

# Connecticut Judicial Branch Self-Represented Parties Information Series

## Connecticut Civil Lawsuit – Residential Summary Process (Eviction) - Landlord

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**Welcome to the Connecticut Judicial Branch Law Libraries Services Self-Represented Parties Information Series.**

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**Connecticut Civil Lawsuit – Residential Summary Process (Eviction) – Landlord.**

In this overview, we will discuss the basic procedures for a landlord to follow when beginning a Connecticut Residential Summary Process action. We will only be addressing residential evictions, not commercial evictions. Summary Process is the legal term in Connecticut for an eviction. Getting in touch with a lawyer to help you is a good idea. But, if you decide to act as your own lawyer, the following is information to think about regarding this type of case.

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**Some words to know.**

In Connecticut, an eviction case is referred to as Summary Process. Eviction means legally removing a tenant from a leased or rented property. A landlord may be the owner of the property, such as a house or apartment building, who leases or rents the property, or part of it, to others. The tenant is the person who leases or rents the property.

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**Legal Grounds to Evict – Cause of Action.**

Connecticut General Statutes section 47a-23(a) lists legal reasons, or grounds, a Summary Process lawsuit can be based on. The grounds include, but are not limited to:

Lapse of time, meaning the lease will be ending and not renewed.

Violation of rental agreement, meaning the tenant violated some specific requirement in the lease agreement.

Nonpayment of rent, meaning the tenant has not been paying the rent agreed to in the lease.

Nuisance, meaning the unreasonable or unlawful use of the property which causes damage or danger to tenants or the landlord.

When one originally had the right or privilege to occupy such premises but such right or privilege has terminated, meaning someone who was allowed to stay with or without a lease is no longer invited to stay, or the lease has already expired.

There are more grounds listed in this statute, and you will want to review it carefully. A tenant can be evicted on more than one ground, but a landlord must cite at least one of the grounds found in the statute. The timing of the service of the Notice to Quit may dictate which ground is appropriate. The wording the landlord uses when he or she cites a ground may have to be similar to the wording used in the statute.

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#### **Notice to Quit.**

Connecticut General Statutes section 47a-23a discusses the Notice to Quit. The Notice to Quit is usually the first step in the Summary Process procedure. The Notice to Quit informs the tenant that the landlord plans to evict, states the grounds for doing so, and the date by which the tenant is expected to leave the property.

The Notice to Quit should include the names of all adult occupants the landlord is seeking to remove from the rental unit, including adult children. Minor children should not be named. An adult not named in the Notice to Quit is not part of the action, and you may not be able to evict them.

If you don't know the name of an adult living in the rental unit, you may identify him or her as John Doe or Jane Doe. If you do not include the name of every adult, or misidentify tenants or the rental unit, your Summary Process case could fail or be delayed.

You must include the exact address on the Notice to Quit of the premise from which you are trying to evict the tenant. This includes the street address, unit or room number, or any other identifying information for the residence.

The information on the Notice to Quit must be complete and accurate. If there is any required information missing or if there are mistakes with the information, often referred to as the Notice to Quit being "inadequate," the case can be dismissed.

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#### **Pre-Termination Notice.**

In some cases, a Pre-Termination Notice, also referred to as a KAPA Notice, may be required before serving the Notice to Quit. Grounds which may require a Pre-Termination Notice include a ground called "nuisance," or another ground called "material noncompliance by the tenant with the terms of the rental agreement" (other than claims of nonpayment of rent or serious nuisance). To decide if a Pre-Termination Notice is needed in your situation, please review the state laws and regulations regarding Pre-Termination Notices, including Connecticut General Statutes section 47a-15. If the tenant resides in State Public Housing, please see Connecticut Agencies Regulations section 8-68f-11.

A Pre-Termination Notice under Connecticut law requires a landlord to give the tenant notice before serving the Notice to Quit. The Pre-Termination Notice tells the tenant what they are doing that is causing a nuisance or breaking the rental agreement, and it gives them fifteen days to correct the problem. If the problem is corrected the tenancy will not terminate. If the problem is not fixed, or reoccurs, the Notice to Quit may be served after the fifteen days.

Section 8 tenants may also require a Pre-Termination Notice. You will want to review the applicable federal and state laws and regulations, including the Code of Federal Regulations, Title 24 sections 880 to 891, and any HUD program requirements, to determine if a Pre-Termination Notice is required for your situation.

If a KAPA notice is required for your situation and one is not served, it may result in the dismissal of your case.

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**Notice to Quit – Form.**

There is a preprinted Notice to Quit form available on the Judicial Branch website. It is form number JD-HM-7. From the Judicial Branch homepage, click on Forms in the left-side menu. Click on Housing from the listing of form categories. Scroll down to find form JD-HM-007. Click on the hyperlinked form number, on the right side, to open the form.

Remember, you must include the legal reasons, or grounds, why you are evicting the tenant. If you are claiming more than one ground, you must write them on the Notice to Quit. If a ground is not included on the Notice to Quit, you cannot later claim that ground in the Complaint. So be sure to include all the grounds you are claiming in the Notice to Quit. Do not try to cut short the information in this part of the Notice to Quit. The wording you use to describe the grounds should closely match the wording used in the Connecticut General Statutes.

If you are claiming nonpayment of rent as a ground, for example, you may want to include specific language stating that any money paid following service of the Notice to Quit is for use and occupancy of the rental unit only and it is not considered payment to clear up the back rent owed. If you do not include this language, and you accept money from the tenant after serving the Notice to Quit, the tenant may claim the rent was paid, which may result in the failure of your Summary Process case. Connecticut General Statutes section 47a-23(e) has the specific language you may want to include.

An incomplete Notice to Quit may result in the failure of your Summary Process case. The Clerk's Office can provide procedural assistance with the Notice to Quit.

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**Notice to Quit – Timing.**

The Notice to Quit must give the tenant at least three full days to move out before the filing of the Summary Process action in court. The three days do not include the date that service is made, or the actual quit or move out date. Decide when you want the notice to be served, then count out three full days. The day after that third day is the earliest date you may write on the Notice to Quit. If the tenant has not voluntarily moved out by that date, you may move on to the next steps.

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**Right to Counsel Notice.**

Since October 1, 2021, Connecticut General Statutes section 47a-75 requires that the Right to Counsel Notice be included any time a residential Notice to Quit is served and any time a residential Summons and Complaint are served. The Right to Counsel Notice can be found on the Judicial Branch website. From the homepage, click on the Public Tab. Click on the link for Eviction - Right to Counsel Program. A PDF of the document will open and can be printed. Again, this notice needs to be included with every residential Notice to Quit and every residential Summons and Complaint. The statute also addresses other specific types of public and subsidized housing situations.

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**The CARES Act.**

Since March 27, 2020, the federal Coronavirus Aid, Relief, and Economic Security Act, otherwise known as the CARES Act, added some extra requirements for landlords attempting to evict some tenants from certain types of properties.

If a tenant is being evicted for nonpayment of rent, and if they live in what is considered a “covered dwelling,” you may be required to give them thirty days’ notice when you serve them the Notice to Quit.

A “covered dwelling” may be a rental unit that receives payments from Section 8 Project-Based Rental Assistance. Or it could refer to a property that was purchased using a federally backed mortgage loan, such as a mortgage owned or securitized by Fannie Mae or Freddie Mac, or a mortgage insured by the Federal Housing Administration.

Other types of properties may be considered “covered dwellings.” Please review sections 4023 and 4024 of the Cares Act, and title 15, section 9058 of the United States Code for more information about what is considered a “covered dwelling.”

Please see the court form JD-HM-41, CARES Act Affidavit of Compliance, for more guidance about this exception to the timing of the move out date.

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### **Service of Notice to Quit.**

The Notice to Quit must be properly served on all adult tenants in the manner required in Connecticut General Statutes section 52-50. According to the statute, the notice must be served, or delivered, by a state marshal or other proper officer as defined in the statute. If you do not properly serve the notice, your Summary Process case may fail.

A listing of state marshals can be found on the Judicial Branch website. From the Judicial Branch homepage at [www.jud.ct.gov](http://www.jud.ct.gov), click on Directories in the left-side menu. Once it expands, click on State Marshals near the bottom of the list. Select the county where the rental unit is located. The listing will provide the names and contact information for authorized state marshals.

If you cannot afford to pay a marshal to serve your paperwork, you can submit an Application for Waiver of Fees form, JD-CV-120.

The state marshal you hire will serve copies of the Notice to Quit to the tenants. The state marshal will then sign the original paper and return it to you. You must keep the original Notice to Quit with the marshal’s signed return of service.

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### **Summary Process – Complaint and Summons**

If the tenant has not voluntarily moved out by the date on the Notice to Quit, you may file the Summary Process Summons and Complaint.

The filing of the Summons and Complaint begins the Summary Process case in court. The Complaint includes the grounds for the eviction and includes the facts that support those grounds.

When you write your Complaint, the grounds you use should match the grounds you put on the Notice to Quit, and the legal requirements of those grounds found in the Connecticut General Statutes.

The Summons is the official notice of lawsuit to the tenant, and it establishes the court's jurisdiction over the case. The Clerk's Office can provide procedural assistance with court forms.

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### **Summary Process – Complaint and Summons Forms.**

There are two preprinted Complaint forms for Summary Process. They are Summary Process (Eviction) Complaint for Nonpayment of Rent (form JD-HM-008), and Summary Process (Eviction) Complaint for Termination of Lease by Lapse of Time (form JD-HM-020).

For all other grounds you will need to write, or draft, the Complaint yourself. A law library will have samples you may use to create a Complaint.

Remember, when you write, or draft, your Complaint, you are limited to the grounds you included in the Notice to Quit.

The Summons – Summary Process (Eviction) is a preprinted form, form JD-HM-032.

You will need to complete both the Summons and the Complaint to begin your Summary Process action in court.

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### **Summary Process – Summons and Complaint Signed.**

Speak with the state marshal who will serve your Summons and Complaint to find out when it can be served. Bring the original Notice to Quit with the state marshal's signed return of service for the Notice to Quit, the completed Summons, and the completed Complaint to the courthouse where the case will be filed. The Clerk will review the documents for completeness, set a Return Date, and sign the Summons. They will give your paperwork back to you, and you will once again contact a state marshal to ask them to serve the original Notice to Quit with the state marshal's signed return of service, Summons, Complaint, and another copy of the Right to Counsel Notice to each tenant.

There are fees involved for both filing your Summary Process lawsuit and for the state marshal's service of the documents. Fees and waiver of fees will be discussed in a later slide.

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### **Service of Summary Process Lawsuit.**

The Summary Process suit must be properly served in the manner required in Connecticut General Statutes section 52-50. According to the statute, the Summary Process suit must be served, or delivered, by a state marshal or other proper officer as defined in the statute. If you do not properly serve the Summary Process lawsuit, your case may fail. The marshal will serve copies of the Summons, Complaint, and Right to Counsel Notice, required for residential evictions, to the tenant. Then they will give you back the original documents along with a signed document called a "Return of Service," promising service was made.

According to Connecticut General Statutes section 47a-23a, service must be made on the tenant six days before the Return Date.

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**Summary Process Filing with Court.**

Three days before the Return Date, bring to court and file with the Clerk's Office the original Notice to Quit, the marshal's signed Return of Service for the Notice to Quit, the original Complaint and Summons, and the marshal's Return of Service for the Complaint, Summons, and the original Right to Counsel Notice.

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**Entry Fee.**

There is a \$ 175.00 entry, or filing, fee to file a Summary Process lawsuit. The fee is set by Connecticut General Statutes section 52-259. If you believe you cannot afford the fee, you can fill out and submit an Application for Waiver of Fees form, JD-CV-120.

The state marshal will also charge a fee for the service, or delivery, of the papers. The fee for service will vary depending on the marshal and the situation. The Application for Waiver of Fees form also includes the option to ask for the cost of service to be waived. Connecticut General Statutes section 52-261 discusses fee for service of process.

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**More Information and Help**

More information regarding Landlord/Tenant law can be found online on the Law Libraries' Connecticut Law about Landlord/Tenant Law by Subject Page. Help with filing in the preprinted court forms can be found at any Court Service Center. General procedural questions can be addressed to the Housing Clerk's Office.

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**A Landlord's Guide to Summary Process (Eviction)**

Step by Step guidance for Landlords found in *A Landlord's Guide to Summary Process (Eviction)*, JDP-HM-14, on the Judicial Branch website.

A Landlord's Guide to Summary Process (Eviction) is a detailed step-by-step guide for filing a Summary Process case. However, it only discusses the most common grounds for eviction, and it may not contain updates about recent changes to the law. This guide is available on the Judicial Branch website, publication number JDP-HM-14.

From the Judicial Branch homepage, click on Self-Help in the left side menu. Click on Publications/Videos. Click on Housing in the category listing. A Landlord's Guide to Summary Process (Eviction) is the second option under Housing Publications.

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This is the end of our overview. For more information please visit a [Judicial Branch Law Library](#), a [Court Service Center](#), or the [Judicial Branch website](#).