AN ACT CONCERNING INSPECTIONS OF RENTAL PROPERTY PRIOR TO OCCUPANCY OR TERMINATION, LATE RENTAL PAYMENTS AND DESIGNATION OF A RENTAL HOUSING OMBUDSMAN.

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

Section 1. (NEW) (Effective October 1, 2020) (a) After the execution of a rental agreement but prior to a tenant's occupancy, a landlord shall offer such tenant the opportunity to inspect the premises of the dwelling unit that is subject to such rental agreement with the landlord or the landlord's agent to determine the condition of such unit. If the tenant requests such inspection, the tenant and landlord shall execute a written agreement after such inspection but before the tenant begins occupancy of the unit attesting to the condition of the unit and specifically noting any existing conditions, defects or damages to the unit determined from such inspection.

(b) Upon the tenant's vacating of the dwelling unit, the landlord may not retain any part of the security deposit collected under chapter 831 of the general statutes for any condition, defect or damage that was noted in the written agreement. Such written agreement shall be admissible, but not conclusive, as evidence of the condition of the dwelling unit at the beginning of a tenant's occupancy in any administrative or judicial
proceeding.

(c) Within a reasonable time after notification of either the landlord's or tenant's intention to terminate the tenancy, the landlord shall provide written notice to the tenant of the tenant's right to request an inspection of the dwelling unit before vacating the dwelling unit and to be present at such inspection. If the tenant requests such inspection, the inspection shall occur not earlier than two weeks before the end of the tenancy at a mutually agreed-upon time. After the inspection, the landlord shall provide the tenant with either (1) a statement that, as of that date, the dwelling unit is in satisfactory condition, or (2) an itemized statement specifying conditions which the landlord proposes to claim as the basis for withholding any portion of the security deposit under section 47a-21 of the general statutes. Any such statement shall be admissible, but not conclusive, as evidence in any administrative or judicial proceeding.

Sec. 2. Subsection (a) of section 47a-4 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2020):

(a) A rental agreement shall not provide that the tenant: (1) Agrees to waive or forfeit rights or remedies under this chapter and sections 47a-21, 47a-23 to 47a-23b, inclusive, 47a-26 to 47a-26g, inclusive, 47a-35 to 47a-35b, inclusive, 47a-41a, 47a-43 and 47a-46, or under any section of the general statutes or any municipal ordinance unless such section or ordinance expressly states that such rights may be waived; (2) authorizes the landlord to confess judgment on a claim arising out of the rental agreement; (3) agrees to the exculpation or limitation of any liability of the landlord arising under law or to indemnify the landlord for that liability or the costs connected therewith; (4) agrees to waive his right to the interest on the security deposit pursuant to section 47a-21; (5) agrees to permit the landlord to dispossess him without resort to court order; (6) consents to the distraint of his property for rent; (7) agrees to pay the landlord's attorney's fees in excess of fifteen per cent of any judgment against the tenant in any action in which money
Sec. 3. Section 47a-15a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2020):

(a) If rent is unpaid when due and the tenant fails to pay rent within nine days thereafter or, in the case of a one-week tenancy, within four days thereafter, the landlord may terminate the rental agreement in accordance with the provisions of sections 47a-23 to 47a-23b, inclusive.

(b) If a rental agreement contains a valid written agreement to pay a late charge in accordance with subsection (a) of section 47a-4, as amended by this act, a landlord may assess a tenant such a late charge on a rent payment made subsequent to the grace period set forth in subsection (a) of this section in accordance with this section. Such late charge may not exceed the lesser of (1) five dollars per day, up to a maximum of twenty-five dollars, or (2) five per cent of the delinquent rent payment or, in the case of a rental agreement paid in whole or in part by a governmental or charitable entity, five per cent of the tenant's share of the delinquent rent payment. The landlord may not assess more than one late charge upon a delinquent rent payment, regardless of how long the rent remains unpaid. Any rent payments received by the landlord shall be applied first to the most recent rent payment due.

Sec. 4. (NEW) (Effective October 1, 2020) (a) The Commissioner of Housing shall, within available appropriations, designate an employee to serve as Rental Housing Ombudsman within the Department of Housing to provide timely assistance to any tenant, as defined in section 47a-1 of the general statutes, concerning complaints of unsanitary or
dangerous conditions in a dwelling unit, as defined in section 47a-1 of the general statutes.

(b) The Rental Housing Ombudsman, in consultation with the commissioner, shall:

(1) Receive, review and attempt to resolve any complaints from tenants, including, but not limited to, attempts to resolve such complaints in collaboration with the landlord, as defined in section 47a-1 of the general statutes, and any other appropriate state, federal or nonprofit entities;

(2) Compile and analyze data on tenant complaints;

(3) Assist tenants to understand their rights and responsibilities under the terms of their rental agreement, as defined in section 47a-1 of the general statutes;

(4) Provide information to the public, agencies, legislators and others regarding the problems and concerns of tenants and make recommendations for resolving those problems and concerns;

(5) Analyze and monitor the development and implementation of federal, state and local laws, regulations and policies relating to tenants and recommend any changes the Rental Housing Ombudsman deems necessary;

(6) Disseminate information concerning the availability of the Rental Housing Ombudsman to assist tenants and potential tenants, with any concerns of unsanitary or dangerous conditions; and

(7) Take any other actions necessary to fulfill the duties of the Rental Housing Ombudsman as set forth in this subsection.

(c) On or before January 1, 2021, and annually thereafter, the Commissioner of Housing shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing
committee of the General Assembly having cognizance of matters relating to housing. The commissioner shall report on: (1) The implementation of this section; (2) the overall effectiveness of the Rental Housing Ombudsman position; and (3) additional steps that need to be taken for the Department of Housing to address complaints of unsanitary or dangerous conditions in dwelling units.

(d) Any complaints made to the Rental Housing Ombudsman under this section may be introduced as evidence in a summary process action initiated pursuant to chapter 832 of the general statutes.

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