

Extension of Executive Order 12D **Testimony of Raphael L. Podolsky**

Public Housing Committee informational hearing – February 8, 2022

<u>Recommended action:</u> EXTENSION OF EO 12D

We urge the General Assembly to continue Executive Order 12D (as amended by EO 14) at least until all funds from the UniteCT program have been committed and paid. Ending EO 12D before that date would be premature and unnecessarily put tenants at risk of eviction.

UniteCt is a federally-funded Department of Housing program that pays rent arrearages to landlords so as to allow tenants to stay in place and not be evicted. That is a win/win for landlords and tenants. EO 12D was issued when the state's eviction moratorium ended as a way to get landlords to accept rent arrearage funds so as to prevent the displacement and hardship caused by evictions and to provide time so that UniteCT applications could be received and processed. That linkage, required under EO 12D, has been absolutely essential to making UniteCT work. UniteCT has now committed nearly all of its \$400 million in funding and may soon stop accepting new applications; but it still has nearly \$200 million in funds for applications already fully or preliminarily approved but not yet paid to landlords. We are told that, because of the large volume of payments remaining, it will be mid to late summer before all payments will be made. Termination of EO 12D before that date creates the risk that some of such tenants will be evicted, even though UniteCT has set aside money for payment on their behalf. That should not be allowed to happen. In addition, DOH has applied for additional federal funds, and it is still possible that new applications will be possible.

We support the extension of EO 12D either as is or with the modifications recommended by Kiley Gosselin on behalf of the Partnership for Strong Communities, which are based on the assumption that the UniteCT program may soon suspend acceptance of new applications and ultimately be phased out (copy attached):

- It provides for a stay of proceedings until payment is made (or denied) for tenants with a pending completed UniteCT application who are in the eviction process.
- It retains EO 12D's requirement of a 30-day notice to quit (instead of the usual three-day notice) and the right to avoid the start of an eviction by curing an arrearage during that time period.
- It suspends the EO 12D requirement of UniteCT application and notices during periods when no new applications are being accepted by UniteCT.

AN ACT EXTENDING EXECUTIVE ORDER 12D

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

Section 1 (Effective February 15, 2022) For the purposes of this act, (a) “UniteCT” or the “UniteCT program” is 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) and (b) “UniteCT Flyer” is the flyer for the UniteCT program posted by the Department of Housing on its internet website at <https://portal.ct.gov/DOH/DOH/Programs/UniteCT> or at such other internet location determined by the Department of Housing.

Section 2 (Effective February 15, 2022). (a) Except during any time period during which UniteCT is no longer accepting new applications for rental assistance, and notwithstanding any contrary provision of 47a-23 and 47a-23a of the Connecticut General Statutes, 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. Such notice to quit for nonpayment of rent shall include the relevant UniteCT case number. 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. The inclusion of such copies shall not render the notice to quit equivocal.

(b) 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. Such notice to quit 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-23a of the Connecticut General Statutes.

(c) Notwithstanding any deadlines or any time requirements for advancement of pleadings in Title 47a of the Connecticut General Statutes, if, during the course of any summary process proceeding,

a complete application for rental assistance from UniteCT is pending with the Department of Housing, further proceedings in the summary process action shall be stayed until a decision is made on the application, and, if such application is approved, until such UniteCT payment is made and the summary process action is withdrawn or dismissed.

Section 3 (Effective February 15, 2022). This act shall terminate upon completion of all payouts under the UniteCT program.

STATEMENT OF PURPOSE: To extend the provisions of Executive Order for the duration of the UniteCT rental assistance program.