



General Assembly

Amendment

January Session, 2023

LCO No. 6909



Offered by:
SEN. SAMPSON, 16th Dist.

To: Subst. Senate Bill No. 4

File No. 203

Cal. No. 130

"AN ACT CONCERNING CONNECTICUT'S PRESENT AND FUTURE HOUSING NEEDS."

1 Strike sections 1 and 2 in their entirety and renumber the remaining
2 sections and internal references accordingly

3 After the last section, add the following and renumber sections and
4 internal references accordingly:

5 "Sec. 501. Section 47a-23 of the general statutes is repealed and the
6 following is substituted in lieu thereof (*Effective October 1, 2023*):

7 (a) When the owner or lessor, or the owner's or lessor's legal
8 representative, or the owner's or lessor's attorney-at-law, or in-fact,
9 desires to obtain possession or occupancy of any land or building, any
10 apartment in any building, any dwelling unit, any trailer, or any land
11 upon which a trailer is used or stands, and (1) when a rental agreement
12 or lease of such property, whether in writing or by parol, terminates for
13 any of the following reasons: (A) By lapse of time; (B) by reason of any
14 expressed stipulation therein; (C) violation of the rental agreement or

15 lease or of any rules or regulations adopted in accordance with section
16 47a-9 or 21-70; (D) nonpayment of rent within the grace period provided
17 for residential property in section 47a-15a, as amended by this act, or
18 21-83; (E) nonpayment of rent when due for commercial property; (F)
19 violation of section 47a-11 or subsection (b) of section 21-82; (G)
20 nuisance, as defined in section 47a-32, or serious nuisance, as defined in
21 section 47a-15 or 21-80; or (2) when such premises, or any part thereof,
22 is occupied by one who never had a right or privilege to occupy such
23 premises; or (3) when one originally had the right or privilege to occupy
24 such premises but such right or privilege has terminated; or (4) when an
25 action of summary process or other action to dispossess a tenant is
26 authorized under subsection (b) of section 47a-23c for any of the
27 following reasons: (A) Refusal to agree to a fair and equitable rent
28 increase, as defined in subsection (c) of section 47a-23c, (B) permanent
29 removal by the landlord of the dwelling unit of such tenant from the
30 housing market, or (C) bona fide intention by the landlord to use such
31 dwelling unit as such landlord's principal residence; or (5) when a farm
32 employee, as described in section 47a-30, or a domestic servant,
33 caretaker, manager or other employee, as described in subsection (b) of
34 section 47a-36, occupies such premises furnished by the employer and
35 fails to vacate such premises after employment is terminated by such
36 employee or the employer or after such employee fails to report for
37 employment, such owner or lessor, or such owner's or lessor's legal
38 representative, or such owner's or lessor's attorney-at-law, or in-fact,
39 shall give notice to each lessee or occupant to quit possession or
40 occupancy of such land, building, apartment or dwelling unit, at least
41 three days before the termination of the rental agreement or lease, if any,
42 or before the time specified in the notice for the lessee or occupant to
43 quit possession or occupancy.

44 (b) The notice shall be in writing substantially in the following form:
45 "I (or we) hereby give you notice that you are to quit possession or
46 occupancy of the (land, building, apartment or dwelling unit, or of any
47 trailer or any land upon which a trailer is used or stands, as the case may
48 be), now occupied by you at (here insert the address, including

49 apartment number or other designation, as applicable), on or before the
50 (here insert the date) for the following reason (here insert the reason or
51 reasons for the notice to quit possession or occupancy using the
52 statutory language or words of similar import, also the date and place
53 of signing notice). A.B.". If the owner or lessor, or the owner's or lessor's
54 legal representative, attorney-at-law or attorney-in-fact knows of the
55 presence of an occupant but does not know the name of such occupant,
56 the notice for such occupant may be addressed to such occupant as "John
57 Doe", "Jane Doe" or some other alias which reasonably characterizes the
58 person to be served.

59 (c) A copy of such notice shall be delivered to each lessee or occupant
60 or left at such lessee's or occupant's place of residence or, if the rental
61 agreement or lease concerns commercial property, at the place of the
62 commercial establishment by a proper officer or indifferent person.
63 Delivery of such notice may be made on any day of the week.

64 (d) With respect to a month-to-month or a week-to-week tenancy of
65 a dwelling unit, a notice to quit possession based on nonpayment of rent
66 shall, upon delivery, terminate the rental agreement for the month or
67 week in which the notice is delivered, convert the month-to-month or
68 week-to-week tenancy to a tenancy at sufferance and provide proper
69 basis for a summary process action notwithstanding that such notice
70 was delivered in the month or week after the month or week in which
71 the rent is alleged to be unpaid.

72 (e) A termination notice required pursuant to federal law and
73 regulations may be included in or combined with the notice required
74 pursuant to this section and such inclusion or combination does not
75 thereby render the notice required pursuant to this section equivocal,
76 provided the rental agreement or lease shall not terminate until after the
77 date specified in the notice for the lessee or occupant to quit possession
78 or occupancy or the date of completion of the pretermination process,
79 whichever is later. A use and occupancy disclaimer may be included in
80 or combined with such notice, provided that such disclaimer does not
81 take effect until after the date specified in the notice for the lessee or

82 occupant to quit possession or occupancy or the date of the completion
83 of the pretermination process, whichever is later. Such inclusion or
84 combination does not thereby render the notice required pursuant to
85 this section equivocal. Such disclaimer shall be in substantially the
86 following form: "Any payments tendered after the date specified to quit
87 possession or occupancy, or the date of the completion of the
88 pretermination process if that is later, will be accepted for use and
89 occupancy only and not for rent, with full reservation of rights to
90 continue with the eviction action."

91 (f) Not less than forty-five days but not more than sixty days after the
92 issuance of a notice to quit possession or occupancy pursuant to this
93 section, the owner or lessor, the owner's or lessor's legal representative
94 or the owner's or lessor's attorney-at-law, or attorney-in-fact, shall, if the
95 occupancy concerns a dwelling unit and such occupant has not quit the
96 premises, deliver to each occupant of the premises a notice stating that
97 any possessions or personal effects of such occupant may be deemed
98 abandoned and disposed of upon the execution of any judgment issued
99 pursuant to section 47a-26, 47a-26a, 47a-26b or 47a-26d concerning such
100 occupant if such possessions or personal effects have not been removed
101 at the time of such execution. Such notice shall be on a form prescribed
102 by the Judicial Department, shall be in clear and simple language and in
103 readable format, and shall contain a conspicuous statement, in large
104 boldface type, that a person who claims to have a right to continue to
105 occupy the premises should immediately contact an attorney.

106 Sec. 502. Section 47a-42 of the general statutes is repealed and the
107 following is substituted in lieu thereof (*Effective October 1, 2023*):

108 (a) Whenever a judgment is entered against a defendant pursuant to
109 section 47a-26, 47a-26a, 47a-26b or 47a-26d for the recovery of
110 possession or occupancy of residential property, such defendant and
111 any other occupant bound by the judgment by subsection (a) of section
112 47a-26h shall forthwith remove himself or herself, such defendant's or
113 occupant's possessions and all personal effects unless execution has
114 been stayed pursuant to sections 47a-35 to 47a-41, inclusive. If execution

115 has been stayed, such defendant or occupant shall forthwith remove
116 himself or herself, such defendant's or occupant's possessions and all
117 personal effects upon the expiration of any stay of execution. If the
118 defendant or occupant has not so removed himself or herself upon entry
119 of a judgment pursuant to section 47a-26, 47a-26a, 47a-26b or 47a-26d,
120 and upon expiration of any stay of execution, the plaintiff may obtain
121 an execution upon such summary process judgment, and the defendant
122 or other occupant bound by the judgment by subsection (a) of section
123 47a-26h [and the possessions and personal effects of such defendant or
124 other occupant] may be removed by a state marshal [,] pursuant to such
125 execution, [, and delivered to the place of storage designated by the chief
126 executive officer for such purposes.]

127 (b) Before any such removal, the state marshal charged with
128 executing upon any such judgment of eviction shall [give the chief
129 executive officer of the town twenty-four hours notice of the eviction,
130 stating the date, time and location of such eviction as well as a general
131 description, if known, of the types and amount of property to be
132 removed from the premises and delivered to the designated place of
133 storage. Before giving such notice to the chief executive officer of the
134 town, the state marshal shall] use reasonable efforts to locate and
135 [notify] serve notice to the defendant or other occupant bound by such
136 judgment of the date and time such eviction is to take place [and of the
137 possibility of a sale pursuant to subsection (c) of this section] not less
138 than twenty-four hours before such eviction is to take place. Such notice
139 shall include service upon each defendant and upon any other person
140 in occupancy, either personally or at the premises, of a true copy of the
141 summary process execution. Such execution shall be on a form
142 prescribed by the Judicial Department, shall be in clear and simple
143 language and in readable format, and shall contain, in addition to other
144 notices given to the defendant in the execution, a conspicuous notice, in
145 large boldface type, that a person who claims to have a right to continue
146 to occupy the premises should immediately contact an attorney. [, and
147 clear instructions as to how and where the defendant may reclaim any
148 possessions and personal effects removed and stored pursuant to this

149 section, including a telephone number that may be called to arrange
150 release of such possessions and personal effects.]

151 (c) Whenever the possessions and personal effects of a defendant [are
152 removed by a state marshal under this section, such possessions and
153 effects shall be delivered by such marshal to the designated place of
154 storage. The plaintiff shall pay the state marshal for such removal in
155 accordance with the provisions of subsection (b) of section 52-261. Such
156 removal and delivery shall be at the expense of the defendant and may
157 be recovered by the plaintiff. If such possessions and effects are not
158 reclaimed by the defendant and the expense of such storage is not paid
159 to the chief executive officer within fifteen days after such eviction, the
160 chief executive officer shall sell the same at public auction, after using
161 reasonable efforts to locate and notify the defendant of such sale and
162 after posting notice of such sale for one week on the public signpost
163 nearest to the place where the eviction was made, if any, or at some
164 exterior place near the office of the town clerk. The chief executive
165 officer shall deliver to the defendant the net proceeds of such sale, if any,
166 after deducting a reasonable charge for storage of such possessions and
167 effects. If the defendant does not demand the net proceeds within thirty
168 days after such sale, the chief executive officer shall turn over the net
169 proceeds of the sale to the town treasury] or other occupant have not
170 been removed by the time of an execution of a summary process
171 judgment against such defendant or occupant pursuant to this section,
172 notwithstanding the provisions of section 47a-11b, the landlord may
173 deem such possessions and personal effects abandoned and may
174 dispose of such possessions and personal effects as the landlord deems
175 appropriate.

176 Sec. 503. Subsection (b) of section 52-261 of the general statutes is
177 repealed and the following is substituted in lieu thereof (*Effective October*
178 *1, 2023*):

179 (b) Each officer or person shall receive the following fees: (1) For
180 service and scheduling of an execution on a summary process judgment,
181 or a foreclosure ejectment, not more than one hundred dollars and the

182 fee set by the Department of Administrative Services for state
 183 employees for each mile of travel; (2) for removal under section 47a-42,
 184 as amended by this act, of a defendant or other occupant bound by a
 185 summary process judgment, [and the possessions and personal effects
 186 of such defendant or other occupant,] not more than one hundred
 187 dollars per hour and the fee set by the Department of Administrative
 188 Services for state employees for each mile of travel; (3) for removal and
 189 taking of an inventory of possessions and personal effects of a defendant
 190 or other occupant bound by a summary process judgment under section
 191 47a-42a, not more than one hundred dollars per hour and the fee set by
 192 the Department of Administrative Services for state employees for each
 193 mile of travel; (4) for removal under section 49-22 of a defendant or other
 194 occupant bound by a foreclosure judgment, and the possessions and
 195 personal effects of such defendant or other occupant, not more than one
 196 hundred dollars per hour and the fee set by the Department of
 197 Administrative Services for state employees for each mile of travel; and
 198 (5) for any execution or ejection, the officer or person serving such
 199 execution or ejection may claim compensation for time and expenses
 200 of any mover, locksmith or any other individual, in keeping, securing or
 201 removing property and the transportation incidental to such execution
 202 of ejection, provided such officer or person shall make out a bill. The
 203 bill shall specify the labor done, and by whom, the time spent, the travel,
 204 the money paid, if any, and to whom and for what."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	October 1, 2023	47a-23
Sec. 502	October 1, 2023	47a-42
Sec. 503	October 1, 2023	52-261(b)