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Author:



Gregory P. Muccilli
(203) 836-2806
gmuccilli@goodwin.com

Recent Updates to Connecticut Statutory Landlord/Tenant Law

This past legislative session of the Connecticut General Assembly saw assorted legislation that collectively seeks to further regulate the conduct of landlords, who already must navigate an often cumbersome and confusing array of laws and regulations, particularly with regard to those landlords who engage in multi-family residential leasing. A handful of new laws involving security deposits, foreclosed leasehold interests, substitute housing and the disposition of deceased tenant's belongings have been signed by the governor and will become law on October 1, 2017.

Security Deposits

Under Connecticut law, a security deposit is any advance rental payment, except for an advance rental payment for the first month's rent or a deposit for a key or any special equipment. In the case of a residential tenant under sixty-two years of age, a landlord cannot demand a security deposit in an amount that exceeds two months' rent. For a tenant sixty-two years of age or older, a landlord cannot demand a security deposit that exceeds one month's rent. Under Public Act 17-236 [https://cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill_num=HB07019&which_year=2017], if a landlord has received a security deposit in an amount that exceeds one month's rent from a tenant who then turns sixty-two, the landlord must return the portion of the security deposit that exceeds one month's rent upon the tenant's request.

Importantly, there is no stated right in this Act to inspect the premises prior to returning the excess security deposit to the tenant, and it does not appear as though this requirement can be waived by the terms of the lease. Thus, if a tenant makes a request for the return of the excess security deposit, the landlord must comply. As with the return of security deposits generally, violating this Act could lead to punitive damages and potential criminal charges.

Foreclosure

Public Act 17-26 [<https://www.cga.ct.gov/2017/act/pa/pdf/2017PA-00026-R00HB-07015-PA.pdf>], subjects foreclosed landlords to the penalties for larceny if they continue to collect rent after their right to redeem the property has been foreclosed. This Act affects commercial and residential rental properties alike. Depending on the amount of rent involved, penalties for violating this Act vary from a Class B Felony to a Class C Misdemeanor, all of which can include jail time as a penalty.



Substitute Housing

Public Act 17-171 [<https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00171-R00HB-06881-PA.pdf>] makes a minor, but still more landlord-restrictive, change by reducing the amount of time from two business days to forty-eight hours that a landlord has to procure reasonable substitute housing for a tenant in the event that utilities or other essential services as required by a lease are suspended or fail to be provided to the premises.

Possessions of Deceased Tenants

It has long been the case that the disposition of a deceased tenant's belongings is not an easy task for a landlord. Public Act 17-22 [<https://www.cga.ct.gov/2017/act/pa/pdf/2017PA-00022-R00SB-00923-PA.pdf>] seeks to make such a task simpler by amending the statutory scheme by which a landlord may remove a deceased occupant's possessions without the need to bring a summary process action. This Act provides that occupants may now designate an emergency contact and, upon the death of that occupant (so long as that occupant is the sole occupant of the dwelling), the landlord must send a notice to the emergency contact and the deceased tenant's next of kin (if known), including the landlord's telephone number and mailing address and the telephone number of the relevant probate court.

Landlords should strongly consider requiring the identification of an emergency contact in all residential lease forms. By naming an emergency contact, the landlord can potentially save the costs of having to secure and pay for additional services in the removal, storage and sale of the possessions which, invariably, wind up being charged to the landlord without real recourse for the landlord to recover his or her costs.

Questions or Information:

For more information on the landlord/tenant law, please contact Greg Muccilli at (203) 836-2806 or gmuccilli@goodwin.com.

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289 Greenwich Avenue
Greenwich, CT 06830-6595
203-869-5600

One Constitution Plaza
Hartford, CT 06103-1919
860-251-5000

265 Church Street - Suite 1207
New Haven, CT 06510-7013
203-836-2801

400 Park Avenue - Fifth Floor
New York, NY 10022-4406
212-376-3010

300 Atlantic Street
Stamford, CT 06901-3522
203-324-8100

1875 K St., NW - Suite 600
Washington, DC 20006-1251
202-469-7750

www.shipmangoodwin.com