

# CONNECTICUT LEGAL RIGHTS PROJECT

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Testimony of Sally R. Zanger, Staff Attorney  
Connecticut Legal Rights Project  
Judiciary Committee Public Hearing March 25, 2011

## **Connecticut Legal Rights Project (CLRP) OPPOSES H.B. No. 6621 An Act Concerning Eviction Proceedings with Respect to a Breach of the Occupancy Limit in a Rental Agreement.**

CLRP is a non-profit legal services organization that advocates for low-income individuals in institutions and in the community who have, or are perceived to have, psychiatric disabilities. We promote initiatives that integrate clients into the community. An important part of our work is protecting people's housing, which includes representation in summary process.

**House Bill No. 6621 would add to the limited situations where a tenant is not entitled to file for a stay of execution after an eviction (ask for extra time to move out, while paying rent, after a judgment for the landlord in a summary process case). It is important to note that filing for a stay does not mean a judge must grant a stay, only that a judge will consider the case. The bill limits due process protection for tenants.**

**CLRP opposes HB6621 because it is unnecessary and will cause hardships; it will aid or result in discrimination based on familial status, and it could be interpreted to broaden the limit on stays to almost all tenants.**

- **HB6621 is not necessary:**

- The statute already prevents an application for a stay by a tenant evicted for
  - nonpayment of rent (unless the tenant deposits back rent with the court) ,
  - nuisance,
  - the use of the premises for an immoral or illegal purpose, and
  - when the premises were occupied "by one who never had a privilege a right or privilege to occupy the premises." C. G. S. § 47a-23(a)(2).

It appears that the concern here is addressed by C. G. S. § 47a-23(a)(2).

- There is no need to expand this limited exception to a tenant's right to request a stay. Landlords have the right to bring an eviction action when a tenant violates the lease by having unauthorized occupants. In those cases, there is no reason to prevent the request of a stay: if there is a nuisance situation, then the case can be brought on that ground and no stay may be requested. If the case has not been brought on the legal ground of nuisance, but it is the landlord feels that a stay would be unacceptable because of a "factual nuisance" (even if not pleaded or proven in court) then the landlord can argue

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those facts at a hearing on the request for a stay. The bill arbitrarily denies tenants in certain cases the right to ask for a stay.

- **HB6621 will cause hardship that far outweighs any possible benefit:**

This provision would mean that if a couple moved into a one bedroom apartment and then had a baby, not only could they be evicted but they would not have permission to request a stay to find time to move with a newborn. Similarly if a family has an older child move back in, or a divorced parent gains custody of a child who had previously lived with the other parent, this family, if evicted, would not be permitted to even request a stay to find a new home. Unauthorized occupants are not usually squatters or criminals but family members. Remember, the court does not have to grant the stay. **This bill takes discretion away from the judge in the kinds of situations where the court's individualized decision-making is most valuable.** The current statute permits a landlord to oppose a stay and allows a judge to deny a stay.

- **HB6621 risks violating the right to be free of discrimination based on familial status.**

If a tenant marries or has a child, that child (or spouse) wouldn't be named on the lease and would be violating the "occupancy limit."

- **HB6621 is ambiguously worded and could be misinterpreted by the courts.**

- "Occupancy limit" is not a term used in the statutes.
- A judge could interpret the language to mean any breach, especially when read with Conn. Gen. Stat. Secs. 47a-9 and 21-70, (referenced in the bill) both of which govern rules about virtually all aspects of a tenancy. This could deny the right to ask for a stay to anyone evicted for any lease violation.

- **Conclusion** Summary process is a strictly followed statutory remedy designed to expedite evictions while protecting the rights of all parties. The right to request, and if appropriate, receive a stay of execution to provide time to move and find a place to move to is an essential element of the statute. It is limited for certain tenants. Arbitrarily extending those limits to include many more tenants is inappropriate and HB6621 should not go forward.

Respectfully submitted,

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