

# Legal Assistance Resource Center

## ❖ of Connecticut, Inc. ❖

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### **S.B. 36 -- Eviction for illegal drug or firearm sales or possession**

Judiciary Committee Public Hearing – March 3, 2008

Testimony of Raphael L. Podolsky

**Recommended action: NO ACTION ON THE BILL**

This bill, which proposes to eliminate the notice to quit in the eviction of a tenant who has been convicted of the sale or possession of drugs or firearms, is unnecessary and is likely to cause more problems than it solves. The Committee should take no further action on the bill.

- \* Eviction law already deals with these issues: A tenant can be evicted for breaching the lease or for violating his statutory responsibilities, which include not committing a “nuisance” or a “serious nuisance.” See C.G.S. 47a-11(g), 47a-15, and 47a-32. “Serious nuisance” includes any conduct that presents an immediate and serious danger to the landlord or the other tenants and explicitly includes the sale of illegal drugs. “Nuisance” broadly includes anything that interferes with the comfort or safety of other occupants. In addition, if the lease prohibits such conduct (including the possession of firearms that are legally owned), violation of the lease will itself be grounds for eviction.
- \* Existing law allows the landlord to act without waiting for a conviction. The courts have held that, if the underlying conduct (e.g., the sale of drugs) is proven by a preponderance of the evidence, the tenant can be evicted. By the time a conviction occurs in criminal court, the tenant will have long since been evicted and no longer be living in the unit. It is not uncommon, for example, for a housing authority to monitor local police arrests and to begin an eviction as soon as it learns of an arrest.
- \* The particular statute being amended (47a-31) is almost never used because the more modern sections are more effective.
- \* Elimination of the notice to quit will cause confusion. Even if a lease is voided, the property owner must still perform an “unequivocal act” to declare that he will no longer rent to the tenant. While in theory other mechanisms could be used, the use of anything other than a notice to quit is likely to generate much litigation.
- \* It is not clear in what way this bill, whose purpose is to “implement the Governor’s budget recommendations,” is related to the budget. It was not raised by the Judiciary Committee but appears as a drafted bill because it was introduced as a Governor’s budget bill. I do not see the connection.