

# **COURT OF COMMON COUNCIL**



## **NOTICE & AGENDA PACKAGE**

**MONDAY JUNE 17, 2019**

**7:00 p.m.**



**CITY OF HARTFORD  
550 MAIN STREET  
HARTFORD, CONNECTICUT 06103**



OFFICE OF THE TOWN AND CITY CLERK  
CITY OF HARTFORD  
550 MAIN STREET  
HARTFORD, CONNECTICUT



PUBLIC HEARING NOTICE  
MONDAY, JUNE 17, 2019  
7:00 p.m.

**COUNCILPERSONS FOX, SÁNCHEZ, THAMES, WINCH AND BERMÚDEZ WILL REPRESENT THE COUNCIL AT A PUBLIC HEARING TO BE HELD IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING AT 7:00 P.M., MONDAY JUNE 17, 2019.**

1. **Resolution de Authorization to amend the existing ground lease with 315 Trumbull Street Associates, LLC for 3 parcels of land located at 315 Trumbull Street. (MAYOR BRONIN)**

**Referred to the Operations, Management, Budget and Government Accountability Committee**

2. **Ordinance amending Sections 22-25 and 22-26 of the Municipal Code, which address parking violation citations and the fines and penalties for unlawful parking. (MAYOR BRONIN)**

**Referred to Planning, Economic Development and Housing Committee**

3. **Ordinance Amending Chapter 26-Parks and Recreation, Article II conduct and use regulated of the Municipal Code of Hartford. (MAYOR BRONIN)**

**Referred to the Public Works, Parks and Environment Committee**

4. **Resolution seeking to rename the Aaron-Fein Square to the Walker Doc Hurley Square. (COUNCILMAN CLARKE II)**

**Referred to the Building Dedication Committee.**

5. **Resolution for consideration by the court of common council which would authorize the sale of two vacant city-owned parcels at 70 & 76 Edwards Street. (MAYOR BRONIN)**

**Referred to Planning, Economic Development and Housing Committee  
and to the Planning and Zoning commission**

6. **Ordinance amending Chapter 24, Chapter 30, and Chapter 18 of the Municipal Code of Hartford to create the Housing Code. (MAYOR BRONIN)**

**Referred to Planning, Economic Development and Housing Committee**

**COPIES OF THE ORDINANCES AND RESOLUTION ARE ON FILE IN THE OFFICE OF THE TOWN AND CITY CLERK FOR PUBLIC INSPECTION.**

ATTEST:

JOHN V. BAZZANO  
CITY CLERK

For more information on committee meeting dates please contact the following:

- A regular meeting of the **Operations, Management, Budget and Government Accountability Committee** will be held on the third Monday of each month at 5:30 P.M. in the Council Chambers.

Carolynn Harris (860) 757-9570  
[Carolynn.Harris@hartford.gov](mailto:Carolynn.Harris@hartford.gov)

Kevin L. Murray 860-757-9563  
[Kevin.murray@hartford.gov](mailto:Kevin.murray@hartford.gov)

- A regular **Public Works, Parks, Recreation and Environment Committee** meeting will be held on the first Wednesday of each month at 5:30 P.M. in the Council Chambers.

Agnes Torres (860) 757-9568  
[agnes.torres@hartford.gov](mailto:agnes.torres@hartford.gov)

- A regular **Planning, Economic Development and Housing Committee** meeting will be held on the first Tuesday of each month at 6:00 P.M. in the Council Chambers.

Melanie Moure 860-757-9563  
[Melanie.Moure@hartford.gov](mailto:Melanie.Moure@hartford.gov)

- **Building Dedication Committee**

David Grant  
[David.Grant@hartford.gov](mailto:David.Grant@hartford.gov)



ITEM # 1 ON AGENDA

**Luke A. Bronin**  
Mayor

June 10, 2019

Honorable Glendowlyn Thames, Council President and  
Members of the Court of Common Council  
City of Hartford  
550 Main Street  
Hartford, CT 06103

**RE: Ground Lease -- Hilton Hotel**

Dear Council President Thames:

Enclosed is a resolution for consideration by the Court of Common Council (the "Council") which would authorize the Mayor to amend the existing ground lease with 315 Trumbull Street Associates, LLC for 3 parcels of land located at 315 Trumbull Street.

In 2010, the City successfully submitted an application and secured a \$7,000,000 Section 108 Loan on behalf of the Hilton Hotel that preserved jobs and supported a new ownership group. As part of this deal, the City amended an air rights agreement and ground lease associated with the property that reflected the original terms of the loan.

Today, the hotel is in need of guestroom renovations as required by the Hilton brand and licensing agreement. The owners of the Hilton Hotel are seeking a second Section 108 Loan from the United States Department of Housing and Urban Development under the Community Development Block Grant Program (CDBG). Please refer to the 108 Loan Application resolution that is being submitted at the same time as this request.

However, per the terms of the lease agreement, an amendment to the ground lease is required to allow for more debt against the property as well as extending the lease terms that also reflect the terms of the second loan.

The specific terms of the ground lease with the owner are more particularly set forth in a detailed term sheet that is forthcoming to Council. Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Luke A. Bronin".

Luke A. Bronin  
Mayor

**550 Main Street**  
**Hartford, Connecticut 06103**  
**Telephone (860) 757-9500**  
**Facsimile (860) 722-6606**

**INTRODUCED BY:**  
Luke A. Bronin, Mayor

**COURT OF COMMON COUNCIL**  
City of Hartford, June 10, 2019

**WHEREAS**, the City of Hartford entered into a ground lease and space agreement with 315 Trumbull Street Associates, LLC, for 3 parcels of land located at 315 Trumbull Street; and

**WHEREAS**, the current owners are looking to secure a second Section 108 Loan on the property in order to renovate the Hilton Hotel located on the premises as required by the Hilton brand; and

**WHEREAS**, Per the terms of the existing ground lease and space agreement, the ground lease needs to be re-negotiated to reflect an additional loan and any loan terms associated; and

**WHEREAS**, the specific terms of the ground lease are more particularly set forth in the forthcoming term sheet; and

**WHEREAS**, the renegotiated ground lease will allow for the renovation of the 393 guestrooms and suites; and therefore, be it

**RESOLVED**, That the Court of Common Council hereby authorizes the Mayor, subject to his review and approval of the Loan Term sheet, amend the existing ground and space lease with 315 Trumbull Street Associates, LLC.

**RESOLVED**, that the Mayor is hereby authorized to execute any and all manner of other documents and to take such other actions as he and the Corporation Counsel may deem appropriate and in the best interest of the City in order to effectuate the above transaction, and be it further

**RESOLVED**, that no person or entity shall be entitled to rely on, or otherwise claim any benefit by reason of this resolution should the Mayor fail to execute the aforementioned agreements or other documents, or to take any of the other aforesaid actions, and be it further

**RESOLVED**, that all approvals and authorizations provided hereby are contingent upon, and only shall be effective on and by means of, the Mayor executing such application and taking such actions, all of which shall be, in form and substance, acceptable to the Mayor and the Corporation Counsel.

Introduced by:

Mayor Luke A. Bronin

HEADING  
AND  
PURPOSE

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 22 OF THE MUNICIPAL CODE OF HARTFORD

COURT OF COMMON COUNCIL  
CITY OF HARTFORD  
April 8, 2019

Be It Ordained by the Court of Common Council of the City of Hartford:

That Chapter 22, Article II, Parking, Stopping and Standing, of the Municipal Code be amended as follows:

Chapter 22 – Motor Vehicles and Traffic

ARTICLE II. - Parking, Stopping and Standing

Division I. - Generally

Sec. 22-25. – [Notice] Citation to be attached to violating vehicles; penalty.

- (a) Whenever any vehicle is found parked in violation of any of the provisions of this article or any ordinance or rule or regulation of the traffic or parking authority which relates to parking, a police officer, parking controller or parking enforcement officer shall attach to such vehicle a [notice] citation with an accompanying fine to the owner or operator thereof stating that such vehicle has been parked unlawfully.
- (b) The [notice] citation shall state which provision of the city ordinances or rule and regulation of the traffic or parking authority has been violated and shall moreover, contain the following declaration:

“WARNING”

"The accumulation of three (3) or more unsatisfied municipal vehicle parking citations upon any vehicle registrant may result in the impoundment or immobilization of said vehicle."

A copy of any such [notice] citation shall be transmitted and delivered to the parking authority [within three (3) business days of the time of such attachment]. Failure of any copy to be so transmitted and delivered shall not relieve the owner or operator from any liability for the payment of any fines or penalties, except that no penalties shall be imposed until after a citation hearing has been scheduled and the owner or operator fails to appear at the same. Upon such failure, imposition of such penalties may be implemented on a retroactive basis.

- (c) Each owner or operator may, within seventy-two (72) hours or three (3) business days of the time when such [notice] citation is attached to such vehicle, pay in person in the form of cash, money order or check to the parking authority, in full satisfaction for such violation; provided, if the citations are for over the posted limit or over the limit at a meter, such owner or operator shall receive a five dollar (\$5.00) reduction in the amount of the stated fines for each such citation. Each such owner or operator may, within fourteen (14) days of the time when such notice is attached to such vehicle, pay in person or remit by mail in the form of cash, money

order or check to the parking authority, as a fine for and in full satisfaction of such violation, the sum of twenty-five dollars (\$25.00), thirty dollars (\$30.00), forty-five dollars (\$45.00), seventy-five dollars (\$75.00), ninety-nine dollars (\$99.00), one hundred dollars (\$100.00), or one hundred twenty-five dollars (\$125.00), as the case may be, in accordance with section 22-26. The failure of the owner or operator to make payment to the parking authority within the fourteen (14) days of the time such [notice] citation is attached to such vehicle shall cause the parking authority to schedule a citation hearing for the hearing date generated on the citation. [mail a letter setting forth a date such owner or operator shall appear at a citation hearing]. The failure of such owner or operator to appear at such citation hearing or to make such payment within twenty-six (26) days of the time such notice is so attached shall render the owner or operator liable to an initial penalty as provided in section 22-26. The failure of such owner or operator to make such payment within thirty-one (31) days of the time such notice is so attached shall render the owner or operator liable to an additional penalty as provided in section 22-26.

- (d) If an owner or operator wishes to contest a violation, no reduction in the amount of the fine, as set forth in subsection (c), will apply. The owner or operator may contest the violation by appearing at the citation hearing. Such appearance shall suspend the accumulation of additional penalties and leave the amount of the fine as it was as of the date of the hearing until such time as a final determination is made.
- (e) Nothing contained in this section shall be construed as a limitation on the power of the superior court to impose a fine as provided in section [1-4] 1-5.
- (f) For purposes of this section, the term "*business days*" shall mean those days on which the city hall offices of the City of Hartford, Connecticut are open for business, and the term "*days*" shall mean calendar days.

(Code 1977, § 32-21; Ord. No. 16-80, 8-12-80; Ord. No. 6-82, 2-22-82; Ord. No. 63-88, § 1, 10-11-88; Ord. No. 25-92, 6-8-92; Ord. No. 22-09, 5-26-09; Ord. No. 12-17, 3-27-17)

Sec. 22-26. – Fines and penalties for unlawful parking.

- (a) Definitions: For purposes of this section, and unless otherwise specified, the definition of terms contained in title 14, chapter 246, section 14-1 and 14-260n of the Connecticut General Statutes shall govern this section. For purposes of this section the words "park" and "parked" shall mean to leave a vehicle stationary.
- (b) The fine shall be twenty-five dollars (\$25.00), with an initial penalty of thirty-eight dollars (\$38.00) and an additional penalty of thirty-eight dollars (\$38.00), for any vehicle to be and/or remain parked:
  - (1) During a state of emergency following public notice of the declaration of such emergency, on private property without the permission of the owner, for a period of time and in such a condition as to constitute a nuisance, or otherwise in violation of state or local parking order, regulations or restrictions;
  - (2) For a period exceeding a posted duration or restriction or otherwise allowable by law;
  - (3) For a period exceeding the authorized time duration purchased at any parking meter;
  - (4) In violation of the posted parking regulation; [or]
  - (5) Over the legal limit at any parking meter by making additional payment to extend the authorized parking time where restricted according to the posted parking regulation[.]; or

(6) In any space or area that is demarcated for a specific parking meter zone, and to not utilize the appropriate parking meter zone designation to park.

- (c) The fine shall be thirty dollars (\$30.00) and the vehicle subject to removal at the owner's expense, with an initial penalty of forty-three dollars (\$43.00) and an additional penalty of forty-three dollars (\$43.00), for parking:
- (1) A distance greater than twelve (12) inches from a curb, measured from the vehicle's passenger side wheels; or
  - (2) Within twenty-five (25) feet of an intersection or a marked crosswalk thereat, or within twenty-five feet of a stop sign erected by the traffic authority.
- (d) The fine shall be forty-five dollars (\$45.00) and the vehicle subject to removal at the owner's expense, with an initial penalty of thirty-eight dollars (\$38.00) and an additional penalty of forty-two dollars (\$42.00), for parking:
- (1) On the wrong side of a street or facing opposite traffic;
  - (2) In a no-parking area, tow zone or the odd/even side of a street according to the posted days;
  - (3) In a marked bus stop;
  - (4) In a no standing area;
  - (5) In a loading zone;
  - (6) Within five (5) feet of or obstructing a driveway or curb cut;
  - (7) In a vending space;
  - (8) By a vendor in an unauthorized vending space;
  - (9) By trespassing on private property;
  - (10) While unlawfully repairing a motor vehicle within any city street or on public property;
- or
- (11) So as to block a park entrance;
  - (12) Non-payment of the meter parking; or
  - (13) Parked over the line (marked boundary) of a parking space.
- (e) The fine shall be seventy-five dollars (\$75.00) and subject to removal at owner's expenses, with an initial penalty of twenty-three dollars (\$23.00) and an additional penalty of twenty-seven dollars (\$27.00), for parking:
- (1) Within ten (10) feet of a hydrant;
  - (2) In violation of fire and park rules and regulations;
  - (3) On or obstructing a sidewalk;
  - (4) On or obstructing a crosswalk;
  - (5) So as to double park;
  - (6) Within or obstructing an intersection;
  - (7) So as to impede or obstruct pedestrian or vehicular traffic;



- (8) On any property between the street line and traveled portion of any street.
- (f) The fine shall be one hundred dollars (\$100.00) and the vehicle subject to removal at owner's expense, with an initial penalty of thirteen dollars (\$13.00) and an additional penalty of thirteen dollars (\$13.00), for parking:
- (1) In any area that is demarcated or otherwise designated a temporary no-parking area to allow the removal of snow or ice; or
  - (2) In violation of zoning ordinances; or
  - (3) Any tractor, tractor-trailer, semi-trailer, truck, or commercial vehicle combination on any city street(s) for more than three (3) hours, except for the purpose of delivery or service taking less than eight (8) hours; [or]
  - (4) A trailer or semi-trailer on any street or arterial highway unattached to a motor vehicle, tractor or truck-tractor capable of towing it, except for the purpose of delivery or service while loading or unloading at off-street platforms; or
  - (5) Recreational vehicles, as defined in G.S. § 14-1, between the hours of 11:00 p.m. and 6:00 a.m.
- (g) The fine shall be one hundred twenty-five dollars (\$125.00) and the vehicle subject to removal at the owner's expense, with an initial penalty of thirteen dollars (\$13.00) and an additional penalty of thirteen dollars (\$13.00), for parking by an unauthorized person in a parking space designated for the handicapped and so marked.
- (1) By an unauthorized person in a parking space designated for the handicapped and so marked.

(Code 1977, § 32-22; Ord. No. 17-80, 8-12-80; Ord. No. 19-81, 7-15-81; Ord. No. 29-81, 12-14-81; Ord. No. 34-84, 10-9-84; Ord. No. 16-86, 6-9-86; Ord. No. 64-88, 10-11-88; Ord. No. 31-91, 6-10-91; Ord. No. 24-92, 5-12-92; Ord. No. 16-01, 11-26-01; Ord. No. 22-09, 5-26-09; Ord. No. 07-13, 8-12-13; Ord. No. 06-16, 6-27-16)

**Editor's note**— Ord. No. 22-09, adopted May 26, 2009 amended § 22-26 as herein set out. Former § 22-26 pertained to penalties for unlawful parking. See the Code Comparative Table for complete derivation.



ITEM # 3 ON AGENDA

**Luke A. Bronin**  
Mayor

June 10, 2019

Honorable Glendowlyn L.H. Thames, Council President and  
Members of the Court of Common Council  
City of Hartford  
550 Main Street  
Hartford, CT 06103

**RE: Municipal Code Revisions: Chapter 26 – Parks and Recreation**

Dear Council President Thames,

Attached is a resolution for consideration by the Court of Common Council (the "Council") which would authorize revisions to Article II, Chapter 26 of the Hartford Municipal Code. Article II, Chapter 26 of the Hartford Municipal Code regulates the conduct in, and use of, parks and recreational facilities within the City of Hartford. The purpose of the revision is to name the vacant city-owned lot located at 260 Huyshope Avenue (the "Property") among the list of exceptions set forth in Section 26-41, so as to allow for the consumption of alcoholic beverages on the Property before events at Dillon Stadium ("Dillon").

The Property is situated within the boundaries of Colt Park and is therefore considered park property. The Property will be used as a parking lot in support of events held at Dillon. Dillon will be fully renovated into a fully-functioning sports and recreational facility that will serve as the home field for the United Soccer league franchise, Hartford Athletic. We would like to allow responsible tailgating at Dillon as part of the game day experience for residents and visitors. Under this proposed revision, alcohol could be consumed at the Property for a period beginning three hours prior and ending thirty minutes prior to the start of an event. Our Police Department is aware and supportive of this ordinance change, and we have been working with them and the team to build security plans for all events at Dillon.

For context, please note that consumption of alcohol is currently permitted, under certain conditions, at Bushnell, Keney, and Goodwin Parks, the Carousel Pavilion and Pump House Gallery in Bushnell Park, and the Elizabeth Park Pond House Restaurant, to name some locations. Allowing for the consumption of alcohol at the Property will treat it similarly with other city-owned assets where there are public events.

The proposed revision will require that appropriate liability insurance is retained. Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Luke A. Bronin".

Luke A. Bronin  
Mayor

**550 Main Street  
Hartford, Connecticut 06103  
Telephone (860) 757-9500  
Facsimile (860) 722-6606**

Introduced by:

Mayor Luke A. Bronin

HEADING  
AND  
PURPOSE

AN ORDINANCE AMENDING CHAPTER 26 –PARKS AND RECREATION, ARTICLE II-  
CONDUCT AND USE REGULATED OF THE MUNICIPAL CODE OF HARTFORD

COURT OF COMMON COUNCIL  
CITY OF HARTFORD

May 28, 2019

Be It Ordained by the Court of Common Council of the City of Hartford:

That Chapter 4 –PARKS AND RECREATION, Article II - CONDUCT AND USE REGULATED,  
of the Municipal Code be hereby amended as follows:

(a) *Definitions:*

"*Alcoholic beverage*" or "*alcoholic liquor*" includes all varieties of liquor defined in this section including alcohol, beer, spirits and wine and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being for beverage purposes.

"*Beer*" means a beverage obtained by alcoholic fermentation of an infusion or concoction of barley or other grain, malt and hops in water, and includes among other things beer, ale, stout, lager beer, porter and the like.

"*Bring your own beverage*" is a term which means that the owner of an establishment or host of an event will not be providing alcoholic beverages but that guests are welcome to bring their own if they choose.

"*Events*", for purposes of this section, shall mean any public or private function held on the grounds of a park, which may include the lawn area, clubhouse, pond house, recreational facility, pavillion, carousel or other amusement area of the park.

"*Golf course*" includes the area designated for play of the game of golf as well as the property adjoining and used in conjunction with said area, including the driving range area, practice green, club house, pro shop, restaurant, lounge, snack shop and any areas adjacent thereto, all of which make up the golf course.

"*Spirits*" means any beverage which contains alcohol obtained by distillation, and includes brandy, rum, whiskey, gin or other spirituous liquors when rectified, blended or otherwise mixed with alcohol or other substances.

"*Wine*" means any alcoholic beverage obtained by the fermentation of natural contents of fruit or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol, or other spirits, as above defined.

(b) *General prohibitions and exceptions:*

(1) It shall be unlawful for any person to have alcoholic beverages or to be intoxicated in any park, except that alcoholic beverages may be consumed under the following circumstances:

- a. Beer and wine only may be sold and consumed at any event held at Bushnell Park, excluding the Pump House Gallery and the Carousel Pavillion, provided that prior to the event, the proper permission has been obtained from the City to hold the event, the Council adopts a resolution approving such sale and consumption and the location where said sale can take place within Bushnell Park, beverages are sold by a vendor licensed by the Bureau of Licenses and Inspections under a permit issued by the State of Connecticut Department of Consumer Protection, and proper proof of liquor liability insurance is provided to the Risk Manager for the City of Hartford, in an amount to be determined by said risk manager;

- b. Alcoholic beverages may be sold and consumed at the Carousel Pavilion in Bushnell Park, and adjacent secured areas within one hundred fifty (150) feet of the pavilion, at private functions during which the carousel is closed to the public, provided that prior to the event, the proper permission has been obtained from the City to hold the event, the Council adopts a resolution approving such sale and consumption and the location where said sale can take place within the pavilion, beverages are sold by a vendor licensed by the Bureau of Licenses and Inspections under a permit issued by the State of Connecticut Department of Consumer Protection, and proper proof of liquor liability insurance is provided to the Risk Manager for the City of Hartford, in an amount to be determined by said risk manager;
  - c. Alcoholic beverages may be sold and consumed in connection with restaurant or bar services at the Pump House Gallery in Bushnell Park or other events held at the Pump House Gallery provided that the operator or manager of said facility obtains proper liquor liability insurance and a state liquor license;
  - d. Service of alcoholic beverages shall be allowed in the Elizabeth Park Pond House Restaurant, which includes the outside patio area and auditorium, provided that the operator or manager of said facility obtains proper liquor liability insurance and state liquor licenses. For purposes of this subsection, "service of alcoholic beverages" shall mean the service of alcoholic beverages on a "bring your own beverage" basis in the restaurant for personal consumption with meals, and the service of wine and beer provided by the sponsoring person or entity at events in the auditorium;
  - e. Beer and wine may be sold and consumed at an event held at the Keney and Goodwin Parks, not including the golf courses, Metzner Center, Willie Ware Center, Hyland Center, Blue Hills Community Center, Pope Park Recreation Center, Kevin D. Anderson Center and any other park in the City of Hartford not mentioned herein provided that prior to the event, the proper permission has been obtained from the City to hold the event, the Council adopts a resolution approving such sale and consumption and the location where said sale can take place within said park or location, beverages are sold by a vendor licensed by the Bureau of Licenses and Inspections under a permit issued by the State of Connecticut Department of Consumer Protection, and proper proof of liquor liability insurance is provided to the Risk Manager for the City of Hartford, in an amount to be determined by said risk manager;
  - f. Alcoholic beverages may be sold and consumed at the Keney and Goodwin Park golf courses pursuant to any applicable provisions of this section and all provisions of section 26-42 of this chapter.
- (2) If a private individual sponsors an event at any of the locations specified in (b)(1)a. of this section, but not including Keney and Goodwin Park golf courses, the Pump House Gallery and the Elizabeth Park Pond House Restaurant and Auditorium, and intends to serve alcoholic beverages, free of cost, the sponsor shall not be required to obtain a permit from the state liquor control commission. Prior to the event, however, the sponsor must obtain (1) approval from the Council by way of resolution for the service of such beverages; and (2) proper liquor liability insurance approved by the City of Hartford Risk Manager. The service of such beverages may also be subject to any special and further requirements of the City;
  - (3) The sale or service of alcoholic beverages at the Elizabeth Park Pond House Restaurant and Auditorium, the Pump House Gallery, and the Keney and Goodwin Park golf courses is contingent upon the operator or manager of these facilities obtaining proper liquor liability insurance and a state liquor license.
  - (4) The provisions of Chapter 35 of the Code shall not apply to the sale and/or consumption of alcoholic beverages under the provisions of this section or section 26-42 of this chapter.
  - (5) The sale and/or consumption of alcoholic beverages at events held in city parks pursuant to this and any other applicable section shall be subject to any further conditions and regulations required by the Mayor or the Council to promote public safety and welfare.
  - (6) Alcoholic beverages may be sold and consumed within Dillon Stadium during professional sporting events or other events promoted by the ownership group of a professional sports franchise under an agreement for use of the Stadium, provided that the Operator or Manager of the Stadium, or a vendor licensed by the Division of Licenses and Inspections under a permit issued by the State of

Connecticut Department of Consumer Protection, provides proper proof of liquor liability insurance to the Risk Manager for the City of Hartford, in amounts determined by said Risk Manager, and a state liquor license is obtained by the requisite entity.

- (7) Alcoholic beverages may be consumed within the city-owned lot located at 260 Huyshope Avenue during the time period beginning three (3) hours prior and ending thirty (30) minutes prior to the start of a professional sporting event or other event promoted by the ownership group of a professional sports franchise under an agreement for the use of Dillon Stadium, provided that proof of liability insurance, in amounts set by the Director of the Office of Management, Budget and Grants for the City of Hartford or their designee, is delivered to the City in advance of said event.

INTRODUCED BY:  
Councilman Thomas J. Clarke II

ITEM#

4

ON AGENDA

Court of Common Council  
City of Hartford June 10, 2019

## REPLACEMENT

**RESOLVED**, The Court of Common Council hereby acknowledges Walter "Doc" Hurley and his astounding humanitarian contributions he has made to the North Hartford community and hereby seeks to rename the Aaron-Fein Square as the new **Walter "Doc" Hurley Square** in his honor; and

**BE IT FURTHER RESOLVED**, the new **Walter "Doc" Hurley Square** shall become the new connector of the arts and education corridor within Hartford's Blue Hills, Upper Albany and Northeast neighborhoods; and

**BE IT FUTHER RESOLVED**, This resolution serves as a testament of the Court of Common Council's commitment to commemorate and permanently recognize one of our hometown hero's who's legacy continues to impact the City of Hartford, residents and surrounding communities.



ITEM # 5 ON AGENDA

**Luke A. Bronin**  
Mayor

May 13, 2019

Honorable Glendowyn Thames, Council President  
Members of the Court of Common Council  
City of Hartford  
550 Main Street  
Hartford, CT 06103

**RE: Sale of 70 & 76 Edwards Street**

Dear Council President Thames,

Attached is a resolution for consideration by the Court of Common Council which would authorize the sale of two vacant city-owned parcels at 70 & 76 Edwards Street (collectively, the "Property") to Edwards Street Housing, LLC (the "Developer") for the construction of a residential development. The Developer is a subsidiary of Naek Construction Company, Inc., which has done several projects around the city.

The development will consist of six residential units housed in three owner-occupied two-family homes. Two homes will be situated at 70 Edwards Street (parcel to be subdivided into two lots) and one home will be constructed at 76 Edwards Street.

The development is being financed through a combination of City of Hartford H.O.M.E. funds, rebates from the Connecticut Energy Efficiency Fund for meeting energy efficiency requirements, and construction financing from Capital for Change, Inc.

The proposed conveyance price is Fifteen Thousand Dollars (\$15,000) and is reflective of the Developer's assumption of any environmental remediation and/or monitoring expenses post disposition.

The Developer has experience constructing similar projects and has successfully completed several residential projects within the City of Hartford, including on nearby Chestnut Street, on Westland Street, and the senior housing complex on Hudson Street. Those homes were successfully sold and are owner-occupied. The conveyance of the Property to the Developer will result in three additional two-family owner-occupied homes in the Clay Arsenal neighborhood.

The Department of Development Services is happy to answer any questions you may have. Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "L. Bronin".

Luke A. Bronin  
Mayor

550 Main Street  
Hartford, Connecticut 06103  
Telephone (860) 757-9500  
Facsimile (860) 722-6606

**INTRODUCED BY:**  
Luke A. Bronin, Mayor

**COURT OF COMMON COUNCIL**  
City of Hartford, May 13, 2019

**WHEREAS**, The City of Hartford owns two vacant parcels at 70 & 76 Edwards Street (collectively, the "Property"); and

**WHEREAS**, Edwards Street Housing, LLC (the "Developer") desires to purchase the Property for the construction of a residential development consisting of six residential units housed in three owner-occupied two-family homes (2 homes at 70 Edwards and 1 home at 76 Edwards); and

**WHEREAS**, Each residential unit will be approximately 1,225 square feet (2,450 square feet total for both floors) and consist of three bedrooms, bathroom, kitchen, dining area and living room. The first-floor plan will incorporate a second full bathroom, with access to a full basement that will house the laundry facilities; and

**WHEREAS**, The development is being financed through a combination of City of Hartford H.O.M.E. funds, rebates from the Connecticut Energy Efficiency Fund for meeting energy efficiency requirements, and construction financing from Capital for Change, Inc.; and

**WHEREAS**, The Property was investigated for environmental conditions and certain remediation activities were conducted through grant funding from the United States Environmental Protection Agency; and

**WHEREAS**, The proposed conveyance price is Fifteen Thousand Dollars (\$15,000) and is reflective of the Developer's assumption of any additional environmental remediation and/or monitoring expenses post disposition; and

**WHEREAS**, The Developer has experience constructing similar projects and has been successful with the completion of several residential projects within the City of Hartford. The conveyance of the Property to the Developer will result in three additional two-family owner-occupied homes in the Clay Arsenal neighborhood; and now therefore be it

**RESOLVED**, That the Court of Common Council hereby authorizes the Mayor to enter into a purchase and sale agreement with Edwards Street Housing, LLC for the purposes set forth above subject to the above terms and conditions and such other terms and conditions that the Mayor and the Corporation Counsel may deem appropriate and in the best interest of the city, and be it further

**RESOLVED**, that the Mayor is hereby authorized to execute any and all manner of other documents and to take such other actions as he and the Corporation Counsel may deem appropriate to effectuate the above transaction, and be it further

**RESOLVED**, that no person or entity shall be entitled to rely on, or otherwise claim any benefit by reason of this resolution should the Mayor fail to execute the aforementioned agreement or other documents, or to take any of the other aforesaid actions, and be it further

**RESOLVED**, that all approvals and authorizations provided hereby are contingent upon, and only shall be effective on and by means of, the Mayor executing such agreement and taking such actions, all of which shall be, in form and substance, acceptable to the Mayor and the Corporation Counsel.





ITEM # 6 ON AGENDA

**Luke A. Bronin**  
Mayor

May 28, 2019

Honorable Glendowlyn Thames, Council President  
Members of the Court of Common Council  
City of Hartford  
550 Main Street  
Hartford, CT 06103

**RE: Housing Code Revisions**

Dear Council President Thames,

Attached for your consideration is a draft ordinance that repeals and replaces housing-related provisions in city ordinance with an entirely new, streamlined, and innovative Housing Code.

It is important to recognize that much of Hartford's housing stock is old and in poor condition, and that the adoption of a new Code cannot legislate away the very real, practical and costly challenges to improving the overall quality of housing. However, by clarifying both Code requirements and the City's enforcement authority, I believe this Code will provide us with important tools for promoting better quality housing, over time, for Hartford residents.

Among other things, the new Housing Code aims to: enact citywide standards for clean, safe, and habitable housing; improve indoor air quality, with a goal of reducing asthma and symptoms of allergies, and minimizing the presence of toxic levels of lead; empower city officials to inspect properties to assess compliance; clarify the scope of enforcement authority; align the Code with zoning regulations adopted by the Planning and Zoning Commission; and promote environmentally sustainable practices.

To achieve these goals, the new Housing Code consolidates, expands, and clarifies existing provisions for rooming houses and group living facilities. For the first time, the proposed Code allows the city to license and regulate hotels. Perhaps most significantly, the proposed Code requires apartment buildings with three or more units to be licensed on a four-year cycle, providing the opportunity for periodic, predictable inspections for the health and safety of occupants.

The proposed Code sets forth general provisions that are common to all housing, and other provisions that are specific to the four types of housing regulated in the Code (dwellings, hotels, group living facilities, and rooming houses). Some of these provisions, like ensuring light and air and maintaining walls and foundations in good repair, are fairly common among communities. Other provisions are less common and are tailored to our community's specific needs. For example, this proposed Code allows the City to impose violations for failure to address bulky waste or provide recycling bins. In addition, to help improve our voter registration rate, the Code requires (as does the current Chapter 18) voter registration cards be given to every new adult occupant of a housing unit.

In addition, this proposed Housing Code seeks, to the extent possible, to address concerns regarding environmental hazards and public health. For the first time, the proposed Housing Code sets forth specific requirements for housing owners with regard to lead paint. Consistent with state law, it requires landlords to allow tenants to make energy conservation improvements. It also requires owners to obtain inspection reports of heating facilities each time they renew a license. The Code establishes landscaping maintenance requirements, promoting healthy trees while prohibiting plants that cause human health concerns. If adopted, it will be one of the few housing codes in the country to specifically address mold, imposing liability on owners to remediate visible or known mold in accordance with State Department of Health recommended measures.

The Housing Code also makes it easier for the city to bring violators to justice. It seeks to address the issue of property ownership schemes that obscure the identities of responsible parties, by requiring information submitted in any application to include the name of a responsible human being, including a copy of a driver's license, even if the owner is a limited liability company, a corporation, or a trust. In addition, the Housing Code imposes the maximum fine of \$1,000 for failure to truthfully list a residential address.

For the first time, the process and criteria for suspending or revoking licenses are clearly delineated. Once a violation is found, Article IX of the Code outlines several consequences, ranging from fines to liens to judicial action and condemnation. For every fine available to be imposed, the Housing Code adopts the maximum fine available to it under State law. Moreover, the Code requires an additional fine for each and every violation and for each and every day the violation continues. Article X deals with appeals, should someone object to an order.

At the same time, the Housing Code seeks to be sensitive to the needs of the owners and operators of residential property. It waives fees for certificates of apartment occupancy and certifies apartments for occupancy when property owners obtain a valid license. Licensing fees can be significantly reduced if an owner elects to use a self-certification process, once such process is established by the city. The overall fees for apartment owners will in many cases likely remain about the same, because the new residential licensing program will spread fees over a four-year period. For example, for a building of 20 units, the proposed licensing fee would be \$1,075, and if the building exceeds the licensing standards, no additional certificate of apartment occupancy would be required for four years. By contrast, current city ordinance requires that apartment owners obtain certificates of apartment occupancy, costing \$25, every time a unit is vacated. Over four years, assuming that 10 of the units are vacated each year, the owner would currently be required to pay \$1,000 in certificate of apartment occupancy fees.

The owner of a building of 5 units would be paying \$260 for the proposed four-year licensing period, while under the current code, assuming that the 5 units turn over biannually, the same property owner is required to pay \$250 over a four-year period. Similarly, the fees for rooming houses will remain the same. On the other hand, hotels and group living dwellings, which have not been regulated (other than rehabilitation homes) will see fees where no fees have previously been imposed.

The Code also protects owners in that it contains a section devoted to the responsibilities of occupants, who may also be held liable under the code for violations affecting the health, safety and comfort of other residents. Overall, and over time, the Code will benefit the owners of housing by promoting improved housing quality, which will in turn improve property values that safeguard the investment property owners have made in the city.

Finally, and importantly, the Housing Code will be clearer and easier to administer. To ensure that we are making sound decisions, the application process will become more rigorous, closing loopholes used by property owners seeking to hide their identities and requiring various certificates, reports, and proof of insurance. To ensure city staff can implement the changes, the requirements for apartment buildings and group living facilities will be phased in over a four-year period. To bring new revenues to the city, the Code will impose licensing fees more consistent with other Connecticut cities, including Stamford and New Haven.

Thank you for your consideration of this proposal. The quality of housing in Hartford has a profound effect on the quality of life of our residents. As with any proposal, there will be ample opportunity to review, discuss and amend these proposed revisions as this proposal moves through the legislative process. We look forward to working with you to enact a Code that is more clear, more enforceable, and more effective than our current ordinance.

Respectfully submitted,



Luke A. Bronin  
Mayor

**550 Main Street  
Hartford, Connecticut 06103  
Telephone (860) 757-9500  
Facsimile (860) 722-6606**

Introduced  
by:

Luke A. Bronin, Mayor

HEADING  
AND  
PURPOSE

AN ORDINANCE AMENDING CHAPTER 24, CHAPTER 30, AND  
CHAPTER 18 OF THE MUNICIPAL CODE OF HARTFORD TO CREATE  
THE HOUSING CODE ("HOUSING CODE")

COURT OF COMMON COUNCIL,  
CITY OF HARTFORD

May 28, 2019

Be It Ordained by the Court of Common Council of the City of Hartford:

That Chapter 24-9 and Chapter 30 of the Municipal Code of Hartford shall be repealed, Chapter 18 of the Municipal Code shall be deleted in its entirety and in its place is substituted the following:

**Chapter 18 – HOUSING**

**ARTICLE I. GENERALLY**

**Sec. 18-1. – Title.**

This chapter shall be known and referred to as the "Housing Code of the City of Hartford."

**Sec. 18-2. – Purpose**

The purpose of this chapter is to promote the public health, safety, and general welfare with respect to housing in the city of Hartford by achieving all of the following:

- A. Enacting citywide standards for clean, safe, and habitable housing to, among other things, improve indoor air quality, prevent asthma, reduce symptoms of allergies, and minimize the presence of toxic levels of lead.
- B. Empowering city officials to inspect properties to assess compliance.
- C. Clarifying the scope of enforcement authority.
- D. Aligning city ordinance with zoning regulations adopted by the planning and zoning commission.
- E. Promoting sustainable practices.
- F. Streamlining for usability and readability.

**Sec. 18-3. - Definitions.**

- A. Whenever the words "building," "dwelling," "dwelling unit," "rooming house," "rooming unit," "hotel," "hotel unit," "premises," and "structure" are used in this chapter, they shall be construed as if they were followed by the words "or any part thereof."
- B. Except as otherwise provided, the following definitions shall apply in the interpretation and enforcement of this chapter:

Accessory structure means a detached structure (including a building) detached from, but located on the same lot as, a principal structure.

Approved means approved by the local or state authority having administrative authority.

Attic means any story situated wholly or partly within the roof, so designed, arranged or built as to be used for business, storage or habitation.

Authorized agent means an executor, executrix, administrator, administratrix, trustee, conservator, or guardian of the estate, or other individual or entity who is legally authorized to serve as the agent of a third party through a written, executed, unrevoked power of attorney, court order, or other document type acceptable to the director of licenses and inspections, and who is legally bound, through such document, to comply with the provisions of this chapter and the rules and regulations adopted pursuant thereto to the same extent as if he or she were the owner.

Basement means a story of a building located partly underground and having at least half of its height above ground.

Bathroom means a room or group of connected rooms, containing the equipment, fixtures, and materials identified in section 18-61G of this code.

Bed and breakfast has the definition in the zoning regulations

Cellar means a story of a building located partly or wholly underground and having half or more of its height below the level of the grade.

Director of health means the legally designated health authority of the city or his or her designee.

Director of licenses and inspections means the individual leading the office of the division of licenses and inspections within the city department of development services, or such successor agency or subagency, and any designee of such individual.

Dwelling means any enclosed space, other than a group living dwelling, hotel, or rooming house, which is wholly or partly used or arranged or designed to be used for living or sleeping by human occupants.

Dwelling unit means any room or group of rooms connected together that include a bathroom and facilities for living, sleeping, cooking, and eating that are arranged, designed, or intended to be used as living quarters for one household, regardless of form of ownership in which such dwelling unit is held. Dwelling units include efficiency/micro units and condominium units rented for residential use.

Efficiency or micro unit has the definition in the zoning regulations.

Egress means a place or means of going out, as defined by the ordinances, statutes, and regulations of the city and the state.

Extermination means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the director of health; and exterminate means the act of extermination.

Group living has the definition in the zoning regulations.

Group living for health reasons has the definition in the zoning regulations, as revised and amended from time to time, and also includes rehabilitation homes (as defined in and regulated by prior city ordinance section 30-1, namely, "a dwelling housing a group of persons during a period in which such persons are being housed for periods of more than one (1) day for the purpose of undertaking a program of social rehabilitation or other similar programs, and not required to be licensed by the state as a child care facility pursuant to G.S. § 17-48, or as an institution (hospital, home for the aged, nursing home or rest home) pursuant to G.S. §§ 19a-490 through 19a-503") that as of August 1, 2019 have a valid license from the city for a rehabilitation home.

Group living dwelling means a dwelling that is used as group living, group living for health reasons, residential care, or temporary shelter facility.

Group living unit is any room or group of rooms connected together, intended for living by a person or persons who do not constitute a household, and which does not have a kitchen, and is located within a group living dwelling.

Guest means any person who occupies a housing unit at no charge for rent or occupancy on a nonpermanent status for not more than thirty (30) days.

Habitable room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closet and storage spaces, furnace rooms, kitchenettes and utility rooms, stairways and workshops, and hobby and recreation areas in unsealed or uninsulated parts of a structure below ground level or in attics.

Heated water means water heated to a temperature of no less than one hundred forty degrees Fahrenheit (140° F.).

Heating facility means all equipment, facilities and plumbing necessary to produce heat or hot water or both and deliver same to all habitable space in and around a dwelling unit.

Hotel means a commercial establishment offering temporary lodging to transient guests, including but not limited to bed and breakfasts, motels, and apartment hotels.

Hotel unit means a room or group of rooms located within a hotel and forming a single habitable unit used or intended to be used primarily for living and sleeping but not primarily for cooking or eating purposes.

Housing means dwelling, group living dwelling, hotel, or rooming house, and the premises of such dwelling, group living dwelling, hotel, or rooming house, except where the word "housing" is used as an adjective immediately before another noun, where the context would suggest a more limited definition.

Housing unit means a dwelling unit, group living unit, hotel unit, or rooming unit.

Household has the definition of household in the zoning regulations.

Infestation means the presence, within or around a dwelling, of any insects, rodents or other pests.

Kitchen means a room used for food preparation and storage and containing the equipment, fixtures, and materials identified in section 18-61G of this code.

Kitchenette means a small kitchen or an alcove containing cooking facilities.

Lead statute means the State Lead Poisoning Prevention and Control Act, G.S. §§ 19a-111-1 through 19a-111-11, and all accompanying rules and regulations.

Multi-unit dwelling means any dwelling containing two (2) or more dwelling units, including two-unit dwellings and three-unit dwellings. Attached or row buildings shall be considered a multi-unit dwelling if two (2) contiguous dwelling units in one or more buildings are owned by the same person.

Occupant means any person over one (1) year of age living, sleeping, cooking, eating in, or having actual possession of, a housing unit, except that in dwelling units, a guest will not be considered an occupant.

One-unit dwelling means a dwelling containing one (1) dwelling unit, without any other dwelling units located on the same lot.

Operator means any person who has charge, care or control of a building or part thereof in which housing units are let.

Ordinary summer conditions means a temperature of ten degrees Fahrenheit (10° F.) below the highest recorded temperature in the locality for the prior ten-year period.

Owner means any person who, alone or jointly or severally with others shall have legal or equitable title to any housing or housing unit with or without accompanying actual possession thereof, provided that an owner shall include an authorized agent.

Permissible occupancy means the maximum number of persons permitted to reside in a housing unit.

Plumbing means all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, faucets, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents and any other similar supplied fixture, together with all connections to water, sewer, or gas lines.

Premises means a platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure, and includes any such building, accessory structure, or other structure thereon.

Privacy means the ability of a person to carry out an activity without interruption, observation, or interference by unwanted persons.

Residential care has the meaning in the zoning regulations.

Rooming house means any dwelling or that part of any dwelling containing one (1) or more rooming units in which space is let by the owner or operator to three (3) but no more than six (6) persons, or any dwelling that as of August 1, 2019, has a valid license from the city for a rooming house. Rooming houses include boarding houses as defined in the zoning regulations.

Rooming unit means a room or group of rooms designed for living and sleeping which may or may not have a bathroom and does not have a kitchen.

Rubbish means combustible and noncombustible waste materials, and the term shall include the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food; residue from the burning of wood, coal, coke, and other combustible material; paper; plastic containers; rags; cartons; boxes; wood; excelsior; rubber; leather; tree branches; yard trimmings; tin cans; metals; mineral matter; glass; crockery; and dust.

Safety means the condition of being free from danger and hazards which may cause accidents, fire, or disease.

Space heater means a self-contained, automatically controlled, electric or vented fuel-burning appliance of either the circulating type or the radiant type.

Supplied means paid for, furnished or provided by or under the control of the owner or operator.



Temporary housing means any tent, trailer, mobile home, or any other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty (30) consecutive days.

Temporary shelter facility has the meaning in the zoning regulations.

Three-unit dwelling means a dwelling containing three (3) dwelling units.

Two- unit dwelling means a dwelling containing two (2) dwelling units.

Valid means current, unrevoked, and duly-issued by the appropriate authority.

Water under pressure means pressure sufficient to supply at least one (1) gallon per minute from each outlet.

Zoning regulations means the zoning regulations for the city of Hartford, as adopted by the planning and zoning commission, and as amended from time to time.

**Sec. 18-4. – Scope and applicability.**

- A. This chapter shall apply to all public and private housing and housing units within the city of Hartford, except as provided by state or federal law, except:
  - (1) One-unit dwellings.
  - (2) Two-unit dwellings in which an owner resides.
  - (3) Mobile manufactured homes.
  
- B. This chapter shall have the effective date of August 1, 2019.
  
- C. This chapter shall not be construed to suspend or revoke any valid license or valid certificate of apartment occupancy from the city, provided, however, that suspension or revocation may occur in accordance with section 18-30 of this code.
  
- D. Conflicts.
  - (1) In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety, health, or other ordinance or code of the city, the provisions which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
  - (2) In any case where a provision of this chapter is found to be in conflict with a provision of the State Building Code, State Fire Safety Code, or State statutes or regulations, the State provision shall prevail.

E. Designated authority.

- (1) Pursuant to G.S. §§ 47a-50 et seq., the city may adopt regulations involving various aspects of housing, and pursuant to that statute and the general authority granted to the council, the authority executing and enforcing the statute, and this ordinance more generally, is given to the director of licenses and inspections.
- (2) Pursuant to G.S. §§ 47a-56 et seq., the city hereby adopts the provisions of such statute and appoints the director of licenses and inspections to carry out the provisions of said sections.

Sec. 18-5 to 18-19. – Reserved.

**ARTICLE II. APPLICATIONS AND LICENSING**

Sec. 18-20. – Application required.

- A. Prior to operating housing containing three (3) or more housing units, or otherwise allowing such housing to be occupied, every owner of such housing shall apply to the director of licenses and inspections, on an application form to be provided for that purpose, for a license, provided that housing containing three (3) or more housing units that is occupied by an owner shall not be subject to the preceding requirement to apply for a license.
- B. Notwithstanding subsection A of this section 18-20, to effectuate the purposes of this chapter and to ensure the orderly processing of applications, no license for a dwelling or dwelling unit shall be required:
  - (1) Prior to July 1, 2022, for buildings containing three (3) to nine (9) dwelling units.
  - (2) Prior to July 1, 2021, for buildings containing ten (10) to thirty-nine (39) dwelling units.
  - (3) Prior to July 1, 2020, for buildings containing forty (40) or more dwelling units.

On any date between the effective date of this ordinance and July 1, 2022, the director of licenses and inspections may demand that the owner of any dwelling with five (5) or more violations within a ninety (90)-day period submit an application for a license within the ninety (90) days after the notice of such demand is sent, even if such demand would accelerate the date on which an initial application would otherwise be required by this chapter.

C. Notwithstanding subsection A of this section 18-20, to effectuate the purposes of this chapter and to ensure the orderly processing of applications, no license for a group living dwelling or group living unit shall be required:

- (1) Prior to July 1, 2022, for a temporary shelter facility.
- (2) Prior to July 1, 2021, for group living and residential care.
- (3) Prior to July 1, 2020, for group living for health reasons.

On any date between the effective date of this ordinance and July 1, 2022, the director of licenses and inspections may demand that the owner of any group living dwelling with five (5) or more violations within a ninety (90)-day period submit an application for a license within the ninety (90) days after the notice of such demand is sent, even if such demand would accelerate the date on which an initial application would otherwise be required by this chapter.

**Sec. 18-21. – Application period.**

- A. The director of licenses and inspections shall accept applications for licenses for the following types of housing or housing units at any time:
- (1) New housing or new housing units.
  - (2) Housing or housing units that were vacant for a period of sixty (60) days or more preceding the date of the application.
  - (3) Housing or housing units that are subject to a valid license but are to be owned or operated by someone other than the current owner or operator.
- B. The director of licenses and inspections shall accept applications for license renewals at any time until June 30, 2020; thereafter, to provide sufficient time for the issuance of licenses and for appropriate inspections, the application period for license renewals shall take place between March 1 and June 1 of each year. The director of licenses and inspections may, in his or her discretion, subject to staffing and availability, accept applications for license renewals at other times.

**Sec. 18-22. – Application fees.**

- A. The fees for applications for licenses required by this chapter shall be as follows:
- (1) Dwelling unit license: three (3) to nine (9) dwelling units: sixty dollars (\$60), plus forty dollars (\$40) per dwelling unit.
  - (2) Dwelling unit license: ten (10) to thirty-nine (39) dwelling units: seventy-five dollars (\$75), plus fifty dollars (\$50) per dwelling unit.

- (3) Dwelling unit license: forty (40) or more dwelling units: two hundred dollars (\$200), plus seventy dollars (\$70) per apartment unit.
- (4) Group living license: two hundred dollars (\$200), plus thirty-eight dollars (\$38) per group living unit.
- (5) Hotel license: three hundred fifty dollars (\$350), plus eighty-five dollars (\$85) per hotel unit. For any hotel owned by any person, firm, corporation, joint venture or other legal entity that is exempt from income tax liability pursuant to Section 501(c)(3) of the Internal Revenue Code, the applicable licensing fees shall be: two hundred and fifty dollars (\$250), plus thirty dollars (\$30) per hotel unit.
- (6) Rooming house license: five hundred dollars (\$500) for one (1) to six (6) rooming units, seven hundred fifty dollars (\$750) for seven (7) to twelve (12) rooming units, and one thousand dollars (\$1,000) for more than twelve (12) rooming units.
- (7) Beginning July 1, 2021, an additional fee of \$1,000 shall be required for applications for license renewals that are submitted at any time outside of the application period set forth in section 18-21B of this code.

**B. Reductions.**

- (1) The per unit license fee for dwelling units in buildings containing forty (40) or more dwelling units in which initial occupancy of all units is legally restricted to individuals or families earning sixty (60%) per cent or less of area median income shall be twenty (\$20.00) dollars per apartment unit. Upon request, owners and operators of such buildings shall be required to provide the director of licenses and inspections with copies of tenant eligibility information, including, but not limited to mandated annual income certification or re-certification forms.
- (2) Notwithstanding anything to the contrary in this section 18-22, the director of licenses and inspections shall have the authority to adopt regulations to reduce by up to fifty (50) percent any fees for dwelling unit licenses for applications that undergo a self-certification process as such process may be established by the director.

**C. Application fees include one (1) inspection visit. Additional inspections shall be charged to the applicant in accordance with article III of this chapter.**

**D. License application fees shall be nonrefundable.**

**Sec. 18-23. – Application procedures.**

- A. An application for a license required by this chapter shall consist of an application form, attachments required by the application form, and supplemental materials required by the director of licenses and inspections.**

- B. Such application shall be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information, does not contain significant inaccuracies or omissions, does not contain multiple minor inaccuracies or omissions, and is accompanied by the required fee amount (including the license application fee as well as the fee for any inspections conducted in accordance with article III of this chapter).
- C. The date on which the application is deemed complete by the director of licenses and inspections shall be deemed to be the submission date of the application.
- D. An application must be signed by the owner, the operator (if distinct from the owner), and the city resident acting as the registered agent.
- E. In addition to information to be submitted by the application form, the director of licenses and inspections may require the submission of additional information, documentation, and evidence, where such information, documentation, and evidence is reasonably necessary to assess the veracity of the contents of the application, to ensure that the appropriate scope of review is undertaken, and to ensure sound decision-making as required in section 18-25 of this code.
- F. The director of licenses and inspections may, in his or her discretion, refer any application, attachment, or supplemental material to any city or state official, including but not limited to the corporation counsel, the chief of the fire department, the chief of the police department, the director of the department of public works, the zoning administrator, the director of planning, the director of housing, the director of the department of health, or their designees, for guidance, analysis, evaluation, and recommendations relevant to the decision on granting the license.
- G. The director of licenses and inspections may call upon any third party consultant for assistance in the performance of his or her duties. Applicants shall be required to pay the city in advance for projected or proposed third party consultant expenses associated with review of their applications, prior to any approval being effective.
- H. Prior to the issuance or renewal of a license, the housing or housing unit to be licensed may be inspected to determine whether it is in compliance with the provisions of this chapter and the statutes of the state and the city. Inspections shall be conducted in accordance with article III of this chapter.

- I. A separate application must be filed for each individual building, on each lot, for each permit desired.
- J. In all cases, the burden is on the applicant to show that an application complies with all applicable review or approval criteria.

**Sec. 18-24. – Application form.**

The application form for a license for the operation of housing or housing units shall require the submission of the following information:

- A. The contact information, consisting of full legal name, address, telephone number, email address (if any), and full legal name of the owner and registered agent, and the operator (if any).
  - (1) Name. In the case the owner or operator is a partnership, the names of all general partners must be provided. In the case of a limited liability company, the names of its members must be provided. In the case of a corporation or other business entity, the name and address of the registered agent and officers of said business entity. In the case the owner is a trust, such contact information for each trustee shall be provided. In the case of estate, the contact information of the executor, administrator, conservator, or other fiduciary responsible for the estate shall be provided.
  - (2) Address. An address must be a location described by the full street number, if any, the street name, the city or town, and the state, and not a mailing address such as a post office box. If the owner or owners are a person or people who do not reside in the city, each owner must provide his or her residential address. In the case of a partnership, limited liability company, corporation, or other business entity, each registered agent must provide his or her residential address.
  - (3) Registered agent. In the case of an owner-occupant, the registered agent shall be a human being who is a resident of the city who shall act as the agent of the owner-occupant for the receipt of violation notices and for service of process issued pursuant to the provisions of this chapter, where such owner-occupant is absent from the city for thirty (30) or more days. In the case of a nonresident owner, the registered agent shall be a resident of the city who shall act as his or her agent for the receipt of violation notices and for service of process issued pursuant to the provisions of this chapter.
- B. A copy of a driver's license or comparable state-issued photo identification showing the name, photo, and address of the owner and registered agent, and operator (if any).

- C. The full legal name, address, telephone number, and email address (if any) of each mortgagee and lienholder of record, and any assignees.
- D. The number of rooms in the building, the number of housing units, and the number of persons proposed to be accommodated or allowed in each housing unit.
- E. The plan of each floor of the building, drawn to a scale of not less than one-quarter-inch to a foot, showing all fire escapes, stairs, halls, bathrooms, kitchens, lighting, screens, plumbing fixtures, flooring materials, trees and vegetation, location and size of all windows, the location and dimensions and square footage of habitable rooms and the exits of each floor and showing the number of persons proposed to be accommodated or allowed on each floor, with the intended use of every room in the building written on the plan. Unless the building is exempt by the State Fire Code, the plan shall include sprinklers in the common areas, and in housing units and areas as required by code.
- F. A copy of a valid certificate of insurance showing general liability and innkeeper's liability insurance with coverage of at least one million dollars (\$1,000,000.00) of general liability and one million dollars (\$1,000,000.00) of excess liability. Such certificate of insurance shall provide that no cancellation will be made without thirty (30) days' notice to the city director of licenses and inspections.
- G. A certificate of zoning compliance, if a zoning permit to initiate the housing or housing unit was issued more than five (5) years prior to the date of the application.
- H. A valid certificate of occupancy.
- I. A certificate of nonconformance, if required by the zoning regulations.
- J. A lead inspection report, if required by the lead statute or by the director of health or the director of licenses and inspections.
- K. A description of rubbish disposal facilities (including recycling), extermination and pest control plans and practices, energy efficiency plans and practices, water efficiency plans and practices, snow removal plans, and, if applicable, other sustainability measures, lead paint evaluations, and landscape and weed control plans.

- L. A copy of the latest energy efficiency audit completed for the housing or the housing-unit, if any.
- M. A heating facility inspection report, dated within the six (6) months preceding the application submission date and indicating that the heating facility for such premises has been inspected within the last year by a person licensed to design, construct or repair a heating facility and that such heating facility meets the requirements of this chapter, except that no such report shall be required for a heating facility that for all primary components is ten (10) years old or less.
- N. The signature of the applicant, including the owner, certifying to the truthfulness and accuracy of the information tendered and an acknowledgement that there will be penalties for false representation.
- O. Notwithstanding anything to the contrary in this section 18-24, the application form may be formatted in such a way as to allow the applicant to submit the information through a self-certification process that may be established by the director of licenses and inspections.

**Sec. 18-25. – Decision-making on an application.**

- A. When an application for a license for housing or housing units pursuant to this chapter is complete, the director of licenses and inspections shall review the application and shall approve, approve with conditions, or deny the application.
  - (1) An approval of the application will result in the issuance of a license.
  - (2) An approval with conditions of the application will result in the issuance of a license, subject to reasonable conditions that the applicant must satisfy in order to obtain and maintain the license.
  - (3) A denial will result in no license.
- B. Decision-making criteria considered by the director of licenses and inspections shall include:
  - (1) Satisfaction of application requirements.
  - (2) Results of any inspection conducted.
  - (3) Compliance with any applicable life safety code, such as the State Building Code or the State Fire Safety Code, provided that lack of compliance shall result in an immediate denial.
  - (4) Compatibility with adjacent properties.
  - (5) Adequate provision (number), operability, and general condition of supplied amenities and fixtures, including but not limited to heat, heated water, lighting, plumbing, bathrooms, and kitchens.



- (6) Overall condition of the building and premises, including the presence of fire hazards, infestations, lead paint, or any other material regulated in this chapter.
- (7) Suitability of the arrangement of buildings, open space, and provision of light, ventilation, and air.
- (8) Demands on services and infrastructure.
- (9) In the case of a renewal, number and nature of violations documented during prior inspections or visits by any officer of the city or State.

C. Notice of decisions shall be provided to applicants.

**Sec. 18-26. – Changes to information in application.**

- A. Subject to restrictions on transferability contained in section 18-28 of this code, any change to the full name of the owner, registered agent, operator, mortgagee of record, or lienholder of record, as applicable, that occurs after an application is submitted or after a license is issued must be submitted in writing to the director of licenses and inspections seven (7) days prior to the change, provided that if it is impossible or impractical to submit such change seven (7) days prior to the change, the change must be submitted within ten (10) days after the change, along with a notarized statement from the transferee, and in the case of a replaced owner, registered agent, or operator, a copy of a driver's license or comparable state-issued photo identification showing the name, photo, and address of the owner, registered agent, or operator (as applicable).
- B. Any change to the address, telephone number, email address (if any) of the owner, registered agent, operator, mortgagee of record, or lienholder of record, as applicable, that occurs after an application is submitted or after a license is issued must be submitted in writing to the director of licenses and inspections seven (7) days prior to the change, provided that if it is impossible or impractical to submit such change seven (7) days prior to the change, the change must be submitted within ten (10) days after the change. A change in address of a registered agent shall not be accepted by the director of licenses and inspections if it purports to change the address of the registered agent to a location outside of the city.
- C. Any decrease in the number of rooms in the building, the number of housing units, and the number of persons proposed to be accommodated or allowed in each housing unit must be submitted in writing to the director of licenses and inspections within seven (7) days after the occurrence of the decrease.

- D. Any increase in the items identified in the preceding subsection C, or any changes to the floor plans or certificate of insurance, shall not be permitted without a full and complete new application to the director of licenses and inspections.
- E. Pursuant to section 18-30 of this code, some changes in information may result in revocation of a license.

**Sec. 18-27. – Effect of license.**

- A. Upon receipt of the license, and for the terms and duration and subject to the conditions of the license, an owner of housing or housing units may operate the housing or housing units, as applicable, and otherwise allow the housing or housing units to be occupied, subject to the issuance of any certificates of apartment occupancy required under article V of this chapter.
- B. A license provides the right to operate the housing or housing units as set forth in the application, as amended or supplemented pursuant to section 18-26 of this code, subject to the issuance of any certificates of apartment occupancy required under article V of this chapter.
- C. The issuance of a license shall not relieve the owner and operator of the responsibility to make general repairs pursuant to chapter 9 of the code, maintain fire protection equipment pursuant to chapter 13 of the code, manage solid waste pursuant to chapter 15 of the code, maintain and preserve historic housing as required by chapter 28 of the code, repair and clear of sidewalks and public ways pursuant to chapter 31 of the code, maintain landscaping (including trees and green infrastructure) pursuant to the zoning regulations and chapter 28 of code, and perform other responsibilities required by any other law, rule, or regulation.
- D. If the director of licenses and inspections issues a license for a dwelling unit for which a certificate of apartment occupancy is required pursuant to article V of this chapter, he or she shall also issue a certificate of apartment occupancy valid for up to two (2) years from the date of issuance of the license, and in no event past the second June 30 following the date of issuance, unless he or she has given the property an “exceeds standards” rating, in which case he or she shall issue a certificate of apartment occupancy valid for the full length of the license, for the same dwelling units subject to the license.

**Sec. 18-28. – Transferability of license.**

- A. Licenses for dwellings, dwelling units, hotels, and hotel units may be transferred to a subsequent owner, subject to satisfaction of the requirements of section 18-26.
- B. Licenses for group living, group living units, rooming houses, and rooming units are not transferable.

**Sec. 18-29. – Duration of license.**

- A. A license shall start upon the effective date indicated in the notice of approval of the application, or if no effective date is indicated, on the date on the notice of approval.
- B. For group living facilities and group living units, hotel and hotel units, rooming houses and rooming units, every new license, and every license renewal, shall be effective for a maximum of one (1) year, starting from the date of issuance of the license until the first June 30 following the date of issuance, unless earlier suspended or revoked pursuant to section 18-30 of this code.
- C. For dwellings and dwelling units, every new license, and every license renewal, shall be effective for a maximum of four (4) years, starting from the date of issuance of the license until the fourth June 30 following the date of issuance, unless earlier suspended or revoked pursuant to section 18-30 of this code.

**Sec. 18-30. – Suspension or revocation of license.**

- A. A suspension of a license shall result in a temporary ceasing of all licensed activities until such reasonable time as set by the director of licenses and inspections to cure a violation under this chapter or other reason provided by the director of licenses and inspections.
- B. A revocation of a license shall result in the permanent ceasing of all licensed activities until and unless another license is obtained.
- C. A license for housing or housing units, whether issued pursuant to previous ordinance provisions related to the licensing of housing or issued pursuant to current ordinance provisions, may be suspended or revoked by the director of licenses and inspections for any of the following activities or occurrences:
  - (1) Violation of any provision of this ordinance or other applicable law, rule, or regulation.

- (2) Failure to comply with any applicable life safety code after written notice and opportunity to cure in accordance with article IX of this chapter, such as the State Building Code or the State Fire Safety Code, or of the State laws and regulations regarding lead poisoning prevention and control.
- (3) Abandonment of the licensed activities, as indicated by licensed housing or housing units being vacated for a period of sixty (60) days or more, unless such vacancy is caused by reasons beyond the owner's control such as damage by flood, fire or storm and owner is diligently working to repair such damage.
- (4) Conducting, or knowingly allowing to be conducted, illegal activities on the premises.
- (5) Loss, failure to renew, cancellation, or reduction of insurance coverage shown on the insurance certificate required to be provided with the license application.
- (6) Loss, failure to renew, or cancellation of any document granting authority to an authorized agent to act on behalf of an owner or operator, where the director of licenses and inspections reviewed and approved such document.
- (7) Refusal by the owner to consent to inspections requested by the director of licenses and inspections.
- (8) Failure to pay the city in advance for third party consultants deemed necessary, in the discretion of the director of licenses and inspections, to assist the director with evaluating applications, conducting inspections, or assessing conditions of the housing or housing unit.
- (9) Property taxes for the housing or housing unit, or any fixtures or personal property contained therein or housed thereon, are delinquent.
- (10) Other reasons significant to health, safety, and general welfare, in the discretion of the city.

D. In making a decision to suspend or revoke a license, the director of licenses and inspections must exercise reasonableness and discretion in considering the criteria in section 18-25B of this code, and: the severity of the threat to health, safety, and general welfare; remedial measures that have been taken by the owner or operator; the timeline for remedial action to be taken; and other facts and information as may be provided to him or her by city and State officials and by members of the general public, including occupants and owner.

E. Notice of suspension or revocation shall be in writing.

**Sec. 18-31 to 18-39. – Reserved.**

### ARTICLE III. INSPECTIONS

#### Sec. 18-40. – Authority for inspections.

- A. The director of licenses and inspections is hereby authorized and directed to make inspections (including re-inspections of previously inspected locations) to determine the condition of housing and housing units, for the purpose of determining compliance with the provisions of this chapter.
- B. The director of health, the chief of the police department or his or her designee, and the chief of the fire department or his or her designee, and any other city official deemed appropriate or necessary by the director of licenses and inspections are authorized to assist with such inspections, subject to the provisions in this article applicable to the director of licenses and inspections. Any person or entity duly authorized in accordance with this section to conduct inspections pursuant to this chapter shall be called an inspector.

#### Sec. 18-41. – Consent for inspections.

- A. For the purpose of making such inspections, the inspector, with consent of the owner, occupant, or judicial authority, is hereby authorized to enter, examine, and survey between the hours of 8:30 a.m. and 4:30 p.m. or as otherwise mutually agreed by the inspector and the owner or occupant, all housing and housing units. For the purpose of consenting to an inspection and/or receiving notices relating thereto, a minor child under the age of 18 shall not be considered an occupant.
- B. Whenever an owner, operator, or occupant of a housing unit shall deny an inspector the right of entry for the purpose of inspection, the inspector shall not so enter until he or she presents a duly issued search warrant for the housing or housing unit to the owner, operator, or occupant.
- C. Nothing in this section shall be construed to preclude the entry of the inspector at any time when, in his or her judgment, an emergency tending to create an immediate danger to the public health, welfare, or safety exists.

#### Sec. 18-42. – Nature of inspections.

- A. An inspection conducted pursuant to this chapter shall be conducted for one or more of the purposes of: evaluating a license application or a certificate of

apartment occupancy application, assessing ongoing compliance with the license or certificate and associated conditions, fulfilling the city's obligation to conduct investigations regarding toxic levels of lead pursuant to the lead statute, and ensuring the satisfaction of the goals of this chapter.

- B. Such inspection shall not have for its purpose the undue harassment of the owner, operator, or occupant.
- C. Such inspection shall be made so as to cause the least amount of inconvenience to said owner, operator, or occupant, consistent with an efficient performance of the duties of the director of licenses and inspections.
- D. Among other things documented in the report, all inspection reports must indicate for each housing and housing unit inspected whether a smoke detector has been installed in each unit and in each area as required by the State Fire Safety Code, and, if so, the status and location of the smoke detector. Inspectors shall report missing or inoperative detectors to the fire marshal and owner of record within twenty-four (24) hours of inspection.
- E. During an inspection, the inspector may collect or be made aware of information and evidence that may result in a fine or form the basis for a criminal prosecution.
- F. The director of licenses and inspections may choose to conduct, or ask another inspector to conduct, a re-inspection for any reasonable reason, including but not limited to: the observance or report of a possible violation of any applicable law, rule, or regulation in the conduct of licensed activities; determination of compliance with conditions set forth in the applicable license; determination of compliance with conditions of any applicable law, rule, or regulation in the conduct of licensed activities; assessment of whether there are toxic levels of lead for which abatement would be required pursuant to the lead statute; assessment of whether and to what extent remedial action has been undertaken; and the need to respond to a complaint.
- G. In the sole discretion of the director of licenses and inspections, for any inspection for any building with twenty-five (25) or more housing units, in connection with a license application pursuant to article II of this chapter, the director of licenses and inspections may select for inspection twenty-five (25) percent of the total number of hotel units within a hotel, with a minimum of twenty (20) hotel units, or forty (40) percent of the total number of dwelling units within a dwelling, with a minimum of twenty (20) dwelling units, provided that the specific hotel units or dwelling units to be inspected shall be chosen randomly and in the sole discretion of the director of licenses and

inspections. In no circumstance shall the preceding sentence be construed to prohibit the director of licenses and inspections from inspecting all housing units for which a license is sought.

**Sec. 18-43. – Inspections related to toxic levels of lead.**

- A. Notwithstanding anything to the contrary in this chapter, this section may be applied to all properties (including buildings and their premises) in the city, not just to properties containing housing and housing units to which the rest of this chapter is otherwise limited in applicability.
- B. Pursuant to the lead statute, the city hereby designates the director of health as the officials with the authority to coordinate with the State the identification, assessment, and enforcement of State laws and regulations on toxic levels of lead.
- C. The director of licenses and inspections and the director of health may conduct or cause to be conducted inspections related to toxic levels of lead in any property in the city, whether housing or not, if they have reason to believe, as a result of reports of elevated blood levels in occupants or through visual observation or otherwise, that the property contains toxic levels of lead.
- D. To properly assess whether a property contains toxic levels of lead, the director of licenses and inspections and the director of health may hire, or cause to be hired, third parties, such as certified lead inspectors and other professionals, to provide information to the city regarding toxic levels of lead. The cost of such professionals shall be borne by the property owner exclusively.
- E. After the inspection occurs, an inspection report shall be completed using the State inspection form and shall be postmarked and sent by certified mail or hand delivery by the second working day following completion of the inspection. The inspection form shall indicate all defective and intact lead-based surfaces.
- F. Within two (2) days after receipt of an inspection report identifying toxic levels of lead requiring abatement, the owner shall post to each entrance to the housing unit or common area of dwelling affected. The notice shall measure at least eight-and-one-half (8 ½) inches by eleven (11) inches, with letters measuring at least one half (½) inch. The notice shall state that the dwelling unit contains a toxic level of lead which may be dangerous and which a child should not be allowed to mouth or chew. The notice shall not be

removed until the dwelling unit has been found to comply with the lead statute.

- G. The owner shall provide a summary report of the lead inspection and/or lead management plan, and the post-abatement inspection report to the residents and to the director of licenses and inspections. This summary inspection report shall contain the results of lead-based surface testing as required by section 19a-111-3 of the regulations for the lead statute and will include a description of the testing methods used.
- H. The owner shall also provide the residents with information prescribed by the department concerning the toxicity of lead and precautions that should be taken to avoid exposure.
- I. The director of health shall have full authority under the lead statute to issue an order for a property owner to conduct a lead abatement plan and correct all defective lead-based surfaces requiring abatement and soil areas identified as a source, or potential source for elevated blood within the time period specified by section 19a-111-5 of the regulations for the lead statute.

#### **Sec. 18-44. – Fees for inspections.**

- A. The fees for inspections conducted in accordance with this chapter shall be one hundred dollars (\$100) per inspection, including but not limited to re-inspections and inspections related to toxic levels of lead. Such cost shall not be applied to one (1) inspection associated with a license application, pursuant to section 18-22 of this code. Such cost shall not be applied to inspections conducted by an inspector on behalf of an occupant seeking to report or document a violation.
- B. The fee for an owner's failure to appear, or to send a representative to appear, at an inspection within twenty (20) minutes of a scheduled appointment shall be one hundred dollars (\$100).
- C. An inspector may call upon a third party consultant, including but not limited to a certified lead inspector, for assistance in the performance of its duties for a thorough and complete inspection. Applicants shall be required to pay the city in advance for projected or proposed third party consultant expenses associated with the review of their applications, prior to any license being effective.
- D. Inspection fees and failure to appear at inspection fees shall be nonrefundable.



Sec. 18-45 to 18-59. – Reserved.

#### ARTICLE IV. REQUIREMENTS FOR ALL HOUSING

Sec. 18-60. – Generally.

- A. No person shall operate housing or housing units unless he or she holds a valid license issued by the director of licenses and inspections and approved in the name of the person operating the specific named housing or housing units, subject to the transfer provision of 18-28.
- B. No building now in existence or hereafter constructed or erected, nor any portion thereof, shall be used as housing or housing units unless such building and every part thereof shall conform to the requirements of this chapter and to such other requirements of the law, including, without limitation the State Basic Building Code, the Fire Safety Code, Hartford Municipal Code, rules and regulations of the city department of development services, and zoning regulations as may apply.

Sec. 18-61. – Owner’s responsibilities.

Every owner of housing or a housing unit must:

- A. Maintain at all times in a clean and sanitary condition every surface, including walls, floors, stairwells, passages, windows, doors, water closets, cesspools, drains, halls, cellars, roofs, porches, decks, stoops, and ceilings, for the housing or housing unit, whether occupied or not, including the entire exterior structure of the housing or housing unit and any common areas.
- B. Protect all exterior wood surfaces, other than decay-resistant woods, from the elements and from decay by paint or other protective covering or treatment, using lead-free materials upon any surface that is readily accessible to children.
- C. Ensure that all painted surfaces of every building used or intended to be used in whole or in part for human habitation are kept free of cracked, chipped, blistered, flaking, loose, or peeling paint.
- D. Maintain in sound condition and good repair every foundation, floor, wall, ceiling and roof, door, skylight, basement hatch, and window so that it shall

be reasonably weathertight, watertight, and rodentproof, and shall be capable of affording privacy.

- (1) Ensure windows designed with insulated glass and thermal pane windows do not exhibit seal leakage, such as condensation or discoloration between glass panes.
- (2) Ensure that windows that are the means of emergency egress from a floor area open without the need of keys, tools, or special knowledge.
- (3) Ensure that windows and doors accessible from the outside have working locks.
- (4) Ensure that door locks to individual housing units, or to shared facilities or rooms associated thereto, function as designed and as prescribed by the manufacturer.
- (5) Refrain from installing wall-to-wall carpeting or replacing existing wall-to-wall carpeting in any dwelling unit, group living unit, or rooming unit, to assist with asthma prevention, allergy control, and mold.
- (6) Change the keys or combination for each positive locking device to individual housing units when occupants change.

E. Ensure light and air to every habitable room by satisfying the following criteria:

- (1) Every habitable room has one (1) window or skylight facing the outdoors, where minimum total window area, measured between stops, shall be one-eighth (1/8) the net floor area of the room, or if the room has only a skylight, where minimum total window area is fifteen (15) percent of the net floor area of the room. Whenever walls or other portions of structures face a window of any such room from the exterior and such light obstruction structures are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area.
- (2) The director of health may grant an exception for the requirement that each habitable room have one (1) window or skylight, where he or she determines that such room is equipped with a ventilation system which is kept in efficient operation.
- (3) Every habitable room has one (1) window or skylight facing the outdoors, where forty-five (45) percent of the minimum size prescribed in subsection (1) above or such other device as will adequately ventilate the room.

(4) All clothes dryer exhaust must adequately be ventilated to the outdoors except where there is supplied some other device affording adequate ventilation.

F. Supply rubbish disposal facilities or containers, including containers for recyclable materials as required by chapter 15 of the city code, sufficient in number and size for holding rubbish and recycling accumulated between regular collections; arrange for regular collections of rubbish and recycling; provide for the regular disposal of litter in and around the premises; and arrange for proper disposal of bulky waste.

G. Properly install and maintain in in sound condition and good repair all supplied amenities and facilities therein, including but not limited to bathrooms, electrical outlets and fixtures, heat, heated water, kitchens, lighting, and plumbing.

(3) Provide, in the case of a bathroom, all of the following:

- a. A flush water closet.
- b. A lavatory basin.
- c. A bathtub or shower in working condition, free of deterioration and installed and maintained in a manner prescribed by city and state regulations and codes.
- d. Flooring that is reasonably impervious to water, level, and kept in a clean and sanitary state condition.
- e. Such fixture group must be properly connected to an approved sewer system and to an approved hot and cold water running water system under pressure, except that the flush water closet must be connected to an approved sewer system and to an approved cold water running water system under pressure.
- f. The flush water closet, lavatory basin, and bathtub or shower must be installed in the same room, or in an adjacent room, in a configuration and design that affords privacy to a person using said facilities.

(4) Provide, in the case of electrical outlets and fixtures, all the following:

- a. Every habitable room and nonhabitable room used for food preparation shall have at least one (1) floor-or wall-type electrical convenience duplex outlet for each sixty (60) square feet or fraction thereof of total floor area, and in no case fewer than two (2) such duplex outlets per room.
- b. Every water closet compartment, bathroom, kitchen or kitchenette, laundry room, furnace room and public hall shall contain at least one (1) supplied ceiling-or wall-type electric light fixture.
- c. Every bathroom and laundry room shall be provided with at least one (1) electric outlet.

- (5) Provide, in the case of heat, heating units that: heat all habitable rooms, bathrooms, and water closet compartments to a minimum temperature of at least sixty-five (65) degrees Fahrenheit whenever the outer or street temperature falls below fifty (50) degrees Fahrenheit; and are equipped with a control valve or thermostat to allow the occupant to regulate the heat supplied.
- (6) Provide, in the case of a kitchen, or in location that is within three (3) feet of a kitchen and in an adjacent room within the housing unit, all of the following:
- a. A kitchen sink installed, and properly connected to hot and cold running water system under pressure and sewer systems, and maintained in accordance with city and state regulations and codes, and which provides at all times an adequate amount of heated and unheated water under pressure and which has the capacity to handle dish washing.
  - b. Cabinets or shelving for the storage of eating and drinking and cooking equipment and utensils and of food that does not, under ordinary summer conditions, require refrigeration for safekeeping, and a counter for food preparation. Said cabinets and/or shelves and counter shall be adequate for the permissible occupancy of the dwelling unit and shall be of sound construction, furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.
  - c. A stove or equivalent device for cooking food and a refrigerator or equivalent device for the safe storage of food at temperatures less than fifty degrees Fahrenheit (50° F) but more than thirty-two degrees Fahrenheit (32° F) under ordinary summer conditions, which are properly installed with all necessary connections for safe, sanitary and efficient operation. Such stove or equivalent device, or refrigerator or equivalent device, need not be installed where an agreement between the owner and occupant has been executed which so provides, but sufficient space and adequate electrical outlets must nevertheless be provided for the safe and efficient installation and operation of said stove or equivalent device and refrigerator or equivalent device.
  - d. Flooring that is reasonably impervious to water, level, and kept in a clean and sanitary state condition.
- (7) Provide, in the case of lighting, adequate lighting at every exterior entrance, porch, public hall, and stairway so as to provide at least three (3) foot-candles of light at the tread or floor level at all times, provided that for two-unit dwellings, such lighting may be controlled by switches and turned off when not in use; and adequate lighting in any bathroom, kitchen, and other habitable room, provided that

replacement of light bulbs within a housing unit after the first month of occupancy shall be the responsibility of the occupant.

- H. Properly install prior to June 1 of each year and remove by October 31 of each year a properly fitting screen of not less than sixteen (16)-mesh per inch and a self-closing device in good operating condition, for at least one door opening directly from a housing unit to an outdoor space; for any door, window, hatch, or other opening from a basement to any outdoor space; or for a window intended to be used for ventilation.
- I. Exterminate, using a certified applicator as defined in G.S. § 22a-54, to prevent or eliminate an infestation of bed bugs in accordance with G.S. § 47a-7a; exterminate to prevent, reduce, or eliminate infestations throughout a group living dwelling, hotel, or rooming house, or exterminate to prevent, reduce, or eliminate infestations in a dwelling where an infestation is not solely contained or containable within a single dwelling unit or where infestation is caused by failure of the owner to maintain a dwelling in a rodent-proof or reasonably insect-proof condition.
- J. Ensure that every water closet compartment floor surface and bathroom and kitchen floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- K. Maintain the housing, including repairing leaky faucets and plumbing and ensuring a watertight building envelope, in such a physical condition so as to prevent the accumulation of moisture and the visible growth of mold; remediate visibly moldy surfaces through measures recommended by the State department of health, including but not limited to installing dehumidifiers, fixing structural problems, using bleach on nonporous surfaces, and replacing porous surfaces such as wallboard that have become moldy; and promptly respond to any notices from an occupant regarding the existence of an accumulation of moisture and visible growth of mold, provided, however, that nothing in this subsection shall be construed to prevent an owner from pursuing legal action against an occupant whose actions caused the accumulation of moisture or visible growth of mold.
- L. Prevent from being removed, shut off, or discontinued any service, facility, equipment, or utility required under this chapter, except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies when discontinuance of service is approved by the director of health.

- M. Allow an occupant to implement energy conservation measures (including but not limited to removable weatherstripping around doors and windows, removable interior storm windows, and insulation wrap around hot water heating tanks), in any dwelling or dwelling unit, but not any group living unit, hotel unit, or rooming unit. Nothing in this section shall be construed to authorize the occupant to make structural changes to a building or otherwise restrict the availability to the tenant of other legal remedies.
- N. Ensure compliance of construction, materials, and means of egress, and install and use all equipment, as required by laws dealing with fire protection of the city and the state.
- (1) For smoke detectors required in dwelling units by the State Fire Safety Code and the State Building Code, owners must replace a smoke detector that malfunction for reasons other than the fault of the occupant and must test a smoke detector and replace batteries when an occupant vacates a let unit.
  - (2) For smoke detectors required in group living units, hotel units, and rooming units by the State Fire Safety Code and the State Building Code, owners must periodically test a smoke detector and replace batteries.
  - (3) No person may remove or render a smoke detector inoperative except for its periodic maintenance or maintenance or repair to the housing or housing unit.
  - (4) Each floor of a structure used, any part of which is used, for housing shall have a fire extinguisher in a common area.
- O. Maintain vegetation on the premises such that:
- (1) Trees are maintained in a healthy condition pursuant to the zoning regulations and chapter 28 of the code.
  - (2) Grass, weeds, or similar growth does not grow more than one (1) foot in height.
  - (3) Invasive species do not grow.
  - (4) Weeds or other plant which may, in the opinion of the director of health, cause hay fever or similar diseases, do not grow.
  - (5) Poison ivy and poison sumac does not grow within twenty-five (25) feet of a street line or within twenty-five (25) of adjoining property, except with the written consent of the owner of such adjoining property.
  - (6) Wild and untrimmed bushes do not grow or remain on any land fronting on a public street in the city, or on any interior lot bounded on three (3) or more sides by land fronting on any such street.
- P. Address issues related to lead hazards in accordance with the lead statute, including (using terms as defined in such statute and related regulations):

- (1) When a child under the age of 6 resides in a housing unit, abatement of all defective lead-based surfaces, and abatement of all accessible lead-based surfaces shall be abated to a level of six hundredths percent (0.06%) and nonaccessible abated to a level of forty-nine hundredths percent (0.49%).
- (2) When a child under the age of 6 resides in a housing unit and has an elevated blood lead level, abatement to a level of forty-nine hundredths percent (0.49%) of all lead-based chewable surfaces, whether or not that surface is defective, and all lead-based movable parts of windows and surfaces that rub against movable parts of windows.
- (3) When a child under the age of 6 resides in a dwelling unit requiring lead abatement, assessment of interior dust, drinking water, and exterior soil; abatement of soil or sand areas not covered by materials specified in the statute and regulations which are found to contain lead concentrations in excess of 400 parts per million; reduction of lead dust hazards to a safe level; and reduction of lead in drinking water through means approved by the director of health.
- (4) Under no circumstances shall an owner take eviction action to avoid abatement actions described in this section and in the lead statute.

Q. Arrange room dimensions and locations to comply with all of the following:

- (1) At least seventy-five (75) percent of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet eight (8) inches, except for attic rooms which shall each be at least seven (7) feet four (4) inches high in half of its area; and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing the floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
- (2) No basement space shall be used as a habitable room unless: floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness; total window area in each room is equal to at least the minimum window area sizes as required in this section; required minimum window area is located entirely above the grade of the ground adjoining such window area; total of openable window area in each room is equal to at least the minimum as required in this section, except where there is supplied some other device affording adequate ventilation and approved by the director of health; and rooms shall be at least eight (8) feet six (6) inches high in each part from the floor to the ceiling and the ceiling shall be at least four (4) feet six (6) inches above the outside ground level.
- (3) No cellar space shall be used as a habitable room or housing unit.

(4) No housing or housing unit containing two (2) or more sleeping rooms shall have such arrangements that access to a bathroom or water closet compartment, intended for use by occupants of more than one (1) sleeping room, can be had only by going through another sleeping room, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.

R. Maintain in good repair any porch, stoop, stair, or elevator.

S. Report to the police department any known illegal activity taking place within the housing or housing unit.

T. Provide to each occupant over age seventeen (17) a voter registration form, in the form then available by the office of the registrar of voters of the city and the State, at the time such occupant or occupants take possession of a housing unit.

**Sec. 18-62. – Occupant’s responsibilities.**

Every occupant of a housing unit must:

A. Keep in a clean and sanitary condition that part of the housing unit and premises thereof which he or she occupies and controls.

B. Dispose of all rubbish in a clean and sanitary manner and in appropriate containers, separating recyclables from other rubbish in accordance with chapter 15 of the municipal code.

C. Keep all supplied fixtures and facilities therein in a clean and sanitary condition and exercise reasonable care in the proper use and operation thereof.

D. Allow the owner, subject to the terms of a written lease and state law, to access any part of such housing unit or its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter, with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this chapter.

E. Maintain or replace screens, once properly installed in any one season.



- F. Exterminate any infestation if his or her dwelling unit is the only one infested, provided that such obligation shall not apply to occupants of group living units, hotel units, or rooming units, and further provided that failure to exterminate may be penalized in accordance with article IX of this chapter; notify an owner orally or in writing when he or she knows or reasonably suspects that the housing unit is infested with bed bugs, and cooperate with any inspection and treatment of bed bugs, pursuant to G.S. § 47a-7a; and refrain from moving furniture, clothing, equipment, or personal property if the occupant's housing unit is found to be the subject of an infestation until after the infestation is exterminated.
- G. Use reasonable efforts to maintain the housing unit and any other part of the premises and he or she occupies in such a condition as to prevent accumulation of moisture and the growth of mold, and to promptly notify the owner of any moisture accumulation that occurs or of any visible evidence of mold discovered.
- H. Replace light bulbs within the occupant's housing unit if they are extinguished, after the first month of occupancy, unless an executed lease for the housing unit places responsibility for this task on another party.
- I. Deposit with the owner any key to any locking device, upon termination of the occupant's interest in the housing unit.
- J. Prevent from being removed, shut off, or discontinued any service, facility, equipment, or utility required under this chapter, except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies when discontinuance of service is approved by the director of health.
- K. Periodically test smoke detectors installed within dwelling units and replace batteries, provided that this obligation does not apply to occupants of group living units, hotel units, and rooming units; and pay if requested by the owner for the replacement of a smoke detector if it malfunctions due to the fault of the applicant.
- L. Ensure that maximum occupancy is maintained at the levels represented in the application and at the maximum level allowed by the building code, the zoning regulations, or any other law, code, or regulation, whichever number is less.

**Sec. 18-63 to 18-79. – Reserved.**

**ARTICLE V. ADDITIONAL REQUIREMENTS FOR DWELLINGS AND DWELLING UNITS**

**Sec. 18-80. – Certificates of apartment occupancy.**

- A. No dwelling unit in a multi-unit dwelling with three (3) or more dwelling units shall be occupied for human habitation after a vacancy until a certificate of apartment occupancy has been issued by the director of licenses and inspections, certifying that such dwelling unit conforms to the requirements of this chapter and G.S. chapter 833a; provided that no provision of this chapter shall be construed to prohibit human occupancy of such apartment during the pendency of an application for such certificate.
- B. No rent, including rent received from short-term rentals, shall be recoverable by the owner or lessor of such dwelling unit for the occupation of any dwelling unit for which a certificate of apartment occupancy has not been obtained prior to the rental thereof.
- C. No certificate of apartment occupancy shall be required for:
- (1) A dwelling which has been constructed or substantially reconstructed within the ten (10)-year period immediately before the date such certificate of apartment occupancy would otherwise be required.
  - (2) Housing owned by a housing authority organized under the provisions of G.S. chapter 128
  - (3) Housing containing dwelling units created under the Unit Ownership Act of the State of Connecticut wherein seventy-five percent (75%) of such units are in individual ownership other than by the declarant or by any other single owner.

**Sec. 18-81. – Application period.**

The director of licenses and inspections shall accept applications for certificates of apartment occupancy at any time.

**Sec. 18-82. – Application fees.**

The fee for an application for a certificate of apartment occupancy shall be seventy-five dollars (\$75) for each dwelling unit for which a certificate of apartment occupancy is sought, provided that no additional fees shall be required where an applicant receives a certificate of apartment occupancy pursuant to section 18-27 of

this code. The director of licenses and inspections shall have the authority to adopt regulations to reduce by up to fifty (50) percent any fees for applications for a certificate of apartment occupancy that undergo a self-certification process as such process may be established by the director.

**Sec. 18-83. – Application procedures.**

An application for a certificate of apartment occupancy shall consist of an application form, attachments required by the application form, and supplemental materials required by the director of licenses and inspections, provided that no additional application for a certificate of apartment occupancy shall be required where an applicant receives a certificate of apartment occupancy pursuant to section 18-27 of this code as a result of a licensing application. Application procedures for licenses set forth in section 18-23 of this code are hereby incorporated by reference as constituting the application procedures for a certificate of apartment occupancy.

**Sec. 18-84. – Application form.**

The application form for licenses as set forth in section 18-24 of this code, and the information required to be submitted therefore, are hereby incorporated by reference as constituting the application form for a certificate of apartment occupancy.

**Sec. 18-85. – Decision-making on an application.**

- A. When an application for a certificate of apartment occupancy pursuant to this chapter is complete, the director of licenses and inspections shall review the application and shall approve, approve with conditions, or deny the application.
- (1) An approval of the application will result in the issuance of a certificate of apartment occupancy.
  - (2) An approval with conditions will result in the issuance of a certificate of apartment occupancy, subject to reasonable conditions that the applicant must satisfy in order to obtain and maintain the certificate of apartment occupancy.
  - (3) A denial will result in no license.
- (4) The decision-making criteria for an application for licenses as described in section 18-25 of this code, and the information required to be submitted therefore, are hereby incorporated by reference as constituting the decision-making criteria for an application for a certificate of apartment occupancy.

(5) Notice of decisions shall be provided to applicants.

**Sec. 18-86. – Changes to information in application.**

The provisions regarding changes to information in an application, as set forth in section 18-26 of this code, and the information required to be submitted therefore, are hereby incorporated by reference with regard to certificates of apartment occupancy.

**Sec. 18-87. – Effect of certificate of apartment occupancy.**

- A. Upon receipt of the certificate of apartment occupancy, and for the terms and duration and subject to the conditions of the certificate of apartment occupancy, an owner of a dwelling or dwelling units duly licensed by the city may allow the dwelling or dwelling units to be occupied.
- B. A certificate of apartment occupancy provides the right to operate the dwelling or dwelling units as set forth in the application, as amended or supplemented pursuant to section 18-86 of this code.
- C. The issuance of a certificate of apartment occupancy shall not relieve the owner and operator of the responsibility to make general repairs pursuant to chapter 9 of the code, maintain fire protection equipment pursuant to chapter 13 of the code, manage solid waste pursuant to chapter 15 of the code, maintain and preserve historic housing as required by chapter 28 of the code, repair and clear of sidewalks and public ways pursuant to chapter 31 of the code, maintain landscaping (including trees and green infrastructure) pursuant to the zoning regulations and chapter 28 of code, and perform other responsibilities required by any other law, rule, or regulation.

**Sec. 18-88. – Transferability of certificate of apartment occupancy.**

Certificates of apartment occupancy are transferable upon sale of the dwelling or dwelling unit, to the new owner of the dwelling or dwelling unit.

**Sec. 18-89. – Duration of certificate of apartment occupancy.**

A certificate of apartment occupancy shall start upon the effective date indicated in the notice of approval of the application, until such date as the dwelling unit shall be vacated, or, in the case of a certificate of apartment occupancy issued with a license pursuant to section 18-27 of this code, until such date indicated to be the expiration date on such certificate.

**Sec. 18-90. – Suspension or revocation of certificates of apartment occupancy.**

The provisions regarding the suspension or revocation of certificates of apartment occupancy, as set forth in section 18-30 of this code, and the information required to be submitted therefore, are hereby incorporated by reference as constituting the provisions for suspension or revocation of certificates of apartment occupancy.

**Sec. 18-91. – Space, use, and location.**

- A. Each dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred thirty (130) square feet of floor space for every additional occupant, the floor space to be calculated on the basis of total habitable room area.
- B. In each dwelling unit of two (2) or more rooms, each room occupied for sleeping purposes shall contain at least seventy (70) square feet of floor space for the first occupant and at least fifty (50) square feet of floor space for each additional occupant thereof.
- C. Each dwelling unit shall have adequate closet or other storage space for the personal effects of each permissible occupant. If it is lacking, an amount of space equal in square footage to the deficiency shall be subtracted from the area of habitable room space used in determining permissible occupancy.
- D. Each dwelling unit must contain a kitchen and a bathroom.

**Sec. 18-92 to 18-99. – Reserved.**

**ARTICLE VI. ADDITIONAL REQUIREMENTS FOR GROUP LIVING FACILITIES AND GROUP LIVING UNITS**

**Sec. 18-100. – Supervision.**

Each group living dwelling shall have a supervisor or supervisors who live on site at all times. The director of health shall promulgate rules and regulations establishing minimum standards of supervision, minimum qualifications of supervisors, registration of supervisors and minimum office and meeting room requirements to ensure the orderly operation of group living facilities.

**Sec. 18-101. – Bathrooms.**

If group living unit is located within a building primarily operated as a group living dwelling, the group living unit shall have a bathroom.

**Sec. 18-102 to 18-119. – Reserved.**

**ARTICLE VII. ADDITIONAL REQUIREMENT FOR HOTELS AND HOTEL UNITS**

**Sec. 18-120. – Space, use, and location.**

- A. Each hotel unit shall contain at least one hundred fifty (150) square feet of floor space.
- B. Each hotel unit must have at least two (2) approved remote means of egress, both of which lead to safe and open space at ground level (as required by the laws of the State and this city), except that windows shall not be considered means of egress.

**Sec. 18-121. – Bathrooms.**

Each hotel unit shall have at least one (1) bathroom.

**Sec. 18-122. – Cooking.**

- A. Cooking in a hotel unit shall be prohibited except in those hotels operating as residential hotels, which include kitchens.
- B. Communal cooking and dining facilities shall be prohibited in a hotel, except as approved by the director of health in writing.

**Sec. 18-123. – Other requirements.**

- A. The owner or operator shall ensure that doors to hotel units from outdoor areas, common areas, hallways, and lobbies shall have operating locks to ensure privacy.
- B. The owner or operator must provide clean linens and towels upon letting any hotel unit to a guest and at least once each week. The owner and operator shall maintain supplied bedding in a clean and sanitary manner.

Sec. 18-124 to 18-139. – Reserved.

**ARTICLE VIII. ADDITIONAL REQUIREMENTS FOR ROOMING HOUSES AND ROOMING UNITS**

**Sec. 18-140. – Space, use, and location.**

- A. Each rooming unit shall contain at least seventy (70) square feet of floor space for one (1) occupant using the rooming unit for sleeping purposes, and at least fifty (50) additional square feet of floor space per additional occupant using the rooming unit for sleeping purposes, exclusive of wardrobe and closet space.
- B. Each rooming unit must have at least two (2) approved remote means of egress, both of which lead to safe and open space at ground level (as required by the laws of the State and this city), except that windows shall not be considered means of egress.
- C. No rooming unit shall be located in any accessory structure. No accessory structure shall be used as a rooming house.

**Sec. 18-141. – Bathrooms.**

In every rooming house, there shall be at least one toilet, one sink and one shower or bathtub for each two (2) rooming units shown on the plans submitted with the application for the rooming house license as well as the square footage as determined by an inspection performed by the director of licenses and inspections or for each five (5) occupants, whichever requirement provides more bath facilities per occupant. All such facilities shall be so located within the rooming house as to be reasonably accessible from a common hall or passageway to all of the persons sharing such facilities and shall be on the same floor as the rooming units which such facilities serve.

**Sec. 18-142. – Cooking.**

- A. Cooking in a rooming unit shall be prohibited.
- B. Communal cooking and dining facilities shall be prohibited in a rooming house, except as approved by the director of health in writing.

**Sec. 18-143. – Other requirements.**

- A. The owner or operator shall ensure that doors to rooming units from outdoor areas, common areas, hallways, and lobbies shall have operating locks to ensure privacy.
- B. The owner or operator must provide clean linens and towels upon letting any rooming unit to a guest and at least once each week. The owner and operator shall maintain supplied bedding in a clean and sanitary manner.
- C. The person who obtains a license for a rooming house shall reside in the rooming house. No license or license renewal for a rooming house shall be issued when neither an owner nor operator is a bona fide resident of the property.
- D. The owner must display a copy of any city license in a conspicuous place within the common areas of the housing, and the floor plan must be displayed in a central common area, in a conspicuous place, on the main floor of the rooming house, together with a notice that violations of this article may be reported anonymously by calling 311.
- E. The licensee of every such rooming house must keep in the office, or other place on the premises, a register in which shall be entered the name and permanent residence, if any, of every person who becomes an occupant thereof. Such register shall also show the number or location of the room or bed occupied by such person, with dates of arrival, and departure. The register shall also be accessible, without charge, to any duly authorized agent of the department of development services.
- F. Each rooming house shall have a doorbell at the principal entrance for the rooming house, which rings in a common area and is audible within the rooming units. Each rooming unit shall have a doorbell.

Sec. 18-144 to 18-159. – Reserved.

## ARTICLE IX. VIOLATIONS, REMEDIAL ACTION, AND PENALTIES

Sec. 18-160. – Notice of violation.

- A. Whenever the director of licenses and inspections determines that there are reasonable grounds to believe that there has been a violation of any provision



of this chapter or any rule or regulation adopted pursuant thereto, before issuing any citation, such director shall give notice of such alleged violation to the person responsible therefor, provided that no notice shall be required in the case of emergency action as provided in section 18-162 of this code.

B. Such notice of violation shall:

- (1) Be put in writing.
- (2) Include a statement of the reasons why it is being issued, including appropriate code citation.
- (3) Allow a reasonable time, not fewer than twenty-one (21) days and not more than sixty (60) days, for the correction of any alleged violation, except that in the case of a condition, which in the judgment of the director of licenses and inspections is or in its effect is dangerous or detrimental to life or health, the date specified shall be not more than five (5) days from the date of the mailing of such notice.
- (4) Be served upon the owner or the occupant, as the case may require; provided, that such notice shall be deemed to be properly served upon such owner or upon such occupant, if a copy thereof is served upon him or her personally; or if a copy thereof is sent by registered mail to his or her last known address; or if a copy thereof is posted in a conspicuous place in or about the housing or housing unit affected by the notice; or if he or she is served with such notice by any other method authorized or required by the laws of this state.
- (5) State that unless violations cited are corrected within the time period offered, the division of licenses and inspection will issue a citation imposing fines, penalties, costs, and fees dues and the license or certificate of occupancy may be denied, suspended, or revoked.

C. Such notice of violation may contain an outline of remedial action that, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant thereto.

**Sec. 18-161. – Citation.**

- A. If any violation documented in any notice of violation is not remedied within the specified time period, the owner shall be issued a citation.
- B. Such citation shall:
  - (1) Be put in writing.
  - (2) Include a statement of the reasons why it is being issued, including appropriate code citation.
  - (3) Be served upon the owner or the occupant, as the case may require; provided, that such citation shall be deemed to be properly served upon

such owner or upon such occupant, if a copy thereof is served upon him or her personally; or if a copy thereof is sent by registered mail to his or her last known address; or if a copy thereof is posted in a conspicuous place in or about the housing or housing unit affected by the notice; or if he or she is served with such notice by any other method authorized or required by the laws of this state.

- (4) State the fines, penalties, costs, or fees due.
- (5) State that the recipient may contest his or her liability before a hearing officer in person or by mailed written notice within ten (10) days of the date thereof, and that if he or she does not demand such a hearing, an assessment and judgment shall be entered against him or her, and that such judgment may issue without further notice.

- C. The owner shall be presumed to shall bear primary responsibility for violations of this chapter that arise from obligations of the owner; however, operators or occupants may be jointly or severally liable depending on the factual circumstances.

#### Sec. 18-162. – Emergency actions.

- A. Notwithstanding any other provisions of this chapter, whenever the director of licenses and inspections or director of health finds that an emergency exists which requires immediate action to protect the public health or safety, he or she may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he or she deems necessary to meet the emergency, and such order shall be effective immediately.
- B. Any person to whom such order is directed shall comply therewith immediately but, upon petition to the director of licenses and inspections or director of health, as applicable, shall be afforded a hearing as soon as possible, in accordance with article X of this chapter.

#### Sec. 18-163. – Post-notice procedures.

- A. The director of licenses and inspections may, in his or her discretion, postpone the last day by which a violation shall be corrected upon a showing by the owner or other responsible person that he or she has begun to correct the violation, but that full correction of the violation cannot be completed within the time provided because of technical difficulties, inability to obtain necessary materials or labor, or inability to gain access to the dwelling unit wherein the violation exists, provided that such postponement shall not exceed sixty (60) days from the date by which corrections would be made

pursuant to the original notice, unless the affected party seeks an additional extension pursuant to article X of this chapter.

- B. When the violation has been corrected, the responsible party shall promptly, but not later than two (2) weeks after such correction, report to the director of licenses and inspections in writing, indicating the date when each violation was corrected. It shall be presumed that the violation was corrected on the date so indicated, unless a subsequent inspection by the director of licenses and inspections reveals the existence of the condition giving rise to the earlier notice of violation.
- C. If the person who is sent notice pursuant to section 18-160 wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs, or fees admitted to in person or by mail to the city.
- D. Any person who does not deliver or mail written demand for a hearing within ten (10) days of the date of the first notice of violation shall be deemed to have admitted liability, and the corporation counsel shall certify such person's failure to respond.

**Sec. 18-164. - Penalties and costs.**

- A. Any penalties imposed by, and costs incurred by, the city pursuant to this chapter shall be due and payable to the city the business day after any appeals period has expired.
- B. Any person or entity who shall violate any provision of this chapter, or any provision of any rule or regulation adopted by any city agency or department pursuant to authority granted in this chapter, or shall fail to correct any violation prior to the date set forth in the notice of violation shall be subject to a civil penalty of up to one hundred dollars (\$100) per day for each violation from the date of the citation to the date such violation is corrected, and to the extent required by G.S. § 47a-59 the total penalty shall not exceed seven thousand five hundred dollars (\$7,500) per violation.
- C. Any person or entity who shall violate any provision of this chapter, or any provision of any rule or regulation adopted by any city agency or department pursuant to authority granted in this chapter, or shall fail to correct any violation prior to the date set forth in the notice of violation shall be subject to imprisonment of up to thirty (30) days, if convicted.

- D. Any nonresident owner that does not file a true and accurate residential address shall be fined a civil penalty of two hundred fifty dollars (\$250) for the first violation and one thousand dollars (\$1,000) for any subsequent violation.
- E. Any person or entity who recovers rent for the occupation of any dwelling unit for which a certificate of apartment occupancy has not been obtained prior to the rental thereof shall be liable for a civil penalty of twenty dollars (\$20) per day for not more than two hundred (200) days for such period of unlawful occupation.
- F. The director of licenses and inspections shall maintain a current record of all properties with respect to which such penalty remains unpaid in the office of such agency. Such record shall be available for inspection by the public.
- G. The city shall recover from the responsible party all expenses, including legal and administrative charges and charges by third party consultants, incurred by the city as a result of any inspection, abatement, or enforcement action.
- H. When the department of health certifies that any rented dwelling or dwelling unit is unfit for human habitation, by reason of defects which may cause sickness or endanger the health of the occupants, the department may issue an order requiring the rented dwelling or dwelling unit, or any portion thereof, to be vacated within not less than twenty-four (24) hours or more than ten (10) days. Any person who violates or assists in violating, or fails to comply with, any provision of this section or any legal order of a department of health made under any such provision shall be guilty of a class C misdemeanor.

**Sec. 18-165. – Remedial actions.**

In the event of the failure of any person to perform remedial action to correct a violation or comply with any other order, the director of licenses and inspections or director of health may cause compliance therewith, and the expense of the compliance may be collected as a debt against such person, and the city may place a lien on the property in accordance with section 18-166 of this code.

**Sec. 18-166. – Judicial actions.**

- A. Whenever any person violates or threatens to violate any provision of this chapter or any provision of any rule or regulation adopted by a city department or agency pursuant to authority granted by this chapter or any order of the director of health, the city is authorized to institute before any

court having jurisdiction a civil action praying for an injunction restraining any such person from committing such violation.

- B. The city may bring an action in superior court for the recovery of penalties, together with costs and disbursements.
- C. In any judicial action, the city shall seek to recover from the responsible party all expenses, including legal and administrative charges and charges by third party consultants, incurred by the city as a result of any inspection, abatement, or enforcement action.
- D. Notwithstanding anything to the contrary in this chapter, the city shall be entitled to pursue the maximum fines available to it pursuant to state law.
- E. The city may pursue any other legal remedy available to it at law or in equity.
- F. The city, including among other officials the director of licenses and inspections and the director of health, is authorized to submit information to the office of the state attorney to aid in prosecutions of violations of this chapter.

**Sec. 18-167. – Liens.**

- A. The city shall have authority to file a lien on the land records for such costs incurred in review of applications, inspections, enforcement, or the execution of remedial action pursuant to this chapter, and for any penalty imposed pursuant to this chapter, and remaining unpaid for a period of sixty (60) days after its due date, upon the real property against which the costs were incurred or the penalty was imposed.
- B. Prior to filing such lien, the director of licenses and inspections must:
  - (1) In the case of costs incurred, record on the land records a certificate subscribed and sworn to by the director of licenses and inspections giving the address of the housing or housing unit, identifying the record owner of the housing or housing unit, the amount claimed as a lien, and the date of commencement of the activities undertaken; and stating that the amount is justly due and that the expenses have been incurred in pursuance of review of applications, inspections, enforcement, or the execution of remedial action pursuant to this chapter. Such certificate shall be filed at any time during the activities giving rise to the cost or within four (4) months after the completion of the activities giving rise to the cost.

- (2) In the case of a penalty imposed pursuant to a violation, record on the land records a notice of violation and index such violation in the name of the property owner no later than thirty (30) days after the penalty was imposed.
- C. Each such lien shall be effective from the time of the recording on the land records.
- D. Each such lien shall take precedence over all transfers and encumbrances recorded after such time, and all other liens and encumbrances, except taxes and assessments, recorded previously to the existence of such lien.
- E. Unless proceedings to discharge such lien are taken by the party against whom or whose real property a lien is claimed, the filing shall, as to all persons having actual notice, become conclusive evidence that the amount claimed in the notice of lien with interest is due and is a just lien upon the premises.
- F. Any lien pursuant to this section may be foreclosed in the same manner as a mortgage.
- G. Any lien pursuant to this section may be discharged or dissolved in the manner provided in G.S. §§ 49-35a to 49-37, inclusive.
- H. The recovery or repayment of any penalties or costs incurred pursuant to this chapter may be obtained by the city by collecting rents directly from any tenants of the dwelling involved, or by a suit against the owner of the dwelling, or both, pursuant to procedures contained in G.S. chapter 833a.

**Sec. 18-168. – Condemnation.**

- A. The director of licenses and inspections or director of health may condemn as unfit for human habitation any housing or housing unit he or she may deem to be so damaged, decayed, dilapidated, insanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or the public.
- B. Any housing or housing unit condemned as unfit for human habitation and so designated and placarded shall be vacated within a reasonable time as ordered by the enforcing officer.

- C. No housing or housing unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the condemning authority.
- D. The condemning authority shall remove such placard whenever the defect upon which the condemnation and placarding action was based has been eliminated.
- E. No person shall deface or remove the placard from any housing or housing unit which has been condemned as unfit for human habitation and placarded as such, except as provided in paragraph D.
- F. Where no corrective action is taken by the owner, operator, or occupant of a housing or housing unit designated as unfit for human occupancy within six (6) months following the date of the placarding action and when no hearing is pending, the director of licenses and inspections shall seek judicial remedies and may consider pursuing an order that the structure in violation to be demolished as soon as practicable, provided that reasonable notice is given to said owner, operator, or occupant within a reasonable time prior to said demolition.
- G. Nothing herein contained shall be interpreted as precluding any private right of action of any person against an owner, operator, or occupant of the placarded structure.

**Sec. 18-169. – Special consideration.**

Notwithstanding anything herein to the contrary, special consideration may be given to individuals who are elderly or disabled and who demonstrate that the violation results from an inability to maintain a housing unit and no person with that ability resides therein, and to property owners who are in financial distress and demonstrate an inability to pay the costs of remedying any violation issued pursuant to this chapter. Such special consideration shall be limited to the reduction or elimination of fines, or an agreement that the city or its agents may perform the necessary work and place a lien against the premises for the cost thereof in accordance with the provisions of this code.

**Sec. 18-170 to 18-179. – Reserved.**

**ARTICLE X. APPEALS**

**Sec. 18-180. – Right to appeal.**

- A. Any person adversely affected by any order which has been issued in connection with the enforcement of any provisions of this chapter may request and, upon payment of a ten dollar (\$10.00) fee to the city, shall be granted a hearing on the matter before the hearing officer established under section 1-5 of the code, provided that such person, within ten (10) days of the date of service of the order, shall file in the office of the director of licenses and inspections a written petition containing a request for such hearing and setting forth a brief and concise statement of the error alleged to be contained in the order. The person filing such a petition shall be called the petitioner.
- B. Appeals of a suspension (including a request for an extension of such suspension, rather than revocation) may be filed in accordance with article X of this chapter, provided, however, that any suspended license shall be deemed to be automatically revoked if a request for hearing is not filed in the office of the director of licenses and inspections within twenty (20) days after notice of suspension is served.
- C. This article shall not apply to any person who is assessed a civil penalty pursuant to section 18-164(d) of this code, or to any person aggrieved by the denial of a certificate of apartment occupancy, which are appealable to the superior court in accordance with state law.
- D. This article shall not apply to any appeal from an order of the director of health pursuant to section 18-164(h) of this code, which is appealable to the State director of health in accordance with state law.

**Sec. 18-181. – Effect of appeal.**

The filing of an appeal shall not automatically stay operation of the order.

**Sec. 18-182. – Appeal procedures.**

A. Timing

- (1) If a petitioner is appealing an order related to an emergency action pursuant to section 18-162 of this code, or is requesting a stay pursuant to section 18-185 of this code, the hearing officer shall hold a hearing as soon as possible, but whenever possible no later than ten (10) days from the filing of the petition.
- (2) For all hearings other than those requested pursuant to subsection (1), the hearing officer shall hold a hearing not less than fifteen (15) days nor more than thirty (30) days from the date of mailing of the notice.



- (3) Upon application of the petitioner, said hearing officer may postpone the date of the hearing for a reasonable time if, in his or her judgment, the petitioner submitted a good and sufficient reason for such postponement; but in no event shall said hearing be postponed longer than sixty (60) additional days.
- B. Any person who requests a hearing pursuant to this article shall be given written notice of the date, time, and place for the hearing.
- C. At such hearing the petitioner shall be given an opportunity to be heard and to show why such order shall be modified, extended, or withdrawn, or a waiver granted.
- D. The petitioner shall have the right to be represented by counsel, to cross-examine and to call witnesses, and to introduce evidence on his own behalf.
- E. The corporation counsel or his designee shall represent the city and shall cross-examine and call witnesses, and introduce evidence on behalf of the city. The presence of the issuing official shall be required at the hearing if the petitioner so requests.
- F. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation.

**Sec. 18-183. – Decisions in appeals.**

- A. The hearing officer shall announce his or her decision at the end of the hearing.
- B. If the hearing officer determines that the petitioner is not liable for the violation, the order shall be withdrawn, and the ten dollar (\$10) fee shall be returned to the petitioner.
- C. If the hearing officer determines that the petitioner is liable for the violation, the order shall be sustained, and the hearing officer shall forthwith enter and assess the fines, penalties, costs, or fees against such person as provided by this chapter.
- D. The hearing officer may grant an extension or waiver in accordance with the conditions set forth in section 18-185 of this code.

E. If the petitioner fails to appear, the hearing officer may enter an assessment by default against him or her upon a finding of proper notice and liability under the applicable statutes or ordinances.

**Sec. 18-184. – Extension or waiver.**

- A. Extension. The time for performance of any act required by the order may be extended for not more than eighteen (18) months subject to appropriate conditions and provided that the hearing officer makes specific findings of fact based on evidence relating to the following factors:
- (2) That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of any provisions of this title; and
  - (3) That such extension is in harmony with the general purpose and intent of this title in securing the public health, safety and general welfare.
- B. Waiver. A waiver (including partial waiver) may be granted in a specific case and from a specific provision of this chapter subject to appropriate conditions and provided that the hearing officer makes specific findings of fact based on evidence relating to the following factors:
- (1) That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provision;
  - (2) That the effect of the application of the provisions would be arbitrary in the specific case;
  - (3) That an extension would not constitute an appropriate remedy for these practical difficulties or unnecessary hardships and this arbitrary effect; and
  - (4) That such waiver is in harmony with the general purpose and intent of this title in securing the public health, safety and general welfare.

**Sec. 18-185. – Request to stay during appeal.**

- A. A party filing the petition, within the time allowed for such filing, may make written request of the director of licenses and inspections for a stay of operation of the order pending the hearing by the hearing officer.
- B. Such request shall set forth a brief and concise statement of the reasons for which good cause for a stay of the operation of the order shall be had.
- C. Upon receipt of such petition, the director of licenses and inspections shall request that the hearing officer set a time and place for a hearing.

**Sec. 18-186. – Record of hearings.**

The proceedings at any hearing conducted pursuant to this section, including the findings and decision of the hearing officer and a copy of notices and orders issued in connection with the matter, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the hearing officer or the director of licenses and inspections .

Sec. 18-187 to 18-199. - Reserved.