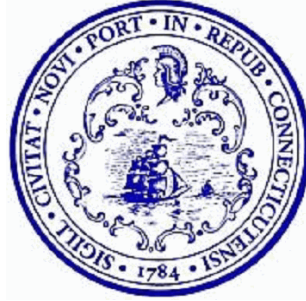


City of New Haven

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Meeting Minutes

Tuesday, September 10, 2024

6:00 PM

Meeting can be viewed on Board of Alders YouTube.

Aldermanic Chambers

Legislation Committee

(Board of Alders Notice New Haven) The Legislation Committee of the Board of Alders will meet “in-person” on Tuesday, September 10, 2024, at 6:00 p.m. in the Board of Alders Chamber located at 165 Church Street, 2nd Floor; New Haven, CT to hear and act on the following items:

- 1) [OR-2024-0018](#) ORDINANCE AMENDMENT OF THE BOARD OF ALDERS OF THE CITY OF NEW HAVEN AMENDING THE PROCESS FOR APPEALS OF HOUSING CODE CITATIONS.

- 2) [OR-2023-0031](#) ORDINANCE AMENDMENT OF THE NEW HAVEN CODE OF ORDINANCES APPROVING THE AMENDMENT TO TITLE V - HOUSING CODE PAR. 102. - PENALTIES OF THE CITY OF NEW HAVEN CODE OF ORDINANCES.

Per Order: Hon. Ellen Cupo, Chair

Attest: Hon. Michael Smart, City/Town Clerk

These items are on file and available in the Office of the City Clerk located at 200 Orange Street, Room 202, New Haven, Connecticut 06510.

For accessibility related accommodations, please call (203) 946 7651 (V) or (203) 946 8582 (TTY/TDD).

Public comment/testimony may also be submitted via email to publictestimony@newhavenct.gov before 2:00 pm on the day of the meeting.

This meeting may be viewed on the New Haven Board of Alders YouTube page.

Minutes

Alder Ellen Cupo, Chair, called the public hearing to order at 6:00 p.m.

Present were Alders Ellen Cupo, Chair; Richard Furlow, Vice-Chair; Jeannette Morisson; Adam J. Marchand; E. Rodriguez, Eli Sabin, and Carmen Rodriguez.

1. ORDINANCE AMENDMENT OF THE BOARD OF ALDERS OF THE CITY OF NEW HAVEN AMENDING THE PROCESS FOR APPEALS OF HOUSING CODE CITATIONS.

PUBLIC TESTIMONY

Presenters: Patricia King, Corporation Counsel;
Liam Brennan, Executive Director, Livable City Initiative;
Mark Stroud, Deputy Housing Code Enforcement, Livable City Initiative; and
Frank D'Amore, Deputy Director Operations, Livable City Initiative

Attorney King introduced this item and provided a history of how Director Brennan and her worked on it together to allow the city to issue violations rather than requiring the city to go to housing court and have appeals go before a hearing officer.

Director Brennan discussed how the city is submitting this amendment to bring the housing code into compliance with state statutes and court decisions.

In response to Alder Cupo, Director Brennan confirmed that hearing officers are not paid positions. Reviewed the process for how they can use Fair Rent Commission.

In response to Alder C. Rodriguez, Attorney King reviewed how they look for hearing officers, who can be fair and evenly apply the housing code to the parties who are before them. Discussed how the hearing officers are not required to live in New Haven. Director Brennan reviewed the process with placing a lien on the property. Spoke about how they look for properties that qualify for an exemption and advise property owners. Attorney King discussed how they are aiming for compliance with the housing code, not generating revenue.

In response to Alder Marchand, Deputy Director Stroud reviewed how one of the most common violations is the lack of working smoke and carbon dioxide detectors. Confirmed that if the violations are not cured within 24 hours, Livable City Initiative installs the detectors, as it is a life and health issue. Spoke about how some of the other common violations going into winter is working heat, which requires a temperature of a minimum of 55 degrees to be maintained. Discussed how they will work with landlords and tenants if it is not a matter of health and safety. Deputy Director Stroud confirmed they see approximately 25-40 housing code violations a week with several second fail notices.

In response to Alder E. Rodriguez, Director Brennan discussed how they bring in hearing officers

for training, which sometimes is conducted for a group or an individual basis. Deputy Director D'Amore reviewed how Livable City Initiative staff completes most of the work to compile the file(s) for the hearing officer/hearing.

In response to Alder Sabin, Director Brennan confirmed that as the housing code is written currently, they do not issue any violations. Discussed how with these changes before the committee tonight, the enforcement officer will recommend the amount of fines to be determined by the hearing officer. Reviewed how they do not issue penalties at this time for housing code violations because the way the code is written, they need a court order. Attorney King discussed how they referred to the state statute which sets the amount for penalties. Spoke about how the higher fines for larger landlords could be addressed by tying it to rental licenses, as some smaller landlords are not required to have one.

In response to Alder Morrison, Attorney King spoke of the importance of having uniformity and fairness in how the housing code is implemented. Director Brennan discussed how the city being able to issue fines is an important priority.

In response to Alder Furlow, Attorney King reviewed how the state statutes require certain appeals that are due to violations caused by the tenant's willful misconduct to be brought before the municipal legislative body (aka Board of Alders). Director Brennan confirmed that the process requires the decision of the hearing officer before they can issue fines and the amount of the fine except in the situations where the landlord has an argument that the violation is due to the willful misconduct of the tenant.

In response to Alder Sabin, Attorney King confirmed increased fines could be something addressed by Livable City Initiative regulations if addressed in the ordinance that fines are subject to Livable City Initiative regulations. Director Brennan reviewed how there is similar language in other city ordinances that allow Livable City Initiative regulations to govern in addition to state statutes.

Director Brennan confirmed the housing code fines do apply per day, and this state statute has been sustained by the state supreme court regarding other applications and would expect it to be upheld regarding applying to New Haven's housing code.

Alysha Gardner, Partnership for Strong Community, 375 Canner Street, spoke in favor of both items. A copy of the written testimony is on file in the Office of Legislative Services.

Kevin McCarthy spoke in favor of this item and recommended: 1) Livable City Initiative report back to the Board of Alders in one year; request Livable City Initiative report publicly a list of inspected properties; and 3) make available funding contingent upon passing inspections.

Alexis Terry, 266 State Street, discussed how they become homeless after complaining over fifteen months regarding loud noises and the importance of insulating between floors as noises affect people suffering from PTSD.

Jorell Alford discussed the negative impacts on her life when housing court issued an eviction incorrectly instead of a lease nonrenewal.

Lisa McKnight, Room for All Coalition, spoke in support of the item before the committee tonight and the importance of making these changes to improve the housing code.

COMMITTEE ACTION

Alder Furlow moved item # 1, seconded by Alder Marchand. Alder Furlow moved to amend this item by substitution, seconded by Alder Marchand. All alders spoke in favor of the motion to amend by substitution. The motion to amend by substitution was unanimously approved, and the amendment passed. Alder Sabin moved to amend this item to include language to allow Livable City Initiative additional discretion regarding fines, seconded by Alder Marchand. Alder Sabin withdrew his amendment. All alders spoke in favor of the item, as amended. The motion was unanimously approved, and the item passed, as amended.

2. ORDINANCE AMENDMENT OF THE NEW HAVEN CODE OF ORDINANCES APPROVING THE AMENDMENT TO TITLE V HOUSING CODE PAR. 102. PENALTIES OF THE CITY OF NEW HAVEN CODE OF ORDINANCES.

PUBLIC TESTIMONY

Corporation Counsel Patricia King requested the committee give this item leave to withdraw.

COMMITTEE ACTION

Alder Furlow moved to give leave to withdraw to item # 2, seconded by Alder Marchand. All alders spoke in favor of the motion to give this item leave to withdraw. The motion was unanimously approved, and the item was given leave to withdraw.

Alder Furlow moved to close the public hearing, seconded by Alder Marchand. The motion was unanimously approved at 7:21 p.m.

Alder Furlow moved to adjourn, seconded by Alder Marchand. The motion was unanimously approved.

Adjourn: 7:37 p.m.

A recording of this meeting can be viewed on the Board of Alders' YouTube channel here: <https://youtube.com/@boardofalders8363>.

Respectfully submitted,
Misty Maza, J.D., Legislative Aide II

