



General Assembly

January Session, 2019

Raised Bill No. 7289

LCO No. 5142



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING THE ENTRY OF A MONEY JUDGMENT IN A SUMMARY PROCESS ACTION.

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

1 Section 1. Section 47a-26d of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 (a) If, on the trial of a summary process complaint, it is found that
4 the defendant is the lessee of the complainant and holds over after the
5 termination of the lease or rental agreement or, if there was no lease or
6 rental agreement, that the defendant is the occupant of such premises
7 and has no right or privilege to occupy the same and that notice to quit
8 has been given as provided in this chapter, yet that the defendant
9 holds possession or occupancy after the expiration of the time specified
10 in such notice to quit, and the defendant does not show a title in
11 himself or herself which accrued after the giving of the lease or rental
12 agreement, if any, or if the defendant does not show a title in himself
13 or herself existing at the time the notice to quit possession or
14 occupancy was served upon him or her, the court shall forthwith enter
15 judgment that the complainant recover possession or occupancy of the

16 premises with his or her costs, and execution shall issue accordingly
17 subject to the provisions of sections 47a-35 to 47a-41, inclusive.

18 (b) In addition to entering judgment that a complainant recover
19 possession or occupancy of the premises with his or her costs pursuant
20 to subsection (a) of this section, the court may award the complainant,
21 who has complied with the notice requirements prescribed in
22 subsection (c) of this section, a money judgment that includes: (1) All
23 moneys that the court has found to be due and owing from the
24 defendant to the complainant, (2) in any case involving a defendant,
25 who (A) is the lessee of the complainant, (B) holds over after the
26 termination of the lease or rental agreement, and (C) causes damage to
27 the premises during the time he or she is holding over, all moneys that
28 the court as found to be due and owing from the defendant to the
29 complainant as a result of the damage caused by the defendant, and (3)
30 reasonable attorney's fees.

31 (c) No money judgment may be entered against a defendant
32 pursuant to this subsection, unless prior to the entry of such judgment,
33 the complainant provides satisfactory proof to the court that he or she
34 has personally served the defendant with a copy of the money
35 judgment sought, or has provided the defendant with a copy of the
36 money judgment sought by certified mail, return receipt requested.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	47a-26d

Statement of Purpose:

To permit the entry of a money judgment in favor of a prevailing party in a summary process action.

[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.]