

# Legislative History for Connecticut Act

## PA 17-22

SB923

House	4127-4132	6
Senate	995-997, 1075-1079	8
Planning & Dev.	638-644, 671-673	10
		<b>24</b>

Transcripts from the Joint Standing Committee Public  
Hearing(s) and/or Senate and House of Representatives  
Proceedings

Connecticut State Library  
Compiled 2018

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2017**

**VOL.60  
PART 10  
3997 – 4474**

ph  
HOUSE OF REPRESENTATIVES

323  
May 23, 2017

Have all members voted? Have all members voted? Will the members please check the board to determine that your vote has been properly cast. If all members have voted, the machine will be locked, and the Clerk will take a tally. Will the Clerk please announce the tally?

CLERK:

Senate Bill 980, as Amended by Senate A, in concurrence with the Senate.

Total Number of Voting	149
Necessary for Passage	75
Those Voting Yea	147
Those Voting Nay	2
Those absent and not voting	2

DEPUTY SPEAKER CANDELARIA (95TH):

The bill as amended passes in concurrence with the Senate. [Gavel]

Will the Clerk please call Calendar 540.

CLERK:

On page 42, House Calendar 540, Senate Bill No. 923, AN ACT CONCERNING THE POSSESSIONS OF DECEASED TENANTS. Favorable report of the Joint Standing

ph  
HOUSE OF REPRESENTATIVES

324  
May 23, 2017

Committee on Planning and Development.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Lemar, you have the floor, sir.

REP. LEMAR (96TH):

Good evening, Mr. Speaker. Mr. Speaker, I move for the joint committee's -- I move for the passage of the bill. [Laughter]

DEPUTY SPEAKER CANDELARIA (95TH):

We'll take a moment.

REP. LEMAR (96TH):

Good evening, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Good evening.

REP. LEMAR (96TH):

I move the Joint Committee's favorable report and passage of the bill, in accordance with Senate.

DEPUTY SPEAKER CANDELARIA (95TH):

The question before the Chamber is on acceptance of the Joint Committee's favorable report and passage of the bill. [Applause]

Representative Lemar, you have the floor, sir.

REP. LEMAR (96TH):

Thank you, Mr. Speaker. Mr. Speaker, it's been a very long day for me. Mr. Speaker, the bill before us streamlines the process for landlords to reclaim an apartment from a recently deceased tenant.

Mr. Speaker, amazingly, the process requires that a landlord go through the full eviction process, which is a very troublesome and time consuming. The bill will provide an alternative mechanism for removing a deceased tenant's unclaimed possessions from that apartment. The problem that arised was in 2001, when this statute was originally written, it cross-referenced an out-of-date statute. And for the last 15 years, this process has been really troublesome and tiring for landlords and heirs to reclaim a deceased tenant's belongings.

Mr. Speaker, the bill was drafted by a working group set up by the Planning and Development Committee that included representatives of the landlords, tenants, and housing court clerks, the probate court, the marshals, and legal service organizations; all of them agreed to these

ph  
HOUSE OF REPRESENTATIVES

326  
May 23, 2017

adjustments to the process. So, Mr. Speaker, I urge adoption.

DEPUTY SPEAKER CANDELARIA (95TH):

Will you remark further on the bill?

Representative Zawistowski, you have the floor, Ma'am.

REP. ZAWISTOWSKI (61ST):

Thank you, Mr. Speaker. Once the good Chairman of Planning and Development composed himself, he did a great job describing what the bill is all about. It passed unanimously in Planning and Development. And in testimony, the state judicial branch, actually described the existing process as unworkable. It does streamline the process, and I will be supporting it, and I urge my colleagues to support it as well. Thank you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Thank you, Ma'am. Will you remark further? Will you remark further on the bill before us? If not, will staff and guests -- will staff and guests, please come to the well of the House. Will the members please take your seats? The machine will be

ph  
HOUSE OF REPRESENTATIVES

327  
May 23, 2017

open. (Ringing)

CLERK:

The House of Representatives is voting by roll.

Members to the Chamber. The House of  
Representatives is voting by roll, members to the  
Chamber.

DEPUTY SPEAKER CANDELARIA (95TH):

Have all members voted? Have all members  
voted? Will the members please check the board to  
ensure that your vote has been properly cast. If  
all members have voted, the machine will be locked  
and the Clerk will take a tally. Would the Clerk  
please announce the tally?

CLERK:

Senate Bill 923, in concurrence with the  
Senate.

Total Number of Voting	148
Necessary for Passage	75
Those Voting Yea	148
Those Voting Nay	0
Those absent and not voting	3

DEPUTY SPEAKER CANDELARIA (95TH):

The bill passes in concurrence with the Senate.

[Gavel]

Would the Clerk please call Calendar 114.

CLERK:

On page 5, House Calendar 114, Substitute House Bill No. 6297, AN ACT ESTABLISHING A TASK FORCE TO STUDY VOLUNTARY ADMINISTRATIONS TO THE DEPARTMENT OF CHILDREN AND FAMILIES. Favorable report of the Joint Standing Committee on Children.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Boyd of the 50th, you have the floor, sir.

REP. BOYD (50TH):

Thank you, Mr. Speaker. I move acceptance of the Joint Committee's favorable report and passage of the bill.

DEPUTY SPEAKER CANDELARIA (95TH):

The question before the Chamber is on acceptance of the Joint Committee's favorable report and passage of the bill. Representative Boyd, you have the floor, sir.

REP. BOYD (50TH):



**S - 704**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2017**

**VOL .60  
PART 3  
799 – 1211**

jm  
Senate

46  
May 17, 2017

Thank you, Madam President. It's calendar page 14, calendar 202, Senate Bill 923. It's a Planning and Development Bill.

THE CHAIR:

Mr. Clerk.

CLERK:

Page 14, calendar 202, Senate Bill No. 923, AN ACT CONCERNING THE POSSESSIONS OF DECEASED TENANTS.

THE CHAIR:

Senator Cassano. Good afternoon, sir.

SENATOR CASSANO (4TH):

Good afternoon, Madam President. How are you?

THE CHAIR:

Great.

SENATOR CASSANO (4TH):

Good to see you back.

THE CHAIR:

Thanks.

SENATOR CASSANO (4TH):

jm  
Senate

47  
May 17, 2017

I move acceptance of the Joint Committee Favorable Report and move passage of the Bill, waiver to read, and seek to summarize.

THE CHAIR:

Motions on acceptance and passage. Will you remark, sir?

SENATOR CASSANO (4TH):

Yes, this is a Bill that has been -- come affectionately known now for the last four years as the possessions of deceased tenants. I was just kidding with Senator Fasano, four years ago we passed this Bill. We passed this Bill because of a request from a Manchester landlord. Under the law he had a single tenant and that tenant passed away with no relatives. By law he could not remove those items from the tenant's apartment and he had to actually file with the Probate Court a Motion to -- that she had to sign within 30 days. Obviously the dead tenant could not sign the Bill and now we affectionately call it the dead tenant's Bill. That was the first. Since that time there have been 12 of these situations in the State of Connecticut, 12 different situations where, by law, the dead tenant has to sign because of a quirk of a referral in the system.

This Bill changes that. The Bill has been passed unanimously every year and it's one of those that waits all day the last day of the session but is not quite important enough to get passed so we're trying to get it out early and would urge everybody to join the Committee which has been unanimous in supporting this Bill for the last four years.

jm  
Senate

48  
May 17, 2017

THE CHAIR:

Will you remark further on the Bill? Will you remark further on the Bill? If not, Senator Cassano.

SENATOR CASSANO (4TH):

Well I would ask that it be placed on the Consent Calendar. Thank you.

THE CHAIR:

Seeing no objections, so ordered, sir. Mr. Clerk.

CLERK:

On page 25, calendar 292, Senate Bill No. 377, AN ACT AMENDING THE CHARTER OF THE ODD FELLOWS HOME OF CONNECTICUT.

THE CHAIR:

Senator Logan. Good afternoon, sir.

SENATOR LOGAN (17TH):

Good afternoon, Madam President. The Clerk is in possession of LCO No. 6267. I ask the Clerk to please call the Amendment.

THE CHAIR:

I'm gonna ask to hold for one second, sir, just to stand at ease a moment until we get the Board fixed.

jm  
Senate

126  
May 17, 2017

CLERK:

On page 2, calendar 49, Senate Bill No. 755. Page 3, calendar 91, Senate Bill 136. Page 6, calendar 123, Senate Bill 916. Page 9, calendar 145, Senate Bill 24. On page 10, calendar 160, Senate Bill 723. Also on page 10, calendar 167, Senate Bill 911. Page 10, calendar 170, Senate Bill 928. Page 13, calendar 199, Senate Bill 948. On page 14, 204, Senate Bill 41, and calendar 202, Senate Bill 923. On page 17, calendar 229, Senate Bill No. 962. On page 18, calendar 230, Senate Bill 963. On page 23, calendar 280, Senate Bill 954. On page 24, calendar 285, Senate Bill 983. Page 25, calendar 292, Senate Bill 377, and calendar 293, Senate Bill 922. On page 28, calendar 319, Senate Bill 887. Also on page 28, calendar 317, Senate Bill 1030. On page 33, calendar 354, Senate Bill 817. On page 34, calendar 362, Senate Bill 1045. On page 38, calendar 389, Senate Bill 980. On page 45, calendar 429, House Bill 6520. On page 51, calendar 75, Senate Bill 811. Also on page 51, calendar 111, Senate Bill 485. On page 55, calendar 154, Senate Joint Resolution No. 38, and on page 55, calendar 99, Senate Joint Resolution No. 25.

THE CHAIR:

Mr. Clerk, will you please call for a roll call vote on the first Consent -- Consent Calendar?

CLERK:

Immediate roll call has been ordered in the Senate.  
Immediate roll call on today's first Consent Calendar has been ordered in the Senate.

jm  
Senate

127  
May 17, 2017

THE CHAIR:

All members have voted. All members have voted.  
The machine will be closed. Excuse me. Hold on.  
It's the Consent Calendar. I'm sorry, the machine  
is closed.

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. There was a Bill  
mistakenly put on the Consent Calendar and if we can  
have a re-vote of the Consent Calendar --

THE CHAIR:

You want to reconsider your vote, sir? Since you  
were on the --

SENATOR DUFF (25TH):

I was on the prevailing side.

THE CHAIR:

Prevailing side, right.

SENATOR DUFF (25TH):

Though not a mistake of any of the -- any of the  
Senators, a vote -- a Bill was put on the Consent  
Calendar so we need to re-vote the Consent Calendar,  
please.

THE CHAIR:

jm  
Senate

128  
May 17, 2017

First --

SENATOR DUFF (25TH):

Reconsider --

THE CHAIR:

Reconsider. So I can ask for a voice vote on reconsidering the Consent Calendar. All those in favor? [Ayes voiced]. Opposed? Motion carries. At this time --

SENATOR DUFF (25TH):

Madam President?

THE CHAIR:

Yes.

SENATOR DUFF (25TH):

I probably should mention which Bill that was we're taking off.

THE CHAIR:

Yes, that would be a great idea, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. Senate, stand at ease for a moment.

THE CHAIR:

jm  
Senate

129  
May 17, 2017

Senate will stand at ease.

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. The offending Bill was calendar page 13, calendar 199, Senate Bill 948.

THE CHAIR:

At this time that Bill will be removed without objection. Seeing no objection, at this time, Mr. Clerk, will you call for a roll call vote on the first Consent Calendar again? Machine is open.

CLERK:

~~Immediate roll call has been ordered in the Senate.~~  
Immediate roll call on the real Consent Calendar No. 1 for today.

THE CHAIR:

Senator Suzio. Senator Suzio. Senator Kennedy. Senator Kennedy. Vote please. Thank you. Senator Fasano. We haven't gotten them all yet, sorry. Thank you, Senator Miner.

All members have voted. All members have voted. The machine will be closed. Mr. Clerk, will you please call the tally.

CLERK:

On the real Consent Calendar No. 1 for today.



jm  
Senate

130  
May 17, 2017

Total number voting	36
Those voting Yea	36
Those voting Nay	0
Absent and not voting	0

THE CHAIR:

And this time it passes. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, for some referrals please and other markings?

THE CHAIR:

Please proceed.

SENATOR DUFF (25TH):

Thank you, Madam President. On calendar page 4, calendar 105, Senate Bill 769, I'd like to refer that item to the Appropriations Committee.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On calendar page 7, calendar 124, Senate Bill 917, I'd like to refer that item to the Judiciary Committee.

THE CHAIR:

So ordered.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**PLANNING  
AND  
DEVELOPMENT  
PART 2  
536 - 1061**

**2017**

gives the appearance of payoffs and backroom dealings.

We're all better served when there is full disclosure and citizens are allowed to voice their opinions on business plans that affect their environment. Granted, we accept the fact that the disclosure and discussion could cause some delay; however, we need to recognize that all of our resources, land, water, air, and financial are limited and the job of our elected officials, therefore, is to help provide a platform to open, honest discussion that results in the best decision possible for the betterment of the community. I think then this bill sets the pathway to establish guidelines for transparency and appropriate policies and procedures related to open communication between town officials, the water company, and taxpayers. I believe this act is a strong step in achieving the objective of transparency. Thank you.

REP. LEMAR (96TH): Thank you for your testimony, Bill. Any questions for Mr. O'Connor? Thank you very much for sharing your testimony today.

RAPHAEL PODOLSKY: Thank you, Mr. Chairman and members of the Committee. My name is Raphael Podolsky. I'm a lawyer with legal aid programs and I'm here to speak in support of Senate Bill No. 923, which deals with the question of what happens when a tenant dies and the landlord needs -- does not -- particularly if the landlord is not able to work with the heirs to work something out and the landlord needs to deal with the problem of taking back the apartment.

This is not a new bill. This is a bill that was passed in 2001 and it turned out about five years

ago, it was discovered there was a very tiny drafting glitch in the statute which prevented the original 2001 statute from working properly and the Planning and Development Committee convened a working group that included landlords, tenants, housing court clerks, marshals and probate courts and this is bill that they came up with. We've been trying to get this through ever since then. It's a bill that's been in front of this committee before.

It does not in any substantial way change existing law. What it does is it tries to make the existing statute work so that a landlord will be able to use it appropriately. There are really two underlying purposes in the underlying statute, which is one, to have an alternative for the landlord, an optional alternative for the landlord using the regular eviction procedure in order to obtain the right to remove the possessions from the premises, but number two, and this is also important, it gives the heirs and the probate court the opportunity to play a role in this so as to protect the inheritance for the person who has died.

When someone dies, they have not necessarily, unlike say an eviction, they haven't necessarily cleared out their apartment. They are likely to have, in many cases, a very full apartment with things of very substantial value and that makes it important that the property simply not be thrown away by the landlord or taken by the landlord. So the existing law tries to balance both of these things. The core of the bill, which is again, the existing law, is that the landlord goes through a procedure in an effort to reach the heirs, to notify the probate court, and to get -- and ultimately, if the probate court does not accept jurisdiction over this, to get

a certificate from the probate court which functions in the same manner as if the landlord had obtained a judgment in an eviction case.

From that point on, the right to substantiate the regular rules for handling an eviction in which the tenant does not remove themselves simply apply. In order to get that worded in a way that worked for a -- where there is no living defendant, it took a lot of wording, but if you look at most of this underlying language from line 70 on, most of that is very similar to the existing eviction statute. It's just that you couldn't make a simple cross reference when the property belongs not to the defendant, in fact, the really is no defendant, but rather to the person who has died. It's worth -- I want to stress that this is not something that can be treated as "abandoned property" because it's not abandoned. The tenant has died. The tenant has not left. So you need to -- it's to some extent a driving force in why you need to make some adjustment.

So what it really does is as much as is reasonable, follows the eviction procedure, but gives the landlord the alternative of getting to that point of judgment by working through the probate court ultimately rather than through the housing court. I was one of the members of that Planning and Development working group. Another one of the members is here and I think -- believe is testifying today. I think that it's something you just do and hopefully it will go through this year. I can try to answer any questions if I can.

REP. LEMAR (96TH): Great. Thank you, Mr. Podolsky. Any questions? I think you've done a great job and a lot of our members have a lot of background on

this, having seen it before them in the past few years and hopefully we'll get it over the finish line this year.

RAPHAEL PODOLSKY: Okay. Thank you very much.

REP. LEMAR (96TH): Thank you. Mike Clinton followed by John Jildrak (phonetic).

MIKE CLINTON: Good morning or good afternoon, Mr. Chairman and members of the Committee. My name is Michael Clinton. I'm a member of the Connecticut Coalition of Property Owners, which is one of the largest landlord groups in the state of Connecticut state-wide and I'm here on their behalf and as a practicing attorney who has a substantial in landlord/tenant law, I'm here today to discuss the bill briefly and to ask that it be favorably looked upon. I'm not going to repeat the technical issues that were brought up by Mr. Podolsky, but I will want to highlight just a few things.

The first is, this bill is really just a technical correction. If you read the statute 47A-11b, it references 47A-42 where you can get your execution for the move-out; 47A-42 has no reference whatsoever to 47A-11b, so when you go to a clerk and ask him for an execution after you've followed all the statutory requirements, the clerk would tell you, I'm sorry, 47A-42 does not allow me to issue an execution unless it's based on a judgment from the Superior Court.

So that's a technical problem that exists that needs to be repaired. It is, you know, you'll hear arguments that it's a rare circumstance, but rare depends on whether it happens to you, then it's not so rare and I have many clients who through the

years have said this is my problem and there's no way to fix that problem and I have explained to them that the bill is broken as it currently exists. And they have almost no alternatives other than to either just remove somebody's property and break the law or to try somehow to see how long they can hang on to this property and see if somebody comes forward.

So it's a broken bill in that way and it does need to be corrected. The Connecticut Coalition of Property Owners -- and I should say, I was on that working committee also and with Senator Cassano kind of leading that group and it was an important issue because the protected -- the tenant's property needs to be protected. We're trying to come up with way to do that without significantly changing the law that the original bill was meant to address. I would just point out I did have an opportunity -- I did submit my testimony for the Committee on-line, but I did just get a chance to look at a couple other parties' testimony.

CCM has filed testimony in objection to it. I just would point out a couple of things that I think in their objection should be addressed as I think they're incorrect. Highlighted in their objection, they state Connecticut is the only state that mandates that a municipality is to remove and store possessions of evicted tenants. Anybody that's involved in that procedure knows that the municipality does not remove the possessions. The current statute and the process is the landlord, using the state marshal, removes the property and, in fact, brings it all the way to the municipal facility before the possession is changed over to the municipality, so the statement that seems to

indicate that the municipality removes it I believe is incorrect, but I'd like to make sure the record's clear on that.

The other think that the CCM has mentioned is that this creates a large burden on them and I don't believe that's accurate. I would just point out that the testimony from the Judicial Department indicates that this is a rare circumstance, so the burden on them I do not believe will be substantial and, in fact, the Judicial Department seems to be in favor of it, although they don't exactly say that, but they talk about the fact that we've discussed that no fee is required and it should be processed in that fashion.

And then lastly, they may indicate that it's difficult to find a next of kin, etc., but it's already occurred three times. The first time is with the landlord who looks for the next of kin or the party that's involved, the next time is the probate court is supposed to put their notice, and then the third time is the marshal when they go to remove the property have to try to find the next of kin, so there's a time line of over 60 days while this is on going on. So if the town has a problem with that, I think the due diligence that nobody else can find them would be pretty easily satisfied and the statute allows them to simply place a notice near the clerk's office in order to satisfy their duties.

So I'm asking that the Committee vote favorably on the bill. I will entertain any questions.

REP. LEMAR (96TH): Thank you and now I have a deficiency, as my co-chair who has spent most of the time working on this issue is suddenly quite sick



and needed to leave a little bit earlier, so I heard from legal services on the working group and yourself who was on that working group and I know my co-chair, Senator Cassano, is similarly on that working group. Who else was a part of that group that was studying this issue?

MIKE CLINTON: There was probate court administrator personnel, Suzanne Colasantro, who is the chief housing clerk for New Haven, and I believe that was pretty much the group. There was a couple of landlords also involved, Ken Burkamp from Manchester, who I believe spearheaded the effort with Senator Cassano.

REP. LEMAR (96TH): And was CCM a part of that group in any consultation at that point either?

MIKE CLINTON: I don't have a recollection of that, but they may have been invited to the group, but I'm not aware of it.

REP. LEMAR (96TH): Okay. Any other questions? Seeing none, thank you so much, Mike.

MIKE CLINTON: Thank you for your time. Have a great day.

REP. LEMAR (96TH): John Tildrak or Jildrak or if the name is something similar to that and I'm just butchering it. No? Nobody? Judy Allen followed by Patricia O'Connor. Good afternoon.

SB24 JUDY ALLEN: Good afternoon. I'm Judy Allen and I am a member of Save Our Water Connecticut and I'd like to thank the members of the Planning and Development Committee for the opportunity to comment on Senate Bill 6008. Excuse me. This consumer advocate is something that has been needed for a

**Testimony of The**  
**Connecticut Coalition Of Property Owners**  
**Before the Planning & Development Committee**  
**Friday, March 3, 2017**

**Re: SB 923 An Act Concerning The Possessions Of Deceased Tenants.**

Good afternoon. My name is Attorney Michael Clinton. I am appearing on behalf of the Connecticut Coalition Of Property Owners ("CCOPO"). CCOPO is the largest property owner association in Connecticut for midsize and small landlords. CCOPO has affiliate chapters in Bridgeport, Enfield, New Haven, Stamford, West Hartford, Windham and the CT Association of Real Estate Investors. Collectively CCOPO members own thousands of rental units throughout Connecticut.

I am a member of the CCOPO Board of Directors and am a practicing attorney in Glastonbury. A substantial portion of my law practice is dedicated to representing landlords. Over the last twenty-five years, I have represented more than one thousand landlords and property owners and handled over fifteen thousand eviction cases.

**CCOPO supports SB 923.**

SB 923 is long overdue. The current statute is broken and needs technical correction. Because of this situation, neither the deceased tenant's possessions nor a landlord's right to regain their unit are protected. SB 923 creates a better process to grant the court a mechanism for issuing an execution after the landlord has followed the proper procedures.

Without getting overly technical, current law, *C.G.S. §47a-11d*, attempts to address the situation where the sole occupant of a dwelling unit dies and there is no next of kin or emergency contact who will step up to remove the deceased tenant's personal property. I say attempts to address the situation, because the current statute gives a basic procedure to follow and then advises the landlord that an execution may be obtained pursuant to *C.G.S. §47a-42*.

However, *C.G.S. §47a-42* only applies to certain judgments entered by the Housing Court and does not include *C.G.S. §47a-11d*. Therefore, no clerk at present can or will issue an execution, even when a landlord has followed all of the steps of *C.G.S. §47a-11d*.

At present, when a tenant dies without having designated an emergency contact, or there is no known next of kin, landlords are left in the unenviable position of attempting to regain an apartment from the deceased tenant when no estate is opened and there is no one to step forward to remove the property so that the landlord can regain possession of their unit. This situation happens far more often than one would think.

While CCOPO believes that SB 923 will improve this situation, the procedure remains cumbersome and likely will cost landlords approximately three months lost rent. Nevertheless, it is still better than the current situation where a landlord is almost forced to violate the law and remove a deceased tenant's possessions. There currently is no other workable procedure to regain possession of the dwelling unit.

CCOPO believes that virtually any improvement to the current statute is preferable to not taking action. We believe that after SB 923 has been in place for a period of time and landlords have had an opportunity to utilize the remedies provided therein, any adjustments to dates or procedures which are appropriate can be brought to the legislature's attention in the future.

**CCOPO believes that SB 923 is necessary now and supports its passage.**

This completes my testimony. Thank you for your consideration and I would be pleased to answer any of your questions.



**CONNECTICUT LEGAL SERVICES**

A PRIVATE NONPROFIT CORPORATION  
16 MAIN STREET NEW BRITAIN, CT 06051  
TELEPHONE (860) 225-8678  
FAX (860) 225-6105  
E-MAIL NEWBRITAIN@CONNLEGALESERVICES.ORG

PUBLIC POLICY ADVOCATE  
RAPHAEL L. PODOLSKY  
DIRECT LINE:  
(860) 616-4472  
CELL: (860) 836-6355  
EMAIL: RPODOLSKY@CONN  
LEGALESERVICES.ORG

**S.B. 923 -- Possessions of deceased tenants**  
Planning and Development Committee public hearing -- March 3, 2017  
Testimony of Raphael L. Podolsky

**Recommended Committee action: SUPPORT**

CLS ADMINISTRATIVE OFFICE  
62 WASHINGTON STREET  
MIDDLETOWN, CT 06457  
(860) 344-0447

KEVIN J. RASCH  
BOARD CHAIR

STEVEN D. EPPLER-EPSTEIN  
EXECUTIVE DIRECTOR

ANNE LOUISE BLANCHARD  
LITIGATION AND ADVOCACY  
DIRECTOR

CLS LAW OFFICES  
211 STATE STREET  
BRIDGEPORT, CT 06604

16 MAIN STREET  
NEW BRITAIN, CT 06051

153 WILLIAMS STREET  
NEW LONDON, CT 06320

1177 SUMMER STREET  
STAMFORD, CT 06905

85 CENTRAL AVENUE  
WATERBURY, CT 06702

872 MAIN STREET  
WILLIMANTIC, CT 06226

SATELLITE OFFICES  
5 COLONY STREET  
MERIDEN, CT 06451

29 NAEK ROAD, SUITE 5A  
VERNON, CT 06066

This bill corrects a drafting glitch in the part of the eviction statutes designed to provide landlords, as an alternative to eviction, with a "safe harbor" procedure for reclaiming an apartment if the sole occupant of the apartment dies. It was drafted by a stakeholders' working group set up by the Planning and Development Committee, including representatives of landlords, tenants, marshals, court clerks, and the probate court, who agreed upon this solution.

The underlying 2001 statute, codified as C.G.S. 47a-11d, is designed to maximize the likelihood that the deceased occupant's property will get to his or her heirs (rather than being taken or discarded by the landlord). Under the statute, the landlord notifies the next of kin, if known, and files the notice and then an inventory with the probate court, which can, at its discretion, assume jurisdiction. If the next of kin do not respond and the probate court does not open an estate, the process is treated as the equivalent of a summary process judgment for the landlord, upon which a marshal can execute as in an eviction action. C.G.S. 47a-11d incorporated those procedures by cross-reference to C.G.S. 47a-42. It turned out that, however, because of necessary differences in procedure when the tenant has died, the cross-reference to 47a-42 did not work as intended, and the housing court clerks read the statute as still requiring the landlord to bring an eviction action. To correct this situation, the working group recommended incorporating language from 47a-42 into 47a-11d, with the changes necessary to make the statute work. That is what S.B. 923 does. Thus, although S.B. 923 is lengthy, most of the "new" language in lines 70 to 113 is not really new but rather an incorporation of the applicable parts of the existing 47a-42.

S.B. 923 also clarifies the 2001 language by requiring the probate court to provide the landlord with a certificate confirming compliance with the probate court filing requirements of 47a-11d. That certificate will allow the housing court to open a file and issue an execution to the marshal so that the deceased tenant's property can be removed. The process otherwise remains the same as the prior process with three exceptions. First, it requires the landlord to include notification to any person designated by the occupant as an emergency contact and to include in the notice the phone number of the probate court. Second, the notice directs the next of kin to the probate court. Third, if the possessions are ultimately auctioned off, it escheats any surplus to the state. With these provisions, S.B. 923 resolves the issue that generated the need for the bill.