

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 12-41—sSB 94
Housing Committee
Judiciary Committee

**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. 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 act 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 prior law, the protection from eviction covered tenants who (1) were age 62 or older or permanently resided with a spouse, sibling, parent, or grandparent (family member) who had reached that age; (2) were blind; or (3) had 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 act extends the protection from eviction to any tenant if the tenant or a family member, including a child, who permanently resides with him or her, has a physical or mental disability. Under the act, a “physical or mental disability” includes an intellectual disability, physical disability, or handicap under the federal Fair Housing Act (see BACKGROUND).

BACKGROUND

Grounds for Eviction

By law, grounds for evicting a protected tenant are:

1. nonpayment of rent;
2. refusal to agree to a fair and equitable rent increase;
3. material noncompliance with the tenant’s statutory responsibilities that materially affects other tenants’ health and safety or the premises’ physical condition;
4. material noncompliance with the rental agreement;
5. voiding the rental agreement by using the premises for certain illegal acts;

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6. material noncompliance with the landlord's rules and regulations;
7. permanent removal of the dwelling unit from the housing market; or
8. the landlord's bona fide intention 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 the 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 an intellectual disability 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.

OLR Tracking: KS:JO:JL:ts