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Legislation Text

File #: OR-2019-0045, **Version:** 2

ORDINANCE AMENDMENT AUTHORIZING THE AMENDMENT OF CHAPTER 17, LICENSES AND PERMITS, ARTICLE XIV, RESIDENTIAL RENTAL BUSINESS LICENSE REQUIREMENTS FOR RENTAL PROPERTY OWNERS TO ENSURE THAT THE OWNERS/AGENTS ARE COMPLYING WITH THE HEALTH AND WELFARE CHECKS ALLOWING FOR BETTER IMPLEMENTATION AND ENFORCEMENT OF THE ORDINANCE.

WHEREAS, on October 18, 2011, the Livable City Initiative for the City of New Haven ("LCI") sought an amendment to Article XIV, Residential Rental Business License of the City of New Haven Code of Ordinances (the "Ordinance") to provide the legal authority necessary to enforce and operate the Ordinance in a manner consistent with the City's Anti-Blight and Property Maintenance Ordinance; and

WHEREAS, the Board of Alders approved the amendment request on February 6, 2012; and

WHEREAS, LCI has determined that certain aspects of the Ordinance require further amendments to ensure that the owners/agents are adhering to the Ordinance safety, health and welfare checks, allowing for better implementation/enforcement of the Ordinance which includes updating the fees/fines, as approved by the BOA of the City of New Haven; and

WHEREAS, LCI wishes to amend the Ordinance as set forth above to better support the City in fulfilling its commitment to protecting the safety, health and welfare of its residents in the operation and condition of certain residential rental properties throughout the City.

NOW, THEREFORE, IT IS HEREBY ORDAINED that Article XIV, Residential Rental Business License of Chapter 17, Licenses and Permits, of the New Haven Code of Ordinances be amended pursuant to and in accordance with the Proposed Amendment attached hereto in Schedule A.

BE IT FURTHER ORDAINED, the Mayor is hereby authorized and empowered to execute, acknowledge and deliver any and all documents as may be needed or appropriate to implement and effect the intent and purposes set forth in this Order.

SCHEDULE A

ARTICLE XIV. - (NEW) RESIDENTIAL RENTAL BUSINESS LICENSES [\[4\] <file:///K:\Misty\Legislation%20Committee\History\2019%20LEG\20190709%20LEG%20Meeting\Package\Schedule%20A%20%20RRLP%20Ordinance%20for%20Ammendment%20FINAL.doc>](#)

Footnotes:

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Editor's note- [Ord. No. 1671 <http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank>](http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank), amended former Art. XIV, §§ 17-71-17-87, in its entirety which pertained to similar subject matter and derived from Ord. No. 1387, 8-1-05; Ord. No. 1430, 12-18-06.

Sec. 17-71. - Provisions of Article I apply.

The provisions contained in Article I "Licenses and Permits in General," of this chapter also apply to the activities regulated by this article.

([Ord. No. 1671, 2-6-12 <http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank>](http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank))

Sec. 17-72. - Definitions.

For the purposes of this article, the following words shall have the following meanings:

Basement shall mean a portion of a building located partly underground but having less than one-half (½) of its clear floor-to-ceiling height below the average grade of the adjoining ground. Where the contour of the ground level immediately adjacent to the building is interrupted by ditching, pits, or trenching, the average adjoining ground level shall be the nearest contour line parallel to the walls of the building without regard to the level created by ditching, pits or trenching.

Cellar shall mean a portion of a building located partly or wholly underground and having one-half (½) of its clear floor-to-ceiling height below the average grade of the adjoining ground.

City shall mean the City of New Haven.

Code enforcement officer means the Director of the Livable City Initiative or his/her designee unless otherwise specified, or other City official(s) otherwise authorized to administer the licensing and inspection of residential rental property.

Housing Code Inspector means a city employee who conducts rental housing property inspections for purposes of determining whether such property complies with minimum housing code standards as outlined in the City's applicable regulations. The Housing Code Inspector works under the direction of the code enforcement officer.

Common areas mean those interior and exterior areas of the residential rental property as defined herein of which the occupants have access, including, but not limited to, entrances, exits, hallways, stairways, basements, cellars, laundry rooms, attics, porches and yards.

Director of the Livable City Initiative shall mean the director of the City's entity known as the Livable City Initiative or his/her designee unless otherwise specified.

Dormitory means a building or a space in a building in which group sleeping accommodations are provided for more than sixteen (16) persons, who are not members of the same family, in one (1) room or a series of closely associated rooms under joint occupancy and single management, with or without meals, but without individual cooking facilities.

Dwelling means any building located in the City, which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided that temporary housing as hereinafter defined shall not be regarded as a dwelling. For purposes of this article, the term shall be synonymous with "residential rental property".

Dwelling unit means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Mixed-use residential rental property means a property that contains space used for commercial purposes in addition to one (1) or more dwelling units.

Occupant means any person, over one (1) year of age, living, sleeping, cooking, or eating in, or having actual

possession of a dwelling unit or rooming unit.

Owner means any person, who either alone or jointly or severally with others:

- (1) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof;
or
- (2) Shall have charge, care, or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article, and to the rules and regulations adopted pursuant thereto, to the same extent as if he/she was the owner.

Owner-occupant means and includes any dwelling where the owner resides in one of the dwelling units.

Person(s) means and includes any individual, firm, corporation, association or partnership.

Premises means the entire interior and exterior portions of a dwelling including the common areas thereof; facilities and appurtenances therein, grounds, areas and facilities held out for the use of occupants generally, or whose use is promised to the tenant/occupant.

Property includes all lands, including all structures, improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith.

Residential Rental License means a license issued to an Owner pursuant to the provisions of this Article XIV.

Residential Rental Property means a dwelling with at least two (2) dwelling units, regardless of whether anyone is currently residing in each unit.

Rooming house means any dwelling, or that part of any dwelling, containing one (1) or more units in which space is let by the owner or operator to four (4) or more persons. This term includes, but is not limited to, hotels, motels, group living residential occupancies and dwellings located in the City that house groups including fraternities and sororities that are not located on land owned by educational institutions. This term excludes hospitals, homes for the aged, community residences and health care facilities that are otherwise regulated by state law.

Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Temporary housing means a tent, trailer, or similar structure which is used as human shelter for not more than thirty (30) consecutive days, or more than ninety (90) days, in any calendar year.

([Ord. No. 1671, 2-6-12 <http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank>](http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank))

Sec. 17-73. - Purposes.

- (a) The City of New Haven (the "City") is committed to protecting the safety, health and welfare of its residents and to eliminate housing blight. The purpose of this ordinance is to (i) implement a proactive rental inspection program to ensure the safety, health and welfare of its residents through licensing, (ii) eliminate housing blight; and (iii) identify rental units in the City and their owners on a continuous and recurring basis. Towards that end, the City's Board of Alders have adopted ordinances and regulations concerning the operation and condition of certain residential rental property within its borders, including but not limited to, Sec. 17-71 et. seq. of the New Haven Code of Ordinances ("Residential Licensing Ordinance").
- (b) This article's provisions pertaining to licensing and inspection shall not apply to owner occupied residential property containing two (2) or less rental units.
- (c) This article's provisions pertaining to licensing and inspection shall not apply to dwellings owned and operated by the Housing Authority of New Haven, motels, hotels, rooming houses, condominiums, nor temporary housing as

defined in this article.

- (d) This article's provisions pertaining to licensing and inspection shall not apply to Section 8 units whose vouchers are administered by the Housing Authority of New Haven and are within residential rental property located in New Haven.
- (e) This article's provisions pertaining to licensing and inspection shall not apply to dormitories as defined in the associated ordinances relating to these regulations.
- (f) This article's provisions pertaining to inspection, shall not apply to dwelling units located within residential rental properties that have been issued a certificate of occupancy within the previous three (3) years, however, property owners are still required to register for a license in accordance with this article.
- (g) This article's provisions shall not be deemed to restrict the right of the City to inspect any property pursuant to any applicable federal, state or local law or regulation.
- (h) An owner who fails to comply with the following regulations may be penalized in accordance with the penalties section as set forth in Section 17-84 below, and which are prescribed by the Residential Licensing Ordinance.

([Ord. No. 1671, 2-6-12 <http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank>](http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank))

Sec. 17-74. - License required.

- (a) Upon adoption of this article, it shall be unlawful for owner(s) of certain residential rental property located within New Haven to operate/rent such property without obtaining a Type I, Type II, or Type III residential rental property license, subject to the exemptions set forth in Sec. 17-73 herein this section shall apply to the following residential rental property classifications:
 - (1) Owner-occupied dwellings containing three (3) or more residential rental units;
 - (2) Non-owner occupied dwellings containing two (2) or more residential rental units; and
 - (3) Non-owner occupied dwellings located at mixed-use residential rental properties.
- (b) Renting/operating residential rental property without a license to do so constitutes a violation of this article and is subject to the penalties set forth in Section 17-84 herein.
- (c) Upon the enactment of related ordinances as found in Chapter 17, Article XIII of the City's Code of Ordinances, all property owners of the above described residential rental property classifications are required to obtain a residential rental license in order to operate/rent such property. Application materials can be obtained online or at the office of the Livable City Initiative. If the property is exempt from the requirements of this ordinance, the property owner shall submit evidence as to the appropriate exemption to the City's Livable City Initiative Bureau. Acceptable forms of evidence to satisfy the above-mentioned exemption include, but are not limited to, a current utility bill (not to include water, water pollution control or tax bill) and a government issued photo identification, which includes date of birth, expiration date and signature.
- (d) In order to obtain a residential rental property license, the property owner or his/her agent must submit an application containing the following information concerning each residential rental property that he/she owns in New Haven:
 - (1) The name, address (No PO Box), telephone number(s), and email address for each owner of record; if the Owner is not an individual, the application must list the names, addresses, telephone numbers, and email addresses of each member or partner of the owner entity as well as the name, address, telephone number, and email for the agent or property management company authorized to act on behalf of the owner or owner entity, as applicable.
 - (2) Address of the residential rental property and the number of residential rental units in it;

- (3) Whether the owner resides in the residential rental property; and
- (4) The number of Section 8 rental units administered by the Housing Authority of New Haven in the residential rental property, if any.
- (e) The property owner or his/her agent must certify to the accuracy of the information that he/she provides in the residential rental property license application with penalty for false representation(s) as set forth in Sec. 17-84 below.
- (f) The residential rental property owner or his/her agent must submit the completed residential rental application to the City of New Haven, personally or by mail to Livable City Initiative, 165 Church Street, 3rd floor, New Haven, Connecticut 06510 within the deadline specified in the notice of the licensing requirement. The completed application may be submitted through electronic means, when available.
- (g) The residential rental property owner or his/her agent must inform the Livable City Initiative of any change concerning the information contained in the residential rental property application within thirty (30) days of such change.
- (h) Within twenty (20) days of receipt of a complete application and of the license fee required by Sec. 17-74, and inspection appointment will be mailed out.
([Ord. No. 1671, 2-6-12 <http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank>](http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank))
Sec. 17-75. - Inspection required.

The following residential rental property classifications must pass an inspection by a City Housing Code Inspector before a residential rental property license is issued:

- (1) Owner-occupied dwellings containing three (3) or more residential rental units;
- (2) Non-owner occupied dwellings containing two (2) or more residential rental units;
- (3) Non-owner occupied dwellings located at mixed-use residential rental properties with one (1) or more residential units.

Any inspection of an owner-occupied dwelling containing three (3) or more residential rental units shall not include inspection of the owner's unit.

([Ord. No. 1671, 2-6-12 <http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank>](http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank))

Sec. 17-76. - Fees.

- (a) Before a residential property license is issued, the residential rental property owner or his/her/its agent must pay the applicable licensing fee when he/she files the application, in accordance with the instructions as provided by the City's written notification. For residential, owner, and non-owner occupied rental properties, fees will be based on the approved annual budget by the Board of Alders of the City of New Haven (included in the annual City Budget), as may be amended.
- (b) If the Housing Code Inspector detects at least one (1) defect during the residential rental property inspection, he/she will arrange to re-inspect the property until it fully complies with standards set forth herein. The Owner shall not be penalized for the first re-inspection. A residential rental Owner will be penalized if a Housing Code Inspector must return to the owner's residential rental property more than once to determine whether all the defects detected in the inspector's initial inspection have been repaired. The Owner shall be penalized according to the table of fees, penalties and fines as approved by the Board of Alders of the City of New Haven, included in the Annual City Budget.
- (c) The Residential Rental Property Owner or his/her agent must be present at all scheduled property inspections. If such person is not present on a scheduled date and time, the inspection will be rescheduled once. The residential

rental property owner will be penalized in accordance with the table of fees, penalties and fines as approved by the Board of Alders of the City of New Haven, included in the Annual City Budget for the first scheduled appointment that he/she or his/her agent fails to attend without just cause as determined by the Code Enforcement Officer. If the Owner or his/her agent is not present at subsequently rescheduled dates and times, the Residential Rental Property Owner may be penalized in accordance with the Penalties section as described below, and which are prescribed by ordinance section 17-84 of the City's Code of Ordinances.

- (d) The Owner or his/her agent must pay all the above-mentioned fees, penalties and fines, if any, before he/she is issued a residential rental property license.

([Ord. No. 1671, 2-6-12 <http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank>](http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank))

Sec. 17-77. - Inspection standards.

- (a) All inspections will be performed according to a defined checklist of quality of life and life safety issues as outlined in the corresponding regulations and which shall be based on the City's Anti-Blight and Property Maintenance Ordinance, Sec 9-51 et. seq. of the New Haven Code of Ordinances (the "Anti-Blight & Property Maintenance Ordinance").
- (b) In order to obtain a residential rental property license, said property must pass an inspection involving its dwelling units, common areas, basement, exterior and yards. A license will only be issued if the residential rental property meets the requirements set forth in the City's Anti-Blight & Property Maintenance Ordinance and is current with all applicable fees as provided in Sec. 17-80.
- (c) Once the Owner or his/her agent submits the completed application and pays the licensing fee, the owner or his/her agent shall receive a temporary registration number which confirms the application process is complete. Thereafter, a scheduling date will be arranged for a Housing Code Inspector to inspect the residential rental property, to which the owner or his/her agent must be present at each inspection. A Housing Code Inspector will conduct the inspection of the residential dwelling units, and the residential rental property's common areas, basement, exterior and yards.
- (d) The residential rental property owner or his/her agent must provide the tenants of such property with at least seven (7) calendar days advanced notice of the inspection date and time. The City will provide the Owner or his/her agent by mail or electronically with consent/waiver forms for each rental unit within the residential rental property to be signed by the respective tenants. The completed and executed consent/waiver forms must be made available to the Housing Code Inspector upon inspection of the dwelling. If there is a known violation which impedes on the health, safety and welfare, of the occupant or the general public, and a tenant objects to such inspection, the Housing Code Inspector may apply for an administrative warrant from the appropriate official at the Superior Court for the Judicial District of New Haven before the Housing Code Inspector inspects the non-consenting tenant's unit (Sec. 17-78).
- (e) The Housing Code Inspector will use a checklist comprised of housing related criteria to determine whether the residential rental property meets minimum housing code standards and the standards set forth in the City's Anti-Blight and Property Maintenance Ordinance, Sec. 9-51 et. seq. of the New Haven Code of Ordinances (the "Anti-Blight & Property Maintenance Ordinance") with respect to that criteria. The Housing Code Inspector will limit his/her inspection to the checklist criteria, barring any life-threatening health or safety violation that is not covered in the checklist. The City will have copies of the checklist available for the public, upon request.
- (f) For residential rental properties with up to twenty-five (25) dwelling units, the Housing Code Inspector shall inspect one hundred (100) percent of the dwelling units at said property. For residential rental properties between twenty-six (26) and ninety-nine (99) units, a total of no less than twenty-five (25) units will be inspected. For residential rental properties with one hundred (100) or more dwelling units, the Housing Code Inspector will have the discretion to select and inspect a sampling of dwelling units that shall not be less than twenty-five (25) percent of the total number of dwelling units at the residential rental property. If the inspected dwelling units fail to pass

inspection, the Housing Code Inspector will have the discretion to inspect additional dwelling units in that residential rental property.

- (g) The Housing Code Inspector shall fill out an inspection form indicating the status of each of the inspected criteria on the above-referenced checklist. The Owner or his/her agent and the respective tenant shall each receive a copy of the completed form. The City's Livable City Initiative shall keep a copy in its records for public inspection upon request.
- (h) If the residential rental property passes inspection, a residential rental license certificate will be sent by mail to the Owner at the address listed in the application form, provided that the property is current with all applicable fees as provided in Sec. 17-80.
- (i) The Housing Code Inspector will prepare a list of defects, if any, that he/she finds during the inspection, and give the list to the Owner or his/her agent when the inspection is completed. If no life-threatening health and/or safety defect is found, the Owner will be given thirty (30) days to repair the defect(s), unless the Housing Code Inspector or his/her designee deems that more or less time is needed. Once the allowed repair time expires, the Housing Code Inspector will conduct a re-inspection of the residential rental property. If all previously noted defects have not been repaired, the Housing Code Inspector or his/her designee will have the discretion to provide the Owner with additional time to repair the defect(s), or order alternative measure(s), which may include a penalty as described below, and which is prescribed by Ordinance Sec. 17-84 of the City's Code of Ordinances. If at the time of the re-inspection, the Housing Code Inspector notes additional defects, not previously noted during the initial inspection, the Housing Code Inspector shall provide the Owner thirty (30) days to repair the newly noted defects, unless the Housing Code Inspector or his/her designee deems that more or less time is needed. Once the additional allowed repair time expires, the Housing Code Inspector will again conduct a re-inspection of the residential rental property.
- (j) If the Housing Code Inspector finds a life-threatening health and/or safety defect, he/she will immediately inform the Owner or his/her agent. The residential rental property license will be denied or revoked, as appropriate, and the tenant(s) may be relocated in accordance with the relevant state statutes and regulations governing tenants that are displaced as a result of code enforcement. Any rental unit(s) directly affected by the life-threatening defect(s) shall not be re-occupied unless and until the life-threatening health and/or safety defect is repaired, and the City issues or reinstates the residential rental property license in writing. Any costs expended by the City pursuant to the provisions herein shall be reimbursed before a license is issued or reinstated.
- (k) If the Housing Code Inspector detects at least one (1) defect during the residential rental property inspection, he/she will arrange to re-inspect the property until it fully complies with required housing standards. The Owner will not be penalized for the first re-inspection but will be penalized in accordance with the table of fees, penalties and fines as approved by the Board of Alders of the City of New Haven, included in the Annual City Budget for each subsequent re-inspection. However, in the event the Housing Code Inspector notes additional defects, not previously noted in the initial inspection, in any subsequent re-inspection, the Housing Code Inspector shall not penalize the property owner for the first re-inspection directly related to the additional defect(s) found and the Owner shall be penalized for any subsequent re-inspection directly related to the additional defect(s) noted.
- (l) Each tenant shall be responsible for maintaining his/her respective rental unit in a clean and sanitary condition and abide by all duties imposed on him/her by all applicable federal, state and local laws and regulations including the Housing Code of the City of New Haven and the City's Anti- Blight & Property Maintenance Ordinance. A tenant may be cited for all damages that he/she causes to the residential rental property. If the Housing Code Inspector finds that a tenant is responsible for damages that are detected during the inspection of the residential rental property, the Housing Code Inspector may issue a Housing Code citation and proceed pursuant to the Housing Code Regulations.
- (m) If repairs are not made within the designated time limit, a fine as authorized and set forth in Sec 17.84 below may be retroactively applied to the date that the residential rental property owner or his/her agent received the

completed licensing inspection form identifying the existing defect(s) up to a period of thirty (30) days.

- (n) No residential rental property license will be issued to a residential rental property owner unless and until the Housing Code Inspector finds that all defects concerning that property have been repaired.
- (o) The Livable City Initiative shall keep all inspection and re-inspection findings, checklists, reports and license records on file for public inspection, upon request.
- (p) Upon request, Livable City Initiative shall distribute a document entitled "Licensing and Inspection of Residential Rental Property, Owners and Occupants Responsibilities," to the Owner or his/her agent, and the tenant(s) of the residential rental property. This document is incorporated by reference in these regulations.

([Ord. No. 1671, 2-6-12 <http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank>](http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank))

Sec. 17-78. - Consent.

Before a Housing Code Inspector can inspect a residential rental property unit, the tenant(s) of such unit must consent to its inspection. If there is a known violation which impedes on health, safety and welfare, of the occupant or the general public, and a tenant objects to such inspection, the Housing Code Inspection may apply for an administrative warrant from the appropriate official at the Superior Court for the Judicial District of New Haven before the Housing Code Inspector inspects the non-consenting tenant's unit.

([Ord. No. 1671, 2-6-12 <http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank>](http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank))

Sec. 17-79. - License effect.

The Housing Code Inspector will use a checklist of specific housing criteria when inspecting the residential rental property. The criteria are outlined in the City's regulations developed pursuant to Sec. 17-81 of this article and is based on the requirements of the Anti-Blight & Property Maintenance Ordinance. The issuance or reinstatement of a residential rental property license shall constitute proof that the inspected property meets the minimum standards contained in that criteria.

([Ord. No. 1671, 2-6-12 <http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank>](http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank))

Sec. 17-80. - Term and Type of license.

- (a) Once the Residential Rental Property Owner pays all applicable fees, costs, outstanding fines and/or penalties, and the residential rental property has passed inspection as required, the Owner shall be issued a Type I, Type II, or Type III residential rental property license.
- (b) Any residential rental property (i) operating with a valid license from the City and/or (ii) seeking registration with the Residential Rental License Program (iii) having no more than 10% of the inspected dwelling units fail, in accordance to the Term and Type Chart, available at the City's website, upon completion of the most recent licensing inspection, will qualify for a Type I License, which license may be valid for a period of up to three (3) years from the date of issuance in accordance with the Term and Type Chart, available at the City's website
- (c) Any residential rental property (i) operating with a valid license from the City and/or (ii) seeking registration with the Residential Rental License Program, and (iii) having 11 - 33 % of the inspected dwelling units fail, in accordance to the Term and Type Chart, available at the City's website, upon completion of the most recent licensing inspection, will qualify for a Type II license, which license may be valid for a period of up to two (2) years from the date of issuance in accordance with the Term and Type chart, available at the City's website.

- (d) Any residential rental property (i) operating with a valid license from the City and/or (ii) seeking registration with the Residential Rental License Program, and (iii) having 34 % or more of the inspected dwelling units fail, in accordance to the Term and Type Chart, available at the City's website, upon completion of the most recent licensing inspection, will qualify for a Type III license, which license may be valid for one (2) year from the date of issuance in accordance with the Term and Type chart, available at the City's website.
- (e) Any residential rental property (i) operating with a valid license from the City and/or (ii) seeking registration with the Residential Rental License Program and (iii) where the Common Area contains at least one (1) defect, upon completion of the most recent licensing inspection, will qualify for a Type III license, which license may be valid for one (1) year from the date of issuance in accordance with the Term and Type Chart, available at the City's website.
- (f) At the City's sole discretion, all licenses may be reviewed at any time. Following the issuance of a residential license, if the licensed residential rental property does not meet the criteria established for the type of license issued, the license may be suspended, revoked, and/or modified.

([Ord. No. 1671, 2-6-12 <http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank>](http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank))

Sec. 17-81. - Regulations.

The Code Enforcement Officer shall develop regulations for the licensing and inspection of residential rental property. The regulations may be amended from time to time with the approval of the City's Board of Alders. The Livable City Initiative shall have copies of the regulations, rules and forms available for the public at its office and website.

([Ord. No. 1671, 2-6-12 <http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank>](http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank))

Sec. 17-82. - Transfer of License Not Permitted

Any Residential Rental Licenses issued in accordance with the provisions of this Article XIV shall not be transferable upon the sale or other conveyance of a Residential Rental Property. For purposes of this section, the conveyance of Residential Rental Property from an Owner to any entity regardless whether the entity is majority owned directly or indirectly by Owner or from Owner to a single member entity, shall also be deemed a conveyance which would act to void any previously issued Residential Rental License. The owner shall have thirty (30) days from the date of transfer to file an application and pay the appropriate application fee as set forth herein.

([Ord. No. 1671, 2-6-12 <http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank>](http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank))

Sec. 17-83. - Enforcement.

The Director of the Livable City Initiative and his/her designee are empowered to enforce the provisions of this article.

([Ord. No. 1671, 2-6-12 <http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank>](http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank))

Sec. 17-84. - Penalties/citations.

- (a) The City shall issue a Notice of Failure to Comply to any Owner who fails to comply with the above regulation. Said Notice of Violation shall indicate the property subject to the provisions of this Article XIV and what provision(s) have not been complied with. The Notice of Failure to Comply shall be mailed to the Owner at his/her/its last known address and shall be placed on the land Records in the City Clerk's Office and will not be removed until compliance with the provisions herein.
- (b) Any Owner who violates the above regulations with respect to the requirement to obtain a license for a dwelling

shall be penalized in the amount of \$250.00 per dwelling or the maximum authorized by Connecticut General Statutes 7-148(c)(10)(a).

(c) Any residential rental property owner who violates the above regulations with respect to the inspection requirements set forth herein and in this ordinance may be penalized in accordance with applicable penalty provisions of the City's Anti-Blight and Property Maintenance Ordinance, which shall include, but not be limited to, the assessment of a fine in the amount of one hundred dollars (\$100.00) per day for each day that the violation of the inspection requirements continues. The City shall follow the procedures set forth in the Anti-Blight and Property Maintenance Ordinance with respect to the enforcement of violations of the same.

(d) Nothing herein shall prevent the City from seeking any other means available at law or in equity in order to enforce this article's provisions.

([Ord. No. 1671, 2-6-12 <http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank>](http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank))

Sec. 17-85. - Hearing Officer

- (a) The Mayor shall appoint one or more hearing officer(s), who shall not be a City employee, to conduct the hearings authorized by this section. Such hearing officer shall serve without pay. The Mayor may remove any such hearing officer at any time for whatever reason he/she deems sufficient.
- (b) If a property owner who is sent a citation as set forth above wishes to admit liability for any alleged violation, he/she may, without requesting a hearing, pay the full amount of the fine(s) admitted to, in person or by mail to the City. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any property owner who does not deliver or mail written demand for a hearing within ten (10) days of the date of receipt of the citation, shall be deemed to have admitted liability, and the designated hearing officer shall certify such property owner's failure to respond to the enforcement officer. Said hearing officer shall thereupon enter and assess the fine(s) so provided for and shall follow the procedures set forth in this ordinance for obtaining a court judgment.
- (c) Any property owner who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of the citation, unless the property owner requesting the hearing agrees to an earlier date. The hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. The City shall present at the hearing the original notice of violation and citation, a certified copy of such notice and citation, the violator's copy or a certified copy of the violator's copy issued by an enforcement officer, and such original or certified copy shall be deemed to be a business record within the scope of Connecticut General Statutes, Section 52-180 and evidence of the facts contained therein. The enforcement officer may, but is not required, to appear at the hearing, but shall be required to appear if the owner specifically requests the enforcement officer's presence. A property owner who wishes to contest his/her liability shall appear at the hearing, and may present evidence on his/her behalf, or the property owner may request that the hearing be conducted by mail and may submit documents and copies of reports for the hearing officer's review. The hearing officer may grant a request for a hearing by mail or may determine at any time (including after a hearing by mail has been granted and undertaken) that a hearing in person is necessary to fairly adjudicate the matter, and that the property owner must appear in person at a hearing. If the enforcement officer is not able to attend the hearing, and his/her presence has not been specifically requested by the property owner, a designated City official, other than the hearing officer and other than the enforcement officer, may present evidence on behalf of the City.
- (d) If the property owner fails to appear or fails to request a hearing by mail within the timeframe set forth herein, the hearing officer may enter a default upon finding of proper notice and liability under applicable law. The hearing officer shall conduct the hearing in the order and form, and with such methods of proof as he/she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be

given under oath or affirmation. The hearing officer shall announce his/her decision at the end of the hearing. If he/she determines that the person is not liable, the hearing officer shall dismiss the matter, and enter his/her determination in writing accordingly. If he/she determines that the person is liable for the violation(s), the hearing officer shall forthwith enter and assess the fines against such property owner, and levy such fines as provided for herein. The hearing officer shall forward a notice of assessment to the enforcement officer for further action. The City shall have all rights and remedies available to it under applicable law with respect to the collection of the fines following the procedure set forth herein.

([Ord. No. 1671, 2-6-12 <http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank>](http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank))

Sec. 17-86. - Reserved.

Editor's note- Former § 17-86, Appeals, was repealed by [Ord. No. 1671 <http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank>](http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank), adopted Feb. 6, 2012.

Sec. 17-87. - Report required.

The Director of the Livable City Initiative, or his/her designee shall submit a yearly report to the Board of Alders containing the performance of the Residential Rental Business License Program (RRBLP),

([Ord. No. 1671, 2-6-12 <http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank>](http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank))

Sec. 17-88. - Regulation amendment.

The Director of the Livable City Initiative reserves the right and shall have the authority to modify the above regulations, provided that such modification is done in conformance with federal, state and local laws and regulations, and with the approval of the City's Board of Alders.

([Ord. No. 1671, 2-6-12 <http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank>](http://newords.municode.com/readordinance.aspx?ordinanceid=524289&datasource=ordbank))

Secs. 17-89-17-110. - Reserved.