



**Senate Bill No. 923**

**Public Act No. 17-22**

**AN ACT CONCERNING THE POSSESSIONS OF DECEASED TENANTS.**

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

Section 1. Section 47a-11d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) If the sole occupant of a dwelling unit subject to a monthly lease or a lease for a term has died and the landlord has complied with any provisions of any such lease permitting termination upon the death of the occupant, the landlord may elect to act in accordance with the provisions of this section. If the landlord elects to act in accordance with the provisions of this section, such landlord shall send notice to the emergency contact designated by the occupant, if any, and to the next of kin of such occupant, if known, [of such occupant] at the last-known address both by regular mail, postage prepaid, and by certified mail, return receipt requested, stating that (1) the occupant has died, (2) the landlord intends to remove any possessions and personal effects remaining in the premises and to rerent the premises, [and (3) if the next of kin does not reclaim] (3) the emergency contact or next of kin should immediately contact the landlord or Probate Court for the district in which the dwelling unit is located for information as to how to reclaim such possessions and personal effects, and (4) if such

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possessions and personal effects are not reclaimed within sixty days after the date of such notice, such possessions and personal effects will be disposed of as permitted by this section. The notice shall be in clear and simple language and shall include a telephone number and a mailing address at which the landlord can be contacted and the telephone number of such Probate Court.

(b) (1) If notice is sent by the landlord [to the next of kin, if known,] as provided in subsection (a) of this section, or (2) if the occupant did not designate an emergency contact or the landlord does not know any next of kin of the occupant, the landlord shall file an affidavit with the [probate court] Probate Court having jurisdiction concerning the possessions and personal effects of the deceased occupant. Such affidavit shall include the name and address of the deceased occupant, the date of death, the terms of the lease, and the names and addresses of the emergency contact, if any, and the next of kin, if known.

(c) If the landlord acts in accordance with the provisions of this section, the landlord shall not be required to serve a notice to quit as provided in section 47a-23 and bring a summary process action as provided in section 47a-23a to obtain possession or occupancy of the dwelling unit. Nothing in this section shall relieve a landlord from complying with the provisions of sections 47a-1 to 47a-20a, inclusive, and sections 47a-23 to 47a-42, inclusive, if the landlord knows, or reasonably should know, that the dwelling unit has not been abandoned.

(d) On or after thirty days after the date of the filing of the affidavit pursuant to subsection (b) of this section, the landlord shall inventory any possessions and personal effects of the deceased occupant in the premises and shall file a copy of such inventory with the [court of probate] Probate Court under subsection (b) of this section. The landlord may not remove [them] such possessions and personal effects until fifteen days after such inventory is [taken] filed. Thereafter, the

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landlord may remove and securely store such possessions and personal effects for an additional fifteen days. [The next of kin may reclaim such possessions and personal effects from the landlord within such sixty-day period. If the next of kin does not reclaim] If such possessions and personal effects are not reclaimed by the end of such sixty-day period and the landlord has complied with the provisions of this section, the landlord may [dispose of them in accordance with section 47a-42.] obtain from the Probate Court having jurisdiction a certificate indicating that the landlord has filed an inventory in the court pursuant to this subsection and that sixty days have elapsed since the landlord filed the affidavit pursuant to subsection (b) of this section. The landlord may file such certificate and an application, in such form as the Chief Court Administrator prescribes, in the superior court having jurisdiction over the premises of the deceased occupant. There shall be no fee for such filing, and the clerk of such court shall open a summary process file setting forth that the right to occupy has terminated due to the death of the named occupant. Such certificate shall be deemed a judgment of the Superior Court pursuant to chapter 832 and have the same effect and be subject to the same procedures, defenses and proceedings for reopening, vacating or staying a judgment of the Superior Court. After the clerk opens the summary process file and sends a notice of judgment, and after the appropriate stay of execution expires, the landlord may obtain an execution and a state marshal may remove the possessions and personal effects of such deceased occupant pursuant to such execution and deliver such possessions to a place of storage designated for such purposes by the chief executive officer of the municipality in which the dwelling unit is located.

(e) Before the possessions and personal effects of a deceased occupant are removed pursuant to an execution issued under subsection (d) of this section, the state marshal charged with carrying out such removal shall give the chief executive officer of the

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

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

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