

HOUSING EDUCATION RESOURCE CENTER

Landlord not maintaining your rental premises? Thinking of withholding your rent? ***STOP!***

Non-payment of rent isn't an option. Instead, you can have the State Housing Court hold your rent!

HOW TO MAKE RENT PAYMENTS INTO COURT . . .

. . . IT'S CALLED "ACTION BY INDIVIDUAL TENANT TO ENFORCE LANDLORD'S RESPONSIBILITIES. PAYMENT OF RENT INTO COURT." [Section 47a-14h of the CT General Statutes]

If you claim that your landlord has failed to repair housing code violations, you can take steps to force the landlord to complete the necessary repairs. Under the Connecticut General Statutes, you can pay rent to the housing court instead of to the landlord.

THIS IS HOW YOU DO IT:

Step 1 Ask your landlord to make the repairs. Make a list of exactly what needs to be done and set a specific timeframe for a response. Make your request in writing and keep a copy for your own records.

Step 2. If your landlord does not satisfactorily respond to your request, call your local housing code enforcement office, building department, or health department (through your local town hall) or call the designated State Health District for your area and schedule an appointment to have your apartment inspected. You may also want to submit your complaints in writing to the appropriate enforcement department.

Step 3 Be sure to be home when the inspector arrives to evaluate your rental unit. Show the inspector what items need to be repaired. Show him/her any problems that exist (use your list to remind yourself). Also, ask the inspector to send to you a copy of the report. If you have a lease, you may want to have a copy of it on hand, in case the inspector has any questions. Be sure to get the inspector's name and document the date and time he/she came out.

Step 4 After the inspection, you must write a letter to your landlord indicating the inspector's findings and list them, along with other needed repairs that may not be included in the inspector's report. In the letter, you must state that you are giving the landlord 21 days to do all the needed repairs in your unit and that if all the problems are not remedied within that 21 day period, you will exercise your right to pay your rent to the State Housing Court.

Step 5 You must wait at least 21 days from the date of the inspection, before you can file a complaint. Your complaint should be filed with the Superior Court Housing Session. There is a nominal fee to file your complaint; however, it may be waived if you qualify for exemption. When you go to court, you should have a copy of your letter as well as the name and address of your landlord. If you have not paid your rent for the current month, be sure to have the correct amount in cash or money order with you, no personal checks will be accepted. A clerk can assist you in completing the necessary forms. The court clerk won't give you legal advice, but will explain the procedure. The clerk will also schedule a hearing date that will be within the next two weeks after your filing and will have the necessary papers served to the landlord by registered mail. If the landlord does not sign for, or pick them up, you must have a State Marshal serve them. The Marshal's fee is usually \$50-\$75.

Step 6 Call the inspector's office to schedule his/her appearance at the hearing to act as a witness. Call again 2 or 3 days before the hearing to confirm. The inspector must submit a copy of the inspection report to the court. If the inspector does not wish to comply, ask the housing clerk how to subpoena the inspector.

Step 7 Continue paying rent to the court. As long as you keep paying rent on time to the court, your landlord can not evict you for nonpayment of rent.

Step 8 Present your case to the court. Be professional and prepared. Have pictures and witnesses ready.

Step 9 Ask the judge to order the landlord to make the repairs and to schedule another hearing within 2 weeks to determine if the landlord has complied with the judgment. The court can order the landlord to make repairs to your unit or the building.

Your landlord may file a counter-claim against you if he/she feels you have not met your tenant responsibilities required by law.

While the law makes it possible for you to bring legal action without the assistance of a lawyer, it is strongly recommended that you seek legal advice before bringing such action.

You may be ineligible to pursue "payment into court" proceedings if you have received a notice to quit possession of the premises for a valid ground for eviction prior to filing your complaint.

The law can be very detailed and complicated, always seek legal advice before you start a suit.