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Proposed Housing Blight and Landlord Identification Ordinances

The attached Housing Blight Ordinance and Landlord Identification Ordinance were published in the Norwalk Hour on April 30, 2013; and July 4, 2013. They went to public hearing on July 16, 2013. The Ordinance Committee voted to move these two proposed ordinances to the Common Council for discussion and vote at its meeting on July 16, 2013.

The copy of the Housing Blight Ordinance provided in your packet was slightly revised to fix typos and fix formatting. The attached copy contains the revisions.

The City Code Article numbers will be added later by the Law Department.

Art. - Landlord Identification.

I. *Definitions.* As used in this section:

Address means a location as described by the full street number, if any, the street name, the city or town, and the state, and not a mailing address such as a post office box.

Agent in charge means one who manages real estate, including, but not limited to, the collection of rents and supervision of property.

Dwelling unit means any house or building, or portion thereof, which is rented, leased or hired out to be occupied, or is arranged or designed to be occupied, or is occupied, as the home or residence of one or more persons, living independently of each other, and doing their cooking upon the premises, and having a common right in the halls, stairways or yard.

II. *Identification of non-resident owner or agent required.*

A. Each owner of a dwelling unit in the City of Norwalk, which is not owner-occupied, shall be required to register their current mailing address with the Director of Public Health. If the owner is a corporation, partnership, trust or other legally recognized entity, it shall be required to register the address of the agent in charge of the building as well as the agent for service of process. If an owner's address changes, notice of the new address shall be provided not more than twenty-one (21) days after the date that the address change occurred. If the owner fails to file an address under this section, the address to which the municipality mails property tax bills for the property shall be deemed to be the owner or agent's current address. Such address may be used for compliance with the provisions of subsection (B) of this section.

B. Service of municipal orders relating to maintenance of such rental real property or compliance with state law and local codes concerning such real property directed to the owner or agent at the address on file, shall be sufficient proof of service of notice of such orders in any subsequent criminal or civil action against the owner or agent for failure to comply with the orders. The provisions of this section shall not be construed to limit the validity of any other means of giving notice of such orders that may be used by the City of Norwalk

III. *Violation and penalty.*

A. Any person who violates any provision of this section shall have committed an infraction.

B. Any person who violates the provisions of this ordinance shall pay a civil penalty of two hundred fifty dollars ($250.00) for the first violation and one thousand dollars ($1,000.00) for any subsequent violation. Any person who is assessed a civil penalty pursuant to this ordinance may appeal to the Superior Court not later than thirty (30) days after the mailing of notice of such assessment.

IV. The requirements of this section shall be in addition to and not in place of any other provisions of the municipal code.

Effective Date: January 1, 2014

Art. _____. Housing Blight.

Definitions

Housing Blight - any building or structure, part of a building or parcel of land in which at least one (1) of the following conditions exist:

(1) any condition which poses a serious or immediate danger to the health or safety of any citizen of the community;

(2) lacking adequate maintenance, including but not limited to, missing or boarded windows or doors; rotting or missing portions of walls, roof or floor; missing portions of siding or other exterior covering; fire damage to structure; garbage accumulation on property; abandoned cars on property;

(3) property has been cited for more than two code violations in the past which have not been corrected and are not the subject of a pending appeal;

Code Violation - shall mean a violation of any Zoning Regulations, Building Codes, Public Health Codes and Fire Codes.

Disabled individual – shall mean, in the case of an owner occupied residence, an individual who has a mental or physical disability as defined in the Americans with Disabilities Act of 1990, 42 U.S.C. §§12101 et seq, and does not have other household members capable of providing the maintenance necessary to abate blight.

Elderly individual – shall mean an individual over the age of sixty-five (65), who does not have a household member capable of providing the maintenance necessary to abate blight.

Low Income individual – shall mean, an individual or a family unit, that has an income below the highest level of income established by the State of Connecticut's Elderly Tax Relief Program. This level is in the upper limit of step 5 as set forth in the Connecticut General Statutes section 12-170aa(c). It is immaterial that a person is or is not elderly for purposes of this definition.

Blight Officer – shall be the Chief Building Official of the City of Norwalk. He/she shall investigate complaints of housing blight, issue warning letters and citations when appropriate, and explain his/her findings and actions to the citation hearing officers when necessary.

Prohibition against creating or maintaining blighted premises.

No owner of residential property within the City of Norwalk shall cause or allow such property to be blighted, nor shall an owner allow the continued existence of a blighted property.

Enforcement and hearings.

The Blight Officer shall issue a written warning notifying the property owner of a violation of this Chapter. Said warning shall detail each finding of Housing Blight and the corrective action necessary, and shall provide a reasonable amount of time for the property owner to correct the Housing Blight.

If the property owner does not cure the Housing Blight within the time period stated in the written warning, the Blight Officer shall issue a citation to the property owner. Said citation shall be issued not sooner than 15 days after the deadline to cure blight conditions stated in the written warning. The citation shall assess a fine of one hundred ($100) per day for every day the violation continues. Any unpaid fine pursuant to this ordinance shall constitute a lien upon the real estate against which the fine was imposed in accordance with Connecticut General Statutes section 7-148aa. Such lien shall be continued, recorded, enforced and released in accordance with Connecticut General Statutes section 7-148aa.

The Mayor shall appoint one or more citation hearing officers other than police officers, City employees, or the Blight Officer, to conduct citation appeal hearings. Issuance and service of citations, payment of fines, hearings and appeals to the Connecticut Superior Court shall be governed by Section 7-152c of the Connecticut General Statutes, as may be amended for time to time.

Fines collected pursuant to this Section shall be deposited into a separate fund to be used for expenses related to the enforcement and abatement of Housing Blight within the City of Norwalk.

Abatement of blight.

When a property owner is issued a citation pursuant to this Chapter, and does not cure the Housing Blight within thirty (30) days of the service of the citation, the City of Norwalk may cure the Housing Blight. The costs incurred by the City to cure the Housing Blight shall constitute a lien against the real estate in addition to any fines assessed pursuant to the Chapter.

Special Consideration.

Special consideration shall be given to individuals who are elderly, disabled or have a low income. In such cases, the Blight Officer shall give such individuals adequate time to correct the Housing Blight.

Other Enforcement.

Nothing in this Chapter shall be deemed to prohibit or limit in any manner any enforcement action with respect to any zoning, building, public health, fire, inland wetlands or other statutes, code, regulation or laws relating to the use of real property.

Effective Date: January 1, 2014