



Senate

General Assembly

File No. 192

February Session, 2012

Substitute Senate Bill No. 94

Senate, April 2, 2012

The Committee on Housing reported through SEN. GOMES of the 23rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE EQUAL TREATMENT OF RENTERS WITH MENTAL DISABILITIES.

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

1 Section 1. Subdivision (1) of subsection (a) of section 47a-23c of the
2 general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2012*):

4 (a) (1) Except as provided in subdivision (2) of this subsection, this
5 section applies to any tenant who resides in a building or complex
6 consisting of five or more separate dwelling units or who resides in a
7 mobile manufactured home park and who is either: (A) Sixty-two
8 years of age or older, or whose spouse, sibling, parent or grandparent
9 is sixty-two years of age or older and permanently resides with that
10 tenant, [;] or (B) [blind, as defined in section 1-1f; or (C) physically
11 disabled, as defined in section 1-1f] a person with a physical or mental
12 disability, as defined in subdivision (8) of section 46a-64b, or whose
13 spouse, sibling, child, parent or grandparent is a person with a
14 physical or mental disability who permanently resides with that

15 tenant, but only if such disability can be expected to result in death or
16 to last for a continuous period of at least twelve months.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	47a-23c(a)(1)

HSG *Joint Favorable Subst.*

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, which protects certain residents from eviction without just cause, has no state or municipal fiscal impact.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sSB 94*****AN ACT CONCERNING THE EQUAL TREATMENT OF RENTERS WITH MENTAL DISABILITIES.*****SUMMARY:**

The law prohibits landlords from evicting tenants who are elderly or have a physical disability and reside in a building or complex with five or more units or a mobile manufactured home park because their lease expires (i.e., lapse of time). They may be evicted for other reasons, such as nonpayment of rent (see BACKGROUND). Covered disabilities are those expected to result in death or last continuously for at least 12 months.

This bill extends the protection from eviction to tenants who either have mental disabilities or permanently reside with certain family members who do.

EFFECTIVE DATE: October 1, 2012

COVERED INDIVIDUALS

Under current law, the protection from eviction covers tenants who (1) are age 62 or older or permanently reside with a spouse, sibling, parent, or grandparent (family members) who has reached that age; (2) are blind; or (3) have a physical disability. Under state law, a person has a "physical disability" when he or she (1) has any chronic physical handicap, infirmity, or impairment, including epilepsy, deafness, or hearing impairment or (2) relies on a wheelchair or other remedial appliance or device (CGS § 1-1f).

The bill extends the protection to any tenant if the tenant or a family member who permanently resides with him or her has a physical or

mental disability. Under the bill, a “physical or mental disability” includes mental retardation, physical disability, and people who have a handicap under the federal Fair Housing Act (see BACKGROUND).

BACKGROUND

Grounds for Eviction

By law, grounds for evicting a covered tenant are:

1. lapse of time;
2. nonpayment of rent;
3. refusal to agree to a fair and equitable rent increase;
4. material noncompliance with the tenant’s statutory responsibilities, which materially affects other tenants’ health and safety or the premises’ physical condition;
5. material noncompliance with or voiding the rental agreement;
6. material noncompliance with the landlord’s rules and regulations;
7. permanent removal of the dwelling unit from the housing market; or
8. bona fide intention by the landlord to use the dwelling unit as his or her principal residence.

“Handicap” Under the Fair Housing Act

Under the Fair Housing Act, a person has a “handicap” if he or she (1) has a physical or mental impairment that substantially limits one or more of a person’s major life activities, (2) has a record of having such an impairment, or (3) is regarded as having such an impairment. The term does not include current, illegal use of, or addiction to, a controlled substance (42 USC § 3602).

According to the federal Department of Housing and Urban

Development, a physical or mental impairment generally includes hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex, and mental retardation that substantially limits one or more major life activities. Major life activities include walking, talking, hearing, seeing, breathing, learning, performing manual tasks, and caring for oneself.

COMMITTEE ACTION

Housing Committee

Joint Favorable Substitute

Yea 11 Nay 0 (03/16/2012)