



# Senate

General Assembly

**File No. 38**

*February Session, 2024*

Substitute Senate Bill No. 143

*Senate, March 18, 2024*

The Committee on Housing reported through SEN. MOORE of the 22nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***AN ACT CONCERNING EVICTIONS FOR CAUSE.***

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

1 Section 1. Section 47a-23c of the 2024 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2024*):

4 (a) (1) Except as provided in subdivision (2) of this subsection, this  
5 section applies to any tenant who resides in a building or complex  
6 consisting of five or more separate dwelling units or who resides in a  
7 mobile manufactured home park, [and who is either: (A) Sixty-two  
8 years of age or older, or whose spouse, sibling, parent or grandparent is  
9 sixty-two years of age or older and permanently resides with that  
10 tenant, or (B) a person with a physical or mental disability, as defined in  
11 subdivision (12) of section 46a-64b, or whose spouse, sibling, child,  
12 parent or grandparent is a person with a physical or mental disability  
13 who permanently resides with that tenant, but only if such disability can  
14 be expected to result in death or to last for a continuous period of at least  
15 twelve months.]

16 (2) With respect to tenants in common interest communities, this

17 section applies only to (A) a conversion tenant, as defined in subsection  
 18 (3) of section 47-283, who (i) [is] resides in a building or complex  
 19 described in subdivision (1) of this subsection, or a mobile  
 20 manufactured home park, or (ii) [is not] does not reside in a building or  
 21 complex described in subdivision (1) of this subsection, or a mobile  
 22 manufactured home park but, during a transition period, as defined in  
 23 subsection (4) of section 47-283, is residing in a conversion  
 24 condominium created after May 6, 1980, or in any other conversion  
 25 common interest community created after December 31, 1982, or (iii) [is  
 26 not] does not reside in a building or complex described in subdivision  
 27 (1) of this subsection, or a mobile manufactured home park, but is  
 28 otherwise protected as a conversion tenant by public act 80-370, and (B)  
 29 a tenant who is not a conversion tenant but [who is described in  
 30 subdivision (1) of this subsection if his] whose landlord owns five or  
 31 more dwelling units in the common interest community in which the  
 32 dwelling unit is located.

33 (3) As used in this section, "tenant" includes each resident of a mobile  
 34 manufactured home park, as defined in section 21-64, including a  
 35 resident who owns [his own home] the home in which such resident  
 36 resides, "landlord" includes a "licensee" and an "owner" of a mobile  
 37 manufactured home park, as defined in section 21-64, "complex" means  
 38 two or more buildings on the same or contiguous parcels of real  
 39 property under the same ownership, and "mobile manufactured home  
 40 park" means a parcel of real property, or contiguous parcels of real  
 41 property under the same ownership, upon which five or more mobile  
 42 manufactured homes occupied for residential purposes are located.

43 (b) (1) No landlord may bring an action of summary process or other  
 44 action to dispossess a tenant who resides in a building or complex  
 45 described in subsection (a) of this section, or a mobile manufactured  
 46 home park, except for one or more of the following reasons: (A)  
 47 Nonpayment of rent; (B) refusal to agree to a fair and equitable rent  
 48 increase, as [defined] described in subsection (c) of this section; (C)  
 49 material noncompliance with section 47a-11 or subsection (b) of section  
 50 21-82, which materially affects the health and safety of the other tenants

51 or which materially affects the physical condition of the premises; (D)  
52 voiding of the rental agreement pursuant to section 47a-31, or material  
53 noncompliance with the rental agreement; (E) material noncompliance  
54 with the rules and regulations of the landlord adopted in accordance  
55 with section 47a-9 or 21-70; (F) permanent removal by the landlord of  
56 the dwelling unit of such tenant from the housing market; or (G) bona  
57 fide intention by the landlord to use such dwelling unit as [his] such  
58 landlord's principal residence.

59 (2) The ground stated in subparagraph (G) of subdivision (1) of this  
60 subsection is not available to the owner of a dwelling unit in a common  
61 interest community occupied by a conversion tenant.

62 (3) A tenant may not be dispossessed for a reason described in  
63 subparagraph (B), (F) or (G) of subdivision (1) of this subsection during  
64 the term of any existing rental agreement.

65 (c) (1) The rent of a tenant protected by this section may be increased  
66 only to the extent that such increase is fair and equitable, based on the  
67 criteria set forth in section 7-148c.

68 (2) Any such tenant aggrieved by a rent increase or proposed rent  
69 increase may file a complaint with the fair rent commission, if any, for  
70 the town, city or borough where [his] such tenant's dwelling unit or  
71 mobile manufactured home park lot is located; or, if no such fair rent  
72 commission exists, may bring an action in the Superior Court to contest  
73 the increase. In any such court proceeding, the court shall determine  
74 whether the rent increase is fair and equitable, based on the criteria set  
75 forth in section 7-148c.

76 [(d) A landlord, to determine whether a tenant is a protected tenant,  
77 as described in subdivision (1) of subsection (a) of this section, may  
78 request proof of such protected status. On such request, any tenant  
79 claiming protection shall provide proof of the protected status within  
80 thirty days. The proof shall include a statement of a physician or an  
81 advanced practice registered nurse in the case of alleged blindness or  
82 other physical disability.]

83 [(e)] (d) (1) On and after January 1, [2024] 2025, whenever a dwelling  
84 unit located in a building or complex consisting of five or more separate  
85 dwelling units or in a mobile manufactured home park is rented to, or a  
86 rental agreement is entered into or renewed with, a tenant, the landlord  
87 of such dwelling unit or such landlord's agent shall provide such tenant  
88 with written notice of the provisions of subsections (b) and (c) of this  
89 section in a form as described in subdivision (2) of this subsection.

90 (2) Not later than December 1, [2023] 2024, the Commissioner of  
91 Housing shall create a notice to be used by landlords, pursuant to  
92 subdivision (1) of this subsection, to inform tenants of the rights  
93 provided to [protected] tenants under subsections (b) and (c) of this  
94 section. Such notice shall be a one-page, plain-language summary of  
95 such rights and shall be available in both English and Spanish. Not later  
96 than December 1, [2023] 2024, such notice shall be posted on the  
97 Department of Housing's Internet web site.

98 (3) Not later than December 1, 2028, the commissioner shall (A)  
99 translate the notice required under subdivision (2) of this subsection  
100 into the five most commonly spoken languages in the state, as  
101 determined by the commissioner, and (B) post such translations on the  
102 Department of Housing's Internet web site not later than December 1,  
103 2028.

104 Sec. 2. Section 47-88b of the general statutes is repealed and the  
105 following is substituted in lieu thereof (*Effective October 1, 2024*):

106 (a) Any declarant of a conversion condominium shall include in [his]  
107 such declarant's public offering statement, in addition to the  
108 requirements of section 47-71b the following:

109 (1) A specific statement of the amount of any initial or special  
110 condominium fee due from the purchaser on or before settlement of the  
111 purchase contract and the basis of such fee.

112 (2) Information on the actual expenditures made on all repairs,  
113 maintenance, operation or upkeep of the subject building or buildings

114 within the last three years, set forth tabularly with the proposed budget  
115 of the condominiums and cumulatively broken down on a per unit basis  
116 in proportion to the percentage of the undivided interest in the common  
117 expenses allocated to each unit by the condominium instruments. If  
118 such building or buildings have not been occupied for a period of three  
119 years then the information shall be set forth for the maximum period  
120 such building or buildings have been occupied.

121 (3) A description of the provisions made in the budget for adequate  
122 reserves for capital expenditures and an explanation of the basis for such  
123 reserves as required by section 47-88e.

124 (4) A statement of the declarant, certified by a professional engineer  
125 registered or exempted under chapter 391, as to the present conditions  
126 of all structural and major mechanical components in the condominium  
127 which statement shall include the approximate dates of construction,  
128 installation and major repairs, and the expected useful life of each item,  
129 together with the estimated cost, in current dollars, of replacing each of  
130 the same.

131 (b) In the case of a conversion condominium, the landlord or  
132 developer shall give at least one hundred eighty [days] days' notice to  
133 each of the tenants of the building or buildings which are to be  
134 submitted to the provisions of this chapter. Such notice shall be hand-  
135 delivered or sent by certified mail, return receipt requested, and shall  
136 inform tenants of: (1) The owner's intent to create a conversion  
137 condominium; (2) the exclusive right of each tenant to contract for the  
138 purchase of [his] such tenant's unit during the first ninety days; (3) the  
139 right of each tenant to remain in [his] such tenant's unit for one hundred  
140 eighty days or until the expiration of [his] such tenant's lease; (4) the  
141 possibility of relocation assistance and the address and phone number  
142 for information concerning such assistance; (5) the availability of state  
143 financial assistance to assist a tenant in the purchase of [his] such  
144 tenant's unit; and (6) whether the declarant is offering or arranging any  
145 special financing. Such notice shall be accompanied by a copy of the  
146 public offering statement containing the information required by section

147 47-71b and subsection (a) of this section.

148 (c) For a period of ninety days after the thirty-day period established  
149 under subsection [(j)] (i) of this section, each of [the said] such tenants  
150 shall have the exclusive right to contract for the purchase of the unit [he]  
151 the tenant occupies. Any tenants who do not exercise [said] such option  
152 shall be entitled to remain in the premises under their existing leases,  
153 subject to all the terms and conditions contained therein, except that  
154 upon the filing of the declaration, [said] the lease shall be considered  
155 assigned to the declarant. After receiving such notice a tenant may  
156 abandon [his] such tenant's unit and terminate [his] such tenant's  
157 tenancy without incurring any liability for such early termination of  
158 [his] the rental agreement, provided [he] such tenant gives one month's  
159 advance notice to the landlord. At the option of the tenant, any lease  
160 which expires within such one hundred eighty-day period shall be  
161 extended to the end of such period and no increase in rent may take  
162 effect during such period.

163 (d) Except pursuant to a purchase agreement for a unit, any provision  
164 in a contract, lease or other undertaking [which] that allows a landlord  
165 or developer at [his] the landlord or developer's option to cancel and  
166 terminate such contract, lease or other undertaking upon the conversion  
167 of the property to the condominium form of ownership without  
168 conforming to the notice and option requirements of this section is  
169 hereby declared to be unenforceable and contrary to public policy.

170 (e) Any declarant of a conversion condominium shall, in addition to  
171 the requirements of subsection (a) of this section, include with the  
172 condominium instruments a copy of the notice set forth in subsection  
173 (b) of this section and a certified statement that such notice, fully  
174 complying with the provisions of subsection (b) of this section, was,  
175 prior to the time of the recording of the declaration of condominium,  
176 mailed or delivered to each of the tenants in the building or buildings to  
177 be converted.

178 (f) Any declarant of a conversion condominium shall, in addition to  
179 the filing required by section 47-71, file with the Department of Housing

180 within one hundred twenty days of the giving of the notice required by  
181 subsection (b) of this section: (1) A copy of the declaration and the public  
182 offering statement submitted to each tenant, and (2) a sworn statement  
183 that each tenant who is entitled to receive notice under subsection (b) of  
184 this section and has not exercised [his] such tenant's option to buy has  
185 received the notice required by subsection (b) of this section and has  
186 received relocation assistance which has included information on the  
187 availability of alternate housing, financing programs and federal, state  
188 and municipal housing assistance and the availability of moving and  
189 relocation expenses under section 47-88d, or that reasonable efforts have  
190 been made to provide such relocation assistance to such tenant. If at the  
191 time of such filing all of the tenants have not received notice under  
192 subsection (b) of this section, the declarant shall file subsequent sworn  
193 statements with the department [within] not later than one hundred  
194 twenty days [of] after the date notice was given to a tenant. The  
195 department shall charge a fee of two dollars per unit converted for such  
196 filing. The Commissioner of Housing shall adopt regulations, in  
197 accordance with the provisions of chapter 54, within ninety days of May  
198 7, 1980, to determine the type of information to be included in such  
199 relocation assistance.

200 (g) No eviction proceedings shall be brought against any of the  
201 occupants [resident] residing in any building or group of buildings  
202 converted to condominium ownership pursuant to this section within  
203 the term of any existing lease or within the one-hundred-eighty-day  
204 period provided for under subsection (b) of this section, whichever is  
205 later, for failure to purchase or any other reasons applicable to  
206 termination of tenancy other than nonpayment of rent or similar  
207 justifiable reasons ordinary to landlord rights where a lease exists  
208 assuring quiet enjoyment.

209 (h) A declarant of a conversion condominium or a unit owner shall  
210 give at least sixty [days] days' notice of any proposed rent increase to  
211 any lessee whose eviction is prohibited under subsection (b) of section  
212 47a-23c, as amended by this act. Any such lessee may abandon [his] the  
213 lessee's unit and terminate [his] such lessee's tenancy without incurring

214 any liability for an early termination of [his] the rental agreement  
215 provided [he] the lessee gives thirty [days] days' notice to the declarant  
216 or unit owner.

217 [(i) After the conversion of a dwelling unit in a building to  
218 condominium ownership, the declarant or unit owner, for the purpose  
219 of determining if a lessee's eviction is prohibited under subsection (b) of  
220 section 47a-23c, may ask any lessee to provide proof of the age,  
221 blindness or physical disability of such lessee or any person residing  
222 with him, or of the familial relationship existing between such lessee  
223 and any person residing with him. The lessee shall provide such proof,  
224 including, in the case of alleged physical disability, a statement of a  
225 physician, a physician assistant or an advanced practice registered nurse  
226 or, in the case of alleged blindness, a statement of a physician, an  
227 advanced practice registered nurse or an optometrist, within thirty  
228 days.]

229 [(j)] (i) During the first thirty days of the one hundred eighty-day  
230 period under subsection (b) of this section, an organization, if any,  
231 representing tenants of a building or buildings [being submitted] subject  
232 to the provisions of this chapter shall have the exclusive right to contract  
233 for the purchase of such building or buildings.

|   |                 |         |
|---|-----------------|---------|
| This act shall take effect as follows and shall amend the following sections: |                 |         |
| Section 1   | October 1, 2024 | 47a-23c |
| Sec. 2  | October 1, 2024 | 47-88b  |

**Statement of Legislative Commissioners:**

In Section 2(a), "his" was changed to "such declarant's" for consistency, in Sections 2(b)(2) and 2(b)(5), "his" was changed to "such tenant's" for consistency, and in Section 2(i), "being submitted" was changed to "subject" for clarity.

**HSG**      *Joint Favorable Subst. -LCO*



The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

| Municipalities         | Effect            | FY 25 \$  | FY 26 \$  |
|------------------------|-------------------|-----------|-----------|
| Various Municipalities | Potential Savings | See Below | See Below |

**Explanation**

The bill, which eliminates lapse of time evictions for certain tenants, is not anticipated to have a fiscal impact to the state. To the extent the bill results in fewer evictions, there may be a potential savings to municipalities associated with storing less possessions of evicted tenants, beginning in FY 25.

The court system disposes of over 20,000 housing summary process cases annually. The possible reduction in summary process filings is not anticipated to have a material change on the Judicial Department's operations.

The bill additionally requires the Department of Housing to modify an existing online notice, which can be done without cost.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of evictions and property municipalities must store as a result.

**OLR Bill Analysis****sSB 143*****AN ACT CONCERNING EVICTIONS FOR CAUSE.*****SUMMARY**

This bill extends certain eviction and rent increase protections to all tenants living in specified protected housing types, which include buildings and complexes with at least five separate dwelling units and certain mobile home parks and dwelling units in common interest communities. Under current law, these protections are generally available only to specific “protected tenants” living in these housing types (those at least age 62 or with disabilities and their family members in the household). Existing law, unchanged by the bill, allows landlords to evict tenants covered by these protections based only on certain grounds. Landlords cannot do so only because the lease is expiring (i.e., a lapse of time eviction).

The bill makes conforming changes by eliminating provisions in current law (1) allowing landlords (and certain condominium unit owners) to request proof of protected tenant status and (2) requiring tenants (or condominium lessees) to provide it within 30 days.

Current law requires the Department of Housing (DOH) to create a notice summarizing protected tenants’ rights related to evictions and rent increases and post it on the department’s website. The bill requires this notice to reflect its extension of these protections and requires DOH to create and post the new notice by December 1, 2024. It correspondingly suspends until January 1, 2025, the current requirement that landlords or their agents provide certain tenants with the DOH notice. As under current law, this applies whenever a tenant enters into or renews a rental agreement for a dwelling unit in a building or complex with five or more separate dwelling units or a mobile park home with at least five homes.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2024

## **PROTECTION AGAINST CERTAIN EVICTIONS**

### ***Protected Housing Types***

The bill limits the grounds by which landlords (including a licensee or owner of a mobile home park) may evict any tenant living in specified protected housing types, which include: (1) buildings and complexes with at least five separate dwelling units; (2) mobile manufactured home parks with at least five homes; or (3) dwelling units in common interest communities (a) where the landlord owns at least five units or (b) that are converted units meeting certain requirements (see below). Under current law, the eviction limitation applies only to certain protected tenants living in these housing types, including a tenant who is:

1. at least age 62, or who permanently lives with a spouse, sibling, parent, or grandparent (i.e., family member) meeting this age requirement; or
2. a person with a physical or mental disability, or who permanently lives with a family member, including a child, with a disability that can be expected to last for at least 12 months or result in death.

***Conversion Tenants.*** Under both current law (just for protected tenants) and the bill, this protection applies to certain common interest community conversion tenants—that is, those who live in a dwelling unit or on a mobile home park space or lot both before and after it becomes part of a common interest community or is offered for sale as part of one (i.e., a converted unit).

Under the bill, this includes tenants who live in a building or complex with at least five separate dwelling units or mobile manufactured home park with at least five homes (rather than those who qualify as protected tenants, as under current law). However, the bill also protects conversion tenants who do not live in these housing types but meet the

following requirements (as current law does for those who do not qualify as protected tenants):

1. live in a conversion condominium or conversion common interest community, created after specified dates, during a “transition period” (i.e., the period beginning when a unit is converted and ending (a) nine months after the tenant receives a required conversion notice or (b) the lease ends, whichever is later); or
2. are expressly protected as conversion tenants under specified prior legislation.

### **Grounds for Eviction**

Under the bill, landlords can evict tenants living in protected housing types based only on certain grounds, as is the case for protected tenants under current law. These are commonly known as “for cause” or “just cause” evictions and include the following reasons:

1. nonpayment of rent,
2. a breach of tenants’ or mobile home parks residents’ statutory duties that affects the health and safety of other tenants or the physical condition of the premises (which generally includes nuisance and serious nuisance),
3. noncompliance with the rental agreement or a landlord’s lawfully adopted rules and regulations, and
4. voiding of a rental agreement based on certain illegal activity.

Additionally, landlords can evict these tenants for other reasons after a rental agreement expires, including if (1) the tenant will not agree to a fair and equitable rent increase (see below) or (2) the landlord permanently removes the unit from the housing market or (except for conversion tenants) intends to use it as a principal residence.

The bill does not allow landlords to evict tenants living in protected

housing types just because the lease is expiring (i.e., a lapse of time eviction).

## **PROTECTION AGAINST EXCESSIVE RENT INCREASES**

As under current law for protected tenants, the bill requires rent increases for all tenants living in protected housing types to be fair and equitable based on the same factors a fair rent commission must consider in determining excessive rent increases (see BACKGROUND). It allows these tenants, if aggrieved by a rent increase, to file a complaint with the fair rent commission, or if living in a municipality without one, to go to court to fight the increase. Existing law, unchanged by the bill, requires the court to determine whether the rent increase is fair and equitable based on the fair rent commission factors described below.

## **BACKGROUND**

### ***Fair and Equitable Rent Increases***

Any tenant may file a complaint with a fair rent commission if one exists in the municipality where he or she lives. Fair rent commissions must consider certain factors when determining whether a rental charge or proposed rent increase is excessive to the point of being “harsh and unconscionable.” The factors include the following:

1. rents for comparable units;
2. amount and frequency of rent increases;
3. sanitary conditions;
4. number of bathtubs or showers, toilets, and sinks;
5. services, furniture, and furnishings;
6. bedroom size and number;
7. repairs necessary to make the accommodations livable;
8. amount of taxes and overhead expenses, including debt service;
9. compliance with state and local health and safety laws and

regulations;

10. renter's income and housing availability;
11. utility availability;
12. tenant damage to the premises, other than ordinary wear; and
13. the degree to which income from the rent increase will be reinvested in property improvements (CGS § 7-148c).

**COMMITTEE ACTION**

Housing Committee

Joint Favorable

Yea 9      Nay 5      (02/29/2024)