

Legislative History for Connecticut Act

HB 7401	PA 254	PA 254	1989
House 7400-7412			(13)
Senate 3192-3194, 3255-3256			(5)
Judiciary 706-707, 789-791, 838			(6)
			Total- 24p

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

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS

1989

VOL. 32

PART 21

7145-7513

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House of Representatives

Wednesday, May 17, 1989

here today. Nice to see you, as always. (Applause)

DEPUTY SPEAKER SMOKO:

Are there additional announcements or points of personal privilege at this time? Representative Godfrey of the 110th.

REP. GODFREY: (110th)

Thank you, Mr. Speaker. For those who haven't caught the notice in the Bulletin, I'd just like to make an announcement and to remind you that tomorrow is the Centennial Anniversary of the chartering of the City of Danbury. Mayor Joseph Sauer will be up here visiting us tomorrow around noontime and all members are urged to follow the exemplar of Representative Carter and wear hats in honor of the hat city tomorrow. Thank you, Mr. Speaker.

DEPUTY SPEAKER SMOKO:

Thank you, Sir. Additional announcements or points of personal privilege? Seeing none, will the Clerk please return to the Call of the Calendar.

CLERK:

Page 3, Calendar 486, Substitute for HB7401, AN ACT CONCERNING HOUSING MATTERS. Favorable Report of the Committee on Judiciary.

DEPUTY SPEAKER SMOKO:

The Chair will recognize the resplendent Chairman

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of the Committee on Judiciary, Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker.

DEPUTY SPEAKER SMOKO:

Yes, Sir.

REP. TULISANO: (29th)

I move for acceptance of the Joint Committee's Favorable Report and passage of the bill.

DEPUTY SPEAKER SMOKO:

The question is on acceptance and passage of this bill. Will you remark, Sir?

REP. TULISANO: (29th)

Mr. Speaker, this bill initially was brought to the Judiciary Committee by the clerks of the housing courts in an attempt to clarify aspects of housing law and procedures and codify housing decisions that have been issued by the Superior Court.

In addition to those, in the Judiciary Committee, we amended the bill to reflect certain changes by allowing evictions of family members and individuals engaged in the sale of drugs, making it easier to evict them. And if I had the amendment, I'd call it now, but in any event, Mr. Speaker --

DEPUTY SPEAKER SMOKO:

Thank you for sharing that with me, Representative

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Tulisano. Will you remark further, Sir?

REP. TULISANO: (29th)

Mr. Speaker, there are a number of amendments, however, that have been filed with regard to this and if the proponents would not mind, I might call some that I would have no problem with. Is that okay on the other side?

DEPUTY SPEAKER SMOKO:

Proceed, Sir.

REP. TULISANO: (29th)

The first amendment I would like to call is LCO6803.

DEPUTY SPEAKER SMOKO:

We are in possession of LCO6803 which will be designated House "A". Will the Clerk please call the amendment.

CLERK:

LCO6803 designated House Amendment Schedule "A" offered by Representative Jaekle, 122nd District.

DEPUTY SPEAKER SMOKO:

Representative Tulisano has asked leave of the Chamber to summarize. Is there objection? Seeing none, Representative Tulisano.

REP. TULISANO: (29th)

This amendment will maintain a requirement in the

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present statute that clerks notify landlords of, in housing code enforcement cases, of the tenant's failure to pay rent into court. I would move adoption.

DEPUTY SPEAKER SMOKO:

Will you remark further on House "A"? Will you remark further? If not, all those in favor of the amendment please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER SMOKO:

Those opposed? House "A" is adopted and is ruled technical.

House Amendment Schedule "A".

In line 168, delete the opening and closing brackets around "promptly"

In line 169, delete the opening bracket after "landlord" and delete the closing bracket after "and"

DEPUTY SPEAKER SMOKO:

Will you remark further on this bill as amended by House "A"? Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, the Clerk has another amendment, LCO7064.

DEPUTY SPEAKER SMOKO:

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We are in possession of LCO7064 which will be designated House "B". Will the Clerk please call House "B".

CLERK:

LCO7064 designated House Amendment Schedule "B"
offered by Representative Jaekle, 122nd District et al.

DEPUTY SPEAKER SMOKO:

Is there objection to summarization by Representative Tulisano? Seeing none, Representative Tulisano.

REP. TULISANO: (29th)

This amendment, Mr. Speaker, retains old language. It would make it explicit that the landlord may enter premises in an emergency. I would move its adoption.

DEPUTY SPEAKER SMOKO:

Will you remark further on House "B"? Will you remark? If not, all those in favor of the amendment please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER SMOKO:

Those opposed?

REPRESENTATIVE:

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No.

DEPUTY SPEAKER SMOKO:

House "B" is adopted and is ruled technical.

House Amendment Schedule "B".

In line 277, delete the opening bracket before
"(b)"

In line 279, delete the closing bracket after the
period

In line 280, remove the opening and closing
brackets around "(c)" and strike out "(b)"

In line 286, remove the opening and closing
brackets around "(d)" and strike out "(c)"

REP. TULISANO: (29th)

Mr. Speaker, the Clerk has an amendment, LC07239.

DEPUTY SPEAKER SMOKO:

We are in possession of LC07239 which will be
designated House "C". Will the Clerk please call the
amendment.

CLERK:

LC07239 designated House Amendment Schedule "C",
offered by Representative Tulisano, 29th District.

DEPUTY SPEAKER SMOKO:

Is there objection to summarization by
Representative Tulisano. Seeing none, proceed, Sir.

REP. TULISANO: (29th)

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Mr. Speaker, this attempts to modify the file copy by making it clear of what the landlord would have to show in an eviction proceeding. It parallels, the new language is modified to parallel language already existing in our statutes dealing with serious nuisances.

In addition, it changes, when you're trying to evict somebody who lets somebody, a drug dealer back into the premises, allows you to evict him faster by exempting him from something called the cappa notice. A cappa notice is required to give notice to rectify a nuisance. People should know -- I move adoption of the amendment.

DEPUTY SPEAKER SMOKO:

The question is on adoption of House "C". Will you remark? Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, I think I explained most of it, but people should know that in fact someone was evicted from their household because of drug dealing, if that is the case, they don't need notice not to let them back in and I think that's what this amendment attempts to do. I move adoption.

DEPUTY SPEAKER SMOKO:

The question is then on adoption of House "C".

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Will you remark further on House "C"? If not, all those in favor of the amendment please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER SMOKO:

Those opposed.

REPRESENTATIVES:

No.

DEPUTY SPEAKER SMOKO:

House "C" is adopted and ruled technical.

House Amendment Schedule "C".

In line 203, insert a comma after "rent" and bracket the words "or based"

In line 204, after "nuisance" insert "OR ON A VIOLATION OF SUBSECTION (h) OF SECTION 47a-11, AS AMENDED BY SECTION 2 OF THIS ACT"

In line 252, delete "AN ILLEGAL" and insert in lieu thereof "THE PREMISES-HAVE BEEN USED FOR THE ILLEGAL SALE OF DRUGS,"

Delete line 253 in its entirety

In line 254, delete "OCCURRED ON THE PREMISES,"

DEPUTY SPEAKER SMOKO:

Will you remark further on this bill as amended by House "A", "B" and "C"? Representative Tulisano.

REP. TULISANO: (29th)

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Mr. Speaker, the Clerk has an amendment LCO7169.

DEPUTY SPEAKER SMOKO:

The Chair is in possession of LCO7169 which will be designated House "D". Will the Clerk please call the amendment.

CLERK:

LCO7169 designated House Amendment Schedule "D"

offered by Representative Langlois, 51st District.

REP. TULISANO: (29th)

Mr. Speaker.

DEPUTY SPEAKER SMOKO:

Is there objection to summarization? Seeing none, Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, this amendment includes in our eviction procedure for the elderly and the handicapped, individuals who reside in mobile manufactured home parks in a mobile home, obviously.

I move its adoption.

DEPUTY SPEAKER SMOKO:

Question is on adoption of House "D". Will you remark? Will you remark? If not, we'll try your minds. All those in favor of the amendment, please signify by saying aye.

REPRESENTATIVES:

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Aye.

DEPUTY SPEAKER SMOKO:

Those opposed?

REPRESENTATIVES:

No.

DEPUTY SPEAKER SMOKO:

House "D" is adopted and ruled technical.

House Amendment Schedule "D".

After line 817, insert the following:

"Sec. 16. Section 47a-23c of the general statutes is repealed and the following is substituted in lieu thereof:

(a) (1) Except as provided in subsection (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; (B) blind, as defined in section 1-1f; or (C) physically disabled, as defined in section 1-1f, 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 described in subdivision (1) of this subsection, or (ii) is not described in subdivision (1) of this subsection 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 described in subdivision (1) of this subsection but is otherwise protected as a conversion tenant by public act 80-370* and (B) a

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tenant who is not a conversion tenant but who is described in subdivision (1), of this subsection if his 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, "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 described in subsection (a) of this section 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 in subsection (c) of this section; (C) material noncompliance with section 47a-11 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 47-a-9; (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 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 7-148a.

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(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 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, 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 in the case of alleged blindness or other physical disability."

DEPUTY SPEAKER SMOKO:

Will you remark further on this bill as amended?
will you remark further? If not, will all staff and guests come to the well of the House. The machine will be opened.

CLERK:

The House of Representatives is taking a roll call vote. All members to the Chamber please. The House is voting by roll call. All members please report to the Chamber.

DEPUTY SPEAKER SMOKO:

Have all the members voted? Please check the roll call machine to see if your vote is accurately recorded. If all the members have voted, the machine

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will be locked. The Clerk will take a tally.

The Clerk will announce the tally.

CLERK:

HB7401 with House "A", "B", "C" and "D"	
Total number voting	146
Necessary for passage	74
Those voting yea	141
Those voting nay	5
Those absent and not voting	5

DEPUTY SPEAKER SMOKO:

The bill as amended by House Amendments "A", "B", "C" and "D" is passed.

CLERK:

Page 10, Calendar 195, Substitute for HB7119, AN ACT CONCERNING ADMINISTRATION OF MEDICATION IN JUVENILE DETENTION CENTERS AND IN SCHOOLS. Favorable Report of the Committee on Education.

REP. MINTZ: (140th)

Mr. Speaker.

DEPUTY SPEAKER SMOKO:

Representative Douglas Mintz.

REP. MINTZ: (140th)

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

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GEN. ASSEMBLY
SENATE

PROCEEDINGS
1989

VOL. 32
PART 9
2916-3261

WEDNESDAY
May 31, 1989

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Calendar Page 12, Calendar #529, File #789,
Substitute SB981, AN ACT PROVIDING FUNDS FOR VETERANS'
MEMORIAL INC., DERBY, FOR BUILDING REPAIRS AND
IMPROVEMENTS. Favorable Report of the Committee on
APPROPRIATIONS.

THE CHAIR:

Senator O'Deary.

SENATOR O'LEARY:

Mr. President, I'll change the marking of that to
Pass Retaining.

THE CHAIR:

Pass Retain.

Next item, please.

THE CLERK:

Calendar Page 13, Calendar #536, File #599 and 807.
Substitute HB7401, AN ACT CONCERNING HOUSING MATTERS.
As amended by House Amendment Schedules "A", "B", "C"
and "D". Favorable Report of the Committee on
JUDICIARY.

THE CHAIR:

Senator Avallone.

SENATOR AVALLONE:

Yes, Mr. President. I move the Joint Committee's
Favorable Report and adoption of the bill in accordance
with the action of the House.

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THE CHAIR:

Are there any amendments?

THE CLERK:

Mr. President, all the amendments have been withdrawn.

THE CHAIR:

Senator Avallone, wish to remark.

SENATOR AVALLONE:

Yes, Mr. President, this is a fairly lengthy bill, but it deals with a number of technical amendments on housing matters. May I just have one second.

THE CHAIR:

Senate will stand at ease.

SENATOR AVALLONE:

The bills deals, as I indicated, with a number of changes. House "A" reinstates the requirement deleted by the original bill, that the Court Clerk properly notify the landlord of receipt of rent payments made into the court.

House "B" makes it clear that a landlord may enter the premises without consent in an emergency. House "C" allows the landlord to shift to the tenant, the burden of proving a lack of knowledge of drug sales. The original version required the landlord to show that the sale was made by a household member or guest. The

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amendment also makes it clear that a written notice giving a tenant an opportunity to correct a nuisance is not required when the landlord is evicting for selling drugs.

House "D" extends the for cause eviction protection for the elderly to mobile homes. A tenant may report a code violation to the agency responsible for enforcement of the code, and he will no longer have to notify municipal agencies and then it goes on to make a series of other technical changes.

THE CHAIR:

Further remarks on the bill.

SENATOR AVALLONE:

I would move it to Consent, if there's no objection.

THE CHAIR:

Without objection, the item is placed on the Consent Calendar.

THE CLERK:

Calendar #539, File #814, Substitute SB939, AN ACT PROVIDING FUNDS FOR VARIOUS YOUTH PROGRAMS. Favorable Report of the Committee on APPROPRIATIONS. Clerk is in possession of one amendment.

THE CHAIR:

Senator O'Leary.

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bill's he's like to pursue.

THE CHAIR:

Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Mr. President. For purpose of an announcement, there will be a meeting of the Education Committee tomorrow morning at 9 a.m. in room 1E to act upon a bill referred by Consent today.

THE CHAIR:

We do have a Consent Calendar. We'll keep the announcements in abeyance until we dispose of this.

Clerk, please make an announcement for an immediate roll call.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Will all Senators please return to the Chamber.
Immediate roll call has been ordered in the Senate.
Will all Senators please return to the Chamber.

THE CHAIR:

Please give your attention to the Clerk who will read the items that have been referred to the Consent Calendar.

THE CLERK:

2nd Consent Calendar, Mr. President, begins on Page 3. Calendar #390, Substitute SB785. Calendar Page 8,

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Calendar #496, SB982. Calendar Page 13, Calendar #536,
Substitute HB7401: Calendar Page 18, Calendar #180,
Substitute SB728. Calendar Page 19, Calendar #417,
Substitute SB898. Calendar Page 20, Calendar #229,
SB920. Calendar Page 24, Calendar #454, Substitute
SB1036. Calendar Page 26, Calendar #405, Substitute
HB7126.

Mr. President, that completes the 2nd Consent
Calendar.

THE CHAIR:

Are there any changes or omissions?

The machine is open, please record your vote.

Has everyone voted?

The machine is closed.

Clerk, please tally the vote.

The result of the vote:

35 Yea

0 Nay

The 2nd Consent Calendar is adopted.

Senator Spellman.

SENATOR SPELLMAN:

Thank you, Mr. President. I'd like to announce
that there will be a meeting of the Environment
Committee tomorrow at 9:45 a.m. in room 2B to act on
two bills referred from the House Floor.

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 2
357-763

1989

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JUDICIARY

March 6, 1989

ATTY. RAPHAEL PODOLSKY: I mean, as a practical matter, if you give the tenant's Social Security number, the interest will be chargeable to the tenant. If you give your own Social Security number, then it's going to be chargeable to --.

REP. WOLLENBERG: Which one do you give them?

ATTY. RAPHAEL PODOLSKY: The law doesn't specify. That's really up to the landlord.

REP. WOLLENBERG: I'm asking for suggestion.

ATTY. RAPHAEL PODOLSKY: By law, the security deposit belongs to the tenant, so it's perfectly appropriate to give the Social Security number of the tenant. The problem is if you have more than one tenant, then that really -- unless you're going to upon up a separate account for each individual tenant, which is obviously very cumbersome, as a practical matter, you're not going to be able to do that. That's my understanding.

HB7401 is a Judicial Department bill that deals with a number of amendments to the Landlord-Tenant Act. In my written testimony I've very briefly summarized what they do. If you look at them section by section you will see that most of them are small. Some of them are technical. Some codify court decision. Some attempt to clarify, for example, one section spells out the grounds that can be put onto a notice to quit in a good deal more detail than they are now that has the effect of adding additional grounds. One of them sets up a shorter grace period for payment of rent on week-to-week leases.

I would ask the committee to amend the bill in two ways. One is one of the sections -- actually two of the sections of the bill, Section 2 and Section 8, make clear that when rent is paid into court, if the person is some program where the rent is being in full or part by a governmental agency, that means that they pay the part that they control, which is all they can do. That same language needs to be repeated in 47(a)-35(a), which deals with appeal bonds, and the second thing is, in Section 9 of the bill, which deals with the

problem that you dealt with two years ago when a person is occupying the premises and is not named in the papers. There are constitutional overtones to this.

The bill makes some changes that makes it easier for the Judicial Department to process things. There's an additional change that ought to be made. The existing law says, provides for a simplified form that can be used up to the time the execution is issued, after it's issued and before execution you have to manuscript an injunctive action or a writ of addida corrella, the suggestion should be you should be able to use the form in either of those periods and I've submitted in my written testimony language that would accomplish that.

HB5864 deals with the duty of clerks that handle housing matters, it is a recommendation of the Citizen's Advisory Council for housing matters. Essentially, it recommends that the notion that pro se assistance is provided by the housing court clerk should apply to any clerk that handles housing matters which includes those parts of the state where housing is in the geographical area court.

The Judicial Department has restructured so that we now have a deputy director for housing matters with overall responsibility over all clerks handling housing matters to the extent they handle housing matters.

SEN. AVALLONE: That's a one, and that average is going up, Raph. Go ahead.

ATTY. RAPHAEL PODOLSKY: There are two bills on child support. I want to mention. HB7309 deals with automatic wage garnishments. The federal law requires that by 1990 we have automatic garnishments in place for people who are getting -- whose support payments go through the state, that is to say the Title 4D people, and by 1994 for everyone else.

So that whether this bill is passed this year or in some future year, at some point it's going to have to be done to get us in compliance.

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 3
764-1173

1989

State of Connecticut
JUDICIAL DEPARTMENT
OFFICE OF THE CHIEF COURT ADMINISTRATOR
Drawer N, Station A
Hartford, Connecticut 06106

HOUSE BILL NO. 7401 - AN ACT CONCERNING HOUSING MATTERS

TESTIMONY OF FRANCES Z. CALAFIORE, ESQ.

MARCH 6, 1989

This testimony is in support of House Bill No. 7401, An Act Concerning Housing Matters.

This bill is designed to clarify certain aspects of housing law and procedure. In addition, it codifies several universally held decisions issued by judges of the Superior Court.

Section 1 eliminates the ambiguity in the term dwelling unit. It clarifies that a dwelling unit is still deemed a dwelling unit even when vacant. It, also, conforms to C.G.S. 19a-355, Tenement House Act, regarding the definition of an apartment.

Section 2 clarifies the fact that, in addition to housing and health codes, other municipal codes also pertaining to housing and health may be the basis of a complaint under Section 47a-14h; that separate entry fees are necessary for each action filed under Section 47a-14h,

even if those actions are filed on the same day and involve the same building. It, also, gives the court the power to dismiss a case on its own motion, after notice and hearing, when rent payments are not made to the clerk of the court. Additionally, it removes the clerk's office obligation to notify the landlord each time a rent payment is made or missed. Finally, it clarifies the fact that a judgment may enter in the matter once all violations have been corrected.

Section 3 codifies case law requiring the landlord to deliver a written notice to the tenant prior to the commencement of a summary process action in certain types of situations, as outlined in the section.

Section 4 establishes a separate grace period for week-to-week tenancies, in order to clarify the time period within which a landlord may bring a summary process action for nonpayment of rent in week-to-week tenancies.

Sections 5 and 6 clarify the language regarding the rights of entry by the tenant and landlord, respectively, into the dwelling unit.

Section 7 clarifies and organizes the exclusive reasons for issuing a Notice to Quit. It, also, changes case law to provide that, after the expiration of a lease term, a tenant must be evicted for "termination of lease by lapse of time," rather than for "no right or privilege to occupy."

Section 8 requires that all Motions for Use and Occupancy payments shall be filed on a standard form, which provides notice to the tenant of his or her right to object both before and after issuance of the order. Additionally, it clarifies the amount of money a tenant in a subsidized rental must deposit with the court as only that portion of the subsidized rent actually paid by the tenant.

Section 9 clarifies who may make a claim of exemption from a summary process action, when such claim may be made, and identifies the exclusive grounds for making a claim. It, also, clarifies the procedure after a claim of exemption is granted.

Section 10 gives nontransient roomers the same rights as other tenants to apply for a stay of execution in summary process matters.

Section 11 permits the court to approve resort to the housing receivership revolving fund to meet expenses incurred by a receiver of rents for residential premises.

Section 12 makes it clear that evictions from cooperative housing follow the rules for residential evictions, rather than the rules for commercial evictions.

Section 13 makes it clear that a utility receivership is subordinate to other types of residential receiverships involving the making of necessary repairs to residential rental property.

H.B. 7401 -- Landlord-tenant amendments

APPROVAL OF THE BILL (two amendments requested)

The bill, which is sponsored by the Judicial Department, makes a number of minor or clarifying changes in the landlord-tenant laws. These include clarifying the grounds for eviction which may be stated on a notice to quit (§7), reducing the grace period for rent payment on weekly tenancies to four days (§4), clarifying payment into court procedures (§2 and §8), codifying trial and appellate court decisions that the warning notice of §47a-15 is mandatory (§3), clarifying cumbersome language or incomplete definitions (§5, §6, and §1), clarifying eviction procedures regarding an occupant who was not named in the complaint (§9), correcting internal conflicts between §47-258 and §47a-24 regarding residents of cooperative housing (§12) and between §47a-36 and §47a-2 regarding non-transient roomers (§10), and clarifying receivership procedures (§11 and §13).

Two changes should be made in the bill: (1) The language used in §2 and §8, which concerns payments into court when the tenant's rent is being paid by a governmental entity, should be repeated in §47a-35a, which deals with such payments when a case goes on appeal; and (2) in §9, use of a simplified claim form should be permitted at any time up to execution. Present law allows use of a simple form before issuance of execution but requires a cumbersome injunctive action after issuance. There is no sound reason for this distinction. The proposed change in §9 appears below.

PROPOSED AMENDMENT #2 TO H.B. 7401
L. 371-387 of the bill
Underlining shows areas of change from H.B. 7401

(c) Any [person] OCCUPANT NOT NAMED IN THE ACTION who claims not to be subject to [a] THE summary process [judgment] ACTION BECAUSE HIS OCCUPANCY COMMENCED PRIOR TO SERVICE OF THE NOTICE TO QUIT OR HIS OCCUPANCY COMMENCED OR CONTINUED WITH THE CONSENT OF THE PLAINTIFF OR UNDER A RIGHT TO OCCUPY EQUAL OR SUPERIOR TO THE RIGHTS OF THE PLAINTIFF may, at any time before or after judgment [but prior to issuance of an execution], file[,] under oath[,] a claim of exemption from such [judgment] ACTION. The [judicial department] OFFICE OF THE CHIEF COURT ADMINISTRATOR shall prescribe a form upon which such claim can be made, which form shall be in clear and simple language and in readable format. Upon the filing of such a claim, the clerk shall schedule a hearing, which shall be held not more than seven days after the date of filing. Execution shall not issue, OR, IF ALREADY ISSUED, SHALL BE STAYED, until the court renders its decision on the claim, PROVIDED THAT SUCH STAY SHALL NOT BE EFFECTIVE UNTIL THE CLAIMANT HAS NOTIFIED THE PLAINTIFF, THE PLAINTIFF'S ATTORNEY OR AGENT, OR THE OFFICER EXECUTING THE JUDGMENT OF THE FILING OF THE CLAIM. [If the claimant is a person not named in the judgment,] THE CLAIMANT SHALL HAVE the burden of proof [shall be on the occupant] to show that his occupancy commenced...