



General Assembly

February Session, 2020

**Raised Bill No. 5241**

LCO No. 1434



Referred to Committee on HOUSING

Introduced by:  
(HSG)

***AN ACT CONCERNING CERTIFICATES OF OCCUPANCY FOR RENTAL PROPERTIES.***

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

1 Section 1. Section 47a-5 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2020*):

3 In any borough, city or town which requires a certificate of occupancy  
4 prior to human habitation of any building located therein, if any  
5 building is occupied in whole or in part without such occupancy permit,  
6 the owner or lessor of the premises shall be liable for a civil penalty of  
7 not more than twenty dollars per day, per apartment or dwelling unit,  
8 for not more than two hundred days for such period of unlawful  
9 occupation. Rent shall not be recoverable by the owner or lessor of the  
10 premises for such period of unlawful occupation.

11 Sec. 2. Section 47a-57 of the general statutes is repealed and the  
12 following is substituted in lieu thereof (*Effective October 1, 2020*):

13 (a) An apartment or dwelling unit in any structure containing three  
14 or more housing units in any municipality which adopts the provisions

15 of this section by vote of its legislative body shall not be occupied for  
16 human habitation, after a vacancy, until a certificate of occupancy has  
17 been issued by the person designated by the legislative body of such  
18 municipality to administer the provisions of this section, certifying that  
19 such apartment or dwelling unit conforms to the requirements of the  
20 applicable housing ordinances of such municipality and this chapter.  
21 No provision of this section shall apply to any structure occupied by the  
22 owner thereof and containing three or less housing units. No provision  
23 of this section shall be construed to prohibit human occupancy of such  
24 apartment or dwelling unit during the pendency of an application for  
25 such certificate.

26 (b) Any person aggrieved by the refusal of a certificate of occupancy  
27 may appeal to the superior court for the judicial district within which  
28 the structure is located. Such appeal shall be privileged.

29 (c) No rent shall be recoverable by the owner or lessor of such  
30 structure for the occupation of any apartment or dwelling unit for which  
31 (1) a certificate of occupancy has not been obtained prior to the rental of  
32 such apartment or dwelling unit in violation of subsection (a) of this  
33 section, or (2) a certificate of occupancy has been denied. Any rent  
34 received in violation of subsection (a) of this section, prior to the owner  
35 or lessor's submission of an application for such certificate or after the  
36 owner's or lessor's receipt of a denial of the application for such  
37 certificate, shall be returned to the tenant. Any rent received in violation  
38 of subsection (a) of this section after the owner or lessor's submission of  
39 an application for such certificate but prior to the certificate's issuance  
40 shall be immediately deposited by such owner or lessor into an escrow  
41 account in a financial institution. Such owner or lessor shall be escrow  
42 agent of such account. The owner or lessor shall maintain such account  
43 as escrow agent and shall not withdraw the amount of any rents paid  
44 into such account until such time as a certificate of occupancy has been  
45 issued for such apartment or dwelling unit as provided in subsection (a)  
46 of this section. If the municipality (A) denies the application for such  
47 certificate, or (B) orders the owner or lessor to perform some action in  
48 order to obtain such certificate and the owner or lessor does not comply

49 with such order by the deadline set by the municipality, the owner or  
50 lessor shall not collect any rent and any rent received in violation of this  
51 subsection shall be returned to the tenant.

52 [(c)] (d) Any owner or lessor who [recovers rent for the occupation of  
53 any apartment or dwelling unit for which a certificate of occupancy has  
54 not been obtained prior to the rental thereof in violation of subsection  
55 (a) of this section] violates the provisions of this section shall be liable  
56 for a civil penalty of not more than twenty dollars per day for not more  
57 than two hundred days for such period of unlawful occupation.

58 [(d)] (e) The provisions of this section shall not apply to any structure  
59 which has been constructed or substantially reconstructed within the  
60 ten-year period immediately before the date such certificate of  
61 occupancy would otherwise be required under this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	47a-5
Sec. 2	<i>October 1, 2020</i>	47a-57

**Statement of Purpose:**

To improve enforcement of code requirements in rental properties by restoring the prohibition on rent collection without a certificate of occupancy.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*