



Senate

General Assembly

File No. 102

February Session, 2000

Substitute Senate Bill No. 5

Senate, March 17, 2000

The Committee on Judiciary reported through SEN. WILLIAMS of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

An Act Concerning Tenants' Security Deposits For Pets.

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

1 Subsection (d) of section 47a-21 of the general statutes is repealed
2 and the following is substituted in lieu thereof:

3 (d) (1) Within the time specified in subdivisions (2) and (4) of this
4 subsection, the person who is the landlord at the time a tenancy is
5 terminated, other than a rent receiver, shall pay to the tenant or former
6 tenant: (A) The amount of any security deposit that was deposited by
7 the tenant with the person who was landlord at the time such security
8 deposit was deposited less the value of any damages which any person
9 who was a landlord of such premises at any time during the tenancy of
10 such tenant has suffered as a result of such tenant's failure to comply
11 with such tenant's obligations; and (B) any accrued interest due on
12 such security deposit as required by subsection (i) of this section. If the
13 landlord at the time of termination of a tenancy is a rent receiver, such
14 rent receiver shall return security deposits in accordance with the

15 provisions of subdivision (3) of this subsection.

16 (2) Upon termination of a tenancy, any tenant may notify [his] the
17 landlord in writing of such tenant's forwarding address. Within thirty
18 days after termination of a tenancy, each landlord other than a rent
19 receiver shall deliver to the tenant or former tenant at such forwarding
20 address either (A) the full amount of the security deposit paid by such
21 tenant plus accrued interest as provided in subsection (i) of this
22 section, or (B) the balance of the security deposit paid by such tenant
23 plus accrued interest as provided in subsection (i) of this section after
24 deduction for any damages suffered by such landlord by reason of
25 such tenant's failure to comply with such tenant's obligations, together
26 with a written statement itemizing the nature and amount of such
27 damages. Any such landlord who violates any provision of this
28 subsection shall be liable for twice the amount or value of any security
29 deposit paid by such tenant, except that, if the violation is the failure to
30 deliver the accrued interest, such landlord shall only be liable for twice
31 the amount of such accrued interest.

32 (3) (A) Any receiver who is authorized by the appointing court
33 [appointing him receiver] to return security deposits and to inspect the
34 premises of any tenant shall pay security deposits and interest in
35 accordance with the provisions of subdivisions (1) and (2) of this
36 subsection from the operating income of such receivership to the
37 extent that any such payments exceed the amount in any escrow
38 accounts for such tenants. (B) Any rent receiver shall present any claim
39 by any tenant for return of a security deposit to the appointing court,
40 [which authorized him to be a rent receiver.] Such court shall
41 determine the validity of any such claim and shall direct such rent
42 receiver to pay from the escrow account or from the operating income
43 of such property the amount due such tenant as determined by such
44 court.

45 (4) Any landlord who does not have written notice of [his] the

46 tenant's or former tenant's forwarding address shall deliver any
 47 written statement and security deposit due to the tenant, as required
 48 by subdivision (2) of this subsection, within the time required by
 49 subdivision (2) of this subsection or within fifteen days after receiving
 50 written notice of such tenant's forwarding address, whichever is later.

51 (5) Any landlord who has required a security deposit, or an increase
 52 in the usual security deposit, because the tenant has a pet shall return
 53 that security deposit or relevant portion thereof upon receipt from the
 54 tenant of a signed written statement that the tenant no longer has the
 55 pet and desires the return of the pet security deposit. The pet security
 56 deposit shall be returned upon termination of possession of the pet in
 57 the same manner and subject to the same requirements as the return of
 58 a standard security deposit upon termination of tenancy. For purposes
 59 of this subdivision, "pet" means a domesticated dog, cat or bird or an
 60 aquarium.

Statement of Legislative Commissioners:

Several changes were made throughout the bill to make it gender neutral and in subdivision (5) "pet possession" was changed to "possession of the pet" for clarity.

AGE Committee Vote: Yea 13 Nay 0 JF C/R JUD

JUD Committee Vote: Yea 38 Nay 0 JFS-LCO

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Minimal

Affected Agencies: Judicial Department

Municipal Impact: None

Explanation

State Impact:

This bill requires landlords to return security deposits as they relate to pets once the tenant no longer has the pet rather than at the conclusion of the tenancy. This could result in a change in the number of cases filed in small claims court. The extent of any change in such filings is anticipated to be minimal and can be handled within existing caseload structures.

OLR Bill Analysis

sSB 5

AN ACT CONCERNING TENANTS' SECURITY DEPOSITS FOR PETS**SUMMARY:**

This bill requires a landlord who has required or increased a security deposit for a tenant's pet to return the deposit or a relevant portion of it when notified that the tenant no longer has the pet. The tenant must provide a signed written notification to the landlord stating that he no longer has the pet and wants the pet security deposit returned. Procedures for returning the deposit upon termination of pet possession must be the same as for a standard security deposit, which is returned after the tenant moves out (see COMMENT). The bill applies to pet security deposits for domesticated dogs, cats, and birds, as well as aquariums.

EFFECTIVE DATE: October 1, 2000

COMMENT***Deadline for Pet Security Deposit Return***

It is not entirely clear when return of the pet deposit is required. The bill specifies return upon notification that the tenant no longer has the pet, but the return must take place after termination of pet possession in the same way a landlord now returns a standard security deposit. In these standard procedures, the landlord has 30 days after the tenant moves out to deliver the deposit (plus interest minus appropriate deductions) to the tenant at the new address, if the tenant has notified him of it.

COMMITTEE ACTION

Select Committee on Aging

Joint Favorable Change of Reference
Yea 13 Nay 0

Judiciary Committee

Joint Favorable Report
Yea 38 Nay 0