



General Assembly

February Session, 2016

Raised Bill No. 249

LCO No. 2016



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

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 Section 47a-11d of the general statutes is repealed and the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, 2016*):

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) if
15 the next of kin does not reclaim] (3) the emergency contact or next of

16 kin should immediately contact the landlord or Probate Court for the
17 district in which the dwelling unit is located for information as to how
18 to reclaim such possessions and personal effects, and (4) if such
19 possessions and personal effects are not reclaimed within sixty days
20 after the date of such notice, such possessions and personal effects will
21 be disposed of as permitted by this section. The notice shall be in clear
22 and simple language and shall include a telephone number and a
23 mailing address at which the landlord can be contacted and the
24 telephone number of such Probate Court.

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 occupant did
27 not designate an emergency contact or the landlord does not know any
28 next of kin of the occupant, the landlord shall file an affidavit with the
29 [probate court] Probate Court having jurisdiction concerning the
30 possessions and personal effects of the deceased occupant. Such
31 affidavit shall include the name and address of the deceased occupant,
32 the date of death, the terms of the lease, and the names and addresses
33 of the emergency contact, if any, and the next 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 the landlord filed the affidavit pursuant to subsection (b) of this
61 section. The landlord may file such certificate and an application, in
62 such form as the Chief Court Administrator prescribes, in the superior
63 court having jurisdiction over the premises of the deceased occupant.
64 There shall be no fee for such filing, and the clerk of such court shall
65 open a summary process file setting forth that the right to occupy has
66 terminated due to the death of the named occupant. Such certificate
67 shall be deemed a judgment of the Superior Court pursuant to chapter
68 832 and have the same effect and be subject to the same procedures,
69 defenses and proceedings for reopening, vacating or staying a
70 judgment of the Superior Court. After the clerk opens the summary
71 process file and sends a notice of judgment, and after the appropriate
72 stay of execution expires, the landlord may obtain an execution and a
73 state marshal may remove the possessions and personal effects of such
74 deceased occupant pursuant to such execution and deliver such
75 possessions to a place of storage designated for such purposes by the
76 chief executive officer of the municipality in which the dwelling unit is
77 located.

78 (e) Before the possessions and personal effects of a deceased
79 occupant are removed pursuant to an execution issued under
80 subsection (d) of this section, the state marshal charged with carrying

81 out such removal shall give the chief executive officer of the
82 municipality in which the dwelling unit is located (1) twenty-four-
83 hours' written notice of the removal, stating the date, time and location
84 of such removal as well as a general description, if known, of the types
85 and amount of possessions and personal effects to be removed from
86 the premises and delivered to the designated place of storage, and (2) a
87 copy of the inventory prepared by the landlord pursuant to subsection
88 (d) of this section, annotated to indicate any items that have been
89 reclaimed. Before giving such notice to the chief executive officer of the
90 municipality, the state marshal shall use reasonable efforts to locate
91 and notify the occupant's emergency contact, if any, and the next of
92 kin, if known, of the date, time and location of such removal and of the
93 possibility of a sale pursuant to this subsection. At any time prior to
94 the actual sale of such possessions and personal effects, an executor or
95 administrator appointed by the Probate Court or an individual
96 designated by such court in accordance with section 45a-273 may
97 reclaim such possessions and personal effects upon payment to the
98 chief executive officer of the expense of storage. If such possessions
99 and personal effects are not reclaimed within fifteen days after such
100 removal and storage, the chief executive officer shall sell the same at
101 public auction after using reasonable efforts to locate and notify the
102 occupant's emergency contact or the next of kin, if known, of such sale
103 and after posting notice of such sale for one week (A) on the public
104 signpost nearest to the premises from which the possessions and
105 personal effects were removed, or (B) at some exterior place near the
106 office of the town clerk. The proceeds of the sale shall be applied to a
107 reasonable charge by the municipality for the storage of such
108 possessions and personal effects. Any remaining proceeds shall be
109 turned over to the estate of the deceased occupant or, if no estate
110 proceedings are commenced within thirty days after such sale, the
111 chief executive officer shall turn over the net proceeds of the sale to the
112 State Treasurer, who shall treat such proceeds as escheated property
113 pursuant to part III of chapter 32.

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	47a-11d

Statement of Purpose:

To clarify the procedure by which a landlord can recover possession of rented premises if the sole occupant of the premises dies.

[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.]