



General Assembly

January Session, 2007

Committee Bill No. 591

LCO No. 4627

04627SB00591JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING PERSONAL PROPERTY OF EVICTED
TENANTS.**

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

1 Section 1. Section 47a-42 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) Whenever a judgment is entered against a defendant pursuant to
4 section 47a-26, 47a-26a, 47a-26b or 47a-26d for the recovery of
5 possession or occupancy of residential property, such defendant and
6 any other occupant bound by the judgment by subsection (a) of section
7 47a-26h shall forthwith remove himself or herself, such defendant's or
8 occupant's possessions and all personal effects, unless execution has
9 been stayed pursuant to sections 47a-35 to 47a-41, inclusive. If
10 execution has been stayed, such defendant or occupant shall forthwith
11 remove himself or herself, such defendant's or occupant's possessions
12 and all personal effects upon the expiration of any stay of execution. If
13 the defendant or occupant has not so removed himself or herself upon
14 entry of a judgment pursuant to section 47a-26, 47a-26a, 47a-26b or
15 47a-26d, and upon expiration of any stay of execution, the plaintiff
16 may obtain an execution upon such summary process judgment, and

17 the defendant or other occupant bound by the judgment by subsection
18 (a) of section 47a-26h and the possessions and personal effects of such
19 defendant or other occupant may be removed by a state marshal,
20 pursuant to such execution, and such possessions and personal effects
21 may be set out on the adjacent sidewalk, street or highway.

22 (b) Before any such removal, the state marshal charged with
23 executing upon any such judgment of eviction shall give the chief
24 executive officer of the town twenty-four hours notice of the eviction,
25 stating the date, time and location of such eviction as well as a general
26 description, if known, of the types and amount of property to be
27 removed from the premises. Before giving such notice to the chief
28 executive officer of the town, the state marshal shall use reasonable
29 efforts to locate and notify the defendant and any other occupant
30 bound by the judgment by subsection (a) of section 47a-26h of the date
31 and time such eviction is to take place, [and of the possibility of a sale
32 pursuant to subsection (c) of this section.] Such notice shall include
33 service upon each defendant and upon any other person in occupancy,
34 either personally or at the premises, of a true copy of the summary
35 process execution. Such execution shall be on a form prescribed by the
36 Judicial Department, shall be in clear and simple language and in
37 readable format, and shall contain, in addition to other notices given to
38 the defendant or occupant in the execution, a conspicuous notice, in
39 large boldface type, that a person who claims to have a right to
40 continue to occupy the premises should immediately contact an
41 attorney. Such execution shall contain a notice advising the defendant
42 or occupant that if he or she does not remove such defendant's or
43 occupant's possessions and personal effects from the premises by the
44 date and time set for the eviction and thereafter fails to claim such
45 possessions and personal effects from the landlord and pay any
46 removal and storage costs within fifteen days after the date of such
47 eviction, such possessions and personal effects will be forfeited to the
48 landlord.

49 (c) Whenever the possessions and personal effects of a defendant or

50 occupant are set out on the sidewalk, street or highway, and are not
51 immediately removed by the defendant or occupant, [the chief
52 executive officer of the town shall remove and store the same. Such
53 removal and storage shall be at the expense of the defendant. If such
54 possessions and effects are not called for by the defendant and the
55 expense of such removal and storage is not paid to the chief executive
56 officer within fifteen days after such eviction, the chief executive
57 officer shall sell the same at public auction, after using reasonable
58 efforts to locate and notify the defendant of such sale and after posting
59 notice of such sale for one week on the public signpost nearest to the
60 place where the eviction was made, if any, or at some exterior place
61 near the office of the town clerk. The chief executive officer shall
62 deliver to the defendant the net proceeds of such sale, if any, after
63 deducting a reasonable charge for removal and storage of such
64 possessions and effects. If the defendant does not demand the net
65 proceeds within thirty days after such sale, the chief executive officer
66 shall turn over the net proceeds of the sale to the town treasury] the
67 plaintiff, in the presence of the state marshal, shall prepare an
68 inventory of such possessions and personal effects and provide a copy
69 of such inventory to the state marshal. The plaintiff shall remove and
70 store such possessions or personal effects. Such removal and storage
71 shall be at the expense of the defendant or occupant. If such
72 possessions and personal effects are not called for by the defendant or
73 occupant and the expense of such removal and storage is not paid to
74 the plaintiff within fifteen days after such eviction, the defendant or
75 occupant shall forfeit such possessions and personal effects to the
76 plaintiff and the plaintiff may dispose of them as the plaintiff deems
77 appropriate.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	47a-42

Statement of Purpose:

To eliminate unnecessary storage expenses for municipalities by requiring landlords to take possession of unclaimed personal property of evicted tenants.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. MCDONALD, 27th Dist.

S.B. 591