



City of New Haven

Signature Copy

Ordinance: OR-2022-0020

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File Number: OR-2022-0020

ORDINANCE AMENDMENT OF THE NEW HAVEN BOARD OF ALDERS TO
MODERNIZE CITY ORDINANCES TO REFLECT LANGUAGE THAT IS
RESPECTFUL TO PEOPLE WITH DISABILITIES.

WHEREAS, People with disabilities are a critical part of the fabric of New Haven, Connecticut, and the United States; and

WHEREAS, Congress enacted the landmark Americans with Disabilities Act "to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities; and

WHEREAS, the integration mandate of the Americans with Disabilities Act is intended to eliminate the barriers to community participation for people with disabilities including, employment, state and local government programs, and public accommodations, and

WHEREAS, the Board of Alders recognizes the importance and impact of language on perceptions and treatment of people with disabilities and wants to ensure respectful language when addressing and referring to all its citizens.

NOW, THEREFORE BE IT ORDAINED by the Board of Alders that the Text Amendments are hereby adopted and made a part of the enumerated Ordinances.

BE IT FURTHER ORDAINED that said Text Amendments shall take effect on October 1, 2022.

Sec. 12½-43.2. Disability

- (a) A person may not discriminate in the sale or rental or otherwise make unavailable or deny a dwelling to any buyer or renter because of the disability of:
 - (1) That buyer or renter;
 - (2) A person residing in or intending to reside in that dwelling after it is sold, rented or made available; or
 - (3) Any person associated with that buyer or renter.
- (b) A person may not discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provisions of services or facilities in connection with the dwelling because of the disability of:
 - (1) That person;
 - (2) A person residing in or intending to reside in that dwelling after it is sold, rented or

- made available; or
- (3) Any person associated with that person.
- (c) For purposes of this section only, discrimination includes:
- (1) A refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises;
 - (2) A refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; or
 - (3) In connection with the design and construction of covered multifamily dwelling for first occupancy after March 13, 1991, a failure to design and construct those dwellings in a manner that:
 - a. The dwellings have at least one (1) building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site.
 - b. With respect to dwellings with a building entrance on an accessible route:
 - (i) The public use and common use portion of the dwellings are readily accessible to and usable by persons with disabilities;
 - (ii) All the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by persons with disabilities in wheelchairs; and
 - (iii) All premises within covered multifamily dwelling units contain an accessible route into and through the dwelling, light switches, electrical outlets, thermostats and other environmental controls in accessible locations, reinforcements in bathroom walls to allow later installation of grab bars, and usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space. (Compliance with the appropriate requirements of the American National Standard for Accessible and Usable Buildings & Facilities ["ANSI A 117.1"] satisfies the requirements of this subsection.
 - (4) With respect to dwellings located above the first floor with at least one (1) elevator as its only accessible means of ingress and egress for persons with disabilities to any floor above the ground-floor:
 - (i) A failure to provide twenty-four (24) hour advance written notice of scheduled maintenance on the elevators or failure to conduct scheduled maintenances in accordance with industry standards and manufacturer's recommended maintenance;
 - (ii) Improper or inadequate maintenance causes repeated or persistent failures resulting in inoperable or out-of-service elevators; or
 - (iii) Failure to promptly repair elevators and restore elevator service. For purposes of this subsection, an elevator that is the only means of access for persons with disabilities to a floor above a ground floor shall be deemed in violation of this subsection if it is out of service for more than three (3) days unless:
 - (1) The owner or operator demonstrates that the delay in repair is due

- to circumstances beyond its control; and
- (2) The owner demonstrates that it has offered to pay suitable alternative housing for all tenants with disabilities and their families residing in the dwelling until the repair is complete.
- (d) As used in this subsection, the term "covered multifamily dwellings" means:
- (1) Buildings consisting of four (4) or more units if the buildings have one (1) or more elevators; and
- (2) Ground-floor units in other buildings consisting of four (4) or more units.
- (e) Nothing in this section requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
- (Ord. of 1-6-92; Ord. of 6-1-92; Ord. of 3-12-01; Ord. No. 2016-0025, 6-6-16)

Note(s)-See the editor's note to § 12½-43.1.

Sec. 12½-43. Prohibited activity.

It shall be a discriminatory practice in violation of this article for the lessor or other person:

- (a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, creed, color, religion, national origin, ancestry, sex, gender identity or expression, marital status, sexual orientation, age, lawful source of income, disability, or familial status.
- (b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith, because of race, color, religion, creed, sex, gender identity or expression, marital status, sexual orientation, age, familial status, national origin, ancestry, disability, or unlawful source of income.
- (c) To make, print, or cause to be made, printed or published, any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, creed, color, religion, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, familial status, sexual orientation, disability, or an intention to make any such preference, limitation or discrimination.
- (d) (1) To represent to any person because of race, color, religion, creed, sex, gender identity or expression, marital status, sexual orientation, age, familial status, national origin, ancestry, disability, or lawful source of income that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available; and
- (2) It shall be a violation of this subdivision for any person to restrict or attempt to restrict the choices of any buyer or renter to purchase or rent a dwelling:
- (i) To an area which is substantially populated, even if less than a majority, be persons of the same protected class as the buyer or renter;

- (ii) While such person is authorized to offer for sale or rent another dwelling which meets the housing criteria as expressed by the buyer or renter to such person; and
 - (iii) Such other dwelling is in an area which is not substantially populated by persons of the same protected class as the buyer or renter. As used in this subdivision, "area" means municipality, neighborhood or other geographic subdivision which may include an apartment or condominium complex; and "protected class" means race, color, religion, creed, sex, gender identity or expression, marital status, sexual orientation, age, familial status, national origin, ancestry, disability, or lawful source of income.
- (e) To coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of or on account of his/her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by G.S. section 46a-64c, as amended by Public Act No. 92-257, section 2.
 - (f) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, creed, sex, gender identity or expression, marital status, sexual orientation, age, familial status, national origin, ancestry, disability, or lawful source of income.
 - (g) For any person or other entity engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in terms or conditions of such a transaction, because of race, color, religion, creed, sex, gender identity or expression, marital status, sexual orientation, age, familial status, national origin, ancestry, disability, or lawful source of income.
 - (h) To deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him/her in the terms or conditions of such access, membership or participation, on account of race, color, religion, creed, sex, gender identity or expression, marital status, sexual orientation, age, familial status, national origin, ancestry, disability, or lawful source of income.
 - (i) To raise rents because of, or in anticipation of, any effect of this article.
 - (j) To evict or attempt to evict any person if a motivating factor for the eviction is the occupancy or potential occupancy of a minor child or children.
- (Ord. of 5-5-80, § 3; Ord. of 1-6-92; Ord. of 6-1-92; Ord. of 3-12-01; Ord. No. 1666, 11-10-11)

Sec. 12½-50. Prima facie presumption of discrimination.

The fact that an employer does pay or reimburse membership fees or other expenses associated with participation by its employees in an exclusionary private organization establishes prima facie that such participation confers an employment advantage or constitutes or results in discrimination in a term, privilege or condition of employment on the basis of race, color, religion, creed, sex, gender identity or expression, marital status, sexual orientation, age, familial status, national origin, ancestry, or disability. The employer shall have the opportunity of demonstrating to the

commission that such an employment advantage or discrimination does not exist.
(Ord. of 9-26-83; Ord. No. 1666, 11-10-11)

Sec. 12½-4. Same-Functions; statutory provisions adopted re equal opportunities.

The function of the commission shall be:

- (a) To promote mutual understanding and respect among, and encourage and assure equality of opportunity for, all the people of New Haven without regard for their race, color, religion, creed, sex, gender identity or expression, marital status, sexual orientation, age, familial status, national origin, ancestry, or disability to conduct such programs of education, study, research, investigation and action, as well as contribute to carrying out the purposes and provisions of this chapter; and to cooperate with governmental and nongovernmental agencies and

- organizations in the field of intergroup relations and equal opportunities; and
- (b) To undertake in New Haven through local official action the implementation of G.S. section 46a-58 (prohibiting the deprivation of rights, privileges or immunities secured or protected by the constitution or laws of Connecticut or of the United States on account of religion, national origin, alienage, color, race, creed, sex, marital status, age, lawful source of income, familial status, blindness, or disability);

G.S. section 46a-59 (prohibiting discrimination in association of licensed persons); G.S. section 46a-60 (prohibiting discriminatory employment practices); G.S. section 46a-64 (prohibiting discrimination in places of public accommodation, including housing); or G.S. section 46a-66 (prohibiting discriminatory credit practices), the provisions whereof are incorporated herein by reference. References in this chapter to such sections of the Connecticut General Statutes shall include amendment thereof as may be made from time to time.

(Ord. of 5-14-64, § 4; Ord. of 10-6-69, Ord. of 5-6-74; Ord. of 1-8-79; Ord. of 1-21-86; Ord. of 1-6-92; Ord. of 6-1-92; Ord. of 3-12-01; Ord. No. 1666, 11-10-11)

Sec. 27-32. Ice, snow, sleet-Duty of abutting owner to remove or abate.

- (a) *Removal.* The owner of land or a building, bridge or premises fronting upon the sidewalk, or connected with a footway, shall remove snow, sleet or ice within a minimum of forty-two (42) inches of such property including accessible ramps within twenty-four (24) hours after a storm ends.
- (b) *Abatement.* If the owner of the property referred to in subsection (a) cannot entirely remove the snow, sleet or ice within the aforesaid parameters, he/she shall cover the affected portion(s) with an abrasive substance so as to keep the property in a reasonably safe condition at all times.
- (c) *Penalty.* If a property owner fails to comply with subsections (a) and (b), above, within twenty-four (24) hours after receiving notice to remove the snow, sleet or ice from an appropriate city official, said owner shall be punished by a one hundred dollar (\$100.00) fine, or an amount up to the maximum allowed under state statute.

Each day that the violation continues shall constitute a separate offense.

(Code of 1985, § 27-9; Ord. of 10-17-88, § 16 Ord. No. 1426, 9-28-06; Ord. No. 1587, 4-20-09)

Sec. 12½-48. Definitions.

In this article, the following definitions shall apply:

City: The City of New Haven.

City contract: Any contract between the city and an employer to be paid in whole or in part by public funds or in-kind contributions from the city.

Commission: Commission on equal opportunities of the City of New Haven.

Employer: Any person who is a party to a city contract and who employs three (3) or more employees exclusive of parents, spouse or children.

Person: One (1) or more individuals, partnerships, associations, organizations, legal representatives, trustees or other legal entities.

Employees: All individuals employed by an employer including those working full- or part-time and executive and administrative officers and personnel. The term "employees" shall extend to all such employees and shall not be limited to those performing or doing work under the city contract.

Exclusionary private organization: Any organization, club or association which bars, restricts or limits membership or use of its dining or recreational facilities on the basis of race, color, religion, creed, sex, gender identity or expression, marital status, sexual orientation, age, familial status, national origin, ancestry, or disability.

(Ord. of 9-26-83; Ord. No. 1666, 11-10-11)

Sec. 12½-49. Contract requirements.

- (a) Each city contract shall provide that payment or reimbursement by the employer of membership fees or other expenses associated with participation by its employees in an exclusionary private organization, insofar as such participation confers an employment advantage or constitutes or results in discrimination with regard to hiring, tenure or employment, promotions, terms, privileges, or conditions of employment on the basis of race, color, religion, creed, sex, gender identity or expression, marital status, sexual orientation, age, familial status, national origin, ancestry, or disability constitutes a substantial breach of such city contract entitling the city to all rights and remedies provided in the city contract or otherwise available in law or equity. The city contract also provides that the employer will require like covenants in all subcontracts which are entered into by the employer under such city contract.
- (b) Each city contract also require the employer to cooperate with the commission in any manner which the commission deems reasonable and necessary for the commission to carry out its responsibilities under this article and that failure to so cooperate constitutes a substantial breach of the city contract entitling the city to all rights and remedies provided in the city contract or otherwise available in law or equity.

(Ord. of 9-26-83; Ord. No. 1666, 11-10-11)

Sec. 12½-2. Findings.

- (a) The population of New Haven is composed of people of diverse races, genders and gender identities, colors, religious creeds and national origins. It is essential to the health, safety and welfare of the city and its inhabitants that those differences serve only as bases of individual and community strength and integrity and not as causes of discrimination, segregation and restricted opportunities. Discrimination and its consequences cost the city and its people dearly. They cause unsafe and unsanitary housing, unemployment and underemployment, and waste of human potential. They also cause increased crime, juvenile delinquency, disease, fire, public disorder, deficiencies in the city's education system, higher welfare costs, and loss of tax revenue.
- (b) Denial of equal opportunities to any person on the basis of race, color, religion, creed, sex, gender identity or expression, marital status, sexual orientation, age, familial status or national origin, ancestry, or disability is against the public policy of the state. Government initiative to repair the consequences of past denials of equal opportunities, and to prevent such denials in the future, promotes the state's public policy. Because New Haven's population is more diverse in race, gender and gender

identities, color, religion, creed and national origin than the population of less densely populated areas of Connecticut, and the need for intergroup respect and understanding is therefore greater, it is essential that official local action be taken to promote and assure equality of opportunity for all residents of the city.

(Ord. of 5-14-64, § 2; Ord. of 5-6-74; Ord. of 8-6-90, § 1; Ord. of 1-6-92; Ord. of 6-1-92; Ord. of 3-12-01; Ord. No. 1666, 11-10-11)

Sec. 17-11.10. Pushcarts.

- (a) A licensed vendor, including a restaurant vendor, shall not vend from a pushcart unless it complies with the standards set out in this subsection. The height of the pushcart, including canopies, umbrellas, or transparent enclosures, shall not exceed ten (10) feet. The maximum length of the pushcart shall be eight (8) feet, and maximum width shall be five (5) feet. Each pushcart shall have a minimum of two (2) wheels and no more than four (4) wheels and shall be functional and decorative.
- (b) Pushcarts shall be built of durable materials that are easy to keep clean and are appropriate for exterior use and which will withstand strong winds. If wood is used it shall be painted or otherwise coated to create a glossy finish. No bare or pressure treated wood without an additional glossy finish coating is permitted. Each pushcart shall have stability features such as brakes or chocks to firmly fix its location. Pushcart tongues (including, but not limited to, hitches, or handles) must detach and be stored out of the way or be folded away while the pushcart is stationary and in use. Pushcarts are to be open and the licensed vendor shall not stand in, be partially or fully enclosed by, or operate within the pushcart.
- (c) Pushcart vending or sidewalk sales shall not be conducted in front of the entrance or exit to any building or driveway, within twenty (20) feet of any building entrance, exit, or alcove, driveway, mailbox, fire hydrant, traffic signal, bus stop, or loading zone.
- (d) Pushcarts are to be located fully within the boundaries of the paved sidewalk surface and/or tree belt while on public space, provided, however, that on those streets where no paved sidewalk exists, carts shall be so placed as to not interfere with pedestrian or vehicular traffic. No part of any pushcart may extend over the curb line, nor shall it be positioned in such manner as to obstruct a crosswalk, accessible ramp, fire hydrant, driveway or access to any building. Pushcarts must be positioned to allow an unobstructed pedestrian walkway at least five (5) feet in width, or in accordance with section 17-45 of this Code. Where a five (5) foot width does not exist, vending shall be prohibited.
- (e) No conveyance, enclosed or open, larger than a pushcart's maximum size of eight (8) feet in length and five (5) feet in width, shall be permitted on any sidewalk unless otherwise permitted by special vending district regulation. Vending conveyances exceeding pushcart maximum size must adhere to the same regulations as food trucks.

(Ord. No. 1819 , 4-19-17)

Sec. 12½-42. Definitions.

- (a) *Minor child* means any person less than eighteen (18) years of age.
- (b) *Elderly person* means any person who has attained the age of sixty (60) or more years.

- (c) *Lessor* means the owner, real estate broker, assignee or other person having the right of ownership, the right of possession or the right to rent or lease any housing accommodation, or any agent or employee of such person.
- (d) *Dwelling* means any building, structure, mobile manufactured home park or portion thereof which is occupied as, or designed or intended for occupancy as, a residency by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, mobile manufactured home park or portion thereof.
- (e) *Family* includes a single individual.
- (f) *Person* includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, receivers and fiduciaries.
- (g) *To rent* includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.
- (h) *Disability* means, with respect to a person:
 - (1) A physical or mental impairment which substantially limits one (1) or more of such person's major life activities;
 - (2) A record of having such an impairment; or
 - (3) Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance.
- (i) *Aggrieved person* includes any person who:
 - (1) Claims to have been injured by a discriminatory housing practice; or
 - (2) Believes that such person will be injured by a discriminatory housing practice that is about to occur.
- (j) *Complainant* means the person (including the executive director) who files a complaint under section 12½-6.
- (k) *Familial status* means one (1) or more individuals who have not attained the age of eighteen (18) years being domiciled with:
 - (1) A parent or other person having leg

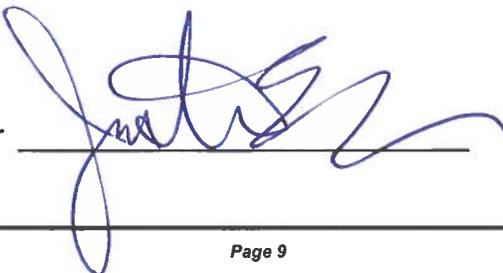
At a meeting of the on , a motion was made by , seconded by , that this Ordinance be Approved.
The motion passed.

City/Town Clerk 

Date 9/6/2022

City/Town Clerk 

Date 10/26/2022

Mayor 

Date 11/3/2022