

**Defending tenants in evictions  
based on hoarding claims**

David A. Pels  
September 6, 2019

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**Eviction timeline**

- Kapa notice (for cases claiming lease violations or violations of tenant obligations under CGS Sec 47a-11) – must: specify the violation sufficiently to put the tenant on notice of what must be done to cure; give at least 15 days from delivery of the notice before a notice to quit may be served and; provide notice of the right to cure

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**Eviction timeline**

- Notice to quit
  - If a Kapa notice is required may only be delivered after the end of the cure period
  - Must specify the violations with sufficient specificity to enable the tenant to prepare a defense
  - Must have at least 3 clear days between delivery of the notice and the lease termination date

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### Eviction timeline

- Writ, summons and complaint
  - May be served only after terminal date in notice to quit
  - Contains a return date
  - Must be served 6 days prior to return date
  - Must be filed in court at least 3 days before the return date
  - Tenant must file an Appearance within 2 days of the return date or risk losing by default (about 50% of all tenants lose by default).

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### Eviction timeline

- After tenant files an Answer, case is scheduled for a hearing, usually 1-3 weeks later
- All cases are required to go to mediation where at least 90% of cases are resolved
- Cases which fail mediation go to trial in front of a Judge, usually on the same day
- Judge has 120 days to make a decision but most take 2 weeks or less
- Tenant who loses has 5 days to move or to file an appeal

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### Tenant Defenses

Lapse of time (means the lease is over and the landlord does not want to renew it)

In buildings containing at least 5 units, households which include a person who is either disabled (physically or mentally) or is at least 62 years old can not be evicted without good cause. Lapse of time alone is not "good cause".

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### Tenant Defenses

- Nuisance
  - Kapa notice is legally insufficient
  - Landlord must prove that the violations “materially, adversely affect health or safety”
  - Equitable relief against forfeiture: 1) whether one party will suffer harm disproportionate to the injury to the other party and; 2) the injury is repairable See West Hartford HA v. Spencer (attached to handout)

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### Tenant Defenses

- Serious nuisance
  - No Kapa notice required but the landlord must prove that the violation “presents an immediate and serious danger to the safety of other tenants or the landlord” See Cardinal Realty Investors v. Bernasconi (copy attached to handout)
  - Equitable relief against forfeiture (see previous slide)

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### Tenant Defenses

- In all nuisance cases the tenant may be entitled to a “reasonable accommodation” which will be discussed in detail in the next presentation

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### David Pels Bio

David Pels worked for legal services programs in Hartford, Waterbury and New Britain for 45 years. The primary focus of his practice was defending tenants in eviction cases. He is a member of the Citizen's Advisory Council on Housing Matters.

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