



House of Representatives

File No. 659

General Assembly

February Session, 2010

(Reprint of File No. 314)

Substitute House Bill No. 5246
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 28, 2010

**AN ACT CONCERNING THE PROTECTION OF, AND SERVICES FOR,
VICTIMS OF DOMESTIC VIOLENCE.**

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

1 Section 1. Section 7-73 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2010*):

3 (a) To any person performing the duties required by the provisions
4 of the general statutes relating to registration of marriages, deaths and
5 fetal deaths, the following fees shall be allowed: (1) For the license to
6 marry, ten dollars; and (2) for issuing each burial or removal, transit
7 and burial permit, three dollars.

8 (b) A twenty-dollar surcharge shall be paid to the registrar for each
9 license to marry in addition to the fee for such license established
10 pursuant to subsection (a) of this section. The registrar shall retain one
11 dollar from each such surcharge for administrative costs and shall
12 forward the remainder, on or before the tenth day of the month
13 following each calendar quarter, to the Department of Public Health.
14 The receipts shall be deposited into an account of the State Treasurer

15 and credited to the General Fund for further credit to a separate
16 nonlapsing account established by the Comptroller for use by the
17 Department of Social Services for shelter services for victims of
18 household abuse in accordance with section 17b-850 and by the
19 Department of Public Health for rape crisis services funded under
20 section 19a-2a. Such funds shall be allocated for these purposes by the
21 Office of Policy and Management in consultation with the
22 Commissioners of Social Services and Public Health based on an
23 evaluation of need, service delivery costs and availability of other
24 funds. The Commissioners of Social Services and Public Health shall
25 distribute such funds to the recipient organizations in accordance with
26 such allocations not later than October fifteenth, annually. No such
27 [moneys] funds shall (1) be retained by the Office of Policy and
28 Management, the Commissioner of Social Services or the
29 Commissioner of Public Health for administrative purposes; or (2)
30 supplant any state or federal funds otherwise available for such
31 services.

32 Sec. 2. (NEW) (*Effective October 1, 2010*) (a) Notwithstanding the
33 provisions of chapters 830 and 831 of the general statutes, for rental
34 agreements entered into or renewed after December 31, 2010, any
35 tenant who (1) is a victim of family violence, as defined in section 46b-
36 38a of the general statutes, and (2) reasonably believes it is necessary to
37 vacate the dwelling unit due to a fear for the tenant's or the tenant's
38 child's personal safety because of family violence, may terminate the
39 rental agreement for the dwelling unit that the tenant occupies without
40 penalty or liability for the remaining term of the rental agreement
41 upon giving not less than thirty calendar days' written notice to the
42 landlord of such dwelling unit. Such notice shall include: (A) A
43 statement that the tenant is a victim of family violence; (B) a statement
44 that the tenant intends to terminate the rental agreement and the date
45 of such intended termination; and (C) a copy of a police or court record
46 related to the family violence or a signed written statement that the
47 tenant or the tenant's child is a victim of family violence, provided
48 such statement is from an employee or agent of a victim services

49 organization, an employee of the Office of Victim Services within the
50 Judicial Department or the Office of the Victim Advocate, or a medical
51 or other licensed professional from whom the tenant or the tenant's
52 child has sought assistance with respect to family violence.

53 (b) The tenant's termination of the rental agreement pursuant to this
54 section shall not relieve the tenant from liability to the landlord for any
55 rent arrearage incurred prior to such termination of the rental
56 agreement or from liability to the landlord for property damage
57 caused by the tenant.

58 (c) The landlord may bring an action in the Superior Court for
59 injunctive relief to prevent the termination of the rental agreement if
60 the requirements set forth in subsection (a) of this section for such
61 termination have not been satisfied.

62 Sec. 3. (NEW) (*Effective July 1, 2010*) Not later than June 30, 2012, the
63 Commissioner of Public Health shall, within available appropriations,
64 develop one public service announcement to be issued by the
65 Department of Public Health through television broadcast for the
66 purpose of preventing teen dating violence and family violence, as
67 defined in section 46b-38a of the general statutes. The commissioner
68 may apply for public or private grants for the purpose of issuing such
69 public service announcement.

70 Sec. 4. Section 47a-1 of the general statutes is repealed and the
71 following is substituted in lieu thereof (*Effective October 1, 2010*):

72 As used in this chapter, section 2 of this act and sections 47a-21, 47a-
73 23 to 47a-23c, inclusive, 47a-26a to 47a-26g, inclusive, 47a-35 to 47a-
74 35b, inclusive, 47a-41a, 47a-43 and 47a-46:

75 (a) "Action" includes recoupment, counterclaim, set-off, cause of
76 action and any other proceeding in which rights are determined,
77 including an action for possession.

78 (b) "Building and housing codes" include any law, ordinance or

79 governmental regulation concerning fitness for habitation or the
80 construction, maintenance, operation, occupancy, use or appearance of
81 any premises or dwelling unit.

82 (c) "Dwelling unit" means any house or building, or portion thereof,
83 which is occupied, is designed to be occupied, or is rented, leased or
84 hired out to be occupied, as a home or residence of one or more
85 persons.

86 (d) "Landlord" means the owner, lessor or sublessor of the dwelling
87 unit, the building of which it is a part or the premises.

88 (e) "Owner" means one or more persons, jointly or severally, in
89 whom is vested (1) all or part of the legal title to property, or (2) all or
90 part of the beneficial ownership and a right to present use and
91 enjoyment of the premises and includes a mortgagee in possession.

92 (f) "Person" means an individual, corporation, limited liability
93 company, the state or any political subdivision thereof, or agency,
94 business trust, estate, trust, partnership or association, two or more
95 persons having a joint or common interest, and any other legal or
96 commercial entity.

97 (g) "Premises" means a dwelling unit and the structure of which it is
98 a part and facilities and appurtenances therein and grounds, areas and
99 facilities held out for the use of tenants generally or whose use is
100 promised to the tenant.

101 (h) "Rent" means all periodic payments to be made to the landlord
102 under the rental agreement.

103 (i) "Rental agreement" means all agreements, written or oral, and
104 valid rules and regulations adopted under section 47a-9 or subsection
105 (d) of section 21-70 embodying the terms and conditions concerning
106 the use and occupancy of a dwelling unit or premises.

107 (j) "Roomer" means a person occupying a dwelling unit, which unit
108 does not include a refrigerator, stove, kitchen sink, toilet and shower

109 or bathtub and one or more of these facilities are used in common by
110 other occupants in the structure.

111 (k) "Single-family residence" means a structure maintained and used
112 as a single dwelling unit. Notwithstanding that a dwelling unit shares
113 one or more walls with another dwelling unit or has a common
114 parking facility, it is a single-family residence if it has direct access to a
115 street or thoroughfare and does not share heating facilities, hot water
116 equipment or any other essential facility or service with any other
117 dwelling unit.

118 (l) "Tenant" means the lessee, sublessee or person entitled under a
119 rental agreement to occupy a dwelling unit or premises to the
120 exclusion of others or as is otherwise defined by law.

121 (m) "Tenement house" means any house or building, or portion
122 thereof, which is rented, leased or hired out to be occupied, or is
123 arranged or designed to be occupied, or is occupied, as the home or
124 residence of three or more families, living independently of each other,
125 and doing their cooking upon the premises, and having a common
126 right in the halls, stairways or yards.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2010	7-73
Sec. 2	October 1, 2010	New section
Sec. 3	July 1, 2010	New section
Sec. 4	October 1, 2010	47a-1

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill requires the Commissioners of Social Services and Public Health to distribute certain funds for shelter services for victims of household abuse by October 15th annually. These funds are from a surcharge on marriage licenses. Although this requirement may alter the fiscal year in which such funds are disbursed, it is not expected to have an overall fiscal impact. This section also specifies that the state agencies may not retain any funds for administrative purposes, which has no fiscal impact as neither agency currently retains such funding.

The remaining sections of the bill make changes that have no fiscal impact.

House "A" removes the fiscal impact of the underlying bill and results in the impact described above.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5246 (as amended by House "A")******AN ACT CONCERNING THE PROTECTION OF, AND SERVICES FOR, VICTIMS OF DOMESTIC VIOLENCE.*****SUMMARY:**

This bill makes it easier for tenants who are victims of family violence to leave their dwellings. It allows the tenants to terminate their rental agreements and not be penalized for doing so if they give the landlord at least 30 days notice. It applies to tenants who enter into or renew rental agreements after December 31, 2010.

The bill requires the Department of Public Health (DPH) commissioner, by June 30, 2012 and within available appropriations, to develop and issue a televised public service announcement (PSA) for preventing teen dating violence and family violence. The commissioner can apply for public or private grants for this purpose.

The bill mandates a timeframe for the Department of Social Services (DSS) and DPH to make payments from a special fund established with a marriage license surcharge to organizations for shelter services for domestic violence and rape victims.

The bill also makes technical changes.

*House Amendment "A" (1) eliminates the ability of tenants who are family violence victims to defer rent payments if they decide to stay in their dwellings; (2) enables landlords to go to Superior Court for injunctive relief; (3) removes the appropriation for domestic violence shelter staffing; (4) requires one PSA instead of some, requires the PSA to be televised, and allows the DPH commissioner to apply for public or private grants to pay for it; and (5) changes the effective date of the

technical changes from July 1, 2010 to October 1, 2010.

EFFECTIVE DATE: October 1, 2010, except for the marriage license surcharge funds and PSA requirements, which are effective on July 1, 2010.

ABILITY TO TERMINATE RENTAL AGREEMENTS

For rental agreements entered into after December 31, 2010, the bill allows tenants who (1) are victims of family violence and (2) reasonably believe they must vacate their dwelling for fear of their or their children's safety to terminate the rental agreement for the dwelling unit they occupy at the time they are being victimized. The tenants are not subject to penalty or liability for the remaining term of the rental agreement. Tenants must provide the landlord at least 30 calendar days' written notice.

The notice must include:

1. a statement that the tenant is a victim of family violence;
2. a statement that he or she intends to terminate the rental agreement and the date of the intended termination; and
3. a copy of a police or court record related to the violence or a signed written statement that the tenant or tenant's child is a victim of family violence.

The written statement in (3) above must be from a victim services organization employee or agent, an employee of the Judicial Department's Office of Victim Services or of the Office of the Victim Advocate, or of a medical or other licensed professional from whom the tenant or tenant's child sought assistance.

The law defines family violence as an incident resulting in physical harm, bodily injury, or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury, or assault between family or household members.

The tenant’s termination of the rental agreement does not relieve him or her from liability to the landlord for any (1) rent arrearage incurred before he or she terminated the rental agreement or (2) property damage that he or she causes.

The bill permits the landlord to bring an action in Superior Court for injunctive relief to prevent the rental agreement’s termination if the bill’s requirements have not been satisfied.

MARRIAGE LICENSE SURCHARGE

The bill requires the DSS and DPH commissioners to distribute the funds from the nonlapsing account holding the \$20 marriage license surcharge to the recipient organizations by October 15 of each year. By law, the Office of Policy and Management (OPM) allocates these funds, in consultation with DSS (which uses them for shelter services for victims of household abuse) and DPH (which uses them for rape crisis services).

The bill prohibits OPM and the DSS and DPH commissioners from retaining any of the funds for administrative purposes.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute
Yea 15 Nay 4 (03/18/2010)

Judiciary Committee

Joint Favorable
Yea 38 Nay 0 (04/14/2010)

Appropriations Committee

Joint Favorable
Yea 46 Nay 0 (04/19/2010)