



General Assembly

Substitute Bill No. 819

January Session, 2013



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 Section 47a-11d of the general statutes is repealed and the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 district in which the
24 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] Probate Court having
29 jurisdiction concerning the possessions and personal effects of the
30 deceased occupant. Such affidavit shall include the name and address
31 of the deceased occupant, the date of death, the terms of the lease, and
32 the names and addresses of the emergency contact, if any, and the next
33 of 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] Probate Court under subsection (b) of this section. The
48 landlord may not remove [them] such possessions and personal effects
49 until fifteen days after such inventory is [taken] filed. Thereafter, the
50 landlord may remove and securely store such possessions and
51 personal effects for an additional fifteen days. [The next of kin may
52 reclaim such possessions and personal effects from the landlord within

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

74 (e) Before the possessions and personal effects of a deceased tenant
75 are removed pursuant to an execution issued under subsection (d) of
76 this section, the state marshal charged with carrying out such removal
77 shall give the chief executive officer of the municipality in which the
78 dwelling unit is located twenty-four-hours' notice of the removal,
79 stating the date, time and location of such removal as well as a general
80 description, if known, of the types and amount of property to be
81 removed from the premises and delivered to the designated place of
82 storage and a copy of the inventory prepared by the landlord pursuant
83 to subsection (d) of this section, annotated to indicate any items that
84 have been reclaimed. Before giving such notice to the chief executive
85 officer of the municipality, the state marshal shall use reasonable
86 efforts to locate and notify the emergency contact, if any, and the next

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

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

115 [(f)] (g) No action shall be brought under section 47a-43 against a
116 landlord who takes action in accordance with the provisions of this
117 section.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2013</i>	47a-11d
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PD *Joint Favorable Subst.*