
OLR Bill Analysis

sHB 7078

AN ACT CONCERNING THE REMOVAL OF UNAUTHORIZED PERSONS FROM REAL PROPERTY, CONTINUING EDUCATION REQUIREMENTS FOR REAL ESTATE LICENSEES, REQUIRING A STUDY OF RESIDENTIAL REAL PROPERTY WHOLESALING AND REVISING THE TITLE OF A REAL ESTATE SALESPERSON TO A REAL ESTATE AGENT.

SUMMARY

This bill creates a new process through which a property owner, or their authorized agent, may submit an affidavit requesting a police officer to remove an unlawful occupant (i.e. “unauthorized person”) immediately from the owner’s real property, under certain circumstances.

Under the bill, an “unauthorized person” is someone who unlawfully occupies a property and is not the property owner’s (1) current or former tenant or (2) immediate family (i.e. spouse or dependent children or relatives living in the owner’s household). As such, the bill does not preclude owners from using existing law’s summary process (i.e. eviction process) to remove occupants to whom the bill does not apply (see BACKGROUND).

The bill’s new removal process is available to owners or their agents if there is no pending litigation related to the property between the owner and the unlawful occupant, and only under certain conditions (see below). The bill also creates a civil cause of action against the owner or agent for wrongful removal.

Upon receiving a removal request, the police officer must (1) verify that the person who signed the affidavit (the “affiant”) is the owner or the owner’s agent, (2) verify that the bill’s conditions are met, and (3) serve notice on the unlawful occupant to vacate immediately. The bill specifies that it does not limit property owners’ rights, or police officers’

existing authority to arrest an unlawful occupant for trespassing, vandalism, theft, or other crimes.

The bill also makes the following unrelated changes related to real estate licensees:

1. establishes a 2-hour minimum for each Department of Consumer Protection (DCP)-approved continuing education course, and allows it to be offered at a real estate broker's or franchise's office (§ 2);
2. requires the DCP commissioner to study residential property wholesaling practices in the state, hold at least one hearing on the topic and invite industry representatives, and report the findings to the Insurance Committee by February 1, 2026 (§ 3);
3. makes a minor change in a law on registering a real estate team with DCP by eliminating the option to include, in the team name, the team's supervising licensee instead of including the name of a licensed broker or agent on the team (§ 8) and;
4. replaces the term "real estate salesperson" with the term "real estate agent" primarily throughout the licensure-related statutes and other related statutes (§§ 4-29).

EFFECTIVE DATE: October 1, 2025, except the provisions on the continuing education requirement for real estate license renewal and replacing the term "real estate salesperson" with "real estate agent" are effective upon passage.

§ 1 — REMOVAL OF UNAUTHORIZED OCCUPANT

Conditions for Removal

The owner or agent can avail themselves of the bill's removal process if there is no pending litigation as stated above and the unauthorized occupant (1) unlawfully entered the property, was asked by the owner or the agent to leave, and stayed or continues to live on the property and (2) cannot produce a signed lease or documentation of current rental payments, and certain other documents the bill specifies.

Signed Agreement and Address Verification

The bill subjects an unlawful occupant to the removal process if he or she cannot provide (1) a lease signed by the owner or the owner's agent or documentation of current rental payments paid by the unauthorized person to the owner, or the owner's agent, to allow the person to live on the property and (2) documentation, correspondence, or government-issued identification cards showing that the occupant lived on the property during the 12 months immediately preceding the owner's or agent's removal request to the police officer.

Under the bill, a "police officer" is a sworn member of an organized local police department or the State Police, an appointed constable who performs criminal law enforcement duties, a special policeman, or any member of a law enforcement unit who performs police duties.

Affidavit Required to Initiate Removal Process

To initiate the removal process, the bill requires the owner or agent to submit an affidavit and a copy of the owner's valid government-issued identification or documents showing the agent's authority to act on the owner's behalf. The affidavit must be in substantially the following form:

AFFIDAVIT CONCERNING THE REMOVAL OF PERSONS
UNLAWFULLY OCCUPYING A DWELLING UNIT

I, the owner or authorized agent of the owner of the real property located at, declare under the penalty of perjury that (initial each box):

1. I am the owner of the real property or the authorized agent of the owner of the real property.
2. I purchased the real property on
3. An unauthorized person or persons have unlawfully entered and are remaining or residing unlawfully on the real property.
4. I have directed the unauthorized person or persons to leave

the real property, but they have not done so.

5. ... The person or persons are not current or former tenants pursuant to any valid lease authorized by the owner of real property. The person or persons are unable to provide documentation of rental payments for such person or persons to reside on such real property, and any lease that may be produced by such person or persons is fraudulent.

6. ... The unauthorized person or persons sought to be removed are not an owner or a co-owner of the real property and have not been listed on the title to the real property unless the person or persons have engaged in slander of the title.

7. ... The unauthorized person or persons are not immediate family members of the owner of real property.

8. ... There is no litigation related to the real property pending between the owner of real property and any person sought to be removed from the real property.

9. ... I am requesting a police officer to immediately remove the unauthorized person or persons from the real property.

10. ... A copy of my valid government-issued identification is attached, or I am an agent of the owner of real property, and documents evidencing my authority to act on the owner of real property's behalf are attached.

I HAVE READ EVERY STATEMENT MADE IN THIS AFFIDAVIT AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS AFFIDAVIT ARE MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 53A-156 OF THE GENERAL STATUTES.

Signed this day of ..., 20...

Witnessed by

....

(Acknowledgment)

Request and Verification

To remove an unauthorized occupant, the bill requires:

1. the owner or agent to submit an affidavit to the police officer requesting the immediate removal of an unlawful occupant and
2. the police officer, upon receiving the affidavit, to verify that the affiant is the owner of record or authorized agent and determine if the bill's conditions for relief are met.

Notice to Immediately Vacate

Once the police officer has made the required verifications, he or she must, without delay, (1) serve a notice on the unlawful occupant to immediately vacate the property and (2) put the record owner in possession (presumably by removing the unlawful occupant).

(The bill does not specify whether the officer must, after serving notice, remove the unlawful occupant's possessions and personal effects, if any, or what happens to these items after the person's removal. Additionally, it does not specify the notice's required form or content.)

Proper Service

A police officer (1) may serve the notice to vacate by hand to an occupant or post it on the property's front door or entrance and (2) must attempt to verify each occupant's identity and note this on the return of services.

Wrongful Removal

Under the bill, a person harmed by wrongful removal (1) has a civil cause of action against the owner or the authorized agent; (2) may be restored to possession of the property; and (3) may recover actual costs and damages incurred, court costs, reasonable attorney's fees, and statutory damages equal to three times the dwelling's fair market rent.

§ 3 — DCP STUDY ON RESIDENTIAL PROPERTY WHOLESALING BUSINESS PRACTICES

The bill requires the DCP commissioner to study residential real property wholesaling business practices in the state and report the findings to the Insurance Committee by February 1, 2026.

The commissioner must hold at least one public hearing on the topic and invite representatives with expertise in the residential real property wholesaling industry to participate in it. These representatives may include real estate brokers, real estate agents, or representatives of any entities engaged in residential real property wholesaling in the state.

BACKGROUND***Summary Process***

By law, once a landlord has a ground for eviction, he or she begins the process by serving the tenant with a notice to quit possession. The landlord must serve it at least three days before a rental agreement is terminated or before the time the notice to quit specifies (in other words, the landlord must give the tenant at least three full days to move out).

If the tenant fails to respond to this notice by refusing to move from the rented premises, the landlord may start proceedings in Superior Court by filing a summons and complaint. The tenant may respond to the complaint; if he or she contests the action, the court may try the case and enter judgment. If the court rules for the landlord, it orders the judgment executed, and a state marshal removes the tenant and his or her belongings.

Related Bill

HB 5572, favorably reported by the General Law Committee, requires DCP to begin licensing real estate wholesalers and sets requirements for real estate wholesale contracts.

sHB 6338 (File 227), favorably reported by the Housing Committee, contains provisions that establish a substantially similar removal process as this bill (§ 1), except it (1) requires a state marshal instead of a police officer to serve the notice to vacate, (2) does not allow the

occupant to provide rent payment documents in lieu of a signed lease, and (3) subjects the (a) unlawful occupant to criminal penalties for trespassing and (b) owner or agent to a misdemeanor for making a false statement in the affidavit.

sSB 1357, §§ 5 & 6, favorably reported by the General Law Committee, codifies current practice requiring an examination within two years of applying for a real estate license unless given a hardship extension.

COMMITTEE ACTION

Insurance and Real Estate Committee

Joint Favorable Substitute

Yea 9 Nay 4 (03/13/2025)