



House of Representatives

General Assembly

File No. 587

January Session, 2001

Substitute House Bill No. 5400

House of Representatives, May 3, 2001

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING DEATH OF A TENANT.

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

1 (NEW) (a) If the sole occupant of a dwelling unit subject to a
2 monthly lease or a lease for a term has died and the landlord has
3 complied with any provisions of any such lease permitting termination
4 upon the death of the occupant, the landlord may send notice to the
5 next of kin of such occupant at the last-known address both by regular
6 mail, postage prepaid, and by certified mail, return receipt requested,
7 stating that (1) the occupant has died, (2) the landlord intends to
8 remove any possessions and personal effects remaining in the
9 premises and to rerent the premises, and (3) if the next of kin does not
10 reclaim such possessions and personal effects within forty-five days
11 after the date of such notice, such possessions and personal effects will
12 be disposed of as permitted by this section. The notice shall be in clear
13 and simple language and shall include a telephone number and a
14 mailing address at which the landlord can be contacted.

15 (b) If notice is sent by the landlord to the next of kin, as provided in
16 subsection (a) of this section, the landlord, not later than five days after
17 such notice is sent, shall file an affidavit with the Probate Court having
18 jurisdiction concerning the possessions and personal effects of the
19 deceased occupant. Such affidavit shall include the name and address
20 of the deceased occupant, the date of death, the terms of the lease, the
21 names and addresses of the next of kin, and an inventory of the
22 possessions and personal effects remaining in the premises.

23 (c) If the landlord complies with the provisions of this section, the
24 landlord shall not be required to serve a notice to quit as provided in
25 section 47a-23 of the general statutes and bring a summary process
26 action as provided in section 47a-23a of the general statutes to obtain
27 possession or occupancy of the dwelling unit. Nothing in this section
28 shall relieve a landlord from complying with the provisions of sections
29 47a-1 to 47a-20a, inclusive, of the general statutes and sections 47a-23
30 to 47a-42, inclusive, of the general statutes, if the landlord knows, or
31 reasonably should know, that the dwelling unit has not been
32 abandoned.

33 (d) The landlord shall inventory any possessions and personal
34 effects of the deceased occupant in the premises and may not remove
35 them until thirty days after the date of the notice to the next of kin.
36 Thereafter, the landlord may remove and store such possessions and
37 personal effects for an additional fifteen days. The next of kin may
38 reclaim such possessions and personal effects from the landlord within
39 such forty-five-day period. If the next of kin does not reclaim such
40 possessions and personal effects by the end of such forty-five-day
41 period, the landlord may dispose of them in accordance with section
42 47a-42 of the general statutes.

43 (e) If an application for probate of a will or letters of administration
44 is filed with the Court of Probate having jurisdiction concerning the
45 possessions and personal effects of the deceased occupant within forty

46 days of the filing of the affidavit of the landlord as provided in
47 subsection (b) of this section, the Probate Court shall immediately
48 notify the landlord of such filing and the provisions of this section
49 shall not apply.

50 (f) No action shall be brought under section 47a-43 of the general
51 statutes against a landlord who takes action in compliance with the
52 provisions of this section.

Statement of Legislative Commissioners:

Subsection (b) was rewritten for clarity.

JUD *Joint Favorable Subst.*

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: None

Affected Agencies: Judicial Department (Probate Court)

Municipal Impact: None

Explanation

The bill is intended to clarify the procedures for the removal of personal property of a tenant who has died. While the bill would impact those individuals who seek assistance from the probate court under the circumstances described therein, passage of the bill would not result in any fiscal impact to the state or the Probate Court Administration Fund.

OLR BILL ANALYSIS

sHB 5400

AN ACT CONCERNING DEATH OF A TENANT.

SUMMARY:

This bill gives landlords an alternative to bringing an eviction action to regain possession of a dwelling unit after the death of the only tenant living there. Landlords who comply with the bill are protected against an action for entering a dwelling unit without consent.

When the only tenant living in a dwelling unit dies, the bill authorizes the landlord to notify the tenant's next of kin of (1) his death and (2) the landlord's intentions regarding the tenant's personal belongings if they fail to reclaim them within a specified period. Within the next five days, he must file an affidavit in probate court regarding the deceased tenant's personal belongings.

The bill authorizes a landlord who complies with its provisions to dispose of the tenant's property if (1) no relative appears to claim it or (2) no one asks the probate court to take any action on the deceased tenant's will within the time specified in the notice.

The bill specifies that it does not relieve a landlord of the duty to comply with the landlord and tenant laws, other than the law regarding security deposits, when he knows or should reasonably know that the dwelling unit has not been abandoned. By law, a security deposit, minus any deductions for damages, belongs to the tenant who paid it or, in the event of death, the tenant's estate.

EFFECTIVE DATE: October 1, 2001

NOTICE TO NEXT OF KIN

When a landlord has complied with a lease that includes the tenant's death as a ground for termination, the bill permits him to send a notice

to the last known address of the next of kin upon the death of the sole tenant in a dwelling unit. He may send the notice by regular posted mail and certified mail, return receipt requested. The notice must be in clear and simple language and include the landlord's telephone number and address. It may state that the (1) tenant has died, (2) landlord intends to remove his belongings from the dwelling unit and re-rent the premises, and (3) next of kin has 45 days to reclaim the belongings or the landlord will dispose of them.

LANDLORD'S REMOVAL OF DECEASED TENANTS' PROPERTY

A landlord must inventory the belongings left in a dwelling unit by a deceased tenant but leave them in place for at least 30 days after the date he notifies the tenant's relatives. After 30 days, he can store the belongings and after 45 days, he can put them on the adjacent sidewalk, street, or highway.

PROBATE COURT AFFIDAVIT

The bill requires any landlord who sends the notice to a tenant's next of kin to file an affidavit with the probate court five days later. The affidavit must include the deceased tenant's name and address, the date he died, the names and addresses of his next of kin, an inventory of the belongings he left in the dwelling unit, and the terms of his lease.

If the court receives a request to determine the validity of a will or appoint an administrator of a decedent's estate within 45 days of the date the affidavit is filed, it must notify the landlord immediately. A landlord who receives this notice cannot dispose of the tenant's property or re-rent the dwelling unit as indicated above. (The bill does not state what happens if the deceased tenant's relatives remove the tenant's belongings after the landlord's notice but before anyone requests an administrator of his estate or a determination on his will.)

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 38 Nay 0