STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 9H

PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC – REMOTE PARTICIPATION IN MUNICIPAL MEETINGS, TECHNICAL CORRECTIONS TO EXTENSION OF EVICTION MORATORIUM IN EXECUTIVE ORDER NO. 9E

WHEREAS, on March 10, 2020, I declared public health and civil preparedness emergencies throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and Connecticut; and

WHEREAS, on September 1, 2020, I renewed the March 10, 2020 declaration of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies shall remain in effect until February 9, 2021, unless earlier terminated; and

WHEREAS, pursuant to such declarations, I have issued seventy-five (75) executive orders to suspend or modify statutes and to take other actions necessary to protect public health and safety and to mitigate the effects of the COVID-19 pandemic (the "COVID-19 Orders"); and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

WHEREAS, public health experts have determined that it is possible to transmit COVID-19 even before a person shows symptoms and through aerosol transmission; and

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention (CDC) and the Connecticut Department of Public Health (DPH) recommend implementation of community mitigation strategies to slow transmission of COVID-19, including limitation on the size of gatherings, maintaining a safe distance from others, and wearing masks or face coverings; and

WHEREAS, in order to keep people safely in their homes and avoid increasing homelessness and the associated risk of COVID-19 transmission, Executive Order Nos. 7X, 7DDD, and 7OOO provided temporary relief from statutory eviction proceedings; and

WHEREAS, on September 30, 2020, I issued Executive Order No. 9E, which extended the moratorium on actions to initiate residential evictions and made certain modifications to the previous executive orders regarding such moratorium; and

WHEREAS, certain technical revisions to Executive Order No. 9E are required to maintain consistency with the terms of such previous executive orders and with certain federal orders and to clarify certain dates and other technical provisions;

NOW, THEREFORE, I, NED LAMONT, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, and pursuant to the public health and civil preparedness emergencies declared on March 10, 2020 and renewed on September 1, 2020 and the new public health and civil preparedness emergencies declared on September 1, 2020, do hereby **ORDER AND DIRECT:**

1. **Remote Participation in Municipal Meetings.** Notwithstanding any provision of the Connecticut General Statutes, Regulations of Connecticut State Agencies, or any ordinance, charter, bylaws or other rule:

    a. Any municipal (as defined in Section 12 of Executive Order No. 7I) agency, board, commission, council or local legislative body, and, in a municipality where the legislative body is a town meeting, the board of selectmen, may hold a public meeting or hearing that provides for remote participation in its entirety, or for remote participation in conjunction with an in-person meeting, which shall be referred to herein as a "hybrid meeting." Remote participation shall include the opportunity to offer public comment, if otherwise generally permitted at such meetings, and the ability of electors or qualified voters to vote, if eligible pursuant to state statute, municipal charter, or other applicable legal authority, at any meeting, annual town meeting or special town meeting. Officials conducting hybrid meetings shall make provisions to allow at least some members of the public and press to attend in the same location as the officials conducting the meeting in a manner consistent with public health guidance for limiting the transmission of COVID-19. Municipal bodies conducting in-person or hybrid meetings shall consult with and take steps recommended by local or state public health officials to conduct such meetings in a manner that significantly reduces the risk of transmission of COVID-19. Remote and hybrid meetings shall proceed in a manner as closely consistent with the applicable statutes, special acts, town charters, municipal ordinances, resolutions or procedures as possible, and in compliance with the open meeting provisions set forth in the Freedom of Information Act, as modified by Executive Order No. 7B.

    b. No member of any municipal agency, board, commission, council or local legislative body shall be denied the opportunity to participate and vote in any meeting or proceeding using remote technology if such member requests to do so, and a member of any such body may request to participate remotely in all meetings for the duration of the public health and civil preparedness emergency, and shall not be required to file an individual request for each meeting.

2. **Technical Revisions to Extension of Eviction Moratorium.** Executive Order No. 9E, Section 1, is repealed and replaced in its entirety by the following:

   The provisions of Executive Order No. 7X, Section 1, as modified by Executive Order Nos. 7NN, Section 4, 7DDD, Section 1, 7OOO, Section 3, shall remain in effect until January 1, 2021, with the following modifications:

   a. **No Notice to Quit or Service of Summary Process Before January 1, 2021.** Section 47a-23 of the Connecticut General Statutes is modified to provide, "(g) No landlord of a dwelling unit, and no such landlord's legal representative, attorney-at-law, or attorney-in-fact, shall, before January 1, 2021, deliver or cause to be delivered a notice to quit or serve or return a summary process action, for any reason set forth in this chapter or in sections 21-80 et seq. of the Connecticut General Statutes, except for nonpayment of rent due on or before February 29, 2020, for serious nonpayment of rent as defined herein, for serious nuisance as defined in section 47a-15 of the Connecticut General Statutes, or, provided the notice to quit is not delivered during the term of any existing rental agreement, for a bona fide intention by the landlord to use such dwelling unit as such landlord's principal residence. For the purposes of this subsection, 'serious nonpayment of rent' means a rental arrearage equal to or greater than six months' worth of rent due on or after March 1, 2020, which shall exclude all other costs, fees, attorney fees, and other charges arising from the tenancy."

   b. All residential notices to quit, except those for serious nuisance, issued before January 1, 2021 shall be delivered with a copy of the CDC Declaration. The CDC Declaration is attached to the CDC Order "Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19," 85 FR 55292 (September 4, 2020). The CDC Declaration, which may be found in translation at https://nlihc.org/national-eviction-moratorium, shall be delivered in English and Spanish.

   c. All residential notices to quit for nonpayment of rent for rent due on or before February 29, 2020 that are issued before January 1, 2021 shall specify and recite the period of nonpayment of rent before February 29, 2020 for which rent has not been paid.

   d. All residential notices to quit and all complaints in summary process actions for serious nonpayment of rent that are issued before January 1, 2021 shall specify and recite the amount of the rental arrearage, the months for which rent has not been paid, and in what amounts.

   e. All residential notices to quit issued before January 1, 2021 based upon the bona fide intention by the landlord to use such premises for the landlord's principal residence shall state that reason and specify the expiration date of the lease.

This order shall take effect immediately and remain in effect for the duration of the existing renewed and newly declared civil preparedness and public health emergencies, unless earlier modified or terminated by me.

Dated at Hartford, Connecticut, this 20th day of October, 2020.

Ned Lamont
Governor

By His Excellency's Command

Denise W. Merrill
Secretary of the State