

If you're 60 or over, call your local legal aid office:

| | | | |
|---------------|--------------|-----------------|--------------|
| Eastern CT | 800-413-7796 | Western CT | 800-413-7797 |
| Hartford Area | 860-541-5000 | Bridgeport Area | 800-809-4434 |
| Stamford Area | 800-541-8909 | New Haven Area | 203-946-4811 |

If you're under 60, call SLS for help:

**Statewide
Legal Services
of Connecticut, Inc.**

Statewide Legal Services
1-800-453-3320
860-344-0380

Search our website for help:



www.ctlawhelp.org

HOUSING

LEGAL SERVICES

SELF-HELP SERIES

Security Deposits and Rent Increases

November 2015



We offer free legal help in many areas, including

- welfare,
- SNAP (food stamps),
- divorce,
- child support,
- domestic violence,
- bankruptcy,
- special education,
- nursing home care,
- health insurance,
- eviction,
- foreclosure,
- and more.

See the reverse side for more about legal services.

Security Deposits

Before you move into an apartment, the landlord may ask you to pay the first month's rent and a security deposit. The amount of the security deposit can be up to 2 months of your rent. If you are 62 years or over, the landlord can only charge an amount equal to 1 month of your rent. The landlord must return all of your deposit (plus interest) when you move out unless your apartment has been damaged.

Before you move in:

- Pay your security deposit with a check or a money order. Do not pay in cash. Get a receipt and keep it in a safe place.
- Take photos or make notes about problems with the apartment when you move in. This can help you prove what damage was already there before you moved in.

While you live there:

- The landlord must keep your security deposit in a special *escrow* account and return it to you when you move out.
- Every year the landlord must also pay you interest on your security deposit. If you have lived there for a long time and have never received interest payments, the landlord may owe you for overdue interest.

When you move out:

- Make notes or take photos of any problems with the apartment. The landlord must not charge you for normal wear and tear to the apartment.
- Write a letter to the landlord asking him or her to return your security deposit. Your letter must include an address where the check can be mailed to you.
- Make 3 copies of your letter. Mail 2 copies to the landlord separately. Mail one copy using regular mail. Mail the other letter using certified mail with a return receipt requested. Keep one copy for your records.
- Even if there is a new landlord, you still have the right to get your deposit back.

If you're under 60, call us for help:



Statewide Legal Services
1-800-453-3320 or 860-344-0380

Search our website for help:



www.ctlawhelp.org

If you're over 60, call your local legal aid office.

Connecticut Legal Services

www.ctlegal.org

Bridgeport

211 State Street 203-336-3851

New Britain

16 Main Street 860-225-8678

New London

153 Williams Street 860-447-0323

Stamford

20 Summer Street 203-348-9216

Waterbury

85 Central Avenue 203-756-8074

Willimantic

872 Main Street 860-456-1761

Greater Hartford Legal Aid

www.ghla.org

999 Asylum Avenue
Hartford, CT 06105
860-541-5000

New Haven Legal Assistance Association

www.nhlegal.org

426 State Street
New Haven, CT 06510
203-946-4811

Consumer Law Project for Elders

Free legal assistance to people 60 and over throughout Connecticut who have money/debt problems.

1-800-296-1467

This booklet was produced by Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Statewide Legal Services of Connecticut.

The information in this booklet is based on laws in Connecticut as of 11/2015. We hope that the information is helpful. It is not intended as legal advice. For advice on your situation, call Statewide Legal Services or contact a lawyer.

How will the Commission decide?

The Commission considers many things, especially

- the rent for similar units in your area,
- your income and your ability to pay the higher rent,
- if your unit is in good condition or if it needs repairs,
- the landlord's costs and how the rent increase will be used,
- the amount of the increase and any other recent rent increases,
- damage to the apartment beyond normal wear and tear, and
- if the unit is furnished or includes utilities.

Does the landlord have to obey the Commission?

Yes. If the landlord does not obey the Commission or gives you a hard time because of your complaint, the Commission can fine the landlord and order him or her to act appropriately.

Report any problems to the Commission.

What should my letter to the landlord say?

To: _____
[Landlord's name]

[Landlord's Address]

[Date]

I was a tenant at: _____
[Address of the place you rented]

My move-out date: _____
[Date of move]

The law says you must return my security deposit [*list amount*], plus interest within 30 days of receiving this letter. Please mail it to me at this address: [List an address where you can receive mail].

[Your signature, date, and printed name]

How long does the landlord have to return my security deposit?

Usually, the landlord has up to 30 days after getting your letter with your new address to

- return your deposit with interest, or
- return your deposit with interest minus the cost of repairs to damages in your apartment. The landlord must also send you a list of the estimated or actual costs for the repairs.

If the landlord doesn't return your deposit or give you the list of repairs within 30 days, the law says he or she must pay you double your security deposit. That means you should get back twice the amount of the whole security deposit, along with interest.

How do I know if the interest paid is correct?

You can check with the Department of Banking. The rates change every year.

- Call 860-240-8154 or 1-800-831-7225 ext. 8154.
- Visit the Connecticut Department of Banking website at <http://www.ct.gov/dob> and click on the link to *Landlord/Tenant*.

Note: The landlord does not have to pay you interest for any month that you were 10 or more days late with the rent and you were not charged a late fee.

What if the landlord doesn't return some or all of my deposit?

You can sue the landlord in **Small Claims Court** if

- the landlord doesn't respond to your request within thirty (30) days;
- he or she didn't return your security deposit or give you a list of repairs and costs within thirty (30) days; or
- the landlord returned some or none of your deposit and gave you a list of repairs and costs, but you don't agree with the amounts.

You will have to fill out and file court forms and go to court to explain your case. You do not need a lawyer for Small Claims court. For more information, see our booklet: *Small Claims Court*.

You can file a complaint with the Banking Department if

- you gave the landlord your new mailing address using certified mail with a return receipt requested, and
- the landlord does not return your deposit or only returned part of your deposit without giving you the list of repairs.

How do I get ready for the hearing? (continued)

- Make 2 copies of these papers:
 - the Housing Code Office's report;
 - the Health Department report, if there is one;
 - proof of your income (such as paycheck stubs or welfare forms); and
 - copies of utility bills if you pay utilities and they're high.

You have the right to have a lawyer speak for you at the hearing.

What happens at the hearing?

- You, the landlord, and any witnesses must take an oath to tell the truth.
- You and your landlord will each get a chance to speak, show important papers and photos, and call witnesses.
- You have the right to ask questions of your landlord and the landlord's witnesses.
- The Commission will record the hearing and decide your case later.

What happens after the hearing?

The Fair Rent Commission will send you a letter with their decision. They can decide that

- the rent increase is **fair** and order you to pay it. If you do not agree, you can appeal in court. If you want to appeal, contact Statewide Legal Services;
- the rent increase is **unfair**, lower your rent, and order the landlord to accept that amount;
- the landlord must raise your rent over time so you won't have to pay the increased amount right away; or
- rent cannot increase until repairs are made. If this happens, you may have to pay your rent to the Commission for a while. They will not give the rent money to your landlord until repairs are made. The Commission may ask another agency to make sure your landlord makes the repairs.

Can my landlord evict me if I file a fair rent complaint?

No. The law says your landlord cannot evict you just because you filed a complaint. But you can be evicted if you don't pay your rent each month.

If your rent is paid and your landlord tries to evict you after you filed a complaint, call Statewide Legal Services at 860-344-0380 or 1-800-453-3320 and contact the Commission right away.

Do I pay the same rent after I file my fair rent complaint?

Every month until the Commission decides your case, you must pay your landlord

- the old rent amount, or
- a higher rent amount that seems fair to you.

Warning: Always pay by check or money order. Do **not** pay cash. Write "Rent in full for the month of ____" on your check.

How do I get ready for the hearing?

- Before the hearing, tell the Commission if you want
 - copies of city or town documents such as code enforcement reports about your property; or
 - a witness such as a repair person, a code inspector, or a town employee to speak at the hearing. If you think the witness won't want to go to the hearing, ask the Commission to order (or *subpoena*) the witness to go and to bring the documents you need to help your case.
- Make notes to help you remember what you want to say and practice saying it. If you get nervous, you can read from your notes.
- Describe any unsafe, unhealthy, or unlawful conditions in your apartment such as pests, leaks, or no water. Bring photos that show these problems.

You can get a rental complaint form at the Connecticut Department of Banking website (www.ct.gov/dob). Send your complaint and copies of the documents they ask for to:

Security Deposit Investigator

Connecticut Department of Banking
260 Constitution Plaza
Hartford, CT 06103-1800

Email: dob.sd@ct.gov

Tel: 860-240-8154 or 800-831-7225, ext. 8154

Fax: 860-278-7014

Special rules for seniors

- People who are 62 years or over cannot be charged more than one (1) month's rent for the security deposit.
- After 1 year of living in public senior housing, the entire security deposit plus interest must be returned to the senior.

Rent Increases

When can the landlord raise my rent?

If you pay rent month-to-month and **do not have a written lease**, your landlord can raise the rent anytime.

Exception: Even if you do not have a written lease, your landlord is **not** allowed to raise your rent (or lower it, or take away services such as utilities) if in the last 6 months you

- asked your landlord to make repairs in your apartment;
- complained to the health department, housing code office, or the Fair Rent Commission;
- filed court papers because your landlord isn't making necessary repairs in your apartment; or
- joined a tenants' union.

If you have a **written lease** that has not expired, your landlord is **not** allowed to raise the rent unless the lease says so.

Even if your apartment needs repairs, you must pay your rent on time or your landlord can evict you. For more information about what to do if your apartment needs repairs, see the legal aid booklet: *Tenants' Rights: Repairs*.

Can I do anything about a rent increase?

Yes. Here are some suggestions:

- Ask the landlord not to raise the rent (or raise it less). If he or she agrees, put your agreement in writing. This will be your new written lease. If he or she does not agree, send the landlord a letter saying you don't agree to the new amount. Continue paying the old rent, or pay an increase that you think is reasonable. Always pay on time and pay by check or money order. Write "Rent in full for the month of ____" on your check or money order.
- Contact the Fair Rent Commission. If you file a complaint, the Commission will look at your situation and decide if your rent or rent increase is too high or unfair. See below for information about how to file a complaint with the Commission.

Can I be evicted for not paying the rent increase?

If you and the landlord can't agree on the rent increase, you will have to move. If you don't move, your landlord can start an eviction against you.

What if I am a senior or I have a disability?

If you are a senior or you have a physical disability and you live in a mobile home or a building with 5 or more units, your landlord must not raise the rent unless it is reasonable (or *fair and equitable*).

If the rent increase does not seem reasonable to you, you can

- file a complaint with your local Fair Rent Commission,
- sue your landlord to stop the rent increase, or
- talk to a lawyer.

Who can file a complaint with the Fair Rent Commission?

You can file a complaint if

- your landlord wants you to pay for utilities that used to be included in your rent;
- the rent increase seems unfair; or
- your rent seems unfair because your apartment is unsafe, has unhealthy conditions, or violates the housing code.

You must have lived there for at least 3 months. You do not need a lawyer or a written lease.

How to file a complaint with the Fair Rent Commission

- Call 2-1-1 or go to www.211ct.org to search for Fair Rent Commission office locations. Not all towns have a Commission.
- Ask for a complaint form and fill it out.
- Make two copies of your complaint and keep one for yourself.
- File your complaint at the Commission.
- Take the other copy of your complaint to the Housing Code office and ask them to inspect your apartment as soon as possible.

What happens after I file a fair rent complaint?

The Commission will investigate your complaint and schedule a hearing. But first, they may meet with you and your landlord to see if you can make an agreement on your own.

You do not have to make an agreement with your landlord, but you can if the agreement seems fair to you. If you can't make an agreement, tell the Commission you want a hearing.