

COURT OF COMMON COUNCIL



AGENDA – Part II

MEETING SEPTEMBER 9, 2019

7:00 P.M.



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

AGENDA
MEETING OF THE COURT OF COMMON COUNCIL
September 9, 2019
Approve Minutes August 12, 2019

ACTION TAKEN

COMMUNICATIONS

1. MAYOR BRONIN, with accompanying resolution authorizing the City to accept a grant in the amount of \$1.5 million from the State of Connecticut Department of Economic and Community Development for the development of an Albany Avenue neighborhood park.
2. MAYOR BRONIN, with accompanying resolution which would authorize the City to enter into a lease agreement with New Cingular Wireless PCS, LLC for the installation of wireless devices on public structures to support their 4G Network. In an effort to further support existing AT&T cellular service across the City, New Cingular Wireless PCS, LLC has requested to utilize city owned property within the right-of-way to strengthen cell phone coverage within the City.
3. MAYOR BRONIN, with accompanying resolution authorizing the City to accept a Justice Assistance Grant (JAG) in the amount of \$190,809 from the United States Department of Justice.
4. MAYOR BRONIN, with accompanying resolution confirming my reappointment of Reginald D. Freeman as Chief of the Hartford Fire Department. Chief Freeman's second term would begin February 1st 2020 and end on January 31st of 2024.
5. MAYOR BRONIN, with accompanying resolution authorizing the City to accept the donation of a Sirchie CyanoSafe Filtered Cyanoacrylate Fuming Chamber from the University of Connecticut Police Department.
6. MAYOR BRONIN, with accompanying resolution adopting Hartford's new Community Risk Assessment – Standards of Cover (CRA-SOC), recently finalized and approved by the Hartford Fire Department (HFD).
7. MAYOR BRONIN, with accompanying resolution confirming the appointment of Mia Lozada, Justin Banks, and Andre Santiago to the LGBTQ+ Commission.
8. MAYOR BRONIN, with accompanying resolution authorizing the City to accept a State of Connecticut Justice Assistance Grant in the amount of \$24,710.45 from the State's Office of Policy Management.
9. MAYOR BRONIN, with accompanying resolution to endorse the Hartford Tree Plan for 2018-2019 as drafted by the Tree Advisory Commission. The City's urban forest provides tremendous value to our residents, their quality of life, and the character of the City.
10. PUBLIC WORKS, PARKS AND ENVIRONMENT COMMITTEE, Communication concerning an update on MyRec. by Assistant DPW Director Mike Looney.

REPORTS

11. PLANNING, ECONOMIC DEVELOPMENT AND HOUSING COMMITTEE, Communication concerning a Substitute Ordinance amending Chapter 24, Chapter 30, and Chapter 18 of the Municipal Code of Hartford to create the Housing Code.
12. OPERATIONS, MANAGEMENT, BUDGET AND GOVERNMENT ACCOUNTABILITY COMMITTEE, with accompanying resolution that would transfer funding within the FY2019 budget in order to support planned capital expenditures in the FY2020 budget, as previously approved by the City Council and the Municipal Accountability Review Board.
13. OPERATIONS, MANAGEMENT, BUDGET AND GOVERNMENT ACCOUNTABILITY COMMITTEE, Communication concerning an ordinance making general fund appropriations to reflect revised project costs relative to public improvements in the Martin Luther King school project no. 064-0310 RNV.

14. OPERATIONS, MANAGEMENT, BUDGET AND GOVERNMENT ACCOUNTABILITY COMMITTEE, with accompanying resolution approving the transfer of \$404,513.18 of outstanding delinquent personal property taxes from the 2006 – 2016 Grand Lists to the suspense tax book. The City can still make efforts to collect these taxes, however transferring this amount will improve our accounting processes.
15. PUBLIC WORKS, PARKS AND ENVIRONMENT COMMITTEE, with accompanying resolution which would allow the City to enter into a license agreement with the Channel Three Kids Camp for operating the annual Holiday Lights Fantasia at Goodwin Park.
16. PUBLIC WORKS, PARKS AND ENVIRONMENT COMMITTEE, with accompanying resolution adopting the Capitol Region Council of Governments' (CRCOG) Natural Hazard Mitigation Plan for 2019 – 2024.

FOR ACTION

17. Resolution requesting that all contractual and payment agreements and on-going monitoring and enforcement be made immediately available from this Administration by regular reporting to Council and the public, and by special request of interested or affected persons or agencies.
18. Resolution seeking to rename Field #9 in The City's Colt Park as the "Johnny Taylor Field" and also serves as The Hartford City Council's effort to commemorate and permanently recognize one of our hometown heroes.
19. Ordinance amending Chapter Two, Article VIII Section 2-850 Residency Requirements of the Municipal Code.
20. Ordinance amending Chapter 2, Article VI, Division 4, Section 2-352 concerning compensation for nonunion and unclassified executive service classification of the Hartford Municipal Code.
21. Ordinance amending Chapter 29, Article I, to add Section 29-18 relating to the Use of Unmanned Aerial Vehicles by the Hartford Police Department, of the Municipal Code.
22. Ordinance amending Chapter 2, Article II of the Municipal Code of the City of Hartford be amended, adding Section 2-48 and Section 2-49.
23. Ordinance amending Chapter 2, Article XXIII, Section 2-938 Drones of the Municipal Code.
24. Resolution with accompanying report concerning the approval of the regulations governing the use of unmanned aerial vehicles by the Hartford Police Department in accordance with the processes recommended by this resolution.
25. Substitute Ordinance amending Chapter 24, Chapter 30, and Chapter 18 of the Municipal Code of Hartford to create the Housing Code.

HEARING DATE - Monday, September 16, 2019

26. Ordinance making General Fund Appropriations to Reflect Revised Project Costs Relative to Public Improvements in the Martin Luther King School Project no. 064-0310 RNV.

PROPOSED ORDINANCES

27. (ASSISTANT MAJORITY LEADER GALE) (COUNCIL PRESIDENT THAMES) (MAJORITY LEADER SANCHEZ) (MINORITY LEADER BERMUDEZ) Ordinance amending Chapter 2, Article V, Division 4 Commission on Cultural Affairs of the Municipal Code, to Create the Honorary Positions of the Troubadour, Story Teller, Commentator, Flow Artist and earth Artist.

HEARING DATE - Monday, September 16, 2019

RESOLUTIONS

28. (MINORITY LEADER BERMUDEZ) (COUNCILMAN DEUTSCH) Resolution requesting that the Hartford Court of Common Council honor the dates of October 12, 2019, from 4:00-8:00pm, and the dates of January 16th & January 22nd, for Summer of Solutions to hold a Free Anti-Racism Training at Parker Memorial in Hartford.

29. (MINORITY LEADER BERMUDEZ) (COUNCILMAN DEUTSCH) Resolution requesting that the Hartford Court of Common Council work with the Tax Collector's office to develop a plan to obtain uncollected taxes for the highest debtors and provide an update to the Hartford Court of Common Council at the Planning and Economic Development Committee meeting.
30. (MINORITY LEADER BERMUDEZ) (COUNCILMAN DEUTSCH) Resolution appointing Moise Laurent (WFP) of 180 Saybrooke St., Hartford, Connecticut 06106 to finish the remaining term vacated by Councilwoman Claudine Fox concluding December 31, 2019.

Attest:

John V. Bazzano
City Clerk

SUBSTITUTE

ITEM# 25 ON AGENDA

Introduced
by:

Luke A. Bronin, Mayor

HEADING
AND
PURPOSE

AN ORDINANCE AMENDING CHAPTER 2, CHAPTER 9, 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

_____, 2019

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

That Section 2-330.86, Chapter 24-9, and Chapter 30 of the Municipal Code shall be repealed.

* * *

That Chapter 2, Article V, of the Municipal Code shall be amended to add the following Division:

Division 20 – FAIR RENT COMMISSION

Sec. 2-330.90. – Established; composition.

- A. There shall be a fair rent commission, referred to in this division as the commission, comprising five (5) people who shall each serve for a four (4)-year term without compensation and be appointed by the mayor, with the approval of the council in accordance with the charter.
- B. Each member shall serve for the term for which he is appointed and qualified.
- C. The membership of the commission shall include not less than two (2) tenants, who must reside in the city but may or may not be an elector of the city, and two (2) landlords, who may or may not reside in the city or be an elector of the city, as part of its constituted body.
- D. The mayor shall annually designate one (1) member to act as chairperson.
- E. The recodification of provisions regarding the fair rent commission shall not effect any change to the membership, findings, or existence of the fair rent commission at the time of the recodification.

Sec. 2-330.91. – Meetings; regulations; staff.

- A. The commission shall meet at such time and place as the chairperson shall direct.
- B. A quorum shall consist of three (3) members and shall include not fewer than

one (1) tenant.

- C. The commission shall establish regulations governing its operations, meetings and hearings. The regulations shall not take effect unless and until approved by the council.
- D. Staff for the commission shall include a secretary and other personnel, to be provided by the department of development services, as is necessary to enable the commission to carry out its functions. The staff for the commission may have the power to meet with the parties on an informal basis to attempt to reconcile the differences between the parties to any complaint that would otherwise be heard by the commission as described in 2-330.92(A) prior to such hearing.

Sec. 2-330.92. – Functions and duties.

- A. The commission may make studies and investigations, conduct hearings, and receive complaints relative to rental charges on housing accommodations, except those accommodations rented on a seasonal basis, which term shall include mobile homes and mobile home park lots, within the city in order to control and eliminate excessive rent charges on such accommodations and to carry out the provisions of this article.
- B. The commission for such purposes may compel the attendance of persons at hearings, issue subpoenas, administer oaths, issue orders and continue, review, amend, terminate, or suspend any of its orders and decisions.
- C. If the commission determines, after a hearing, that rent charges for any housing accommodation are so excessive, based on the standards and criteria set forth in this division, as to be harsh and unconscionable, it may order that the rent be limited to such amount as it determines to be fair and equitable. No hearing shall be held less than ten (10) days from the mailing date of a notice of such hearing to a landlord or an agent of such landlord at which he may be represented by counsel.
- D. If the commission determines, after a hearing, that a landlord has retaliated in any manner against a tenant because the tenant has complained to the commission, the commission may order the landlord to cease and desist from such conduct.

State Law reference— Similar provisions, G.S. § 7-148b(a), G.S. § 7-148d.

Sec. 2-330.93. – Standards to determine fairness of rent.

In determining whether a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable, consideration shall be given to the following circumstances as are applicable to the type of accommodations:

- A. The rents charged for the same number of rooms in other housing accommodations in the same and in other areas of the municipality
- B. The sanitary conditions existing in the housing accommodations in question.
- C. The number of bathtubs or showers, flush water closets, kitchen sinks and lavatory basins located in the housing accommodation or otherwise available to the occupants thereof.
- D. Services, furniture, furnishings and equipment supplied therein.

- E. The size and number of bedrooms contained therein.
- F. Repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein.
- G. The amount of taxes and overhead expenses, including debt service, thereof.
- H. Whether the accommodations are in compliance with the ordinances of the municipality and the general statutes relating to health and safety.
- I. The income of the petitioner and the availability of accommodations.
- J. The availability of utilities.
- K. Damages done to the premises by the tenant, caused by other than ordinary wear and tear.
- L. The amount and frequency of increases in rental charges.
- M. Whether and the extent to which the income from an increase in rental charges has been or will be reinvested in improvements to the accommodations.

State Law reference — Similar provisions, G.S. § 7-148c.

Sec. 2-330.94. — Effective date of orders regarding rents.

A decision by the commission regarding particular rented premises shall take effect on the date specified by the commission, but if no such date is indicated, the decision shall take effect on the next date on which rent would otherwise be due.

Sec. 2-330.95. — Petition to review rent limitation.

In the case of any order of rent limitation, where there has subsequently been a change of circumstances or, if such order was based in whole or in part on failure to comply with municipal ordinances or state statutes relating to health and safety, and if thereafter the owner of any accommodation brings it to compliance therewith, he may petition the commission for a review of such order. The commission shall give notice thereof to any tenant concerned, shall reinvestigate and shall hold a hearing on such petition not less than ten (10) days from the mailing of a notice of such hearing to all parties concerned. After such hearing the commission shall make such revision of such order as it may deem fair and equitable under the circumstances.

Sec. 2-330.96. — Authority to suspend rent payments.

If the commission determines after a hearing that the housing in question fails to comply with any municipal ordinance of the city or state statute or regulation relating to health and safety, it may order the suspension of further payment of rent by the tenant until such time as the landlord makes the necessary changes, repairs or installations so as to bring such housing into compliance with such ordinance, statute or regulation. The rent during such period shall be paid to the commission by the tenant to be held in escrow subject to the compliance of the landlord with the municipal ordinance, state statute or regulation in question. If the commission determines after a hearing that the housing in question poses an immediate and substantial risk to the health and safety of the tenants, it may order what, if any, rent shall be paid until such time as the landlord makes the necessary changes.

repairs, installations to remove the hazard which is causing the immediate and substantial risk to the tenants and further may order that any such rent shall be paid to the commission to be held in escrow until the necessary changes, repairs, etc., are made by the landlord.

State Law reference— Authority, G.S. § 7-148d(a).

Sec. 2-330.97. – Certification of pendency of complaint.

The commission shall give certification to all parties to a complaint that a complaint has been registered with the commission and is pending. This certification may be used by the complainant as a defense against an eviction proceeding to which he or she has been made defendant.

Sec. 2-330.98. – Appeal from commission order.

Any person aggrieved by any order of the commission may appeal to the superior court. Any such appeal shall be considered a privileged matter with respect to the order of trial.

State Law reference— Similar provisions, G.S. § 7-148e.

Sec. 2-330.99. – Violations; penalties.

Any person who violates any order of rent limitation or rent suspension by demanding, accepting or receiving an amount in excess thereof while such order remains in effect, and no appeal pursuant to this division is pending, or violates any other provision of this article, and who refuses to obey any subpoena, order or decision of the commission pursuant thereto, shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense. If such offense continues for more than five (5) days, it shall constitute a new offense for each day it continues to exist thereafter. The court of common pleas shall have jurisdiction to hear and enforce all matters relating to violations under such sections and this article.

* * *

That Section 9-12(d) of the Municipal Code of Hartford shall be amended as follows:

“The words "extermination" and "infestation" shall be ~~deferred~~defined, for the purposes of the interpretation and enforcement of this section, as they are defined in ~~18-4~~chapter 18 of this Code.”

* * *

That Chapter 18 of the Municipal Code shall be deleted in its entirety and in its place be 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, promote the general health and well-being of residents, 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 building code, anti-blight and property-maintenance code, health code, fire code, and the zoning regulations adopted by the planning and zoning commission.
- E. Promoting sustainable practices.

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 to the extent allowed by the building code 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 an owner 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 the level of the grade.

Bathroom means a room or group of connected rooms, containing the equipment, fixtures, and materials identified in section 18-31G 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 or whether such dwelling unit is used for short-term rentals or long-term rentals. Dwelling units include efficiency/micro units, 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 twenty degrees Fahrenheit (120° 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, apartment hotels, and fraternal clubs.

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.

Insect means unwanted members of the class insecta, including but not limited to houseflies, lice, bees, cockroaches, moths, silverfish, beetles, bedbugs, ants, termites, hornets, mosquitos, and wasps, and such unwanted members of the phylum arthropoda as spiders, mites, ticks, centipedes, and wood lice.

Kitchen means a room used for food preparation and storage and containing the equipment, fixtures, and materials identified in section 18-31G 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.

Long-term rental has the meaning in the zoning 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 an outdoor temperature of ten (10) degrees Fahrenheit (10° F) below the highest recorded temperature in the locality for the prior ten (10)-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, resulting in injury or death.

Short-term rental has the meaning in the zoning regulations.

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.

Visible mold means mold in an amount greater than ten (10) square feet, which is readily identifiable by visual inspection, including mold that is behind furniture or other interior obstructions but excluding mildew on tile or grout.

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) Any dwelling unit in which an owner resides.
 - (2) Mobile manufactured homes.
- B. This chapter shall have the effective date of September 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 18-130 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. – Records Access.

The public shall have access to applications (including self-certified applications, if any), inspection reports, and third party reports, in accordance with and subject to the city and State freedom of information acts. The name and identifying characteristics of someone submitting a complaint pursuant to this code may be withheld from the public where, in the opinion of the corporation counsel, disclosure of the name or identifying characteristics of the person may result in retaliation by the owner or other harm to person or liberty, as may be the case where the complainant is a victim of domestic violence or an undocumented individual.

Sec. 18-6. – Reporting.

The director of licenses and inspections shall establish a system for reporting violations of this chapter. After receipt of a credible report, such director may inspect and enforce, as further described in this chapter.

Sec. 18-7 to 18-19. – Reserved.

ARTICLE II. INSPECTIONS

Sec. 18-20. – Authority for 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. 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.
- C. 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. 18-21. – 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. 18-22. - Nature of inspections.

- A. An inspection conducted pursuant to this chapter shall not have for its purpose the undue harassment of the owner, operator, or occupant.
- B. 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.
- C. Among other things documented in the report, all inspection reports must indicate for each housing and housing unit inspected whether a smoke detector and carbon-monoxide detector have 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 and carbon-monoxide detector. Inspectors shall report missing or inoperative detectors to the fire marshal and owner of record within twenty-four (24) hours of inspection.
- D. 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.
- E. 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.
- F. 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 X 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 nor shall it be construed to reduce the fees required under Section 18-122.

- G. In his or her sole discretion, the director of licenses and inspections may waive the requirement for a physical inspection where sufficient evidence is provided by an applicant undergoing a self-certification process established through Section 18-124(K).

Sec. 18-23. -- 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 official 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 for which abatement would be required pursuant to the lead statute.
- 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. 18-24. – 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 18-122 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. Inspection fees and failure to appear at inspection fees shall be nonrefundable.

Sec. 18-25 to 18-29. – Reserved.

ARTICLE III. REQUIREMENTS FOR ALL HOUSING

Sec. 18-30. – Generally.

- A. No person shall operate housing or housing units unless he or she holds a valid license, in accordance with Article X of this chapter, approved in the name of the person operating the specific named housing or housing units, subject to the transfer provision of section 18-128 of this code.
- 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. 18-31. – 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, installed carpets, 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, rodentproof, secure, and capable of affording privacy, and:
- (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) Change the keys or combination for each positive locking device to individual housing units when occupants change.
 - (6) Windows to bedrooms shall be provided with blinds, draw drapes, curtains, or shades, in good working condition and capable of providing occupants with privacy.
- 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) Every habitable room has one operable (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.
 - (3) The director of health may grant an exception for the requirement that each habitable room have one operable (1) window or skylight, where he or she determines that such room is equipped with a ventilation system which is kept in efficient operation.
 - (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 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, and:

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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 (2)-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. For housing with three (3) or more housing units, 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. Glue traps, and other temporary measures that do not address the root causes of the infestation, will not be deemed acceptable methods for preventing, reducing, or eliminating an infestation.
- 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 visible 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 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 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 occupant 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, and:

- (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. Refrain from installing wall-to-wall carpeting or replacing existing wall-to-wall carpeting in any kitchen, kitchenette, or bathroom, to assist with asthma prevention, allergy control, and mold prevention.
- T. Report to the police department any known illegal activity taking place within the housing or housing unit.
- U. Provide to each occupant known to be 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.
- V. Post, in a size and format as may be prescribed by the director of licenses and inspections, any license issued pursuant to this chapter and the contact information for the person responsible for the maintenance of the housing, in a location that is within ten (10) feet of the front door, or in a common

mailroom accessible by tenants, or in a weather-proof display case mounted outside of the front wall of the housing; ensure that such posting not be defaced, marred, camouflaged, hidden, or removed; and within one (1) business day of a defacement, marring, or removal, replace the posting or, if available from the director of licenses and inspections, request a replacement copy of the posting, pay a twenty-five dollar (\$25) fee to the city, and promptly post upon receipt.

- W. Upon turnover of a housing unit, remediate any visible mold and infestations, and thoroughly clean and vacuum all carpeting and furniture provided by such owner to incoming occupants.

Sec. 18-32. -- Occupant's responsibilities.

While in all circumstances the owner shall have the ultimate responsibility of timely repairs, and no dispute about occupant responsibilities shall delay repairs, 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, where the occupant has damaged such screens.
- F. Exterminate any infestation, which is not caused by the failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, 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; 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 when any of the following conditions occur:
 - (1) Such temporary interruption as may be necessary while actual repairs.
 - (2) Alterations are in process or during temporary emergencies when discontinuance of service is approved by the director of health.
 - (3) The occupant is in financial distress and demonstrates an inability to pay the costs of maintaining such a service, facility, equipment, or utility, which shall provide such occupant special consideration in accordance with section 18-99.
- 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. 18-33 to 18-39. – Reserved.

ARTICLE IV. ADDITIONAL REQUIREMENTS FOR DWELLINGS AND DWELLING UNITS

Sec. 18-40. – 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 and constructed or altered pursuant to a contract with the federal government or the state providing for annual contributions or other financial assistance.

- (3) Housing containing dwelling units created under the Common Interest Ownership Act, the Condominium Act, or the Unit Ownership Act of the State of Connecticut, wherein seventy-five percent (75%) of such units are in individual ownership by distinct entities other than by the declarant or by any other single owner.

Sec. 18-41. – Application period.

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

Sec. 18-42. – 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 18-127 of this code. The director of licenses and inspections shall have the authority to adopt regulations to reduce by up to fifty percent (50%) any fees for applications for a certificate of apartment occupancy that undergo a self-certification process for housing for which there has been no reported violations of this code within the preceding one (1) year as such process may be established by the director.

Sec. 18-43. – 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 18-127 of this code as a result of a licensing application. Application procedures for licenses set forth in section 18-123 of this code are hereby incorporated by reference as constituting the application procedures for a certificate of apartment occupancy.

Sec. 18-44. – Application form.

The application form for licenses as set forth in section 18-124 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. 18-45. – 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 18-125 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. 18-46. – Changes to information in application.

The provisions regarding changes to information in an application, as set forth in section 18-126 of this code, and the information required to be submitted therefore, are hereby incorporated by reference with regard to certificates of apartment occupancy.

Sec. 18-47. – 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 18-46 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. 18-48. – 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. A transfer does not extend the term or modify any condition of the existing certificate.

Sec. 18-49. – 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 18-127 of this code, until such date indicated to be the expiration date on such certificate.

Sec. 18-50. – 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 18-130 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. 18-51. – 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. 18-52 to 18-59. – Reserved.

ARTICLE V. ADDITIONAL REQUIREMENTS FOR GROUP LIVING DWELLINGS AND GROUP LIVING UNITS

Sec. 18-60. – Supervision.

Each group living dwelling, other than a temporary shelter facility, 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. 18-61. – Bathrooms.

If group living unit is located within a building primarily operated as a group living dwelling (other than a temporary shelter facility), the group living unit shall have a bathroom.

Sec. 18-62 to 18-69. – Reserved.

ARTICLE VI. ADDITIONAL REQUIREMENT FOR HOTELS AND HOTEL UNITS

Sec. 18-70. – 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. 18-71. – Bathrooms.

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

Sec. 18-72. – 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. 18-73. – 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. 18-74 to 18-79. – Reserved.

ARTICLE VII. ADDITIONAL REQUIREMENTS FOR ROOMING HOUSES AND ROOMING UNITS

Sec. 18-80. – 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. 18-81. – Bathrooms.

In every rooming house, there shall be at least one toilet, one sink and one shower or bathtub for each four (4) rooming units shown on the plans submitted with the application for the rooming house license 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. 18-82. – 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. 18-83. - 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, and at least once each week thereafter, for occupants who occupy a rooming unit on a daily or weekly basis. 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. 18-84 to 18-89. - Reserved.

ARTICLE VIII. VIOLATIONS, REMEDIAL ACTION, AND PENALTIES

Sec. 18-90. - 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 18-92 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, and except in the case of a failure to provide .

- (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. For example, in the case of an infestation, an inspector may require an extermination plan and the complete elimination of infestation; and in the case of a safety concern, an inspector may require that the owner, at the owner's expense, install security cameras, hire a police detail, or take other measures to improve safety.

Sec. 18-91. - 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, or action required to be taken.
 - (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. 18-92. - 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: immediate remedial action in accordance with section 18-95 of this code, the vacation of the housing for a

temporary or permanent period, or any other action he or she deems necessary to meet the emergency, and such order shall be effective immediately.

- B. The following are example, non-exclusive, circumstances justifying emergency action pursuant to this chapter for any housing regulated by this chapter:
- (1) The operation of any illegal or unpermitted primary or accessory use (including but not limited to a drinking place, eating place, entertainment assembly, private club, smoking place, or tattoo/piercing parlor as such uses are defined in the zoning regulations) on the premises.
 - (2) Prima facie evidence of illegal activities being conducted on the premises, which are not being remedied by the owner.
 - (3) The receipt by the police department of five (5) or more requests for service to the premises alleging criminal activity within the preceding one (1) year.
 - (4) A noncompliance with an applicable life safety code which poses an immediate threat to health, safety, or welfare, including noncompliance resulting from an accident, such as a fire, or unexpected Act of God.
 - (5) An infestation that renders the premises unfit for human habitation.
- C. 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 IX of this chapter.

Sec. 18-93. - 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 IX 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 18-90 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. 18-94. – 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. 18-95. – Remedial actions.

- A. In the event of the failure of any person to perform remedial action (including but not limited to inspections, repairs, demolition, maintenance, and removal among other actions) 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.

- B. Ten (10) days prior to the commencement of undertaking any such remedial action that may incur costs, the city shall provide to the owner notice of the city's intention to undertake such work, except in cases of emergency action pursuant to section 18-92 of this code, in which case no such notice shall be required.
- C. Notice required by this section shall be satisfied if the director of licenses and inspections or the director of health leaves with such owner, or mails to such owner's usual place of abode, a copy of a statement of the city's intent to perform remedial action upon the owner of the housing subject to remedial action. If the owner does not reside in the city, but has a registered agent therein, the notice may be so left with or mailed to the registered agent. When there are two (2) or more owners, the notice shall be so served on each owner, but the city's failure to notify each and every owner shall not relieve such owners of liability under this code.

Sec. 18-96. -- 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. 18-97. -- Liens.

- A. The city shall have authority to file a lien on the land records upon the real property against which costs were incurred or a penalty was imposed, as applicable, in either or both of the following circumstances:
 - (1) Costs incurred in review of applications or conducting inspections, enforcement, repairs, demolition, maintenance, removal, or other disposition, or in the execution of remedial action pursuant to this chapter.

(2) Any penalty imposed pursuant to this chapter.

B. Prior to filing such lien, the director of licenses and inspections must:

(1) In the case of costs incurred, satisfy notice requirements if any pursuant to section 18-95(B) of this code and 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 (which may include an additional overhead and administration charge of up to six (6) percent of the costs incurred), the date of commencement of the activities undertaken, and the date of completion 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 other disposition, or in the execution of remedial action pursuant to this chapter. The director of licenses and inspections shall file such certificate not later than thirty (30) days after the completion of the activities giving rise to the cost, and not later than thirty days (30) days after lodging the certificate, provide notice to the owner in accordance with the following requirements. Notice shall be satisfied if the director of licenses and inspections or the director of health shall serve a true and attested copy of a certificate upon the owner of the housing for which costs have been incurred by leaving with such owner or at such owner's usual place of abode a true and attested copy thereof. If the owner does not reside in the city, but has a registered agent therein, the notice may be so served upon the registered agent; otherwise it may be served by any indifferent person, state marshal or other proper officer, by mailing a true and attested copy of the notice by registered or certified mail to the owner at the place where such owner resides. If such copy is returned unclaimed, notice to such owner shall be given by publication in accordance with the provisions of G.S. 1-2. When there are two (2) or more owners, the notice shall be so served on each owner.

(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 lien for costs incurred shall take precedence over all transfers and encumbrances recorded after such time, and all other liens and encumbrances, except municipal taxes and assessments, recorded previously to the existence of such lien, except for liens done for work for demolition, for which chapter 2 of the charter may limit precedential effect. Each lien for penalties imposed shall have the same priority as judgment liens in accordance with G.S. § 7-152c(f).

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.
- I. If the city does not file a lien to recover costs per section 18-97(A)(1) of this code, then the city may assess the amount of such costs against the property for which such costs were incurred. Upon certification by the city agency incurring such cost of the assessment amount due and owing reasonably related to the city's actual cost, the tax collector shall add the amount of such assessment to the extent unpaid to the taxes due on such real estate and such amount shall become part of the taxes to be collected at the same time and shall bear interest at such rates and in such manner as provided for delinquent taxes in accordance with the General Statutes. Any amount added to the assessment under this section shall constitute a lien upon the property for which such costs were incurred, from the date such amount was due. Each such lien may be continued, recorded, and released in the manner provided by the general statutes for continuing, recording, and releasing property tax liens. Each such lien may be enforced in the same manner as property tax liens.

State Law reference— Similar provisions, G.S. §§ 12-169b, 49-34, 49-35, 49-73b.

Sec. 18-98. - 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, and occupants shall be vacated in accordance with applicable relocation provisions in 18-100.
- 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. 18-99. – Special consideration.

Notwithstanding anything herein to the contrary, special consideration may be given to an individual human owner-operator-occupant, or to an individual human occupant, who is sixty-two (62) years of age or older or is disabled, and who demonstrates that the violation results from an inability to maintain a housing unit and no person with that ability resides therein, and to an individual human owner-operator-occupant, or to an individual human occupant, who is in financial distress and demonstrates an inability to pay the costs of remedying any violation issued pursuant to this chapter, provided that under no circumstances shall special consideration be given to an entity other than a human being, nor shall such special consideration be given to any human being who does not own, operate, and occupy the property subject to the violation. 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. 18-100. – Relocation.

- A. The director of licenses and inspections may order occupants to vacate housing units that: are unfit for human habitation, including but not limited to situations requiring emergency action; have been condemned pursuant to this chapter for any reason; or have been the subject of a license that has been revoked.
- B. Whenever any tenant in any dwelling unit, group living unit, or rooming unit is displaced as the result of the enforcement of this code, the owner of such dwelling unit, group living unit (other than a temporary shelter facility), or rooming unit shall be liable for, and shall be liable to the city for any payments made by the city for, all of the following:
- (1) Actual reasonable expenses in moving the tenant.
 - (2) Actual direct losses of tangible personal property as a result of moving or discontinuing the housing unit use.
 - (3) Actual reasonable expenses in searching for new housing.
 - (4) For a tenant occupying the unit for at least ninety (90) days preceding the order to vacate, the amount necessary for the tenant to lease or rent for a period not to exceed four (4) years, a decent, safe, and sanitary dwelling of standards adequate to accommodate such displaced person in areas not generally less desirable with regard to public utilities and public and commercial facilities, and reasonably accessible to such displaced person's place of employment, but not to exceed four thousand dollars (\$4,000) or the amount necessary to enable such displaced person to make a down payment, including reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable with regard to public utilities and public and commercial facilities, but not to exceed four thousand dollars (\$4,000), except that if such amount exceeds two thousand dollars, such person must equally match any such amount in excess of two thousand dollars

(\$2,000) in making the downpayment.

- C. To secure repayment to the city of sums expended in accordance with this section, the city may place a lien in the amount of sums expended on any real property owned by such owner, which lien shall have the same priority as and shall be filed, enforced, and discharged in the same manner as a lien for municipal taxes under G.S. chapter 205. The city may also bring a civil action against such landlord in superior court for the recovery of such payments, and for the costs, together with reasonable attorney's fees, of the city.

State Law reference— Similar provisions, G.S. §§ 8-268, 8-270, 8-270a.

Sec. 18-101. – Other laws.

Citations, penalties, fines, fees, liens, and remedial action ordered pursuant to this chapter shall not be deemed to substitute for, replace, or exclude citations, penalties, fines, fees, liens, and remedial action that other laws, including but not limited to chapter 9 of this code, may require or allow.

Sec. 18-102 to 18-109. – Reserved.

ARTICLE IX. APPEALS

Sec. 18-110. – 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 a hearing officer established under section 1-5 of the code and with expertise in law or issues related to housing; 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 IX 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 18-94(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 18-94(h) of this code, which is appealable to the State director of health in accordance with state law.

Sec. 18-111. – Effect of appeal.

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

Sec. 18-112. – Appeal procedures.

A. Timing

- (1) If a petitioner is appealing an order related to an emergency action pursuant to section 18-92 of this code, or is requesting a stay pursuant to section 18-115 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. 18-113. - 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 18-115 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. 18-114. - 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:

- (1) That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of any provisions of this title; and
- (2) 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 wavier) 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. 18-115. - 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. 18-116. - 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. 18-117 to 18-119. - Reserved.

ARTICLE X. RENTAL LICENSING PROGRAM

Sec. 18-120. - Application required for rental license.

- 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 the following housing shall not be subject to the preceding requirement to apply for a license:
 - (1) Housing containing three (3) or fewer housing units, which is occupied by an owner.

- (2) A dormitory facility owned and operated by a college or university and inhabited primarily by students of such college or university.
- (3) A parsonage facility owned and operated by a non-profit religious organization and inhabited by bona fide employees of such organization.

B. Notwithstanding subsection A of this section 18-120, 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, 2024, for buildings containing three (3) dwelling units.
- (2) Prior to July 1, 2023, for buildings containing four (4) to nine (9) dwelling units.
- (3) Prior to July 1, 2022, for buildings containing ten (10) to thirty-nine (39) dwelling units.
- (4) Prior to July 1, 2021, for buildings containing forty (40) or more dwelling units.

On any date between the effective date of this ordinance and July 1, 2024, 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 18-120, 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, 2023, for a temporary shelter facility.
- (2) Prior to July 1, 2022, for group living and residential care.
- (3) Prior to the effective date of this ordinance or the expiration of an applicable current rehabilitation home license, whichever is earlier, for group living for health reasons.

On any date between the effective date of this ordinance and July 1, 2023, 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.

D. Notwithstanding subsection A of this section 18-120, to effectuate the purposes of this chapter and to ensure the orderly processing of applications, no license for a hotel or hotel shall be required prior to the effective date of this ordinance or prior to the expiration of an applicable current hotel license, whichever is earlier.

E. Notwithstanding subsection A of this section 18-120, to effectuate the purposes of this chapter and to ensure the orderly processing of applications, no license for a rooming house or a rooming unit shall be required prior to the effective date of this ordinance or prior to the expiration of an applicable current rooming house license, whichever is earlier.

Sec. 18-121. - 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 October 31, 2021; thereafter, to provide sufficient time for the issuance of licenses and for appropriate inspections, the application period for license renewals shall take place between July 1 and October 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. 18-122. - 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 fifty dollars (\$50) per dwelling unit.
 - (2) Dwelling unit license: ten (10) to thirty-nine (39) dwelling units: sixty dollars (\$60), plus forty-five dollars (\$45) per dwelling unit.
 - (3) Dwelling unit license: forty (40) or more dwelling units: sixty dollars (\$60), plus forty dollars (\$40) per apartment unit.
 - (4) Group living license: two hundred dollars (\$200), plus thirty dollars (\$30) per group living unit, provided that in the case of a temporary shelter facility, the license fee shall be two hundred dollars (\$200).
 - (5) Hotel license: two hundred dollars (\$200), 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) Failure to submit an application for a license as required under this article, including submitting an application outside of the application periods set forth in section 18-121B of this chapter, will result in an additional fee of one thousand dollars (\$1,000).

- B. Reductions.

Notwithstanding anything to the contrary in this section 18-122, 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 two (2) inspection visits. Additional inspections shall be charged to the applicant in accordance with article II of this chapter.
- D. License application fees shall be nonrefundable.

Sec. 18-123. - 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 II 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, including but not limited to a circumstance 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 18-125 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 chief of the fire department, 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. Prior to the issuance or renewal of a license, the housing or housing unit to be licensed must comply with the provisions of this chapter. Compliance may be determined by an inspection conducted by the City in accordance with article II of this chapter. The director of licenses and inspections may accept inspections conducted by a state or federal agency in accordance with a state or federal housing program.
- H. A separate application must be filed for each parcel, as that term is defined by the Assessor for the City of Hartford.
- I. In all cases, the burden is on the applicant to show that an application complies with all applicable review or approval criteria.

Sec. 18-124. -- 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 where the owner or operator is a partnership, the names of each general partner must be provided. In the case of a limited liability company, the name of the managing member and the name of the agent(s) registered with the State must be provided. In the case of a corporation or other business entity, the name of the president, the name of the secretary, and the name of the agent(s) registered with the State of said business entity must be provided. In

the case of a trust, the name of each trustee must be provided. In the case of an estate, the name of the executor, administrator, conservator, or other fiduciary responsible for the estate must 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, and the address of each other individual required to be named in subsection (1) of this section must be provided.
 - (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, in the case of a rooming house, a human being who is a resident of the city, or in the case of any other type of housing, a human being who is a resident of the State of Connecticut, who shall act as an authorized agent of the owner 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 or owners and the address of the 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. For the application of an initial license for rooming houses, group living dwellings, dwellings seeking self-certification pursuant to section 18-124(K), and hotels seeking self-certification pursuant to section 18-124(K), 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. For dwellings with ten (10) or more dwelling units, group living dwellings, hotels, and rooming houses, 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 lead inspection report by a certified lead inspector documenting that the housing or housing unit is lead safe for buildings constructed before 1978, if a unit will be rented to an individual the age of 6 years or younger or if required by the director of health or the director of licenses and inspections.
- H. At the discretion of the director of licenses and inspections, 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.
- I. If available, a copy of the latest energy efficiency audit completed for the housing or the housing unit.
- J. A heating facility inspection report, dated within the twelve (12) 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.
- K. 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.
- L. Notwithstanding anything to the contrary in this section 18-124, the application form may be formatted in such a way as to allow the applicant to submit the information electronically through a self-certification process that may be established by the director of licenses and inspections.

Sec. 18-125. – Decision-making on an application.

- A. 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) 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.
 - (5) Overall condition of the building and premises, including the presence of fire hazards, infestations, lead paint, or any other material regulated in this chapter.
 - (6) 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.
 - (7) Whether applicant or property owes any fees, fines, or taxes to the city or State.
- B. 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.

C. Notice of decisions shall be provided to applicants.

Sec. 18-126. – Changes to information in application.

- A. Within thirty (30) days of a change in any of the information required in an application for a rental license, such change must be submitted to director of licenses and inspections, in the same format, with the same required documents required by section 18-124. 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 otherwise prohibited by this code. Any increase in the number of rooms in the building, the number of housing units, or the number of persons proposed to be accommodated or allowed in each housing unit shall not be permitted without a full and complete new application to the director of licenses and inspections.
- B. Pursuant to section 18-130 of this code, certain changes in information may result in revocation of a license.

Sec. 18-127. – Effect of license.

- A. 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 18-126 of this code, subject to the issuance of any certificates of apartment occupancy required under article IV of this chapter.
- B. 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 IV 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 IV 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 October 31 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. 18-128. – 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 18-126.
- B. Licenses for group living, group living units, rooming houses, and rooming units are not transferable.

Sec. 18-129. – 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, and 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 October 31 following the date of issuance, unless earlier suspended or revoked pursuant to section 18-130 of this code, except that licenses issued on or before June 30, 2023, for a temporary shelter facility may in the discretion of the director of licenses and inspections be valid until October 31, 2024; licenses issued on or before June 30, 2022, for a group living and residential care may in the discretion of the director of licenses and inspections be valid until October 31, 2023; and licenses issued on or before June 30, 2021, for group living for health reasons may in the discretion of the director of licenses and inspections be valid until October 31, 2022.
- C. For hotel and hotel units, every new license, and every license renewal, shall be effective for a maximum of two (2) years, starting from the date of issuance of the license until the second October 31 following the date of issuance, unless earlier suspended or revoked pursuant to section 18-130 of this code, except that licenses issued for a hotel or hotel units on or before June 30, 2021 may in the discretion of the director of licenses and inspections be valid until October 31, 2023.
- D. 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 October 31 following the date of issuance, unless earlier suspended or revoked pursuant to section 18-130 of this code.

Sec. 18-130. – Suspension or revocation of license.

- A. A suspension of a license shall result in a temporary ceasing of all licensable 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. During such period of suspension, no rent, including rent received from short-term rentals, shall be recoverable by the owner or lessor, and no owner or lessor shall be entitled to commence eviction proceedings against occupants for nonpayment of rent that would otherwise be due during that period.
- B. A revocation of a license shall result in the permanent ceasing of all licensable activities until and unless another license is obtained. In such a circumstance, the director of licenses and inspections may order occupants (if any) to vacate, and such occupants shall be relocated pursuant to state statutes and section 18-100.

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 VIII 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 as such activities may be documented by police reports.
- (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) Property taxes for the housing or housing unit, or any fixtures or personal property contained therein or housed thereon, are delinquent.
- (9) 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 18-125A 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. 18-131 to 18-139. - Reserved.



ITEM # 26 ON AGENDA

Luke A. Bronin
Mayor

August 12, 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: Martin Luther King School Project No. 064-0310 RNV

Dear Council President Thames,

Attached for your consideration is an ordinance aligning the budget for the Martin Luther King School Project No. 064-0310 RNV (the Project) with the current scope and anticipated costs. The ordinance authorizes \$40,000,000.00 for the project, reflecting a total estimated project cost of \$108,000,000.00.

As you may know, the State of Connecticut recently approved a 95% reimbursement rate for eligible costs for this project. Given that approval, we anticipate that the total cost to the City for this renovation will be less than originally anticipated. The State of Connecticut has authorized the increase, and the Board of Education has requested that an appropriation ordinance be adopted to effectuate the additional funding.

City staff and staff at the Board of Education are available at your convenience to provide additional information and answer any questions you may have. 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:

Introduced by: *Luke A. Bronin, Mayor*

HEADING
AND
PURPOSE

**AN ORDINANCE MAKING GENERAL FUND APPROPRIATIONS TO REFLECT
REVISED PROJECT COSTS RELATIVE TO PUBLIC IMPROVEMENTS IN
THE MARTIN LUTHER KING SCHOOL PROJECT NO. 064-0310 RNV.**

COURT OF COMMON COUNCIL,
CITY OF HARTFORD

August 12, 2019

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

Section 1. As authorized by the State of Connecticut, the sum of **\$40,000,000.00** is hereby appropriated by the City of Hartford, Connecticut (the "City") in the General Fund in support of public improvements in the Martin Luther King School Project No. 064-0310 RNV (the "Project"), which additional sum will increase the estimated project costs in the Project to **\$108,000,000.00**.

Section 2. The estimated useful life of the Project is not less than twenty years. The total estimated cost of the Project is **\$108,000,000.00**. The cost of the Project is expected to be defrayed from State and Federal grants.

Section 3. The balance of any appropriation not needed to meet the cost of the Project authorized hereby may be transferred by resolution of the Court of Common Council to meet the actual cost of any other capital project of the City (including the Project authorized hereby and capital projects authorized by prior or future capital ordinances) for which an appropriation has been adopted; provided that the aggregate amount of the appropriation authorized pursuant to such transfer shall not be increased.

Section 4. The Mayor is hereby authorized to spend a sum not to exceed the aforesaid appropriation for the purposes set forth herein, and the Mayor is specifically authorized to make, execute and deliver any contract or contracts, and any other documents necessary or convenient to complete the Project authorized herein and the financing thereof.

Section 5. The Mayor and City Treasurer, in the name of the City, are hereby authorized

to, and if any such action shall heretofore have been taken, such action is hereby ratified and confirmed, (a) publish such notices, hold such hearings, make such representations and agreements, and take such other actions as shall be necessary, (b) make, execute and deliver all such additional and supplemental documents, (c) appoint any other consultants or professionals as required and (d) do and perform such acts and take such actions as may be necessary or required for the consummation of the transactions provided for and contemplated by this ordinance.

Section 6. The Mayor is authorized in the name and on behalf of the City to apply for and accept any and all Federal and State grants-in-aid for the Project and is further authorized to expend said funds in accordance with the terms hereof and in connection therewith to contract in the name of the City with engineers, contractors and others.

Leigh Ann Ralls, Director of Finance

ATTEST:

Luke A. Bronin, Mayor

John V. Bazzano, Town & City Clerk

Court of Common Council

CITY OF HARTFORD
550 MAIN STREET
HARTFORD, CONNECTICUT 06103



September 9, 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: Troubadour, Storyteller, Commentator, Flow Artist and Earth Artist

Dear Council President Thames:

Attached for your consideration is an ordinance creating the honorary positions of Troubadour or Trobairitz, Storyteller, Commentator, Flow Artist and Earth Artist in the City of Hartford. A committee, as established in the ordinance, will seek applications and make a recommendation to the Court of Common Council, who will in turn appoint individuals to the respective positions.

The Cultural Affairs Commission has enthusiastically embraced the creation of these honorary positions and has taken the lead role in drafting the Ordinance attached. The Commission has already drafted the respective policies to be adopted pursuant to the Ordinance to move forward with the appointment of each position. The Commission is not looking for or expecting that the City provide any funding to any of the honorary position holders. The Commission will explore other methods of providing stipends to the recipients.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "John Q. Gale", is written over a large, stylized, circular flourish.

Assistant Majority Leader, John Q. Gale

Introduced
by:

John Q. Gale, Assistant Majority Leader, City Council
Glendowyn L. H. Thames, Council President
James Sanchez, Majority Leader
Wildaliz Bermudez, Minority Leader

HEADING
AND
PURPOSE

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE V, DIVISION 4 –
COMMISSION ON CULTURAL AFFAIRS OF THE MUNICIPAL CODE
OF HARTFORD TO CREATE THE HONORARY POSITIONS OF
TROUBADOUR, STORY TELLER, COMMENTATOR, FLOW ARTIST and
EARTH ARTIST

COURT OF COMMON COUNCIL,
CITY OF HARTFORD

September 9 , 2019

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

Sec. 2-178. - Functions; duties.

(a) The specific functions or duties of the commission on cultural affairs shall include but not be limited to the following:

(1) Develop an arts policy to be presented to the court of common council for approval within one (1) year of the commission's first meeting after June 1, 2010, and again every five (5) years from that date;

(2) Assess the conditions and needs of the arts community in relation to employment, recreational and educational matters;

(3) Analyze the services provided for the arts community by both public and private agencies;

(4) Review and advise on funding proposals coordinated by the office of marketing, events and cultural affairs;

(5) Annually assess the activities of the office of marketing, events and cultural affairs and provide budgetary recommendations for the next fiscal year by March 31 of each calendar year;

(6) Advise the council on matters pertaining to design in the city;

(7) Provide assistance to the office of marketing, events and cultural affairs.

(b) Before any work of art, including the method of illumination any work of art, shall become the property of the city by purchase, gift or otherwise, or be constructed upon city property, the director of marketing, events and cultural affairs shall submit such work of art or a design, copy or likeness thereof to the commission on cultural affairs for its opinion and recommendation. After submission is made by the director of marketing, events and cultural affairs, final action concerning the acceptance or acquisition of such work of art shall not be taken by the council until the commission on cultural affairs has reported thereon; provided, that such work of art may be accepted if no report is filed within thirty (30) days after such work of art, design, copy or likeness is submitted to the commission. No work of art which has been accepted by the council shall be changed unless such change is first submitted to the commission and approved by the council in the same manner as originally submitted for acceptance. In the event of needed

acceptance or changes which are a matter of urgency, and if the commission on cultural affairs is unable to meet, the council may, upon the affirmative vote of seven (7) members, accept any work of art or any change of any work of art without prior submission of such work of art or change in the work of art to the commission on cultural affairs. On matters pertaining to private design the council may seek the advice and opinion of the commission on cultural affairs. Besides the foregoing functions or duties, those matters which the council deems cultural or artistic may be referred to the commission for its opinion and recommendation.

(c) Poet Laureate established.

(1) Appointment . The City hereby establishes the honorary position of *poet* laureate of Hartford. The *poet* laureate shall be appointed by the mayor and confirmed by the court of common council. The term of the *poet* laureate shall be three (3) years from the date of confirmation. Such designation may be renewed, and shall continue until a new *poet* laureate is confirmed. The *poet* laureate shall be a resident of Hartford.

(2) Selection . The commission on cultural affairs shall create an application process, establish selection criteria, and convene a selection committee to recommend a *poet* to the mayor for appointment. The commission on cultural affairs may consult with any person of its choosing in addition to the selection committee to establish such application and criteria. At a minimum, the application must include a letter of interest, a resume, at least four (4) examples of the applicant's work, and three (3) professional references. At a minimum, the selection committee shall consist of at least one (1) person selected by the mayor, at least one (1) member of the court of common council or appointed by the court of common council, at least two (2) people with a demonstrated expertise in poetry or literature who reside in the City of Hartford, and representatives of any funding source for a stipend for the *poet* laureate. The selection committee shall review all applications, may interview the candidates, and shall forward a selection to the mayor for appointment.

(3) Duties . The responsibilities of the *poet* laureate shall include, but not be limited to, providing public poetry readings, appearing at public events, encouraging poetry appreciation within the city, and composing and publishing poems. The *poet* laureate shall promote awareness and appreciation of poetry, spoken word, and writing; shall work with the Hartford Public Library and local schools to promote creative learning through poetry and shall endeavor to instill pride in the community.

(d) Troubadour established.

(1) Appointment. The City hereby establishes the honorary position of troubadour or trobairitz of Hartford. The Commission on Cultural Affairs shall recommend a troubadour or trobairitz to the mayor for appointment and the court of common council shall then confirm the appointment. The term of the troubadour or trobairitz shall be three (3) years from the date of confirmation. Such designation may be renewed, and shall continue until a new troubadour or trobairitz is confirmed. The troubadour or trobairitz shall be a resident of Hartford.

(2) Selection. The Commission on Cultural Affairs shall create an application process, establish selection criteria, and establish a selection committee to recommend a troubadour or trobairitz to the mayor for appointment. At minimum, the selection committee shall consist of: one (1) person selected by the mayor, at least one (1) member of the court of common council or appointed by the court of common council, at least two (2) people with a demonstrated expertise in music who reside in the City of Hartford, and two (2) other seats determined by the Commission on Cultural Affairs. At minimum, the application must include: a letter of interest, a resume, at least 3 professional references, a list of original works, and an upload or link to 4 samples of the musician's work. The selection committee shall review the applications, may interview candidates, and then forward a recommendation to the mayor for

appointment.

(3) Duties. The responsibilities of the troubadour or trobairitz shall include, but are not limited to: public performances, public event appearances, and composition and publishing of songs about the city. The troubadour or trobairitz shall serve as an ambassador of music and song, foster public appreciation of and participation in song, shall work with the Hartford Public Library and local schools to promote creative learning and cultural literacy among Hartford citizens and shall endeavor to instill pride in the community.

(e) *Storyteller established.*

(1) Appointment. The City hereby establishes the honorary position of Storyteller for the city of Hartford. The Commission on Cultural Affairs shall recommend a storyteller to the mayor for appointment and the court of common council shall then confirm the appointment. The term of the storyteller shall be three (3) years from the date of confirmation. Such designation may be renewed, and shall continue until a new storyteller is confirmed. The storyteller shall be a resident of Hartford.

(2) Selection. The Commission on Cultural Affairs shall create an application process, establish selection criteria, and establish a selection committee to recommend a storyteller to the mayor for appointment. At minimum, the selection committee shall consist of: one (1) person selected by the mayor, at least one (1) member of the court of common council or appointed by the court of common council, at least two (2) people with a demonstrated expertise in the histories and stories of Hartford and/or literature and storytelling who reside in the City of Hartford, and two (2) other seats determined by the Commission on Cultural Affairs. At minimum, the application must include: a letter of interest, a resume, at least 3 professional references, a list of original works, and 2 – 5 exemplary samples of the applicant's work with citation of the source of publication or location of performance venue where applicable. The selection committee shall review the applications, may interview candidates, and then forward a recommendation to the mayor for appointment.

(3) Duties. The responsibilities of the storyteller shall include, but are not limited to: public performances and/or readings, public event appearances, and writing or presenting in other forms, stories about the city. The storyteller for the city of Hartford shall promote awareness and appreciation of real-life stories of Hartford's people, traditions, politics, the arts, and all that have and continue to shape the city; shall work with the Hartford Public Library and local schools to promote learning of Hartford's history, climate, and uniqueness, and shall endeavor to instill pride in the community.

(f) *Commentator established.*

(1) Appointment. The City hereby establishes the honorary position of Commentator for the city of Hartford. The Commission on Cultural Affairs shall recommend a commentator to the mayor for appointment and the court of common council shall then confirm the appointment. The term of the commentator shall be three (3) years from the date of confirmation. Such designation may be renewed, and shall continue until a new commentator is confirmed. The commentator shall be a resident of Hartford.

(2) Selection. The Commission on Cultural Affairs shall create an application process, establish selection criteria, and establish a selection committee to recommend a commentator to the mayor for appointment. At minimum, the selection committee shall consist of: one (1) person selected by the mayor, at least one (1) member of the court of common council or appointed by the court of common council, at least two (2) people with a demonstrated expertise in commentary or literature who reside in the City of Hartford, and two (2) other

seats determined by the Commission on Cultural Affairs. At minimum, the application must include: a letter of interest, a resume, at least 3 professional references, a list of original works, and 2 – 4 exemplary samples of the applicant's work with citation of the source of publication or location of performance venue where applicable. The selection committee shall review the applications, may interview candidates, and then forward a recommendation to the mayor for appointment.

(3) Duties. The responsibilities of the commentator shall include, but are not limited to: public performances and/or readings, public event appearances, and writing of commentaries about the city. The commentator for the city of Hartford shall promote thoughtful social and cultural commentary and discourse, shall work with the Hartford Public Library and local schools to promote creative learning through commentary, social and cultural observation and expression of thought, and shall endeavor to instill pride in the community.

(g) *Flow Artist established.*

(1) Appointment. The City hereby establishes the honorary position of Flow Artist for the city of Hartford. The Commission on Cultural Affairs shall recommend a Flow Artist to the mayor for appointment and the court of common council shall then confirm the appointment. The term of the Flow Artist shall be three (3) years from the date of confirmation. Such designation may be renewed, and shall continue until a new Flow Artist is confirmed. The Flow Artist shall be a resident of Hartford.

(2) Selection. The Commission on Cultural Affairs shall create an application process, establish selection criteria, and establish a selection committee to recommend a Flow Artist to the mayor for appointment. At minimum, the selection committee shall consist of: one (1) person selected by the mayor, at least one (1) member of the court of common council or appointed by the court of common council, at least two (2) people with a demonstrated expertise in movement and/or performance of a type of physical creative expression who reside in the City of Hartford, and two (2) other seats determined by the Commission on Cultural Affairs. At minimum, the application must include: a letter of interest, a resume, at least 3 professional references, and 2 – 4 exemplary samples of the applicant's work with citation of performance venue when applicable. The selection committee shall review the applications, may interview candidates, and then forward a recommendation to the mayor for appointment.

(3) Duties. The responsibilities of the Flow Artist shall include, but are not limited to: engaging residents through movement/flow workshops and/or performances, public event appearances, and submitting documentation of a performance or community-led project each year. The Flow Artist for the city of Hartford shall promote awareness and appreciation of expression through movement, they shall work with Hartford Public Schools to engage students in creative physical expression, and shall endeavor to instill pride in the community.

(h) *Earth Artist established.*

(1) Appointment. The City hereby establishes the honorary position of Earth Artist for the city of Hartford. The Commission on Cultural Affairs shall recommend an Earth Artist to the mayor for appointment and the court of common council shall then confirm the appointment. The term of the Earth Artist shall be three (3) years from the date of confirmation. Such designation may be renewed, and shall continue until a new Earth Artist is confirmed. The Earth Artist shall be a resident of Hartford.

(2) Selection. The Commission on Cultural Affairs shall create an application process, establish selection criteria, and establish a selection committee to recommend an Earth Artist to the mayor for appointment. At minimum, the selection committee shall consist of: one (1)

person selected by the mayor, at least one (1) member of the court of common council or appointed by the court of common council, at least two (2) people with a demonstrated expertise in art, ecology, and/or environmental justice and culture who reside in the City of Hartford, and two (2) other seats determined by the Commission on Cultural Affairs. At minimum, the application must include: a letter of interest, a resume, at least 3 professional references, and 4 – 7 exemplary samples of the applicant’s work with citation of the source of publication or location of venue artwork displayed when applicable. The selection committee shall review the applications, may interview candidates, and then forward a recommendation to the mayor for appointment.

(3) Duties. The responsibilities of the Earth Artist shall include, but are not limited to: engaging residents by amplifying the presence of the natural world in Hartford, addressing through art and culture the need for environmental justice, public event appearances, and submitting a work of art or leading a community project each year. The Earth Artist for the city of Hartford shall promote awareness and appreciation of the planet Earth; shall work with the Connecticut Science Center, the Parks, and local schools to promote ecological learning through hands on art and cultural activities, and shall endeavor to instill pride in the community and the beauty of Hartford’s natural spaces.

INTRODUCED BY:
Minority Leader Wildaliz Bermudez
Councilperson Larry Deutsch

COURT OF COMMON COUNCIL
September 9, 2019

RESOLUTION IN SUPPORT OF FREE COMMUNITY ANTI-RACISM TRAININGS

WHEREAS, Summer of Solutions began in 2010 and;

WHEREAS, Summer of Solutions mission is to educate young people, ages 5-30, to build an alternative food system in Hartford that supports healthy communities and a healthy overall environment and;

WHEREAS, Summer of Solutions, based in Hartford, has collaborated with Hartford and greater Hartford non-profits and the community alike to bring programming and;

WHEREAS, Summer of Solutions recognizes the need for non-profits and the overall community to come together and as such will be offering Free anti-racism trainings for the general public; now therefore be it;

RESOLVED, that the Hartford Court of Common Council honor the dates of October 12, 2019, from 4:00-8:00pm, and the dates of January 16th & January 22nd, for Summer of Solutions to hold a Free Anti-Racism Training at Parker Memorial in Hartford.

ITEM # 29 ON AGENDA

INTRODUCED BY:
Minority Leader Wildaliz Bermudez
Councilperson Larry Deutsch

COURT OF COMMON COUNCIL
September 9, 2019

RESOLUTION FOR UPDATES ON UNCOLLECTED TAXES

WHEREAS, The City of Hartford is owed millions of dollars from uncollected taxes by private individuals, entities, groups and/or their affiliates and;

WHEREAS, The top bracket of individuals, entities, groups and their affiliates who owe the highest total sum of taxes to the City of Hartford shall be held accountable to the same standards for non-payment of Hartford city taxes as everyone else, now therefore be it;

RESOLVED, that the Hartford Court of Common Council work with the Tax Collector's office to develop a plan to obtain uncollected taxes for the highest debtors and provide an update to the Hartford Court of Common Council at the Planning and Economic Development Committee meeting.

ITEM # 30 ON AGENDA

INTRODUCED BY:
Minority Leader Wildaliz Bermudez
Councilman Larry Deutsch

COURT OF COMMON COUNCIL
City of Hartford September 9, 2019

RESOLUTION FOR THE APPOINTMENT OF MOISE LAURENT TO HARTFORD CITY COUNCIL

WHEREAS, Councilwoman Claudine Fox resigned from City Council due to new employment with the CT Chapter of the American Civil Liberties Union (ACLU) and;

WHEREAS, the ACLU has a very strict employee policy that does not permit employees to hold any elected public office and;

WHEREAS, the Working Families Party (WFP) City Councilmembers now have a vacancy in Hartford Court of Common Council; now therefore be it

RESOLVED, that the Hartford Court of Common Council hereby appoints Moise Laurent (WFP) of 180 Saybrooke St., Hartford, Connecticut 06106 to finish the remaining term concluding December 31, 2019.

ITEM # 17 ON AGENDA
Court of Common Council

CITY OF HARTFORD
550 MAIN STREET
HARTFORD, CONNECTICUT 06103



Glendowlyn L. H. Thames, Council President
James Sánchez, Majority Leader
John Q. Gale, Assistant Majority Leader
Wildaliz Bermúdez, Minority Leader

Report

Thomas J. Clarke II, Councilman
Larry Deutsch, Councilman
Claudine Fox, Councilwoman
Maly D. Rosado, Councilwoman
Jo Winch, Councilwoman

John V. Bazzano, Town and City Clerk

August 12, 2019

Honorable Glendowlyn L.H. Thames, Council President &
Members of the Court of Common Council
City of Hartford
550 Main Street, Suite 208
Hartford, Ct 06103

Dear Council President and Members of the Court of Common Council:

The Labor, Education, Workforce, & Youth Development Committee held a special meeting on July 11, 2019, at 6:00 p.m. in the Council Chambers to discuss the following:

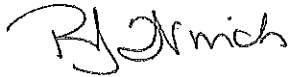
Present: Chairwoman Winch and Councilman Deutsch.

Referred Item:

1. Resolution requesting that all contractual and payment agreements and on-going monitoring and enforcement be made immediately available from this Administration by regular reporting to Council and the public, and by special request of interested or affected persons or agencies. (COUNCILMAN DEUTSCH) **(ITEM #42 ON THE JUNE 24TH AGENDA)**.
 - Motion made by Councilwoman Winch (Second: Councilman Deutsch) to send this item with no recommendation to the full Council for their approval.

- Roll Call Vote:
2 – Yes; 0 – No; 0 – Abstain; 2 – Absent.
Motion Carries.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "RJo Winch". The signature is written in a cursive, flowing style.

Councilwoman RJo Winch
Chair of the Labor, Education, Workforce, & Youth Development Committee

INTRODUCED BY
Larry Deutsch, Councilperson

COURT OF COMMON COUNCIL
24 June 2019

WHEREAS, those who are Hartford residents and conduct business with City agencies may expect security and accountability for storage and use of their protected information, and

WHEREAS, measures for storing, utilizing, and protecting information held by City agencies and by business entities with outsourced work, and payment received for their services, must be detailed through sharing and payment contracts authorized by Court of Common Council and with public disclosure and monitoring, all in accordance with federal and state regulations for protecting private information (such as for personal financial documents and for protected health information such as required in Health Insurance Portability and Accountability Act (HIPAA), and availability through Freedom of Information Act) and

WHEREAS, evidence apparently has been lacking or unavailable through Mayor's offices or departments in City administration for details of certain business relationships for privacy protection* or monitoring** through formal authorized signed contracts for gathering and utilization of personal or surveillance data, and with accountability for protecting that data particularly through such outsourced business relationships, and liability for failure to adhere, therefore be it

RESOLVED, that all contractual and payment agreements and on-going monitoring and enforcement be made immediately available from this Administration by regular reporting to Council and the public, and by special request of interested or affected persons or agencies.

* Secova, Inc: company was formerly known as UltraLink, Inc. and changed its name to Secova Inc. in October 2006. Secova Inc. was founded in 1989 and is based in Newport Beach, California, with additional offices and delivery centers in California; New Jersey; and Chennai, India. Secova Inc. operates as a subsidiary of Unum Group. According to S&P Global Market Intelligence and Bloomberg, for five principal financial officers there is no Stock Options or Total Compensation data, nor Board Memberships, data available.

** Vulcan Security Technologies, Inc, South Windsor, CT.:

Court of Common Council

ITEM#

18

ON AGENDA

CITY OF HARTFORD
550 MAIN STREET
HARTFORD, CONNECTICUT 06103



Glendowlyn L. H. Thames, Council President
James Sánchez, Majority Leader
John Q. Gale, Assistant Majority Leader
Wildaliz Bermúdez, Minority Leader

Thomas J. Clarke II, Councilman
Larry Dentsch, Councilman
Claudine Fox, Councilwoman
Maly D. Rosado, Councilwoman
rJo Winch, Councilwoman

John V. Bazzano, Town and City Clerk

Report

June 24, 2019

Honorable Glendowlyn L.H. Thames, Council President
City of Hartford
550 Main Street, Room 208
Hartford, CT 06103

Dear Members of the Court of Common Council:

The Public Works, Parks and Environment Committee held a meeting on June 5, 2019 at 5:30pm in Council Chambers to discuss the following referred item as reflected on the committee agenda.

The following were present: Committee Chairwoman Wildaliz Bermúdez, Assistant Majority Leader John Q. Gale, Councilwoman rJo Winch, and Councilman Thomas J. Clarke.

Also present were, Lynette Taylor Grande a retired educator and daughter of Johnny Taylor, Michael Looney from DPW, James del Visco from Corporation Counsel, Donna Swarr from PRAC, Tom Swarr from ACOTE, Grace Yi from the City of Hartford, Patricia Kelly from Ebony Horsewomen and other concerned citizens.

Item #2.

RESOLUTION SEEKING TO RENAME FIELD #9 IN THE CITY'S COLT PARK AS THE "JOHNNY TAYLOR FIELD". AND ALSO SERVES AS THE HARTFORD CITY COUNCIL'S EFFORT TO COMMEMORATE AND PERMANENTLY RECOGNIZE

ONE OF OUR HOMETOWN HEROES. (COUNCILMAN CLARKE II) (ITEM 29 ON AGENDA OF MAY 13, 2019).

Councilman Clarke expressed that Johnny Taylor was the first professional baseball player from the City of Hartford. And Michael Looney from DPW mentioned that the item has the full support of DPW.

A motion was made by Councilwoman Jo Winch and seconded by Councilman Thomas J. Clarke to send this item to full Council with a favorable recommendation.

Votes Taken:

Chairwoman Bermúdez: Yes

Councilman Gale: Yes

Councilman Clarke II: Yes

Councilman Sánchez: Absent

Councilwoman Winch: Yes

Respectfully submitted,



Wildaliz Bermúdez
Chairwoman of Public Works, Parks and Environment Committee

INTRODUCED BY:
Thomas J. Clarke II, Councilman

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

WHEREAS, The Court of Common Council stays committed to the development and preservation of The Capital City and Its legacy. It is also at this juncture that we acknowledge Johnny "Schoolboy" Taylor, Hartford Connecticut's first professional black athlete and His remarkable impact on the sport of baseball, this region and beyond; and

WHEREAS, Johnny Taylor was born 2/4/1916 in Hartford, Connecticut and attended Bulkeley High School where he dominated the Hartford Twilight League at Colt Park. Johnny Taylor further became an all-star in the Negro Leagues, Mexican League and Cuban League. These accomplishments were made amidst the racial segregation and tensions of the 1930's and 1940's. The Court of Common Council strongly believes that the acknowledgment of our rich past undoubtedly fosters healthier and wealthier communities; and

WHEREAS, The prestige of our great city and this region continues to be charted through time to that of nobility, integrity, mixed with a sense of pride. These accolades have far more fundamental values to the people who occupies this region today, and to be reminded or even rebranded of the great impact those before us have sacrificed to leave behind this rich legacy, be it

RESOLVED, The Court of Common Council hereby seek to rename Field #9 in The City's Colt Park as the "Johnny Taylor Field". This resolution also serves as The Hartford City Council's effort to commemorate and permanently recognize one of our hometown heroes from a family make up reflective today of our own and who prevailed in the face of racial segregation and all other adversities of that time.

Introduced
by:

Councilman Thomas J. Clarke II

HEADING
AND
PURPOSE

AN ORDINANCE AMENDING CHAPTER 2, SECTION 850 OF THE
HARTFORD MUNICIPAL CODE

COUNCIL,

COURT OF COMMON

CITY OF HARTFORD

Date July 9, 2018

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

That Chapter Two, Article VIII of the Municipal Code be amended by changing Section 2-850 as follows:

Sec. 2-850. - Residency requirements.

(A) All council and Mayor appointees and Unclassified Employees employed by the City, shall maintain a continuous residence in the City during the period of such appointment or employment. This section shall not apply to new employees or appointees during the first six (6) months of such employment or appointment. If such individual ceases to be a bona fide resident of the City once the residency has been established or fails to become a bona fide resident within six (6) months of the appointment or employment, the Council shall, by a vote of seven (7) members, send notice to the mayor that pursuant to the provisions of Chapter V, section 3(c) of the Hartford Charter, the office or position of the individual who has failed to remain a bona fide resident of Hartford shall thereupon become vacant, and such appointment or employment shall terminate.

(B) Definitions.

"Bona fide resident" is defined as [(1) An employee] a person who has a [Hartford] mailing address which is a street address in Hartford, not [. A] a post office address; [does not qualify as a bona fide Hartford address;] is. [(2) Be] a registered Hartford voter; and [(3) I]if the [employee] person owns a motor vehicle, has registered said motor vehicle [must be registered] at an address in the City of Hartford.

"Residence" is defined as the actual principal residence of the person, where he or she normally and usually eats and sleeps and maintains his or her normal personal household effects.

[(B)C] The provisions of subsections (A) and (B) above shall not apply to individuals who were employees and appointees at the time of the effective date of this section.

(D) The Department of Human Resources shall be responsible for determining and verifying the residence of employees.

This ordinance shall take effect upon adoption.

Introduced by: THOMAS J. CLARKE II, COUNCILMAN

HEADING
AND
PURPOSE

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE VI, DIVISION 4,
SECTION 2-352¹ OF THE HARTFORD MUNICIPAL CODE

COURT OF COMMON COUNCIL,
CITY OF HARTFORD

February 13, 2018

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

That Chapter 2, Article VI, Division 4, Section 2-352, of the Municipal Code of the City of Hartford be amended as follows:

Sec. 2-352. - Compensation for nonunion and unclassified executive service classification.

(A) That there be a new nonunion and unclassified executive service, including elected officials, classification and compensation plan that is authorized under City Charter Chapters IV, V, and VII and new nonunion compensation plan for specified administrative series and public safety series classifications.

(B) The classification and compensation plans have been developed to expand the salary structure and ranges to accommodate future increments that may be necessary to recognize accomplishment, growth; recruitment and/or retainment of qualified individual for these positions.

(C) The compensation plan has been expanded to include four (4) additional classifications: Chief information officer, director of emergency services and telecommunications, director of families, children, youth, and recreation and the City Treasurer.

(D) Effective July 1, 2018, the positions of Fire Chief, Police Chief and City Treasurer shall be paid the same annual rate of pay, which rate shall be fixed and included in the annual budget as approved by the Court of Common Council.

Ordinance shall take effect upon adoption.

¹ Ord. No. 19-08, 7-14-08; Ord. No. 17-11, 5-23-11.

HEADING
AND
PURPOSE

Minority Leader Wildaliz Bermudez

AN ORDINANCE AMENDING CHAPTER 29 OF THE HARTFORD MUNICIPAL CODE.

COURT OF COMMON COUNCIL,
CITY OF HARTFORD

January 22, 2018

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

That Chapter 29, Article I of the Municipal Code of the city of Hartford be amended, adding Section 29-18, as follows:

Section 29-18. Use of unmanned aerial vehicles by the Hartford department of police.

- (a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section:

Law enforcement officer means a member of the Hartford department of police, as described in section 29-1.

Unmanned aerial vehicle means any contrivance used or designed for navigation of or flight in air that is power-driven and operated without the possibility of direct human intervention from within or on the contrivance.

- (b) Except as provided in subsections (c) and (d) of this act or otherwise provided by law, no person, except a person performing his or her duties as a law enforcement officer, shall operate or use any computer software or other technology, including, but not limited to, an unmanned aerial vehicle, that allows a person, when not physically present, to release tear gas or any like or similar deleterious agent or to remotely control a deadly weapon, as defined in Chapter 950 Sec. 53a-3 of the general statutes, or an explosive or incendiary device, as defined in Chapter 943 Sec. 53-206b of the general statutes. Any person who violates this subsection may be issued a municipal citation. A person who is issued a citation shall be subject to a fine of one thousand dollars (\$ 1,000). Any person issued a citation for violating this subsection may within ten (10) days of receipt of the citation, appeal in writing to a citation hearing officer in accordance with section 1-5. This subsection shall be enforced by the Hartford chief of police.
- (c) No person who, as part of his or her duties as a law enforcement officer, operates an unmanned aerial vehicle, shall operate any such vehicle if such vehicle is equipped with tear gas or any like or similar deleterious agent or a deadly weapon, as defined in Chapter 950 Sec. 53a-3 of the Connecticut General Statutes, including, but not limited to, any explosive or incendiary device, as defined in Chapter 943 Sec. 53-206b of the Connecticut General Statutes. The provisions of this subsection shall not apply to a person who, as part of his or her duties as a law enforcement officer, operates an unmanned aerial vehicle that is equipped with explosive detection, detonation or disposal equipment, provided such law enforcement officer is authorized by the federal or state government to detect, detonate and dispose of explosives and is engaged in

such detection, detonation or disposal.

- (d) No law enforcement officer shall operate an unmanned aerial vehicle, unless:
- (1) A judge of the Superior Court or judge trial referee has issued a warrant in accordance with Chapter 959 Sec. 54-33a of the Connecticut General Statutes authorizing the use of an unmanned aerial vehicle;
 - (2) The individual who will be the subject of the information collected by the operation of an unmanned aerial vehicle has given advance written consent to such operation, provided such individual is on property that is not owned or operated by a governmental entity that is open for public use, including, but not limited to, parks, streets or sidewalks;
 - (3) The owner of the property that will be the subject of the information collected by the operation of an unmanned aerial vehicle has given advance written consent to such operation;
 - (4) The law enforcement officer has probable cause to believe that a criminal offense has been, is being or will be committed and exigent circumstances exist that make it unreasonable for the law enforcement officer to obtain a warrant authorizing the use of an unmanned aerial vehicle;
 - (5) The operation is pursuant to training activities conducted by the law enforcement officer while on land owned or leased by the federal or state government and does not occur in an area that is substantially populated; or
 - (6) The operation is used to reconstruct or document a specific crime or accident scene.
- (e) An individual or privately owned property shall be considered to be the subject of information collected by the operation of an unmanned aerial vehicle if the information allows the identity of the person or the privately owned property to be ascertained or if the law enforcement officer operating the unmanned aerial vehicle acknowledges such individual or such property was the subject of the information.
- (f) Information that was collected through the operation of an unmanned aerial vehicle that concerns an individual or privately owned property that was the subject of a warrant may be retained pursuant to the warrant.
- (g) Information that was collected through the operation of an unmanned aerial vehicle pursuant to subdivision (2) or (3) of subsection (d) of this section that concerns an individual or privately owned property may be retained pursuant to the terms specified in such advance written consent.
- (h) (1) Information that was collected through the operation of an unmanned aerial vehicle pursuant to subdivision (4), (5) or (6) of subsection (d) of this section that concerns an individual or privately owned property shall be reviewed by the Hartford department of police not later than thirty days from the date of collection. The collected information shall be destroyed or modified pursuant to subdivision (2) of this subsection or retained pursuant to subdivision (3) of this subsection.
- (2) If such information allows the identity of an individual or privately owned property to be ascertained and there is no probable cause to believe that an offense was committed by the individual or on the property, the Hartford department of police (A) shall destroy such information not later than forty-eight hours after such review, or (B) shall permanently modify such information so that the identity of such individual or such property cannot be ascertained, and, after such modification, may retain the modified information for a period of not more than five years from the date of

collection and, after such retention, shall destroy the modified information.

(3) If such information allows the identity of an individual or privately owned property to be ascertained and there is probable cause to believe that an offense was committed by the individual or on the property, the Hartford department of police may retain such information for a period of not more than five years from the date of collection and, after such retention, shall destroy such information, except that, if a warrant is issued in accordance with Chapter 959 Sec. 54-33a of the Connecticut General Statutes of the general statutes based in part on such information, such information may be retained pursuant to the warrant.

(4) No information subject to the provisions of this subsection that is not destroyed, modified or retained in accordance with subdivision (2) or (3) of this subsection, shall be admitted into evidence or otherwise considered by any court or agency, body or committee of this state or any political subdivision thereof.

(i) (1) Not later than ninety days after the Court of Common Council of the City of Hartford's adoption of this section, the Hartford department of police shall adopt and maintain a written policy that meets or exceeds the policies set forth in this section:

(2) Not later than ninety days after the Court of Common Council of the City of Hartford's adoption of this section, the Hartford department of police shall promulgate an unmanned aerial vehicle incident report form, which shall include, but not be limited to, the collection of the following data: (1) The date the unmanned aerial vehicle was operated, (2) the type of such operation as categorized in the policy adopted pursuant to subsection (i) of this section, (3) the zip code or zip codes where the unmanned aerial vehicle was operated, (4) whether the unmanned aerial vehicle was operated pursuant to a warrant, (5) whether a property owner gave advance written consent to such operation, (6) whether the type of information collected through the operation of the unmanned aerial vehicle provided reasonable and articulable suspicion that a criminal offense was being committed, and (7) whether an arrest or arrests were made. The unmanned aerial vehicle incident report shall be completed each time an unmanned aerial vehicle is used by a law enforcement officer.

(j) Not later than January thirty-first of each year, the Hartford department of police shall prepare a report that includes, but need not be limited to: (1) The number of times the Hartford department of police operated an unmanned aerial vehicle in the preceding calendar year, (2) the type of such operation as categorized in the policy adopted pursuant to subsection (i) of this section, (3) the zip code or zip codes where the unmanned aerial vehicle was operated, (4) whether the unmanned aerial vehicle was operated pursuant to a warrant, (5) whether a property owner gave advance written consent to such operation, (6) the number of times the type of information collected through the operation of an unmanned aerial vehicle provided reasonable and articulable suspicion that a criminal offense was being committed, and (7) the number of times an arrest was made during or after the operation of an unmanned aerial vehicle in direct response to the operation of an unmanned aerial vehicle by a law enforcement officer. The Hartford department of police shall make such report available on the Hartford department of police's Internet web site not later than January thirty-first of each year.

(k) The Hartford department of police shall make any application to acquire surveillance technology, including, but not limited to, unmanned aerial vehicles, or to acquire funds to purchase surveillance technology, including but not limited to, unmanned aerial vehicles, available for review by the Court of Common Council of the City of Hartford and the public no less than thirty days prior to a public hearing on such application.

Such applications shall include, but not be limited to, applications to acquire surveillance technology from the program authorized by Section 1033 of the National Defense Authorization Act of 1997, and for funds under the Edward Byrne Memorial Justice Assistance Grant program to acquire surveillance technology. The Court of Common Council of the City of Hartford shall hold such public hearing not fewer than thirty days prior to the department's submission of the application and shall provide legal notice, published at least once not less than two weeks prior to such hearing in a newspaper having general circulation in the City of Hartford, of such hearing. Approval of the application by the Court of Common Council of the City of Hartford is required prior to submission of the application.

Ordinance shall take effect upon adoption.

Introduced
by:

HEADING
AND
PURPOSE

ITEM# 22 ON AGENDA

Minority Leader Wildaliz Bermudez
Councilman Thomas J. Clarke II
Councilwoman Claudine Fox
Councilwoman rJo Winch
Councilman Larry Deutsch

AN ORDINANCE AMENDING CHAPTER 2 OF THE HARTFORD MUNICIPAL
CODE.

COURT OF COMMON COUNCIL,
CITY OF HARTFORD

November 13, 2018

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

That Chapter 2, Article II of the Municipal Code of the City of Hartford be amended, adding Section 2-48 and Section 2-49, as follows:

Section 2-48. Establishing the power of the City Council to protect city residents.

- (a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section:

Discriminatory shall mean (1) disparate treatment of any individual(s) because of any real or perceived traits, characteristics, or status as to which discrimination is prohibited under the Constitution or any law of the United States, the constitution or any law of the State of Connecticut, or the City Charter or any law of the City of Hartford, or because of their association with such individual(s), or (2) disparate impact on any such individual(s) having traits, characteristics, or status described in subsection (1).

Disparate impact shall mean an adverse effect that is disproportionately experienced by individual(s) having any traits, characteristics, or status as to which discrimination is prohibited under the Constitution or any law of the United States, the constitution or any law of the State of Connecticut, or the City Charter or any law of the City of Hartford than by similarly situated individual(s) not having such traits, characteristics, or status.

Municipal entity shall mean any municipal government, agency, department, bureau, division, or unit of this city.

Surveillance data shall mean any electronic data collected, captured, recorded, retained, processed, intercepted, analyzed, or shared by surveillance technology.

Surveillance technology shall mean any electronic surveillance device, hardware, or software that is capable of collecting, capturing, recording, retaining, processing, intercepting, analyzing, monitoring, or sharing audio, visual, digital, location, thermal,

biometric, or similar information or communications specifically associated with, or capable of being associated with, any specific individual or group; or any system, device, or vehicle that is equipped with an electronic surveillance device, hardware, or software.

1. Surveillance technology includes, but is not limited to: (a) unmanned aerial vehicles; (b) international mobile subscriber identity (IMSI) catchers and other cell site simulators; (c) automatic license plate readers; (d) electronic toll readers; (e) closed-circuit television cameras; (f) biometric surveillance technology, including facial, voice, iris, and gait-recognition software and databases; (g) mobile DNA capture technology; (h) gunshot detection and location hardware and services; (i) x-ray vans; (j) video and audio monitoring and/or recording technology, such as surveillance cameras, wide-angle cameras, and wearable body cameras; (k) surveillance enabled or capable lightbulbs or light fixtures; (l) tools, including software and hardware, used to gain unauthorized access to a computer, computer service, or computer network; (m) social media monitoring software; (n) through-the-wall radar or similar imaging technology; (o) passive scanners of radio networks; (p) long-range Bluetooth and other wireless-scanning devices; (q) radio-frequency I.D. (RFID) scanners; and (r) software designed to integrate or analyze data from surveillance technology, including surveillance target tracking and predictive policing software. The enumeration of surveillance technology examples in this subsection shall not be interpreted as an endorsement or approval of their use by any municipal entity.

2. Surveillance technology does not include the following devices or hardware, unless they have been equipped with, or are modified to become or include, a surveillance technology as defined in subsection (a): (a) routine office hardware, such as televisions, computers, and printers, that is in widespread public use and will not be used for any surveillance or surveillance-related functions; (b) Parking Ticket Devices (PTDs); (c) manually-operated, non-wearable, handheld digital cameras, audio recorders, and video recorders that are not designed to be used surreptitiously and whose functionality is limited to manually capturing and manually downloading video and/or audio recordings; (d) surveillance devices that cannot record or transmit audio or video or be remotely accessed, such as image stabilizing binoculars or night vision goggles; (e) municipal agency databases that do not and will not contain any data or other information collected, captured, recorded, retained, processed, intercepted, or analyzed by surveillance technology; and (f) manually-operated technological devices that are used primarily for internal municipal entity communications and are not designed to surreptitiously collect surveillance data, such as radios and email systems.

Unmanned aerial vehicle means any contrivance used or designed for navigation of or flight in air that is power-driven and operated without the possibility of direct human intervention from within or on the contrivance.

Viewpoint-based shall mean targeted at any community or group or its members because of their exercise of rights protected under the First Amendment of the United States Constitution.

(b) A municipal entity must obtain City Council approval, subsequent to a mandatory, properly-noticed, germane, public City Council hearing at which the public is afforded a fair and adequate opportunity to provide written and oral testimony, prior to engaging in any of the following:

1. Seeking funds for new surveillance technology, including but not limited to applying for a grant, or soliciting or accepting state or federal funds or in-kind or other donations;
2. Acquiring or borrowing new surveillance technology, whether or not that acquisition is made through the exchange of monies or other consideration;
3. Using new or existing surveillance technology for a purpose or in a manner not previously approved by the City Council in accordance with this ordinance, including the sharing of surveillance data therefrom; or
4. Soliciting proposals for or entering into an agreement with any other person or entity to acquire, share or otherwise use surveillance technology or surveillance data.

If City Council does not hold a public hearing regarding a municipal entity's request to engage in the aforementioned actions within one hundred and twenty (120) days of the municipal entity commencing the process of seeking City Council approval, the City Council's inaction shall be deemed a rejection of the proposal. City Council may request additional information from a municipal entity at any point before giving approval.

(c) To commence the process of seeking City Council approval, pursuant to subsection (b), to fund, acquire, or use surveillance technology or to enter into an agreement concerning such funding, acquisition, or use, a municipal entity shall submit to the City Council and make publicly available a Surveillance Impact Report and Surveillance Use Policy concerning the technology at issue.

1. No use of surveillance technology by a municipal entity pursuant to subsection (b) shall be permitted without the City Council's express approval of the related Surveillance Impact Report and Surveillance Use Policy submitted by the municipal entity pursuant to subsection (c).
2. Use of an unmanned aerial vehicle management platform may be used by a municipal entity to provide rapid deployment software for unmanned aerial vehicles and track relevant unmanned aerial vehicle flight data for use in the Surveillance Impact Report and Surveillance Use Policy.
3. Prior to approving or rejecting a Surveillance Impact Report or Surveillance Use Policy submitted pursuant to subsection (c), the City Council may request revisions be made by the submitting municipal entity.

(d) Surveillance Impact Report: A Surveillance Impact Report submitted pursuant to subsection (c) shall be a publicly-released, legally enforceable written report that

includes, at a minimum, the following:

1. Information describing the surveillance technology and how it works, including product descriptions from manufacturers;
 2. Information on the proposed purpose(s) of the surveillance technology;
 3. If the surveillance technology will not be uniformly deployed or targeted throughout the city, information concerning the factors will be used to determine where, when and how the technology is deployed or targeted;
 4. Results and Information gathered with unmanned aerial vehicle Management Software on unmanned aerial vehicle flight data;
 5. The fiscal impact of the surveillance technology; and
 6. An assessment identifying with specificity:
 - A. Any potential adverse impacts the surveillance technology, if deployed, might have on civil rights, civil liberties, and individuals privacy; and
 - B. What specific, affirmative measures will be implemented to safeguard the public from the potential adverse impacts identified pursuant to subsection (d)(5)(A).
- (e) Surveillance Use Policy: A Surveillance Use Policy submitted pursuant to subsection (c) shall be a publicly-released, legally enforceable written policy governing the municipal entity's use of the surveillance technology that, at a minimum, includes and addresses the following:
1. Purpose: What specific purpose(s) the surveillance technology is intended to advance.
 2. Authorized Use: For what specific capabilities and uses of the surveillance technology is authorization being sought, and
 - A. What legal and procedural rules will govern each authorized use;
 - B. What potential uses of the surveillance technology will be expressly prohibited, such as the warrantless surveillance of public events and gatherings and warrantless surveillance at or near venues that house children under the age of eighteen, such as schools, playgrounds, day care centers or group homes; and
 - C. How and under what circumstances will surveillance data that was collected, captured, recorded, or intercepted by the surveillance technology be analyzed and reviewed.

3. Data Collection:

- A. What types of surveillance data will be collected, captured, recorded, intercepted, or retained by the surveillance technology;
- B. What surveillance data may be inadvertently collected during the authorized uses of the surveillance technology, and what measures will be taken to minimize the inadvertent collection of data; and
- C. How inadvertently collected surveillance data will be expeditiously identified and deleted. Any inadvertently collected surveillance data containing the identity of children under eighteen should be immediately deleted absent a youth being specifically listed in an authorized warrant. In the case of a warrant specifically listing a youth, the identity of other children and youth under eighteen must be protected.

4. Data Protection: What safeguards will be used to protect surveillance data from unauthorized access, including encryption and access control mechanisms.

5. Data Retention: Insofar as the privacy of the public can be severely compromised by the long-term storage of mass surveillance data, what rules and procedures will govern the retention of surveillance data, including those governing:

- A. For what limited time period, if any, surveillance data will be retained. Such information shall include a statement explaining why the designated retention period is no greater than that which is absolutely necessary to achieve the specific purpose(s) enumerated in the Surveillance Use Policy;
- B. What specific conditions must be met to retain surveillance data beyond the retention period stated in subsection (e)(5)(A); and
- C. By what process surveillance data will be regularly deleted after the retention period stated in subsection (e)(5)(A) elapses and what auditing procedures will be implemented to ensure data is not improperly retained.

6. Surveillance Data Sharing: If a municipal entity is seeking authorization to share access to surveillance technology or surveillance data with any other governmental agencies, departments, bureaus, divisions, or units, it shall detail:

- A. How it will require that the collection, retention, and storage of surveillance data be conducted in compliance with the principles set forth in 28 C.F.R. Part 23, including but not limited to 28 C.F.R. Part 23.20(a), which states that a government entity operating a surveillance program "shall collect and maintain criminal intelligence information concerning an individual only if there is reasonable suspicion that the individual is involved in criminal conduct or activity and the information is relevant to that criminal conduct or activity."
- B. Which governmental agencies, departments, bureaus, divisions, or units

will be approved for (i) surveillance technology sharing, and for (ii) surveillance data sharing;

- C. How such sharing is necessary for the stated purpose and use of the surveillance technology, including any unmanned aerial vehicle management platform utilized;
 - D. How it will ensure any entity's sharing access to the surveillance technology or surveillance data complies with the applicable Surveillance Use Policy and does not further disclose the surveillance data to unauthorized persons and entities; and
 - E. What processes will be used to seek approval of future surveillance technology or surveillance data sharing agreements from the municipal entity and City Council.
7. Demands for Access to Surveillance Data: What legal standard must be met by government entities or third parties seeking or demanding access to surveillance data.
8. Auditing and Oversight: What mechanisms will be implemented to ensure the Surveillance Use Policy is followed, including what independent persons or entities will be given oversight authority, and what legally enforceable sanctions will be put in place for violations of the policy.
9. Complaints: What procedures will be put in place by which members of the public can register complaints or concerns, or submit questions about the deployment or use of a specific surveillance technology, and how the municipal entity will ensure each question and complaint is responded to in a timely manner.
10. Children and Youth: What specific procedures shall be employed to ensure that the confidentiality and privacy rights of children and youth under the age of eighteen are not violated.
- (f) No later than one hundred twenty (120) days following the effective date of this ordinance, any municipal entity seeking to continue the use of any surveillance technology that was in use prior to the effective date of this ordinance, or the sharing of surveillance data therefrom, must commence a City Council approval process in accordance with subsection (b). If the City Council has not approved the continuing use of the surveillance technology, including the Surveillance Impact Report and Surveillance Use Policy submitted pursuant to subsection (c), within one hundred eighty (180) days of their submission to the City Council, the municipal entity shall cease its use of the surveillance technology and the sharing of surveillance data therefrom until such time as City Council approval is obtained in accordance with this ordinance.
- (g) If more than one municipal entity will have access to the surveillance technology or surveillance data, a lead municipal entity shall be identified. The lead municipal entity shall be responsible for maintaining the surveillance technology and ensuring compliance with all related laws, regulations and protocols.

(h) The City Council shall only approve a request to fund, acquire, or use a surveillance technology if it determines the benefits of the surveillance technology outweigh its costs, that the proposal will safeguard civil liberties and civil rights, and that the uses and deployments of the surveillance technology will not be based upon discriminatory or viewpoint-based factors or have a disparate impact on any community or group. To assist the public in participating in such an analysis, all approved Surveillance Impact Reports and Surveillance Use Policies shall be made available to the public, at a designated page on the relevant municipal entity's public website, for as long as the related surveillance technology remains in use. An approval for the funding, acquisition and/or use of a surveillance technology by the City Council, where the risk of potential adverse impacts on civil liberties or civil rights has been identified in the Surveillance Impact Report pursuant to subsection (d)(5)(A), shall not be interpreted as an acquiescence to such impacts, but rather as an acknowledgement that a risk of such impacts exists and must be affirmatively avoided.

(i) A municipal entity that obtains approval for the use of a surveillance technology must submit to the City Council, and make available on its public website, an Annual Surveillance Report for each specific surveillance technology used by the municipal entity within twelve (12) months of City Council approval, and annually thereafter on or before March 15. The Annual Surveillance Report shall, at a minimum, include the following information for the previous calendar year:

1. A summary of how the surveillance technology was used; drone flight data as recorded through any drone management platform utilized;
2. Whether and how often collected surveillance data was shared with any external persons or entities, the name(s) of any recipient person or entity, the type(s) of data disclosed, under what legal standard(s) the information was disclosed, and the justification for the disclosure(s);
3. Where applicable, a breakdown of where the surveillance technology was deployed geographically, by individual census tract as defined in the relevant year by the United States Census Bureau, and whether the surveillance took place at or near a venue likely to house children and youth (such as a school, park, daycare center, community center, or the like). For each census tract, the municipal entity shall report how many individual days the surveillance technology was deployed and what percentage of those daily-reported deployments were subject to (A) a warrant, and (B) a non-warrant form of court authorization;
4. Where applicable, and with the greatest precision that is reasonably practicable, the amount of time the surveillance technology was used to monitor Internet activity, the number of people affected, including the number of children and youth under the age of eighteen, and what percentage of the reported monitoring was subject to (A) a warrant, and (B) a non-warrant form of court authorization;
5. A summary of complaints or concerns that were received about the surveillance technology;
6. The results of any internal audits, any information about violations of the

Surveillance Use Policy, and any actions taken in response;

7. An analysis of any discriminatory, disparate, and other adverse impacts the use of the technology may have had on the public's civil liberties and civil rights, including but not limited to those guaranteed by the First, Fourth, and Fourteenth Amendments to the United States Constitution; and
 8. Total annual costs for the surveillance technology, including personnel and other ongoing costs, and what source of funding will fund the technology in the coming year.
- (j) Within thirty (30) days of submitting and publicly releasing an Annual Surveillance Report pursuant to subsection (i), the municipal entity shall hold one or more well-publicized and conveniently located community engagement meetings at which the general public is invited to discuss and ask questions regarding the Annual Surveillance Report and the municipal agency's use of surveillance technologies.
- (k) The City Council shall review each Annual Surveillance Report within three (3) months of its submission. Based upon information provided by the unmanned aerial vehicle management platform, if one is utilized, and in the Annual Surveillance Report, the City Council shall determine whether each surveillance technology identified in response to subsection (i), as used by the report-submitting entity, has met the standard for approval set forth in subsection (h) and, if not, whether the use of the surveillance technology shall be discontinued or if City Council will require modifications to the Surveillance Use Policy that will resolve the observed failures. These determinations shall be made by a majority vote of City Council members at the next City Council meeting, at which there is quorum, after the date the review of the report is required. The president or majority leader of City Council shall then direct the Hartford Corporation Counsel's Office to send a letter, within seven (7) days of City Council's vote, to the municipal entity notifying the entity that it may continue to use the surveillance technology, it shall discontinue the use of the surveillance technology, or it shall make modifications to the Surveillance Use Policy that will resolve the observed failures.
- (l) Not later than January 31 of each year, the City Council or its appointed designee shall release an annual public report, in print and on its public website, containing the following information for the preceding calendar year:
1. The number of requests for approval submitted to the City Council under this ordinance for the funding, acquisition, or new use of surveillance technology;
 2. The number of times the City Council approved requests submitted under this ordinance for the funding, acquisition, or new use of surveillance technology;
 3. The number of times the City Council rejected requests submitted under this ordinance for the funding, acquisition, or new use of surveillance technology;
 4. The number of times the City Council requested modifications be made to Surveillance Impact Reports and Surveillance Use Policies before approving the funding, acquisition, or new use of surveillance technology; and

5. All Annual Surveillance Reports submitted pursuant to subsection (i). Printed copies of the public report may contain pinpoint references to online locations where the Annual Surveillance Reports are located, in lieu of reprinting the full reports.
 6. Data provided through any unmanned aerial vehicle management platform utilized, including but not limited to flight logs, number of deployments, and equipment maintenance.
- (m) Municipal employees or agents, except in response to a declared municipal, state, or federal state of emergency, shall not use any surveillance technology except in a manner consistent with policies approved pursuant to the terms of this ordinance, and may in no circumstances utilize surveillance technology in a manner which is discriminatory, viewpoint-based, or violates the City Charter, State Constitution, or United States Constitution. Any municipal employee who violates the provisions of this ordinance, or any implementing rule or regulation, may be subject to disciplinary proceedings and punishment. Any violation of the provisions of this ordinance shall be noted in the employee's human resources record.
- (n) No municipal entity or anyone acting on behalf of a municipal entity may take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment, including but not limited to discriminating with respect to compensation, terms, conditions, access to information, restrictions on due process rights, privileges of employment, or civil or criminal liability, because the employee or applicant was perceived to, about to, or assisted in any lawful disclosure of information concerning the funding, acquisition, or use of a surveillance technology or surveillance data to any relevant municipal agency, municipal law enforcement, prosecutorial, or investigatory office, or City Council Member, based upon a good faith belief that the disclosure evidenced a violation of this ordinance.
- (o) It shall be unlawful for the city or any municipal entity to enter into any contract or other agreement that conflicts with the provisions of this ordinance, and any conflicting provisions in such contracts or agreements, including but not limited to non-disclosure agreements, shall be deemed void and legally unenforceable. Conflicting provisions in contracts or agreements signed prior to the enactment of this ordinance shall be deemed void and legally unenforceable to the extent permitted by law. This section shall not apply to collective bargaining agreements and related memorandums of agreement or understanding that pre-date this ordinance.
- (p) It shall be unlawful for the city or any municipal entity to enter into any contract or other agreement that facilitates the receipt of surveillance data from, or provision of surveillance data to any non-governmental entity in exchange for any monetary or any other form of consideration from any source, including the assessment of any additional fees, interest, or surcharges on unpaid fines or debts. Any contracts or agreements signed prior to the enactment of this ordinance that violate this section shall be terminated as soon as is legally permissible.
- (q) The provisions in this ordinance are severable. If any part or provision of this

ordinance, or the application of this ordinance to any person or circumstance, is held invalid, the remainder of this ordinance, including the application of such part or provisions to other persons or circumstances, shall not be affected by such holding and shall continue to have force and effect.

- (r) This ordinance shall take effect upon adoption.

Section 2-49. Use of unmanned aerial vehicles by City employees.

- (a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section:

Employee means any person employed by the City in any capacity whether elected or appointed, whether as a classified employee, unclassified employee, or on a contractual basis, permanent or temporary, full-time or part-time and all employees of the board of education. Employee also includes any person employed by any City department, office or agency, and any person, whether appointed or under contract, who provides services for the City, or any other political subdivision of the City for which a pension is provided.

Employee of the Hartford Fire Department means the fire chief, fire marshal, and the officers and members of the Hartford Fire Department.

Law enforcement officer means a member of the Hartford department of police, as described in section 29-1.

Municipal entity shall mean any municipal government, agency, department, bureau, division, or unit of this City.

Unmanned aerial vehicle means any contrivance used or designed for navigation of or flight in air that is power-driven and operated remotely or without the possibility of direct human intervention from within or on the contrivance.

- (b) Except as provided in subsections (c) and (d) of this act or otherwise provided by law, no person, except a person performing his or her duties as a law enforcement officer, shall operate or use any computer software or other technology, including, but not limited to, an unmanned aerial vehicle, that allows a person, when not physically present, to release tear gas or any like or similar deleterious agent or to remotely control a deadly weapon, as defined in Chapter 950 Sec. 53a-3 of the general statutes, or an explosive or incendiary device, as defined in Chapter 943 Sec. 53-206b of the general statutes. Any person who violates this subsection may be issued a municipal citation. A person who is issued a citation shall be subject to a fine of one thousand dollars (\$ 1,000). Any person issued a citation for violating this subsection may within ten (10) days of receipt of the citation, appeal in writing to a citation hearing officer in accordance with section 1-5 of the City Charter. This subsection shall be enforced by the Hartford chief of police.
- (c) No person who, as part of his or her duties as a City employee, operates an unmanned aerial vehicle, shall operate any such vehicle if such vehicle is equipped with tear gas or any like or similar deleterious agent or a deadly weapon, as defined in Chapter 950

Sec. 53a-3 of the Connecticut General Statutes, including, but not limited to, any explosive or incendiary device, as defined in Chapter 943 Sec. 53-206b of the Connecticut General Statutes. The provisions of this subsection shall not apply to a person who, as part of his or her duties as a law enforcement officer, operates an unmanned aerial vehicle that is equipped with explosive detection, detonation or disposal equipment, provided such law enforcement officer is authorized by the federal or state government to detect, detonate and dispose of explosives and is engaged in such detection, detonation or disposal.

(d) No City employee shall operate an unmanned aerial vehicle, unless:

(1) The City employee is a law enforcement officer; and

A. A judge of the Superior Court or judge trial referee has issued a warrant in accordance with Chapter 959 Sec. 54-33a of the Connecticut General Statutes authorizing the use of an unmanned aerial vehicle; or

B. The law enforcement officer has probable cause to believe that a criminal offense has been, is being or will be committed and exigent circumstances exist that make it unreasonable for the law enforcement officer to obtain a warrant authorizing the use of an unmanned aerial vehicle.

(i) The Hartford Police Department must provide the City Council with a credible risk report within thirty (30) days in all incidences involving the operation of an unmanned aerial vehicle due to an exigent circumstance exemption. A credible risk report shall include the date the Hartford Police Department operated an unmanned aerial vehicle without a warrant; the facts leading the law enforcement officer to have probable cause to believe that a criminal offense was committed, was being committed, or would be committed; the facts the law enforcement officer relied upon to determine that exigent circumstances existed; and a narrative that offers the law enforcement officer's justification for using an unmanned aerial vehicle without a warrant; and unmanned aerial vehicle flight data.

(2) The City employee is a law enforcement officer, employee of the Hartford Fire Department, or a designated employee of the Hartford City Tax Collector's Office; and

A. The operation is pursuant to training activities conducted by the employee while on land owned or leased by the federal or state government and does not occur in an area that is substantially populated;

B. The operation is used to reconstruct or document a specific crime or accident scene, motor vehicle accident, or hazardous materials accident;

C. The operation is used to assist and manage pre-fire planning, high-rise fires, commercial and residential fires, and post-fire investigations; or

D. The operation is used to assist in and manage severe weather emergencies, flood events, or search and rescue missions involving

missing person investigations, AMBER Alerts, and Silver Alerts; or

E. The operation is used to take photos of property for the purposes of assessing the value of real property for local real estate taxation purposes.

(3) The individual who will be the subject of the information collected by the operation of an unmanned aerial vehicle has given advance written consent to such operation, provided such individual is on property that is not owned or operated by a governmental entity that is open for public use, including, but not limited to, parks, streets or sidewalks.

(4) The owner of the property that will be the subject of the information collected by the operation of an unmanned aerial vehicle has given advance written consent to such operation.

(5) Any public event that has filed for a permit with the City of Hartford has requested public safety assistance and has over ten thousand (10,000) registered event participants.

(A) Event promoters and organizers must notify all registered participants at least one (1) day in advance of the event that the City of Hartford will deploy unmanned aerial vehicles during the event to surveille the public.

(6) Operation of an unmanned aerial vehicle shall not take place at or near venues that house children under the age of eighteen, such as schools, playgrounds, day care centers, or group homes unless there is a warrant for a specific individual. In the event that there is a warrant, steps must be taken to protect the confidentiality of all other individuals under the age of eighteen.

(7) The operation will not be used to replace a member of the civil service sector.

(e) An individual or privately owned property shall be considered to be the subject of information collected by the operation of an unmanned aerial vehicle if the information allows the identity of the person or information concerning parts of private property not visible from public property, to be ascertained or if the City employee operating the unmanned aerial vehicle acknowledges such individual or such property was the subject of the information.

(f) Information that was collected through the operation of an unmanned aerial vehicle that concerns an individual or privately owned property that was the subject of a warrant may be retained pursuant to the warrant.

(g) Information that was collected through the operation of an unmanned aerial vehicle pursuant to subdivision (3) or (4) of subsection (d) of this section that concerns an individual or privately owned property may be retained pursuant to the terms specified in such advance written consent.

(h) (1) Information that was collected through the operation of an unmanned aerial vehicle pursuant to subdivision (1)(B), (2)(A), (2)(B), (2)(C), (2)(D), (2)(E) or (5) of subsection (d) of this section that concerns an individual or privately owned property shall be reviewed by the municipal entity that operated the unmanned

aerial vehicle not later than thirty (30) days from the date of collection. The collected information shall be destroyed or modified pursuant to subdivision (2) of this subsection or retained pursuant to subdivision (3) of this subsection.

(2) If such information allows the identity of an individual or privately owned property to be ascertained and there is no probable cause to believe that an offense was committed by the individual or on the property, the municipal entity (A) shall destroy such information not later than forty-eight (48) hours after such review, or (B) shall permanently modify such information so that the identity of such individual or such property cannot be ascertained, and, after such modification, may retain the modified information for a period of not more than five (5) years from the date of collection and, after such retention, shall destroy the modified information.

(3) If such information was collected through the operation of an unmanned aerial vehicle pursuant to subdivision (1)(B), (2)(A), (2)(B), (2)(C), (2)(D), or (5) of subsection (d) of this section and allows the identity of an individual or privately owned property to be ascertained and there is probable cause to believe that an offense was committed by the individual or on the property, the municipal entity may retain such information for a period of not more than five (5) years from the date of collection and, after such retention, shall destroy such information, except that, if a warrant is issued in accordance with Chapter 959 Sec. 54-33a of the Connecticut General Statutes of the general statutes based in part on such information, such information may be retained pursuant to the warrant. If such information was collected through the operation of an unmanned aerial vehicle pursuant to subdivision (2)(E) and allows the identity of an individual or privately owned property to be ascertained, the municipal entity (A) shall destroy such information not later than forty-eight (48) hours after its review, or (B) shall permanently modify such information so that the identity of such individual or such property cannot be ascertained, and, after such modification, may retain the modified information for a period of not more than five (5) years from the date of collection and, after such retention, shall destroy the modified information. Information collected through the operation of an unmanned aerial vehicle pursuant to subdivision (2)(E) shall not be used in the prosecution of a crime.

(4) No municipal entity or City employee shall, by using facial recognition software, appearance similarity video synopsis software, or any similar technology, analyze information that was collected through the operation of an unmanned aerial vehicle.

(i) Not later than ninety (90) days after the Court of Common Council of the City of Hartford's adoption of this section, each municipal entity shall adopt and maintain a written policy that meets the policies set forth in this section. Each municipal entity's policy shall require all City employees who operate unmanned aerial vehicles to complete a Federal Aviation Administration approved training program to ensure proper use and operations. Prior to deploying or operating an unmanned aerial vehicle, each municipal entity shall obtain all applicable authorizations, permits, and/or certifications required by the Federal Aviation Administration, and these authorizations, permits, and certificates shall be maintained and current, as required by the Small Unmanned Aircraft Systems federal regulations, C.F.R. § T. 14, Ch. I, Subch. F, Pt. 107.

(j) Not later than ninety (90) days after the Court of Common Council of the City of Hartford's adoption of this section, the City of Hartford Corporation Counsel's office

will make accessible a standard incident report form for all applicable municipal entities, to promulgate an unmanned aerial vehicle incident report form, which shall include, but not be limited to, the collection of the following data: (1) The date the unmanned aerial vehicle was operated, (2) the type of such operation as categorized in the policy adopted pursuant to subsection (i) of this section, (3) the zip code or zip codes where the unmanned aerial vehicle was operated, (4) whether the unmanned aerial vehicle was operated pursuant to a warrant, (5) whether a property owner gave advance written consent to such operation, (6) whether the type of information collected through the operation of the unmanned aerial vehicle provided reasonable and articulable suspicion that a criminal offense was being committed or had been, and (7) whether an arrest or arrests were made. The unmanned aerial vehicle incident report shall be completed, within seven (7) days of a City employee's use of an unmanned aerial vehicle, each time an unmanned aerial vehicle is used by a City employee. One hundred and eighty (180) days after the adoption of this section, a municipal entity that completed any unmanned aerial vehicle incident reports subsequent to the adoption of this section shall submit those reports to the City Council. After the first submission of reports one hundred and eighty (180) days after the adoption of this section, a municipal entity that completed any unmanned aerial vehicle incident reports since its last submission of reports to the City Council shall submit those reports to the City Council on March 15, June 15, September 15, and December 15 of each year. In addition to these biannually reports (every six months), a municipal entity that has completed any unmanned aerial vehicle incident reports subsequent to the adoption of this section shall provide, within seven (7) days, individual or multiple incident reports to the City Council if requested to do so by a City Council member.

(k) Each municipal entity that operates unmanned aerial vehicles must include in its Annual Surveillance Report, as required by subsection (i) of Section 2-48 of the City Charter, a report that includes, but need not be limited to: (1) The number of times the municipal entity operated an unmanned aerial vehicle in the preceding calendar year, (2) the type of such operation as categorized in the policy adopted pursuant to subsection (i) of this section, (3) the zip code or zip codes where the unmanned aerial vehicle was operated, (4) whether the unmanned aerial vehicle was operated pursuant to a warrant, (5) whether a property owner gave advance written consent to such operation, (6) the number of times the type of information collected through the operation of an unmanned aerial vehicle provided reasonable and articulable suspicion that a criminal offense was being committed, (7) the number of times an arrest was made during or after the operation of an unmanned aerial vehicle in direct response to the operation of an unmanned aerial vehicle by a City employee, (8) whether the unmanned aerial vehicle was used to assist in and manage pre-fire planning, high-rise fires, commercial and residential fires, and post-fire investigations, (9) whether the unmanned aerial vehicle was used to assist in and manage severe weather emergencies, flood events, or search and rescue missions involving missing person investigations, AMBER Alerts, and Silver Alerts, (10) all credible risk reports for all incidents under which an unmanned aerial vehicle was operated due to exigent circumstances, and (11) whether the public was given notice for each incident in which a city agency operated a unmanned aerial vehicle.

(l) Required liability insurance for unmanned aerial vehicles will be purchased by the City of Hartford, in accordance with state law, federal law, and any applicable regulations.

(m) This ordinance shall take effect upon adoption.

Sec. 2-48. – City Council’s power to protect city residents regarding surveillance technology.

Subsection (a) - Definitions

Provides definitions for the entire section. “Discriminatory,” “disparate impact,” “municipal entity,” “surveillance data,” “surveillance technology,” “unmanned aerial vehicle,” and “viewpoint-based” are defined. The word “contrivance,” as used in the definition of “unmanned aerial vehicle,” means device.

Subsection (b) – City Council Approval of Surveillance Technology and Public Hearings

Requires a municipal entity to get approval from City Council before seeking funds for, preparing to acquire, or borrowing new surveillance technology or using new or existing surveillance technology in a way that has not been approved by City Council.

Requires City Council to hold a public hearing before giving approval to a municipal entity. If City Council doesn’t hold a hearing within 120 days of the start of the approval process, the inaction is deemed a rejection.

Allows City Council to ask for more information at any time before giving approval.

Subsection (c) – Surveillance Impact Reports and Surveillance Use Policies

Requires a municipal entity to submit and make publicly available a Surveillance Impact Report and a Surveillance Use Policy regarding the surveillance technology for which it is seeking City Council’s approval before using the technology.

Allows City Council to request that the municipal entity make revisions to its report or policy before it approves or rejects them.

Subsection (d) – Surveillance Impact Reports

Lists components that a municipal entity must include in a Surveillance Impact Report. Components include the description, purpose, and cost of technology; where it will be used; and an assessment of potential impacts on civil liberties and rights and how the public will be safeguarded.

Subsection (e) - Surveillance Use Policies

Lists components that a municipal entity must include in a Surveillance Use Policy, a written policy governing the municipal entity’s use of the surveillance technology. Components include the purpose, specific uses of the technology, data collection, data protection, data retention, surveillance data sharing and access, auditing and oversight, and complaints.

Subsection (f) – Continued Use of Surveillance Technology Acquired before Effective Date

Requires a municipal entity to commence a City Council approval process within 120 days of the ordinance’s effective date if it wants to continue to use surveillance technology that was in use prior to the ordinance’s effective date.

Requires a municipal entity to stop using surveillance technology and sharing surveillance data if City Council does not approve its continued use of the technology, including the Surveillance Impact Report and Surveillance Use Policy, within 180 days of their submission to City Council. A municipal entity may use the technology once it has City Council’s approval.

Subsection (g) – Lead Municipal Entity

Requires the identification of a lead municipal entity if more than one entity will have access to the surveillance technology or data. The lead entity is responsible for maintaining the technology and ensuring compliance with laws, regulations, and protocols.

Subsection (h) – City Council’s Approval

Allows City Council to approve requests regarding surveillance technology only if (1) the benefits of the technology outweigh the costs, (2) the proposal will safeguard civil liberties and rights, and (3) the surveillance technology will not be used in a discriminatory manner that causes a disparate impact on any community or group.

Makes clear that City Council’s approval of a proposal that identifies potential civil liberties or rights impacts is an acknowledgement that the risk exists and must be proactively avoided.

Subsection (i) – Annual Surveillance Report

Requires a municipal entity with approval to use surveillance technology to submit an Annual Surveillance Report for each specific surveillance technology used in the year after City Council’s approval to City Council and annually before March 15.

Lists required Annual Surveillance Report components, including a summary of how the technology was used, information about the sharing of data, where the technology was deployed geographically, information about the technology’s use to monitor Internet activity, complaints received, internal audits, an analysis of discriminatory impacts the use may have had on the public’s civil liberties and rights, and the total annual costs for the technology.

Subsection (j) – Engagement Meetings

Requires the municipal entity, within 30 days of submitting and publicly releasing its Annual Surveillance Report, to hold one or more community engagement meetings where the general public can discuss and ask questions about the Annual Surveillance Report and the use of the technologies.

Subsection (k) – Annual Surveillance Reports Approval

Requires City Council to review each Annual Surveillance Report within 3 months of its submission. After the date by which the review is required, City Council must take a vote at the next meeting where there is quorum to determine, based on an Annual Surveillance Report, whether surveillance technology has met the standard for approval. If it has not met the standard for approval, City Council must determine by a vote whether the use of the surveillance technology should be discontinued or if it will require modifications to the Surveillance Use Policy to resolve the issues. All determinations must be made by a majority vote of City Council.

The president or majority leader of City Council must direct the Hartford Corporation Counsel’s Office to send a letter, within 7 days, notifying the entity to that it may continue its use of the technology, it must stop using the technology, or it must make modifications to its Surveillance Use Policy.

Subsection (l) – City Council Annual Report

Requires City Council to release, not later than January 31 of each year, an annual public report that contains the number of requests submitted, the number of approvals and rejections, the number of requested modifications of Surveillance Impact Reports and Surveillance Use Policies, and all Annual Surveillance Reports submitted to the City Council.

Subsection (o) – Use of Surveillance Technology by Municipal Employees or Agents

Prohibits municipal employees or agents from using the technology in a manner that is inconsistent with the policies City Council approved and prohibits the use of the technology in a manner that is discriminatory, viewpoint-based, or violates the Hartford Charter, CT Constitution, or U.S. Constitution. An employee who violates the ordinance may be subject to disciplinary proceedings and punishment.

Subsection (p) – Whistleblower Protection

Prohibits a municipal entity from retaliating against an employee or applicant because they assist in disclosing information to a municipal agency about a violation of the ordinance.

Subsection (r) – Contracts/Agreements in Conflict with Ordinance

Prohibits Hartford or a municipal entity from entering into a contract or agreement that conflicts with the ordinance. Deems void and legally unenforceable any such contract or agreement, whether signed before or after the effective date of the ordinance.

Subsection (s) – Selling Data

Prohibits Hartford or a municipal entity from entering into a contract or agreement to receive money or other forms of consideration for providing surveillance data to non-governmental entities.

Subsection (t) – Severability

States that if any part of the ordinance is found to be invalid, the other parts of it will continue to be valid.

Subsection (u) – Effective Date

Requires ordinance to take effect upon adoption.

Sec. 2-49. – Use of drones by City employees.

Subsection (a) - Definitions

Provides definitions for the entire section. “Employee,” “employee of the Hartford Fire Department,” “law enforcement officer,” “municipal entity,” and “unmanned aerial vehicle” are defined. The word “contrivance,” as used in the definition of “unmanned aerial vehicle,” means device.

Subsection (b) – Individual Prohibitions, Municipal Citation for Violation

Prohibits an individual, unless otherwise provided by law, from operating or using any computer software or other technology, including a drone, to (1) release tear gas or a similar deleterious agent or (2) remotely control a deadly weapon, explosives, or an incendiary device. An exception is given for a person performing their duties as a law enforcement officer.

Allows the issuance of a municipal citation to a person who violates this subsection and requires that any person issued such a citation be subject to a fine of \$1,000. Allows a person issued such a citation to appeal the citation to a hearing officer within 10 days of receipt. Requires the Hartford chief of police to enforce this subsection.

Subsection (c) – City Employee Prohibitions

Prohibits a city employee from operating a drone to (1) release tear gas or a similar deleterious agent or (2) remotely control a deadly weapon, explosives, or an incendiary device.

An exception is given for a law enforcement officer who operates a drone equipped with explosive detection, detonation, or disposal equipment, if the officer is authorized by the federal or state government to detect, detonate, and dispose of explosives and the officer is engaged in that activity.

Subsection (d) – City Employee Drone Use Exceptions

Prohibits a city employee’s use of a drone unless:

(1) The city employee is a law enforcement officer, and

(A) A judge of the Superior Court or judge trial referee has issued a warrant authorizing the use; or

(B) The law enforcement officer has probable cause to believe that a criminal offense has been, is being or will be committed and exigent circumstances exist that make it unreasonable for the law enforcement officer to obtain a warrant authorizing the use of a drone. The Hartford Police Department must submit a credible risk report to the City Council within 30 days if a drone is used under the exigent circumstances exception.

(2) The city employee is a law enforcement officer or Hartford Fire Department employee, and

(A) The operation is pursuant to training activities conducted by the employee while on land owned or leased by the federal or state government and does not occur in an area that is substantially populated;

(B) The operation is used to reconstruct or document a specific crime or accident scene, motor vehicle accident, or hazardous materials accident;

(C) The operation is used to assist and manage pre-fire planning, high-rise fires, commercial and residential fires, and post-fire investigations; or

(D) The operation is used to assist in and manage severe weather emergencies, flood events, or search and rescue missions involving missing person investigations, AMBER Alerts, and Silver Alerts.

(3) The individual who will be the subject of the information collected by the operation of a drone has given advance written consent, if the person is on property that is not owned or operated by a governmental entity that is open for public use, including, but not limited to, parks, streets or sidewalks.

(4) The owner of the property that will be the subject of the information collected by the operation of the drone has given advance written consent to its use.

(5) The operation is used for a permitted public event that has requested public safety assistance and has over 10,000 registered participants. Event promoters and organizers must notify registered participants at least 1 day in advance that the city will use drones during the event.

(6) Prohibits the operation of drones at or near venues that house children under 18 unless there is a warrant for a specific individual. If there is such a warrant, the entity is required to take steps to protect the confidentiality of all others under 18.

Subsection (e) – Individual or Property as Subject of Information

Provides that an individual or privately owned property is considered to be the subject of information collected by the operation of a drone when (1) the information collected allows the identity of the person or property to be ascertained or (2) the city employee operating the drone acknowledges that the person or property was the subject.

Subsection (f) – Retention of Information Collected Pursuant to Warrant

Allows information collected through drone use that concerns a person or privately owned property that was the subject of a warrant [(d)(1)(A)] to be retained pursuant to the warrant.

Subsection (g) – Retention of Information Collected Pursuant to Written Consent

Allows information collected through drone use where the individual who is the subject or the owner of property that is the subject gave advance written consent [(d)(3) and (d)(4)] to be retained pursuant to the advance written consent.

Subsection (h) – Review, Retention, and Modification of Information

- (1) Requires information collected through drone use where the officer had probable cause to believe that a criminal offense had been, was being or would be committed and exigent circumstances made it unreasonable to obtain a warrant [(d)(1)(B)]; the operation was pursuant to training activities [(d)(2)(A)]; the operation was used to reconstruct or document a specific crime or accident scene, motor vehicle accident, or hazardous materials accident [(d)(2)(B)]; the operation was used to assist and manage pre-fire planning, high-rise fires, commercial and residential fires, and post-fire investigations [(d)(2)(C)]; the operation was used to assist in and manage severe weather emergencies, flood events, or search and rescue missions involving missing person investigations, AMBER Alerts, and Silver Alerts [(d)(2)(D)]; or the operation was used for a permitted public event that had requested public safety assistance and had over 10,000 registered participants [(d)(5)], that concerns an individual or privately owned property to be reviewed by the municipal entity within 30 days after its collection.
- (2) The information must be destroyed within 48 hours of the review or must be modified so that the identity cannot be ascertained if the identity of a person or privately owned property can be ascertained and there is no probable cause to believe an offense was committed by the person or on the property. If the information is modified, the information may be retained for no more than 5 years after collection and then must be destroyed.
- (3) The information may be retained for no more than 5 years after collection and then must be destroyed if the identity of a person or privately owned property can be ascertained and there is probable cause to believe an offense was committed by the person or on the property. If a warrant is issued based in part on such information, though, it may be retained pursuant to the warrant.
- (4) Prohibits municipal entities and city employees from analyzing information a drone collected by using facial recognition or appearance similarity video synopsis software.

Review, Retention, and Modification of Information

Drone Use Exception	Information Collected	Review	Retention	Modification
Warrant, Exception (d)(1)(A)	Concerns an individual or privately owned property that is subject of warrant, Subsection (f)	Not applicable, unless specified in warrant	Pursuant to warrant, Subsection (f)	Not applicable, unless specified in warrant
Advance written consent by individual or property owner, Exceptions (d)(3), (d)(4)	Concerns an individual or privately owned property, Subsection (g)	Not applicable, unless specified in advance written consent	Pursuant to advance written consent, Subsection (g)	Not applicable, unless specified in advance written consent
Exigent circumstances, Exception (d)(1)(B) Training activities, Exception (d)(2)(A) Reconstruction of scenes and accidents, Exception (d)(2)(B) Pre-fire planning, fires, and post-fire investigations, Exception (d)(2)(C) Severe weather emergencies and search and rescue missions, Exception (d)(2)(D) Public event, Exception (d)(5)	Concerns an individual or privately owned property, Subsection (h)	Not later than 30 days after collection, Subsection (h)	If identity of individual or privately owned property can be ascertained <i>AND</i> (1) No probable cause to believe offense was committed by individual or on property: (a) Destroy within 48 hours of review (within 32 days after collection) <i>OR</i> (b) Modify permanently so identity can't be ascertained (then can retain for 5 years from date of collection before destroying) (2) Probable cause to believe offense was committed by individual or on property: (a) Retain for 5 years from date of collection before destroying, Subsection (h)	

Subsection (i) – Municipal Entity Policies and Employee Training

Requires all Hartford municipal entities to develop and maintain a written policy that meets or exceeds the ordinance's policies within 90 days of the ordinance's adoption.

Requires all city employees who operate drones to complete a Federal Aviation Administration (FAA) approved training program, and requires a municipal entity to obtain all applicable authorizations, permits, and/or certifications required by the FAA before using drones.

Subsection (j) – Incident Report Form

Requires each municipal entity to create a drone incident report form within 90 days of the ordinance's adoption and lists required components of the form. A form must be completed within 7 days of each city employee's use of a drone.

Requires a municipal entity that completed any drone incident reports after the adoption of the ordinance to submit its reports to the City Council 180 days after the adoption of the ordinance. Requires a municipal entity to submit its reports quarterly to City Council after the first submission of reports.

Requires a municipal entity to provide, within 7 days, an incident report or reports to the City Council if a City Council member requests the report or reports.

Subsection (k) – Annual Surveillance Reports

Requires each municipal entity that uses a drone to include specific information about its drone use for the previous year in its Annual Surveillance Report, which is required earlier in the ordinance by (i) of Section 2-48.

Subsection (l) – Liability insurance

Requires the City of Hartford to acquire a liability insurance for the unmanned aerial vehicles.

Subsection (m) – Effective Date

Requires ordinance to take effect upon adoption.

Introduced by:

James Sánchez, Majority Leader

HEADING
AND
PURPOSE

AN ORDINANCE AMENDING CHAPTER 2 OF THE MUNICIPAL CODE OF HARTFORD

COURT OF COMMON COUNCIL,
CITY OF HARTFORD

November 13, 2018

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

That Chapter 2 of the Municipal Code of Hartford be amended, adding Article XXIII, Section 2-938, as follows:

ARTICLE XXIII. - DRONES

Sec: 2-938. – Drone Use by Police and Fire Departments.

Not later than ninety (90) days from the date of the enactment of this ordinance, the City of Hartford Police Department and the City of Hartford Fire Department shall each promulgate a written policy governing the use of drones in the respective operations of their respective departments. The aforementioned policies shall be promulgated solely in accordance with applicable State and Federal rules, laws, codes, regulations, rulings, requirements, policies and orders, and, with the exception of this ordinance, and to the extent allowed by law, to the exclusion of any and all municipal laws. The aforementioned City of Hartford departments shall use drones in their respective operations in strict compliance with the respective written policies promulgated hereunder and solely in accordance with applicable State and Federal rules, laws, codes, regulations, rulings, requirements, policies and orders, and, with the exception of this ordinance, and to the extent allowed by law, to the exclusion of any and all municipal laws. As used herein, the term "drone," or language of similar import, shall be construed to apply to any Unmanned Aircraft System as the same is defined by Federal law. As used herein, the term "operations" shall be construed to apply to the ordinary and/or necessary activities of the department in question, including, but not limited to, the recording and storage of images and/or sounds. Where this ordinance and any other City of Hartford ordinance deal with the same subject matter, this ordinance shall prevail, to the exclusion of the other ordinance, so far as they conflict.

This ordinance shall take effect upon enactment.

ITEM# 24 ON AGENDA
Court of Common Council

CITY OF HARTFORD
550 MAIN STREET
HARTFORD, CONNECTICUT 06103



Legislative Affairs Committee

John Q. Gale, Chair
James Sanchez
Maly D. Rosado
Larry Deutsch
Claudine Fox

Glendowyn L. H. Thames, Council President
James Sánchez, Majority Leader
John Q. Gale, Assistant Majority Leader
Wildaliz Bermúdez, Minority Leader

Thomas J. Clarke II, Councilman
Larry Deutsch, Councilman
Claudine Fox, Councilwoman
Maly D. Rosado, Councilwoman
Jo Winch, Councilwoman

John V. Bazzano, Town and City Clerk

REPORT

November 26, 2018

Honorable Glendowyn L. H. Thames, Council President
City of Hartford
550 Main Street, Room 208
Hartford, CT 06103

Dear Members of the Court of Common Council:

The Legislative Affairs Committee meeting of the Court of Common Council of the City of Hartford met on November 14, 2018 at 5:30 pm in Council Chambers. Present were John Q. Gale and Majority Leader Councilman James Sanchez.

The following action was taken:

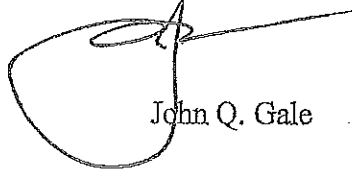
Motion by Councilman Gale and seconded by Councilman Sanchez to send the following Agenda item back to Council with a favorable recommendation:

- 7. RESOLUTION CONCERNING THE APPROVAL OF THE REGULATIONS GOVERNING THE USE OF UNMANNED AERIAL VEHICLES BY THE HARTFORD POLICE DEPARTMENT IN ACCORDANCE WITH THE PROCESSES RECOMMENDED BY THIS RESOLUTION. (ITEM #17 ON AGENDA of May 14, 2018)**

Vote 2-0 in favor of motion taken as follows:

Gale - yes
Sanchez - yes
Deutsch - absent
Fox - absent
Rosado - absent

Your chair,

A handwritten signature in black ink, appearing to be "John Q. Gale", written over a large, loopy scribble.

John Q. Gale

INTRODUCED BY:
Councilman James Sanchez

COURT OF COMMON COUNCIL
City of Hartford, April 23, 2018

WHEREAS, The City has recently accepted funds from the Connecticut Department of Economic and Community Development (DECD). These funds have been allocated to the Police Department's Capital City Crime Center (C4). A portion of these funds will allow the C4 to purchase two (2) unmanned aircraft systems (drones) that will be used to limit police pursuits, assist police in apprehending fleeing criminals, and provide both surveillance and traffic calming measures for large scale events such as, but not limited to, parades, marathons, and festivals; and

WHEREAS, Drones will help decrease City liability by reducing the need for police vehicles to be involved in police pursuits, Drones will also be capable of following ATVs and dirt bikes so that location information can be provided to officers in the area once the vehicle(s) have stopped and the operators can be detained safely; now, therefore, be it

RESOLVED, That not later than ninety days after the Court of Common Council of the City of Hartford's approval of this resolution, the Hartford Police Department shall adopt and maintain a written policy that shall be consistent with both Federal and State of Connecticut statutes, protections afforded under the United States Constitution and State of Connecticut Constitution, relevant case law, and National best practices. Such policy shall be designed to protect citizens' civil rights and their right to privacy. In the interest of transparency, this policy will be posted on the Police Department's web site for public viewing; and be it further

RESOLVED, That not later than ninety days after the Court of Common Council of the City of Hartford's adoption of this resolution, the Hartford Police Department shall promulgate an unmanned aerial vehicle incident report form, which shall include, but not be limited to: the flight time; the reason for the flight, the time; date, and location of the flight; the name of the supervisor approving the deployment as well as the staff assigned to the deployment; and a summary of the activities covered, actions taken, and outcomes from the deployment; and be it further

RESOLVED, That not later than January thirty-first of each year, the Hartford Police Department shall prepare an annual report summarizing the information contained in each unmanned aerial vehicle incident report form. This annual report shall be available not later than January thirty-first of each year; and be it further

RESOLVED, That the Court of Common Council approves the regulations governing the use of unmanned aerial vehicles by the Hartford Police Department in accordance with the processes recommended by this resolution.