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Governor Lamont Extends Eviction Moratorium and Provides Additional Relief to Tenants

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by Jonathan A. Kaplan

On June 29, 2020, Governor Lamont issued Executive Order (EO) 7DDD and issued a press release announcing several new programs affecting landlords and tenants. EO 7DDD, which extended the temporary relief from eviction proceedings outlined in Executive Order 7X, provides for the following:

- For residential units, a landlord cannot serve a notice to quit or a summary process complaint before August 22, 2020 except for a limited set of scenarios.
 - The first exception is if a tenant failed to pay rent due on or before February 29, 2020 – before the start of COVID-19’s impact in the state. If a landlord proceeds under this exception, the notice to quit for nonpayment of rent needs to specify the period of nonpayment of rent prior to February 29, 2020 for which rent has not been paid.
 - The second exception, which was also an exception under EO 7X, is if the tenant committed a serious nuisance as defined in General Statute § 47a-15 (inflicting or threatening bodily harm on another tenant or the landlord, substantial destruction of unit or premises, immediate and serious danger to safety of other tenant or landlord, or using premises for prostitution or illegal sale of drugs).
- EO 7DDD also amended EO 7X to extend a residential tenant’s ability to request that the landlord apply any portion of the security deposit greater than one month’s rent to rent that was or becomes due in April, May, June, July or August 2020. If a tenant requests this in writing, the landlord cannot seek a replenishment of the security deposit until the later of end of the public health emergency declaration or the date when the rental agreement is renewed or extended. By way of example, if the emergency declaration ends on October 1 and the lease term is set to expire on November 1 – the landlord could not

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demand a replenishment of the retainer until the later date, November 1, when (and if) the tenant renews or extends the lease.

- EO 7DDD does not relieve tenants from paying rent; they still are required to pay rent for the months of March, April, May, June, July, and August.

EO 7DDD is available here: <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7DDD.pdf>

The Governor also announced various programs that will impact renters, landlords and homeowners. This includes \$10 million for rental assistance, which will provide payments to landlords on behalf of tenants (focusing on lower income households who were denied unemployment), \$5 million for eviction prevention for renters who were in eviction before COVID-19, \$10 million in mortgage relief to homeowners impacted by COVID-19, \$4 million in rehousing funds to help with security deposits and initial rent to exit homelessness, \$2.5 million for rental assistance for those ineligible for assistance under the CARES Act, and \$1.8 million for reentry and rehousing assistance for people exiting incarceration.

The Press Release is available here: <https://portal.ct.gov/Office-of-the-Governor/News/Press-Releases/2020/06-2020/Governor-Lamont-Announces-Assistance-for-Renters-Homeowners-and-Residential-Landlords>

What this means for landlords:

1. Commercial landlords are not impacted by EO 7DDD. Commercial landlords can serve notices to quit and commence summary process actions.
2. Residential landlords with tenants in default for failure to pay prior to February 29, 2020 may start the eviction process.
3. Housing courts are still barely running, although some housing courts are holding virtual status conferences. Starting the eviction process now may allow a landlord to be at the head of the line once housing courts re-open.
4. Connecticut's Chief Administrative Judge for Civil Matters issued an order on June 9, 2020, staying the service of all issued executions on evictions through August 1, 2020. <https://jud.ct.gov/HomePDFs/ExecutionStayAug1.pdf>. Therefore, landlords cannot re-take possession until August at the earliest.
5. Landlords and homeowners should explore the recently announced programs, including mortgage relief and whether tenants can obtain rental assistance to address rental arrearages.

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Pullman & Comley attorneys are actively monitoring the legal implications of COVID-19 for businesses, municipalities, educational institutions and individuals. Please visit <https://www.pullcom.com/newsroom-publications-FOCUS-Responding-to-COVID-19> for our latest advisories.

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