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ORDINANCE AMENDMENT OF THE BOARD OF ALDERS OF THE CITY OF NEW HAVEN UPDATING THE PROCESSES FOR ROOMING HOUSES AND RECEIVERSHIPS

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NOW, THEREFORE, BE IT ORDAINED by the Board of Alders of the City of New Haven that the proposed amendments to the Rooming Houses (Article IV of the Housing Code) and the abatement of nuisances in tenement houses (Article V of the Housing Code) ordinances are hereby approved.

ARTICLE IV. ROOMING HOUSES¹

Par. 400. Definitions.

For the purposes of this article the following meanings apply:

- (a) *Rooming house* has the meaning stated in paragraph 100(v) of this title.
- (b) *Rooming unit* has the meaning stated in paragraph 100(w) of this title.
- (c) *Group living residential occupancy* means a residential occupancy of a structure by a group of people whose size is larger than the average household size, and with an average length of stay of thirty days or longer. Such structures generally have a common eating area for residents, who may or may not receive any combination of care, training or treatment while they reside at the site.
- (d) *Community residence* means a facility that houses its staff and eight (8) or fewer mentally ill adults, licensed by the State of Connecticut Commissioner of Public Health, which provides supervised, structured group activities and psychosocial rehabilitation and other support services to mentally ill adults discharged from a state-operated or licensed facility or referred by a licensed physician specializing in psychiatry or a licensed psychologist.
- (e) *Operator* has the meaning stated in paragraph 100(r) of this title.

(Ord. of 7-1-57, § 9.0; Ord. of 11-16-92; Ord. No. 1304, Pt. II(B), 12-17-01)

Par. 401. Issuance of rooming house permits.

Issuance of rooming house permits shall conform to the following:

- (a) *Permit issuer*. The permit issuer, hereinafter cited as "the issuer", is a City official who has been appointed to administer the City's permitting processes. The purposes of such appointment are to

¹State law reference(s)—Sanitary requirements for lodging houses, § 19-343 Conn. Gen. Stats. (Rev. 1958); overcrowding of lodging houses, requirements as to water, toilets, ventilation, § 19-346 Conn. Gen. Stats. (Rev. 1958).

increase the efficiency of those processes and to make it easier for persons to apply for permits issued by the City. The centralization of these activities under the issuer does not relieve the police chief, fire marshal, building official, health inspector, or any other City official of any obligation imposed by federal, state or local law upon such official to review and/or approve permits of any specific class. Likewise, the issuer is not authorized to issue a permit that lacks such required approval.

- (c) *Permit required.* No person may operate a rooming house, or occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of every paragraph of this title except the provisions of paragraphs 300 and 304 through 309.
- (d) *Application.* In order to obtain a permit under this article, an interested person must file an application with the issuer on the prescribed form, and provide all of the following information:
 - (1) Name, residence address and telephone number, business address and telephone number, sex, social security number, birth date and age of the applicant.
 - (2) The application date.
 - (3) Name and address of the principal.
 - (4) If applying as a partnership, corporation, or other entity: name, address, telephone number and employer identification number of such entity, application date, and the name, residence address and telephone number, business address and telephone number, social security number, birth date and age of each natural person who is a partner or officer.
 - (5) Nature of business and activities.
 - (6) Name, residence address and telephone number, business address and telephone number, social security number, birth date and age of all owners of the dwelling that is the site of the proposed rooming house, and the address of the dwelling that is the site of the proposed rooming house.
 - (7) Proof of adequate, property and liability insurance in force at the time of the application at least in an amount, for a single injury, equal to one hundred (100) percent of the appraisal value of the property, disregarding encumbrances.
- (e) *Disqualification of applicant.* An applicant will not be issued a permit if the police chief or their designee determines that the applicant is not a suitable person. This determination will be made on a case-by-case basis, depending upon factors that include, but are not limited to, one (1) or more of the factors listed below. The issuer has the discretion to request a background check, which will be performed on an as-needed basis.
 - (1) The criminal history of the applicant, specifically the factors listed in section 17-1.4(a);
 - (2) Whether the applicant was denied a permit under this title within the immediate past year, unless the applicant can and does show to the satisfaction of the appropriate City authority that the reasons for such earlier denial no longer exist.
 - (3) Whether the applicant had a similar permit previously revoked by any lawful authority in any other municipality.
 - (4) Whether the applicant has named a person who has been found unsuitable under the criteria in subsection (1) as having the responsibility for the active management or operation of building or portion thereof.
 - (5) Other just cause not otherwise inconsistent with this section.
- (f) *Conditions.*

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- (1) Before a permit may be issued under this article, the issuer shall investigate whether the use is a legal occupancy, and whether the dwelling in question is located within a zoning district that will lawfully tolerate such use. Thereafter, a housing code inspector and fire code official shall determine whether the dwelling complies with fire and housing code regulations. These investigations shall be conducted within a reasonable time from the filing date of the application.
 - (2) No permit shall be issued unless and until the inspections demonstrate that there is compliance with all relevant laws and regulations.
- (g) *Effect on neighborhood.* Before the issuer may issue a permit, the police chief or their designee will make a written finding as to whether the permitted activity will not have a negative impact on accepted community standards concerning public health, safety or welfare of neighborhood residents.
- (h) *Issuance.*
- (1) Upon approval of the application and payment of the fee prescribed by section 17-201 of the Code of General Ordinances of the City of New Haven, the issuer shall issue a permit to the applicant in accordance with the provisions of this article and this Code.
 - (2) The issuer shall issue a permit in the name of the applicant only, and designate the place where such business is to be conducted.
 - (3) The permit shall be displayed in a conspicuous place within the rooming house at all times.
 - (4) If an applicant does not acquire a permit after paying the appropriate permit fee, the City shall deduct from any refund all administrative costs associated with the processing of such permit application.
- (i) *Records kept by the City.* The City shall maintain a record of every permit issued, including its number, dates of issuance and expiration, the name of the permittee, the purpose for which it was issued, and any special conditions pertaining to it.
- (j) *Permits not to excuse violation of law or extend liability to City.* No permit shall authorize or excuse any breach of law, or any trespass upon the rights of others. The City shall not be held liable for any damage that may be committed or caused under color thereof.
- (k) *Term.*
- (1) Each permit issued under this chapter shall be issued for one (1) year from its date of issuance.
 - (2) The renewal of a rooming house permit shall be contingent upon a satisfactory annual inspection of such dwelling by the appropriate City authorities.
 - (3) A person wishing to renew a permit shall apply for its renewal prior to its expiration date, allowing due time for the issuer and City agencies to perform their duties with respect to such application.
- (l) *Regulations.*
- (1) All those issued a permit under this article shall comply with all laws and regulations, including but not limited to the provisions of this Code. In addition, each permittee shall keep a register, card file or other suitable record-keeping system in which they shall list in English the names of all persons residing in the rooming house and the dates of residence.
 - (2) The police chief or their designee shall at all times have the right of inspection of all such records kept in compliance with subsection (a) of this section.
 - (3) No permit may be transferred to a different person, location, purpose or use.

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- (4) Each permittee must notify the issuer in writing in advance of any change in the information that was part of the approved permit application, any change in ownership or interest or control of the permitted activity or premises, any cancellation of insurance, or closure or discontinuance of the permitted business, premises or activity.
 - (5) If issuance of a permit by the issuer was conditional upon the acquisition or retention of some other license, permit, certification or approval, then the permittee must notify the issuer immediately of the expiration, suspension, cancellation or revocation of such license, permit, certification or approval.
- (m) *Suspension, cancellation or revocation.*
- (1) The issuer, or other appropriate authority, may suspend, cancel or revoke a permit after it has been issued for any of the following reasons:
 - (i) The permit was procured by fraud or false representation of facts.
 - (ii) The permittee breached the terms or conditions of the permit.
 - (iii) The applicant or permittee has failed to comply with the provisions and requirements of any lawful rule or regulation.
 - (iv) Any other reason for which, in the opinion of the issuer or their designee, continued operation of the rooming house would jeopardize the public health, safety or welfare.
 - (2) The police chief and their designee shall have the power to suspend, cancel or revoke the permits issued under this chapter for just cause.
 - (3) The issuer shall mail written notice of any suspension, cancellation or revocation to the permittee and make a record thereof. Such action shall take effect when the permittee receives such notice. Any act done thereafter under color of such permit shall subject the person so acting to the same penalty as if they had done such act without such permit unless the issuer's action shall be disapproved as hereinafter provided.

(Ord. of 7-1-57, § 9.1; Ord. of 7-6-81, § 13; Ord. of 11-16-92; Ord. No. 1304, Pt. 2 (b), 12-17-01; Ord. No. 1673, 4-2-12)

Par. 402. Hearings on denial of rooming house permit.

Any person whose application for a permit to operate a rooming house has been denied may request in writing and shall be granted a hearing on the matter before a hearing officer under the procedure provided by paragraphs 203 through 206.

(Ord. of 7-1-57, § 9.2; Ord. of 7-6-81, § 14; Ord. of 11-16-92)

Par. 403. Inspection of rooming houses, suspension of permits.

Whenever upon inspection of any rooming house the enforcing officer finds that conditions or practices exist which are in violation of any provision of this title, the enforcing officer shall give notice in writing to the operator of such rooming house that unless such conditions or practices are corrected within a reasonable period, to be determined by the enforcing officer, the operator's rooming house permit will be suspended. At the end of such period the director of the building office or their designee shall reinspect such rooming house, and if they find that such conditions or practices have not been corrected, they shall give notice in writing to the operator that the latter's permit has been suspended. Upon receipt of notice of suspension, such operator shall immediately cease

operation of such rooming house, and no person shall occupy for sleeping or living purposes any rooming unit therein.

(Ord. of 7-1-57, § 9.3; Ord. of 9-10-62; Ord. of 11-16-92)

Par. 404. Hearings on permit suspensions or revocations; notice of prospective suspension.

Any person whose permit to operate a rooming house has been suspended or revoked, or who has received notice from the enforcing officer that this permit is to be suspended or revoked unless existing conditions or practices at their rooming house are corrected, may request in writing and shall be granted a hearing on the matter before a hearing officer under the procedure provided by paragraphs 203 through 206; provided that, if no petition for such hearing is filed within twenty (20) days following the day on which such permit was suspended or revoked, such permit shall be deemed to have been automatically revoked.

(Ord. of 7-1-57, § 9.4; Ord. of 9-10-62; Ord. of 7-6-81, § 15; Ord. of 11-16-92)

Par. 405. Required bathroom facilities.

At least one (1) flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system approved by the enforcing officer and in good working condition, shall be supplied for each six (6) persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of said facilities; provided that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half of the required number of water closets. All such facilities shall be located within the dwelling so as to be reasonably accessible from common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times in accordance with the provisions of subparagraph (e) of paragraph 300. No such facilities shall be located in a basement except by written approval of the enforcing officer.

(Ord. of 7-1-57; § 9.5; Ord. of 9-10-62; Ord. of 11-16-92)

Par. 406. Bed linen, towels supplied by operator.

The operator of every rooming house shall change supplies, bed linen and towels therein at least once a week, and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

(Ord. of 7-1-57, § 9.6; Ord. of 11-16-92)

Par. 407. Floor area of sleeping quarters.

Every room in a rooming house occupied for sleeping purposes by one (1) person shall contain at least seventy (70) square feet of usable floor area as defined in subparagraph (c) of paragraph 303, and every room occupied for sleeping purposes by more than one (1) person shall contain at least fifty (50) square feet of usable floor area as so defined for each additional occupant thereof.

Par. 408. Means of egress.

Every rooming unit in a rooming house shall have safe, unobstructed means of egress leading to safe and open space at ground level as required by the statutes, ordinances and regulations of the State of Connecticut and this City.

(Ord. of 7-1-57, § 9.8; Ord. of 11-16-92)

Par. 409. Responsibility of operator for sanitation.

The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house; and they shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

(Ord. of 7-1-57, § 9.9; Ord. of 11-16-92)

Par. 410. Applicability of rooming house provisions to hotels.

Every provision of this title which applies to rooming houses shall also apply to hotels, except as provided in paragraph 411 and except to the extent that any such provision may be found in conflict with the laws of this state or with the lawful regulation of any state board or agency.

(Ord. of 7-1-57, § 9.10; Ord. of 11-16-92)

Par. 411. Preparation, eating of meals in rooming houses.

No meals may be prepared or eaten in a rooming house, other than in a dwelling unit contained therein, unless such meals are prepared and eaten in communal kitchens and dining rooms conforming to the standards of paragraphs 412 and 413; except that this paragraph shall not apply to the eating of meals in establishments which hold valid restaurant licenses issued by the New Haven health department and which have the rooming house and restaurant operations integrated as a single business enterprise.

(Ord. of 7-1-57, § 9.11; Ord. of 11-16-92)

Par. 412. Standards for communal kitchens.

A communal kitchen shall comply with the following standards:

- (a) *Floor space.* It shall contain at least sixty (60) square feet of floor area in every case and at least one hundred (100) square feet if meals are both prepared and eaten therein.
- (b) *Dining facilities.* If occupants are permitted to eat meals therein, it shall be supplied with one (1) dining chair and two (2) lineal feet of dining table space, in addition to the surface area for food preparation required under subparagraph (f) below, for each occupant of the rooming house permitted to eat in the kitchen, the surface of each dining table to be smooth and easily cleanable.
- (c) *Sink, water supply.* It shall contain at least one (1) supplied kitchen sink of an approved type which shall be supplied with hot water at all times in accordance with the provisions of subparagraph (e) of paragraph 300.
- (d) *Stove.* It shall contain at least one (1) supplied kitchen gas stove or electric stove, every such stove to have at least two (2) top burners and an oven.
- (e) *Refrigerator.* It shall contain one (1) supplied electric or gas refrigerator with an adequate food storage capacity.

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- (f) *Surface for food preparation.* It shall contain one (1) or more supplied tables or other facilities having a total surface area for food preparation of not less than six (6) square feet, the surface of each table or other facility to be suitable for the preparation of food, smooth and easily cleanable.
 - (g) *Storage.* It shall contain at least one (1) supplied cabinet of adequate size for and suitable for storage of food and eating and cooking utensils.
 - (h) *Rubbish, garbage disposal.* It shall be supplied by the operator with the rubbish storage facilities and the garbage disposal or storage facilities specified by subparagraph (d) of paragraph 300.
 - (i) *Location, accessibility.* It shall be located within a room accessible to the occupant of each rooming unit sharing the use of such kitchen without going outside of the dwelling and without going through a dwelling unit or rooming unit of another occupant.

(Ord. of 7-1-57, § 9.12; Ord. of 11-16-92)

Par. 413. Communal dining rooms.

When a communal kitchen does not conform to the provisions of paragraph 412 relating to the eating of meals therein, meals shall be eaten in a communal dining room that complies with the following standards:

- (a) *Floor area.* It shall contain at least seventy (70) square feet of floor area.
- (b) *Chairs and tables.* It shall be supplied with one (1) dining chair and two (2) lineal feet of dining table space for each occupant of the rooming house permitted to eat in the dining room, the surface of each dining table to be smooth and easily cleanable.
- (c) *Location.* It shall be located on the same floor of the rooming house as the communal kitchen in which the meals are prepared and shall be as nearly adjacent to the communal kitchen as is practicable, and it shall be located within a room accessible to the occupant of each rooming unit sharing such dining room without going outside of the dwelling and without going through a dwelling unit or rooming unit of another occupant.

(Ord. of 7-1-57, § 9.13; Ord. of 11-16-92)

Par. 414. Posting of "no cooking" signs in rooming units.

The operator of any rooming house shall post in every rooming unit a sign on which shall be written or printed in letters not less than three-eighths inch in height the following words: "No Cooking Permitted in This Room"; and such sign shall remain so posted at all times the room is occupied. (Ord. of 7-1-57, § 9.14; Ord. of 11-16-92)

ARTICLE V. THE ABATEMENT OF NUISANCES IN TENEMENT HOUSES

Par. 500. State statute adopted; authority appointed.

The provisions of Connecticut General Statutes sections 47a-56 to 47a-56i, inclusive are hereby adopted; and the director of the Livable City Initiative is hereby appointed the authority for the enforcement of said act, in accordance with the provisions of section 47a-56.

(Ord. of 6-6-66, § 14; Ord. of 8-5-68; Ord. of 1-11-71; Ord. of 11-16-92)

Par. 501. Application to superior court.

Whenever a nuisance which constitutes a serious fire hazard or is a serious threat to life, health or safety has been found to exist in a tenement house, and an order for the abatement of such nuisance has been properly made and served and has not been complied with, or not so far complied with as the appropriate authority finds reasonable, within the time allowed, then the authority may apply to superior court, pursuant to section 47a-56a of the General Statutes, as amended from time to time for an order requiring the owner to show cause why a receiver of rents, issues and profits should not be appointed and why such receiver should not remove or remedy such condition and obtain a lien in favor of the municipality, having priority with respect to all existing mortgages or liens, to secure payment of the costs incurred by the receiver in removing or remedying such condition.

(Ord. of 6-6-66, § 14; Ord. of 8-5-68; Ord. of 1-11-71; Ord. of 11-16-92)

Par. 502. Same—Contents of application.

The application shall be made to the superior court in accordance with Connecticut General Statutes Section 47a-56a as amended from time to time. (Ord. of 6-6-66; § 14; Ord. of 8-5-68; Ord. of 1-11-71; Ord. of 11-16-92)

Par. 503. Same—Evidence of imminent damage.

If the condition constituting the nuisance is such that, unless it is immediately cured, substantial damage may be caused to the property, or if it constitutes an imminent danger to its occupants or the occupants of adjoining properties, the authority shall apply to the court of competent jurisdiction to make the rule to show cause returnable in less than five (5) days, in accordance with the provisions of section 47a-56b(d) of the General Statutes as amended from time to time. In such case, the authority shall include with such application proof of affidavit, executed by the director of health, the fire marshal, the police chief, the building inspector, the chief electrical inspector, or the director of the office of building inspection and enforcement, that in their expert opinion such danger or imminent danger to property or persons exist.

(Ord. of 6-6-66, § 14; Ord. of 8-5-68; Ord. of 1-11-71; Ord. of 7-6-81, § 16; Ord. of 11-16-92)

Par. 504. Same—Conduct and termination of receivership.

Following compliance with the procedures set forth in section 47a-56b of the General Statutes and upon appointment of a receiver by superior court pursuant to section 47a-56c the receiver shall furnish a bond, with sufficient surety, in an amount to be determined by the court, and provide sufficient evidence to the court that they have obtained liability insurance in an amount to be set by the court, but at least in an amount, for a single injury, equal to one hundred (100) percent of the appraisal value of the property, disregarding encumbrances. Once the receiver has furnished the bond required by the court and provided sufficient evidence of insurance, the receiver with all reasonable speed shall remove the delinquent matters and deficiencies in the property constituting a serious fire hazard or a serious threat to life, health or safety, and during the term of the receivership shall repair and maintain the property in a safe and healthful condition and shall exercise all power and authority granted by the receiver by section 47a-56d of the General Statutes, and upon completion shall apply to be discharged pursuant to section 47a-56g of the General Statutes. The receiver, during the term of receivership, shall be liable for injuries to persons and property by reason of the condition of the property for which they are receiver in a case where an owner would have been liable, but the receiver shall be liable only to the extent that they are insured against such liability or to the extent that they would have been insured against such liability had they purchased and maintained the insurance required by this paragraph. The receiver shall not

be liable for such injury in their personal capacity or out of the assets in their hands as receiver, except as provided above.

(Ord. of 6-6-66, § 14; Ord. of 8-5-68; Ord. of 1-11-71; Ord. of 11-16-92)

Par. 505. Tenement house operating fund created; custody, records.

A fund to be known as the tenement house operating fund is hereby created and established. Into such fund shall be deposited such monies as shall be appropriated by the board of alders or be realized from the sale of bonds issued pursuant to chapter 109 of the General Statutes of the State of Connecticut, as amended, for that purpose, or as shall be otherwise made available to the fund. Such fund shall be in the custody of the treasurer of the City of New Haven, and the books and accounts of such funds shall be kept by the controller of the City of New Haven.

(Ord. of 6-6-66, § 14; Ord. of 8-5-68; Ord. of 11-16-92)

Par. 506. Collection of rents; additional costs; application to director of the Livable City Initiative.

The receiver shall collect the accrued and accruing rents, issues and profits of the tenement house in which the nuisance exists and apply the same in the order of preference specified in paragraph 508 hereof. If the income of the property is sufficient to cover the cost of remedying or removing such nuisance, the receiver shall apply for additional funds to the director of the Livable City Initiative which shall review such requests and authorize disbursements from the tenement house operating fund to be made to the receiver as the Enforcing Officer in their sole discretion deems necessary and proper under the circumstances.

(Ord. of 8-5-68; Ord. of 11-16-92)

Par. 507. Enforcement of receiver's lien.

After the court has appointed a receiver of the rents of any property under the provisions of this article and section 47a-56c of the General Statutes and funds have been advanced to the receiver from the tenement house operating and to allow them to remedy or remove a nuisance as provided herein, the City of New Haven, in accordance with section 47a-56a of said General Statutes to secure payment of such funds, shall have a lien against the property having priority with respect to all existing mortgages or liens.

(Ord. of 6-6-66, § 14; Ord. of 8-5-68; Ord. of 1-11-71; Ord. of 11-16-92)

Par. 508. Expenditures and application of funds.

All rents, issues and profits collected or received by the receiver shall be expended or applied in the following order of priority:

- (1) To pay the cost of removing or remedying the nuisance which was the subject to the rule to show cause;
- (2) To pay the expenses of the receiver and such reasonable fee or fees as they may be awarded by the court;
- (3) To pay the cost of repairing and maintaining the property in a safe and healthful condition and to pay the expenses reasonably necessary for the proper operation and management of the property,

including the fees of the managing agent, if any; insurance premiums; and unpaid taxes, assessments, water and sewer rates, and penalties and interest properly imposed thereon;

- (4) To reimburse the tenement house operating fund for such monies as may have been received from it as provided herein.

Excess funds, if any, held by the receiver, shall be paid over, in the order of entitlement, to mortgagees or other lienors whose mortgages or liens have been properly recorded in the land records of the City of New Haven.

(Ord. of 8-5-68; Ord. of 11-16-92)

Par. 509. Severability.

The provisions of this article are severable; and if any provision of this article or the application of such provision to any person or circumstance shall be held invalid, the remainder of the article or the application of such provision to any persons or circumstances other than those to which it is held invalid shall not be affected thereby.

(Ord. of 8-5-68; Ord. of 11-16-92)