



# House of Representatives

General Assembly

**File No. 107**

February Session, 2022

House Bill No. 5233

*House of Representatives, March 23, 2022*

The Committee on Housing reported through REP. WILLIAMS of the 100th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## ***AN ACT CONCERNING EVICTIONS FOR CAUSE.***

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

1 Section 1. Section 47a-23c of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2022*):

3 (a) (1) Except as provided in subdivision (2) of this subsection, this  
4 section applies to any tenant who resides in a building or complex  
5 consisting of five or more separate dwelling units or who resides in a  
6 mobile manufactured home park, [and who is either: (A) Sixty-two  
7 years of age or older, or whose spouse, sibling, parent or grandparent is  
8 sixty-two years of age or older and permanently resides with that  
9 tenant, or (B) a person with a physical or mental disability, as defined in  
10 subdivision (8) of section 46a-64b, or whose spouse, sibling, child,  
11 parent or grandparent is a person with a physical or mental disability  
12 who permanently resides with that tenant, but only if such disability can  
13 be expected to result in death or to last for a continuous period of at least  
14 twelve months.]

15 (2) With respect to tenants in common interest communities, this  
16 section applies only to (A) a conversion tenant, as defined in subsection  
17 (3) of section 47-283, who (i) is described in subdivision (1) of this  
18 subsection, or (ii) is not described in subdivision (1) of this subsection  
19 but, during a transition period, as defined in subsection (4) of section 47-  
20 283, is residing in a conversion condominium created after May 6, 1980,  
21 or in any other conversion common interest community created after  
22 December 31, 1982, or (iii) is not described in subdivision (1) of this  
23 subsection but is otherwise protected as a conversion tenant by public  
24 act 80-370, and (B) a tenant who is not a conversion tenant but [who is  
25 described in subdivision (1) of this subsection if his] whose landlord  
26 owns five or more dwelling units in the common interest community in  
27 which the dwelling unit is located.

28 (3) As used in this section, "tenant" includes each resident of a mobile  
29 manufactured home park, as defined in section 21-64, including a  
30 resident who owns [his own home] the home in which such resident  
31 resides, "landlord" includes a "licensee" and an "owner" of a mobile  
32 manufactured home park, as defined in section 21-64, "complex" means  
33 two or more buildings on the same or contiguous parcels of real  
34 property under the same ownership, and "mobile manufactured home  
35 park" means a parcel of real property, or contiguous parcels of real  
36 property under the same ownership, upon which five or more mobile  
37 manufactured homes occupied for residential purposes are located.

38 (b) (1) No landlord may bring an action of summary process or other  
39 action to dispossess a tenant described in subsection (a) of this section  
40 except for one or more of the following reasons: (A) Nonpayment of  
41 rent; (B) refusal to agree to a fair and equitable rent increase, as defined  
42 in subsection (c) of this section; (C) material noncompliance with section  
43 47a-11 or subsection (b) of section 21-82, which materially affects the  
44 health and safety of the other tenants or which materially affects the  
45 physical condition of the premises; (D) voiding of the rental agreement  
46 pursuant to section 47a-31, or material noncompliance with the rental  
47 agreement; (E) material noncompliance with the rules and regulations  
48 of the landlord adopted in accordance with section 47a-9 or 21-70; (F)

49 permanent removal by the landlord of the dwelling unit of such tenant  
50 from the housing market; or (G) bona fide intention by the landlord to  
51 use such dwelling unit as [his] such landlord's principal residence.

52 (2) The ground stated in subparagraph (G) of subdivision (1) of this  
53 subsection is not available to the owner of a dwelling unit in a common  
54 interest community occupied by a conversion tenant.

55 (3) A tenant may not be dispossessed for a reason described in  
56 subparagraph (B), (F) or (G) of subdivision (1) of this subsection during  
57 the term of any existing rental agreement.

58 (c) (1) The rent of a tenant protected by this section may be increased  
59 only to the extent that such increase is fair and equitable, based on the  
60 criteria set forth in section 7-148c.

61 (2) Any such tenant aggrieved by a rent increase or proposed rent  
62 increase may file a complaint with the fair rent commission, if any, for  
63 the town, city or borough where [his] such tenant's dwelling unit or  
64 mobile manufactured home park lot is located; or, if no such fair rent  
65 commission exists, may bring an action in the Superior Court to contest  
66 the increase. In any such court proceeding, the court shall determine  
67 whether the rent increase is fair and equitable, based on the criteria set  
68 forth in section 7-148c.

69 [(d) A landlord, to determine whether a tenant is a protected tenant,  
70 may request proof of such protected status. On such request, any tenant  
71 claiming protection shall provide proof of the protected status within  
72 thirty days. The proof shall include a statement of a physician or an  
73 advanced practice registered nurse in the case of alleged blindness or  
74 other physical disability.]

75 Sec. 2. Subsections (i) and (j) of section 47-88b of the 2022 supplement  
76 to the general statutes are repealed and the following is substituted in  
77 lieu thereof (*Effective October 1, 2022*):

78 [(i) After the conversion of a dwelling unit in a building to  
79 condominium ownership, the declarant or unit owner, for the purpose

80 of determining if a lessee's eviction is prohibited under subsection (b) of  
 81 section 47a-23c, may ask any lessee to provide proof of the age,  
 82 blindness or physical disability of such lessee or any person residing  
 83 with him, or of the familial relationship existing between such lessee  
 84 and any person residing with him. The lessee shall provide such proof,  
 85 including, in the case of alleged physical disability, a statement of a  
 86 physician, a physician assistant or an advanced practice registered nurse  
 87 or, in the case of alleged blindness, a statement of a physician, an  
 88 advanced practice registered nurse or an optometrist, within thirty  
 89 days.]

90 [(j)] (i) During the first thirty days of the one hundred eighty-day  
 91 period under subsection (b) of this section, an organization, if any,  
 92 representing tenants of a building or buildings being submitted to the  
 93 provisions of this chapter shall have the exclusive right to contract for  
 94 the purchase of such building or buildings.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	47a-23c
Sec. 2	October 1, 2022	47-88b(i) and (j)

**HSG**      *Joint Favorable*

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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**OFA Fiscal Note****State Impact:** None**Municipal Impact:** None**Explanation**

The bill impacts eviction protections against private parties and does not result in a fiscal impact to the state or municipalities.

**The Out Years****State Impact:** None**Municipal Impact:** None

**OLR Bill Analysis****HB 5233*****AN ACT CONCERNING EVICTIONS FOR CAUSE.*****SUMMARY**

This bill extends protections against lapse of time evictions and excessive rent increases to cover all tenants residing in buildings and complexes of a certain size, mobile home parks, and certain common interest communities. Under current law, these protections are available only to certain "protected tenants" (see below).

Specifically, the bill prohibits landlords from evicting, solely for their lease expiring (i.e., lapse of time), all tenants residing in (1) a building or complex consisting of five or more separate dwelling units, (2) a mobile manufactured home park (including certain conversion tenants), or (3) a dwelling unit in a common interest community where the landlord owns five or more units. Under current law, the prohibition applies only to evicting certain protected tenants residing in these dwellings. This includes a tenant who is:

1. at least age 62;
2. an individual with a physical or intellectual disability;
3. permanently residing with a spouse or specified relative that is (a) at least age 62 or (b) an individual with a disability meeting certain requirements; or
4. a conversion tenant in a mobile home park meeting certain requirements.

Current law permits landlords to request proof of protected status and requires tenants to provide this proof within 30 days. The bill eliminates these provisions and makes conforming changes.

Under existing law, and unchanged by the bill, landlords may evict tenants protected against lapse of time evictions on other grounds. These are commonly known as "just cause" or "good cause" evictions and include nonpayment of rent, material noncompliance with the lease or a landlord's rules and regulations, breach of statutory duties or serious nuisance, and illegal conduct. Additionally, landlords may evict these tenants for other specified reasons, including:

1. if the tenant will not agree to a fair and equitable rent increase;  
and
2. if the landlord (a) permanently removes the rental unit from the housing market or (b) intends to use it as a principal residence.

As under current law for protected tenants, the bill also requires rent increases for tenants protected against lapse of time evictions to be fair and equitable (see BACKGROUND). It allows these tenants, if aggrieved by a rent increase and residing in a municipality without a fair rent commission, to bring action to contest the increase in Superior Court.

Finally, the bill makes technical changes.

EFFECTIVE DATE: October 1, 2022

## **BACKGROUND**

### ***Fair and Equitable Rent Increases***

Any tenant may file a complaint with a fair rent commission if one exists in the municipality in which he or she resides. Fair rent commissions must consider certain factors when determining whether a rental charge or proposed rent increase is excessive to the point of being "harsh and unconscionable." The factors include the following:

1. rents for comparable units;
2. amount and frequency of rent increases;
3. sanitary conditions;

4. number of bathtubs or showers, toilets, and sinks;
5. services, furniture, and furnishings;
6. bedroom size and number;
7. repairs necessary to make the accommodations livable;
8. amount of taxes and overhead expenses, including debt service;
9. compliance with state and local health and safety laws and regulations;
10. renter's income and housing availability;
11. utility availability;
12. tenant damage to the premises, other than ordinary wear; and
13. the degree to which income from the rent increase will be reinvested in property improvements (CGS § 7-148c).

**COMMITTEE ACTION**

Housing Committee

Joint Favorable

Yea 11 Nay 4 (03/10/2022)