

# Legal Assistance Resource Center

## ❖ of Connecticut, Inc. ❖

44 Capitol Avenue, Suite 301 ❖ Hartford, Connecticut 06106  
(860) 278-5688 x203 ❖ cell (860) 836-6355 ❖ fax (860) 278-2957 ❖ RPodolsky@LARCC.org

### H.B. 5365 -- Right to cure violations in mobile home parks

Judiciary Committee public hearing -- March 9, 2012

Testimony of Raphael L. Podolsky

**Recommended Committee action: REMOVE SECTION 5**

We urge you to delete Section 5 from this bill. H.B. 5365 is a largely technical Judicial Branch bill, but this change is not technical. It is instead a significant substantive reduction in the rights of mobile home park residents. It should not be part of this bill, which is a technical bill, and it should not be adopted in any bill, because it is contrary to the state's public policy on mobile home park evictions.

Under Connecticut landlord-tenant law (C.G.S. 47a-15), a tenant who the landlord seeks to evict for a breach of the lease (other than non-payment of rent or serious nuisance) is entitled to a notice that gives the tenant the right to cure the violation. That notice is commonly called a "Kapa" notice, because it was originally construed by the courts in a case known as Kapa Associates v. Flores, 35 Conn. Sup. 274 (1979). The cure period was originally 30 days, but in 1997 the legislature cut that time period to 15 days. The legislature, however, retained the 30-day period in the similar provision in the Mobile Manufactured Home Park Act (C.G.S. 21-80). Section 5 of H.B. 5365 proposes to shorten the mobile home period to 15 days, apparently to conform to 47a-15. The same request was made by the Judicial Branch and rejected by the Judiciary Committee in 2004. We urge you to reject it again.

While many rights of apartment tenants and mobile home park residents are the same, in other cases the rights of mobile home park residents are substantially greater. This is not an accident. Mobile home park residents usually own their homes but rent the lots on which they sit. Because their homes are of little value if forced out of a park, the consequences of an eviction are especially serious. The General Assembly has long given enhanced rights to park residents so as to protect their tenancies. For example, home owners in mobile home parks have perpetually renewing leases, the right to sell their homes in the park, and cannot be evicted for lapse of time ("just cause eviction"). They are entitled to 535 days' notice and to relocation assistance if a park is closed. Other notice provisions are also longer. For example, the notice to quit is 30 days for non-payment of rent and 60 days for other breaches, compared with 3 days for residential tenants.

It is against this background that the legislature in 1997 chose to leave the mobile home park "Kapa" notice at 30 days when it reduced the "Kapa" notice for other tenants to 15 days. In effect, the "conforming" change proposed in Section 5 would cut the cure period for mobile home park residents in half. The longer notice for park residents is an important protection, and there is no good reason to change existing law.

We urge you to remove Section 5 from the bill.