

General Assembly

Raised Bill No. 5234

February Session, 2022

LCO No. 1738



Referred to Committee on HOUSING

Introduced by: (HSG)

AN ACT CONCERNING THE RIGHTS AND RESPONSIBILITIES OF LANDLORDS AND TENANTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. Subsections (a) and (b) of section 47a-21 of the 2022
- 2 supplement to the general statutes are repealed and the following is
- 3 substituted in lieu thereof (*Effective October 1, 2022*):
- 4 (a) As used in this chapter:
- 5 (1) "Accrued interest" means the interest due on a security deposit as
- 6 provided in subsection (i) of this section, compounded annually to the
- 7 extent applicable.
- 8 (2) "Commissioner" means the Banking Commissioner.
- 9 (3) "Damage insurance" means a bond or commercial insurance
- 10 coverage as specified in the rental agreement to secure the performance
- 11 by the tenant of the terms and conditions of the rental agreement and to
- 12 replace any requirement for a security deposit.
- 13 [(3)] (4) "Escrow account" means any account at a financial institution

LCO No. 1738 **1** of 14

- which is not subject to execution by the creditors of the escrow agent and includes a clients' funds account.
- [(4)] (5) "Escrow agent" means the person in whose name an escrow account is maintained.
- [(5)] (6) "Financial institution" means any state bank and trust company, national bank, savings bank, federal savings bank, savings and loan association, and federal savings and loan association that is located in this state.
- [(6)] (7) "Forwarding address" means the address to which a security deposit may be mailed for delivery to a former tenant.
- [(7)] (8) "Landlord" means any landlord of residential real property, and includes (A) any receiver; (B) any successor; and (C) any tenant who sublets his premises.
- [(8)] (9) "Receiver" means any person who is appointed or authorized by any state, federal or probate court to receive rents from tenants, and includes trustees, executors, administrators, guardians, conservators, receivers, and receivers of rent.
- 31 [(9)] (10) "Rent receiver" means a receiver who lacks court 32 authorization to return security deposits and to inspect the premises of 33 tenants and former tenants.
- [(10)] (11) "Residential real property" means real property containing one or more residential units, including residential units not owned by the landlord, and containing one or more tenants who paid a security deposit.
- [(11)] (12) "Security deposit" means any advance rental payment, or any installment payment collected pursuant to section 47a-22a, except an advance payment for the first month's rent or a deposit for a key or any special equipment.
- 42 [(12)] (13) "Successor" means any person who succeeds to a landlord's

LCO No. 1738 **2** of 14

interest whether by purchase, foreclosure or otherwise and includes a receiver.

- 45 [(13)] (14) "Tenant" means a tenant, as defined in section 47a-1, as amended by this act, or a resident, as defined in section 21-64.
- [(14)] (15) "Tenant's obligations" means (A) the amount of any rental or utility payment due the landlord from a tenant; (B) a tenant's obligations under the provisions of section 47a-11; and (C) the actual reasonable cost of changing the locks of the dwelling unit pursuant to section 47a-7b, if the tenant has not paid such cost.

- (b) (1) In the case of a tenant under sixty-two years of age, a landlord shall not demand a security deposit <u>or damage insurance</u> in an amount that exceeds two months' rent.
- (2) In the case of a tenant sixty-two years of age or older, a landlord shall not demand a security deposit or damage insurance in an amount that exceeds one month's rent. Any landlord who has received a security deposit in an amount that exceeds one month's rent from a tenant who becomes sixty-two years of age after paying such security deposit shall return the portion of such security deposit that exceeds one month's rent to the tenant upon the tenant's request. Any landlord who has required damage insurance in lieu of a security deposit in an amount that exceeds one month's rent from a tenant who attains sixty-two years of age after providing such damage insurance shall accept replacement damage insurance coverage from such tenant in an amount not to exceed one months' rent.
 - (3) Any landlord may permit any tenant to provide damage insurance in lieu of the payment of a security deposit. Such damage insurance shall conform to the following criteria: (A) The insurance company providing the damage insurance is licensed or authorized to do business in this state, (B) the damage insurance policy permits the monthly payment of premiums unless the tenant selects a different payment schedule, (C) the damage insurance is effective upon the payment of the first premium and remains effective for the entire lease

LCO No. 1738 3 of 14

- 75 term, (D) the damage insurance coverage provided per claim is no less
- than the amount the landlord requires for the security deposit, (E) the
- 77 insurance company providing the damage insurance agrees to approve
- 78 or deny payment of a claim in accordance with the Insurance
- 79 Department regulations of this state, and (F) the insurance company
- 80 providing the damage insurance shall notify the landlord in writing
- 81 within ten days if the damage insurance policy lapses or is canceled for
- 82 any reason.
- 83 (4) Any landlord may designate one or more insurance companies
- 84 from which the landlord will accept damage insurance in lieu of a
- 85 security deposit. Any such insurance companies shall be identified in
- 86 <u>the written lease agreement between landlord and tenant.</u>
- 87 (5) Any tenant who opts to provide damage insurance in lieu of a
- 88 security deposit may, at any time, opt to pay the full security deposit to
- 89 the landlord in lieu of maintaining the damage insurance policy. The
- 90 <u>landlord shall not alter the terms of the lease in the event a tenant opts</u>
- 91 to pay the full amount of the security deposit pursuant to this
- 92 <u>subdivision.</u>
- 93 Sec. 2. (NEW) (Effective October 1, 2022) (a) As used in this section,
- 94 "landlord", "tenant", "dwelling unit" and "rental agreement" have the
- same meaning as provided in section 47a-1 of the general statutes, and
- 96 "walk-through" means a joint physical inspection of the dwelling unit
- 97 by the landlord and the tenant, or their designees, for the purpose of
- 98 noting and listing any observed conditions within the dwelling unit. On
- and after January 1, 2023, upon or after the entry into a rental agreement
- but prior to the tenant's occupancy of a dwelling unit, a landlord shall
- offer such tenant the opportunity to conduct a walk-through of the
- dwelling unit. If the tenant requests such a walk-through, the landlord
- and tenant shall use a copy of the preoccupancy walk-through checklist prepared by the Commissioner of Housing under subsection (c) of this
- section. The landlord and the tenant, or their designees, shall specifically
- note any existing conditions, defects or damages to the dwelling unit
- present at the time of the walk-through. After the walk-through, the

LCO No. 1738 **4** of 14

landlord and the tenant, or their designees, shall sign duplicate copies of the checklist and each shall receive a copy.

- 110 (b) Upon the tenant's vacating of the dwelling unit, the landlord may 111 not retain any part of the security deposit collected under chapter 831 of 112 the general statutes or seek payment from the tenant for any condition, 113 defect or damage that was noted in the preoccupancy walk-through 114 checklist. Such walk-through checklist shall be admissible, but shall not 115 be conclusive, as evidence of the condition of the dwelling unit at the 116 beginning of a tenant's occupancy in any administrative or judicial 117 proceeding.
- 118 (c) Not later than December 1, 2023, the Commissioner of Housing 119 shall (1) prepare a standardized preoccupancy walk-through checklist 120 for any landlord and tenant to use to document the condition of any 121 dwelling unit during a preoccupancy walk-through under subsection 122 (a) of this section, and (2) make such checklist available on the 123 Department of Housing Internet web site.
 - (d) The provisions of this section shall not apply to any tenancy under a rental agreement entered into prior to January 1, 2023.

124

125

126

127

128

129130

131

132

133

134

135

136

137

- Sec. 3. (NEW) (*Effective October 1, 2022*) (a) As used in this section, "landlord" and "tenant" have the same meaning as provided in section 47a-1 of the general statutes, as amended by this act, and "tenant screening report" means a credit report, a criminal background report, an employment history report, a rental history report, or any combination thereof, used by a landlord to determine the suitability of a prospective tenant.
- (b) No landlord may demand from a prospective tenant any payment, fee or charge for the processing, review or acceptance of any rental application, or demand any other payment, fee or charge before or at the beginning of the tenancy, except a tenant screening report as provided by subsection (c) of this section.
- 138 (c) Any landlord may charge a fee or fees to reimburse costs

LCO No. 1738 5 of 14

139 associated with conducting a tenant screening report, provided the 140 cumulative fee for such tenant screening report is no more than the actual cost of the tenant screening report or twenty dollars, whichever 142 amount is less, and the landlord shall waive any such fee if the 143 prospective tenant provides a copy of a tenant screening report that is 144 satisfactory to the landlord and that was conducted within thirty days 145 of the tenant's rental application. A landlord may not collect such fee or 146 fees unless the landlord provides the prospective tenant with a copy of 147 the tenant screening report and a copy of the receipt or invoice from the 148 entity conducting the tenant screening report concerning the 149 prospective tenant.

141

152

153

154

155

156

157

158

159

160

161

162

163

164

165

166

167

168

169

170

171

- 150 Sec. 4. Section 47a-23c of the general statutes is repealed and the 151 following is substituted in lieu thereof (*Effective October 1, 2022*):
 - (a) (1) Except as provided in subdivision (2) of this subsection, this section applies to any tenant who resides in a building or complex consisting of five or more separate dwelling units or who resides in a mobile manufactured home park and who is either: (A) Sixty-two years of age or older, or whose spouse, sibling, parent or grandparent is sixtytwo years of age or older and permanently resides with that tenant, or (B) a person with a physical or mental disability, as defined in subdivision (8) of section 46a-64b, or whose spouse, sibling, child, parent or grandparent is a person with a physical or mental disability who permanently resides with that tenant, but only if such disability can be expected to result in death or to last for a continuous period of at least twelve months.
 - (2) With respect to tenants in common interest communities, this section applies only to (A) a conversion tenant, as defined in subsection (3) of section 47-283, who (i) is described in subdivision (1) of this subsection, or (ii) is not described in subdivision (1) of this subsection but, during a transition period, as defined in subsection (4) of section 47-283, is residing in a conversion condominium created after May 6, 1980, or in any other conversion common interest community created after December 31, 1982, or (iii) is not described in subdivision (1) of this

LCO No. 1738 6 of 14 subsection but is otherwise protected as a conversion tenant by public act 80-370*, and (B) a tenant who is not a conversion tenant but who is described in subdivision (1) of this subsection if his landlord owns five or more dwelling units in the common interest community in which the dwelling unit is located.

- (3) As used in this section, "tenant" includes each resident of a mobile manufactured home park, as defined in section 21-64, including a resident who owns his own home, "landlord" includes a "licensee" and an "owner" of a mobile manufactured home park, as defined in section 21-64, "complex" means two or more buildings on the same or contiguous parcels of real property under the same ownership, and "mobile manufactured home park" means a parcel of real property, or contiguous parcels of real property under the same ownership, upon which five or more mobile manufactured homes occupied for residential purposes are located.
- (b) (1) No landlord may bring an action of summary process or other action to dispossess a tenant described in subsection (a) of this section except for one or more of the following reasons: (A) Nonpayment of rent; (B) refusal to agree to a fair and equitable rent increase, as defined in subsection (c) of this section; (C) material noncompliance with section 47a-11 or subsection (b) of section 21-82, which materially affects the health and safety of the other tenants or which materially affects the physical condition of the premises; (D) voiding of the rental agreement pursuant to section 47a-31, or material noncompliance with the rental agreement; (E) material noncompliance with the rules and regulations of the landlord adopted in accordance with section 47a-9 or 21-70; (F) permanent removal by the landlord of the dwelling unit of such tenant from the housing market; or (G) bona fide intention by the landlord to use such dwelling unit as his principal residence.
- (2) The ground stated in subparagraph (G) of subdivision (1) of this subsection is not available to the owner of a dwelling unit in a common interest community occupied by a conversion tenant.

LCO No. 1738 **7** of 14

204 (3) A tenant may not be dispossessed for a reason described in 205 subparagraph (B), (F) or (G) of subdivision (1) of this subsection during 206 the term of any existing rental agreement.

- (c) (1) The rent of a tenant protected by this section may be increased only to the extent that such increase is fair and equitable, based on the criteria set forth in section 7-148c.
- (2) Any such tenant aggrieved by a rent increase or proposed rent increase may file a complaint with the fair rent commission, if any, for the town, city or borough where his dwelling unit or mobile manufactured home park lot is located; or, if no such fair rent commission exists, may bring an action in the Superior Court to contest the increase. In any such court proceeding, the court shall determine whether the rent increase is fair and equitable, based on the criteria set forth in section 7-148c.
 - (d) A landlord, to determine whether a tenant is a protected tenant, as described in subdivision (1) of subsection (a) of this section, may request proof of such protected status. On such request, any tenant claiming protection shall provide proof of the protected status within thirty days. The proof shall include a statement of a physician or an advanced practice registered nurse in the case of alleged blindness or other physical disability.
 - (e) (1) On and after January 1, 2023, whenever a dwelling unit is rented to, or a rental agreement is entered into or renewed with, any tenant who is a protected tenant as described in subdivision (1) of subsection (a) of this section, the landlord of such dwelling unit or such landlord's agent shall provide such protected tenant with written notice of the provisions of subsections (b) and (c) of this section in a form as described in subdivision (2) of this subsection.
 - (2) Not later than January 1, 2023, the Commissioner of Housing shall create a notice which shall be used by landlords, pursuant to subdivision (1) of this subsection, to inform a protected tenant of the rights provided under subsections (b) and (c) of this section. Such notice

LCO No. 1738 **8** of 14

- 236 <u>shall be a one-page, plain-language summary of such rights and shall be</u>
- 237 available in languages other than English, as determined by the
- 238 <u>commissioner</u>. Not later than January 1, 2023, such notice shall be posted
- 239 <u>on the Department of Housing Internet web site.</u>
- Sec. 5. (NEW) (Effective October 1, 2022) Any landlord of a dwelling
- 241 unit located in a building that is subject to a pending foreclosure
- 242 proceeding, or where a judgment has been entered against the owner or
- 243 landlord in a foreclosure proceeding, shall provide any prospective
- 244 tenant of such dwelling unit with written notice of such pending
- 245 foreclosure proceeding or judgment.
- Sec. 6. (NEW) (Effective October 1, 2022) (a) Any owner of property
- 247 containing a dwelling unit that is subject to a pending foreclosure
- 248 proceeding shall provide written notice of such proceeding to the
- 249 Commissioner of Housing, the chief executive officer of the
- 250 municipality in which such property is located and to all tenants
- 251 residing in such dwelling unit, not later than ten days after receiving
- 252 notice of such foreclosure proceeding. Not later than ten business days
- 253 after receipt of any such notice, the Commissioner of Housing shall
- 254 cause such notice to be posted on the Internet web site of the
- 255 department.
- 256 (b) Any tenant receiving notice of such foreclosure proceeding may
- 257 file an action under section 47a-14h of the general statutes, as amended
- 258 by this act, to seek an order of the court appointing a receiver to collect
- 259 rent until the foreclosure proceeding is resolved.
- Sec. 7. Subsections (a) and (b) of section 47a-14h of the general
- statutes are repealed and the following is substituted in lieu thereof
- 262 (*Effective October 1, 2022*):
- 263 (a) Any tenant who claims that the landlord has failed to perform his
- or her legal duties, as required by section 47a-7 or 47a-7a or subdivisions
- 265 (1) to (13), inclusive, of subsection (a) of section 21-82 or that the
- 266 property containing the dwelling unit that the tenant occupies is subject
- to a foreclosure proceeding, as described in section 6 of this act, may

LCO No. 1738 **9** of 14

institute an action in the superior court having jurisdiction over housing matters in the judicial district in which such tenant resides to obtain the relief authorized by this section, section 6 of this act and sections 47a-7a, 47a-20 and 47a-68. No tenant may institute an action under this section if a valid notice to quit possession or occupancy based upon nonpayment of rent has been served on such tenant prior to the institution of an action under this section or if a valid notice to quit possession or occupancy based on any other ground has been served on such tenant prior to such tenant making the complaint to the agency referred to in subsection (b) of this section, provided any such notice to quit is still effective.

268

269

270

271

272

273

274

275

276

277

278

279

280

281

282

283

284

285

286

287

288

289

290

291

292

293

294

295

296

297

298

299

300

301

(b) The action shall be instituted by filing a complaint, under oath, with the clerk of the court. The complaint shall allege (1) the name of the tenant; (2) the name of the landlord or, in a complaint concerning section 6 of this act, the name of the owner; (3) the address of the premises; (4) the nature of the alleged violation of section 47a-7 or 47a-7a or subsection (a) of section 21-82 or a copy of the notice received under section 6 of this act; and (5) the dates when rent is due under the rental agreement and the amount due on such dates. [The] Unless the complaint is filed pursuant to section 6 of this act, the complaint shall also allege that at least twenty-one days prior to the date on which the complaint is filed, the tenant made a complaint concerning the premises to the municipal agency, in the municipality where the premises are located, responsible for enforcement of the housing code or, if no housing code exists, of the public health code, or to the agency responsible for enforcement of the code or ordinance alleged to have been violated, or to another municipal agency which referred such complaint to the municipal agency responsible for enforcement of such code or ordinance. In the case of a mobile manufactured home located in a mobile manufactured home park, such complaint may be made to the Commissioner of Consumer Protection. The entry fee shall be twenty-five dollars, which may be waived in accordance with section 52-259b. Such entry fee shall be a taxable cost of the action. If, on the same day, more than one tenant from the same building or complex

LCO No. 1738 **10** of 14

institutes an action under this section and pays the entry fee for such action, unless such fee is waived, the actions shall be treated as a single action. No recognizance or bond shall be required.

- Sec. 8. Subsection (e) of section 47a-14h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October* 1, 2022):
- 308 (e) [The] (1) Except as provided in subdivision (2) of this subsection, 309 the complainant may seek and the court may order interim or final relief 310 including, but not limited to, the following: [(1)] (A) An order 311 compelling the landlord to comply with the landlord's duties under 312 local, state or federal law; [(2)] (B) an order appointing a receiver to 313 collect rent or to correct conditions in the property which violate local, 314 state or federal law; [(3)] (C) an order staying other proceedings 315 concerning the same property; [(4)] (D) an award of money damages, which may include a retroactive abatement of rent paid pursuant to 316 317 subsection (h) of this section; and [(5)] (E) such other relief in law or 318 equity as the court may deem proper. If the court orders a retroactive 319 abatement of rent [pursuant to subdivision (4) of this subsection] under 320 subparagraph (D) of this subdivision and all or a portion of the tenant's 321 rent was deposited with the court pursuant to subsection (h) of this 322 section by a housing authority, municipality, state agency or similar 323 entity, any rent ordered to be returned shall be returned to the tenant 324 and such entity in proportion to the amount of rent each deposited with 325 the court pursuant to subsection (h) of this section.
- (2) For a complaint filed only under section 6 of this act, the
 complainant may seek, and the court may order relief limited to, an
 order appointing a receiver to collect rent during the pendency of the
 foreclosure proceeding.
- Sec. 9. Section 47a-1 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October* 1, 2022):
- As used in this chapter, sections 2, 5 and 6 of this act and sections 47a-

LCO No. 1738 **11** of 14

- 334 21, as amended by this act, 47a-23 to 47a-23c, inclusive, as amended by
- 335 this act, 47a-26a to 47a-26g, inclusive, 47a-35 to 47a-35b, inclusive, 47a-
- 336 41a, 47a-43 and 47a-46 and section 47a-7b:
- 337 (a) "Action" includes recoupment, counterclaim, set-off, cause of 338 action and any other proceeding in which rights are determined,
- including an action for possession.
- 340 (b) "Building and housing codes" include any law, ordinance or 341 governmental regulation concerning fitness for habitation or the
- construction, maintenance, operation, occupancy, use or appearance of
- 343 any premises or dwelling unit.
- 344 (c) "Dwelling unit" means any house or building, or portion thereof,
- which is occupied, is designed to be occupied, or is rented, leased or
- 346 hired out to be occupied, as a home or residence of one or more persons.
- (d) "Landlord" means the owner, lessor or sublessor of the dwelling
- unit, the building of which it is a part or the premises.
- (e) "Owner" means one or more persons, jointly or severally, in whom
- is vested (1) all or part of the legal title to property, or (2) all or part of
- 351 the beneficial ownership and a right to present use and enjoyment of the
- 352 premises and includes a mortgagee in possession.
- 353 (f) "Person" means an individual, corporation, limited liability
- 354 company, the state or any political subdivision thereof, or agency,
- 355 business trust, estate, trust, partnership or association, two or more
- 356 persons having a joint or common interest, and any other legal or
- 357 commercial entity.
- 358 (g) "Premises" means a dwelling unit and the structure of which it is
- a part and facilities and appurtenances therein and grounds, areas and
- 360 facilities held out for the use of tenants generally or whose use is
- 361 promised to the tenant.
- (h) "Rent" means all periodic payments to be made to the landlord
- 363 under the rental agreement.

LCO No. 1738 12 of 14

(i) "Rental agreement" means all agreements, written or oral, and valid rules and regulations adopted under section 47a-9 or subsection (d) of section 21-70 embodying the terms and conditions concerning the use and occupancy of a dwelling unit or premises.

- (j) "Roomer" means a person occupying a dwelling unit, which unit does not include a refrigerator, stove, kitchen sink, toilet and shower or bathtub and one or more of these facilities are used in common by other occupants in the structure.
- (k) "Single-family residence" means a structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more walls with another dwelling unit or has a common parking facility, it is a single-family residence if it has direct access to a street or thoroughfare and does not share heating facilities, hot water equipment or any other essential facility or service with any other dwelling unit.
- (l) "Tenant" means the lessee, sublessee or person entitled under a rental agreement to occupy a dwelling unit or premises to the exclusion of others or as is otherwise defined by law.
- (m) "Tenement house" means any house or building, or portion thereof, which is rented, leased or hired out to be occupied, or is arranged or designed to be occupied, or is occupied, as the home or residence of three or more families, living independently of each other, and doing their cooking upon the premises, and having a common right in the halls, stairways or yards.
- Sec. 10. (NEW) (*Effective October 1, 2022*) As used in this section, "landlord", "tenant", "dwelling unit" and "rental agreement" have the same meaning as provided in section 47a-1 of the general statutes, as amended by this act. Any landlord shall provide, at the time a tenant executes a rental agreement for any residential dwelling unit owned by the landlord, an application for admission as an elector to each tenant who is eligible to apply for admission as an elector pursuant to section 9-12 of the general statutes.

LCO No. 1738 13 of 14

This act shall take effect as follows and shall amend the following		
sections:		
Section 1	October 1, 2022	47a-21(a) and (b)
Sec. 2	October 1, 2022	New section
Sec. 3	October 1, 2022	New section
Sec. 4	October 1, 2022	47a-23c
Sec. 5	October 1, 2022	New section
Sec. 6	October 1, 2022	New section
Sec. 7	October 1, 2022	47a-14h(a) and (b)
Sec. 8	October 1, 2022	47a-14h(e)
Sec. 9	October 1, 2022	47a-1
Sec. 10	October 1, 2022	New section

Statement of Purpose:

To (1) allow landlords to accept damage insurance in lieu of security deposits, (2) permit tenants to conduct a walk-through inspection of the dwelling unit prior to moving in, (3) limit fees a landlord may charge in connection with tenant screenings, (4) require landlords to provide written notice to certain protected tenants of their legal rights regarding evictions, (5) require landlords to provide notice of pending foreclosure actions to current and prospective tenants and allow current tenants to seek a court order appointing a receiver of rents, and (6) require that landlords provide tenants with voter registration forms upon the execution of any lease.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

LCO No. 1738 **14** of 14