



CONNECTICUT ADVISORY COUNCIL ON HOUSING MATTERS



Reply to: 16 Main St., 2nd floor
New Britain, CT 06051
860-616-4472

Notice of the next Advisory Council meeting

2:00 pm
Wednesday, September 14, 2016
Connecticut Bar Association
30 Bank St., New Britain

NOTE CHANGE IN MEETING LOCATION.

Minutes of the meeting of June 8, 2016

Council Members present: Mary Conklin, Richard DeParle, Kathy Flaherty, Venoal Fountain, Friedrich M. Helisch, Jane Kinney-Knotek, Houston Putnam Lowry, Carl Lupinacci, Stephanie Ma, David Pels, Raphael Podolsky, J.L. Pottenger, Jr., Lynn Taborsak, Richard Tenenbaum, Juan Verdu

Council members absent: Loo Dahlke, John W. Rowland, Margaret Suib

Also present: Roberta Palmer, Cynthia Palmer, Steve Lesko, Judith Dicine

The meeting was called to order by the Chairperson, Raphael Podolsky, at 2:14 pm at Library Commons Room (2nd floor), Quinnipiac University Law School, 370 Bassett Road, North Haven.

1. Preliminary matters
 - a. Approval of agenda – The agenda was approved unanimously (motion by Houston Putnam Lowry, second by Lynn Taborsak).
 - b. Approval of the minutes – The minutes of the March 9, 2016 meeting were approved unanimously (motion by Houston Putnam Lowry, second by Mary Conklin)
2. Public comment – none
3. Prosecution and Anti-Blight Committee (moved from Agenda Item #5(c)):
 - a. Per Jane Kinney-Knotek, the committee has not met but will meet before the next CACHM meeting.
 - b. Judith Dicine reported that due to budget cuts, she has lost the per diem housing prosecutor in Danielson. All per diem prosecutors in the Criminal Justice Division were released the same day. Atty. Dicine will be covering Danielson as needed. Municipal officials in the Danielson district will be given her phone number. There may be additional layoffs, but no other housing prosecutor position is presently at risk. A question was raised as to whether there can be a single number for municipal officials and others to call, which would roll over

- to whoever is covering. It is not possible at the present time – staff will redirect people to Atty. Dicine. However, she will raise this idea with the new State’s Attorney for that area.
- c. SHIP coalition – Activities are moving forward. Eversource held a roundtable meeting with entities that might be able to provide funding. Q: How would this money be used? The idea is to promote prevention, compliance, and a facilitated process. CCM is on board. A hoarding conference was held in May. There will be a training on June 21 for municipal officials and mental health personnel (already oversubscribed). The Connecticut Department of Public Health is filming and making the session available to watch at www.ct.train.org.
 - d. A bedbug bill and a hoarding task force bill both passed the legislature and have been signed by the Governor.
 - e. The Chairperson received a question from a legislator regarding using the Community Reinvestment Act to encourage bank lending for lead abatement. SHIP has not so far explored this possibility.
 - f. Statewide Property Maintenance Code for existing structures. Connecticut has a building code that applies to new and substantial rehab. The Fire Safety Code applies to all buildings. The state health code applies to new and existing. Atty. Dicine expects that a bill to adopt a state property maintenance code will be submitted by one of the state agencies in the next legislative session, but needs support from municipalities, public health and the applicable state agency.
4. (Agenda Item 3) Carry over business – update from March meeting
 - a. Hartford/New Britain backlog – There is presently no backlog. Hartford often has same-day trials. Judge Cohen is handling the New Britain docket; Judge Rubinow is in Hartford five days/week. There has been no backlog in New Britain either after the limit on the number of cases on each docket was removed.
 - b. State legislation – The chairperson distributed copies of four bills that passed this year’s General Assembly (attached as Appendix A):
 - i. P.A. 16-16: Fair housing (CHRO has to prepare one-page information form – attached as Appendix B)
 - ii. Special Act 16-2: Hoarding task force (report due January 1, appointments due by June 23)
 - iii. P.A. 16-51: Bed bug bill (sets up process and timeline, allocates responsibility; moving from a fault-based analysis to a public health analysis)
 - iv. P.A. 16-65, Section 37: Security deposits (requires escrow account notice)
 5. (Agenda Item 4) Impact of state budget cutbacks on housing courts (Roberta Palmer)
 - a. There was an enormous \$75 million reduction to the Judicial Branch budget. A large part will come from personal services. 51 temporary assistant clerks (TACs) have been laid off effective June 23. They also laid off 10 caseload coordinators. These layoffs will have a major impact on the clerks’ offices. These are not necessarily the final layoffs; it is not clear what else will happen. The Hartford Housing Session lost two of its three TACs. There are certain positions that are statutorily mandated, but it may be a while before they are filled.

Final decisions about courthouse closures have not yet been made. Ms. Palmer will be overseeing housing court system.

6. (Agenda Item 5) Committee updates

a. Electronics Committee – no update from committee

i. David Pels reported he had an issue with e-filing. When dockets were printed out, they showed only the name of the first defendant, not of all defendants, so that the names of some defendants weren't being called in court. This has now been fixed.

ii. Potential projects

A. Computer fields and research – The purpose is to work with the Judicial Branch to make sure that the computer system has sufficient data fields so that data can be sorted effectively for research. Houston Putnam Lowry, J.L. Pottenger Jr. , and Rafie Podolsky (ex officio) agreed to participate. The work will remain part of the Electronics Committee.

B. Access to records – The purpose is to examine how to minimize the risk that public access to housing data online will result in improper denial of housing to applicants. This work will be handled by an ad hoc committee. The following were appointed: Lynn Taborsak (convenor), Venol Fountain, J.L. Pottenger, Jr., David Pels, Mary Conklin, and Rafie Podolsky (ex officio).

b. Small Claims Committee – no update

c. Prosecution and Anti-blight Committee (see 3, above)

7. (Agenda Item 6) Matters previously tabled

a. Council role in judicial assignments – tabled to the September meeting.

b. Evasion of abandonment statute – tabled indefinitely.

c. Staffing matters – tabled indefinitely.

d. New Haven foreclosure docket -- tabled to the September meeting. Atty. Pottenger reports that Yale Law School Foreclosure Clinic students cover the New Haven foreclosure docket and that it is not necessarily a problem for the housing court judge to handle that docket.

8. (Agenda Item 7) Other business –

a. Cynthia Teixeira is retiring at the end of June. Council members thanked her for her dedicated service to the housing courts and the people of Connecticut.

b. Next meeting – September 14, 2016

c. The next biennial report is due the first day of the next legislative session. The chairperson will prepare a first draft for review and discussion at the September meeting.

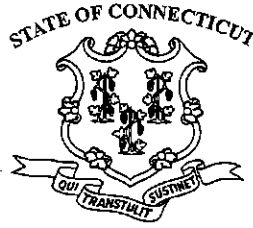
9. (Agenda Item 8) Adjournment

a. The meeting adjourned at 4:05 pm (motion by Lynn Taborsak, second by Juan Verdu).

Respectfully submitted,

Kathleen Flaherty
Secretary

APPENDIX A



Substitute Senate Bill No. 152

Public Act No. 16-16

AN ACT CONCERNING THE DISCLOSURE OF HOUSING DISCRIMINATION AND FAIR HOUSING LAWS.

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

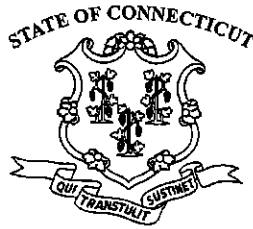
Section 1. (NEW) (*Effective from passage*) (a) On or before July 1, 2016, the Commission on Human Rights and Opportunities shall create a one-page disclosure form, written in plain language and in an easily readable and understandable format, containing information on housing discrimination and federal and state fair housing laws, and make such disclosure form available to the public on the Internet web site for the Commission on Human Rights and Opportunities. Said commission shall review and update this disclosure form as necessary.

(b) Commencing sixty days after the date on which the Commission on Human Rights and Opportunities makes a disclosure form available pursuant to subsection (a) of this section, each person who offers a residential property containing two or more units in the state for sale, exchange or for lease with option to buy shall attach a photocopy, duplicate original, facsimile transmission or other exact reproduction or duplicate of such disclosure form, signed by the prospective purchaser, to any purchase agreement, option or lease containing a purchase option, at the time of closing.

Substitute Senate Bill No. 152

(c) Failure on the part of the person who offers the property for sale, exchange or lease with option to buy to attach the disclosure form required by subsection (b) of this section shall not void an otherwise valid purchase agreement, option or lease containing a purchase option.

Approved May 6, 2016



Substitute Senate Bill No. 119

Special Act No. 16-2

AN ACT ESTABLISHING A TASK FORCE TO STUDY HOARDING.

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

Section 1. (*Effective from passage*) (a) There is established a task force to study issues concerning hoarding. The task force shall (1) review current methods used by various public agencies to address hoarding, (2) identify barriers faced by public agencies to intervene and assist persons who compulsively hoard, (3) create a framework to coordinate the efforts among state and local public agencies to address the public safety and health issues associated with hoarding, and (4) study whether it is permissible to waive a period of Medicaid ineligibility with regard to an individual who compulsively hoards and whose assets have been discovered after such individual applies for Medicaid.

(b) The task force shall consist of the following members:

(1) Two appointed by the speaker of the House of Representatives, one of whom shall be a member of the Connecticut Fire Marshals Association and one of whom shall be an attorney with experience representing municipalities;

(2) Two appointed by the president pro tempore of the Senate, one of whom shall be a member of the Connecticut Police Chiefs

Substitute Senate Bill No. 119

Association and one of whom shall represent the Connecticut Conference of Municipalities;

(3) One appointed by the majority leader of the House of Representatives, who shall be a representative of the legal aid assistance programs in the state;

(4) One appointed by the majority leader of the Senate, who shall be a representative of a mental health advocacy center;

(5) Two appointed by the minority leader of the House of Representatives, one of whom shall be a local building inspector and one of whom shall represent residential landlords;

(6) Two appointed by the minority leader of the Senate, one of whom shall be a local animal control officer and one of whom shall be a representative of a residential real estate management company;

(7) Three appointed by the Governor, one of whom shall be a physician with experience in treating persons with compulsive disorders, one of whom shall be a representative of a municipal human services department and one of whom shall be a local health director;

(8) The Commissioner of Emergency Services and Public Protection, or the commissioner's designee;

(9) The Commissioner on Aging, or the commissioner's designee;

(10) The Commissioner of Public Health, or the commissioner's designee;

(11) The Commissioner of Mental Health and Addiction Services, or the commissioner's designee;

(12) The Commissioner of Social Services, or the commissioner's designee;

Substitute Senate Bill No. 119

- (13) The Chief's State Attorney, or his or her designee;
- (14) The State Building Inspector, or his or her designee;
- (15) The State Fire Marshal, or his or her designee;
- (16) The Chief Animal Control Officer, or his or her designee; and
- (17) The executive director of the Commission on Aging, or the executive director's designee.

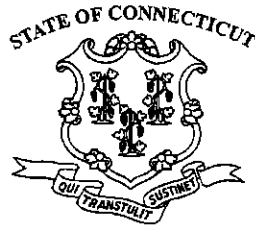
(c) All appointments to the task force shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(d) The speaker of the House of Representatives and the president pro tempore of the Senate shall select the chairpersons of the task force from among the members of the task force. Such chairpersons shall schedule the first meeting of the task force, which shall be held not later than sixty days after the effective date of this section.

(e) The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to public safety and security shall serve as administrative staff of the task force.

(f) Not later than January 1, 2017, the task force shall submit a report on its findings and recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to public safety and security, in accordance with the provisions of section 11-4a of the general statutes. The task force shall terminate on the date that it submits such report or January 1, 2017, whichever is later.

Approved May 23, 2016



House Bill No. 5335

Public Act No. 16-51

**AN ACT CONCERNING THE RIGHTS AND RESPONSIBILITIES OF
LANDLORDS AND TENANTS REGARDING THE TREATMENT OF
BED BUG INFESTATIONS.**

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

Section 1. (NEW) (*Effective October 1, 2016*) (a) As used in this section:

(1) "Certified applicator" means an individual who is certified, in accordance with section 22a-54 of the general statutes, by the Commissioner of Energy and Environmental Protection to perform application within this state of a pesticide or class of pesticides;

(2) "Bed bug" means the common bed bug (*Cimex lectularius*);

(3) "Bed bug detection team" means a scent detection canine team that holds a current, independent, third-party certification in accordance with the guidelines for Minimum Standards for Canine Bed Bug Detection Team Certification established by the National Pest Management Association;

(4) "Landlord", "owner", "person" and "tenant" have the same meanings as in section 47a-1 of the general statutes;

House Bill No. 5335

(5) "Qualified inspector" means a certified applicator, local health department official or bed bug detection team retained by a landlord to conduct an inspection for an infestation of bed bugs;

(6) "Pest control agent" means a person who is a certified applicator or who is otherwise specially licensed or qualified to treat bed bug infestations; and

(7) "Dwelling unit" means a unit other than a single-family unattached unit that is occupied as a home or residence for one or more persons.

(b) (1) A tenant shall promptly notify a landlord orally or in writing when the tenant knows or reasonably suspects that the tenant's dwelling unit is infested with bed bugs. Not later than five business days after receiving such notice, the landlord shall inspect or obtain an inspection by a qualified inspector of the dwelling unit and any contiguous unit of which the landlord is an owner, lessor or sublessor, and may enter any such dwelling unit or contiguous unit for the purpose of conducting such inspection as provided in subparagraph (A) of subdivision (2) of this subsection. If the landlord conducts the inspection, the landlord must provide written notice to the tenant within two days indicating whether or not the unit is infested with bed bugs. The notice shall inform the tenant that, if the tenant is still concerned that the unit is infested with bed bugs, the tenant may contact the local health department and shall provide relevant contact information on said notice. If the inspection determines that any such dwelling unit or contiguous unit is infested with bed bugs, the landlord shall, not later than five business days after the date of the inspection, take reasonable measures, as determined by such qualified inspector, to effectively treat the bed bug infestation, including treating or retaining the services of a pest control agent to treat the dwelling unit and any contiguous unit of which the landlord is an owner, lessor or sublessor, except the landlord may first attempt to effectively treat

House Bill No. 5335

such infestation. If the landlord treats such bed bug infestation without retaining the services of a pest control agent, the landlord shall first vacuum the areas to be treated and shall, not later than five business days after the date of such treatment, obtain an inspection of any treated unit by a qualified inspector. If the qualified inspector determines that any such unit is not infested with bed bugs, the qualified inspector shall provide the landlord with a written certification of such determination. If the qualified inspector determines that any such unit is infested with bed bugs, the landlord shall, not later than five business days after the date of such inspection, retain the services of a pest control agent. Except as otherwise provided in this section, the landlord shall be responsible for all costs associated with inspection for and treatment of a bed bug infestation. Nothing in this section shall be construed to preclude a tenant from contacting any agency at any time concerning an infestation of bed bugs.

(2) (A) Upon reasonable written or oral notice to a tenant in accordance with the provisions of section 47a-16 of the general statutes that a landlord, qualified inspector or pest control agent must enter a dwelling unit for the purpose of conducting an inspection for, or treating an infestation of, bed bugs, a tenant shall not unreasonably withhold access to the dwelling unit. Any entry to a dwelling unit shall be made in accordance with the provisions of section 47a-16 of the general statutes.

(B) The landlord or qualified inspector may initially conduct a visual and manual inspection of the tenant's bedding and upholstered furniture. The landlord or qualified inspector may inspect items other than bedding and upholstered furniture when such landlord or qualified inspector determines that such an inspection is necessary and reasonable. If the landlord or qualified inspector finds bed bugs in the dwelling unit or in any contiguous unit of which the landlord is an

House Bill No. 5335

owner, lessor or sublessor, such landlord or qualified inspector may have such additional access to the tenant's personal belongings as the landlord or qualified inspector determines is necessary and reasonable. A tenant shall comply with reasonable measures to permit the inspection and treatment of a bed bug infestation as determined by the landlord and qualified inspector or pest control agent, and such tenant shall be responsible for all costs associated with preparing a dwelling unit for such inspection and treatment. The tenant's knowing and unreasonable failure to comply with such bed bug inspection and treatment measures shall result in the tenant being held liable for those bed bug treatments of the dwelling unit and contiguous units arising from such failure.

(C) Whenever any furniture, clothing, equipment or personal property belonging to a tenant is found to be infested with bed bugs, such furniture, clothing, equipment or personal property shall not be removed from the dwelling unit until a pest control agent determines that a bed bug treatment has been completed, or until the landlord approves of such removal.

(3) (A) A landlord shall offer to make reasonable assistance available to a tenant who is not physically able to comply with preparation for any bed bug inspection or treatment measures that are the tenant's responsibility under this section. The landlord shall disclose to the tenant the cost, if any, of providing such assistance to the tenant. The landlord may, at the landlord's discretion, charge the tenant a reasonable amount for any such assistance, provided such charge is subject to a reasonable repayment schedule not to exceed six months, unless the landlord and tenant agree to one or more extensions of such repayment schedule. A tenant's failure to agree to any such charges or repayment schedule shall not relieve the landlord of the duty to treat the dwelling unit.

(B) A tenant's failure to make any payment required pursuant to a

House Bill No. 5335

repayment schedule shall not be the basis for a summary process action initiated pursuant to chapter 832 of the general statutes. At the termination of a tenancy, a landlord may deduct any remaining payments owed under a repayment schedule from a security deposit in accordance with the provisions of section 47a-21 of the general statutes.

(C) Nothing in this section shall be construed to require a landlord to provide a tenant with alternative lodging or to pay to replace the tenant's personal property. Nothing in this section shall be construed to preempt or restrict application of the provisions of chapter 814c of the general statutes or any other state or federal law concerning reasonable accommodations for persons with disabilities.

(c) No landlord shall offer for rent a dwelling unit that the landlord knows or reasonably suspects is infested with bed bugs. Before renting a dwelling unit, a landlord shall disclose to a prospective tenant whether the unit the landlord is offering for rent or any contiguous unit of which the landlord is an owner, lessor or sublessor is currently infested with bed bugs. Upon request from a tenant or prospective tenant, a landlord shall disclose the last date on which the dwelling unit being rented or offered for rent was inspected for, and found to be free of, a bed bug infestation.

(d) (1) If any landlord fails to comply with the provisions of this section, then any tenant may proceed as provided in section 47a-12 of the general statutes or section 47a-14h of the general statutes, as amended by this act. Any landlord who fails to comply with the provisions of this section shall be liable to the tenant for reasonable attorneys' fees and the greater of two hundred fifty dollars or the tenant's actual damages.

(2) A landlord may apply to the Superior Court to obtain injunctive relief in accordance with section 47a-18 of the general statutes and to

House Bill No. 5335

obtain such other relief as may be appropriate against a tenant who (A) refuses to provide reasonable access to a dwelling unit, (B) fails to comply with reasonable requests for inspection or treatment of a dwelling unit, or (C) fails to implement reasonable inspection and treatment measures required pursuant to subsection (b) of this section. The entry fee for such an action shall be the same as the entry fee for a small claims case. If a court finds that a tenant has unreasonably failed to comply with this section, the court may issue a temporary order or interim relief to carry out the provisions of this section, including, but not limited to: (i) Granting the landlord access to the dwelling unit for the purposes set forth in this section; (ii) granting the landlord the right to engage in bed bug inspection and treatment measures; and (iii) requiring the tenant to comply with specific bed bug inspection and treatment measures or assessing the tenant with costs and damages related to the tenant's noncompliance. Any order granting a landlord access to a dwelling unit shall be served upon the tenant at least twenty-four hours before a landlord, qualified inspector or pest control agent enters the dwelling unit.

(3) The remedies in this section shall be in addition to any other remedies available at law, or in equity, to any person. This section shall not be construed to limit or restrict the authority of any state or local housing or health code enforcement agency.

Sec. 2. Subsections (a) and (b) of section 47a-14h of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) Any tenant who claims that [his] the landlord has failed to perform his or her legal duties, as required by section 47a-7, [or] subdivisions (1) to (13), inclusive, of subsection (a) of section 21-82 or section 1 of this act, may institute an action in the superior court having jurisdiction over housing matters in the judicial district in which [he] such tenant resides to obtain the relief authorized by this

House Bill No. 5335

section, [and] sections 47a-20 and 47a-68 and section 1 of this act. No tenant may institute an action under this section if a valid notice to quit possession or occupancy based upon nonpayment of rent has been served on [him] such tenant prior to [his] the institution of an action under this section or if a valid notice to quit possession or occupancy based on any other ground has been served on [him] such tenant prior to [his] such tenant making the complaint to the agency referred to in subsection (b) of this section, provided any such notice to quit is still effective.

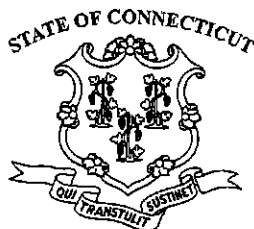
(b) The action shall be instituted by filing a complaint, under oath, with the clerk of the court. The complaint shall allege (1) the name of the tenant; (2) the name of the landlord; (3) the address of the premises; (4) the nature of the alleged violation of section 47a-7, subsection (a) of section 21-82 or section 1 of this act; and (5) the dates when rent is due under the rental agreement and the amount due on such dates. The complaint shall also allege that at least twenty-one days prior to the date on which the complaint is filed, the tenant made a complaint concerning the premises to the municipal agency, in the municipality where the premises are located, responsible for enforcement of the housing code or, if no housing code exists, of the public health code, or to the agency responsible for enforcement of the code or ordinance alleged to have been violated, or to another municipal agency which referred such complaint to the municipal agency responsible for enforcement of such code or ordinance. In the case of a mobile manufactured home located in a mobile manufactured home park, such complaint may be made to the Commissioner of Consumer Protection. The entry fee shall be twenty-five dollars, which may be waived in accordance with section 52-259b. Such entry fee shall be a taxable cost of the action. If, on the same day, more than one tenant from the same building or complex institutes an action under this section and pays the entry fee for such action, unless such fee is waived, the actions shall be treated as a single action. No recognizance

House Bill No. 5335

or bond shall be required.

Sec. 3. (NEW) (*Effective October 1, 2016*) The Connecticut Agricultural Experiment Station, in consultation with the Department of Public Health and the Department of Energy and Environmental Protection, shall, within available appropriations, develop and publish best practices and guidelines that identify the most effective and least burdensome methods of investigating and treating bed bug infestations.

Approved May 26, 2016



Substitute House Bill No. 5571

Public Act No. 16-65

AN ACT CONCERNING BANKING AND CONSUMER PROTECTIONS.

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

Sec. 37. Section 47a-21 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(a) As used in this chapter:

(1) "Accrued interest" means the interest due on a security deposit as provided in subsection (i) of this section, compounded annually to the extent applicable.

[(1)] (2) "Commissioner" means the Banking Commissioner.

[(2)] (3) "Escrow account" means any account at a financial institution which is not subject to execution by the creditors of the [person in whose name such account is maintained] escrow agent and includes a clients' funds account.

[(3)] (4) "Escrow agent" means the person in whose name an escrow account [, including a clients' funds account,] is maintained.

[(4)] (5) "Financial institution" means any state bank and trust company, national bank, savings bank, federal savings bank, savings and loan association, and federal savings and loan association that is located in this state.

[(5)] (6) "Forwarding address" means the address to which a security deposit may be mailed for delivery to a former tenant.

[(6)] (7) "Landlord" means any landlord of residential real property,

Substitute House Bill No. 5571

and includes (A) any receiver; (B) any [person who is a] successor; [to a landlord or to a landlord's interest;] and (C) any tenant who sublets his premises.

[(7)] (8) "Receiver" means any person who is appointed or authorized by any state, federal or probate court to receive rents from tenants, and includes trustees, executors, administrators, guardians, conservators, receivers, and receivers of rent.

[(8)] (9) "Rent receiver" means a receiver who lacks court authorization to return security deposits and to inspect the premises of tenants and former tenants.

[(9)] (10) "Residential real property" means real property containing one or more residential units, including residential units not owned by the landlord, and containing one or more tenants who paid a security deposit.

[(10)] (11) "Security deposit" means any advance rental payment, [other than] except an advance payment for the first month's rent [and] or a deposit for a key or any special equipment.

[(11)] (12) "Successor" [to a landlord or to a landlord's interest] means any person who succeeds to a landlord's interest whether by purchase, foreclosure or otherwise and includes a receiver.

[(12)] (13) "Tenant" means a tenant, as defined in section 47a-1, or a resident, as defined in section 21-64.

[(13)] (14) "Tenant's obligations" means (A) the amount of any rental or utility payment due the landlord from a tenant; and (B) a tenant's obligations under the provisions of section 47a-11.

(b) (1) In the case of a tenant under sixty-two years of age, a landlord shall not demand a security deposit in an amount [or value in

Substitute House Bill No. 5571

excess of] that exceeds two months' [periodic rent which may be in addition to the current month's] rent.

(2) In the case of a tenant sixty-two years of age or older, a landlord shall not demand a security deposit in an amount [or value in excess of] that exceeds one month's [periodic rent, which may be in addition to the current month's rent. Upon the request of a tenant sixty-two years of age or older, any landlord who has received from such tenant a security deposit in an amount or value in excess of one month's periodic rent shall refund to such tenant the portion of such security deposit that exceeds one month's periodic] rent.

(c) Any security deposit paid by a tenant shall remain the property of such tenant in which the landlord [and his successor] shall have a security interest, as defined in subdivision (35) of subsection (b) of section 42a-1-201, to secure such tenant's obligations. A security deposit shall be exempt from attachment and execution by the creditors of the landlord [or his successor] and shall not be considered part of the estate of the landlord [or his successor] in any legal proceeding. Any voluntary or involuntary transfer of a landlord's interest in residential real [estate] property to a successor shall constitute an assignment to such successor of such landlord's security interest in all security deposits paid by tenants of such transferred residential real [estate] property.

(d) (1) [Within] Not later than the time specified in [subdivisions] subdivision (2) [and (4)] of this subsection, the person who is the landlord at the time a tenancy is terminated, other than a rent receiver, shall pay to the tenant or former tenant: (A) The amount of any security deposit that was deposited by the tenant with the person who was landlord at the time such security deposit was deposited less the value of any damages [which] that any person who was a landlord of such premises at any time during the tenancy of such tenant has suffered as a result of such tenant's failure to comply with such

Substitute House Bill No. 5571

tenant's obligations; and (B) any accrued interest, [due on such security deposit as required by subsection (i) of this section.] If the landlord at the time of termination of a tenancy is a rent receiver, such rent receiver shall return security deposits in accordance with the provisions of subdivision (3) of this subsection.

(2) Upon termination of a tenancy, any tenant may notify [his] the landlord in writing of such tenant's forwarding address. [Within] Not later than thirty days after termination of a tenancy or fifteen days after receiving written notification of such tenant's forwarding address, whichever is later, each landlord other than a rent receiver shall deliver to the tenant or former tenant at such forwarding address either (A) the full amount of the security deposit paid by such tenant plus accrued interest, [as provided in subsection (i) of this section,] or (B) the balance of [the] such security deposit [paid by such tenant plus] and accrued interest [as provided in subsection (i) of this section] after deduction for any damages suffered by such landlord by reason of such tenant's failure to comply with such tenant's obligations, together with a written statement itemizing the nature and amount of such damages. Any [such] landlord who violates any provision of this subsection shall be liable for twice the amount [or value] of any security deposit paid by such tenant, except that, if the only violation is the failure to deliver the accrued interest, such landlord shall [only] be liable for ten dollars or twice the amount of [such] the accrued interest, whichever is greater.

(3) (A) Any receiver who is authorized by [the] a court [appointing him receiver] to return security deposits and to inspect the premises of any tenant shall pay security deposits and accrued interest in accordance with the provisions of subdivisions (1) and (2) of this subsection from the operating income of such receivership to the extent that any such payments exceed the amount in any escrow accounts for such tenants. (B) Any rent receiver shall present any claim

Substitute House Bill No. 5571

by any tenant for return of a security deposit to the court which authorized [him to be a] the rent receiver. Such court shall determine the validity of any such claim and shall direct such rent receiver to pay from the escrow account or from the operating income of such property the amount due such tenant as determined by such court.

[(4) Any landlord who does not have written notice of his tenant's or former tenant's forwarding address shall deliver any written statement and security deposit due to the tenant, as required by subdivision (2) of this subsection, within the time required by subdivision (2) of this subsection or within fifteen days after receiving written notice of such tenant's forwarding address, whichever is later.]

(e) A successor, other than a receiver, [to a landlord's interest in residential real property] shall be liable for the claims of tenants of such property for return of any part of such security deposit which is or becomes due to such tenant during the time such successor is a landlord. A receiver's liability for payment of security deposits and interest under this section shall be limited to the balance in any escrow account for such tenants maintained by such receiver in such receivership in accordance with subsection (h) of this section and to the operating income generated in such receivership.

(f) Any landlord who is not a resident of this state shall appoint in writing the Secretary of the State as [his] the landlord's attorney upon whom all process in any action or proceeding against such landlord may be served.

(g) Any person may bring an action in replevin or for money damages in any court of competent jurisdiction to reclaim any part of [his] such person's security deposit which may be due. This section does not preclude the landlord or tenant from recovering other damages to which [he] the landlord or tenant may be entitled.

Substitute House Bill No. 5571

(h) (1) Each landlord shall immediately deposit the entire amount of [all] any security [deposits] deposit received by [him on or after October 1, 1979, from his tenants] such landlord from each tenant into one or more escrow accounts [for such tenants] established or maintained in a financial institution [. Such landlord shall be escrow agent of such account. Within seven days after a written request by the commissioner for the name of each financial institution in which any such escrow accounts are maintained and the account number of each such escrow account, a landlord shall deliver such requested information to the commissioner. (2)] for the benefit of each tenant. Each landlord [and each successor to the landlord's interest] shall maintain each such account as escrow agent and shall not withdraw [the amount of any security deposit or accrued interest on such amount, as provided in subsection (i) of this section, that is in any escrow account] funds from such account except as provided in [this section] subdivision (2) of this subsection.

(2) The escrow agent may withdraw funds from an escrow account to: (A) Disburse the amount of any security deposit and accrued interest due to a tenant pursuant to subsection (d) of this section; (B) disburse interest to a tenant pursuant to subsection (i) of this section; (C) make a transfer of the entire amount of certain security deposits pursuant to subdivision (3) of this subsection; (D) retain interest credited to the account in excess of the amount of interest payable to the tenant under subsection (i) of this section; (E) retain all or any part of a security deposit and accrued interest after termination of tenancy equal to the damages suffered by the landlord by reason of the tenant's failure to comply with such tenant's obligations; (F) disburse all or any part of the security deposit to a tenant at any time during tenancy; or (G) transfer such funds to another financial institution or escrow account, provided such funds remain continuously in an escrow account.

Substitute House Bill No. 5571

(3) (A) Whenever any real estate is voluntarily or involuntarily transferred from a landlord, other than a receiver, to [his] a successor, including a receiver, such landlord shall withdraw from the escrow account and deliver to [his] the successor the entire amount of security deposits paid by tenants of the property being transferred, plus [accrued] any interest [provided for in] accrued pursuant to subsection (i) of this section. If at the time of transfer of such real estate the funds in such account are commingled with security deposits paid by tenants in real estate not being transferred to such successor, and if at such time the funds in such account are less than the amount of security deposits paid by all tenants whose security deposits are contained in such account, such landlord shall deliver to such successor a pro rata share of security deposits paid by tenants of the real estate being transferred to such successor. [Any successor to a landlord shall immediately deposit the entire amount of funds delivered to him in accordance with this subdivision into an escrow account as provided in subdivision (l) of this subsection and shall maintain such account as escrow agent in accordance with the provisions of this section.] (B) Whenever any real estate is transferred from a receiver to [his] a successor, such receiver shall dispose of the escrow accounts as ordered by the court which appointed [him] such receiver. The order of such court shall provide for the priority of the present and future rights of tenants to security deposits paid by them over the rights of any secured or unsecured creditor of any person and shall provide that the funds in such account shall be delivered to the successor of such receiver for immediate deposit in an escrow account for tenants who paid security deposits.

(4) [No person shall withdraw funds from any escrow account except as follows: (A) Within the time specified in subsection (d) of this section, each escrow agent shall withdraw and disburse the amount of any security deposit due to any tenant upon the termination of such tenancy, in accordance with subsection (d) of this section, together

Substitute House Bill No. 5571

with accrued interest thereon as provided in subsection (i) of this section. (B) At the time provided for in subsection (i) of this section, each escrow agent shall withdraw from such account and pay to each tenant any accrued interest due and payable to any tenant in accordance with the provisions of said subsection. (C) The escrow agent may withdraw and personally retain interest credited to and not previously withdrawn from such account to the extent such interest exceeds the amount of interest being earned by tenants as provided in subsection (i) of this section. (D) The escrow agent may withdraw and personally retain the amount of damages withheld, in accordance with the provisions of subsection (d) of this section, from payment of a security deposit to a tenant. (E) The escrow agent may at any time during a tenancy withdraw and pay to a tenant all or any part of a security deposit together with accrued interest on such amount as provided in subsection (i) of this section. (F) The escrow agent shall withdraw and disburse funds in accordance with the provisions of subdivision (3) of this subsection. (G) The escrow agent may transfer any escrow account from one financial institution to another and may transfer funds from one escrow account to another provided that all security deposits in escrow accounts remain continuously in escrow accounts.] (A) The landlord shall provide each tenant with a written notice stating the amount held for the benefit of the tenant and the name and address of the financial institution at which the tenant's security deposit is being held not later than thirty days after the landlord receives a security deposit from the tenant or the tenant's previous landlord or transfers the security deposit to another financial institution or escrow account.

(B) If the commissioner makes a written request to the landlord for any information related to a tenant's security deposit, including the name of each financial institution in which any escrow account is maintained and the account number of each escrow account, the landlord shall provide such information to the commissioner not later

Substitute House Bill No. 5571

than seven days after the request is made.

(i) [(1)] On and after July 1, 1993, each landlord other than a landlord of a residential unit in any building owned or controlled by any educational institution and used by such institution for the purpose of housing students of such institution and their families, and each landlord or owner of a mobile manufactured home or of a mobile manufactured home space or lot or park, as such terms are defined in subdivisions (1), (2) and (3) of section 21-64, shall pay interest on each security deposit received by such landlord at a rate of not less than the average rate paid, as of December 30, 1992, on savings deposits by insured commercial banks as published in the Federal Reserve Board Bulletin rounded to the nearest one-tenth of one percentage point, except in no event shall the rate be less than one and one-half per cent. On and after January 1, 1994, the rate for each calendar year shall be not less than the deposit index, [as defined in subdivision (2) of this subsection, for that year, except in no event shall the rate be less than one and one-half per cent] determined under this section as it was in effect during such year. On and after January 1, 2012, the rate for each calendar year shall be not less than the deposit index, as defined in [subdivision (2) of this subsection] section 38 of this act, for that year. On the anniversary date of the tenancy and annually thereafter, such interest shall be paid to the tenant or resident or credited toward the next rental payment due from the tenant or resident, as the landlord or owner shall determine. If the tenancy is terminated before the anniversary date of such tenancy, or if the landlord or owner returns all or part of a security deposit prior to termination of the tenancy, the landlord or owner shall pay the accrued interest to the tenant or resident not later than thirty days after such termination or return. [In any case where a tenant or resident] Interest shall not be paid to a tenant for any month in which the tenant has been delinquent for more than ten days in the payment of any monthly rent, [such resident or tenant shall forfeit any interest that would otherwise be payable to

Substitute House Bill No. 5571

such resident or tenant for that month, except that there shall be no such forfeiture if, pursuant to a provision of the rental agreement, a late charge is imposed for failure to pay such rent within the time period provided by section 47a-15a] unless the landlord imposes a late charge for such delinquency. No landlord [or owner] shall increase the rent due [on any quarters or property subject to the provisions of this section] from a tenant because of the requirement that the landlord pay on interest [be paid on any] the security deposit. [made with respect to such quarters or property.]

[(2) The commissioner shall publish the rate that takes effect July 1, 1993, in the Department of Banking news bulletin no later than July 15, 1993. The deposit index for each calendar year shall be equal to the average rate paid on savings deposits by insured commercial banks as last published in the Federal Reserve Board Bulletin in November of the prior year. The commissioner shall determine the deposit index for each calendar year and publish such deposit index in the Department of Banking news bulletin no later than December fifteenth of the prior year. The commissioner shall also cause such rates to be disseminated in a manner designed to come to the attention of landlords and tenants including, but not limited to, the issuance of press releases and public service announcements, the encouragement of news stories in the mass media and the posting of conspicuous notices at financial institutions. For purposes of this subsection, "Federal Reserve Board Bulletin" means the monthly survey of selected deposits published as a special supplement to the Federal Reserve Statistical Release Publication H.6 published by the Board of Governors of the Federal Reserve System or, if such bulletin is superseded or becomes unavailable, a substantially similar index or publication.]

(j) (1) [The] Except as provided in subdivision (2) of this subsection, the commissioner may receive and investigate complaints regarding any alleged violation of subsections (b), (d), (h) or (i) of this section. [

Substitute House Bill No. 5571

provided the commissioner shall not have jurisdiction over the refusal or other failure of any landlord to return all or part of a security deposit if such failure results from the landlord's good faith claim that the landlord has suffered damages as a result of a tenant's failure to comply with such tenant's obligations whether or not the existence or amount of alleged damages is disputed by the tenant. For purposes of this section a good faith claim is deemed to be a claim for actual damages suffered by the landlord for which written notification of such damages has been given to the tenant in accordance with the provisions of subdivisions (1), (2) and (4) of subsection (d) of this section.] For the purposes of such investigation, any person who is or was a landlord shall be subject to the provisions of section 36a-17. [(2)] If the commissioner determines that any landlord has violated any provision of this section over which the commissioner has jurisdiction, the commissioner may, in accordance with section 36a-52, order such person to cease and desist from such practices and to comply with the provisions of this section.

(2) The commissioner shall not have jurisdiction over (A) the failure of a landlord to pay interest to a tenant annually under subsection (i) of this section, or (B) the refusal or other failure of the landlord to return all or part of the security deposit if such failure results from the landlord's good faith claim that such landlord has suffered damages as a result of a tenant's failure to comply with such tenant's obligations, regardless of whether the existence or amount of the alleged damages is disputed by the tenant. For purposes of this section, "good faith claim" means a claim for actual damages suffered by the landlord for which written notification of such damages has been provided to the tenant in accordance with the provisions of subdivision (2) of subsection (d) of this section.

(3) The commissioner may adopt regulations, in accordance with chapter 54, to carry out the purposes of this section.

Substitute House Bill No. 5571

(k) (1) Any person who is a landlord at the time of termination of a tenancy and who knowingly and wilfully fails to pay all or any part of a security deposit when due shall be subject to a fine of not more than two hundred fifty dollars for each offense, provided it shall be an affirmative defense under this subdivision that such failure was caused by such landlord's good faith belief that he was entitled to deduct the value of damages he has suffered as a result of such tenant's failure to comply with such tenant's obligations.

(2) Any person who knowingly and wilfully violates the provisions of subsection (h) of this section on or after October 1, 1979, shall be subject to a fine of not more than five hundred dollars or imprisonment of not more than thirty days or both for each offense. It shall be an affirmative defense under the provisions of this subdivision that at the time of the offense, such person leased residential real property to fewer than four tenants who paid a security deposit.

(3) Any person who is a landlord at the time an interest payment is due under the provisions of subsection (i) of this section and who knowingly and wilfully violates the provisions of such subsection shall be subject to a fine of not more than one hundred dollars for each offense.

(4) No financial institution shall be liable for any violation of this section except for any violation in its capacity as a landlord, [or successor to a landlord's interest.]

(l) Nothing in this section shall be construed as a limitation upon: (1) The power or authority of the state, the Attorney General or the commissioner to seek administrative, legal or equitable relief permitted by the general statutes or at common law; or (2) the right of any tenant to bring a civil action permitted by the general statutes or at common law.

Substitute House Bill No. 5571

Sec. 38. (NEW) (*Effective July 1, 2016*) The Banking Commissioner shall determine the deposit index for each calendar year and publish such deposit index in the Department of Banking's news bulletin and on the department's Internet web site not later than December fifteenth of the prior year. The commissioner may also disseminate the deposit index and any information the commissioner deems appropriate in a manner designed to alert the parties that may rely on the deposit index, including the issuance of press releases and public service announcements, the encouragement of news stories in the mass media and the posting of conspicuous notices at financial institutions. For purposes of this section, "deposit index" means (1) the average of the national rates for savings deposits and money market deposits for the last week in November of the prior year, as published by the Federal Deposit Insurance Corporation in accordance with 12 CFR 337.6, as amended from time to time, or (2) if said corporation no longer publishes such rates, the average of substantially similar national rates for the last week in November of the prior year as published by a federal banking agency.

Fair Housing Notice Pursuant to PA 16-16



STATE AND FEDERAL PROTECTED CLASSES

State and Federal laws protect individuals from housing discrimination.

The following protected classes are found both under State and Federal law: race; color; national origin; ancestry; sex; creed/religion; disability (mental, learning (CT only), or physical); and familial status (families with children). Connecticut has additional fair housing protections which include lawful source of income (including but not limited to Section 8 Voucher/RAP and Security Deposit Guarantee); sexual orientation; gender identity and expression; age; and marital status.

THE FOLLOWING ARE EXAMPLES OF POTENTIAL FAIR HOUSING VIOLATIONS

- Refusing to rent, sell, or show a dwelling based on a potential tenant's protected class.
- Steering potential tenants to certain neighborhoods based on their race, color and/or national origin, or any other protected class.
- Increasing the security deposit based on the number of children living in a unit.
- Requiring a potential tenant to be employed, when they have sufficient income to pay the rent from other lawful sources.
- Failing to negotiate or refusing to rent to a potential tenant because their source of income is a Section 8 voucher or RAP voucher.
- Refusing to waive a "no pet" policy for a tenant with a disability who has an emotional support animal.
- Refusing to allow a tenant with a disability to reasonably modify the unit by building a ramp to the front door.

**Exceptions may apply but never on the basis of a
tenant's race, color, or national origin.**

Prospective Purchaser: _____ Date: _____

Commission on Human Rights and Opportunities | 25 Sigourney St, 7th Floor, Hartford, CT 06106

860-541-3403 | 800-477-5737 | ct.gov/CHRO