



# House of Representatives

**File No. 833**

General Assembly

January Session, 2001

**(Reprint of File No. 587)**

Substitute House Bill No. 5400  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 31, 2001

## **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 elect to act in  
5 accordance with the provisions of this section. If the landlord elects to  
6 act in accordance with the provisions of this section, such landlord  
7 shall send notice to the next of kin, if known, of such occupant at the  
8 last-known address both by regular mail, postage prepaid, and by  
9 certified mail, return receipt requested, stating that (1) the occupant  
10 has died, (2) the landlord intends to remove any possessions and  
11 personal effects remaining in the premises and to re-rent the premises,  
12 and (3) if the next of kin does not reclaim such possessions and  
13 personal effects within sixty days after the date of such notice, such  
14 possessions and personal effects will be disposed of as permitted by  
15 this section. The notice shall be in clear and simple language and shall  
16 include a telephone number and a mailing address at which the

17 landlord can be contacted.

18 (b) (1) If notice is sent by the landlord to the next of kin, if known, as  
19 provided in subsection (a) of this section, or (2) if the landlord does not  
20 know any next of kin, the landlord shall file an affidavit with the  
21 Probate Court having jurisdiction concerning the possessions and  
22 personal effects of the deceased occupant. Such affidavit shall include  
23 the name and address of the deceased occupant, the date of death, the  
24 terms of the lease, and the names and addresses of the next of kin, if  
25 known.

26 (c) If the landlord acts in accordance with the provisions of this  
27 section, the landlord shall not be required to serve a notice to quit as  
28 provided in section 47a-23 of the general statutes and bring a summary  
29 process action as provided in section 47a-23a of the general statutes to  
30 obtain possession or occupancy of the dwelling unit. Nothing in this  
31 section shall relieve a landlord from complying with the provisions of  
32 sections 47a-1 to 47a-20a, inclusive, of the general statutes and sections  
33 47a-23 to 47a-42, inclusive, of the general statutes, if the landlord  
34 knows, or reasonably should know, that the dwelling unit has not been  
35 abandoned.

36 (d) On or after thirty days after the date of the filing of the affidavit  
37 pursuant to subsection (b) of this section, the landlord shall inventory  
38 any possessions and personal effects of the deceased occupant in the  
39 premises and shall file a copy of such inventory with the Court of  
40 Probate under subsection (b) of this section. The landlord may not  
41 remove them until fifteen days after such inventory is taken.  
42 Thereafter, the landlord may remove and store such possessions and  
43 personal effects for an additional fifteen days. The next of kin may  
44 reclaim such possessions and personal effects from the landlord within  
45 such sixty-day period. If the next of kin does not reclaim such  
46 possessions and personal effects by the end of such sixty-day period,  
47 the landlord may dispose of them in accordance with section 47a-42 of  
48 the general statutes.

49 (e) If an application for probate of a will or letters of administration  
50 is filed with the Court of Probate having jurisdiction concerning the  
51 possessions and personal effects of the deceased occupant within fifty-  
52 five days of the filing of the affidavit of the landlord as provided in  
53 subsection (b) of this section, the Probate Court shall immediately  
54 notify the landlord of such filing and any action of the landlord  
55 pursuant to the provisions of this section shall cease.

56 (f) No action shall be brought under section 47a-43 of the general  
57 statutes against a landlord who takes action in accordance with the  
58 provisions of this section.

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:

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**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.

House "A" makes a number of technical and clarifying changes and would not result in any additional fiscal impact.

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**OLR Amended Bill Analysis**

sHB 5400 (as amended by House "A")\*

**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 act in accordance 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 the next of kin fails to reclaim them within a specified period. The bill requires all landlords who act in accordance with the bill, whether or not they send the notice, to file an affidavit in probate court regarding the deceased tenant and his personal belongings.

The bill authorizes a landlord who acts in accordance 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.

\*House Amendment "A" (1) extends, from 45 to 60 days, the minimum length of time landlord must retain possession of a deceased tenant's unclaimed belongings; (2) extends the maximum length of time the belongings must remain in the dwelling unit; (3) requires all, rather than certain specified, landlords who act in accordance with its

provisions to file in probate court an affidavit identifying the deceased tenant and an inventory of his belongings; (4) eliminates a requirement for the affidavit to contain the inventory; and (5) makes technical changes.

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 must send the notice by regular 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 must 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 60 days to reclaim the belongings or the landlord will dispose of them.

### **PROBATE COURT AFFIDAVIT**

The bill requires landlords to file an affidavit with the probate court when the sole tenant in a dwelling unit dies. The affidavit must include the deceased tenant's name and address, the date he died, the terms of his lease, and the names and addresses of any known next of kin.

If the court receives a request to determine the validity of a will or appoint an administrator of a decedent's estate within 55 days of the date the affidavit is filed, it must immediately notify the landlord. A landlord who receives this notice cannot dispose of the tenant's property or re-rent the dwelling unit as indicated above.

### **LANDLORD'S REMOVAL OF DECEASED TENANTS' PROPERTY**

A landlord must inventory the belongings left in a dwelling unit by a deceased tenant no earlier than 30 days after the date he files the affidavit and file a copy of the inventory with the court. The landlord must leave the tenant's belongings in place for at least 15 days after the date he takes the inventory. After 15 days, he can store the belongings and after 30 days, he can put them on the adjacent sidewalk, street, or

highway.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 38    Nay 0