EVICTED TENANTS' PROPERTY

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ISSUE

This report summarizes the law and recent bills on the responsibility of municipalities to store evicted tenants' property.

SUMMARY

PA 10-171 amended the responsibility of municipalities concerning the removal of personal property abandoned by evicted residential tenants. Previously, a state marshal who executes the eviction order was allowed to leave such possessions on the sidewalk or road to be picked up and stored by the municipality. The act eliminated a municipality's responsibility to pick up the abandoned property, instead requiring the marshal to deliver it to storage. By law, municipalities must keep the property in storage but may sell any unclaimed property.

Specifically, the state marshal must remove the evicted tenant's possessions and deliver them to a town-designated storage facility. If the person does not reclaim the possessions and pay the storage expenses within 15 days, the town may sell the items at a public auction after meeting certain notice and posting requirements. After deducting its storage costs, the town must give the evicted tenant the net proceeds of the sale, if any. After 30 days, if the evicted person does not claim the sale proceeds, the proceeds are deposited in the town treasury (CGS § 47a-42). These same procedures apply to possessions of a person evicted in a foreclosure or similar action (CGS § 49-22).

There have been several proposals to amend this law since 2011, including two fully drafted bills that were voted out of committee and eight proposed bills. Table 1 below summarizes these bills. Several of the proposals would have repealed the requirement that towns store evicted tenants' possessions; all such proposals died in committee.

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Table 1: Bills Proposed to Amend the Law on Property Storage After Eviction, 2011 to 2015

Year	Bill	Brief Summary
2011	SB 79 (proposed bill)	Would repeal the requirement that municipalities store evicted tenants' possessions.
2011	SB 403 (proposed bill)	Would repeal the requirement that municipalities incur the cost of storing the unclaimed possessions of evicted tenants or occupants.
2011	HB 5564 (proposed bill)	Would require landlords to store or dispose of the unclaimed possessions of evicted tenants or occupants.
2011	HB 6105 (proposed bill)	Would allow landlords to store evicted tenants' property at the landlord's own place of storage rather than the place designated by the municipality, as long as a state marshal itemizes and photographs the property beforehand.
2011	HB 6464 (voted out of committee)	Would require towns to reimburse landlords for expenses incurred to remove and deliver dispossessed tenants' personal property to the town's designated storage facility. The complete bill analysis is available here.
2012	HB 5035 (voted out of committee; property storage provisions were later removed from bill before it was enacted into law)	Would (1) allow an evicted tenant or former owner of a foreclosed property to request additional time to reclaim possessions and (2) authorize a town to charge and collect from a landlord or mortgage holder payment for storage expenses when the proceeds from the possessions' sale do not cover these costs. The complete bill analysis for this version of the bill is available here.
2013	HB 5295 (proposed bill)	Would repeal the requirement that municipalities store evicted tenants' possessions and require such tenants to be responsible for all costs associated with the transport, storage, and disposition of their possessions.
2015	SB 188 (proposed bill; bill was later fully drafted without provisions on property storage)	Would repeal the requirement that municipalities store evicted tenants' possessions.
2015	SB 453 (proposed bill)	Would repeal the requirement that municipalities store evicted tenants' possessions.
2015	SB 6227 (proposed bill)	Would require an evicted tenant to assume responsibility for any storage costs incurred following the removal of the tenant's personal possessions from the leased premises.

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