



General Assembly

February Session, 2016

Raised Bill No. 5401

LCO No. 2024



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING THE EXCLUSION OF A CHILD'S NAME IN DOCUMENTS RELATING TO A SUMMARY PROCESS ACTION.

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

1 Section 1. Section 47a-23 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) When the owner or lessor, or the owner's or lessor's legal
4 representative, or the owner's or lessor's attorney-at-law, or in-fact,
5 desires to obtain possession or occupancy of any land or building, any
6 apartment in any building, any dwelling unit, any trailer, or any land
7 upon which a trailer is used or stands, and (1) when a rental agreement
8 or lease of such property, whether in writing or by parol, terminates
9 for any of the following reasons: (A) By lapse of time; (B) by reason of
10 any expressed stipulation therein; (C) violation of the rental agreement
11 or lease or of any rules or regulations adopted in accordance with
12 section 47a-9 or 21-70; (D) nonpayment of rent within the grace period
13 provided for residential property in section 47a-15a or 21-83; (E)
14 nonpayment of rent when due for commercial property; (F) violation
15 of section 47a-11 or subsection (b) of section 21-82; (G) nuisance, as

16 defined in section 47a-32, or serious nuisance, as defined in section
17 47a-15 or 21-80; or (2) when such premises, or any part thereof, is
18 occupied by one who never had a right or privilege to occupy such
19 premises; or (3) when one originally had the right or privilege to
20 occupy such premises but such right or privilege has terminated; or (4)
21 when an action of summary process or other action to dispossess a
22 tenant is authorized under subsection (b) of section 47a-23c for any of
23 the following reasons: (A) Refusal to agree to a fair and equitable rent
24 increase, as defined in subsection (c) of section 47a-23c, (B) permanent
25 removal by the landlord of the dwelling unit of such tenant from the
26 housing market, or (C) bona fide intention by the landlord to use such
27 dwelling unit as such landlord's principal residence; or (5) when a
28 farm employee, as described in section 47a-30, or a domestic servant,
29 caretaker, manager or other employee, as described in subsection (b) of
30 section 47a-36, occupies such premises furnished by the employer and
31 fails to vacate such premises after employment is terminated by such
32 employee or the employer or after such employee fails to report for
33 employment, such owner or lessor, or such owner's or lessor's legal
34 representative, or such owner's or lessor's attorney-at-law, or in-fact,
35 shall give notice to each lessee or occupant to quit possession or
36 occupancy of such land, building, apartment or dwelling unit, at least
37 three days before the termination of the rental agreement or lease, if
38 any, or before the time specified in the notice for the lessee or occupant
39 to quit possession or occupancy.

40 (b) The notice shall be in writing substantially in the following form:
41 "I (or we) hereby give you notice that you are to quit possession or
42 occupancy of the (land, building, apartment or dwelling unit, or of any
43 trailer or any land upon which a trailer is used or stands, as the case
44 may be), now occupied by you at (here insert the address, including
45 apartment number or other designation, as applicable), on or before
46 the (here insert the date) for the following reason (here insert the
47 reason or reasons for the notice to quit possession or occupancy using
48 the statutory language or words of similar import, also the date and

49 place of signing notice). A.B.". If the owner or lessor, or the owner's or
50 lessor's legal representative, attorney-at-law or attorney-in-fact knows
51 of the presence of an occupant but does not know the name of such
52 occupant, the notice for such occupant may be addressed to such
53 occupant as "John Doe", "Jane Doe" or some other alias which
54 reasonably characterizes the person to be served.

55 (c) A copy of such notice shall be delivered to each lessee or
56 occupant or left at such lessee's or occupant's place of residence or, if
57 the rental agreement or lease concerns commercial property, at the
58 place of the commercial establishment by a proper officer or indifferent
59 person. Delivery of such notice may be made on any day of the week.

60 (d) With respect to a month-to-month or a week-to-week tenancy of
61 a dwelling unit, a notice to quit possession based on nonpayment of
62 rent shall, upon delivery, terminate the rental agreement for the month
63 or week in which the notice is delivered, convert the month-to-month
64 or week-to-week tenancy to a tenancy at sufferance and provide
65 proper basis for a summary process action notwithstanding that such
66 notice was delivered in the month or week after the month or week in
67 which the rent is alleged to be unpaid.

68 (e) A termination notice required pursuant to federal law and
69 regulations may be included in or combined with the notice required
70 pursuant to this section and such inclusion or combination does not
71 thereby render the notice required pursuant to this section equivocal,
72 provided the rental agreement or lease shall not terminate until after
73 the date specified in the notice for the lessee or occupant to quit
74 possession or occupancy or the date of completion of the
75 pretermination process, whichever is later. A use and occupancy
76 disclaimer may be included in or combined with such notice, provided
77 that such disclaimer does not take effect until after the date specified in
78 the notice for the lessee or occupant to quit possession or occupancy or
79 the date of the completion of the pretermination process, whichever is
80 later. Such inclusion or combination does not thereby render the notice

81 required pursuant to this section equivocal. Such disclaimer shall be in
82 substantially the following form: "Any payments tendered after the
83 date specified to quit possession or occupancy, or the date of the
84 completion of the pretermination process if that is later, will be
85 accepted for use and occupancy only and not for rent, with full
86 reservation of rights to continue with the eviction action.

87 (f) Notwithstanding the provisions of this section, no owner or
88 lessor, or such owner's or lessor's legal representative, or such owner's
89 or lessor's attorney-at-law, or in-fact, shall give notice to quit
90 possession or occupancy of such land, building, apartment or dwelling
91 unit to a lessee or occupant who is under eighteen years of age.

92 Sec. 2. Subsection (a) of section 47a-23a of the 2016 supplement to
93 the general statutes is repealed and the following is substituted in lieu
94 thereof (*Effective October 1, 2016*):

95 (a) If, at the expiration of the three days prescribed in section 47a-23,
96 the lessee or occupant neglects or refuses to quit possession or
97 occupancy of the premises, any commissioner of the Superior Court
98 may issue a writ, summons and complaint which shall be in the form
99 and nature of an ordinary writ, summons and complaint in a civil
100 process, but which shall set forth facts justifying a judgment for
101 immediate possession or occupancy of the premises and make a claim
102 for possession or occupancy of the premises. No writ, summons and
103 complaint issued pursuant to this section shall include the name of a
104 lessee or occupant who is under eighteen years of age. If the claim is
105 for the possession or occupancy of nonresidential property, the writ,
106 summons and complaint shall also make a claim for the forfeiture to
107 the plaintiff of the possessions and personal effects of the defendant in
108 accordance with section 47a-42a. If the plaintiff has properly issued a
109 notice to quit possession to an occupant by alias, if permitted to do so
110 by section 47a-23, and has no further identifying information at the
111 time of service of the writ, summons and complaint, such writ,
112 summons and complaint may also name and serve such occupant or

113 occupants as defendants. In any case in which service is to be made
114 upon an occupant or occupants identified by alias, the complaint shall
115 contain an allegation that the plaintiff does not know the name of such
116 occupant or occupants. Such complaint shall be returnable to the
117 Superior Court. Such complaint may be made returnable six days,
118 inclusive, after service upon the defendant and shall be returned to
119 court at least three days before the return day. Such complaint may be
120 served on any day of the week.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	47a-23
Sec. 2	<i>October 1, 2016</i>	47a-23a(a)

Statement of Purpose:

To ensure that a person under eighteen years of age is not named (1) in a notice to quit possession or occupancy, and (2) as a defendant in a summary process complaint.

[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.]