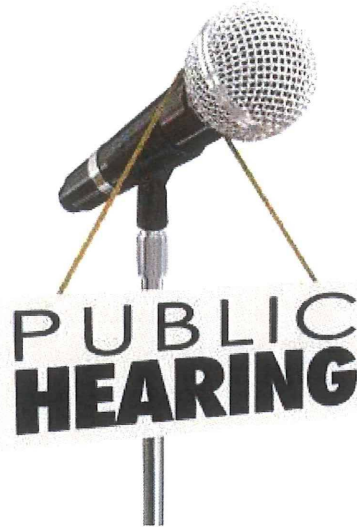


# **COURT OF COMMON COUNCIL**



## **NOTICE & AGENDA PACKAGE**

**MONDAY OCTOBER 21, 2019**

**7:00 p.m.**



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



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



PUBLIC HEARING NOTICE  
**MONDAY, OCTOBER 21, 2019**  
7:00 p.m.

COUNCILPERSONS BERMÚDEZ, CLARKE II, ROSADO, DEUTSCH AND GALE WILL REPRESENT THE COUNCIL AT A PUBLIC HEARING TO BE HELD IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING AT 7:00 P.M., MONDAY OCTOBER 21, 2019.

ORDINANCE AMENDING CHAPTER. IV, SECTION 17-102-17-110 SALE AND DISTRIBUTION OF TOBACCO/NICOTINE PRODUCTS OF THE HARTFORD MUNICIPAL CODE. (COUNCILMAN DEUTSCH)

Referred to the Health and Human Services Committee.

2<sup>ND</sup> SUBSTITUTE ORDINANCE AMENDING CHAPTER 2, CHAPTER 9, CHAPTER 24, CHAPTER 30, AND CHAPTER 18 OF THE MUNICIPAL CODE OF HARTFORD TO CREATE THE HOUSING CODE.

Referred to Planning, Economic Development and Housing Committee

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

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

- A regular **Health and Human Services Committee** meeting will be held on the first Monday of each month at 5:30 P.M. in the Council Chambers.

[JACKS004@hartford.gov](mailto:JACKS004@hartford.gov)

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

[John.Gale@hartford.gov](mailto:John.Gale@hartford.gov)

ATTEST:

JOHN V. BAZZANO  
CITY CLERK

Introduced  
by:

ITEM# 1 ON AGENDA

Larry Deutsch, MD, Councilperson

HEADING  
AND  
PURPOSE

ORDINANCE AMENDING CHAPTER. IV, SECTION 17-102-17-110. SALE AND DISTRIBUTION OF TOBACCO/NICOTINE AND OTHER PRODUCTS FOR INHALATION OF THE HARTFORD MUNICIPAL CODE.

Court of Common Council,  
City of Hartford

September 23, 2019

Purpose: To decrease the incidence of harmful or fatal health effects associated with e-cigarettes and vaping by banning the sale of products, equipment, and substances, with or without flavorings, within the City of Hartford., and demonstrate public health leadership towards reducing use of these toxic substances.

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

Ordinance amending Ch. IV, Section 17-102-17-110 of the Hartford Municipal Code:

This Ordinance prohibits the sale, re-sale, donation, distribution, re-distribution, offering of free samples, advertising, or other form of promotion in the City of Hartford of:

- a) electronic smoking devices for flavored or unflavored nicotine-containing products or other inhalation substances, with or without additives and flavors having toxic potential, and any others as determined by public health authorities at federal, state, or city levels; and
- b) any substances that may be vaporized or aerosolized by such device, whether or not the substance contains, nicotine, flavoring, or other substances; and
- c) any component, part, or accessory of a) or b), whether or not any of these contains tobacco, nicotine, or flavoring, including but not limited to filters, rolling papers, blunt or hemp wraps, hookahs, and pipes.

Those engaging in such selling or distribution activities shall be subject to substantial (quantity-related) fines (to be determined) and/or imprisonment.

Those of any age found using such substances in public places including schools shall receive verbal, written, and graphical instruction showing risks and possible consequences of such use, including lung damage, hospitalization, and death.

Effective immediately upon adoption."



**Definitions:**

“Electronic smoking device” means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic smoking device includes any component, part, or accessory of the device, and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

“Flavored tobacco product” means any tobacco product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to, or during the consumption of, a tobacco product, including, but not limited to, any taste or smell relating to fruit, menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, or any candy, dessert, alcoholic beverage, herb, or spice.

“Tobacco product” means:

- 1) any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus;
- 2) any electronic smoking device as defined in this [section, chapter, etc] and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or

“Tobacco product” does not mean drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

**Restriction language:**

It shall be unlawful for any retailer to sell or offer for sale or sample tobacco product.

A public statement or claim made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such tobacco product, that such tobacco product has or products a taste or smell other than tobacco shall constitute presumptive evidence that the tobacco product is a flavored tobacco product.

**Purpose**

Tobacco use is the foremost preventable cause of premature death in the United States, responsible for more than half a million deaths per year in the United States and costing the nation approximately \$300 billion in healthcare and lost worker productivity costs each year; and



- (1) About ninety-five percent (95%) of all adult smokers began smoking before age twenty-one (21), and adolescence is a critical period when smokers move from experimental smoking to addictive, daily use;
- (2) There is strong evidence that those who begin smoking at an early age are more likely to develop a severe addiction to nicotine than those who start at a later age;
- (3) Electronic nicotine delivery system use among adolescents has recently tripled, and use of these systems are associated with and clearly encourage the use of conventional tobacco products;
- (4) Raising the minimum legal sales age for all tobacco products to twenty-one (21) reduces access to these products by youth, as teens often acquire such products from social networks, including older friends: the vast majority of those providing nicotine and tobacco products for youth 17 and under are themselves between eighteen (18) and twenty (20) years old and are able to purchase legally.
- (5) Select findings from the 2017 Connecticut School Health Survey (known nationally as the Youth Tobacco Survey (YTS) reflect over one-third of Connecticut high school students (nearly 59,000) report having ever tried some form of tobacco, and current tobacco use is reported at 17.9%.
- (6) The YTS survey shows the vast majority of youth are using flavored tobacco products, e-cigarettes and vaping devices, and although cigarette smoking has decreased among Connecticut youth, the use of electronic cigarettes and vaping devices continues to increase at an alarming rate, with current use reported at 14.7%, and shows usage increasing with age. Studies have shown that this type of nicotine use by teens increases their risk of also using combustible tobacco.
- (7) When asked how they accessed these products, the majority of youth surveyed (59.3%) reported they obtained their e-cigarettes from a friend.
- (8) The Connecticut Department of Revenue Services lists 240 licensed tobacco retailers within Hartford city limits, a density that, based on the population of Hartford, is 1.5 times higher than the U.S. density rate. The list of retailers does not include all the retailers who may sell vape products exclusively and not tobacco, so this density is likely higher. Greater density and higher numbers of tobacco retailers have been associated with higher rates of smoking among youth.

The Institute of Medicine predicted in a 2015 report that raising the minimum legal sales age for tobacco products to 21 nationwide will have a substantial positive impact on public health and provide long-term declines in smoking rates by reducing tobacco initiation among adolescents aged 15 to 17 by twenty-five percent (25%) and overall prevalence of tobacco use by twelve percent (12%). This report also projects that 4.2 million young people alive today would be protected from premature death related to tobacco use as a result of raising the minimum legal sales age for tobacco products to 21.

## Definitions

For the purpose of this title, the following definitions shall apply:

*Tobacco product* means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. *Tobacco product* also means electronic smoking devices, including any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device, and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, e-cigarettes, e-cigars, e-pipes, vape pens, e-hookahs and liquids used in electronic smoking devices, whether or not they contain nicotine. Tobacco product does not include drugs, devices, or combination products authorized for sale as proven cessation products by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

*Sale or sell* means selling, giving, bartering, exchanging, delivering, or otherwise distributing tobacco products, unless the person is delivering or accepting delivery in such person's capacity as an employee. Sale or sell also includes offers to sell, barter, or exchange.

*Retailer* means any person or business that owns, operates, or manages any place at which tobacco products are sold. *Retailer* also includes any person or business that is required to purchase a dealer's license under CT Gen Stat § 12-287.

## Licensing

Each retailer engaging in the sale of tobacco products, at each location conducting sales in the city, shall secure a license from the Hartford Department of Health and Human Services before engaging or continuing to engage in such business. An application for a license shall contain the full name of the application, the applicant's business address and telephone number, the name of the business for which the license is sought, and any additional information the city deems necessary.

Such license shall be renewed annually and valid for a period beginning with the date of license to the first day of January next succeeding the date of the license unless sooner revoked as allowed by penalties in this article, or unless the retailer to whom it was issued discontinues business, in either of which cases the holder of the license shall immediately return it to the Hartford Department of Health and Human Services. A license shall not be transferred from one retailer to another or from one location to another.

A license shall be displayed at all times and shall be exhibited to any person upon request. In the event of mutilation or destruction of such license, a duplicate copy, marked as such, shall be issued by the Hartford Department of Health and Human Services upon application accompanied by a fee set by the Hartford Department of Health and Human Services.



No license shall be issued or renewed to an establishment unless the retailer signs a city form stating that the retailer has provided training to all employees on the sale of tobacco products and such training includes information that the sale of tobacco products to a person under 21 years of age is illegal, what proof of age is legally acceptable, and that a sale to a person under 21 years of age can subject the retailer to a monetary fine.

No license shall be issued to a person under 21 years of age.

### **License Fee**

The fee for a license to sell tobacco products shall be set by the Hartford Department of Health and Human Services and thereafter annually reviewed by the department and approved by the city council as a part of the budgetary process. If, for any reason, such fees for license are not approved by the city council annually, the fees for the preceding year shall continue in full force and effect until changed by city council.

The license fee should cover the administrative cost for the licensing program, retailer education and training, retail inspections and enforcement costs, including the conduct of unannounced compliance checks, but should not exceed the cost of the regulatory program authorized beyond this article.

Licensing fees are due at the time of application and are not refundable. A license cannot be renewed if the licensee has outstanding fines pursuant to this article.

### **Minimum Legal Sales Age**

No retailer or retailer's agent or employee shall give, sell, or otherwise distribute any tobacco product to any person under twenty-one (21) years of age.

The person selling any tobacco product must examine the identification card issued in accordance with the provisions of CT Gen Stat § 1-1h for anyone who appears to be under the age of 30 and verify proof of age demonstrating the recipient is at least twenty-one (21) years of age before selling any tobacco product.

- (1) That a person appeared to be over the age of twenty-one (21) shall not constitute a defense to a violation of this section. If a person fails to provide such proof of age, such retailer or retailer's agent or employee shall not sell any tobacco product to the person.

### **Signage**

"The Sale of Tobacco or Nicotine Products or Devices to Persons Under 21 is Prohibited" signs shall be legibly printed in letters at least one-half inch high and shall be posted clearly and conspicuously in every location where the products are available for purchase. Signage shall be in multiple languages as needed to be consistent with other facility postings.



Selling tobacco products in any place that does not have a sign posted in a conspicuous place to a person under twenty-one (21) years of age is prohibited by law and punishable consistent with this article.

### **Enforcement**

- (a) This article shall be enforced by the Hartford Department of Health and Human Services or its authorized designees.
- (b) The health department, fire department, license and inspection division of development services, or their respective designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this article.
- (c) An owner, manager, operator, or employee of an establishment regulated by this article shall inform persons violating this article of the appropriate provisions thereof.
- (d) Any citizen who desires to register a complaint under this article may initiate enforcement by the Hartford Department of Health and Human Services.
- (e) Hartford Department of Health and Human Services shall be responsible to conduct, or have conducted on its behalf, at least two under-age youth-based, unannounced compliance checks per retailer per year. Random re-inspections of all non-compliant retailers are required within three (3) months of any violation of this article.
- (f) The result of these compliance inspections shall be published on the Hartford Department of Health and Human Services website at least annually.

### **Violations and Penalties**

Any retailer who violates any of the provisions in this article shall be guilty of an infraction and subject to a civil penalty fine no less than \$250 for each infraction. Each violation, and every day in which a violation occurs, shall constitute a separate and distinct infraction. The decision that a violation has occurred shall be in writing mailed or emailed to the retailer by the Hartford Department of Health and Human Services, which notice should specify the article and section with which the retailer is in violation no later than thirty (30) days from the date of the violation.

A license issued under this article may be denied, suspended, or revoked by the Hartford Department of Health and Human Services through written notice should the retailer or retailer's agent, directly or indirectly:

- (1) Sell tobacco products to any person under the age of twenty-one (21).
  - a) The license of a licensee who has sold tobacco products to persons under age twenty-one (21) on two (2) separate occasions within a three-year period shall be suspended for a minimum of seven (7) days.

- b) The license of a licensee who has sold tobacco products to persons under age twenty-one (21) on three (3) separate occasions within a three-year period shall be suspended for a minimum of thirty (30) days.
  - c) The license of a licensee who has sold tobacco products to persons under age twenty-one (21) on four (4) separate occasions within a three-year period shall be revoked.
  - d) All tobacco products shall be removed from the premises upon suspension or revocation of a tobacco retail sales license. Failure to remove shall constitute a separate violation punishable by a fine to be set by the Hartford Department of Health and Human Services for each and every day of noncompliance.
- (2) Fail to post signage as required.
  - (3) Fail to pay fines issued in accordance with this Chapter.
  - (4) Have a license revoked within the preceding 12 months of the date of application.
  - (5) Fail to provide required information on the application or provide false or misleading information.
  - (6) Violate state or local tobacco product sales and use laws.
  - (7) Conduct business in violation of this article.

All fees and fines collected from licensing and infractions of this article are to be deposited into a "Tobacco Enforcement and Education Fund" administered by the Hartford Department of Health and Human Services, to be reinvested for enforcement, community education, and efforts to improve compliance with state and local tobacco product sales and use laws.

## **Appeals**

Retailers have the right to appeal civil penalties in accordance with this section. In the case of violation, the department shall provide the retailer with a written notice. The written notice shall be provided by certified mail, return receipt requested, or by hand delivery, or by email. If the notice is returned because of failure of delivery, the department shall either send the notice by certified mail to the address listed on the application, or conspicuously post the notice at an entrance of the retailer. In either case, the notice shall be deemed to have been received on the date it was mailed or posted.

The notice shall state that the retailer may obtain a hearing under this rule if a written request for a hearing is mailed or hand-delivered to the department's address specified in the notice, within ten (10) days after the affected retailer receives or is deemed to have received the notice.

Upon receiving a timely hearing request, the department shall schedule a hearing before a board or a hearing officer designated by the director. If the director provides a hearing officer, that officer shall not have participated in any manner in the decision to take the action against the retailer.

The department shall mail or hand-deliver notice of the date, time, and place of the hearing to the retailer no less than ten (10) days before the scheduled date. The department may additionally post the notice of hearing at the entrance of the retailer.



The retailer and the department each shall have one (1) opportunity to reschedule the hearing date upon specific request to the other party. Any other postponements of the hearing shall be by agreement of the department, the retailer, and the hearing officer, if one is designated.

At the hearing, the retailer shall have the opportunity to present its case orally or in writing. If the department has designated a hearing officer, a member of the department does not have to be present at the hearing.

If the hearing is before a hearing officer, he or she shall prepare a written recommendation as to the validity of the department's action, which shall rest solely on the evidence presented at the hearing and the statutory and regulatory provisions governing the department's action. The hearing officer shall describe the basis for his or her recommendation, but need not prepare a full opinion or formal findings of fact and conclusions of law. The hearing officer shall mail by certified mail, return receipt requested, or hand-deliver the recommendation to the department and to the retailer, within ten (10) business days following the date of the hearing. Either party may file objections to the recommendation provided that the objections are received by the department within five (5) days of receiving a copy of the recommendation.

After reviewing any timely objections, the director may take additional evidence or approve, modify, or disapprove the recommendation and shall enter an order in the record of department proceedings.

If the department does not receive a timely request for hearing, the director may enter immediately an order as proposed in the notice.

#### **Public Education.**

The Hartford Department of Health & Human Services shall engage in a continuing public health education program to explain and clarify the purposes and requirements of this article to citizens affected by it, and to guide retailers, owners, operators, and managers in their compliance. The program may include publication of a brochure for affected retailers explaining the provisions of article and signage mandated by this article.

#### **Rulemaking Authority**

The Hartford Department of Health & Human Services is hereby authorized to promulgate rules and regulations to carry out the purpose and intent of this article in order to protect the public health, safety and welfare.

#### **Liberal Construction**

This article shall be liberally construed so as to further its purposes.

#### **Severability**

The provisions of this section are hereby declared severable, and if any provision, clause, sentence, or paragraph of this section or the application thereof to any person or circumstances held



by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such a ruling shall not affect the other parts of this section that can be given effect.

#### **Effective Date**

This ordinance shall take effect upon adoption, and the Hartford Department of Health and Human Services or its authorized designees shall implement the licensing, enforcement, and public education requirements within thirty (30) days from the date of adoption.

Introduced  
by:

Luke A. Bronin, Mayor

HEADING  
AND  
PURPOSE

2<sup>ND</sup> SUBSTITUTE

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

October 15, 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 and one (1) landlord.

- 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 ~~18-1~~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 18-51G 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 18-51G 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 November 1, 2019.
- C. This chapter shall not be construed to suspend or revoke any valid license or valid certificate of apartment occupancy from the city, provided, however, that suspension or revocation may occur in accordance with section 18-30 of this code.
- D. Conflicts.
  - (1) In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety, health, or other ordinance or code of the city, the provisions which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
  - (2) In any case where a provision of this chapter is found to be in conflict with a provision of the State Building Code, State Fire Safety Code, or State statutes or regulations, the State provision shall prevail.
- E. Designated authority.
  - (1) Pursuant to G.S. §§ 47a-50 et seq., the city may adopt regulations

involving various aspects of housing, and pursuant to that statute and the general authority granted to the council, the authority executing and enforcing the statute, and this ordinance more generally, is given to the director of licenses and inspections.

- (2) Pursuant to G.S. §§ 47a-56 et seq., the city hereby adopts the provisions of such statute and appoints the director of licenses and inspections to carry out the provisions of said sections.
- (3) Pursuant to G.S. §§ 47a-57 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, 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. RENTAL LICENSING PROGRAM

#### Sec. 18-20. – Application required for rental license.

- A. An owner operating or seeking to operate housing containing three (3) or more housing units, or otherwise allowing such housing to be occupied, 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.
  - (4) 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.
  - (5) 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.
- B. Notwithstanding subsection A of this section 18-20, to effectuate the purposes of this chapter and to ensure the orderly processing of applications, no license



for a dwelling or dwelling unit shall be required:

- (1) Prior to July 1, 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 of this chapter for which citations have been finally issued (without further administrative appeals available) within a ninety (90)-day period submit an application for a license within the ninety (90) days after the notice of such demand is sent, even if such demand would accelerate the date on which an initial application would otherwise be required by this chapter.

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

- (1) Prior to July 1, 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 18-20, 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 18-20, 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. 18-21. – Application period.**

- A. The director of licenses and inspections shall accept applications for licenses for the following types of housing or housing units at any time:
- (1) New housing or new housing units.
  - (2) Housing or housing units that were vacant for a period of sixty (60) days or more preceding the date of the application.
  - (3) Housing or housing units that are subject to a valid license but are to be owned or operated by someone other than the owner or operator holding the license.



- 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. 18-22. – Application fees.**

- A. The fees for applications for licenses required by this chapter shall be as follows:
- (1) Dwelling unit license: three (3) to nine (9) dwelling units: sixty dollars (\$60), plus 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 failure to submit a complete application and failure to submit a license renewal application within the applicable application period set forth in section 18-21B of this chapter, will result in an additional fee of one thousand dollars (\$1,000) per application required, in addition to other penalties that apply for violating this chapter, which shall include penalties described in 18-104(A).
- B. Application fees include two (2) inspection visits. Additional inspections shall be charged to the applicant in accordance with article III of this chapter.
- C. License application fees shall be nonrefundable.

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

- A. An application for a license required by this chapter shall consist of an application form, attachments required by the application form, and supplemental materials required by the director of licenses and inspections.
- B. Such application shall be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information, does not contain significant inaccuracies or omissions, does not contain multiple minor inaccuracies or omissions, and is accompanied by the required fee amount (including the license application fee as well as the fee for any inspections conducted in accordance with article III of this chapter).
- C. The director of licenses and inspections shall identify the date on which a complete application was submitted. Such date 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 (if distinct from the owner and operator).

- 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 18-25 of this code.
- F. The director of licenses and inspections may, in his or her discretion, refer any application, attachment, or supplemental material to any city or state official, including but not limited to the 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 III 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 building containing any dwelling, group living dwelling, hotel, or rooming house.
- I. In all cases, the burden is on the applicant to show that an application complies with all applicable review or approval criteria.
- J. It shall be a violation of this chapter for an applicant to provide false or misleading information on any application submitted hereunder.

#### **Sec. 18-24. – Application form.**

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

- A. The contact information, consisting of full legal name, address, telephone number, email address (if any), and full legal name of the owner and registered agent, and the operator (if any).

  - (1)Name. In the case where the owner or operator is a partnership, the name of the managing partner must be provided, but if there is no managing partner, 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 at least one 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 or bona fide business address that is a physical address and not a post office box. In the case of a partnership, limited liability company, corporation, or other business entity, each registered agent must provide his or her residential or bona fide business address that is a physical address and not a post office box, 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 required to be named in section 18-24(A)(1) and the address of the registered agent and operator (if any), or an affidavit with the name of the owner or owners required to be named in section 18-24(A)(1) stating that the business address given is a bona fide business address that is a physical address and not a post office box.
- 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, 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 is being or will be rented to an individual the age of 6 years or younger.

- 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.

**Sec. 18-25. – 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.
- D. The director of licenses and inspections shall make best efforts to render a

decision on an application within thirty (30) days of the date on which the applicant has submitted a complete application. If the city fails to render a formal decision by such date, a temporary license shall be deemed to have been issued while the application review proceeds, provided, however, that if the owner or owners allow occupancy of the housing prior to such formal decision, the owner or owners shall hold the city harmless and may not recover from the city for damages or losses that may result if the formal decision is a denial.

**Sec. 18-26. – 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 18-24. 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 18-30 of this code, certain changes in information may result in revocation of a license.

**Sec. 18-27. – 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 18-26 of this code.
- 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.
- 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. Failure to obtain a license or the operation of housing without a license as required by this chapter shall be a violation of this chapter and may result in fines and penalties as prescribed herein, and each housing unit that is occupied without such a license shall be a separate violation.
- E. A valid and unexpired license shall be deemed to be a certificate of apartment occupancy for the purposes of satisfying the requirement established in G.S. § 47a-57.

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



- A. Licenses for dwellings, dwelling units, hotels, and hotel units shall automatically be transferred to a subsequent owner, subject to satisfaction of the requirements of section 18-26, upon transfer of the applicable property. A quit claim, warranty or other deed form shall be sufficient to accomplish that transfer even if the deed does not specifically mention the transfer.
- B. Licenses for group living, group living units, rooming houses, and rooming units are not transferable.

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

- A. A license shall start upon the effective date indicated in the notice of approval of the application, or if no effective date is indicated, on the date on the notice of approval.
- B. For group living facilities and group living units, 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 18-30 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 18-30 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 18-30 of this code.

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

- A. The director of licenses and inspections shall provide notice of a pending decision of the suspension or revocation of a license pursuant to section 18-100 of this chapter, except in emergency situations identified in section 18-102, in which case no such notice shall be required prior to a suspension or revocation being effective.
- B. A suspension of a license may result in an order by the director of licenses and inspections to cease some or 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.
- C. 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 18-110.

D. 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 significant and repeated instances of the following activities or occurrences:

- (1) Violation of any provision of this ordinance or other applicable law, rule, or regulation.
- (2) Failure to comply with any applicable life safety code after written notice and opportunity to cure in accordance with article IX of this chapter, such as the State Building Code or the State Fire Safety Code, or of the State laws and regulations regarding lead poisoning prevention and control.
- (3) Abandonment of the licensed activities, as indicated by licensed housing or housing units being vacated for a period of sixty (60) days or more, unless such vacancy is caused by reasons beyond the owner's control such as damage by flood, fire or storm and owner is diligently working to repair such damage.
- (4) Conducting, or knowingly allowing to be conducted, illegal activities on the premises 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.

E. 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 18-25A 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.

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

G. Suspension or revocation of a license may also result in the appointment of a receiver responsible for the collection of rents pursuant to G.S. § 47a-56a.

Sec. 18-31 to 18-39. – Reserved.

### ARTICLE III. INSPECTIONS

Sec. 18-40. – 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, assessing ongoing compliance with the license, assessing compliance with the provisions of this chapter, 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. 18-41. – Consent for inspections.**

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

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

- A. An inspection conducted pursuant to this chapter shall not have for its purpose the undue harassment of the owner, operator, or occupant. Landlords may make a written complaint about the manner or nature of inspection to the director of licenses and inspections or to the director of development services.
- 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 II of this chapter, the director of licenses and inspections may select for inspection twenty-five (25) percent of the total number of hotel units within a hotel, with a minimum of twenty (20) hotel units, or forty (40) percent of the total number of dwelling units within a dwelling, with a minimum of twenty (20) dwelling units, provided that the specific hotel units or dwelling units to be inspected shall be chosen randomly and in the sole discretion of the director of licenses and inspections. In no circumstance shall the preceding sentence be construed to prohibit the director of licenses and inspections from inspecting all housing units for which a license is sought nor shall it be construed to reduce the fees required under Section 18-22.

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

- A. Notwithstanding anything to the contrary in this chapter, this section may be applied to all properties (including buildings and their premises) in the city, not just to properties containing housing and housing units to which the rest of this chapter is otherwise limited in applicability.
- B. Pursuant to the lead statute, the city hereby designates the director of health as the 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 or 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 he or she 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. In order to carry out the inspections authorized in Section 18-43(C), the director of licenses and inspections or 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.