.

We relate to our readers not just as consumers but as citizens. If newspapers do their job properly, accurate, newsworthy information is conveyed to help readers make better choices. That in turn improves our community and benefits society.

Thank you for the opportunity to testify, and we strongly urge your opposition to these bills.

SENATOR COLEMAN: Thank you. Are there questions?

REP. SHARKEY: Briefly, Mr. Chairman. Just the complaint that we get from a lot of towns is that their only paper of record tends to be the larger newspapers that cost the most to advertise in, as opposed to the smaller ones where advertising is not as expensive, but that's the only, by having us mandate in place as we have for many, many years, with a loss of so many other dailies around the state and some weeklies, that we are imposing a cost that's disproportionate for some smaller towns that have to advertise in the Hartford Courant because that's the only newspaper of record that actually publishes.

Do you have any solution to that as far as, you know, the cost, because it is, I think, a little bit disproportionate to ask a small town to have to put all their postings in the Hartford Courant at very, very expensive

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rates, because that's the only newspaper they have available.

CHET VALIANTE: I don't suppose I could speak for the Hartford Courant, but perhaps, you know, a rate structure could be made that's based on the size of the town, meaning that they're paying to reach the population in that town.

REP. SHARKEY: Okay.

CHET VALIANTE: It doesn't apply to my particular newspaper because we cover smaller towns, but I would imagine with the larger paper that could be considered.

REP. SHARKEY: Okay, thank you very much. Thank you, Mr. Chairman.

SENATOR COLEMAN: Representative Aman.

REP. AMAN: Yes. Again, just going back to the question of rates and the fact that East Hartford testified earlier that they spend close to \$100,000 a year on newspaper advertising, which is a staggering amount of money for a town of their size to put out in advertising.

Do you know how your newspapers in general set the rates for a municipality to pay for their ads?

CHET VALIANTE: Of course every newspaper being independent, and with the laws being what they are, we can't even share rates that we have with other newspapers.

I can tell you in our newspaper, for example, the rates that we would charge municipalities would be exactly the same rates that we would

charge an attorney to put a legal notice in the newspaper. We're not charging higher rates to municipalities.

REP. AMAN: Having had my attorney friend the other day screaming at me about the cost of a foreclosure notice put in a newspaper, I don't know if that was a good answer for me or not.

How would the ad, if you have a two inch by three inch ad for instance, or whatever the equivalent would be for a newspaper, for a town compared with Wal-Mart taking out that same ad and negotiating a price with you?

CHET VALIANTE: The, I guess we're talking about apples and oranges only because the legal ads appear in a certain portion of our paper in the classified section, which is generally rated differently than the, what we call the ROP, rent of paper ad, where you can't determine exactly where that is. This is in a fixed place in a newspaper that they can be assured that it's going to be.

That ad would be similar if let's say, let's say a Wal-Mart was placing a classified ad for employment in that same section, it would be very similar in terms of the rate.

REP. AMAN: Okay. I just, again, if the committee said that ads continue to be posted in the newspapers but they would have to be charged at the lowest negotiated rate for, not ad supplements, but for the normal newspaper area, what would the newspaper say, since that would also give the public notice section of it, but I would assume that your revenue would drop significantly.

CHET VALIANTE: It would impact the newspapers

negatively in terms of the things I told you, which would be lower revenue, which means less employees, number one.

But I'm not saying that that should be taken off the table. The lowest rates are based on volume, so you know, an advertiser who is doing a significant amount of volume does enjoy a lower rate.

I mean, I'm talking about volumes much higher, though, than what we're getting from the cities, so they are paying a different rate per column inch, if you will, but their commitment is larger, and that's how newspapers establish rate cards.

REP. AMAN: And again, I'm going back to East Hartford at \$100,000 a year for advertising. That's a couple thousand dollars a week going out. That's a lot of advertising revenue, I would think, compared to most retail advertisers within their area.

So I think it is something the committee's going to have to continue to look at as just the cost of doing it. If we want to, as a committee say, we want to subsidize the newspapers, that's fine. That's one question.

But if we're talking access to the public, I think that's a completely different question to be asked. I thank you very much for your testimony and for your very honest answers as to how the rates are set.

CHET VALIANTE: Okay.

SENATOR COLEMAN: Thank you.

Any other questions?

Representative Flexer.

REP. FLEXER: Thank you, Mr. Chair.

Good afternoon. Can you tell me, and I recognize that all of your newspapers probably vary in terms of their advertising revenue. They're all different sizes, but what percentage of their ad revenue do you think comes from these notices?

CHET VALIANTE: Each newspaper I'm sure would be different, and I didn't really do the math to calculate what it might mean for my particular newspaper, but I would venture to say, and I'm just guessing now, ten percent.

REP. FLEXER: So if there are, and I don't know if there are any of your 17 papers in particular that are really struggling right now. Could this change potentially mean the end for them?

CHET VALIANTE: Yes, it definitely will. We had one publisher in particular who said that if this happens he is likely to have to close his two publications and for all others, it will definitely mean less employees. They will have to lay off people.

For an example, you used that example of \$100,000. That would probably translate, for that one newspaper, to at least two employees. So depending on their volume, it will mean fewer employees, which means less news coverage.

REP. FLEXER: So just to clarify. You have one publisher who publishes two daily newspapers who said they may close --

CHET VALIANTE: Yes.

REP. FLEXER: -- with the loss --

CHET VALIANTE: Yes.

REP. FLEXER: -- of this revenue. Okay. Thank you.

CHET VALIANTE: Sure.

SENATOR COLEMAN: Any other questions?  
Representative Reed.

REP. REED: Thank you, Mr. Chairman. For somebody who started in newspapers, and my first newspaper job, the Seattle Post (inaudible) just closed a couple of months ago, which was very heartbreaking, would sort of go to the heart of my question.

I mean, isn't it sort of very clear that newspapers are going to have to reinvent themselves in every way in order to hold on to employees and that this is just a really small fraction of the components that you're struggling with?

CHET VALIANTE: Yeah, this is, you know, this might, and the example I just gave with this one particular publisher, it will be the straw to break the camel's back, but it will definitely impact every newspaper.

But you're absolutely right. We are as an industry reinventing ourselves. We're investing much more heavily on online publications and trying to generate advertising revenue online, which is working, but it is a small, slow process.

So for an example, right now online revenues on average probably only represent five to ten percent of a newspaper's revenue. Through many years to come, that will become more meaningful, but at present that is what it is.

REP. REED: And potentially, we could be setting up a scenario if we keep municipalities paying to have these things publicized in your newspapers. If you go online then municipalities would think they would have a choice, either pay to have the newspapers publish it on their website, or the municipalities publishing them on their own websites.

CHET VALIANTE: But presently when they publish it in our imprint products, it gets on our online product automatically for free and then it goes on this new website that we developed in 2001, which is all comprehensive. It's a website that every newspaper sends their public notices to, so it's one-stop shopping.

It's the one source you can go to and you can sort it by town, by newspaper, and find exactly what you want, so that information already exists free of charge to anyone who would like to access the information on line.

REP. REED: So you're saying if you do it right, if your model works, you'll still have a bigger distribution range than the municipalities' own private website?

CHET VALIANTE: Extremely greater distribution. Municipality websites are really infrequently used. Some (inaudible) the statistics on it, I don't know, but they're very infrequently used. If you had a show of hands of how many people here who weren't in politics that went

on the municipality website I'm sure it would be very small.

Newspaper websites are growing to the point where they're not only getting their readers circulation but they're in most cases, in our case, we're getting more readers on line than we have in our print product by maybe 25 percent more, even.

So we're adding, we're adding, you know, to our already established readership in print with online.

REP. REED: Thank you so much for your testimony. Thank you, Mr. Chairman.

SENATOR COLEMAN: Thank you.

Any other questions?

Seeing none, thank you, Mr. Valiante.

CHET VALIANTE: Thanks.

SENATOR COLEMAN: Representative William Hamzy.

REP. HAMZY: Good afternoon, Senator Coleman, Representative Sharkey, Representative Aman, and members of the Planning and Development Committee. My name is Bill Hamzy. I'm here to testify on a couple bills, Senate Bill 197 and Senate Bill 198.

As early as November of 2008, the House Republican Caucus has proposed municipal mandate relief in the form of bills and amendments on at least seven different occasions.

While the Legislature has failed to take any

about 25,000, I believe, and I'll have to get back to you with actual numbers and roughly 100,000 in Bristol. But those numbers I'd have to confirm and provide to you.

REP. AMAN: I think all of us have gotten only guesses on that sort of number but was that something they thought was an initial hardware cost of setting up their facilities, or was that something that your municipalities were thinking was going to be an ongoing cost every year into the future?

REP. HAMZY: I think it was both. But again, I'll have to track down the information that I did receive, but it was about a year ago.

REP. AMAN: It's an unfair question because it wasn't on the agenda today to be discussed. But if we're talking about mandates and that's one of the big ones out there that is being discussed, so I wanted to see what information you might have since you do deal with two communities of very different sizes.

And again, thank you for coming forward and testifying today.

SENATOR COLEMAN: Would you ladies like a crack at Representative Hamzy? Okay, I guess we're done with you.

REP. HAMZY: Thank you very much.

SENATOR COLEMAN: Thanks for coming. We appreciate it. Rafie Podolsky.

RAPHAEL PODOLSKY: Thank you, Senator Coleman, Representative Sharkey, members of the Committee. My name is Raphael Podolsky. I'm a lawyer with the Legal Aid Programs and Legal

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Assistance Resource Center is the entity.

I just want to note for the record that I submitted written testimony in opposition to Senate Bill 198 and House Bill 5257, but I'm not going to speak about that in my three minutes.

I'm here primarily to talk about House Bill 5255 and House Bill 5031, which deal with municipal role in the end stage of an eviction in terms of protecting the possessions of the tenants.

We are opposed to those sections and think that keeping the existing system is the best way to go under all the circumstances.

I know the committee spent a lot of time with this issue last year and at the time came to that conclusion. I also realize that there's very serious consideration of other alternatives back on the table now.

Town involvement is very important for a number of reasons. First of all, we do not see it as an unfunded state mandate, which is I know the way it's commonly being characterized. It is a regulatory, health, safety and welfare regulation that goes back to 1895, not 1995, 1895, and the reason for it is to provide buffering between the landlord and the tenant to prevent violence, and to protect the welfare of the most indigent people within the community.

One of the reasons that are so important, and one of the reasons this works is because the town can do certain things that no other alternative can do, including even the marshals, and that is, apart from being a

neutral buffer it effectively supervises the ability to get the property back.

It provides the capacity, as some towns use it, West Hartford and Bloomfield being the best example, to bring in an additional person to try and make the eviction unnecessary in the first place.

And finally, it has the capacity to waive fees, which becomes very, very important in people who are very low income getting their property back.

There was talk earlier about people getting notices. This is not an issue of notice. Legal aid programs, when they talk to tenants who are facing eviction, will always tell them, do not let an eviction get to the point where you're going to have the marshal come and move your property out. That's not in your interest. That's not in anybody's interest.

People who are still there at the very end of the eviction process either don't understand the process, have never talked to anybody about the process, or have no capacity to leave, no ability to go anywhere else. So that you're dealing with people who really by and large are your most vulnerable people.

Let me try and conclude quickly, since my time is up. The alternatives to municipalities present very, very severe problems for low-income tenants. The greatest risk of all is if landlords are in control of the property or if there is a loss of a redemption period because under those circumstances they're never going to see their possessions again in a great many cases, and so that becomes very,

very important.

We know that there are a significant number of redemptions, and we know how serious it is if tenants are not able to get their property back.

We think that the best of the solutions is to keep what we have, and that's what we would urge you to do. Thank you. I would appreciate the, I would be very happy to try to answer questions including about the alternatives that have been offered.

SENATOR COLEMAN: Are there questions?

Representative Sharkey.

REP. SHARKEY: I guess I'll give you that opportunity. In the, let's take as a given, not that it necessarily is, but we'll take it as a given that the status quo will not be in place, and the current system is eliminated.

The Governor's proposal is to just simply have the state marshals be responsible and step into the shoes, if you will, of the towns and cities in terms of the handling of possessions and storage. But there's no, nothing in her bill regarding how that would be covered in terms of costs. It just shifts the costs on to I guess, into the state marshal.

The substitute language that we have today would call for the establishment of a fund to be paid into by landlords. It does also call on the state marshals to be the neutral entities that do the pick ups, delivery and storage of the possessions, but there is a fund that's contributed to by landlords, and where either by direct payment or by a portion

of the security deposit or something that would help cover those costs for the state marshals.

What's your thought about that if we take as a given that the current system was not continued?

RAPHAEL PODOLSKY: I'll try and answer your question, as long as it's clear that I don't want to take that as a given.

REP. SHARKEY: I understand.

RAPHAEL PODOLSKY: The, first of all, I don't know if somebody has done the accounting on the fee to know, to match up what the costs are versus what the fee would generate.

One of the, in some sense, advantages for municipal involvement in some of these tasks is that at least for a number of municipalities, certainly not all, but a number of municipalities they use their own staff, their own warehouses, so that it's sort of an in-kind cost. It's not to say it's not a real cost because I understand it is, but it's not necessarily an out-of-pocket cost.

When you use the marshals, you're inherently generating out-of-pocket costs, so it may be that you're actually adding to the total cost of performing the function. So I guess the first thing is, I don't know if the amounts are sufficient.

The second thing I guess I would note for you, it may be interesting for you to look at Massachusetts, which does use marshals, but about five years ago adopted a major reform statute because of serious problems in the

system that resulted in tenants not being able to get their property back.

And it was not necessarily the fault of marshals. I don't mean to suggest that at all. It involved a regulation of storage companies, because in effect that's what you had to use if you were going to have safe storage. It gave tenants a right to reclaim sentimental possessions without charge.

It gave tenants a right to direct where the possessions would go. Massachusetts has a much longer redemption period than the 15 days, which even nationally is a very short redemption period. It assured an inventory.

In other words, they put some things around the marshal proposal to essentially fix, or at least try to fix ways in which the use of, I guess they call them constables and deputy sheriffs are what they're called there.

So those are things that I would think you would want to explore, including the (inaudible) proposal. But I think even with doing those things, you're not going to have the efficiencies and you're not going to have the overall ability of the system to work that you have with the existing system, and you're not going to have the link up with the town and the possibility of the town providing services that actually might result in sort of a brokering such that the eviction, the actual eviction doesn't have to take place at all.

REP. SHARKEY: I appreciate the information. The other question I had was that knowing that we've heard a lot about the Massachusetts model, how they've done it, who actually pays for the cost of storage in their scenario.

RAPHAEL PODOLSKY: My understanding, I'm not 100 percent sure. And actually, I've asked that question of people in Massachusetts.

My understanding is that the cost is borne, the initial cost is borne by the landlord, and to some extent possibly by the warehouse companies.

The tenant, I believe, has to pay to get their property out so that they're paying a commercial entity. I assume that a commercial entity won't waive fees, so that if it were a town is very often willing to waive fees because they really don't want the property anyway, and they also don't want to impoverish their residents. That doesn't, there, I think you'd probably end up with a number of cases where the tenant can't afford to get their property back.

But it's my understanding at least initially, that, well, let me put it this way. Either it's being absorbed by the warehouse company, which is taking the property for a period of time without getting money up front or anything up front they're getting, necessarily they would have to get from the landlord because in some cases, in a lot of cases, the tenant won't be around.

The tenant will be living there, but they won't be there at the time the actual eviction takes place, so you wouldn't even have a way to collect anything from the tenant as an up front payment. If you'd like, I could try and get more information about that.

SENATOR COLEMAN: Other questions? Let me ask a quick question on the issue of redemption.

Where do you get your information from concerning the rates of redemption?

RAPHAEL PODOLSKY: What we did in 2000, I believe it was in 2005 and 2006, we have not redone this survey since then. We called about 50 towns, asked to speak with the people within each town, often the public works people, sometimes the social services department people who were in charge of that aspect of the town property, the town policy, and essentially said, how many do you get per year and approximately, do you have actual records as to how many redemptions you have. We'd like to know how many.

If you don't have actual records, would you make your best estimate. And what we discovered, we got, most of them did not have actual records of redemption. We got estimates ranging from approximately five percent at the bottom end I think in one case, close to 75 percent at the top, but most of them fell within the 20 to 25 percent range, and that's what we've been using as what seems to be typical.

And it's interesting, because some of the numbers we got, which were from the people, we didn't go to the mayor's office. We went to the public works department or the social services department, are indeed significantly higher than what you're hearing this testimony from others, and I don't know what to tell you on that other than to say that we got very different information.

I don't think we got two percent from any town and if it was fifteen percent that was at the relatively low end. I'm happy to share those numbers with you, if you want.

SENATOR COLEMAN: In the responses that you've gotten back even in 2006, 2007, was there any indication concerning why that remaining percentage of percentage were not redeemed?

Were there financial, or were there any indications that there were financial reasons why that property was not redeemed?

RAPHAEL PODOLSKY: I don't think we were really able to say it was certain. We did ask the towns whether they would waive for a tenant picking up, and what we learned was some would not. Typically the ones that would not would be the ones who contracted out with a private company to handle this.

Most would. I think everybody does it to one degree or another on a case by case basis. I think they didn't know. For people who never came, they could only speculate, and I think in some cases it's clear that this is property people don't want.

We've, so that our information about redemption tends to come from kind of our contact with tenants, and in our sense as to why people do or don't succeed in redeeming their property.

So I can't, I don't know how to answer the question as to how many failed to redeem because they could not put the funds together.

Part of my sense is that people who lose, who get physically, the actual eviction, which is roughly 12 to 15 percent of all evictions end this way. People in that circumstance often don't have their life together in a particularly effective way, and I think a lot

of it will have a financial aspect, and some may just be kind of the whole difficulty and they're figuring out what to do and they have no place to take things.

SENATOR COLEMAN: Yeah. I understand that and appreciate that. I think it's one of the things that seems problematic to me is once a family is in the turmoil of eviction, and does want to redeem their property, I wonder oftentimes whether they have notice of where to go to redeem that property, and how that notice is provided.

RAPHAEL PODOLSKY: It's a good point in the sense that I think people tend to not, I actually think people tend, do tend to know that you go to the city.

But if, and I think this is one of the differences between using the towns as your entity for doing this versus say, using the marshals, is that there will be, there is likely to be more confusion about where to go because then you don't have one place, necessarily where everybody's going. Now you have multiple places. Landlords use different marshals, and so you probably do, in that sense, increase the risk that a tenant won't be able to figure out where they are supposed to go.

The court may or may not have, first of all, the tenant would have to know to try to go to court and search this, but if they did, in theory, marshals are supposed to return the executions, which would allow somebody really to figure out what marshal handled this.

It's our experience not all marshals do, and so there isn't always in the court papers

actual evidence of the implementation and the carrying on of the execution.

And the execution is really applied for by the landlord, not by the marshal. So I think it adds to the problem. I don't want to say that that's the decisive matter for us, but it does, it's one more difference between the two systems in terms of the likelihood that the tenant does or does not get the property back.

SENATOR COLEMAN: Okay, thank you.

Any other questions?

Representative Aman.

REP. AMAN: Yes. From the, looking at it from the tenant's side, we have heard on a regular basis that the vast majority of things left in the units are trash and garbage. It's not really anything of use. It was easier for the tenant to leave it in the unit than it was to carry it out to the dumpster.

From your experience with your tenants, have you run into them complaining that their stuff was not put in storage somewhere, that the landlord just went ahead and threw it out because they interpreted it as nothing as daily trash.

What has been your experience that way both from the landlord's point of view as saying, I really don't want to call the town on this. I think it's trash versus just carrying it out to the curb.

RAPHAEL PODOLSKY: Well, I think the marshals are a useful butter in the actual eviction itself. It's interesting you ask, because I just got a

note from one of the Legal Aid lawyers about a different bill in a different committee, but where they had just had a case in which the landlord was under the impression that once you served a notice to quit you could throw the tenant out.

And they had essentially done, now it's an illegal lockout, you can't do that now. But effectively what they had done is, they served a notice to quit and then they went and they changed the locks and emptied the apartment, and they were under the misimpression that that was okay because you had served a piece of paper.

So it's, certainly that kind of thing happens. Yes, we do sometimes see situations where there are disputes about, even with a marshal, whether or not the property that was there, sometimes people will throw out whatever is there on the assumption that it's junk or abandoned and not necessarily pack everything, even when you have a marshal move. That happens sometimes, and there are sometimes disputes as to whether there was an erroneous treating things as if they had been abandoned when they were not abandoned.

I don't know if I'm being responsive to your question.

REP. AMAN: So is, I guess, under the current law the marshal is the one that decides that that item is trash or a treasure.

RAPHAEL PODOLSKY: Yeah, that at least is what's supposed to happen. I mean, the landlord is control of the eviction process. The marshal is hired by the landlord. So until, and typically what happens is there's an attorney

involved, the attorney will notify the marshal, at least this is my understanding, that they want an execution and then the marshal then sets it up and coordinates with the city truck.

The, if the landlord chooses to go into a self-help process, the marshal will never be involved at all. Assuming that the marshal's there, which would be the normal case, then it's my understanding those ultimate decisions should be made by the marshal.

I don't know to what extent the landlords make those decisions anyway, but certainly it's the marshal that should be making the decision because they're the ones by law in control of that aspect of the eviction process up to the point that the property is moved out of the unit.

REP. AMAN: But you have not had very much experience with the tenants coming to you and saying, the marshal was never called. My landlord decided all that stuff was just trash and threw it out.

RAPHAEL PODOLSKY: No, that does happen. Yes, and when that happens, that becomes a lockout suit.

REP. AMAN: Even though it's, I'm sorry, Rafe, even though it's past all of the dates that were given?

RAPHAEL PODOLSKY: Since colonial times we have not allowed landlords to lock out tenants, period. The consequences in terms of conflict, the potential for violence, has always been deemed way, way too high.

The entire process runs through the court system or with a buffer at all points in the process. So, if you assume somebody's behind in the rent and hasn't paid, the landlord can't just say, you haven't paid the rent, you're out of here. I'm changing the locks.

If you do that, first of all, it's a criminal lockout. The landlord could be arrested. And second of all, a civil action called entry entertainer, they could be sued by the tenants.

Taking the law into your own hands and carrying out the eviction is unlawful, so, and I think most landlords know that very well. I mean, that's not something that would surprise any of them.

So that what would happen is, the marshal supervises it. Once you get to the point of an actual eviction the marshal supervises it, and I think virtually everybody knows that. I think if you ask the landlord community, they would say the same thing.

I would hope you would not want to change that.

REP. AMAN: No, I'm still trying to figure out.

RAPHAEL PODOLSKY: The town responsibility begins when the property is moved to the curb, and the reason rarely is the property actually set on the curb is my understanding because most towns say to the marshals, you've got to schedule it. We need to have our vehicle there, so they coordinate so the vehicle is there at the time that the property is being moved out of the unit so that it could be put directly to the vehicle.

That's where the line is in terms of when one ends and the other begins under the existing statute.

REP. AMAN: Okay, thank you.

SENATOR COLEMAN: Are there other questions?  
Representative Drew.

REP. DREW: Thank you, Mr. Chairman. Thank you, Rafie, and I'm sorry I didn't catch your full testimony. I walked in midstream.

But do I recall from actually last year's hearing, that there's no other, Connecticut is the only state that has this procedure?

RAPHAEL PODOLSKY: Connecticut is, we do not, I don't think anybody has actually completely surveyed every state in the country but we don't know of any other states that have this particular procedure.

REP. DREW: In general terms, what do the other states do?

RAPHAEL PODOLSKY: Most of the other states do one of two things, either by one means or another they let the landlord control the property, which is I've said to you, from a tenant perspective is the greatest of all risks that they won't get the property back.

And a smaller number of them have a marshal involved in the system where the marshal controls the property. Even with states that have landlord control of property, at least some of them require, have explicit requirements about what kind of storage, that it has to be safe storage. Some, I believe

require that it be in a licensed facilities.

But the smaller number of states use their marshal or sheriff or whatever that position is called in their state.

REP. DREW: And what do they do with the contents of the home?

RAPHAEL PODOLSKY: They inventory it. They box it, and they transport it to some kind of a facility. And then the question is, who's paying the facility.

Ultimately, the tenant is always responsible. The tenant is liable. Anything spent by either the landlord or I suppose by the marshal could be, the tenant is liable for.

But the reality is, people are not going to collect that money from tenants, because the tenants tend to have very few resources under those kind of circumstances.

REP. DREW: It was remarkable to me, I know we had this, we looked into this in great detail last year, I should say, and during the summer I had the chance of fiduciary for someone to actually go to one of these areas and myself go into the trailer where this person's contents were stored.

And because of what the landlord's attorney did and the marshal, the tenant did not have effective communication of any of this, and they just stuck, it was rather colorful and stirring to me the idea of what would happen if we didn't have this law and the trailer was filled with all kinds of furniture and everything else.

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So I was, I remembered the testimony from last year regarding Connecticut's unique procedure but I guess the piece that's most unique about Connecticut is that the municipalities have the obligation to pay for this. Is that the part that's most unique?

RAPHAEL PODOLSKY: Well, Connecticut has the municipalities take control of the property. I guess in that sense because they're controlling it they're responsible.

REP. DREW: Yeah, that's what I meant to say, actually.

RAPHAEL PODOLSKY: Yeah. There's nothing that specifically addresses the question of payment other than the fact the municipalities have the right to recoup their costs from the tenant, but again, that's not an easy thing to do, and I think most municipalities probably don't even try.

The interesting municipality, which I testified to last year is New Britain, which holds a tag sale when, instead it structures its public auction as a tag sale, which means it opens the boxes and puts things out, which I assume brings in more revenue on the end of trying to recoup the cost than simply auctioning off closed, seal boxes at a sort of a quasi-public but really fairly private auction that nobody knows about.

So I mean, that's an interesting aspect. As I said, to me, though, the most significant creativity by the towns have been those towns that make sure their staff that deals with issues concerning families in crisis is specifically brought into the process and the towns that do that, that really helps make the

whole process work better for everyone, including for the landlord, including for the tenant, including for the town.

REP. DREW: Well, that's interesting. I look forward to working this issue. The idea of getting the State of Connecticut government in collecting money and then distributing the money, to me sounds like maybe it would be better if someone else is doing that, but I guess we'll work that issue, you know, particularly the parties doing that rather than the government being involved.

I wonder if it's even more expensive to process that. Thank you very much.

RAPHAEL PODOLSKY: Thank you.

SENATOR COLEMAN: Are there questions?

Representative Flexer.

REP. FLEXER: Thank you, Mr. Chair. You mentioned in your written testimony, you talked about the owners of mobile homes, and how these changes might impact them.

I'm wondering if you could just, first of all, tell us a little bit about how many tenants are people who own mobile homes and how this process works for them?

RAPHAEL PODOLSKY: Well, it works, what you're talking about are mobile home parks. Mobile home parks are defined as places where the home is owned by an individual owner and the lot is owned by a park owner who then rents the lot to the unit owner.

There's sort of a double system in mobile home

parks, so there's kind of an alternative system there that comes from the fact that mobile homes are so large, and so hard to physically remove from the lot that it often only makes sense for them to be sold on site.

You really can't, it's very, very hard to pick them up and put them somewhere else, and the towns certainly don't want to do that. So what would typically happen in the mobile home park situation is, either you would use the regular eviction procedure, the town would take responsibility, probably would simply rent the site briefly until, to see if the property was redeemed and if not, would then auction it off from there.

There's an alternative procedure that allows park owners to maintain control of the unit and ultimately sell it themselves, but it's a very protective statute that requires full examination to make sure that the unit has actually been abandoned because these units have very little value if they're removed from the site.

And so whoever owns the unit, even if they're being evicted, and people do come on hard times and get evicted, they will lose the value of the home itself, if they cannot either get it moved, which is itself very expensive, or if they cannot get it sold on site at a fair price.

I have a feeling I'm not answering your question, so try again.

REP. FLEXER: Well, no, no, you are. I'm just confused in that people often have a mortgage on their mobile home and then they additionally pay rent --

RAPHAEL PODOLSKY: Right.

REP. FLEXER: -- on the space that their mobile home occupies and so just because they were going through eviction proceedings, that would mean that they are not current on the rent of that site, but they could very well be current on their home.

RAPHAEL PODOLSKY: They might be current, they could be current on their home, or you could have a situation where they're also not current on their home and they may be facing a foreclosure on the home as well.

If a lender forecloses the home, the lender will then get title to the home and they will in effect have become the tenant in the park.

So yes, you can have any combination of those things.

REP. FLEXER: Okay, thank you.

SENATOR COLEMAN: Are there other questions?  
Seeing none, thank you, Rafie.

RAPHAEL PODOLSKY: Thank you very much.

SENATOR COLEMAN: Representative Auden Grogins is next.

REP. GROGINS: I would first like to thank the Chairs of the committee, Representative Sharkey and Senator Coleman as well as all the members of the committee for the opportunity to address you on House Bill 5255 AN ACT CONCERNING MUNICIPAL MANDATE RELIEF.

Again, my name is Auden Grogins and I

represent the 129th District in Bridgeport. I'm here to speak in favor of that bill, but would specifically like to speak in favor of the current proposal to amend the statute that requires municipalities to remove and pay for the storage of property left by an evicted tenant.

I'm currently serving as the Vice Chair of the State Grants and Mandate Relief Committee and that's a subcommittee of the MORE Blue Ribbon Commission. Our committee spent weeks discussing, researching and receiving input from city and town officials on their ideas for relieving municipalities of state mandates.

During those meetings, this particular mandate created more discussion than almost any other mandate, and the majority of representatives from both cities and towns expressed that in light of the current economic crisis, it was time to amend the statute and relieve municipalities of this unnecessary and costly mandate.

Connecticut, I think this came up before, is only one of a small handful of states, which places the responsibility on the municipality to remove and store the property and pay for that property of an evicted tenant.

In fact, I'm sure this will be of interest to you. I have an analysis of 37 states and how they handle this particular situation, eviction situation, and although I say that Connecticut is one of only a small handful of states that involve the municipality, because that was what I gleaned from the research involved. I actually couldn't find a state in which a municipality was involved. It

appeared that we were the only state, although again, I saw a reference in several of the articles that I read that we were perhaps one of three.

But again, in reviewing the analysis, I couldn't see, it looks like we're the only state that involves this process.

This obligation comes at a great expense to the municipality, especially when one considers that this is a private, legal issue between a landlord and a tenant, and furthermore, the research I've done reflects that the majority of states designate this responsibility of removing and storing the evicted tenant's property to the landlord, and then again there's various ways that the landlord removes that property.

Some store it. Some don't store it. Different states require different things but we're, again, the only, appears one of the only or the only state that requires the municipality to get involved.

This was a recommendation of the MORE Commission, and it's a critically important. May I have a minute or two just to finish? Or a minute? Okay, thanks.

It's a critically important time when cities are faced with ever-growing financial deficits in this fiscal crisis. This amendment to the statute would be of great importance to Bridgeport.

I actually researched what happens with Bridgeport, and what it costs Bridgeport to involve itself in this process. It costs Bridgeport approximately \$200,000 per year as

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they have to remove and store and pay for 572 evictions from this past year.

Because of our critical financial situation, and we were faced with a \$20 million deficit last year. Mayor Finch had to make drastic cuts, including layoffs involving over 200 employees, including police officers, and this was when I, again, was researching on my own but as Vice-Chair of the State Mandate Relief Committee, this was one of Bridgeport's requests, that they be relieved of this mandate.

And one of the speakers, I believe it was the gentleman that preceded me said that it wasn't clear whether it costs a city money. I'm just giving you what it actually costs Bridgeport per year to deal with this.

And when I was listening, I've actually been here all day listening to the testimony, and when I was listening to the testimony or the suggestions of city and town officials during the mandate relief committee meetings, whether the towns were small or large, they all indicated that this, or almost all of them indicated that this was a statute that should be amended and they should be relieved of this mandate.

So again, it's, during this economic crisis, I think it's critical that we as Legislators find ways to restructure government and look at innovative ways like this particular way of amending the statute to provide the important mandate relief that's needed by our municipalities.

And you know, I think that again, listening to the suggestions of the individual who spoke on

the landlord's commission, his ideas were good.

I think that the bill that was amended today, the language of the bill creating a fund, I think that that is a very, I was impressed by that way to resolve this.

But whatever way we do it, I really urge this committee to relieve the cities and towns of this because it is just too costly and too onerous for them, and particularly my town, I was astounded by how much it costs my town.

And I was also astounded when I called to find out, well, what would be your top choices for mandate relief, this was one of them. And I'm happy to answer any questions or provide you with the material I have, which analyzes the way 37 other states handle this.

You're not conspiring are you?

SENATOR COLEMAN: We'll leave you to guess.

Any questions?

Representative Drew.

REP. DREW: Yes, thank you. Thank you, Representative Grogins. The, you know, if I do the quick math here, I think you mentioned something like in Bridgeport, did you say approximately \$200,000 in costs and 500 some odd evictions. I think that comes out to somewhere like \$400 per eviction, and I'm wondering maybe if the other states, if there was some procedure where maybe before you get the marshal to Rafie's, I think very good point, that you need an impartial buffer, I think was his expression.

If the marshals collect a fee from the landlord to do this work, otherwise it doesn't get done. Have we heard over the past couple, the last year and this year, or maybe your Commission, your committee, you looked into this to some extent. Did you look into that alternative? Perhaps other states do it that way, I don't know.

REP. GROGINS: It appears that some other states, I don't know whether there's a fund per se, but they, my reading of it was there were fees collected from landlords.

Our particular committee, we agreed that something had to be done with regard to this, but we didn't, we decided to leave the, you know, how it's done, the results to this committee.

But again, I, you know, I think that there have been ideas that have been before this committee today, which I think are excellent ideas and I also support, when I wrote this, I didn't have you know, that language was amended yesterday and I didn't have the benefit of that language.

But I did, I think that creating a fund would be an excellent way to deal with this issue and you know, I've been a landlord. I've been a tenant. I've been an attorney representing both landlords and tenants, and I can just speak from personal experience that all the way around, that number one, most of the property left over is not, does not have any value.

Second of all, if you are, landlords do expend a lot of money in evicting a tenant and an

extra \$50 or so, I think that's the cost of the fund, I believe. Am I correct that it would be an extra \$50 fee?

You know, you're getting a service for it, so I think, I mean, I would have been willing. I'm not currently a landlord now, but I would have been willing to pay that fee because you are getting a service, and I do think it's important to have an impartial body involved.

REP. DREW: The, I guess I'll have to refer to the bill. Where is that fund kept, with a government body? Is that the proposal?

REP. GROGINS: I think --

REP. SHARKEY: With the way it's currently written as proposal, proposal is that the state marshal's office maintains the fund.

But, you know, I think your suggestion about you know, just have it be a fee that's collected by the marshal at the time of the eviction from the landlord, and that way it's not necessarily an ongoing fund, but rather you know, that's paid into by every landlord based upon every unit that they rent, which is the way it's currently proposed, but rather have it be more along the lines of, look, this is a cost associated with eviction.

If it ever goes all the way to that point, then that's just another expense that the marshal can bill to the landlord.

REP. DREW: And even collect it, have an understanding, I'm thinking that the marshal collect it at whatever the right time in the procedure is. It may never be necessary in many eviction cases, but that that is an

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additional check that is collected at that time or the landlord doesn't get their release and the check can even be payable directly to the storage company and simply delivered by the marshal. Maybe that's an idea, but I'm just sharing some free flow of ideas here, Thank you.

REP. GROGINS: I think they're excellent ideas.

SENATOR COLEMAN: You know what might be helpful to the committee if you wouldn't mind sharing your state-by-state analysis concerning how others do this procedure.

REP. GROGINS: I would be absolutely happy to do that, and I will give that. I will copy it and give it to Representative Sharkey if that's amenable to the committee.

SENATOR COLEMAN: Certainly.

REP. SHARKEY: And thank you, Mr. Chairman. I just wanted to thank you for your help on this and for your leadership on the MORE Commission because you spent a lot of time advocating for this and working very hard on it, so I appreciate it.

REP. GROGINS: And I want to thank you also for your leadership and it was a very important committee to be on. I was really happy to do that. Thank you so much.

SENATOR COLEMAN: May I pose one final question?

REP. GROGINS: Sure, absolutely.

SENATOR COLEMAN: Any indication or research concerning of those that have been evicted in the City of Bridgeport, how many of those may

have been laid off city employees or police officers?

REP. GROGINS: I'm sorry. I could probably get that for you. I did, I got the redemption percentage, not an exact, I got a number but it translated into about, I believe about six or seven percent redeemed their property, so that means that the majority of people, 90 plus percent did not, but I didn't get the actual circumstances of whether or not they had been laid off or not. I believe that's your question.

SENATOR COLEMAN: Yes. Specifically though, and I guess you had mentioned in your testimony that in an effort to address budget issues, the city had laid off state employees and police officers --

REP. GROGINS: Oh, I'm sorry.

SENATOR COLEMAN: -- state employees and police officers and I was just wondering if there's any research that might indicate how many of those people who were subject to the eviction process may have been, in fact, city employees and police officers.

REP. GROGINS: Oh, I'm sorry. I did not understand your question. No, I did not get that information but again, it was, this came up because it was a result of the \$20 million deficit that our city has faced actually two years in a row, and you know, they were just saying that something, and it may not, you know, some people again, it depends on what side you're on, but some people may not feel that this is a simple solution.

But in my opinion, seeing people lose their

jobs and seeing a city, representing a city that's continually faced with such huge deficits as we face, this is a simple solution to save people's jobs.

And so, you know, again, this came up in speaking with the mayor's office as one of their requests for this, our Commission to do something about, so I think they were saying that in the spirit of, you know, we don't, it's terrible when we have to face all these layoffs. We really need to do something in terms of mandate relief and this would be one of the things that would be very effective.

SENATOR COLEMAN: Is the 567 evictions a year, is that typical, or is that?

REP. GROGINS: It's typical.

SENATOR COLEMAN: Okay. And you said that costs about \$200,000 a year?

REP. GROGINS: That was, yeah, I think the actual figure was almost, it was \$192,000. I have the actual figure.

SENATOR COLEMAN: And do you know approximately how many city employees were laid off?

REP. GROGINS: How many city, over, it was I think 200. Again, don't hold me to this exact number. It was more than 200. It was approximately 220, I think, but I may not be exact. I know it was more than 200.

SENATOR COLEMAN: Okay, thank you. Other questions? If no other questions, thank you for your testimony and we'd appreciate you sharing your information with us.

REP. GROGINS: I absolutely will. Thank you so much, Senator.

SENATOR COLEMAN: Okay. Sally Zanger.

SALLY ZANGER: Good afternoon. I'm a lawyer with the Connecticut Legal Rights Project and the Connecticut Legal Rights Project opposes H.B. 5255, Sections 2 and 3 and the Governor's bill, 5031, Sections 3 and 4 and urges the committee not to support this proposed amendment regarding tenant's possessions as the last two speakers have been speaking about.

CLRP is a legal services organization that advocates for low-income individuals in the community or in institutions who have or are perceived to have psychiatric disabilities and an important part of our work is protecting people's housing, and we do represent people in summary process.

I have to echo Rafie in saying, if it isn't broken, don't fix it. We think the way the system is now is probably the best thing for our clients and probably for the State of Connecticut.

In shifting the responsibility to the marshals, it gives the marshals complete control over tenant's properties, and marshals are independent contractors who have very little oversight. Some are good. Some are better than others. Some are not so careful. They don't have their own storage facilities, so automatically there's going to be a storage charge that would quickly become prohibitive and so the tenants will lose their possessions.

And I need to say, again echo what Rafie says, that the people who get to the point in an eviction where they know they're evicted and there's an execution against them and they still haven't been able to get themselves out of the apartment, those are people who are very vulnerable and not you know, not functioning that well, and it's not the usual situation.

I mean, most evictions don't end in the marshals coming in and taking people's property out. So in those situations, either the people are in a hospital or just really in a bad situation.

I had a client who, she came to me after the eviction was over and after her stuff had been, you know, stored, and trying to find out if there was any recourse for the fact that when it was taken, it was broken by the marshals and she was not given the 24 hour notice that the statute recommends, so that surprising people, you know, turned up sort of on a holiday weekend at their door in their morning, handed her a garbage bag and said, you know you have an hour to pick what you're going to take, and this is a woman with a psychiatric disability, a son with a disability and you know, they just had to grab what they could and get out of there, and it was very distressing.

And the saving grace was that when it was all over and she managed to sort of, you know, find a place to land afterwards, and she could go to the town and she could get her stuff back, and she did.

I just wanted to say one more thing. People don't choose to leave their things, and

people's things are not garbage. So what doesn't have a financial value has a lot of value to people. People have their essential family heirlooms, important papers, their children's drawings, their children's toys, so there's some financial loss there. People have to replace household goods if they're gone.

But there's some things that are irreplaceable that from the point of view from someone who testified before had no value, it does have value. It's people's belongings and it's people's lives and it's their history.

So I again, have to just stress that the damage and disruption that this kind of thing causes is not outweighed by the savings to the municipalities, and I think that most municipalities probably don't have the costs that Bridgeport has, and the ability, again, to waive the fees, to make a deal with the tenant so that they can get their life back is really critical.

And the -- if the purpose of the municipalities is to serve the citizens, I think it serves it better the way it is.

SENATOR COLEMAN: Thank you. Any questions from Miss Zanger, Attorney Zanger?

Seeing none, thank you for your testimony. Brian Sear is next. Brian Sear? Melanie Starks.

MELANIE STARKS: Planning and Development Committee, my name is Melanie Starks. I'm an attorney with Children at Risk Unit at Connecticut Legal Services. CLS represents families, children and youth who are having

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are the ways that we can help this family and the school to get this child recommitted to the school process.

SENATOR COLEMAN: Okay. Thank you for your testimony. Are there any other questions? Seeing none, thanks for your testimony.

MELANIE STARKS: Thank you very much.

SENATOR COLEMAN: Representative Diana Urban. Ron Thomas.

RON THOMAS: Good afternoon, Senator Coleman, Representative Sharkey, Representative Aman, members of the P&D Committee. My name is Ron Thomas, Manager of the State and Federal Relations for the Connecticut Conference of Municipalities. I'm happy to be here this afternoon, especially on this particular hearing to talk about bills of concern to towns and cities.

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I'd first like to thank this committee for taking up the bills on the agenda here. There's, some of the priorities of towns and they've been the priorities of towns for a long, long time, so I thank this committee for being so sympathetic to the issues of concerns to towns and cities in general, but in particular for taking up these bills.

I don't need to tell this committee about the financial situation facing the state, the condition of towns, especially over the next four years, four, five years or so. There's going to be some very, very rough times ahead.

We've already heard about some of the conditions that some of the towns are facing in terms of layoffs, in terms of cutting

essential programs and that sort of thing.

The towns are going to be coming to the state as we are now, to, as your partners in governing the state, to ask for some form of mandate relief because recognizing that the state doesn't have any money and I think Representative Sharkey came to a CCM committee and maybe said it about 15 times. The state does not have any money.

So recognizing that, mandate relief becomes even more important or some sort of way to allow towns to raise revenue on the local level, and those are the proposals that are before you.

You have my testimony, which is about perhaps an inch thick, so I'll just summarize a few of the bills if you don't mind.

I'd like to start with the mandates prohibition that's contained in several bills. Obviously, we think that this is one of the most important proposals that you could take up this year, especially the statutory prohibition against new unfunded state mandates unless there's a two-thirds majority of the General Assembly.

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We think it doesn't unreasonably tie the hands of the Legislature. If you want to enact a mandate you can do it with a notwithstanding organ, the two-thirds vote.

We think it really would demonstrate your commitment to your partners in governing the state if this bill in particular were enacted.

Regarding the tenant evictions issue, you've heard a lot of other people talk about this. I

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won't talk about it long. I think the study that the Representative referred to earlier is in CCM's testimony. It's attached. It's an OLR study that focuses on 37 states and Connecticut is the only state that has municipalities involved in this process.

Again, it has towns involved in a process that's essentially a landlord/tenant issue. Again, CCM doesn't take issue with the intent of mandates, but the cost associated with it, and I don't think you could deny that there are costs associated with it.

And you're going to be hearing from New Haven very shortly about the fact that it costs that struggling city \$310 a year. I'm sorry, \$310,000 a year. Sorry about that.

The other one is regards to the newspaper mandate. While we are sympathetic to the plight of newspapers, we all get our information from newspapers and newspapers and towns are in the same position. They're struggling, fighting for our lives. We are facing many, many layoffs as was mentioned earlier.

HB5031

I think the question is whether or not if you believe in some sort of subsidy to the newspapers and it seems to me that that's another issue. The issue is whether the local taxpayers are going to subsidize newspapers.

With regard to the issue of local websites not being visited much, I urge you to look at our testimony in the Town of Goshen and it talks about the number of hits on its websites, the number of people in the community that read the Waterbury Republican, and you'll see that town websites are being used, and this is one

of the smaller towns that are disproportionately impacted by this bill.

I'll wrap up very quickly. You all have given us a great advantage by having so many bills to talk about, but I'll just quickly go through a couple of them.

5255 regarding the mechanism to electronically submit records. We like that.

We like 5331, which we would believe would ensure additional savings for communities.

We like 5338, which would delay plans, local plans of conservation and development for two years.

We like the bill that would eliminate treble damages, damage penalties for zoning enforcement officers.

HB 5031

Again, we really appreciate the committee taking up these bills. I won't keep you any longer with the exception of taking on some questions.

SENATOR COLEMAN: Are there questions for Mr. Thomas?

Seeing none, thanks for your patience and thank you for your testimony.

RON THOMAS: Okay.

SENATOR COLEMAN: Representative Green. Eric George.

ERIC GEORGE: Senator Coleman, Representative Sharkey, members of the Planning and Development Committee, my name is Eric George,

HB 5337

HB 5255 HB 5031

Associate Counsel to CBIA, and I come before you to support House Bill 5337 specifically Section 1.

As this would enable, empower and permit towns to ban together to purchase health insurance by forming municipal employer welfare arrangements, or MEWAs, I would call to the committee's attention, and I am hoping this is a typo, but in the substitute language under Section 1 it is limited currently to regional boards of education.

I don't believe that to be the intent of the bill. I believe the intent is also to include cities and towns so municipalities should be included there.

With regards to Section 2, we do not oppose Section 2 regarding broker disclosure, but you should be aware that currently under Public Act 05-61 all health insurance producers have to disclose upon request, their total compensation to employers.

Well, municipalities would qualify under the definition of employers, so I wouldn't want you to be doing something if it is unnecessary. It might be a bit of belts and suspenders, but I just wanted to call it to your attention.

And just so you know, Bonnie Stewart asked me to comment on two other bills. House Bill 5255 with regards to mandate relief, we would support mandate relief but we would just urge this committee not to start undoing programs and mandates if there are federal funds attached to it. That would be a problem.

And finally, on House Bill 5031, we do support

12-year schedule anyway.

I did ask OPM for the listing of -- of what towns are sort of in arrears on supplying this. The clerk has copies of the response. I didn't have time to include it with my testimony. You'll see that 47 towns are more than 10 years overdue on supplying this. So I'm going to suggest that this might be reasonable for towns which are reasonably current. But towns which are really fallen far in arrears, one town is actually 40 years overdue. I really don't see giving them yet another break on supplying this. The clerk has copies of the e-mail from OPM if you want to see where the towns are on this.

5331, again, is good for the towns to bulk purchasing together with the state, we endorse that.

5383, calls for regional economic development district. Again, it goes to regional cooperation and all this is good and we endorse those concepts.

I'll leave it at that.

SENATOR COLEMAN: Are there questions for Mr. Mador?

Seeing none, thank you for your patience and your appearance here today.

Brian Anderson.

BRIAN ANDERSON: Thanks Chairman Coleman, Chairman Sharkey and members of the Committee.

My name is Brian Anderson. I'm a lobbyist for Council 4, AFSCME, a union of 35,000 public

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accountability to this agency. I'd be happy to talk later on specific examples of what I'm talking about that we can show.

Council 4 opposes Senate Bill 198, AN ACT REQUIRING A TWO-THIRDS VOTE TO ENACT NEW MUNICIPAL MANDATES. We don't think that tampering with the General Assembly rules requiring a super majority is warranted for this.

We opposed House Bill 5255, and I'll summarize. AN ACT CONCERNING MUNICIPAL MANDATES. Our union represents a majority of state marshals. We believe this fund, as it might be the current system makes more sense. Even with the state fund, we don't believe the marshals have the wherewithal to provide the service of warehousing and taking care of tenants property. It's just not something our folks who primarily serve papers are set up to do. Council 4 believes that municipal legal notices should be left to newspapers. It's important for government to remain as open and accountable as possible. Bad contracting and rental deals have been discovered and thwarted because members of the public read these notices in the newspapers. We don't think that the Internet offers a comparable opportunity for public scrutiny.

Basically we oppose 5031. It's quite similar to 5255.

We'd also like to say we know some of the things we talked about cost money. We believe that the state should restructure the income tax and try to capture some of that money from the richest earners who have gotten fantastic federal tax breaks over the last 20 years to try to bring back some common sense to our

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system.

And I'd be happy to answer any questions.

Oh, also, I'd like to say that Paul Philson, president of the service employees international union asked us to mention that his union strongly supports 5337 the health care pooling bill.

SENATOR COLEMAN: Thank you.

Are there questions for Mr. Anderson?

Seeing none, thank you, Brian.

BRIAN ANDERSON: Thanks.

SENATOR COLEMAN: Abigail Anderson.

John Prokop.

JOHN PROKOP: Good afternoon, Senator Coleman, Representative Sharkey, Representatives and members of the committee. I'm John Prokop, director of Public Works for the City of New Haven. I appreciate the opportunity to speak this afternoon.

HB5255

I've submitted testimony, and as some of the other presenters, ours is an economic hardship. But I've listened to testimony so what I'm going to attempt to do is to answer some of the questions that this panel has asked of previous speakers that I have personal knowledge of.

Specifically, in the City of New Haven, we -- we do approximately 500 evictions annually. Out of that, almost 220 are never completed or executed. What that means to us is that

there's a lack of efficient -- it's great for the resident. And I -- and I wholeheartedly believe in that, that the resident remains present in their homes. However, you have the marshal service, you have a moving service, you have the public works staff that has scheduled that and it, in doing so, has not been able to satisfy other marshals and other executions and court orders. That's why you have a 30-day delay or better.

SENATOR COLEMAN: If I can interrupt you for one minute.

JOHN PROKOP: Yes, sure.

SENATOR COLEMAN: When you say you do 500 a year, does that mean 500 eviction cases have been filed in court per year, or 500 executions have been issued, which marshals seek to act upon in order to actually move property out of --

JOHN PROKOP: That's correct --

SENATOR COLEMAN: -- a dwelling?

JOHN PROKOP: -- Senator.

SENATOR COLEMAN: Okay.

JOHN PROKOP: Five hundred evictions have been registered with the Department of Public Works at the request of the marshals from the court executions.

SENATOR COLEMAN: Okay. I got you. Thank you.

JOHN PROKOP: At no time in my tenure as public works director has more than 20 percent of any of the merchandise ever been retrieved. And in the City of New Haven, we do not charge a

fee to warehouse that property. So my experience, as Senator Coleman had asked earlier, my experience is that most of these families move in with other families. They do not have the economic means to relocate. Therefore, they don't even have the economic means to get a truck to come and pick it up.

On average we spend \$100,000 annually disposing of the unclaimed material. I have tried to give it to Easter Seal, they can't keep pace on a 30-day turnover to go through the merchandise and put in their stores. I believe that it's an ineffective way of trying to get people's merchandise from one location to another.

I deal with management firms who handle over 1500 units. And in doing so, we schedule an appointment, and we have three back to back. We get there, the marshal gets there. The management company is not there. There's no key to get in. Nobody has ever inspected the interior of this property. Nobody knows how much merchandise is in there. Nobody knows that in a three-bedroom condominium there's a crawl space that's fully loaded. That there's an unattached garage. All of the extra overtime manhours that we spend waiting on site or spending time after normal work hours on a premium basis is wasted productivity for the City of New Haven.

In the last decade, my department has decreased 49 positions. From 165 to 116. Twenty of those have been removed in the last two years. My budget has decreased from 17 million to just shy of 14 million. I believe that there are solutions. If we work together within our communities to accomplish what we need to do for the residents or the landlord

and for the courts. However, let's keep in mind, there's only person who truly benefits economically from this process, the faster a landlord can evict an individual the faster he can claim a new rent on it.

What I have done in New Haven is I've worked with management firms, I've worked with landlords, and I've worked with the marshals. I have actually entertained, and they have accepted, that they will have a moving company pick up, load it on a truck, deliver it to my warehouse, so I don't have to send staff out there for some of those evictions so we can accommodate more executions in the City of New Haven.

The landlord, the management company, pays for that additional transfer. And that's where I believe that some of this -- I do support your bill. And I do believe that there should be a fund set aside. And I do believe that the landlord should fund that.

SENATOR COLEMAN: Representative Aman.

REP. AMAN: Yeah. Of the 500 evictions that you're talking about, do you -- and I know you won't have the statistic number, so you're just kind of be giving me a -- a feeling, how many of those are from for-profit landlords versus nonprofit corporations or your housing authority or some other entity that is in the rental market?

JOHN PROKOP: I would say that 25 percent of the evictions happen from our housing authority proper. When I say "housing authority proper", there's about 5,000 units in housing authority that are owned/operated by the housing authority. Aside there's probably

another 3,000 residents living in Section 8 throughout the city. So I would say about 25 percent of that.

REP. AMAN: Okay. So if we pass this on, the cost on to the landlord in some form, about 25 percent of it would still be coming indirectly back to the City of New Haven via the housing authority?

JOHN PROKOP: They're doing it -- we're doing it right now. The housing authority has a private moving company that brings it from point A on their property directly to my warehouse as is.

And let me just say this, it's about \$125, \$150 an hour for a box truck with fork -- with a gate lift on it with two men. And once you bring it out to the curb, you load it on the truck. When you get it my warehouse, we take it, and we put it away. It's just a matter of inventorying it, maintaining it, and then we advertise, we exchange property, if somebody comes to get it or we dispose of it.

But it cuts down the number of hours that we have no control over because of the landlord not being present, somebody not showing up with the key, unidentified property on site. We've had medical emergencies when we're doing it. We have to stop. We have landlords that stop us when we have stuff on the truck and say, oh, I just cut a deal, put it back down.

REP. AMAN: So from what you're saying if the law was changed that the landlord or if the marshals were required to get it to a -- someplace in New Haven between -- in normal business hours that would save the city quite a bit of money.

JOHN PROKOP: Absolutely. Without a doubt.

REP. AMAN: And yet you would still be the one that be responsible for storing it.

JOHN PROKOP: In New Haven I would be willing to do it. I'm doing it now and we have similar arrangements with some of the marshals and some of the landlords. I can't speak for other communities who may not have a present warehouse, but I do.

REP. AMAN: It seems -- it seems it would be a simpler system for the landlords where the landlords not all wanting to do this.

JOHN PROKOP: Well, I've met with most of the management firms and -- and they agree with me that for \$150 if they have to wait another 30 days they just lost a month's rent. And the average rent in New Haven is not \$150.

REP. AMAN: Right. So why since it's to their economic advantage, why aren't they doing it?

JOHN PROKOP: Because we're still doing the ones that are probably more the -- I don't want to say the mom and pops, but the owners of a three-family that are not a larger conglomerate of 1500 units. So those folks they don't want to spend the extra money.

REP. AMAN: Okay. All right. Thank you.

JOHN PROKOP: They can't -- they can't spend it.

REP. AMAN: All right. Yeah, also I'm sure they don't even know how to do it. If I owned a three family, I had to evict somebody, I wouldn't even know where to -- where to begin

trying to do what you're talking about doing.  
I would call the city and say you do it.

JOHN PROKOP: Absolutely. And they do.

REP. AMAN: Okay. Thank you.

JOHN PROKOP: You're welcome.

REP. SHARKEY: Thank you, Mr. Chairman.

I appreciate your testimony in part because Mayor DeStefano participated a lot in the Moore commission committee meetings and he served on the -- on one -- on one of the two committees he served on involved the mandate relief committee. And he reported to the group that he didn't really see this as a big -- as a deal breaker as far as the city's budget is concerned which surprised a lot of us because we were hearing from Bridgeport and we were hearing from other cities that this was a major, major expense, in the hundreds -- major being a hundred -- hundreds of thousands of dollars.

So I appreciate your testimony that suggests that this is a little bit more than maybe we -- the mayor meant to say. But if -- if the city -- the question I have is if the city already has a storage facility available, we did a -- we did a bill last year that actually would allow towns to contract with other towns or cities --

BRIAN ANDERSON: That's correct.

REP. SHARKEY: -- to have their material -- the materials from their evictions stored at the community -- at, you know, in the central city location. So that already exists.

If we were to change the system so that it's really up to the landlords and the marshals to work out the financials of this, whether it's through the fund as the language suggests, or maybe as was discussed earlier, it's just another expense that the marshals would bill a landlord for, which is the cleaning out, trucking off and then ultimately the storage. Is that something that the city could do and could the city actually perhaps generate a little bit of income from the storage of -- of --

JOHN PROKOP: Of other municipalities?

REP. SHARKEY: -- other municipalities as well as from within the city?

JOHN PROKOP: Well, all of the eviction material right now comes to my warehouse. All of it.

REP. SHARKEY: Right.

JOHN PROKOP: It doesn't go outside the city.

REP. SHARKEY: Right.

JOHN PROKOP: We're pretty loaded at the end of the month so far as storage is concerned. I'm sure you can all appreciate we have 20-by-20 foot bins that go 20 feet high. We shrink wrap it, put it all on pallets. But if you're doing a five-bedroom home, it takes up about four of those bins. And so on any 31st day when we're removing that material, we could have in excess of 50 bins. And we have 30,000 square foot warehouse. But sometimes it gets full.

REP. SHARKEY: Well, it seems to me that this

potentially could be -- I mean, I -- I don't mean to -- I -- I realize the sensitivity of dealing with the individuals who have been displaced, but I -- if all -- it seems to me that this a potential revenue generator for the City if we allowed -- or if we basically required the marshals to handle this with the landlord and then there's the -- the city could, in theory, charge a fee for the --

JOHN PROKOP: For the storage.

REP. SHARKEY: -- for the storage.

JOHN PROKOP: That's a wonderful thing, Senator or Representative.

REP. SHARKEY: And that gets -- and that gets passed on ultimately to the landlord.

JOHN PROKOP: I'm all in favor of that. And the city -- the city is willing to even work with other towns and municipalities if we can share the cost of means.

REP. SHARKEY: Right.

JOHN PROKOP: As long as I have a facilities to do that.

REP. SHARKEY: Right. Right.

JOHN PROKOP: I've entered into agreements with other municipalities on the refuse side, recycling side, so we're trying to work together in that area.

REP. SHARKEY: Okay. Well, thank you for your testimony.

JOHN PROKOP: You're welcome.

SENATOR COLEMAN: Are there other questions?

I have a couple. The \$100,000 figure you referenced in your testimony, you said something left me with the impression that that covered merely the cost of disposing of the property?

JOHN PROKOP: That's correct, Senator.

My -- my testimony that I submitted has a fee on it or a dollar amount of 300,000. That's strictly labor to do the work that we're talking about. That doesn't include the --

SENATOR COLEMAN: Labor would mean the --

JOHN PROKOP: My staff's labor.

SENATOR COLEMAN: -- payment for the moving crew and the truck and the transport of --

JOHN PROKOP: Yeah, my people --

SENATOR COLEMAN: -- the --

JOHN PROKOP: -- my people, employees of the City of New Haven Public Works Department, yes.

SENATOR COLEMAN: Now are those salaried individuals or?

JOHN PROKOP: They're salaried individuals with benefits, workmens' comp claim benefits.

SENATOR COLEMAN: Yeah, my point is would they be getting that compensation regardless whether they worked on collecting possessions of evicted tenants?

JOHN PROKOP: They get it now by contract. They get it as they work now -- when they pick up the material on the curbside and put it on a public works, city of New Haven truck --

SENATOR COLEMAN: Yeah.

JOHN PROKOP: -- and take it to our warehouse, that's the fee structure that they're getting. There are moving companies that charge less than that to bring it to my warehouse.

SENATOR COLEMAN: I guess, let me ask the question another way, are these public works employees of the city of New Haven who would be doing other public works functions if they weren't working on a moving truck and picking up possessions of tenants?

JOHN PROKOP: Absolutely. And it would probably cut my exposure and claims on potholes --

SENATOR COLEMAN: Okay.

JOHN PROKOP: -- because I would have them putting pothole patch down.

SENATOR COLEMAN: And the other thing that I wanted to see if I could get from you, now you made reference throughout your testimony to a 30-day period. The question I have is there a period of time after which the city would be permitted to dispose of tenants property?

JOHN PROKOP: We dispose of it on a regular basis. We post it 15 days. We hold it for almost 30 days. And on the 31st day we spend two days cleaning out the warehouse and disposing of all of that property that was unclaimed.

SENATOR COLEMAN: So --

JOHN PROKOP: As I -- as I said, it's about 80 percent.

SENATOR COLEMAN: -- it would be property that was held at the warehouse --

JOHN PROKOP: That's correct.

SENATOR COLEMAN: -- or your facility for more than 30 days?

JOHN PROKOP: That's correct.

SENATOR COLEMAN: Okay.

JOHN PROKOP: And that's -- that's the hundred thousand dollars it costs me to haul that stuff away and have it disposed of at a burn center.

SENATOR COLEMAN: Okay. So it's not merely just dumped somewhere?

JOHN PROKOP: No. It's tracked -- it's trailered off city property and it's taken to a burn center, an energy-to-burn center.

SENATOR COLEMAN: Okay.

JOHN PROKOP: But I still have to pay that hauling and disposal fee.

SENATOR COLEMAN: What is your experience concerning how the evicted tenants might feel? Is it general -- generally known that there's this central location that an evicted tenant would have to go in order to reclaim property?

JOHN PROKOP: Yes. However, my experience, from my staff, is that less than 20 percent of the

evictees are present when the evictions are taking place. So when my staff is on site, obviously we talk to the resident, we tell the resident how to approach it. My supervisor gives his phone number, the warehouse location, to make communications. We leave a note at the facility as well. At the -- at the residence. However, again, most of the evictions are taking place after the resident has left the property or the premises so there's no -- no communications at all.

SENATOR COLEMAN: By no communications you mean there's no other notice provided to the evicted tenant concerning how to redeem their property --

JOHN PROKOP: Yeah.

SENATOR COLEMAN: -- and where to go to redeem it?

JOHN PROKOP: That's correct. Unfortunately, I -- I don't have that input. It goes with the marshal --

SENATOR COLEMAN: Yeah.

JOHN PROKOP: -- on the service, so if nobody's there to collect the service notice and information, they wouldn't know how to recover their property.

SENATOR COLEMAN: Okay. Thanks. I appreciate that.

JOHN PROKOP: Okay.

SENATOR COLEMAN: Any other questions?

If not, thank you for staying so long and thank you for your -- the information that you

provided us.

JOHN PROKOP: Thank you for your time.

SENATOR COLEMAN: Appreciate it.

JOHN PROKOP: Thank you.

SENATOR COLEMAN: Chuck Morin.

CHUCK MORIN: Good evening, Senator Coleman, Representative Sharkey and members of the Planning and Development Committee. Connecticut Lodging Association is submitting testimony in response to Senate Bill 303, AN ACT CONCERNING MUNICIPAL HOTEL TAX.

My name is Chuck Morin, president of the Connecticut Lodging Association and general manager of the Courtyard in Cromwell.

The bill raises two serious concerns for the Connecticut Lodging Association. Why is the lodging industry once again being targeted to produce additional tax revenue when the state has abandoned the industry by reducing state tourism marketing funding to \$1.

Lodging industry could be an effective tax revenue generator if the state's occupancy tax funds were utilized as they were intended with a percentage going to marketing the state for travel destinations. Leisure, business and group travels needs to know that Connecticut has the attractions, hotels, and transportation to meet their needs.

With the state tourism marketing fund being funded only in name, the proposed tax increase will not produce the desired results. If more revenue for the industry -- if we want more

Seeing none, thank you, Mr. Morin for staying so long. And thank you for your testimony.

CHUCK MORIN: Thank you very much.

SENATOR COLEMAN: Craig Manamet. John Filcheck.  
Rhoda Micocci.

RHODA MICOCCI: Senator Coleman, Representative Sharkey and members of the committee, thank you so much for staying this late. Thank you for listening to my testimony.

I submitted my testimony late, and but I'm assured by the gentleman over there that it is coded and will appear online, and I really appreciate that.

I'm speaking for myself today. I'm an attorney here in Connecticut. I work part-time at the Legal Services hotline so that work is informing my testimony but I am not representing them or speaking on their behalf.

And I'm asking today that you vote to delete sections 3 and 4 from H.B. 305 -- 5031 and Sections 2 and 3 from H.B. 5255. And specifically I'm asking that you vote to maintain the law as it stands regarding the municipal involvement and protection of tenant possession posteviction.

In the course of my work, I have counseled several thousand tenants about to be evicted and more recently many homeowners about to be evicted due to foreclosure. One by one, I have explained the landlords or the banks right to possession of the property that the tenant or the former homeowner must leave

taking all their possessions.

Some cannot cope. The dying man with no where to go who's landlord said I don't want you dying on my property, the many children, some very sick themselves, who's parents are ill or unemployed, the elderly too frail to even put their clothes in a garbage bag, the man who's parents built their home many years ago who said, he simply could not leave.

Only one of the things I say calms and gives hope in these heart-rending cases. The town will take your things and store them for 15 days during which you can get them back otherwise they are auctioned off. This wise law dating from 1895 which has survived the Great Depression, the decade-long Great Depression of the thirties, for disposition of tenant property in the 10 to 15 percent of cases where the tenant does not remove it, has worked successfully for years. It has allowed fragile, confused, burdened, and disabled people time to find help to retrieve their things or crucially if they must lose their belongings they lose them to the government, to the neutral, impartial, caring, responsible body that they themselves may have voted for. This the dispossessed can accept.

So the law as it stands is not merely a fair and respectful way to let's face the fact strip evicted tenants and homeowners of the shreds of their identity, their shoes, their clothes, spoons, dolls, toy trucks, cribs, beds, chairs, photos of grandpa and Aunt Ellen, their IRS returns, their birth certificates, letters, their doctors discharge orders. It is also an excellent public safety measure.

Public safety lies in the hearts and minds of the public first and foremost and always. At a time of public crisis with 9 percent of us counted unemployed in our state, but 16 percent unemployment overall and up to 25 percent unemployment among some demographic groups, we need this law as it stands now more than ever to prevent altercations, redeployment of police, needless court cases, criminalization of the vulnerable and the additional tensions that could fray our social fabric.

I'm asking you please vote to preserve the law as it stands, as you have been asked by the marshals and by the landlord association.

And I'm available for any questions.

SENATOR COLEMAN: Thank you. Do we have questions?

Seeing none. Thank you for staying for so long and thank you for your testimony.

RHODA MICOCCHI: You're very welcome. Thank you.

SENATOR COLEMAN: Brunetta Henry. Ellen Wright.

We have called the names of everyone who signed up on our sign-up sheet. Let me review some of those names where we got not response.

Brian Cyr. Representative Urban. Paul Philson. Abigail Anderson. Craig Manamat. And John Filcheck.

Is there anyone in the audience who hasn't signed up but wishes to address the committee today?

If not, I would declare this public hearing

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closed and thank you to the members who were  
present and who remain at this moment.

Thank you.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**PLANNING AND  
DEVELOPMENT  
PART 3  
559 – 770**

**2010**



M. JODI RELL  
GOVERNOR

STATE OF CONNECTICUT  
EXECUTIVE CHAMBERS

TESTIMONY OF  
M. JODI RELL  
GOVERNOR

TO THE  
PLANNING AND DEVELOPMENT COMMITTEE  
March 10, 2010

**IN SUPPORT OF GOVERNOR'S BILL:**  
**5031 - AN ACT REDUCING COSTS TO MUNICIPALITIES**

Senator Coleman, Representative Sharkey and members of the Planning and Development Committee, I know you share my concern that the state's budget crisis will make it difficult, if not impossible, to sustain municipal funding at the level we all would prefer. It is imperative, therefore, that we do what we can to provide our cities and towns with cost reduction opportunities, which is why I proposed AN ACT REDUCING COSTS TO MUNICIPALITIES.

Each of the provisions in this bill resulted from a recommendation made by the Municipal Mandate Reform Work Group that I established last year – a work group comprised of state legislators and municipal leaders who were asked to submit ideas on how to mitigate the impact of potential state aid reductions through mandate relief measures.

As you know, enactment of Governor's Bill No. 5031 will allow for alternatives to disseminating printed town reports, allow savings in terms of the cost of newspaper notices by providing municipalities with the authority to post certain notices on their websites, allow municipalities to avoid the cost of removing, storing and selling the possessions of evicted tenants by transferring that responsibility to a state marshal, and will delay in-school suspension requirements for another two years. In addition, the bill will authorize establishment of Municipal Employee Retirement Fund C, which will provide opportunities for greater municipal cost savings in terms of employee retirement benefits. The bill contains other relief measures that the Municipal Mandate Reform Work Group requested as well as the requirement that both chambers of the General Assembly vote to enact any new, costly mandate on municipalities by a two-thirds vote of their members.

Undoubtedly, there are provisions in Governor's Bill No. 5031 that seem familiar. My 2009 proposal contained some of the same provisions and separate bills on your agenda today (SB 197, SB 198 and HB 5225) include the same or similar proposals. Additionally, the Municipal Opportunities and Regional Efficiencies (MORE) Task Force recommended some of these same mandate relief provisions in findings announced last week. The fact that so many individuals and groups are proposing the same (or similar) mandate relief provisions underscores their importance. [HBS/S]

The economic crisis that struck Connecticut and the nation nearly a year and a half ago continues to negatively impact state revenue. The level of funding we were able to provide our cities and towns in the budget approved last year, together with efforts municipal leaders made to reduce spending, allowed them to avoid having to increase property taxes significantly. While together we have labored to maintain this level of aid, the simple fact is that we cannot spend what we do not have.



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**John DeStefano, Jr.  
Mayor**

**Testimony of John Prokop  
Director of Public Works  
City of New Haven**

**Connecticut General Assembly  
Planning and Development Committee  
Public Hearing  
March 10, 2010**

Honorable Committee Members, thank you for allowing me to address you. Currently, I serve as the Director of Public Works for the City of New Haven. I am here today to testify in support of HB 5255 AN ACT CONCERNING MUNICIPAL MANDATE RELIEF and in particular Section 2 of the bill, the section repealing Section 47a-42 of the Connecticut General Statutes.

New Haven, like most other communities in the state, faces budgetary choices which become increasingly difficult each year. As the economic condition of our nation and our state lags, New Haven's revenue shrinks. Mayor DeStefano has tasked his department directors with identifying efficiencies and cost saving opportunities; however, some efficiencies can only be achieved with the repeal or reform of certain state mandates.

Currently, the City of New Haven is responsible for the removal, trucking and storage of defendants of an evictions belongings. Considerable man-hours in the Public Works Department are dedicated to this effort; hours that could be spent carrying out the other various function of the department. The City of New Haven must also bear the cost for transporting the items, renting and securing a facility to store these items.

By reforming the state statute that requires towns and cities to remove and store possessions of evicted tenants the city of New Haven could realize a savings of more than \$300,000 a year. A comparable mandate requiring removal and storage of evicted commercial tenants was eliminated in 1997 and according to the Office of Legislative Research, Connecticut is one of only a handful of states that still imposes this obligation on its municipalities.

As a policy matter, we believe the cost should not borne by the City or solely by tenants. One potential option is for the cost to be shared jointly by tenants and landlords. By making it part of the cost of doing business between landlords and tenants, cost and responsibility will be shared evenly and municipalities will be alleviated from the financial burden of this mandate.



[www.cityofnewhaven.com](http://www.cityofnewhaven.com)



Connecticut Manufactured Housing Association

**Testimony of The Connecticut Manufactured Housing Association on  
Raised Bill 5255.**

The Connecticut Manufactured Housing Association (CMHA) is a statewide association representing owners and operators of manufactured housing parks in Connecticut as well as manufacturers of homes and suppliers of goods and services for such homes. We are writing to express our concern about potential unanticipated consequences of the passage of HB 5255.

While this bill appears to have been written with the contents of rental or storage units in mind, it applies nonetheless to manufactured homes as well. Whenever the owner of a manufactured home, who leases space from one of our member parks, is the subject of an eviction proceeding, the subject of what to do with the home becomes an issue. Typically, homes in this position have little value. Nonetheless, they often (usually) have liens placed on them (sometimes for many years) by local tax collectors.

In the past, certain municipalities have refused any and all efforts to physically remove the home. Not only have some municipalities refused to take possession of the homes, they have even threatened to have the marshal arrested should he or she try to remove the home. Some of the municipal officials in Connecticut have proved willing to work with community owners to conduct tax sales on site to give the community owner an opportunity to obtain a clear title. This clear title enables the community owner to demolish the home and pay to have it removed without assuming liability for any delinquent taxes on the home. Unfortunately, there are a number of other municipalities whose remedy for their failure to collect taxes on the home is to refuse to let the community owner have the home removed. In such scenarios, the municipalities unabashedly seek to collect the delinquent taxes from the community owner (who has absolutely no legal obligation for such taxes).

If the home has delinquent taxes (it is rare to see a home evicted from a park or abandoned for which the home owner does not owe back taxes) it should fall to the municipality to hold on to the home which it considers collateral for the tax debt, not mandate that the park owner keep the home, empty and deteriorating, in his/her community.

This legislation proposes to have the marshal take possession of such homes and somehow find a way to store the home. Without a location for such storage and funds to pay for the storage, the marshal will have no option available to remove the home. In fact, in many cases, the home may well have deteriorated to the point that moving it is impossible.



Connecticut Manufactured Housing Association

The net result of the problems listed above seems to be to leave the home on the site from which it was evicted while it deteriorates further. This would result in a patently unfair situation to both the other residents of the community and to the community management. The replacement of an abandoned or evicted home is a clear benefit to all parties. A new home creates a much more pleasant community for the park residents, brings a responsible and desirable tenant to the park and generates greater property tax revenue to the town. To place such burdens on the back of the park owner, especially when the principal barrier to disposal of the home is often the town itself, seems most unfair. Unlike the contents of an apartment from which the resident was evicted, this property has legal barriers (i.e. delinquent taxes and liens) that prevent its disposal. The municipalities who have permitted the taxes to accumulate should continue to bear the responsibility for securing the property while they attempt to collect their money from the parties who legally owe the taxes.

We urge the committee to reconsider this proposal at least until it can more reasonably address the hopefully unintended consequences that it poses for manufactured home communities throughout the state.



**State of Connecticut**  
**HOUSE OF REPRESENTATIVES**  
 STATE CAPITOL  
 HARTFORD, CONNECTICUT 06106-1591

**REPRESENTATIVE PATRICIA M. WIDLITZ**  
 NINETY EIGHTH ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING  
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**DEPUTY MAJORITY LEADER**

**MEMBER**  
 BANKS COMMITTEE  
 FINANCE, REVENUE AND BONDING COMMITTEE  
 PUBLIC HEALTH COMMITTEE

**Testimony of State Representative Patricia Widlitz**

**HB 5255, AAC Municipal Mandate Relief**

Representative Sharkey, Senator Coleman and members of the Planning and Development Committee:

My name is Representative Pat Widlitz of the 98th District which includes the towns of Guilford and Branford. Thank you for the opportunity to submit testimony regarding HB 5255, AAC Municipal mandate relief. This proposed legislation addresses some of the concerns expressed by the elected leaders of our municipalities as they struggle to balance their budgets.

I respectfully request that you consider adding a section to the bill that would allow towns to postpone the scheduled 2012 revaluation for a period of one year. This was done for revaluations scheduled for 2008, 2009 and 2010 in previous legislation. The expense to our towns to satisfy the revaluation mandate is significant and increasingly difficult to finance in these challenging economic times.

Guilford's First Selectman, Honorable Joseph Mazza, has requested this amendment to the proposed language. The Town of Guilford budgets funds in each of the years preceding revaluation to manage the expense of the scheduled revaluations. However, given budget constraints due to depressed economic conditions the Town is having difficulty meeting that financial goal. Allowing additional time to budget those funds would relieve some of the pressure on that budgeting process.

Thank you for your consideration of this request.

**STATEMENT OF THE FREEDOM OF INFORMATION COMMISSION ON  
RAISED BILL NO. 5255,  
AN ACT CONCERNING MUNICIPAL MANDATE RELIEF**

March 10, 2010

The Freedom of Information (FOI) Commission understands that the Planning and Development Committee may be considering substitute language to Raised Bill No. 5255, to exempt public agencies from complying with the web posting of minutes requirements set forth in Section 1-225 of the FOI Act. The Commission believes that a provision completely repealing these posting requirements is unnecessary and ill-advised. Such a legislative proposal ignores the simple fact that we as a society are becoming more and more accustomed to getting critical information on the Internet.

A year ago, similar proposals were considered in the wake of the passage of Public Act 08-03. That law, creating the requirement that all public agencies post minutes and some meeting notices on their websites, caused tremendous consternation in many corners of the state, especially in some of Connecticut's smaller cities and towns which claimed they lacked the resources to comply. That outcry led several entities, including the FOI Commission, members of the Government Administration and Elections Committee, representatives of the Connecticut Conference of Municipalities and the Council of Small Towns to meet to try to clarify some of the provisions of the new law. The end result in the 2009 session was SB 772, which was palatable to many of the concerned parties but did not win legislative approval.

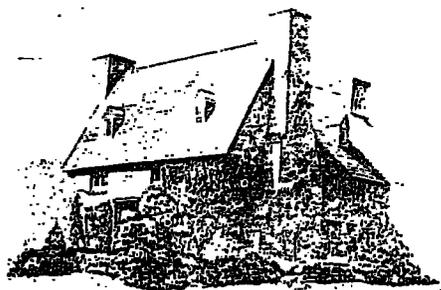
In the months since the initial outcry over PA 08-03, many towns that have worked to comply have contacted the Commission and said that their workloads have diminished because more people are using the websites and are not calling or visiting offices for agendas, notices and minutes.

In addition, of the 12-15 towns that either shut down or threatened to shut down their websites after this new law took effect, only two are without websites. There also was concern expressed that the new law would trigger a flood of complaints about website postings. Since October 1, 2008, the FOI Commission has logged in more than 1,000 complaints and no more than 10 have had a website component to them (only three have actually been adjudicated, the others have been resolved). Perhaps, the law is working as intended.

The FOI Commission respectfully submits that there could be other, more effective ways to address any concerns, including financial, regarding the website posting requirements rather than completely eliminating such requirements and thereby taking a step backwards in government transparency.

As always, the Commission welcomes the opportunity to continue to work with this committee and others to provide the access to government that the FOI Act is intended to create.

**Contact:** Colleen M. Murphy, Executive Director and General Counsel or Eric V. Turner, Managing Director and Associate General Counsel at (860) 566-5682 or [foi@ct.gov](mailto:foi@ct.gov).



THE OLD STONE HOUSE

## TOWN OF GUILFORD

31 Park Street  
 GUILFORD, CONNECTICUT 06437  
 SETTLED IN 1639

March 8, 2010

TELEPHONE 453-8015  
 FAX 453-8467

Planning and Development Committee  
 Co-Chairmen Brendan Sharkey and Eric Coleman  
 Room 2100, Legislative Office Building  
 Hartford, CT 06106

Dear Representative Sharkey and Senator Coleman:

I am writing in support of House Bill No. 5255 – An Act Concerning Municipal Mandate Relief, because I believe the various components of this bill will provide much needed aid to towns trying to navigate through this economic crisis. I would, however, like to respectfully request your committee consider an addition to the bill that would allow municipalities to postpone revaluation for one year.

Granting the postponement of our scheduled 2012 revaluation would allow us more time to set aside the necessary funding. In preparation for revaluation, Guilford reserves an amount of money each of the preceding years, but this has become increasingly difficult due to severe budget constraints caused by the economic downturn. Additionally, allowing this postponement would also help to insure equity treatment among towns, since municipalities, which were to conduct revaluations in 2008, 2009 and 2010, were allowed to postpone for one year.

Another consideration is the potential for inflated revaluation costs due to an increased number of towns seeking revaluation services at the same time. When you factor in municipalities that previously delayed their revaluations one year, coupled with towns currently scheduled to conduct revaluations, this could increase competition for the limited number of revaluation companies and as a result, artificially raise prices.

There are many facets of House Bill No. 5255 that will substantially help municipalities during this challenging time and I appreciate the effort that has gone into crafting it. I do believe that by adding a section related to a one year delay of the revaluation mandate, it will only strengthen the aid this bill already provides.

I thank you in advance for consideration of this request.

Sincerely,



Joseph S. Mazza  
 First Selectman  
 Town of Guilford



900 Chapel St., 9th Floor, New Haven, Connecticut 06510-2807  
Phone (203) 498-3000 • Fax (203) 562-6314 • www.ccm-ct.org

THE VOICE OF LOCAL GOVERNMENT

## TESTIMONY

of the

## CONNECTICUT CONFERENCE OF MUNICIPALITIES

to the

## PLANNING AND DEVELOPMENT COMMITTEE

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 90% of Connecticut's population. We appreciate this opportunity to testify on the following bill of interest to towns and cities:

CCM supports a provision contained in R.B. 5255, "An Act Concerning Municipal Mandate Relief" that would require state agencies "to the extent practicable and within available appropriations" *provide a mechanism for towns to submit records electronically.*

This bill would allow towns and cities to save on costs associated with submitting required records and transactions to the State. R.B. 5255 is not a mandate on the State in that would be carried out "within available appropriations".

CCM urges the Committee to enact this common sense, cost-saving, productive and Green proposal.

## ## ##

If you have any questions, please call Ron Thomas or Gian-Carl Casa of CCM, at (203) 498-3000.

Late 6P  
11:52

*John P. Souza*  
 581 Farmington Ave...  
 Hartford, CT 06105  
 (860) 236-3851  
JohnPSouza88@aol.com

Property Owner /Manager 20+ years  
 Secretary and former President , of CT Association of Real Estate Investors (CAREI)

Testimony on Bill 5255      Tenants possessions      March 10,2010

**I oppose this bill strongly!** Shifting the moving and storage expense from the towns responsibility to the State Marshals will only serve to greatly increase the cost of an eviction for the property owners. The Marshals will pass through the charges for the service that would have to be performed by a private moving and storage company, directly to the property owners.

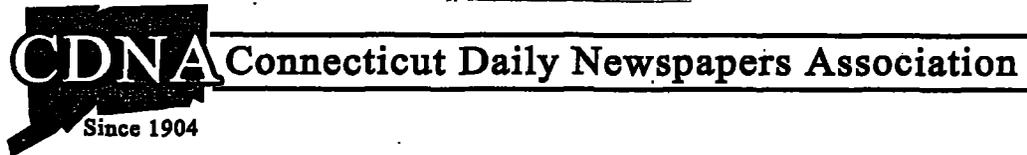
This adds insult to injury after an evicted tenant already has received numerous notices that they must move out, and the owner has spent a minimum of \$215 court/marshal costs, plus \$300-\$ 500 attorney costs, \$250-\$1,500 for removal of evicted tenants possessions to the street, lost multiple months of rent due (say \$650 X 2-3months) and mostly likely will have to spend \$\$ repairing the damages done, and this bill proposes that we pay \$\$\$ again to remove from the street and store the possessions. Where does this end!! These costs will only be passed on as much a possible, to the good tenants in the form of higher rents. How is this fair to anyone?

The ridiculous fact of this fiasco is that most of the evicted possessions end up in the dump anyway!! The city of Hartford stores the tenants property in shipping containers (on the grounds of the dump) for 30 days, if the evicted tenant can pay the city's costs for moving and storage they can come and get their belongings back. Most don't bother, if far too expensive. This seems like a foolish waste of everyone's resources, when tenants could rent a storage unit themselves for as little as \$40-\$75 a month if they want anything from the apartment.

Secondly, if an apartment is infested with bed bugs (a growing problem), no private moving or storage company will be willing to remove and store the infested belongings. From my experience nothing should be moved from the apartment to another location without fumigation, which may take several weeks. Who will be responsible for these additional costs?

Lastly, vacancy rates have increased as the economy wains, people are increasingly moving out of state, doubling up in apartments or moving back in with parents to survive. Land lords have held rent increases to a minimum or even lowered rents to try and fill the empty apartments. While expenses for energy, insurance, water, TAXES etc. keep increasing. We are stuck in the middle struggling to provide decent housing at an affordable price!

**SOLUTION** After notifying the tenant numerous times (as done now w/ court paperwork) The belongings left behind after an eviction should be considered abandoned property. Let the property owner dispose of it as they wish. We could pass the belongings on to tenants relatives if unable to locate the tenant. This will save the cities and towns money and not pass on the expense to the property owners and responsible tenants.



Testimony of Chet Valiante  
before the Planning & Development Committee

on March 10, 2010

in opposition to

H.B. 5255, AAC Municipal Mandate Relief and HB 5031, AAC Reducing Costs to  
Municipalities

Chairman Coleman, Chairman Sharkey and members of the Planning & Development Committee, my name is Chet Valiante. I am the Publisher of the Hour Publishing Company of Norwalk and the President of the Connecticut Daily Newspapers Association (CDNA). Thank you for the opportunity to provide testimony today in opposition to H.B. 5255 AAC Municipal Mandate Relief and HB 5031 AAC Reducing Costs to Municipalities.

A fundamental premise of a democratic society - that an informed citizenry must be made aware of the actions of the government that could affect their lives and property - public notice requirements have long been a part of the American tradition. Public notices also must establish a proper record to verify that such notification was carried out in a timely manner. The traditional elements include publication in a forum independent of the government, such as a local newspaper, providing the following:

- Accessibility by all segments of society
- Verifiability, as through an affidavit of publication; that the requirements of notification were met.
- Archivability in a secure and readable format

The concept most central to public notices is accessibility. It is the very reason they are called public notices. Currently, a notice published in any Connecticut daily newspaper is also published on that newspaper's website and the aggregated CDNA website, [www.ctpublicnotices.org](http://www.ctpublicnotices.org). The passage of these bills will move some notices exclusively to the web, thus limiting public access. According to the Pew Internet and American Life Project, a full 25% of Americans don't have access to the Internet at home or at work. We should not attempt to predict which medium serves the most citizens. We should deliver this information through multiple channels - as occurs with the current public notice statutes.

The 17 publisher members of the Connecticut Daily Newspapers Association reach more than 600,000 of the state's 1.3 million households daily, and almost 700,000 on Sunday. Three out of every four adults in Connecticut say they read a newspaper at least once a week. Our affiliated weekly newspapers and our growing presence online create unparalleled reach within our state. With the combined formats of dailies, weeklies and online presentation, newspaper companies give public notices a visibility that no other medium can match. In contrast, the proposal before you today would make that information readily available to fewer people and more difficult to access. Less scrutiny of public spending provides more opportunity for mischief or worse

We believe that this proposal, if adopted, would reduce the accountability of local government officials to their residents. Posting on a government site alone deprives the notice of the independence that protects against tampering, alteration, political bias and after-the-fact "publication," i.e. posting of a notice after legal deadline. Connecticut's recent ethical troubles, concerning both state and local officials, should give the legislature pause to make it easier to defraud the public.

Next, we must be cautious when risking the integrity of documents that have value of a historical nature. The emerging digital age raises many questions with regard to the long term storage of these documents. Many seemingly successful technologies (8 track tapes and 5 1/4" floppy drives come to mind) had little functional value once technology progressed. We must ensure that municipal records are archived in a secure and readable format over the long term.

Finally, it would be disingenuous not to mention that our interest in this issue is affected by the impact on our bottom line. The newspaper industry is struggling now as it moves from one funded largely through print advertising dollars to whatever comes next. We feel strongly that we remain the most vibrant, local news gathering operations anywhere. With that said, the passage of this proposal would likely put some Connecticut newspapers on the brink financially.

We are encouraged by the recent decision of the House Democrats M.O.R.E Commission to leave this public notice proposal out of their recent recommendations. We hope that as more members of the legislature recognize the value of the current public notice system, they will reach the same conclusion.

Again, I'd like to thank the committee for the opportunity to testify on this piece of legislation and I urge your opposition to this bill. We look forward to working with the Committee and the Connecticut General Assembly throughout this session.

# Legal Assistance Resource Center

## ◆ of Connecticut, Inc. ◆

44 Capitol Avenue, Suite 301 ◆ Hartford, Connecticut 06106  
(860) 278-5688 x203 ◆ FAX (860) 278-2957 ◆ Rpodolsky@LARCC.org

H.B. 5255 (Sec. 2 and 3) and H.B. 5031 (Secs. 3 and 4)

### Municipal duty to protect tenants' possessions after an eviction

Testimony of Raphael L. Podolsky

<p><b>Recommended legislative action: REJECTION OF THE PROPOSALS</b></p>
--

Municipalities play a critical role in the last stages of the eviction process by picking up and holding the possessions of evicted tenants for at least 15 days so that they have a chance to get them back. These bills, which would remove the towns from the process, will in the end leave tenants at the mercy of landlords and in practice often result in the loss of every possession they own. The statutes should NOT be changed.

- \* The existing statute is not an "unfunded state mandate." It is a public health, safety, and welfare responsibility of towns that dates back to at least 1895, when the current statute was adopted. It is a way of keeping a buffer between landlords and tenants and a way of preventing violent confrontations.
- \* Existing law protects the most vulnerable tenants. In about 3,000 evictions per year – 10% to 15% of all eviction cases – the tenant or the tenant's possessions must be removed by a marshal. These are often the saddest cases – tenants with little understanding of the process, no place to go, and no place to store property.
- \* It isn't just about apartment renters. These bills apply to everyone who rents residential property. For example, they apply to the owners of mobile homes in mobile home parks, who may have an investment of \$100,000 or more in their home. They even apply to the "ejectment" of a homeowner at the end of a foreclosure. Passage of these bills puts all of their belongings at greater risk.
- \* A significant number of cases result in redemptions. A 50-town survey completed in 2006 found that, while redemption rates vary widely from town to town, tenants reclaim their property on average about 20% to 25% of the time.
- \* Tenant property is not all "junk." This is confirmed by the testimony of marshals in past years and by such towns as New Britain, which conduct their auctions in the form of open, public tag sales. In addition, some property, from photograph albums to personal papers, is irreplaceable.
- \* The town is the best entity to deal with the situation. It is neutral. It has an interest that its residents not be stripped of all their possessions. It may be willing to waive storage fees or help the tenant with a voluntary move that avoids an eviction by the marshal, saving cost to the landlord and the town and reducing hardship for the tenant.

(continued on reverse side.....)

- \* Proper municipal response to notice that an execution has been served can significantly reduce the number of executed evictions through third-party intervention. Towns like West Hartford and Bloomfield have demonstrated that town intervention can produce win-win situations by having a town worker seek out the tenant and actively broker a move-out or other resolution that will necessitate neither the use of a marshal to evict nor pick-up and storage by the town.
- \* Retention of the property by the landlord is not a suitable alternative. Landlords are likely to throw property away immediately or to refuse to return it, even on demand. Direct confrontation between landlord and tenant is dangerous and creates public safety risks. In practice, leaving the tenant's property in the landlord's control is very likely to result in permanent loss of the property to the tenant.

The present system is, by far, the best of the alternatives and should be retained.

**TESTIMONY OF**  
**THE CONNECTICUT COALITION OF PROPERTY OWNERS**  
**BEFORE**  
**THE LEGISLATURE'S PLANNING & DEVELOPMENT COMMITTEE**  
**WEDNESDAY, MARCH 10, 2010**

Good morning, my name is Paul Rosow. I am a landlord and property owner and the President of Connecticut Coalition of Property Owners ("CCOPO"). I am here today to testify regarding the storage of evicted tenants' possessions mandate addressed by the following proposed bills:

**HB 5255 AAC Municipal Mandate Relief.**

The Connecticut Coalition of Property Owners is in all likelihood the largest landlord organization in Connecticut with members throughout Connecticut and several chapters, including the:

- Bridgeport Property Owners' Association,
- Greater Hartford Property Owners' Association,
- Stamford Property Owners' Association, and the
- Connecticut Association of Real Estate Investors.

Collectively, we represent approximately 25,000 rental units in Connecticut.

**CCOPO opposes HB 5255.** The bill would shift the responsibility to remove, store, advertise and auction the personal property of an evicted tenant which has been left behind, to Marshals and landlords. Marshals are not moving and storage companies. Any costs that they incur would be passed through to the people that have to pay for their services, in this case the innocent landlord.

Shifting the requirement of providing a free service to evicted tenants is unnecessary, costly and particularly unfair. What has the landlord done wrong? Please consider what occurs during the eviction process and that 95% of all evictions in Connecticut result from nonpayment of rent.

An eviction occurs only after a lengthy process during which tenants are extended full due process rights. Property owners frequently have not been paid rent for months before Summary Process is even begun. When the Courts ultimately rule for the owner and order eviction of the tenant, the landlord's expenses are only beginning.

Upon judgment in favor of the landlord by the Housing Court, a writ of execution is issued. The landlord must then pay a State Marshal to serve the writ and remove the tenant from the property. Then the landlord then must pay a mover to box and move any possessions that the former tenant has left behind. The landlord must move the evicted tenant's personal property to a municipal truck.

The city or town then must take the personal property to a storage facility and store it for 15 days. Then the municipality must pay to publish legal notice and to attempt to auction the personal property. Anything which is not sold at auction, which is overwhelmingly the result, then is disposed of at the town's transfer station.

But, the landlord's costs are not finished yet. After the tenant's possessions are removed, the landlord must clean and repair the unit. Frequently, evicted tenants damage the property and cleaning and repairs can be costly.

Please consider the attached exhibit entitled "The Unfair Costs Of Eviction." It demonstrates that the landlord's costs dwarf those of the municipalities.

A tenant that has been evicted by court order should bear the cost of removing and storing their personal property. Taxpayers and landlords should not have to pay those costs. If removal and storage of an evicted tenant's personal property is a social service that is to be continued, tenants should pay for it.

CCOPO stands ready to work with all parties to resolve this issue. We have offered a solution to this problem in the past that assists evicted tenants while eliminating costs to the innocent parties (the taxpayers and the property owners) who have done nothing wrong. However, this bill HB 5255 should not pass. It punishes and taxes the innocent. Whether the landlord is an elderly couple dependent on the rental income or a small businessperson trying to make a living, the additional expense should not be dumped on them. The responsibility for an evicted tenant's personal property belongs to the tenant and not to taxpayers or landlords.

This completes my testimony. Thank you for your consideration.

## THE UNFAIR COSTS OF EVICTION

95 % of all evictions are for nonpayment of rent. The following sets forth typical costs incurred by property owners, municipalities and tenants per eviction.

<u>Property Owner</u>	<u>Municipality</u>	<u>Tenant</u>
Service of Notice to Quit	Cost of truck & crew (2 hrs)	Move out
\$ 40	est. \$100	-free-
Service of Summons & Complaint (ave.)	Storage (15 days @ ave. \$15/day)	15 days Storage
\$ 50	\$150	-free-
Attorneys Fee	Legal Notice of Auction	3 months rent
\$ 500	est. \$ 50	-free-
Service of Execution & Notify Town (ave)	Cost of Auction & Disposal	
\$ 65	est. \$ 75	
Move out charges from movers		
Per 2 BR Apt. incl. boxes & tape (ave)		
\$ 650		
State Marshal fee (ave. hours)		
\$ 150		
Average cleaning & repair costs		
after eviction		
\$1,500		
Average Loss of 3 months rent		
\$2,400		
<b><u>Total Property Owners Cost</u></b>	<b><u>Total Municipal Cost</u></b>	<b><u>Total Evicted Tenant</u></b>
<b><u>\$5,355</u></b>	<b><u>\$375</u></b>	<b><u>\$ 0</u></b>

The Connecticut Coalition of Property Owners recommends that the following plain language notice be placed in all residential leases, as well in the following documents involved in Summary Process: **TENANTS ARE RESPONSIBLE FOR THE REMOVAL OF THEIR POSSESSIONS AFTER EVICTION. PERSONAL PROPERTY REMAINING FIVE DAYS AFTER A JUDGMENT AND EVICTION MAY BE DISPOSED OF WITHOUT LIABILITY BY THE OWNER OF THE DWELLING UNIT.**

Notice to Quit  
 Summons  
 Complaint  
 Defendant Appearance  
 Defendant Answer To Complaint  
 Reply To Special Defenses  
 Motion For Failure To Reply  
 Stipulation  
 Notices From the Court (hearings)  
 Writ of Execution  
 Court Decisions.

000642



**CONNECTICUT  
CONFERENCE OF  
MUNICIPALITIES**

900 Chapel St., 9th Floor, New Haven, Connecticut 06510-2807  
Phone (203) 498-3000 • Fax (203) 562-8314 • [www.ccm-ct.org](http://www.ccm-ct.org)

**THE VOICE OF LOCAL GOVERNMENT**

## TESTIMONY

of the

## CONNECTICUT CONFERENCE OF MUNICIPALITIES

to the

## PLANNING AND DEVELOPMENT COMMITTEE

March 10, 2010

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This bill would allow towns and cities to save on costs associated with submitting required records and transactions to the State. R.B. 5255 is not a mandate on the State in that would be carried out "within available appropriations".

CCM urges the Committee to enact this common sense, cost-saving, productive and Green proposal.

## ## ##

If you have any questions, please call Ron Thomas or Gian-Carl Casa of CCM, at (203) 498-3000.



**State of Connecticut**  
**HOUSE OF REPRESENTATIVES**  
 STATE CAPITOL  
 HARTFORD, CONNECTICUT 06106-1591

**REPRESENTATIVE AUDEN GROGINS**  
 ONE HUNDRED TWENTY-NINTH ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING  
 HARTFORD, CT 06106-1591  
 CAPITOL: (860) 240-8585  
 TOLL FREE: (800) 842-8267  
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MEMBER  
 EDUCATION COMMITTEE  
 GOVERNMENT ADMINISTRATION AND ELECTIONS  
 COMMITTEE  
 PUBLIC HEALTH COMMITTEE

**TESTIMONY-CONCERNING H.B. 5255**  
**An Act Concerning Municipal Mandate Relief**  
**Planning and Development Committee Public Hearing**  
**March 10, 2010**

I would like to thank the chairs of this committee, Representative Sharkey and Senator Coleman, as well as all the committee members, for the opportunity to address you on HB 5255 An Act Concerning Municipal Mandate Relief. I am here to speak in favor of the bill, but would like to specifically focus on the current proposal to amend the statute that requires municipalities to remove and pay for the storage of property left by an evicted tenant.

I am currently serving as the Vice Chair of the State Grants and Mandate Relief Committee, a subcommittee of the MORE Blue Ribbon Commission. Our committee spent weeks discussing, researching, and receiving input from city and town officials on their ideas for relieving municipalities of state mandates.

During the subcommittee meetings, this particular mandate generated more discussion than almost any other mandate that we reviewed. The majority of representatives from both the cities and towns, agreed, that in light of the current economic crisis, it was time to amend this statute and relieve municipalities of this unnecessary and costly mandate.

Connecticut is one, of only a small handful of states, which places the responsibility on the municipality to remove and store the property of an evicted tenant. This obligation comes at a great expense to the municipality, especially when one considers that an eviction involves a private legal issue between the landlord and the tenant. Furthermore, the research that I have done reflects that the majority of states designate the responsibility of removing and storing an evicted tenant's property to the landlord.

SERVING BRIDGEPORT

Passing this legislation would not only be consistent with the recommendations of the MORE Commission but is critically important at a time when cities are faced with ever-growing financial difficulties in this current fiscal crisis.

The amendment of this statute would be of great importance to Bridgeport, the city I represent, which recently faced a 20 million dollar budget deficit this past 2009 year. As a result of this substantial deficit, Mayor Finch was forced to make drastic cuts and layoffs, involving over 200 employees, including police officers. Amending this one statute alone would translate into almost \$200,000 in mandate relief for Bridgeport, which handled 572 evictions last year.

Connecticut should take its lead from the majority of other states that do not involve cities and towns in these eviction issues.

During this economic crisis, it is critical that we as legislators restructure government, by finding innovative ways to provide important mandate relief to our municipalities. It is for these reasons that I urge you to support the passage of this bill.

Thank you for your consideration.

Sincerely,



Auden Grogins  
State Representative  
129th Assembly District  
Bridgeport



**Testimony of**  
**Susan Bransfield, First Selectman, Town of Portland**  
**On behalf of**  
**Connecticut Council of Small Towns**  
**Before the Planning & Development Committee**  
**March 10, 2010**

**RE: HB-5255, AN ACT CONCERNING MUNICIPAL MANDATE RELIEF**

The Connecticut Council of Small Towns (COST) *strongly supports* HB-5225, which includes numerous recommendations to address the need for municipal mandate relief.

Mandate relief is a top priority for Connecticut's suburban and rural towns. Connecticut will not be able to enact true property tax reform unless it recognizes the burden it places on towns and cities by passing unfunded state mandates. Connecticut's small towns and cities are once again facing enormous pressure to hold the line on local budget and property tax increases although local pension and benefit costs are rising. While we recognize that the state is not in a position to increase municipal aid, it can act now to relieve some of the burden on our small towns and cities by addressing long-standing concerns with unfunded mandates.

COST therefore urges adoption of the following measures which our membership has identified as priorities for this legislative session, including:

- **Enacting a 2/3 Approval Requirement for Any Unfunded Mandate –** Requiring any new unfunded mandate to be approved by a 2/3 vote will bring more transparency to the process and highlight the cost of the proposed mandate to Connecticut's towns and cities and give lawmakers the opportunity to carefully weigh the fiscal impact before passing on another unfunded mandate to Connecticut taxpayers. A partnership must exist between each level of government and fiscal impact discussions must take place before mandate legislation is passed.
- **Electronic Posting of Reports –** Allowing towns to provide access to an electronic copy of the annual report is much more efficient than requiring towns

to make print copies available. This provision will allow towns to save on printing and mailing costs and free up staff time who have to respond to requests for copies. Given that an increasing number of town residents look to the town's website for information, this is a simple common sense measure that should be adopted.

- **Relieving towns from the cost and burden associated with removing and storing the personal possessions of evicted tenants.** A 2006 report prepared by the Office of Legislative Research (OLR) indicates that "In the overwhelming majority of the 37 states that we researched, a landlord may dispose of personal property that a tenant leaves in dwelling units by selling it after first notifying the tenant of his intent and storing the property for a period prior to the sale." Under Connecticut law, however, the responsibility for removing and storing the property is shifted to the municipality, which places a heavy financial burden on our towns and cities. The requirement that towns remove and store an evicted tenant's possessions is extremely costly and burdensome, particularly at a time when towns are struggling to provide residents with services without raising property taxes. There are an estimated 2,500 residential evictions per year. Storage costs average between \$10 and \$15 per day, per eviction, for an average of 15 days. This can range from approximately \$12,000 to \$165,000 per municipality.

**COST urges support for the mandate relief measures included in this bill. However, the legislature must also address two long-standing mandates that significantly increase local costs – Binding Arbitration and Prevailing Wage laws.**

- **Binding Arbitration** - The big driver of local budgets is education – an area over which local government and citizens have little control. An increasingly unmanageable portion of the local education budget is teachers' salaries and benefits. Unfortunately, under the current binding arbitration mandate, towns have very few options with which to negotiate any savings. In these difficult economic times, current binding arbitration laws can no longer be justified. Meaningful binding arbitration reform is needed to reduce the financial and administrative burden on small towns and cities. To address this, **COST supports giving towns the right to reject arbitration awards by a 2/3 vote of a town's legislative body.**
- **Prevailing Wage** - The prevailing wage mandate results in significantly higher costs for local projects such as schools, ball fields and senior centers. Prior to 1991, legislators adjusted the prevailing wage threshold on a six-year schedule to ensure that smaller projects were exempt from the mandate. However, the thresholds (\$100,000 for renovations and \$400,000 for new construction) have not been adjusted for more than fifteen years. Failure to adjust the thresholds for prevailing wage projects to exempt smaller town projects has cost Connecticut towns millions of dollars. **COST advocates increasing the prevailing wage**

**threshold to \$1 million for new construction and renovations and indexing the threshold to annual inflation rates.**

COST also supports many mandate relief measures included in other bills before the committee, including: 1) Posting Municipal Legal Notices on the Internet; 2) Delaying or repealing the in-school suspension mandate; 3) Eliminating treble damages liability for local zoning officers; 4) Exempting small towns from the FOI website posting mandate and addressing other concerns with the website posting requirements.

Thank you for the opportunity to comment on mandate relief. COST looks forward to working with lawmakers to enact meaningful measures to help towns reduce costs and hold the line on property taxes.



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THE VOICE OF LOCAL GOVERNMENT

**TESTIMONY**  
 of the  
**CONNECTICUT CONFERENCE OF MUNICIPALITIES**  
 to the  
**PLANNING AND DEVELOPMENT COMMITTEE**

*Mandate Newspaper Publication of Notices*

March 10, 2010

CCM 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 you on issues of concern to towns and cities.

CCM supports R.B. 5031, "An Act Reducing Costs to Municipalities", and R.B. 5255, "An Act Concerning Municipal Mandate Relief." Contained in these bills are proposals that would relieve towns and cities from the mandate to pay exorbitant fees by having to post certain notices in newspapers.

The M.O.R.E. Commission recommends relieving municipalities of the requirement to post notices of meetings on the Internet. However, it does not address the more costly mandate for newspaper publication of legal and other notices.

While CCM appreciates the M.O.R.E. Commission's attention to that mandate, the more costly - and unnecessary - unfunded state mandate concerns legal and other notice postings.

Newspaper Notices & the 21<sup>st</sup> Century

Town and City Halls are the central hub of any community in Connecticut. They are the clearinghouse of information and activities for all things local - from schedules of concerts on the green, to town meetings, to lost and found items. Residents of all ages rely on their most accountable level of government, their hometown, to keep them informed.

In the 21st century, the quickest, most transparent and cost-effective way to get local information to the most amounts of residents is via the internet. It is no secret that the Internet is where people shop, communicate, do their banking, and share general information. Municipal websites have become a critical lifeline that link living rooms to their town and city halls instantly. Just like the rise of local cable access stations, the Internet and municipal websites have allowed local governmental activities to emerge even further into the public spotlight. Despite these obvious advances, in 2010, Connecticut's hometowns are mandated to legally post their notices in the back pages of printed newspapers riddled with fleeting circulations.

This state mandate suppresses local governments' visibility, protects the status quo, and serves as the state's version of a life-preserver for financially failing newspapers, all at local taxpayers' expense. It is estimated that this 20th century law costs small towns several thousands of dollars annually, while the costs to larger cities can be as much as hundreds of thousands of dollars per year.

- DUES -

Times have changed, technology has changed, and so to have the habits and practices of our population. The experience in rural Goshen, Connecticut is illustrative:

The daily circulation of Goshen's local paper, the *Register Citizen* is approximately 370 residents, while the daily circulation of the region's more prominent *Waterbury Republican-American* is approximately 339 local daily readers. The amount of newspaper subscribers in town pales in comparison to the amount of actual viewers (known as 'hits') the Town of Goshen receives on its "Events Calendar" webpage, which is approximately 150,000 'hits' per year. This small town's website traffic is only a fraction of what mid-to-larger municipal websites already accommodate. It is widely recognized and accepted that Connecticut residents use their municipal websites as the primary source of information about their hometowns -- whether while at their local library, at home, or at work.

State law continues to wallow in a mire of out-dated mandates as residents demand more efficient government. Municipal websites are a one-stop shop for local schedules, initiatives, programs and services. Allowing towns to legally post online such notices as planning commissions' decisions, zoning commissions' regulations, and notifications of times and places for voter registrations would not only save municipalities money -- it would be common sense and a logically improvement to the operation of local government. Antiquated state law should not stand in the way of local governing progress.

CCM urge the Committee to remember:

- ***The Internet is accessible to everyone.*** All local libraries are equipped with computers at no cost to the users. Newspapers must be purchased to be read.
- ***Internet sites can be accessed from anywhere in the world at any time.*** Newspapers must be purchased in the region they serve.
- ***If a municipality already has a fully functional website with the capability of meeting the requirements of PA 08-03 of the June Special Session, then placing such ads can be done at minimal costs -- whereas placing these ads in newspapers costs in excess of \$2 million statewide every year.***
- ***Public notices placed on Internet sites can remain there indefinitely,*** making the information available for a greater amount of time. Notices placed in newspapers are only there for the allotted time paid for.

CCM urges you to not acquiesce to the special interests of old-guard newspaper companies. We urge you to pioneer a new era of government transparency by allowing communities to post their goings-on legally, on their websites, for the entire world to see, comment and act upon.

Local property tax dollars are not the remedy for what ails newspaper companies in Connecticut. This state mandate has out-lived its purpose and should be amended to conform to the realities of today's world.

## ## ##

If you have any questions, please contact Ron Thomas or Kachina Walsh-Weaver of CCM, (203) 498-3000.



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THE VOICE OF LOCAL GOVERNMENT

## 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.

## ## ##

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

Attachment

**STATE LAWS ON LANDLORDS' TREATMENT OF ABANDONED PROPERTY**  
**1 of 10 document(s) retrieved****Topic:**

ABANDONMENT OF PROPERTY; EVICTION; LANDLORD-TENANT RELATIONS;

**Location:**

LANDLORD - TENANT RELATIONSHIP;



February 21, 2006

2006-R-0164

**STATE LAWS ON LANDLORDS' TREATMENT OF ABANDONED  
PROPERTY**

By: Sandra Norman-Eady, Chief Attorney

Ryan O'Neil, Research Assistant

Margarita Maslyukova-Malova, Research Fellow

You asked for a summary of laws in the 50 states regulating how landlords must handle personal property that tenants leave in their dwelling unit after an eviction. We could not locate a secondary source for this information so we summarized the law in as many states as we could within your timeframe.

**SUMMARY**

In the overwhelming majority of the 37 states that we researched, a landlord may dispose of personal property that a tenant leaves in dwelling units by selling it after first notifying the tenant of his intent and storing the property for a period prior to the sale. Colorado is the only state we identified where landlords have no duty to store property that tenants leave behind. Connecticut, Virginia, and Washington are the only states that we found that permit tenants' property to be placed on a street, sidewalk, or other public property.

Most of the states that allow landlords to dispose of personal property remaining in or at dwelling units give them the discretion to destroy or otherwise dispose of property they determine to be worth less than the total cost to move, store, and sell it at a public sale. Some states, like

California, Florida, Maine, and Nebraska, set a monetary threshold below which property may be destroyed or otherwise disposed of without a public sale.

The level of detail in the notice that landlords must provide tenants vary by state. While all states that require notice require it to inform the tenant that the property

will be disposed of unless he claims it in a specified number of days, some states (e. g. , California, Florida, Hawaii, Kansas, Massachusetts, and Nebraska) require the landlord to describe the property in sufficient detail for the tenant to identify it. Most states require the notice to be mailed or personally delivered, but Kansas landlords must instead publish the notice in a local newspaper.

The vast majority of the states allow landlords to recover costs associated with removing, storing, advertising, and selling personal property from sale proceeds. Generally, tenant owners are entitled to any residual proceeds.

Most of the states have laws that are specific to post- eviction handling of tenants' property. However, the law in some states (e. g. , Arizona, Iowa, Minnesota, Missouri, Nevada, and New Jersey) applies to property that a tenant "abandons" either pre- or post- eviction. These states generally establish a presumption that property is abandoned (1) after a specified number of days if the tenant has not informed the landlord of an extended absence or (2) if the tenant does not respond to the notice of disposition. Although a person who has been evicted from a dwelling unit is no longer a "tenant", we have used this term throughout for ease of understanding.

#### ABANDONED PROPERTY

Most states regulate the way landlords must handle personal property left behind by departed tenants. Many require landlords to notify tenants of the status of the property, including the landlord's intention to dispose of it on a specified date unless it is reclaimed. Most states require landlords to store the property before disposing of it and allow them to recover removal and storage costs from any proceeds they realize after selling the property. Table 1 shows the process for handling abandoned property in 37 states.

**TABLE 1: DISPOSAL OF ABANDONED PROPERTY BY STATE**

<p>Alaska § 34. 03. 260</p>	<p>A landlord must notify his tenant that unless he removes the property within at least 15 days, the landlord will sell it or, if valueless, otherwise dispose of it. If the tenant appears to remove property, he must pay storage costs. If the tenant does not remove it, the landlord may sell, destroy, or otherwise dispose of it.</p>
<p>Arkansas § 18-16-108</p>	<p>All property left in and about the premises after termination of a lease are presumed abandoned and may be disposed of as the landlord sees fit. The property is subject to a lien in the landlord's favor for payment of agreed upon sums.</p>
<p>Arizona § 33-1370</p>	<p>When property is abandoned, the landlord must mail the tenant notice of his intention to take the property. The landlord must store it for at least 10 days. If the tenant does not attempt to recover it, the landlord may sell it and apply the proceeds towards any outstanding rent, costs the landlord occurred, and any other costs provided in the lease agreement. The landlord must mail excess proceeds to the tenant at his last know address.</p> <p>If provided in the rental agreement, a landlord may destroy or otherwise dispose of property that is worth less than the total cost to move, store, and dispose of it at a public sale.</p>

	The landlord must keep adequate records and any excess proceeds for 12 months after a sale.
California Civil Code § 1983 et seq.	<p>The landlord must send a notice to the place the tenant is expected to receive it that (1) describes the property in sufficient detail for the tenant to identify it, (2) advises him that he has 15 days (18 days if the notice is mailed) to claim it, (3) appraises him of reasonable storage costs, and (4) tells him where to claim the property.</p> <p>The notice must also inform him that unclaimed property of value will be sold at a public sale and property believed to be worth less than \$ 300 will be kept, sold, or destroyed.</p> <p>After deductions for storage, advertising, and the sale, landlords must turn over to the county any residual proceeds.</p>
Colorado § 13-40-122	A sheriff may remove a tenant's personal property when executing a writ of restitution. A landlord has no duty to store or inventory the property, or to determine its condition or ownership. If he elects to do so, he may charge the tenant for reasonable storage costs.

Table 1: Continued

Connecticut § 47a-42	<p>The state marshal executing the eviction must use reasonable efforts to locate and notify the tenant and any other previous occupants affected by the eviction of the date and time of the removal and possible sale of the property. The marshal must also give the chief executive officer (CEO) of the town where the rental unit is located a 24-hour notice of the eviction, stating the date, time, and location, and general description, if known, of the type and amount of property to be removed.</p> <p>If the property is unclaimed, the marshal can set it on an adjacent sidewalk, street, or highway. If not immediately removed, the CEO must remove and store the property at the tenant's expense. The CEO can sell, at a public auction, any property remaining in storage for more than 15 days after the eviction. He must make reasonable efforts to locate and notify the tenant of the sale, including posting a notice one week in advance of the auction on a public sign post located near the place of eviction or, if there is no sign post, at some exterior place near the town clerk's office.</p> <p>Within 30 days after the auction, the CEO must turn auction proceeds, minus a reasonable charge for removal and storage, to a tenant who asks for them. Absent a request, the CEO turns the proceeds over to the town treasury.</p>
Delaware 25 § 5715	If a tenant has not removed his property at the time the writ of possession is executed, the landlord can immediately remove and store the property for 7 days at the tenant's expense. If the tenant does not claim the property and reimburse the landlord for removal and storage at the end of this period, the property is deemed abandoned and the landlord may dispose of it without further notice or obligation to the tenant.
Florida § 715. 04 et seq.	The landlord must send a notice, to the place the tenant is expected to receive it, that (1) describes the property in sufficient detail for the tenant to identify it, (2) advises him that he has 10 days (15 days if the notice is mailed) to claim it, (3) appraises him of reasonable storage costs, and (4) tells him where to claim the property.

	<p>The notice must also inform him that unclaimed property of value will be sold at a public sale and property believed to be worth less than \$ 500 will be kept, sold, or destroyed.</p> <p>After deductions for storage, advertising, and the sale, landlords must turn over to the county any residual proceeds.</p>
<p>Georgia § 44-7-55</p>	<p>A writ of possession authorizes the executing officer to remove a tenant's personal property and place it on some portion of the landlord's property or on other property that the landlord designates and the officer approves. The landlord owes no duty to the tenant regarding it. After the writ is executed, the property is regarded as abandoned.</p>

Table 1: Continued

<p>Hawaii § 521-56</p>	<p>The landlord may sell the property, store it, or donate it to a charitable organization. Before selling or donating it, the landlord must make reasonable efforts to notify the tenant, by mail, of the identity and location of the property and of his intention to sell or donate it. At least 15 days after the notice is mailed, the landlord may (1) sell the property after advertising the sale for at least three consecutive days in a daily paper of general circulation in the area where the premises is located or (2) donate the property to a charitable organization.</p> <p>After deducting any unpaid rent and the cost of storing and selling the property, the landlord must hold proceeds in trust for the tenant for 30 days, after which time the proceeds are forfeited to the landlord.</p> <p>The landlord may use his discretion to dispose of property that he determines is without value.</p>
<p>Idaho § 6-311C</p>	<p>The sheriff or constable executing the writ of possession is authorized to place any property remaining on the premises in a safe place for storage. He can place a lien on the property to offset costs.</p>
<p>Indiana §§ 32-31-4-1 to 32-31-4-5</p>	<p>A landlord who is awarded possession of a dwelling unit by a court may ask for an order to remove any personal property remaining on the premises and deliver it to a warehouseman. Before removing the property, the landlord must personally serve the tenant at his last known address with (1) a copy of the order and (2) the identity and location of the warehouseman.</p> <p>The warehouseman holds a lien on non-exempt property equal to the expenses for any of the following incurred by the warehouseman with respect to all of the property, whether exempt or not exempt: (1) storage, (2) transportation, (3) insurance, (4) labor, (5) present or future charges related to the property, (6) expenses necessary to preserve the property, and (7) expenses reasonably incurred in the lawful sale of the property.</p> <p>A tenant may claim exempt property (i. e. , a week's supply of reasonable clothing, blankets, items necessary for a minor's care and schooling, medically necessary property, or property used in the tenant's trade or business) at any time without paying costs.</p> <p>At any time prior to a sale, a tenant may claim his other property by paying the warehouseman the above-described expenses. A warehouseman may sell any nonexempt, unclaimed property 90 days the</p>

notice described above.

Table 1: Continued

<p>Iowa</p> <p>§ 555B. 2</p>	<p>A real property owner may remove abandoned personal property and place it in storage until a judgment of abandonment is entered or until the personal property owner pays a fair and reasonable charge for removal; storage; or other expense incurred, including reasonable attorneys' fees. The real property owner must notify the sheriff of the county where the real property is located when the property is removed.</p> <p>If the real property owner asks, the sheriff must notify the personal property owner, if known, of the removal. If the owner cannot be determined, and the real property owner so requests, the sheriff must give notice by one publication in a newspaper of general circulation in the county where the personal property was abandoned. If the personal property is not claimed within six months after notice, the sheriff must sell it at a public or private sale. After deducting sale costs, the sheriff must apply the net proceeds to the cost of removal, storage, notice, attorney fees, and any other expenses incurred for preserving the personal property. He must pay any remaining net proceeds to the county.</p>
<p>Kansas</p> <p>§ 5-2565</p>	<p>The landlord may take possession of the property, store it at tenant's expense, and sell or otherwise dispose of it after 30 days. At least 15 days prior to the sale or disposition, the landlord must publish notice of his intention at least once in a newspaper of general circulation in the county where the dwelling unit is located. Within seven days after publication, the landlord must mail a copy of the published notice to the tenant at his last known address. The notice must include the tenant's name, a brief description of the property, and the approximate date on which the landlord intends to sell or otherwise dispose of it.</p> <p>During the time the landlord has possession, the tenant may redeem the property after paying the landlord for holding and preparing the property for sale and for any other outstanding debt, including rent.</p> <p>Any proceeds from the sale or other disposition of the property must be used to offset (1) reasonable costs to store the property and prepare it for sale or disposition, give notice, and sell or dispose of it; and (2) any amount the tenant owes the landlord. The landlord may retain any residual.</p>

Table 1: Continued

<p>Maine</p> <p>14 §§ 6005 and 6013</p>	<p>Property that remains at a dwelling 48 hours after service of a writ of possession is deemed abandoned.</p> <p>If the property is unclaimed and valued at less than \$ 750, the landlord must place it in storage. The landlord must send written notice, including an itemized list of the property and the landlord's intent to dispose of it, to the tenant's last known address. If the tenant claims the property within 14 days after the notice is sent, the landlord must continue to store it for at least an additional 10 days to allow the tenant time to take possession. The landlord may condition the release of the property on the tenant's payment of all rental arrearages, damages, and storage costs.</p>
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	<p>If the property remains unclaimed on the 14th day after notice or 10 days after the tenant claims it, the landlord may sell the property for a reasonable fair market price and apply all proceeds to rental arrearages, damages, and costs of storage and sale. All remaining balances must be forwarded to the state treasurer.</p> <p>Abandoned tangible property valued at \$ 750 or more must be reported to the state treasurer. If the treasurer refuses delivery and authorizes a landlord to sell it, he must sell it in a commercially reasonable manner.</p> <p>After the sale, the landlord may apply any sale proceeds to unpaid rent, damages to the premises, and the expenses of storage, notice and sale. The landlord must report any balance and the records of the sale to the state treasurer.</p>
<p>Maryland</p> <p>§ 8-208</p>	<p>A lease may not contain any provision authorizing the landlord to take possession of the leased premises or the tenant's personal property unless the lease has been terminated and the tenant has abandoned the personal property.</p>

Table 1: Continued

<p>Massachusetts</p> <p>§ 239-3 and -4</p>	<p>At least 48 hours before executing a writ of possession, the executing officer must give the tenant written notice of the specific date and time that he will physically remove his personal possessions.</p> <p>Among other things, the notice must state (1) the name, address, and telephone number of the storage warehouse and (2) that the warehouse may sell at auction any property that is unclaimed after 6 months and may the proceeds necessary to compensate him for any unpaid storage fees accrued as of the date of the auction. A defendant has the option of telling the officer where to store the property at any time before it is physically removed.</p> <p>The landlord must pay the removal fee, but he is entitled to reimbursement from the tenant.</p> <p>The warehouse has a lien on the property equal to the cost of storage. After the property has been stored for at least six months, the warehouse may enforce the lien by selling or otherwise disposing of the property. The defendant may postpone the sale or disposal of his property for three months upon payment of one half of all storage fees plus costs reasonably incurred in preparation for their sale.</p>
<p>Minnesota</p> <p>§ 504B. 271</p>	<p>A landlord must store the personal property belonging to a tenant who abandons the premises. The landlord has a claim against the tenant for reasonable moving and storage costs.</p> <p>The landlord may sell or otherwise dispose of the property after 60 days and may apply a reasonable amount of the proceeds to the removal, care, and storage costs and expenses of any sale. He must pay any remaining proceeds to the tenant upon written demand.</p> <p>The landlord must make reasonable efforts to notify the tenant at least 14 days prior to the sale, by personal service or mail to the tenant's last known address or usual place of abode and by posting notice of the sale in a conspicuous place on the premises for at least two weeks.</p>

Missouri § 441. 065	<p>A landlord may remove or dispose of any property that remains in or at the premises after <u>the tenant abandons it</u>. The property is deemed abandoned if the:</p> <ul style="list-style-type: none"> <li>(1) landlord has a reasonable belief that the tenant has vacated the premises and intends not to return and posts written notice of abandonment on the premises and mails a copy of it to the tenant's last known address;</li> <li>(2) rent is due and has been unpaid for 30 days; and</li> <li>(3) tenant fails to either pay rent or respond in writing to the landlord's notice within 10 days.</li> </ul> <p>The notice must include a warning that the landlord may dispose of the property remaining on the premises unless the tenant contacts the landlord within 10 days and informs him that the property is not abandoned.</p>
------------------------	---

Table 1: Continued

Montana § 70-24-430	<p>If a tenancy terminates and the landlord reasonably believes that the tenant has abandoned all personal property left on the premises, the landlord may inventory and store the property with a commercial storage company.</p> <p>The landlord must:</p> <ul style="list-style-type: none"> <li>(a) make a reasonable attempt to notify the tenant that he plans to move the property;</li> <li>(b) notify the local law enforcement office that he has the property;</li> <li>(c) make a reasonable effort to determine if the property is secured or otherwise encumbered; and</li> <li>(d) send a notice to the tenant's last-known address stating that at a specified time, not less than 15 days after mailing the notice, the property will be disposed of if not removed.</li> </ul> <p>After the 15 days, the landlord may sell, destroy, or otherwise dispose of the property.</p> <p>If, after receiving notice, the tenant informs the landlord that he intends to claim the property and does so within 7 days thereafter, the landlord is entitled to storage costs for the period that the property remains in safekeeping, plus the cost of removal of the property to the place of storage.</p> <p>If the property is sold, the landlord may deduct from the proceeds of the sale the reasonable costs of notice, storage, labor, and sale and any delinquent rent or damages owing on the premises and must remit the remainder to the tenant. If the tenant cannot after due diligence be found, the remaining proceeds must be deposited with the county treasurer for the county where the sale occurred.</p>
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Table 1: Continued

<p>Nebraska</p> <p>§§ 69-2303 to -2314</p>	<p>When personal property remains on the premises after a tenancy has terminated or expired and the premises have been vacated by the tenant, the landlord must give written notice (1) describing the property in a manner reasonably adequate to permit the owner to identify it, and (2) informing the tenant that the property will be sold at a public sale or (3) informing the tenant that he believes the property is worth less than \$ 250 and will be destroyed, sold, or otherwise disposed.</p> <p>The landlord must release the property if the tenant claims it prior to a sale and pays the reasonable costs of storage, advertising, and preparation for sale.</p> <p>The landlord must give notice of the time and place of the public sale by advertising it once a week for two consecutive weeks in a newspaper of general circulation in the county where the sale is to be held. If there is no such newspaper in the county, the landlord must post the advertisement for at least 10 days before the sale in at least six conspicuous places in the neighborhood of the proposed sale.</p> <p>After deducting the reasonable costs of storage, advertising, and sale, the landlord must remit to the state treasurer any residual that is not claimed by the tenant.</p>
<p>Nevada</p> <p>§§ 118A. 450 and .460</p>	<p>If a landlord has notice that a tenant has abandoned leased premises, he may dispose of the tenant's personal property. In the absence of notice, a tenant is presumed to have abandoned premises if he is absent for a period of time equal to one-half the time for periodic rental payments, unless the rent is current or the tenant has in writing notified the landlord of an intended absence.</p> <p>The landlord may dispose of the abandoned property or property left on the premises after an eviction by storing it for 30 days, during which time the tenant may claim it after paying inventory, moving, and storage costs. After the 30 days, the landlord may dispose of the property and recover his costs if he has (1) made reasonable efforts to locate the tenant and (2) notified the tenant in writing of his intention to dispose of the property and 14 days have elapsed since the notice was given. The landlord must mail the notice to the tenant's present or last known address.</p>
<p>New Hampshire</p> <p>§ 540-A: 3 (VII)</p>	<p>A landlord must maintain and exercise reasonable care in the storage of the personal property of a tenant who has vacated the premises, either voluntarily or by eviction, for a period of 28 days. During this period, the tenant can recover his property without paying rent or storage fees. After the 28 days, the landlord may dispose of the property without notice to the tenant.</p>

Table 1: Continued

<p>New Jersey</p> <p>§§ 2A: 18-72 to -82</p>	<p>If a landlord believes a tenant has abandoned personal property remaining in a dwelling unit, the landlord may dispose of it. Before the disposal, the landlord must notify the tenant that the property (1) is considered abandoned and that it will be stored for 30 days (33 days if the notice is mailed) and (2) will be sold at a public or private sale or disposed of or destroyed if believed to be of little value.</p> <p>The property is presumed abandoned if the tenant (1) responds to the notice within the 30 days (or 33 days, as appropriate) but does not claim the property or (2) does not respond to the notice.</p>
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	<p>If the tenant claims the property, he must pay the landlord for removal and storage.</p> <p>After 30 days, the landlord may sell the property and deduct from the proceeds the reasonable costs of notice, storage, and sale, and any unpaid rent and charges not covered by a security deposit. After deducting these amounts, the landlord must give the tenant the difference. If the tenant cannot be found, the landlord must turn the remaining proceeds over to Superior Court.</p>
<p>North Carolina § 47-25. 9 and § 42-36. 2</p>	<p>After an eviction and notice specifying the date a sheriff will execute a writ of possession, a tenant has up to 10 days to contact the landlord and arrange to take possession of the property. During the 10 days, the landlord must store the property in a county warehouse. After 10 days (or five days if the property's value is less than \$ 100), the landlord may dispose of or sell the property. If the landlord chooses to sell the property, he must give seven days notice in writing to the tenant, which may run concurrently with the 10-day period. The landlord may use sale proceeds to offset any remaining rent, damages, storage fees, and the cost of the sale. He must give any surplus to a tenant who asks for it or to the county where the property is located if no one asks.</p> <p>If the property is worth less than \$ 500, the landlord may donate it to a nonprofit organization that agrees to store it for 30 days. The landlord must post a notice of the property's location at the vacated premises and mail the tenant a copy of it. The organization must release the property at no charge if the tenant comes to claim it within 30 days.</p>
<p>North Dakota § 47-16-30. 1</p>	<p>A landlord may dispose of property, without legal process, that is valued at less than \$ 1,500 and left for more than 30 days after a writ of possession is executed. The landlord may recover his storage, moving, and sale expenses from either sale proceeds or the tenant's security deposit.</p>

Table 1: Continued

<p>Oklahoma § 41-130</p>	<p>When property is left on the premises after a tenant has been lawfully removed, the landlord may dispose of the property in any manner he chooses if he determines that it has no ascertainable value. If the landlord determines that the property has value, he must send the tenant notice at his last-known address of his intention to dispose of the property after 30 days property. During that period the landlord must store the property.</p> <p>If the tenant removes the property within the 30 days, he is liable to the landlord for removal and storage costs. If he does not, the landlord may dispose of it.</p>
<p>Oregon § 90. 425</p>	<p>When property is left on the premises after a tenant has been lawfully removed, the landlord must give the tenant written notice at his last-known address that the: (a) property is considered abandoned; (b) the tenant must contact the landlord within five days after personal delivery (or eight days after mailed notice) to arrange for removal; and (c) the property is being stored, including the storage location.</p> <p>If the tenant fails to contact the landlord by the specific date, or after that contact fails to remove the property within 15 days, the landlord may sell or dispose of the property.</p> <p>The landlord may deduct from any sale proceeds the reasonable or actual</p>

	cost of notice, storage, and sale, and unpaid rent. The landlord must turn any residual over to the tenant.
South Dakota §§ 43-32-25 to 43-32-26	The landlord may dispose of any property valued at \$ 100 or less that a tenant leaves in a dwelling unit for more than 10 days after he has vacated.  The landlord must store property valued at over \$ 100 for at least 30 days and place a lien on it cover storage and handling. After 30 days he may consider the property abandoned and dispose of it.
Tennessee § 66-28-405	Property remaining on premises is considered abandoned after (1) a tenant has been absent for at least 30 days without explanation or (2) at least 15 days have passed since the tenant was supposed to pay rent and it appears to the landlord that he has vacated the premises.  Under the latter circumstance only, the landlord must notify the tenant of his intention to take possession of the property within 10 days unless he is contacted. If the tenant does not contact him, the landlord can remove tenant's belongings from the premises and store them for not less than 30 days. If during this time the tenant does not recover his possessions, the landlord can sell or otherwise dispose of the property. He can apply sale proceeds to any unpaid rent, damages, and storage fees.

Table 1: Continued

Texas § 24. 0061	A writ of possession must order the executing officer to post a written warning that the property subject to it, if not removed, will be placed at a nearby location that does not block a public sidewalk, passageway, or street.  The executing officer or a bonded warehouseman may remove and store the property at no cost to himself or the landlord. The landlord is not required to store the property.
Utah § 78-36-12. 6	The landlord may move the property from the premises, store it and recover the costs of moving and storage from the tenant. The landlord must make reasonable efforts to notify the tenant about the location of the property. If in 30 days the tenant does not recover the property, the landlord may sell it and cover his expenses or donate the property.
Vermont 9 § 4462	If a tenant abandons his dwelling unit, the landlord must send him a written notice of his intent to dispose of any unclaimed property after 60 days. During this time the landlord must store the property in a safe place. After 60 days, the landlord owns the property and may dispose of it as he sees fit.  If the tenant appears to claim the property, he must pay storage and other fees.
Washington §§ 59. 18. 310, 59. 18. 312	A landlord may store property remaining when a sheriff executes a writ of restitution unless the tenant objects to storage. If the tenant objects, the landlord may place the property on the nearest public property.  If the landlord stores property valued at \$ 50 or less, he must give the tenant notice that he intends to sell or dispose of it after seven days unless it is reclaimed. If the property is valued at over \$ 50, the landlord must give the tenant notice that he intends to sell or dispose of it after 45 days unless it is reclaimed. The landlord must apply and sale proceeds to any outstanding debts the tenant owes the landlord, including rent and

	storage of the property. The tenant can claim any excess income from the sale for up to one year. <u>After one year, the balance becomes the landlord's property.</u>
West Virginia § 37-6-6	<p>If a tenant abandons his property while he owes a landlord rent, the landlord must post a notice on the property requiring the tenant to pay the rent within 30 days. If the rent is not paid, the landlord may take, dispose of, or otherwise remove the property after notice.</p> <p>The notice must state that the property is considered abandoned and the landlord's intentions if it is not claimed within 30 days. After the 30 days, the landlord is the property owner and can dispose of it. If, however, the property is valued at \$ 300 or more, the tenant may ask the landlord to store it for up to an additional 30 days so that he has time to claim it.</p>

Table 1: Continued

Wisconsin § 704. 05(5)	<p>If a tenant leaves property behind, the landlord can:</p> <ul style="list-style-type: none"> <li>• store it and place a lien on it for the cost of storage. The landlord must notify the tenant within 10 days after storage charges are imposed. Medicine and medical equipment must be promptly restored to the tenant and are not subject to the lien.</li> <li>• notify the tenant that the he intends to sell or otherwise dispose of the property unless it is claimed within 30 days. The landlord can deduct sale and storage costs from the sale proceeds. The tenant may claim any residual within 60 days after the sale; otherwise the landlord must send it to the Department of Administration.</li> <li>• store the property without a lien and return it to the tenant.</li> </ul>
Wyoming § 1-21-1210	<p>Once a lease is terminated, a landlord may immediately dispose of any remaining on the premises. Such property is presumed to be valueless and abandoned.</p> <p>The landlord must give the tenant notice that describes the property and states his intention to dispose of it after seven days. If the tenant informs the landlord to reclaim the property within the seven days, the landlord must hold it for an additional seven days. If the tenant does not claim it or does not respond to the notice, the property is conclusively deemed abandoned and the landlord may retain or dispose of it.</p> <p>The tenant is responsible to the landlord for reasonable removal and storage costs.</p>

SNE: RO: MM: ts

**CCM – CONNECTICUT'S STATEWIDE ASSOCIATION  
OF TOWNS AND CITIES**



The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities. CCM represents municipalities at the General Assembly, before the state executive branch and regulatory agencies, and in the courts. CCM provides member towns and cities with a wide array of other services, including management assistance, individualized inquiry service, assistance in municipal labor relations, technical assistance and training, policy development, research and analysis, publications, information programs, and service programs such as workers' compensation and liability-automobile-property insurance and risk management, and energy cost-containment. Federal representation is provided by CCM in conjunction with the National League of Cities. CCM was founded in 1966.

CCM is governed by a Board of Directors, elected by the member municipalities, with due consideration given to geographical representation, municipalities of different sizes, and a balance of political parties. Numerous committees of municipal officials participate in the development of CCM policy and programs. CCM has offices in New Haven (the headquarters) and in Hartford.

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THE VOICE OF LOCAL GOVERNMENT

Late W  
Submit 12:15

**State of Connecticut**  
**HOUSE OF REPRESENTATIVES**  
 STATE CAPITOL  
 HARTFORD, CONNECTICUT 06106-1591

**REPRESENTATIVE ELISSA T. WRIGHT**  
 41<sup>ST</sup> ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING  
 ROOM 2403  
 HARTFORD, CT 06106-1591  
 HOME: (860) 538-1813  
 CAPITOL: (860) 240-8585  
 TOLL FREE: 1-800-842-1902  
 FAX: (860) 240-0208  
 E-MAIL: Elissa.Wright@cga.ct.gov

VICE CHAIRMAN  
 BANKS COMMITTEE

MEMBER  
 FINANCE, REVENUE AND BONDING COMMITTEE  
 JUDICIARY COMMITTEE

**TESTIMONY OF REPRESENTATIVE ELISSA WRIGHT**  
**STATE REPRESENTATIVE, 41<sup>ST</sup> DISTRICT**

*Planning and Development Committee Public Hearing*  
*March 10, 2010*

**In Support of:**

Proposed Substitute Bill No. 303, An Act Concerning A Municipal Hotel Tax  
Proposed Substitute Bill No. 197, An Act Concerning In-School Suspensions  
Proposed Substitute Bill No. 5255, An Act Concerning Municipal Mandate Relief  
Proposed Substitute Bill No 5336, An Act Concerning Shared Services  
Proposed Substitute Bill No. 5337, An Act Authorizing Two or More Municipalities to Pursue Joint  
 Employee Health Insurance Plans

Senator Coleman, Representative Sharkey and members of the Planning and Development Committee:

Concerns about the current economic crisis and drastically altered state revenue streams resulting from the collapse of financial markets, the recession's severity, and the painfully slow economic recovery have focused the attention of lawmakers, local elected officials, policymakers, civic and business leaders on the urgent need to change the way the state and local governments deliver and fund services in the future, lowering government costs overall. In short, the status quo no longer exists.

During the past month, the Speaker's Commission on Municipal Opportunities and Regional Efficiencies has reviewed and evaluated a number of short- and longer-term approaches to promote money-saving, tax-reducing efficiencies for Connecticut's cities and towns through cooperative and collaborative ventures, mandate relief, and revenue diversification with an eye to improve the value and effectiveness of state and local government programs. Several regional initiatives in such areas as online permitting and GIS mapping prompted through the regional performance incentive grant program, authorized under P.A. 07-239 An Act Concerning Responsible Growth, already have demonstrated success.

The above-referenced bills comprise a series of public policy instruments designed help guide Connecticut toward a smarter, more economically efficient, and socially desirable future.

This suite of bills addresses several areas of concern and offers specific, high-priority proposals for implementing action:

- Increase the state hotel occupancy tax rate to fifteen percent (from the current twelve percent). The Department of Revenue Services would segregate the additional revenues and allocate them as follows: one third to be returned to the hotel host towns; one-third distributed to all participating municipalities within the geographical region; and one-third distributed to councils of government, regional planning agencies, or councils of elected officials for use on cooperative, inter-municipal projects that deliver services more effectively and efficiently on a regional basis, to be decided by the chief elected officials of member municipalities under a process that is accountable and transparent.
- Authorize municipalities to set and charge fees to users of services provided by the municipality at rates reasonably set to allow the municipality to cover the administrative cost incurred in providing the service or collecting the fee.
- Establish a floor for depreciation of tangible personal property for municipal assessment purposes.
- Encourage collaboration through trans-boundary, shared-service agreements in the performance of such functions as school transportation, and school construction management services.
- Promote health care pooling for towns and boards of education and pooling for prescription drug insurance among Boards of Education
- Provide mandate relief from the requirement of online posting of municipal public agency meeting minutes, and from the recovery and storage requirement of evicted tenants' possessions. Suspend the effective date of the in-school suspension requirement by three years to July 1, 2013.

In conclusion, with fiscal costs spiraling and economic effects reverberating throughout the state, Connecticut, like many other states, is facing difficult decisions. Let us seize the moment and fashion a coordinated, integrated approach for improved service delivery among government jurisdictions; one that makes government more efficient and less expensive, strengthens our cities and towns, expands economic opportunities, and improves the state's competitive position.

Thank you for your consideration of these important matters.

Late  
2:37 26P

TO: Planning and Development Committee, CT Legislature  
FROM: Rhoda Micocci, Esq.  
RE: H.B. 5031 Sections 3 & 4, H.B. 5255 Sections 2 & 3; Protection of Tenant Possessions Post-Eviction  
DATE: March 10, 2010

Thank you for considering my testimony today.

I ask that you vote to delete Sections 3 and 4 from H.B. 5031 and Sections 2 and 3 from H.B. 5255. Specifically, I ask you to vote to maintain the law as it stands regarding municipal involvement and protection of tenant possessions post-eviction.

In the course of my work at the legal aid hotline in Connecticut, I have counseled several thousand tenants about to be evicted, and more recently many homeowners about to be evicted due to foreclosure. One by one, I have explained the landlord's or bank's right to possession of the property, that the tenant or former homeowner must leave taking all their possessions.

Some cannot cope: the dying man with nowhere to go whose landlord said "I don't want you dying on my property;" the many children (some very sick themselves) whose parents are ill or unemployed; the elderly too frail to even put their clothes in a garbage bag; the man whose parents built their home many years ago who said he simply could not leave.

Only one of the things I say calms and gives hope in these heart-rending cases: "the town will take your things and store them for 15 days, during which you can get them back; otherwise they are auctioned off."

This wise law for disposition of tenant property in the 10% to 15% of cases where the tenant does not remove it, has worked successfully for years. It has allowed fragile, confused, burdened and disabled people time to find help to retrieve their things. Or, crucially, if they must lose their belongings, they lose them to the "government", to the neutral, impartial, caring, responsible body that they themselves may have voted for. This the dispossessed can accept.

So the law as it stands is not merely a fair and respectful way to, let's face facts, strip evicted tenants and homeowners of the shreds of their identity—their shoes, clothes, spoons, dolls, toy trucks, cribs, beds, chairs, photos of Grandpa and Aunt Ellen, their IRS returns, birth certificates, letters, their doctor's discharge orders— it also is an excellent public safety measure.

Public safety lies in the hearts and minds of the public first, foremost and always. At a time of public crisis, with 9% counted unemployed in our state, 16% unemployment overall, and up to 25% unemployment among some demographic groups, we need this law as it stands now more than ever to prevent altercations, redeployment of police, needless court cases, criminalization of the vulnerable, and additional tensions that could fray our social fabric.

Please vote to preserve the law as it stands!

Rhoda Micocci, Esq. 366 Auburn Road, West Hartford, CT 06119 Tel: 860.231.0005

RE: Muni PoCD's

Late 19P  
2:38

**Subject:** RE: Muni PoCD's  
**From:** "Kleykamp, Tyler" <Tyler.Kleykamp@ct.gov>  
**Date:** Wed, 10 Mar 2010 09:25:13 -0500  
**To:** martin.mador@aya.yale.edu

Hi Martin;

Below is a listing that shows the adoption years for each of the Municipal PoCD's. It's worth noting that approx. 15 - 20 expired plans will be updated by the end of June as a result of OPM's PoCD grant program.

[http://www.ct.gov/opm/cwp/view.asp?a=2990&q=423696&opmNav\\_GID=1807](http://www.ct.gov/opm/cwp/view.asp?a=2990&q=423696&opmNav_GID=1807)

Year Updated	Total
1971	1
1981	1
1982	1
1984	1
1989	1
1990	1
1992	1
1994	1
1996	4
1997	5
1998	7
1999	11
2000	12
2001	10
2002	18
2003	15
2004	14
2005	15
2006	12
2007	18
2008	8
2009	10
2010	3

Tyler

Late  
11:30 W

Greater Hartford Legal Aid

To: Planning and Development Committee  
From: David A. Pels  
Re: Raised Bills 5255 and 5031  
Date: March 10, 2010

I urge the Planning and Development Committee to reject Sections 2 and 3 of Raised Bill 5255 and Sections 3 and 4 of Raised Bill 5031. These provisions would shift the responsibility for storing the possessions of homeowners and tenants after foreclosure and eviction from municipalities to the state marshals.

As a legal services attorney who has represented tenants for over 35 years, I have observed that the present system of storage by the municipalities has worked well. It is essential that a neutral third party with the capacity and experience be involved when the property of homeowners and tenants is removed under court order at the conclusion of foreclosure and eviction cases. This permits an orderly process that permits the homeowners and tenants to claim their property after the removal.

The problem with shifting the responsibility to the state marshals is that, unlike municipalities, state marshals have no storage facilities and the bill provides for no financial resources for the marshals to provide the service which is now a part of a municipality's budget. No state marshal is going to provide the storage and other statutory responsibilities without getting paid for all of the inherent costs prior to removing the goods.

The alternative, which has been suggested in previous years, of shifting the responsibility to the landlord is even worse. If a landlord-tenant relationship has deteriorated to the point where the tenant's property has to be physically removed, the landlord has no incentive to properly store and account for the property. There would be a rash of lawsuits regarding claims of stolen and damaged property as well as the need for increased police involvement for associated criminal complaints concerning thefts and possibly assaults.

The amendments proposed to Conn. Gen. Stat. §§47a-42 and 49-22 are not necessary and should be rejected.

Greater Hartford Legal Aid, Inc.

999 Asylum Avenue, 3Fl. Hartford, CT 06105-2465 • Tel: 860. 541. 5000 • Fax: 860. 541.5050 • TTY: 860. 541.5069 • [www.ghla.org](http://www.ghla.org)





John Salomone  
Town Manager

# TOWN OF NEWINGTON

131 CEDAR STREET  
NEWINGTON, CONNECTICUT 06111

## OFFICE OF THE TOWN MANAGER

March 10, 2010

### Testimony of Town Manager John Salomone of Newington

- Raised Bill No. 303 – An Act Concerning a Municipal Hotel Tax
- Raised Bill No. 5255 – An Act Concerning Municipal Mandate Relief

Honorable Chairman and Members of the Committee on Planning and Development:

My name is John Salomone, and I am the Town Manager of Newington, CT. I know that much of your testimony today is probably repetitive and I will keep my comments brief. I do believe, however, it is incumbent on municipal governments to speak out on issues of concern when the State Legislature is debating policy changes. I feel it is important to give input to the important legislative committees on matters that will directly affect municipalities.

In reference to the Act Concerning Municipal Hotel Tax, I would urge the Committee to recommend a favorable vote on this matter. This additional revenue option (and I underscore the word option) will allow municipalities to make a decision whether they wish to diversify their revenue stream. The Town of Newington utilizes the property tax for almost 78% of its budget and any diversification of this revenue stream is a fiscally sound goal. Conservatively, if the Town of Newington was to implement a 4% occupancy tax on hotels, it would increase our revenue between \$250,000 and \$300,000 per year. This is a significant sum and a step in the right direction of revenue diversification.

The second item I stand ready to recommend to the Committee is the Act Concerning Municipal Mandate Relief. I have been a Town Manager and in government for over 30 years, and my first exposure to the State law on evictions occurred in Watertown in 1978. Frankly, I was surprised that the towns had that responsibility, and there were many times that we didn't receive notice until the morning of the eviction. Needless to say it was a traumatic experience for the evictee, the State Marshals and Town staff. Therefore, I look at this as not so much a mandate relief as a more efficient and humane way to relocate personal possessions upon eviction. It makes no sense to have a State Marshal move the possessions and drop them off at the curb. It is much more efficient for the Marshal to move the possessions into a van and have them stored in one place so that the possessions do not get lost in the exchange. There would be, in the Town of Newington's case, a savings of about \$5,000 to \$10,000 depending on the number of evictions that occur each year, and the number is unfortunately increasing as the economy becomes more challenging. In summary, I believe that having one point of control for eviction makes sense for the State Marshall, for the towns and for the individuals that are evicted. I urge the Committee to positively recommend its passage.

Thank you for the opportunity to discuss these bills, and I stand ready to answer any questions that you may have.

**Council 4 AFSCME supports:**

H.B. No. 5337 (RAISED) AN ACT AUTHORIZING TWO OR MORE MUNICIPALITIES TO PURSUE JOINT EMPLOYEE HEALTH INSURANCE PLANS.

Council 4 strongly supports this bill. It makes good economic sense for the state and municipalities to pool health care as much as possible. Evidence shows that the state health care plan costs far less per family or individual than do comparable municipal plans. We believe that what makes the most sense is for the state to open the state health care pool to the municipalities. In a time of such economic crisis it is a wonder that this has not been done yet.

S.B. No. 394 (RAISED) AN ACT CONCERNING THE GOVERNANCE OF THE CONNECTICUT RESOURCES RECOVERY AUTHORITY.

We find this to be an interesting bill and would support it moving forward. There are major problems in the way that the CRRA is run. Council 4 gave testimony (attached) before the Legislative Program Review and Investigations Committee on Monday on the shoddy operations, lack of accountability, willful disregard for public information requests and other goings on at CRRA. Something must be done to bring public accountability to this agency.

**Council 4 AFSCME opposes:**

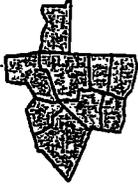
S.B. No. 198 (RAISED) AN ACT REQUIRING A TWO-THIRDS VOTE TO ENACT NEW MUNICIPAL MANDATES.

We believe that tampering with the General Assembly's rules and requiring a super majority in such a case is unwarranted.

H.B. No. 5255 (RAISED) AN ACT CONCERNING MUNICIPAL MANDATE RELIEF.

This bill would force state marshals to store the possessions of evicted residential tenants, rather than the municipalities as is now the law. The marshals lack the ability and resources to store such possessions. The marshals are not set up to provide such a service. We believe that the current system, as imperfect as it may be, is the best way to handle this situation. Council 4 also believes that municipal legal notices should be left in newspapers. It is important for government to remain as open and accountable as possible to the public. Bad contracting and rental deals have been discovered and thwarted because members of the public observed them in legal notices. The internet does not offer a like opportunity to the public.

H.B. No. 5031 AN ACT REDUCING COSTS TO MUNICIPALITIES.  
Council 4 opposes this for the same reasons as we cite for HB 5255.



# WINDHAM REGION COUNCIL OF GOVERNMENTS

Chaplin Columbia Coventry Hampton Lebanon Mansfield Scotland Willington Windham

Chairman Coleman  
Chairman Sharkey  
Members of the Planning & Development Committee

March 10, 2010

RE: Support for the following bills:

- S. B. No. 144 AN ACT CONCERNING ENHANCED REGIONALISM.
- S. B. No. 159 AN ACT CONCERNING INTERMUNICIPAL COOPERATION AND ENHANCED REGIONALISM.
- S. B. No. 197 AN ACT CONCERNING IN-SCHOOL SUSPENSIONS.
- S. B. No. 198 AN ACT REQUIRING A TWO-THIRDS VOTE TO ENACT NEW MUNICIPAL MANDATES.
- S. B. No. 199 AN ACT CONCERNING THE STATE PLAN OF CONSERVATION AND DEVELOPMENT.
- S. B. No. 303 AN ACT CONCERNING A MUNICIPAL HOTEL TAX.
- H. B. No. 5255 AN ACT CONCERNING MUNICIPAL MANDATE RELIEF.
- H. B. No. 5257 AN ACT CONCERNING THE TERMINATION OF NEW MUNICIPAL MANDATES.
- H. B. No. 5331 AN ACT AUTHORIZING MUNICIPALITIES TO JOIN IN STATE CONTRACTS FOR THE PURCHASE OF SERVICES.
- H. B. No. 5336 AN ACT CONCERNING SHARED SERVICES.
- H. B. No. 5337 AN ACT AUTHORIZING TWO OR MORE MUNICIPALITIES TO PURSUE JOINT EMPLOYEE HEALTH INSURANCE PLANS.
- H. B. No. 5338 AN ACT CONCERNING LOCAL PLANS OF CONSERVATION AND DEVELOPMENT.
- H. B. No. 5031 AN ACT REDUCING COSTS TO MUNICIPALITIES.

Dear Chairman Coleman and Chairman Sharkey, and members of the Planning and Development Committee,

The Windham Region Council of Governments (WINCOG) is writing in support of the above legislation regarding Mandates, Regionalism, Taxes, and the State Plan of Conservation and Development.

Too often our municipalities are left with unfunded mandates, additional costs, and increased staff time as a result of legislative action. The contained bills, if implemented, will truly reduce town budgets, provide much needed revenue, enhance regionalism and, increase the efficiency of local and state government (much needed in these difficult economic times).

Thank you for your consideration in moving these bills forward.

Sincerely,

Mark N. Paquette  
Executive Director, WINCOG



330 Main Street, 3<sup>rd</sup> Floor, Hartford, CT 06106  
 Phone: 860.722.9922 Fax: 860.541.6484

**Testimony for Raised Bills:**  
**5031 AN ACT REDUCING COSTS TO MUNICIPALITIES**  
**&**  
**5255 AN ACT CONCERNING MUNICIPAL MANDATE RELIEF**

The Connecticut Apartment Association (CTAA) is the state chapter of the National Apartment Association and represents over 26,000 units, the largest number of apartments represented by any association in the state. CTAA members consist of the state's leading firms in the multifamily rental housing industry. The association's mission is to provide quality rental housing to residents of Connecticut. Our parent organization, the National Apartment Association, represents more than 6 million apartment homes throughout the United States and Canada. **The Connecticut Apartment Association (CTAA) opposes Section 3 of Raised Bill 5031 - An Act Reducing Costs to Municipalities & Section 2 of Raised Bill 5255 - An Act Concerning Municipal Mandate Relief.** These Sections propose to remove the municipalities' requirement to store the property of evicted tenants. CTAA asks that if municipalities are not required to store the property of evicted tenants than state marshal's and property management companies and owners not be required to store them either. CTAA understands the difficult economic conditions that are affecting our country, the state of Connecticut and our State's municipalities, as our industry is also affected.

As it stands now property management companies and owners in Connecticut already suffer prohibitively high costs when forced into evicting tenants. We lose on average, three months of rent on each eviction. On top of this we bear the burden of attorney and court fees associated with each eviction. We also must cover the costs of repairing and cleaning an apartment often left in poor condition by evicted tenants. Property management companies and owners must also reimburse State Marshals for serving on average, three notices and inventorying any leftover property of evicted tenants. We then suffer the additional cost of hiring movers or maintenance crews to transfer evicted tenants' possessions to the curbside or municipal storage facilities. If this Bill were passed property management companies and apartment owners would suffer additional costs. We would be required to reimburse state marshals for storage of the possessions for 15 days, taking out an ad in a statewide newspaper, transporting of items to an auction and then for trash removal when the items are not sold at auction, because the items are often unsellable.

Property management companies and apartment owners need to make up the cost of this shift of mandate from municipalities to apartment owners via state marshals by increasing rents on paying tenants which would drive the cost of rental rates up in CT. If the market could not bear these increased rates then managers and owners would be forced to make the difference up somewhere else for example by possibly deferring maintenance to buildings.

A loss of three months' rent on even one apartment unit is a serious financial burden that can put property owners out of business. Removing the municipality and passing the costs of storing the property of evicted tenants onto the marshals and then onto property management companies and owners would necessitate owners and managers to make up the difference somehow, whether increasing rental rates or deferring maintenance. This is not in the interest of apartment owners or their current paying tenants especially in this tough economic time.

Sincerely,  
 Ann Emerson, CTAA President



## Connecticut Self Storage Association

17 Rivendell Road, Marlborough, CT 06447-1260 • 860.228.3624 • 860.228.1337 fax

**TESTIMONY OF  
CONNECTICUT SELF STORAGE ASSOCIATION (CTSSA)  
BY  
LORNA BOLDUC, CAE; EXECUTIVE DIRECTOR  
REGARDING  
HB-5255, AN ACT CONCERNING MUNICIPAL MANDATE RELIEF  
&  
HB-5031, AN ACT REDUCING COSTS TO MUNICIPALITIES  
BEFORE THE  
PLANNING & DEVELOPMENT COMMITTEE  
MARCH 10, 2010**

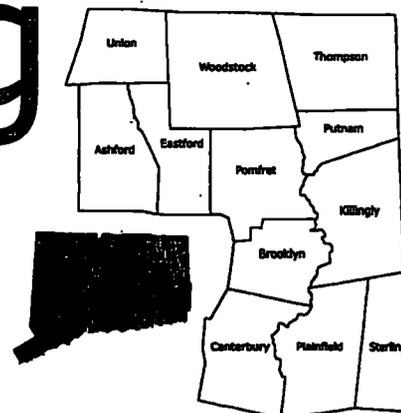
The Connecticut Self Storage Association ("CTSSA") is a non-profit association representing self storage facility owners across the State of Connecticut. While we have a handful of large operators in the state, most self storage owners are small-business people with one or two facilities. These facilities are located in nearly every legislative district with multiple facilities in the more densely populated areas of the state. As part of our mission, CTSSA works with government officials to promote public policies that ensure the professionalism and competitiveness of self storage facilities. CTSSA serves as an informative and authoritative resource to policy-makers on topics related to self storage and commercial real estate. On behalf of CTSSA's membership, I thank the Committee for hearing these two bills and offer the following comments regarding the aforementioned legislation:

**Regarding Provisions Concerning Legal Notice Postings On The Internet In Lieu Of Newspapers**

*CTSSA supports the intent behind the provisions in these bills which would allow for the posting of legal notices on the internet in lieu of newspapers, and would ask the Committee to consider amending the legislation to extend similar relief to self storage facility owners who must comply with similar publication provisions. Under C.G.S. § 42-164, self storage facility owners who avail themselves to Connecticut's "lien law" must provide notice of a public sale or disposition of property in a newspaper in the municipality where the facility is located. While newspapers were the only avenue of choice years ago, CTSSA has found that the results our industry realizes from newspaper advertising no longer achieves the desired outcome for the small business owner or self storage customers. Additionally, fairness dictates that the cost savings being afforded municipalities in this bill should be extended to the self storage industry, many of whom are struggling small business owners who would welcome any relief that may be afforded to them. These savings would directly benefit the consumer as advertising costs for the publication of notice of sale become part of the lien amount.*

**Regarding Provisions Concerning Storage Of Evicted Tenants' Possessions**

CTSSA is also concerned about provisions in the two bills that shift the burden of storage for evicted tenants' possessions away from municipalities. Many municipalities currently contract with private self storage facilities for storage of evicted tenants' possessions. Facility operators have certainty and a far greater expectation of receiving prompt, reliable payment under the present system. While the current legislation shifts the burden onto state marshals, others have suggested shifting the burden onto landlords. CTSSA would caution against this approach. Relying on an unknown apartment landlord to pay for storage or remove the contents if never claimed by the former apartment tenant could be unpredictable. If such a change were to occur, it wouldn't be long before a few operators encounter problems and may refuse to accept evicted tenants' possessions, which in turn would create additional issues for the landlords.



March 10, 2010

### Testimony Regarding

- P. S. B. 144, An Act Concerning Enhanced Regionalism
- S. B. 159, An Act Concerning Inter-municipal Cooperation And Enhanced Regionalism
- S. B. 197, An Act Concerning In-School Suspensions
- S. B. 198, An Act Requiring A Two-Thirds Vote To Enact New Municipal Mandates
- S. B. 303, An Act Concerning a Municipal Hotel Tax
- H. B. 5255, An Act Concerning Municipal Mandate Relief
- H. B. 5257, An Act Concerning The Termination Of New Municipal Mandates
- H. B. 5331, An Act Authorizing Municipalities To Join In State Contracts For The Purchase Of Services
- H. B. 5336, An Act Concerning Shared Services
- H. B. 5337, An Act Authorizing Two Or More Municipalities To Pursue Joint Employee Health Insurance Plans
- H. B. 5383, An Act Concerning Regional Economic Development
- H. B. 5031, An Act Reducing Costs to Municipalities

Made before the

### Planning and Development Committee

The Northeastern Connecticut Council of Governments (NECCOG) **SUPPORTS** the concepts put forth in the twelve proposals before the Committee today and urges the Committee's **favorable consideration**. Most of the proposals are the result of the **Municipal Opportunities and Regional Efficiencies (MORE) Commission** that Speaker Donovan created and Representative Sharkey lead. NECCOG participated in Phase I of the MORE Commission and will continue its participation in Phase II. The MORE process is a unique (and we hope one that will be repeated) approach to problem solving for our state – engaging local elected officials, regional representatives, business, unions and others with legislators to enhance dialogue between various interests and find solutions or at least the opportunity for solutions. We thank the Speaker for his leadership and Representative Sharkey for his tireless efforts in making the MORE Commission work.

NECCOG, as a regional organization of 12 municipalities, has a long history of embracing regionalism. This includes regional programs in **Engineering, Paramedic Intercept, Animal Services, GIS** and our newest venture in conducting **Revaluation** regionally. Our member towns are open to the possibilities that regionalism affords – not just in terms of savings, but from the efficiencies gained resulting in better services for our residents. The bills before you are an enhancement to our efforts and those being done and tried in other parts of our state.

Initial financing for regional and inter-municipal cooperation is a critical issue and present challenge to those seeking such opportunities. Proposed Senate Bill 144, An Act Concerning Enhanced Regionalism, Senate Bill 159, An Act Concerning Inter-municipal Cooperation and Enhanced Regionalism and Senate Bill 303, An Act Concerning a Municipal Hotel Tax would address the issue and greatly enhance our ability to pursue regional opportunities..

Mandates (most of which are well intended) cost our towns considerable resources. Relief from the costs related to many of these can be of great financial benefit to our towns – especially during the financial situation we find our state in at this time. House Bill 5031, An Act Reducing Costs to Municipalities (introduced by the Governor), House Bill 5255, An Act Concerning Municipal Mandate Relief, House Bill 5257, An Act Concerning The Termination Of New Municipal Mandates, Senate Bill 197, An Act Concerning In-School Suspensions, and Senate Bill 198, An Act Requiring A Two-Thirds Vote To Enact New Municipal Mandates seek to address the mandate issue for municipalities. We do wish to emphasize that some mandates (such as the in-school suspensions) have a strong policy basis and should not simply be thrown aside due only to financial implications to towns. We need to work together to find affordable/effective ways to address the issues that resulted in the mandates.

As noted earlier, NECCOG is a strong advocate and practitioner of regionalism. We strongly support initiatives that enhance those efforts. House Bill 5331, An Act Authorizing Municipalities To Join In State Contracts For The Purchase Of Services, House Bill 5336, An Act Concerning Shared Services, House Bill 5337, An Act Authorizing Two Or More Municipalities To Pursue Joint Employee Health Insurance Plans and House Bill 5383, An Act Concerning Regional Economic Development each furthers efforts and opportunities to enhance regionalism.

Regionalism provides the opportunity for the towns of our state to save resources and enhance the delivery of services to the people of our state. Much is being done through our RPO's, RESC's, and between towns on a formal and informal basis.

*Successful regionalism will have to come from grass-roots efforts among municipalities to work together, not a top-down mandate to change. Toward that end, efforts are best focused on devising systematic incentives to encourage cooperation.*

"Forum: Why regionalism is so hard" by Christopher Briem, Sunday, July 09, 2006, Pittsburg Post Gazette

What we need in Connecticut is the environment to allow the opportunity of regionalism to flourish. The bills under consideration today further that goal – we urge your favorable consideration.

Thank you.

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For More information, please contact:

John Filchak, NECCOG Executive Director  
860-774-1253  
John.filchak@necog.com

**CONNECTICUT LEGAL RIGHTS PROJECT**

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P.O. Box 351, Silver Street, Middletown, CT 06457  
Telephone (860) 262-5030 · Fax (860) 262-5035

Testimony of Sally R. Zanger, Staff Attorney  
Planning and Development Committee Public Hearing  
March 10, 2010

**Connecticut Legal Rights Project (CLRP) OPPOSES HB 5255 Secs. 2 and 3 and Governor's Bill No. 5031 Secs. 3 and 4 and urges the Committee not to support this proposed amendment of General Statutes' Section 47a-42.**

CLRP is a legal services organization that advocates for low-income individuals in institutions and in the community who have, or are perceived to have, psychiatric disabilities. We promote initiatives that integrate clients into the community. An important part of our work is protecting people's housing, which includes representation in summary process.

**CLRP opposes this bill for the following reasons:**

- The bill would shift the responsibility for securing and storing the property of evicted tenants (who have not moved out on their own) from the municipality to the state marshals, giving the marshal complete control over the tenant's personal property. Marshals are independent contractors who have very little oversight. Some are better than others. They do not have their own storage facilities and the storage charges would quickly become prohibitive. Tenants would lose all of their possessions.
- While the number of evictions that result in a marshal's execution is not high, the tenants who are affected tend to be the most vulnerable: people who were hospitalized during the eviction action, tenants who do not understand or did not receive notice of the execution.
- Tenants may lose all of their possessions: valuables, essential, family heirlooms, important papers and sentimental keepsakes like photo albums. The family crisis is increased by the need to replace essential household goods. Loss of documents can delay or prevent obtaining benefits and new housing. Loss of family heirlooms and photo albums increases trauma.
- The involvement of the town as a neutral party is necessary. An eviction that results in an execution with a tenant's property taken and stored by a marshal needs a neutral party to protect and control the tenant's personal property. The involvement of the town has been an appropriate municipal responsibility in Connecticut for over a hundred years and should continue.



**CONNECTICUT  
CONFERENCE OF  
MUNICIPALITIES**

900 Chapel St., 9th Floor, New Haven, Connecticut 06510-2807  
Phone (203) 498-3000 • Fax (203) 562-6314 • www.ccm-ct.org

**THE VOICE OF LOCAL GOVERNMENT**

## 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.

## ## ##

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

Attachment

## Remarks to the Connecticut House Planning and Development Committee regarding Residential Evictions

10 March 2010

By: John P. Lawlor, Jr

Sen. Eric Coleman (Hartford)  
Rep Brendan Sharkey (Hamden)

Senator Coleman, Representative Sharkey, honorable members of the Planning and Development Committee, my name is John Lawlor. I am the Director of Public Works for the City of Waterbury. I am here today to speak in favor of both House Bill #5031 "An act concerning reducing costs to municipalities" and House Bill #5255 "An act concerning municipal mandate relief." I ask you to consider these bills favorably and relieve communities of the responsibility and cost for residential eviction programs.

In its current form the Conn. Gen. Statute Sec. 47a-42 governs the eviction of tenant and occupants from residential property; removal and sale of unclaimed possessions and personal effects.

Specifically, Sec. 47a.42( c ) states "*Whenever the possessions and personal effects of a defendant are set out on the sidewalk, street or highway, and are not immediately removed by the defendant, the chief executive officer of the town shall remove and store the same.*" In all communities that I know of in Connecticut, this responsibility falls on the Public Works Department to execute on behalf of the CEO.

There is not a Public Works official that I have spoken with that is not negatively affected by this program. Whether a small town that only handles a few evictions a year or a major city that handles hundreds a year, the evictions program is a strain on their operation and budget.

The number of evictions that Waterbury faces is approximately 20-30 per month. While this number may be down approximately 33% from three years ago, it still represents a significant cost to the Waterbury community.

My Public Works Department used to handle the eviction program internally. However, like most Public Works agencies, we are not equipped to properly handle personal property nor store it temporarily. This is not a program that I consider to be part of a Public Works agency's core functions. Therefore, approximately ten years ago we began to contract out the collection and storage of the evicted property and focused our efforts on oversight and management of the program. For those communities that continue to run their programs internally, workman's compensation and property damage claims must be contended with.

Given the number of evictions that Waterbury conducts regularly, this would prove to be a full-time dedication for several employees. This, together with the space required to temporarily store the eviction property would prove a challenge for Waterbury.

Under the current Waterbury program the evicted tenant is given ample notice prior to an eviction occurring. This allows the tenant an opportunity to remove the more valuable property they most desire to keep. The result is that property which remains for eviction is not likely to be re-claimed. On average 98% of the evicted property in Waterbury goes unclaimed.

The annual cost of Waterbury's program has four components: disposal fees, contract costs, labor/equipment cost and applicable surcharges.

The tipping fees to dispose of the evicted property are approximately \$23,000/year. The contract cost to hire ACE Moving to pick up and store the evicted property is \$94,680/year. The combined labor and equipment cost for City Public Works forces to then collect up the unclaimed property and dispose of it at the Hartford transfer station is approximately \$47,524/year. Waterbury is a CRRRA partner community. As such we are subject to any defined CRRRA surcharges. This year the cost to dispose of mattresses and box-springs will increase to \$45/each piece. Considering only the number of mattresses and box-springs that appear in the eviction program, this may result in a cost to the City of over \$64,800/ year. The total cost of the eviction program to the citizens of Waterbury this year will be approximately \$230,974.

It should be noted that Connecticut's Commercial Eviction Program (Conn. Gen. Statute Sec. 47a-42a) does not place the responsibility on community chief elected officials; rather it places the responsibility on landlords. The statute gives the landlords the ability to secure the tenants property on-site and subsequently recover any storage and removal costs from the tenant.

In closing, I ask that you consider and approve HB #5031 or HB # 5255 and relieve communities of the responsibility of residential evictions and place the burden on those individuals better positioned to control the process.



# Memo

To: Honorable Members of the Planning and Development Committee  
From: Jeff Bridges, Town Manager  
Date: 3/10/2010  
Re: M.O.R.E. Commission, Support for Mandate Relief and Alternative Revenue Streams for Local Government

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I am testifying today to express my support for the bills put forth for consideration by the M.O.R.E. Commission. There has always been an understanding that issues decided at the state level have impacts at the local level, however, the work of the M.O.R.E. Commission has done an outstanding job clarifying this relationship and how local units of government struggle to meet mandated programs.

Local units of government in Connecticut have limited opportunities to raise additional revenue by means other than property tax. Although the property tax is historically the most stable and predictable, it can also be the most controversial and in many cases regressive. Providing additional revenue streams, can provide property tax relief and dedicated streams of revenue for particular projects, capital improvements, education enhancements, recreational opportunities and many other things.

In addition, the work of the M.O.R.E. Commission seeks to allow municipalities more financial independence and the capabilities to chart their own path. As we look to regionalism, there is not a one size fits all solution, each municipality is unique, with different needs, different collective bargaining agreements, and are at different evolutions on their service delivery systems. Each regional effort will be unique to the participants.

I firmly believe that strong and healthy local governments are one of the pillars to a strong and healthy state. The important work being done by the M.O.R.E. Commission seeks to strengthen local governments by providing new tools to use and fewer mandates to meet. This is key to helping local governments meet the needs of our communities.

Thank you for your consideration today.



TOWN OF CANTERBURY  
BOARD OF SELECTMEN

1 MUNICIPAL DRIVE  
CANTERBURY, CT 06331  
(860) 546-9693

Testimony by Brian H. Sear, Canterbury First Selectman

Planning & Development Committee

March 10, 2010 RE: HB 5255 + HB 5031

Thank you for the opportunity to testify.

I began serving as Canterbury First Selectman in November 2007, just before the economic situation began to collapse. Within a very short time, it became apparent that the main challenge facing our Town would be maintaining services with little or no tax increases in an environment where cuts in municipal aid would be a very real possibility. This challenge has remained for my 2+ years in office.

I applaud the committee for considering removing obstacles that will free up funds for our Towns' bottom lines, such as permitting electronic posting of reports, removing the obligation of removing and storing personal possessions of evicted tenants, allowing legal notices to be posted on the internet, allowing Towns to reject arbitration awards and adjusting the prevailing wage. I see this as the very beginning of a process that can yield significant benefits without negative consequences.

I am most encouraged by indications that sharing of services between towns and within regions and the state will be supported. "Regionalism" is viewed with suspicion by many parties who feel it will erode our Town's unique characters. I think that, approached correctly, it will serve to accomplish just the opposite. Sharing services that are common to Towns will free them to concentrate on their own specific needs.

I served on the MORE subcommittee on Town Functions, and learned about many efforts Towns are already making to increase efficiencies and help their bottom line. Throughout the process I came to realize that a broad-brush approach to regionalism would not work, and could even be harmful. It became clear to me that a successful policy at the local and state level should be:

Let's Protect activities that are unique to Towns, and Support activities that are common among Towns.

There should be some sharing of benefits for those who increase the effectiveness and efficiency of shared support services, which can be funneled back for use for Towns to apply to their own unique needs. This would move "regionalization" from a forced duty to a mutually beneficial process.

I support all efforts to help promote sharing of services common to Towns.

Thank you for your consideration.

Brian Sear

## Capitol Region Council of Governments

241 Main St., Hartford, CT 06106  
Phone: (860) 522-2217 FAX: (860) 724-1274  
Web Page: [www.crcog.org](http://www.crcog.org)

**DATE:** MARCH 10, 2010  
**TO:** CHAIRMEN AND MEMBERS OF THE PLANNING AND DEVELOPMENT COMMITTEE  
**FROM:** MELODY CURREY, CHAIRMAN, CRCOG POLICY BOARD  
LYLE D. WRAY, PHD, EXECUTIVE DIRECTOR  
**SUBJECT:** HOUSE BILL NO. 5255, AN ACT CONCERNING MUNICIPAL MANDATE RELIEF, AND  
HOUSE BILL NO. 5338, AN ACT CONCERNING LOCAL PLANS OF CONSERVATION AND DEVELOPMENT

The Capitol Region Council of Governments (CRCOG) is a regional planning organization representing the City of Hartford and the 28 surrounding municipalities. We have served the region for over 30 years and helped them gain significant efficiencies in the spending of taxpayer dollars through cooperative purchasing and other service sharing initiatives.

We are in a fiscal crisis at all levels of government in Connecticut. Our municipalities are struggling with the significant reduction in funding over the last 18 months. Without changes to the way local governments provide services, programs will continue to be cut, professionalism and morale within local governments will suffer, and citizens will pay higher property taxes year after year.

We are pleased that these two bills begin to recognize the importance of mandate relief for municipalities. These two bills will allow municipalities to redirect taxpayer dollars to more efficient and effective means. We offer our support and thanks to legislators for these important first steps. We also encourage you to continue to find ways to provide municipal mandate relief to all municipalities in Connecticut.