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## **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)