



House of Representatives

General Assembly

File No. 126

January Session, 2013

Substitute House Bill No. 6398

House of Representatives, March 25, 2013

The Committee on Aging reported through REP. SERRA of the 33rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING A SAFE HAVEN FROM EVICTION FOR ELDERLY AND DISABLED TENANTS.

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

1 Section 1. (NEW) (*Effective from passage*) (a) For purposes of this
2 section: (1) "Senior citizen" means a person who is sixty-two years of
3 age or older; (2) "disabled person" means a person with a disability, as
4 defined in 42 USC 12102, as amended from time to time; and (3) "good
5 cause" means: (A) Nonpayment of rent; (B) refusal to agree to a fair
6 and equitable rent increase, as determined by the factors provided in
7 section 7-148c of the general statutes; (C) material noncompliance with
8 section 47a-11 of the general statutes, which materially affects the
9 health and safety of the other tenants or which materially affects the
10 physical condition of the premises; (D) voiding of the rental agreement
11 pursuant to section 47a-31 of the general statutes, or material
12 noncompliance with the rental agreement; (E) material noncompliance
13 with the rules and regulations of the landlord adopted in accordance
14 with section 47a-9 of the general statutes; (F) permanent removal by

15 the landlord of the dwelling unit of such tenant from the housing
16 market; or (G) bona fide intention by the landlord to use such dwelling
17 unit as his principal residence.

18 (b) No housing authority, community housing development
19 corporation or other corporation approved by the Commissioner of
20 Social Services, the Commissioner of Housing or the Commissioner of
21 Economic and Community Development for state financial assistance
22 to provide public housing for senior citizens and disabled persons
23 under the provisions of part VI or VII of chapter 128 of the general
24 statutes may bring an action of summary process or other action to
25 dispossess a tenant who is a senior citizen or disabled person or is a
26 tenant residing with a parent, grandparent, spouse or sibling who is a
27 senior citizen or disabled person, except for good cause. Notice of such
28 summary process or other action to such tenant shall include
29 information provided pursuant to subsection (c) of this section.

30 (c) Not later than October 1, 2013, the Commissioner on Aging and
31 the Commissioner of Housing shall compile a list of services and
32 programs designed to assist senior citizens and disabled persons who
33 are tenants to avert homelessness in the event of a summary process or
34 other action. The commissioners shall distribute such list to any
35 housing authority, community housing development corporation or
36 other corporation approved by the Commissioner of Social Services,
37 the Commissioner of Housing or the Commissioner of Economic and
38 Community Development for state financial assistance to provide
39 public housing for senior citizens and disabled persons under the
40 provisions of part VI or VII of chapter 128 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

Statement of Legislative Commissioners:

The language of the bill was made a new section for codification purposes.

AGE *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 results in no state or municipal fiscal impact by prohibiting housing authorities or housing corporations approved for state financial assistance from evicting elderly tenants without good cause. The bill does not specify whether the state can withhold any portion of state assistance in the event that such authorities evict without good cause.

Local housing authorities are autonomous governmental entities which are generally funded by the U.S. Department of Housing and Urban Development (HUD), but may also receive state grants. The authorities operate under HUD regulations for federal developments, and both the Connecticut Housing Finance Authority and the Department of Economic and Community Development for state developments.

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

OLR Bill Analysis**sHB 6398*****AN ACT CONCERNING A SAFE HAVEN FROM EVICTION FOR ELDERLY AND DISABLED TENANTS.*****SUMMARY:**

This bill prohibits housing authorities, community housing authorities, and other corporations from evicting public housing tenants without good cause who (1) are elderly (age 62 or older), (2) have a mental or physical disability as defined under the Americans with Disabilities Act (ADA), or (3) reside with a spouse, sibling, parent, or grandparent who is elderly or has such a disability.

The law already protects these tenants from eviction if they reside in a building or complex with five or more units or a mobile manufactured home park. The bill extends the protection from eviction to those who reside in a building or complex with fewer than five units.

The bill also requires the aging and housing commissioners (the aging commissioner has not been appointed), by October 1, 2013, to compile a list of services and programs to help public housing tenants who are elderly or have a disability avert homelessness if they are evicted for good cause. The commissioners must distribute this list to the above public housing providers, who must include it in any notice to quit they give to these tenants.

The bill also makes a technical change.

EFFECTIVE DATE: Upon passage

GOOD CAUSE DEFINED

As under current law, the bill defines "good cause" as:

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

BACKGROUND

ADA Definition of Disability

Under the ADA, a person with a disability is someone who (1) has a physical or mental impairment that substantially limits one or more major life activities, (2) has a record of having such an impairment, or (3) is regarded as having such an impairment (42 § USC 12102).

COMMITTEE ACTION

Aging Committee

Joint Favorable Substitute

Yea 12 Nay 0 (03/07/2013)