



General Assembly

Substitute Bill No. 6784

January Session, 2023



AN ACT CONCERNING NONCOMPLIANT LANDLORDS.

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

1 Section 1. (NEW) (*Effective October 1, 2023*) (a) As used in this
2 section:

3 (1) "Complex" means not less than two residential buildings on the
4 same or contiguous parcels of real property under the same
5 ownership;

6 (2) "Landlord" means any owner, lessor or sublessor of any rental
7 housing property development in this state;

8 (3) "Receiver" means any person or entity appointed by any court in
9 this state, subject to such court's direction, to take possession of and
10 manage any rental housing property development; and

11 (4) "Rental housing property development" means any privately
12 owned multifamily development or complex in this state consisting of
13 not less than five hundred units.

14 (b) Notwithstanding other remedies available to any tenant under
15 chapter 833a of the general statutes, any tenant of a rental housing
16 property development who claims that the landlord or owner of such
17 rental housing property development has failed to comply with any

18 state or local housing, health, safety, building or fire code may deliver
19 a written notice to the applicable local code enforcement officer
20 specifying the acts or omissions constituting such housing, health,
21 safety, building or fire code violation.

22 (c) The applicable local code enforcement officer shall (1) review
23 and investigate each claimed violation of any state or local housing,
24 health, safety, building or fire code submitted pursuant to subsection
25 (b) of this section, (2) maintain written documentation of each such
26 claimed violation, and (3) provide notice of each such claimed
27 violation to each local code enforcement officer for state or local
28 housing, health, safety, building or fire code violations. Upon receipt
29 of not less than twelve claimed violations of any state or local housing,
30 health, safety, building or fire code in any one calendar year submitted
31 by tenants of the same rental housing property development, any local
32 code enforcement officer may report such rental housing property
33 development to the Attorney General who may submit an application
34 for a private receivership in the superior court for the judicial district
35 in which the rental housing property development is located.

36 (d) The Attorney General may bring an action on behalf of tenants
37 occupying any rental housing property development in accordance
38 with the provisions of subsection (c) of this section, alleging under
39 oath the existence of any state or local housing, health, safety, building
40 or fire code violations. The complaint shall set forth the address of the
41 rental housing property development and a description of the
42 conditions alleged to be hazardous to life, health or safety. Such action
43 shall be brought in the superior court for the judicial district in which
44 the premises are located in the same manner as in a civil process
45 naming all landlords and owners of record as defendants. There shall
46 be no entry fee for such action. The Attorney General shall cause a
47 notice of the pendency of such action to be filed in the land records of
48 the town in which such premises are located.

49 (e) The Superior Court may refer any complaint filed in accordance
50 with the provisions of subsections (c) and (d) of this section to a referee

51 who shall hold a hearing thereon, except if the complaint alleges that
52 there is an imminent danger to the life, health or safety of the tenants,
53 the court shall issue an immediate ex parte order granting such relief
54 as the court deems appropriate, pending a full hearing to be held not
55 later than three days after such order is issued. Any retired judge of
56 the Superior Court shall be eligible to act as a referee. The referee shall
57 take such testimony as such referee deems material, view the rental
58 housing property development and, after the hearing, report such
59 referee's findings and recommendations to the court. The court shall
60 review such report and enter judgment. Such report may be rejected
61 for irregular or improper conduct in the performance of the duties of
62 such referee, in which event the court shall appoint another referee to
63 make a report. There shall be no right to a jury trial in any of the
64 proceedings.

65 (f) It shall be a sufficient defense to a proceeding under this section
66 for the landlord or owner to establish that such conditions: (1) Alleged
67 in the petition did not in fact exist; (2) have been removed or remedied;
68 (3) have been intentionally caused by any tenant residing at such rental
69 housing property development; or (4) do not constitute a violation of
70 any such state or local housing, health, safety, building or fire code.

71 (g) If the court finds that the Attorney General has failed to establish
72 each of the allegations of the complaint or that the landlord or owner
73 affirmatively established any defense specified in subsection (f) of this
74 section as to all allegations set forth in the complaint, the court shall
75 render a judgment dismissing such allegations.

76 (h) If the court finds that the Attorney General has established some
77 or all of the allegations of the complaint and that no defense as
78 specified in subsection (f) of this section has been affirmatively
79 established by the landlord or owner, the court shall render a
80 judgment directing that: (1) The rents due on the date of entry of such
81 judgment and rents to become due subsequent thereto from all tenants
82 occupying such property be deposited with a private receiver
83 appointed by the court; (2) such receiver apply such rents and, to the

84 extent necessary, remedy the condition alleged in the petition; (3)
85 when such condition has been remedied in accordance with such
86 judgment, any remaining surplus be turned over to the landlord or
87 owner, together with a complete accounting of the rents deposited and
88 the costs incurred; and (4) granting such other and further relief as the
89 court may deem just and proper. A certified copy of the judgment shall
90 be served upon the Attorney General and each tenant occupying such
91 rental housing property development by registered mail. Any receiver
92 appointed pursuant to this subsection may charge such owner or
93 landlord of such rental housing property development a fee that shall
94 not exceed ten per cent of the total monthly rental income of such
95 rental housing property development to carry out the requirements set
96 forth in this section.

97 (i) The right of the landlord or owner of such rental housing
98 property development to collect such rent from any tenant on or after
99 the date of entry of a judgment as provided in subsection (h) of this
100 section shall be void and unenforceable to the extent that such tenants
101 have deposited such rent with a private receiver in accordance with
102 the terms of the judgment rendered under subsection (h) of this
103 section, regardless of whether such right of the landlord or owner
104 arises from a lease, deed, contract, agreement or understanding, or
105 otherwise. It shall be a valid defense in any action or proceeding
106 against such tenants to recover possession of real property for
107 nonpayment of rent or for use or occupation to prove that such rent
108 alleged to be unpaid was deposited with a private receiver in
109 accordance with the terms of a judgment entered under subsection (h)
110 of this section.

111 (j) If the court finds that the facts alleged in the complaint have been
112 affirmatively established, that no defense thereto specified in
113 subsection (f) of this section has been affirmatively established by the
114 landlord or owner and that the facts alleged in the complaint warrant
115 the granting of the relief sought, the court, in lieu of rendering
116 judgment, may issue an order permitting the landlord or owner to

117 remove or remedy the condition in the complaint found to exist if such
118 landlord or owner (1) demonstrates the ability to undertake the work
119 required, and (2) posts security for the performance of such work
120 required within the time and in the manner and amount deemed
121 necessary by the court.

122 (k) If, after the issuance of an order issued pursuant to subsection (j)
123 of this section, the Attorney General, upon investigation, determines
124 that such person permitted to perform the work is not proceeding with
125 due diligence, the Attorney General shall apply to the court for a
126 hearing to determine whether judgment should be rendered
127 immediately as provided in subsection (l) of this section.

128 (l) If, upon a hearing authorized under subsection (k) of this section,
129 the court determines that the person permitted to perform such work
130 is not proceeding with due diligence, the court shall render a judgment
131 appointing a receiver as authorized in subsection (h) of this section.
132 The judgment shall direct such receiver to apply the security posted by
133 such person to remove or remedy any condition specified in the
134 petition. If the amount of such security is insufficient for such purpose,
135 the judgment shall direct the deposit of rents with such receiver as
136 authorized in subsection (h) of this section to the extent of such
137 deficiency. If such security exceeds the amount required to remove or
138 remedy such condition, the judgment shall direct such receiver to file
139 with the court, upon completion of the work, a full accounting of the
140 amount of such security and the expenditures made pursuant to such
141 judgment, and to turn over such surplus to the owner or landlord who
142 posted security, together with a copy of such accounting.

143 (m) Any such receiver shall be discharged upon rendering a
144 complete accounting to the court when (1) such condition has been
145 removed, (2) the costs authorized by subsections (a) to (l), inclusive, of
146 this section have been paid or reimbursed from the rents and income
147 of the property, and (3) the surplus money, if any, has been paid over
148 to the landlord or owner as the court may direct. The receiver may be
149 discharged at any time upon filing such receiver's accounting as

150 receiver. Upon the removal of such condition, the landlord or owner
151 may apply for the discharge of the receiver upon payment to such
152 receiver of all moneys expended by the receiver for removal of such
153 condition and all other costs authorized by this section that have not
154 been paid or reimbursed from the rents and income of the property.

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| This act shall take effect as follows and shall amend the following sections: | | |
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| Section 1 | October 1, 2023 | New section |
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Statement of Legislative Commissioners:

In Subsec. (h), "the receiver" was changed to "such receiver", and "the judgment" was changed to "such judgment" for clarity.

INS *Joint Favorable Subst.*