

Guidance Related to Rent Payments and Evictions for Residential Renters

To Assist in Compliance with Executive Orders Pertaining to Evictions

Connecticut REALTORS® - April 11, 2020

Updated 10/27/2020

Pursuant to Executive Order 9H , which provided technical corrections to Executive Order 9E, the provisions of Executive Order No. 7X, Section 1, as modified by Executive Order Nos. 7NN, Section 4 and 7DDD, Section 1 and 7000 Section 3, shall remain in effect until January 1, 2021.

Note the first questions are directed towards renters/tenants, with the last directed towards landlords.

Gov. Lamont issued Executive Orders No. 7X, 7NN, 7DDD, 7000, 9E and 9H providing additional protections for renters, to allow some time for unemployment insurance or other economic assistance to arrive so that they can pay their bills as soon as possible. **YOU ARE STILL OBLIGATED TO PAY YOUR RENT WHEN DUE.** However, if you fall behind because you have lost your job, lost hours, had your pay reduced, or have suffered other loss of income or increase in expenses as a result of COVID-19 or the economic effects of it, you are entitled to some relief.

1. Your landlord can't start the eviction process until Oct 1, 2020 or January 2, 2021, depending on the Landlord's stated reason for evicting, as described in more detail below and at the Executive Orders linked to herein.

2. If the security deposit you paid was more than 1 month's rent, you can apply the amount above 1 month's rent to your April, May, June, July, August or September rent, if you request to do so from your landlord in writing and inform the landlord of your financial hardship related to COVID-19.

YOU MUST EVENTUALLY PAY YOUR RENT NO LATER THAN THE DAY AFTER THE GRACE PERIOD ENDS, AND IF YOU DON'T, YOU MAY STILL BE SUBJECT TO EVICTION OR OTHER LEGAL ACTION. YOU SHOULD SPEAK TO YOUR LANDLORD, TRY TO WORK OUT A PAYMENT PLAN, AND PAY WHAT YOU CAN WHEN YOU CAN. YOU MUST STILL FULFILL ALL YOUR OBLIGATIONS UNDER YOUR LEASE OR RENTAL AGREEMENT.

Question: My landlord has already started the process to evict me. Will this move forward?

Answer: You can check with the Court where your case was filed or your private attorney for more information about the specifics of your eviction case. If your landlord already won a judgment allowing your landlord to evict you, you can check with your private attorney for guidance on whether you can stay or when you need to be out of the rental unit. Please note: tenants are still responsible for paying the rent as agreed in their lease. **IMPORTANT:** If your landlord has told you that you are being evicted, or has provided you with a Notice to Quit, a Writ, Summons, or Complaint, or any other document saying you must move out, you have legal rights and do not have to leave unless a court has ordered you to leave. The landlord also may not use any "self-help" measures such as changing the locks or moving your belongings out of your home.

Question: I am a landlord and want to evict my tenant. What should I do?

Answer: For certain evictions outlined under the Executive Orders, you may start eviction proceedings, effective October 1, including, evictions based on 6 months or more of non-payment of rent due to Covid-19 may now be filed with the Court and proceed. You can check with your private attorney for further guidance on your personal circumstances. If the tenants request in writing and indicate financial hardship related to Covid-19, they are allowed to apply any security deposit in excess of 1 month's rent to April, May, June, July, August or September rent. Nothing in the Executive Orders relieve tenants of the obligation to pay their rent when they can, or prevents you from eventually taking legal action and starting eviction proceedings if they still fail to pay. You should consider waiting to initiate any eviction proceedings until the public health emergency is over. First, by evicting your tenants, you could be exposing them to greater risk of

contracting COVID-19 and spreading it to others. Second, given the current economic circumstances, you may have difficulty finding new tenants, and your tenants may have difficulty finding new housing, putting them at risk of homelessness at a time when homeless shelters are overwhelmed and unable to accept new entrants due to social distancing requirements. Third, court action related to COVID-based hardship evictions has been postponed because of the emergency. Please be aware of your legal rights and responsibilities, and those of your tenants. In no circumstances should you engage in “self-help” by locking tenants out, removing their belongings, or making them leave unless you have a court order.”

Question: What paperwork does a landlord need to serve on the tenant in order to begin one of the evictions permitted under the Executive Orders?

Answer: As stated in Executive Order 9H, All residential notices to quit, except those for serious nuisance, issued before January 1, 2021 shall be delivered with a copy of the CDC Declaration. The CDC Declaration is attached to the CDC Order “Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19,” 85 FR 55292 (September 4, 2020). The CDC Declaration, which may be found in translation at <https://nlihc.org/national-eviction-moratorium>, shall be delivered in English and Spanish. Serious nuisance is defined in the CT General Statutes at [Sec. 47a-15](#). All notices to quit for nonpayment of rent for rent due on or before February 29, 2020 shall specify in the paperwork the period of nonpayment of rent before February 29, 2021 for which rent has not been paid. All notices to quit and all complaints in summary process actions for serious nonpayment of rent shall specify and recite the amount of the rental arrearage for the months for which rent has not been paid, and in what amounts. All notices to quit issued before January 1, 2021 based upon the bona fide intention by the landlord to use such premises for the landlord’s principal residence shall state that reason and specify the expiration date of the lease.

Question: What if a Landlord receives a completed CDC Declaration from a Tenant whom Landlord is attempting to evict?

Answer: The landlord shall immediately and for the effective period of the CDC Order cease all action to evict.

Question: The 6 months of unpaid rent since March 1, 2020, those evictions can proceed. Does that include non-payment of rent due to Covid?

Answer: No, the 6 months of unpaid rent since March 1, 2020 is only for unpaid rent NOT due to COVID. The CDC moratorium on COVID-related evictions remains in effect until January 1, 2021.

CTR is providing this summary however; Executive Orders, information and guidance may change at any time. Situations may be unique so contact your attorney for any clarity related to your lease agreement with tenants and compliance with the Orders.

Q. What do Executive Orders 7X, 7NN, 7DDD, 7OOO, 9E and 9H do?

A. You can read the Executive Orders [at this link](#).

Here’s a summary: Reminder – complete information is above and in the Order itself

- No Notice to Quit or Service of Summary Process until Oct 1 except for nonpayment of rent due on or before February 29, 2020, for serious nuisance as defined in section 47a-15 of the Connecticut General Statutes, or, provided the notice to quit is not delivered during the term of any existing rental agreement, for a bona fide intention by the landlord to use such dwelling unit as such landlord’s principal residence; or for nonpayment of rent totaling at least 6 months or more since March 1, 2020
- When the hardship is due to Covid-19, any security deposit in excess of one month’s rent shall be applied towards the April, May, June, July, August or September rent, upon written request which may be delivered electronically;
- Provides an express statement stating that this Order does not relieve a tenant of liability for unpaid rent or of the obligation to comply with other terms of a rental agreement or statutory obligations under Connecticut law.

Q. Why is CTR providing guidance for landlords/property owners related to residential rent payments?

A. Because Connecticut did not recover from the last economic downturn, many REALTOR® members regularly need to work with the “accidental or reluctant landlords” – meaning, those who never intended to rent their property but had no choice but to do so. Those include individuals and families who cannot sell their homes due to being underwater with their mortgage; those who are trying to avoid bankruptcies, short sales or foreclosures by creating an income stream; those who had no option but to vacate their properties due to life emergencies such as divorce, job loss, enormous medical debt due to accidents, cancer, illness, other disabilities; those needing cash flow to afford to move into assisted living or memory care facilities; those with hardships due to crumbling foundations; those who could no longer afford property taxes and needed income to avoid a lien or other non-payment actions that would affect their credit scores or ability to retain their property; and other scenarios. In addition, many owner occupied landlords are homeowners only because their ability to qualify for their mortgage was predicated on them having rental income. Lastly, REALTOR® members may be landlords or property managers themselves.

Q. Do these orders apply only to apartment buildings, or every single-family and small multi-family rental property?

A. This applies to permanent residences under lease agreements including month-to-month. It covers all residential property types, including single-family properties and manufactured mobile home parks.

Q. Can I continue to bill the tenant for their unpaid rent during the grace period?

A. Yes.

Q. Is the tenant still responsible for other non-rent expenses as stated in the lease agreement?

A. Yes.

Q. Was there consideration to landlord hardship? Landlords can't carry mortgage, taxes, property maintenance, lawn care, insurance premiums, and condo maintenance fees for the amount of time being provided before the tenant is evicted.

A. Governor Lamont's most recent Executive Order 9H permits a Landlord to begin the Eviction Process for situations where the Tenant has not paid rent for 6 or more months between March 1 and the present.

Q. Are there programs available to assist landlords?

A. Landlords should contact their mortgage holder and/or municipality to determine what relief measures, if any, may be available to them. Many landlord expenses will not be covered by those lender or municipal programs.

Q. How is the state providing notification to landlords of the obligation?

A. We do not know at this time. CTR will request that information.

This has been prepared for informational purposes and general guidance only. CTR is not a state regulatory agency, your attorney or accountant. Information changes regularly and all general guidance are subject to change at any time. Check with your attorney, accountant, designed broker or manager, state agency, or other professionals for guidance specific to your situation. October 27, 2020.

This document is also posted on the CT REALTORS® coronavirus page: <http://ctrealtors.com/coronavirus>