

(Reprint of File No. 416)

House Bill No. 5732
As Amended by House
Amendment Schedules
"A" and "B"

Approved by the Legislative Commissioner
April 24, 1998

AN ACT CONCERNING LANDLORD AND TENANT.

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

1 Section 1. Section 53a-117e of the general
2 statutes is repealed and the following is
3 substituted in lieu thereof:

4 (a) A tenant is guilty of criminal damage of a
5 landlord's property in the first degree when,
6 [with intent to cause damage to tangible property
7 of the landlord of the premises and] having no
8 reasonable ground to believe that he has a right
9 to do so, he INTENTIONALLY OR RECKLESSLY damages
10 [such] THE TANGIBLE property OF THE LANDLORD OF
11 THE PREMISES in an amount exceeding one thousand
12 five hundred dollars.

13 (b) For the purposes of this section,
14 "tenant", "landlord" and "premises" shall have the
15 meanings set forth in section 47a-1.

16 (c) Nothing in this section shall preclude
17 prosecution of a person under any other provision
18 of the general statutes.

19 (d) Criminal damage of a landlord's property
20 in the first degree is a class D felony.

21 Sec. 2. Section 53a-117f of the general
22 statutes is repealed and the following is
23 substituted in lieu thereof:

24 (a) A tenant is guilty of criminal damage of a
25 landlord's property in the second degree when,
26 [with intent to cause damage to tangible property
27 of the landlord of the premises and] having no
28 reasonable ground to believe that he has a right
29 to do so, he INTENTIONALLY OR RECKLESSLY damages
30 [such] THE TANGIBLE property OF THE LANDLORD OF
31 THE PREMISES in an amount exceeding two hundred
32 fifty dollars.

33 (b) For the purposes of this section,
34 "tenant", "landlord" and "premises" shall have the
35 meanings set forth in section 47a-1.

36 (c) Nothing in this section shall preclude
37 prosecution of a person under any other provision
38 of the general statutes.

39 (d) Criminal damage of a landlord's property
40 in the second degree is a class A misdemeanor.

41 Sec. 3. Section 47a-5 of the general statutes,
42 as amended by section 4 of public act 97-231, is
43 repealed and the following is substituted in lieu
44 thereof:

45 In any borough, city or town which requires a
46 certificate of occupancy prior to human habitation
47 of any building located therein, if any building
48 is occupied in whole or in part without such
49 occupancy permit, the owner or lessor of the
50 premises shall be liable for a civil penalty of
51 not more than twenty dollars per day, PER
52 APARTMENT OR DWELLING UNIT, FOR NOT MORE THAN TWO
53 HUNDRED DAYS for such period of unlawful
54 occupation.

55 Sec. 4. Section 47a-57 of the general
56 statutes, as amended by section 5 of public act
57 97-231, is repealed and the following is
58 substituted in lieu thereof:

59 (a) An apartment or dwelling unit in any
60 structure containing three or more housing units
61 in any municipality which adopts the provisions of
62 this section by vote of its legislative body shall
63 not be occupied for human habitation, after a
64 vacancy, until a certificate of occupancy has been
65 issued by the person designated by the legislative
66 body of such municipality to administer the
67 provisions of this section, certifying that such
68 apartment or dwelling unit conforms to the

69 requirements of the applicable housing ordinances
70 of such municipality and this chapter. No
71 provision of this section shall apply to any
72 structure occupied by the owner thereof and
73 containing three or less housing units. No
74 provision of this section shall be construed to
75 prohibit human occupancy of such apartment or
76 dwelling unit during the pendency of an
77 application for such certificate.

78 (b) Any person aggrieved by the refusal of a
79 certificate of occupancy may appeal to the
80 superior court for the judicial district within
81 which the structure is located. Such appeal shall
82 be privileged.

83 (c) Any owner or lessor who recovers rent for
84 the occupation of any apartment or dwelling unit
85 for which a certificate of occupancy has not been
86 obtained prior to the rental thereof in violation
87 of subsection (a) of this section shall be liable
88 for a civil penalty of not more than twenty
89 dollars per day FOR NOT MORE THAN TWO HUNDRED DAYS
90 for such period of unlawful occupation.

91 (d) The provisions of this section shall not
92 apply to any structure which has been constructed
93 or substantially reconstructed within the ten-year
94 period immediately before the date such
95 certificate of occupancy would otherwise be
96 required under this section.

97 Sec. 5. This act shall take effect July 1,
98 1998.

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF 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 HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER HB 5732

STATE IMPACT	Minimal Cost, Can be Absorbed, see explanation below
MUNICIPAL IMPACT	Minimal Revenue Impact, see explanation below
STATE AGENCY(S)	Criminal Justice Agencies

EXPLANATION OF ESTIMATES:

STATE AND MUNICIPAL IMPACT: The bill's provisions concerning criminal penalties are anticipated to result in a minimal, absorbable impact on the criminal justice system.

Limiting civil penalties to a maximum of 200 days for failing to obtain a certificate of occupancy would result in a minimal loss to towns. Specifying that the penalty applies to each apartment or dwelling unit, to the extent it is not already applied in this fashion, would result in a minimal revenue gain to towns. The net impact is indeterminate.

House "A" eliminated the impact on housing court and sheriffs fees.

House "B" added the revenue impact to municipalities from civil penalty changes.

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OLR AMENDED BILL ANALYSIS

HB 5732 (as amended by House "A" and "B")*

AN ACT CONCERNING LANDLORD AND TENANT

SUMMARY: This bill extends the penalty for intentionally damaging a landlord's tangible property to tenants who recklessly damage it. As with a tenant who causes intentional damage, the penalty for causing reckless damage applies only if the tenant had no reason to believe that he had a right to cause the damage. A person who causes damages in excess of (1) \$1,500 is subject to a penalty of up to five years imprisonment, a \$5,000 fine, or both and (2) \$250 is subject to a penalty of up to one year imprisonment, a \$2,000 fine, or both.

By law, a town can subject a property owner to a civil fine of up to \$20 per day for failing to obtain a certificate of occupancy before allowing his building to be occupied. The bill specifies that the fine applies to each apartment or dwelling unit located within the building. The bill also limits to 200 days the maximum length of time during which the owner is liable for the fine and extends the limitation to owners who fail to obtain a certificate of apartment occupancy.

*House Amendment "A" eliminates the fees for process servers in eviction cases and the summary process pilot program established and required to be established, respectively, under the original bill. It also changes the effective date from October 1, 1998 to July 1, 1998.

*House Amendment "B" adds the provisions on certificate of occupancy.

EFFECTIVE DATE: July 1, 1998

BACKGROUND**Certificate of Apartment Occupancy**

A town may require the owner of a building with three or more housing units to obtain a certificate of occupancy before the units are occupied. But a

certificate may not required if the building is constructed or substantially reconstructed within the 10 years immediately preceding the date the certificate would otherwise have been required.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report
Yea 38 Nay 0