

STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 12D

PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC – POST-MORATORIUM REQUIREMENTS RELATED TO EVICTIONS AND NOTICES TO QUIT

WHEREAS, on March 10, 2020, I declared public health and civil preparedness emergencies throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and Connecticut; and

WHEREAS, on September 1, 2020, I renewed the March 10, 2020 declaration of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies remained in effect until February 9, 2021; and

WHEREAS, on January 26, 2021, I renewed the March 10, 2020 and September 1, 2020 declarations of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies shall run concurrently and remain in effect until April 20, 2021; and

WHEREAS, on March 31, 2021, I signed into law Special Act 21-2, through which the General Assembly ratified the previously mentioned declarations and endorsed a renewal and extension of such declarations through May 20, 2021; and

WHEREAS, on April 19, 2021, I renewed the March 10, 2020, September 1, 2020 and January 26, 2021 declarations of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies shall run concurrently and remain in effect until through May 20, 2021; and

WHEREAS, on May 13, 2021, I signed into law House Bill 6686, through which the General Assembly endorsed a renewal and extension of such declarations and authorized me to continue to exercise the emergency powers provided in Sections 19a-131a and 28-9 of the Connecticut General Statutes through July 20, 2021; and

WHEREAS, on May 18, 2021, I renewed the March 10, 2020, September 1, 2020, January 26, 2021 and April 19, 2021, declarations of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies shall run concurrently and remain in effect until through July 20, 2021; and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

WHEREAS, the COVID-19 pandemic remains a grave threat to public health and safety and civil preparedness in the State of Connecticut; and

WHEREAS, public health experts have determined that it is possible to transmit COVID-19 even before a person shows symptoms and through aerosol transmission; and transmission or “shedding” of the coronavirus that causes COVID-19 may be most virulent before a person shows any symptoms; and

WHEREAS, the CDC has recommended that people with mild symptoms consistent with COVID-19 be assumed to be infected with the disease; and

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention (CDC) and the Connecticut Department of Public Health (DPH) recommend implementation of community mitigation strategies to slow transmission of COVID-19, including, in certain settings whether vaccinated or not, maintaining a safe distance from others and wearing masks or face coverings; and

WHEREAS, pursuant to the previously mentioned emergency declarations, I have issued various executive orders to protect public health, limit transmission of COVID-19, and mitigate the effects of the COVID-19 pandemic (the “COVID-19 Orders”); and

WHEREAS, among such COVID-19 Orders, to reduce the risk of homelessness and the resultant increased risk of COVID-19 transmission among those affected by evictions, I have issued several orders limiting the filing and processing of evictions; and

WHEREAS, in conjunction with extending the federal eviction moratorium through the end of July 2021, the CDC found that evictions substantially contribute to COVID-19 transmission, that state and national vaccination efforts have a slower rate of penetration among the populations most likely to experience eviction, and that allowing additional time for rent relief to reach renters and to further increase vaccination rates could decrease the numbers of likely evictions and avert the potential of COVID-19 resurgence among people who experience eviction, their communities, and other regions of the country affected by the resulting transmission; and

WHEREAS, section 4024(c)(1) of the CARES Act requires landlords with federally-backed mortgage loans to provide tenants with 30 days’ notice before requiring them to vacate for nonpayment of rent; and

WHEREAS, the United States Department of Justice (USDOJ) has cited studies showing that women and people of color will be disproportionately affected by an increase in eviction filings; and

WHEREAS, my administration has made significant investments to prevent evictions and foreclosure by establishing a program to deliver more than \$450 million in federal COVID-19 relief funds for tenants and landlords; and

WHEREAS, the Department of Housing has distributed more than \$23 million in such relief funds to more than 3,000 households and landlords through the UniteCT program, and has recently been able to expedite processing of UniteCT applications as a result of changes in federal guidance; and

WHEREAS, my administration has recently approved additional funding to significantly bolster staff at the Department of Housing, eviction mediators, and court staff involved in processing and scheduling mediations and other proceedings; and

WHEREAS, Connecticut's successful and ongoing vaccination campaign, significant reductions in the rate of COVID-19 infection throughout the state, and increasing participation in the UniteCT relief program for tenants and landlords have made it possible to end the current orders prohibiting certain eviction proceedings during the pandemic; and

WHEREAS, the USDOJ has encouraged states to take steps to keep families in their homes while protecting landlords' rights, including by providing additional time to forestall evictions, adopting eviction diversion strategies, and pointing to federal resources; and

WHEREAS, providing an orderly transition from the cessation of the eviction moratorium in accordance with USDOJ recommendations by providing more time for tenants and landlords to access the UniteCT program and mediation services can help to prevent needless evictions and provide better and safer outcomes for landlords and tenants;

NOW, THEREFORE, I, NED LAMONT, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, do hereby **ORDER AND DIRECT**:

- 1. Application to UniteCT Required Before Delivering Notice to Quit for Nonpayment of Rent.** Prior to the delivery of a notice to quit for nonpayment of rent, the owner or lessor of any residential land or building, any apartment in any building, any dwelling unit, any trailer, or any land upon which a trailer is used or stands, or the owner's or lessor's legal representative, or the owner's or lessor's attorney-at-law, or in-fact, shall complete and submit the landlord's portion of an application to [UniteCT](#), the State of Connecticut's program to implement the emergency rental assistance programs established by section 501 of Division N of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (December 27, 2020) and section 3201 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (March 11, 2021). A notice to quit for nonpayment of rent shall include the relevant UniteCT case number. Upon logging in to the [UniteCT application portal](#), landlords can view a case number on the "Case Info" tab within their application.

2. **(a) 30 Days' Notice.** Notwithstanding any contrary provision of sections 47a-23 and 47a-23a of the Connecticut General Statutes, when the owner or lessor, or the owner's or lessor's legal representative, or the owner's or lessor's attorney-at-law, or in-fact, desires to obtain possession or occupancy of any residential land or building, any apartment in any building, any dwelling unit, any trailer, or any land upon which a trailer is used or stands, and (A) when a rental agreement or lease of such property, whether in writing or by parol, terminates by (I) lapse of time or (II) for nonpayment of rent, or (B) when one originally had the right or privilege to occupy such premises but such right or privilege has terminated, such owner or lessor, or such owner's or lessor's legal representative, or such owner's or lessor's attorney-at-law, or in-fact, shall give notice to each lessee or occupant to quit possession or occupancy of such land, building, apartment or dwelling unit, at least thirty days before the time specified in the notice for the lessee or occupant to quit possession or occupancy.

(b) Opportunity to Cure. Notwithstanding any contrary provision of sections 47a-23 and 47a-23a of the Connecticut General Statutes, a notice to quit for a reason stated in paragraph (a) of this subsection shall not permit the termination of the rental agreement until after the date specified to each lessee or occupant to quit possession or occupancy of such land, building, apartment or dwelling unit. A use and occupancy disclaimer included in or combined with such notice to quit shall not take effect until after the date specified in the notice for the lessee or occupant to quit possession or occupancy or the date of the completion of any pretermination process required by federal law or regulations, whichever is later. If, at the expiration of the thirty days prescribed herein, the lessee or occupant has not remedied any nonpayment of rent, including but not limited to through the approval of an application for rental assistance from UniteCT, and neglects or refuses to quit possession or occupancy of the premises, any commissioner of the Superior Court may issue a writ, summons and complaint in accordance with the provisions of Section 47a-23 of the Connecticut General Statutes.

3. **Documents Accompanying a Notice to Quit.** In addition to any other requirements imposed by state or federal law, all residential notices to quit shall be delivered with an English and a Spanish copy of the State of Connecticut's UniteCT Flyer and, prior to July 31, 2021, of the CDC Declaration accompanying the CDC Order, "Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19," 85 CFR 55292 (September 4, 2020). The inclusion of such copies shall not render the notice to quit equivocal.

The UniteCT Flyer may be found at:

<https://portal.ct.gov/DOH/DOH/Programs/UniteCT>

The CDC Declaration may be found at:

https://www.cdc.gov/coronavirus/2019-ncov/downloads/evictiondeclare_d508.pdf

Translations to multiple languages may be found at:

<https://nlihc.org/coronavirus-and-housing-homelessness/national-eviction-moratorium>

- 4. Stay Upon Filing of UniteCT Application.** Notwithstanding any deadlines or any time requirements for advancement of pleadings in Section 47a of the Connecticut General Statutes, if, during the course of any summary process proceeding, except a proceeding brought solely on the ground of serious nuisance, as defined in section 47a-15 or 21-80, an application is made by the landlord or the tenant to UniteCT, further proceedings shall be stayed for thirty days or until a decision is made upon the application, whichever is earlier, and, if such application is approved, until such UniteCT payment is made and the summary process action is withdrawn or dismissed.

This order shall take effect immediately and remain in effect through July 20, 2021 unless earlier modified or terminated.

Dated at Hartford, Connecticut, this 30th day of June, 2021.



Ned Lamont
Governor

By His Excellency's Command



Denise W. Merrill
Secretary of the State

