General Assembly

Raised Bill No. 143

February Session, 2024

LCO No. **670**

Referred to Committee on HOUSING

Introduced by:
(HSG)

AN ACT CONCERNING EVICTIONS FOR CAUSE.

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

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 Section 47a-23c of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2024*):

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

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

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

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

21-82, which materially affects the health and safety of the other tenants or which materially affects the physical condition of the premises; (D) voiding of the rental agreement pursuant to section 47a-31, or material noncompliance with the rental agreement; (E) material noncompliance with the rules and regulations of the landlord adopted in accordance with section 47a-9 or 21-70; (F) permanent removal by the landlord of the dwelling unit of such tenant from the housing market; or (G) bona fide intention by the landlord to use such dwelling unit as **[**his**]** such landlord's principal residence.

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

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

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

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

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

other physical disability.**]**

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

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

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

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

(a) Any declarant of a conversion condominium shall include in his public offering statement, in addition to the requirements of section 47-71b the following:

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

(2) Information on the actual expenditures made on all repairs, maintenance, operation or upkeep of the subject building or buildings within the last three years, set forth tabularly with the proposed budget of the condominiums and cumulatively broken down on a per unit basis in proportion to the percentage of the undivided interest in the common expenses allocated to each unit by the condominium instruments. If such building or buildings have not been occupied for a period of three years then the information shall be set forth for the maximum period such building or buildings have been occupied.

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

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

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

Such notice shall be accompanied by a copy of the public offering statement containing the information required by section 47-71b and subsection (a) of this section.

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

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

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

(f) Any declarant of a conversion condominium shall, in addition to the filing required by section 47-71, file with the Department of Housing within one hundred twenty days of the giving of the notice required by subsection (b) of this section: (1) A copy of the declaration and the public offering statement submitted to each tenant, and (2) a sworn statement that each tenant who is entitled to receive notice under subsection (b) of this section and has not exercised **[**his**]** such tenant's option to buy has received the notice required by subsection (b) of this section and has received relocation assistance which has included information on the availability of alternate housing, financing programs and federal, state and municipal housing assistance and the availability of moving and relocation expenses under section 47-88d, or that reasonable efforts have been made to provide such relocation assistance to such tenant. If at the time of such filing all of the tenants have not received notice under subsection (b) of this section, the declarant shall file subsequent sworn statements with the department **[**within**]** not later than one hundred twenty days **[**of**]** after the date notice was given to a tenant. The department shall charge a fee of two dollars per unit converted for such filing. The Commissioner of Housing shall adopt regulations in accordance with the provisions of chapter 54 within ninety days of May 7, 1980, to determine the type of information to be included in such relocation assistance.

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

(h) A declarant of a conversion condominium or a unit owner shall give at least sixty **[**days**]** days' notice of any proposed rent increase to any lessee whose eviction is prohibited under subsection (b) of section

47a-23c, as amended by this act. Any such lessee may abandon **[**his**]** the lessee's unit and terminate **[**his**]** such lessee's tenancy without incurring any liability for an early termination of **[**his**]** the rental agreement provided **[**he**]** the lessee gives thirty **[**days**]** days' notice to the declarant or unit owner.

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

[(j)**]** (i) During the first thirty days of the one hundred eighty-day period under subsection (b) of this section, an organization, if any, representing tenants of a building or buildings being submitted to the provisions of this chapter shall have the exclusive right to contract 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 Purpose:

To require cause for the eviction of certain tenants and residents of mobile manufactured home parks.

[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.]