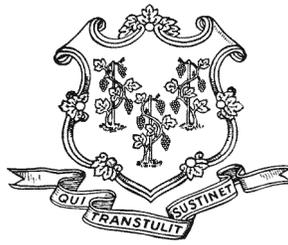


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Judiciary Committee Public Hearing Testimony
Senate Bill 1122 – AAC THE POSSESSIONS OF DECEASED TENANTS
Wednesday, March 25th, 2015 @ 1:00 p.m.

Good morning Senator Coleman, Representative Tong, and members of the Judiciary Committee. I am here to testify in support of Senate Bill 1122 AN ACT CONCERNING THE POSSESSION OF DECEASED TENANTS.

This bill was developed two years ago, at my request, by a working group that included representatives of landlords, tenants, the probate court, the housing courts, and the marshals. This bill passed through the Senate both years but was never called to the House.

In 2001, the General Assembly adopted legislation to provide landlords with a “safe harbor” procedure for reclaiming an apartment if the tenant in the apartment dies. The statute, now codified was C.G.S. 47a-11d, was intended to allow the tenant’s heirs to reclaim the tenant’s properties, or if there are no claims, to allow the landlord to dispose of the property after opportunity for the probate court’s involvement.

If the next of kin does not respond and the probate court does not open an estate, then the landlord does not need to bring an eviction but can instead have a marshal transfer the property to the town, which will store and auction the property, as it would do in an eviction.

The statute incorporated procedures by cross-reference to C.G.S. 47a-42, which is part of the eviction statutes; however, because of the precise wording of 47a-42, it cannot be incorporated by cross-reference but must instead be spelled out. Due to this technical drafting glitch, the statute was read by the court clerks as requiring the landlord to bring an eviction even after going through the probate court-related procedure of C.G.S. 47a-11d.

This bill clears up the ambiguity unintentionally contained in the 2001 act. Under current law, the landlord is required to send notice that the tenant has died, that the landlord intends to remove his or her belongings from the rental unit and re-rent it, and that the landlord will dispose of the belongings not reclaimed within 60 days to the tenant’s heir. This bill necessitates that the landlord also sends notice to the tenant’s designated emergency contact.

By law landlords must file an affidavit with the probate court regarding the deceased tenant and his or her personal belongings. With these statutory provisions, the landlord must also include the emergency contact's name and address on the affidavit.

Current law permits the tenant's next of kin to reclaim the property in the 60 day period following the filing of the affidavit. This bill allows the emergency contact to reclaim the property.

Rather than requiring a state marshal to execute an eviction, this bill allows the landlord to obtain from the probate court a certificate indicating that the landlord has filed the inventory and 60 days have elapsed. The certificate acts as a summary process judgment. The state marshal may deliver the tenant's property to a town-designated storage facility for sale at a public auction just as he would for an eviction.

The Office of Fiscal Analysis has found that this bill will result in a potential General Fund revenue gain to the degree that net proceeds from the sale of the estate of a deceased person are reverted back to the state.