



General Assembly

January Session, 2013

Raised Bill No. 819

LCO No. 2668

02668_____PD_

Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

**AN ACT CONCERNING THE POSSESSIONS OF DECEASED
TENANTS.**

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

1 Section 1. Section 47a-11d of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) If the sole occupant of a dwelling unit subject to a monthly lease
4 or a lease for a term has died and the landlord has complied with any
5 provisions of any such lease permitting termination upon the death of
6 the occupant, the landlord may elect to act in accordance with the
7 provisions of this section. If the landlord elects to act in accordance
8 with the provisions of this section, such landlord shall send notice to
9 the emergency contact designated by the occupant, if any, and to the
10 next of kin of such occupant, if known, [of such occupant] at the last-
11 known address both by regular mail, postage prepaid, and by certified
12 mail, return receipt requested, stating that (1) the occupant has died,
13 (2) the landlord intends to remove any possessions and personal
14 effects remaining in the premises and to rerent the premises, [and] (3)

15 the emergency contact or next of kin should immediately contact the
16 probate court for information as to how to reclaim such possessions
17 and personal effects, and (4) if [the next of kin does not reclaim] such
18 possessions and personal effects are not reclaimed within sixty days
19 after the date of such notice, such possessions and personal effects will
20 be disposed of as permitted by this section. The notice shall be in clear
21 and simple language and shall include a telephone number and a
22 mailing address at which the landlord can be contacted and the
23 telephone number of the probate court for the municipality in which
24 the dwelling unit is located.

25 (b) (1) If notice is sent by the landlord [to the next of kin, if known,]
26 as provided in subsection (a) of this section, or (2) if the landlord does
27 not have an emergency contact or know any next of kin, the landlord
28 shall file an affidavit with the probate court having jurisdiction
29 concerning the possessions and personal effects of the deceased
30 occupant. Such affidavit shall include the name and address of the
31 deceased occupant, the date of death, the terms of the lease, and the
32 names and addresses of the emergency contact, if any, and the next of
33 kin, if known.

34 (c) If the landlord acts in accordance with the provisions of this
35 section, the landlord shall not be required to serve a notice to quit as
36 provided in section 47a-23 and bring a summary process action as
37 provided in section 47a-23a to obtain possession or occupancy of the
38 dwelling unit. Nothing in this section shall relieve a landlord from
39 complying with the provisions of sections 47a-1 to 47a-20a, inclusive,
40 and sections 47a-23 to 47a-42, inclusive, if the landlord knows, or
41 reasonably should know, that the dwelling unit has not been
42 abandoned.

43 (d) On or after thirty days after the date of the filing of the affidavit
44 pursuant to subsection (b) of this section, the landlord shall inventory
45 any possessions and personal effects of the deceased occupant in the
46 premises and shall file a copy of such inventory with the court of

47 probate under subsection (b) of this section. The landlord may not
48 remove [them] such possessions and personal effects until fifteen days
49 after such inventory is [taken] filed. Thereafter, the landlord may
50 remove and securely store such possessions and personal effects for an
51 additional fifteen days. [The next of kin may reclaim such possessions
52 and personal effects from the landlord within such sixty-day period. If
53 the next of kin does not reclaim] If such possessions and personal
54 effects are not reclaimed by the end of such sixty-day period and the
55 landlord has complied with the provisions of this section, the landlord
56 may [dispose of them in accordance with section 47a-42] obtain from
57 the probate court having jurisdiction a certificate of such compliance,
58 which the landlord may file in the superior court having jurisdiction
59 over the premises of the deceased occupant. There shall be no fee for
60 such filing, and the clerk of such court shall open a summary process
61 file. Such certificate shall be treated in the same manner as a judgment
62 of the superior court pursuant to chapter 832 and shall have the same
63 effect and is subject to the same procedures, defenses and proceedings
64 for reopening, vacating or staying as a judgment of the superior court.
65 After the clerk opens the summary process file, the landlord may
66 obtain an execution and the possessions and personal effects of such
67 deceased occupant may be removed by a state marshal pursuant to
68 such execution and delivered to the place of storage designated for
69 such purposes by the chief executive officer of the municipality in
70 which the dwelling unit is located.

71 (e) Before the possessions and personal effects of a deceased tenant
72 are removed pursuant to an execution issued under subsection (d) of
73 this section, the state marshal charged with carrying out such removal
74 shall give the chief executive officer of the municipality in which the
75 dwelling unit is located twenty-four-hours' notice of the removal,
76 stating the date, time and location of such removal as well as a general
77 description, if known, of the types and amount of property to be
78 removed from the premises and delivered to the designated place of
79 storage and a copy of the inventory prepared by the landlord pursuant

80 to subsection (d) of this section, annotated to indicate any items that
81 have been reclaimed. Before giving such notice to the chief executive
82 officer of the municipality, the state marshal shall use reasonable
83 efforts to locate and notify the emergency contact, if any, and the next
84 of kin, if known, of the date and time such removal is to take place and
85 of the possibility of a sale pursuant to this subsection. The property
86 may be reclaimed at any time prior to the actual sale of such property
87 by an executor or administrator appointed by the probate court or by
88 an individual designated by such court in accordance with section 45a-
89 273, upon payment to the chief executive officer of the expense of
90 storage. If such possessions and effects are not reclaimed within fifteen
91 days after such removal and storage, the chief executive officer shall
92 sell the same at public auction, after using reasonable efforts to locate
93 and notify the next of kin of such sale and after posting notice of such
94 sale for one week on the public signpost nearest to the premises from
95 which the possessions and personal effects were removed, or at some
96 exterior place near the office of the town clerk. The proceeds of the sale
97 shall be applied to a reasonable charge by the town for storage of such
98 possessions and personal effects. Any remaining proceeds shall be
99 turned over to the estate of the deceased occupant or, if no such estate
100 proceedings are commenced within thirty days after such sale, the
101 chief executive officer shall turn over the net proceeds of the sale to the
102 State Treasurer, who shall treat such proceeds as escheated property
103 pursuant to part III of chapter 32 of the general statutes.

104 ~~[(e)]~~ (f) If an application for probate of a will or letters of
105 administration is filed with the court of probate having jurisdiction
106 concerning the possessions and personal effects of the deceased
107 occupant within fifty-five days of the filing of the affidavit of the
108 landlord as provided in subsection (b) of this section, the probate court
109 shall immediately notify the landlord of such filing and any action of
110 the landlord pursuant to the provisions of this section shall cease.

111 ~~[(f)]~~ (g) No action shall be brought under section 47a-43 against a

112 landlord who takes action in accordance with the provisions of this
113 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	47a-11d

Statement of Purpose:

To clarify the procedure by which a landlord can recover possession of rented premises if the sole occupant of the premises dies.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]