April 10, 2020

COVID-19 Response: CT Executive Order Impacts Rights Under Residential Leases

On April 10, Connecticut Governor Ned Lamont issued Executive Order No. 7X, which effective immediately impacts the rights and obligations of landlords and tenants under residential real estate leases impacted by the COVID-19 pandemic. The Order provides the following:

(a) **No Notice to Quit or Summary Service of Summary Process Before July 1st.** No landlord may deliver a notice to quit or serve or return a summary process action prior to July 1, 2020, except for serious nuisance;

(b) **Automatic 60-Day Grace Period for April Rent**. If April 2020 rent is paid within sixty (60) days after it is due, a landlord may not: (i) hold such renter to be in default under the rental agreement, (ii) deliver a notice to quit or serve or file a summary process action against such renter, (iii) impose late fees, interest or penalties, or (iv) report such rent as late to any credit bureau or tenant screening service;

(c) **60 Day Grace Period for May Rent, Upon Request**. If May 2020 rent is paid within sixty (60) days after it is due and the renter provides landlord with written notice within nine (9) days after such rent is due that the renter needs to delay a portion of or all May 2020 rent due to their becoming fully or partially unemployed or sustaining a significant loss in revenue or increase in expenses due to the COVID-19 pandemic, a landlord may not: (i) hold such renter to be in default under the rental agreement, (ii) deliver a notice to quit or serve or file a summary process action against such renter, (iii) impose late fees, interest or penalties, or (iv) report such rent as late to any credit bureau or tenant screening service; and

(d) **Application of Additional Security Deposit to Rent, Upon Request.** Upon the written request of certain renters who are impacted by the COVID-19 pandemic and who have paid more than one (1) month's rent as a security deposit, landlords shall withdraw the amount of the security deposit in excess of one (1) month's rent and apply it to the rent due in April, May, or June 2020. Landlords are not allowed to demand that the security deposit be restored to the amount greater than one (1) month's rent prior to the later of (a) the end of the public health and civil preparedness emergency, and (b) the date that the rental agreement is extended or renewed.

Further details on the provisions above can be found in the Order here.

Note that Order does not relieve renters of their liability for unpaid rent or their responsibility to comply with their other obligations under rental agreements or state statutes. Also, all notices permitted by the Order may be provided via electronic written communication.

Please stay safe and healthy. We all look forward to getting back to "business as usual" as soon as possible. In the meantime, Day Pitney is here to help you navigate through these unprecedented times.

For more Day Pitney alerts and articles related to the impact of COVID-19, as well as information from other reliable sources, please visit our COVID-19 Resource Center.

COVID-19 DISCLAIMER: As you are aware, as a result of the COVID-19 pandemic, things are changing quickly and the effect, enforceability and interpretation of laws may be affected by future events. The material set forth in this document is not an unequivocal statement of law, but instead represents our best interpretation of where things stand as of the date of first

publication. We have not attempted to address the potential impacts of all local, state and federal orders that may have been issued in response to the COVID-19 pandemic.

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