



## Connecticut Fair Housing Center

March 13, 2020

Governor Ned Lamont  
210 Capitol Ave.  
Hartford, CT 06106

Lt. Gov. Susan Bysiewicz  
210 Capitol Avenue  
Hartford, CT 06106

Sen. Martin Looney, Senate Pres. Pro. Tem.  
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Sen. Bob Duff, Senate Majority Leader  
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Rep. Joe Aresimowicz, Speaker of the  
House  
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Rep. Matt Ritter, House Majority Leader  
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Sen. Len Fasano, Senate Repub. Pres. Pro  
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Sen. Kevin Witkos, Dep. Senate Repub.  
Pres. Pro Tem.  
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Rep. Themis Klarides, House Repub. Leader  
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Rep. Vincent Candelora, Dep. House Repub.  
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Sen. Gary Winfield and Rep. Steven  
Stafstrom, Co-Chairs of Joint Committee on  
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Sen. Saud Anwar and Rep. Brandon McGee,  
Co-Chairs of Housing Committee  
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**Re: Protecting Residents at Risk of Eviction or Foreclosure during the  
COVID-19 Public Health Emergency**

Dear Gov. Lamont, Lt Gov. Bysiewicz, Sen. Looney, Sen. Duff, Rep. Aresimowicz, Rep. Ritter, Sen. Fasano, Sen. Witkos, Rep. Klarides, Rep. Candelora, Sen. Winfield, Rep. Stafstrom, Sen. Anwar, and Rep. McGee:

We are housing attorneys at non-profit law firms and legal services providers from across Connecticut. We are writing to express our strong support for legislative measures to protect residents from eviction or foreclosure during the COVID-19 public health emergency, including by (1) automatically extending deadlines in eviction and foreclosure cases and homeowners' law days or sale dates and (2) placing a statewide moratorium on all evictions and foreclosures until the threat of COVID-19 infections recedes.

We are encouraged that the General Assembly has already taken steps to exercise its emergency powers to respond to this crisis, including by supporting the governor's declaration of a public health emergency. We hope that it will continue to exercise its power to protect tenants and homeowners who are vulnerable to COVID-19 infections and at risk of homelessness, which may put them at even greater risk of serious infection.

We also strongly support the Judicial Branch's decision not to schedule or hear matters related to summary process and foreclosure actions for the next two weeks. However, this delay has only been announced for the next two weeks, and our understanding is that judges are still signing executions, meaning residents are losing their homes and potentially being made homeless during this public health emergency. We strongly encourage the Judicial Branch not to sign executions or issue writs of ejectment until after the public health emergency has receded. We also hope that the Judicial Branch will decide to delay summary process and foreclosure hearings for the duration of this public health crisis, as these crowded and often chaotic hearings cannot be conducted in accordance with public health recommendations and would put vulnerable residents and court staff at risk of infection.

We support the General Assembly's use of its oversight to encourage the Judicial Branch to take measures within its power to protect summary process and foreclosure defendants, such as automatically staying executions that would dispossess residents and potentially expose marshals, movers, and town officials to contaminated personal property; automatically extending deadlines for responding to pleadings and motions; and automatically modifying judgments of foreclosure to extend homeowners' law days or sale dates so they do not irreversibly lose their homes during this emergency.

Most tenants and homeowners are self-represented, and many rely on self-help publications available at courthouses, the court service centers, the courts' law libraries, and court-based advice programs such as the Volunteer Attorney Program in order to understand court procedures, understand their options and defenses, and successfully represent themselves in their summary process or foreclosure cases. These resources are likely to be disrupted by the COVID-19 outbreak, and, even if not, litigants may be hesitant to access them as this may put themselves or the public at risk.

The Judicial Branch could issue an order automatically extending deadlines for litigants in summary process and foreclosure cases to appear in cases, respond to pleadings, and respond to motions. It could decide not to sign executions or issue writs of ejectment for the duration of the public health emergency. For foreclosure cases in which a judgment of strict foreclosure has been entered setting a law day, the judgment could be automatically modified to extend the law day so it does not pass (and the homeowner does not irreversibly lose title) until after the public health emergency ends. These measures would maintain the status quo during the COVID-19 outbreak so as not to prejudice pro se tenants and homeowners. They would also encourage residents to focus on their and their family's health without worrying about an impending eviction or foreclosure, or even potential homelessness.

We also strongly support legislation that would place moratoria on residential foreclosures and evictions during this public health emergency, something that has been done

in San Jose and Miami with respect to evictions and is being proposed throughout the country, including in California, Washington, New York and Massachusetts.

Even in ordinary times, eviction and foreclosure often lead to homelessness, as families struggle to find substitute housing in a tight rental market where most landlords are unwilling to rent to anyone with a recent eviction record or the poor credit caused by a foreclosure. As the COVID-19 outbreak continues to disrupt our state and national economy, it is more likely that tenants and homeowners, especially hourly and gig workers, will struggle to pay their rent or mortgage. If they lose their homes, the financial impact of the outbreak and the imposition of containment zones and other restrictions on movement may make finding substitute housing more difficult, increasing the risk that families who lose their homes to eviction or foreclosure will become homeless.

We must keep families housed during this crisis and prevent them from becoming homeless. COVID-19 is likely to spread rapidly in crowded homeless shelters, which are already overwhelmed and likely ill-equipped to isolate individuals who are contagious and prevent the spread of infectious disease. People who are homeless are also at an increased risk of infection as they may lack access to bathrooms and sanitary supplies, be unable to practice social distancing or voluntary isolation, and have complex medical conditions exacerbated by the physical and psychological stress of homelessness.

Legislation creating an overall moratorium on evictions and foreclosures until at least 30 days after the end of the state's declared public health emergency would help prevent homelessness and be in the interest of public health.

For tenants, we support legislation prohibiting new notices to quit at residential units for non-payment of rent or lapse of time during the public health emergency, with an opportunity for tenants who are behind on their rent to reinstate after the emergency ends. Summary process cases that have already been filed should be stayed. Most importantly, no executions for possession should be issued, served, or executed on a residential property until at least 30 days after the end of the public health emergency.

For homeowners at risk of foreclosure, we support legislation that prohibits the filing or service of complaints for foreclosure of a residence during the public health emergency. Existing foreclosure cases should also be stayed, with law days or sale dates that have already entered extended by operation of law until after the end of the public health emergency. No writs of ejectment should be issued, served, or executed on a residential property until at least 30 days after the end of the public health emergency.

We commend your commitment to our most vulnerable residents during this unprecedented public health crisis. We hope that you will consider the recommendations we've outlined, which we are happy to discuss further. Please contact Sarah White at my office at 860-263-0726 or [swhite@ctfairhousing.org](mailto:swhite@ctfairhousing.org) if you have any questions.

Sincerely,

Erin Kemple, Executive Director  
Connecticut Fair Housing Center

Kathy Flaherty, Executive Director  
Connecticut Legal Rights Project

Liam Brennan, Executive Director  
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Alicia Woodsby, Senior Policy Advisor  
Partnership for Strong Communities

Shelley White, Litigation Director  
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Nilda R. Havrilla, Litigation and  
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