

[Sec. 9-51. - Anti-blight and property maintenance ordinance.](#)

Declaration of Policy.

This section is to be known as the Anti-Blight and Property Maintenance Ordinance and is enacted and authorized pursuant to Conn. General Statutes, Section 7-148(c)(7)(H)(xv), as amended from time to time.

It is hereby found and declared that a large number of real properties containing blighted lots and blighted buildings exist within the City of New Haven, and that the continued existence of such blighted lots and buildings contributes to the decline of neighborhoods.

It is further found that these blighted lots and buildings adversely affect the city's economic well-being, and are inimical to the health, safety and welfare of the city's residents.

It is further found that there are many instances where property maintenance of real properties in the City of New Haven is deficient or lacking leading to progressive deterioration of such properties and the creation of blighted conditions. Accordingly, it is in the best interests of the citizens of the City of New Haven that the city set minimum standards for property maintenance so as to assure that properties within the city be maintained in conformity with such standards and so as to assure that none of these structures and properties will deteriorate and adversely affect their surrounding neighborhoods.

It is found and declared that by reason of lack of maintenance and progressive deterioration, certain structures and properties have the further effect of creating blighted conditions and initiating slums, and that if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditures of large amounts of public funds to correct and eliminate the same. By reason of timely regulations and restrictions, as herein contained, the growth of slums and blight may be prevented and neighborhood and property values may thereby be maintained, the desirability and amenities of residential and nonresidential uses and neighborhoods enhanced, and the public health, safety and welfare protected and fostered.

(a)

Definitions. For the purpose of this section, the following words and terms shall have the following meanings:

(1)

Blighted shall mean deteriorating, in a state of ill repair, filthy or decaying.

(2)

Building official shall mean the building official as defined in Conn. General Statutes, Section 29-260, as amended from time to time.

(3)

Capable individual shall mean a person that can be reasonably expected to perform maintenance of a building and/or yard work around a property or premises. This shall include children above sixteen (16) years of age who is not a disabled individual as defined herein.

(4)

City shall mean the City of New Haven.

(5)

Dilapidated shall mean a building or structure or part thereof that would not receive a certificate of occupancy if it were applied for.

(6)

Director shall mean the Executive Director of the Livable City Initiative, or any successor agency to the Livable City Initiative.

(7)

Disabled individual shall mean, in the case of an owner-occupied residence, an individual who has a disability meeting the definitions for a mental or physical disability as defined under the Americans with Disabilities Act of 1990, and does not have other household members capable of providing the necessary maintenance, nor the financial resources sufficient to hire someone to provide the necessary maintenance.

(8)

Dwelling, dwelling unit or unit shall mean any space within a building that is or can be occupied or rented by or to a single person or entity for his/her/its sole use, and is intended to be a single and distinct space.

(9)

Elderly individual shall mean, in the case of an owner-occupied residence, an individual over the age of sixty-five (65), who does not have a household member capable of providing the necessary maintenance, nor the financial resources sufficient to hire someone to provide the necessary maintenance.

(10)

Enforcement officer(s) shall mean an employee or employees of the city designated by the mayor to enforce the provisions of this section.

(11)

Exempt property shall mean any city-owned property, and any building or structure undergoing remodeling, restoration, repair or renovation under a current building permit, provided that the violations will be corrected thereby and that the building official determines that the work is proceeding in a reasonably expeditious timeframe.

(12)

Hearing officer(s) shall mean the anti-blight and property maintenance hearing officer(s) designated by the mayor to hear and adjudicate appeals from citations for violation(s) of this ordinance.

(13)

Livable City Initiative shall mean the city's Livable City Initiative, or any successor agency to the Livable City Initiative, as established in this Code.

(14)

Low-income individual shall mean, in the case of an owner-occupied residence, an individual, or when more than one person resides on the premises, a family unit, that has an income below the highest level of income established by the State of Connecticut's Elderly Tax Relief Program. This level is the upper limit of step 5 as set forth in the Connecticut General Statutes, Section 12-170aa(c). It is immaterial that a person is not elderly with regards to this section because the reference to Section 12-170aa(c) is only for the purpose of providing a guideline with regard to income levels for this section.

(15)

Mayor shall mean the mayor of the City of New Haven.

(16)

Owner shall mean any owner, agent, tenant or person in control of real property situated in the city.

(17)

Real property or premises shall mean:

(i)

Any dwelling or dwelling unit including one-family, two-family and multiple-family dwellings, whether vacant or occupied;

(ii)

Any lot, plot or parcel of land, whether vacant or occupied;

(iii)

Any building of non-dwelling use, including commercial properties, whether vacant or occupied;

(iv)

Any mixed use, commercial and residential building, whether vacant or occupied;

(v)

Any accessory structure accessory to any building, whether vacant or occupied; and

(vi)

Any apartments, boardinghouses, group homes, lodging homes, rooming houses, tenement houses or dormitories, or other similar buildings, whether vacant or occupied.

(b)

Prohibition on creating or maintaining anti-blight violations and/or property maintenance violations. No person, firm or corporation, including any owner of real property within the city shall cause or allow any such real property or premises to exist or be created or maintained in a manner that constitutes an anti-blight violation and/or a property maintenance violation as defined in this section.

(c)

Anti-blight violations. The following conditions existing on any real property within the city shall constitute anti-blight violations under this section:

(1)

It is determined by the building official or by health department reports that existing conditions pose a serious or immediate danger to the community (i.e. a life-threatening condition, or a condition which poses a health or safety risk to the public).

(2)

It is becoming dilapidated as documented by the building division of the Livable City Initiative's housing code inspection reports.

(3)

It is attracting illegal activity as documented in police department reports.

(4)

It is a fire hazard as determined by the fire marshal, or as documented in fire department reports.

(5)

It constitutes a health or sanitary problem, as determined by the health director.

(6)

It contains unauthorized storage or accumulation of junk, trash, rubbish, litter or refuse of any kind; the parking of inoperable vehicles (unless the premises is a legally licensed junkyard) or the presence of any inoperable machinery and equipment.

(7)

It is a factor creating a substantial and unreasonable interference with the lawful use and enjoyment of other space within the building, or of other premises within the vicinity of the building, structure or lot, as documented by complaints or cancellation of insurance on nearby properties.

(d)

Property maintenance violations.

(1)

Property maintenance violations shall mean the violation of the following standards with respect to lots or parcels:

(i)

All premises shall be graded, drained, kept free of persistent standing water and maintained in a clean, safe and sanitary condition. Surface and subsurface water shall be appropriately drained to prevent the development of stagnant ponds.

(ii)

No shopping baskets, carts or wagons shall be left unattended or standing, and the baskets, carts or wagons shall be collected as often as necessary and removed to an appropriate enclosure intended for such purpose or to the interior of the building or buildings from which they were taken.

(iii)

All fences shall be maintained. Such maintenance shall include, but not be limited to, painting as needed, removal or covering of graffiti, and the replacement or repair of fences, which may become in disrepair.

(iv)

All landscaping shall be maintained so that lawns, hedges, bushes and trees shall be kept neatly and free from becoming overgrown and unsightly where exposed to public view and where the same may have a tendency to depreciate adjoining property. The maintenance shall include, but not be limited to, the replacement of trees and shrubs, which may die or otherwise be destroyed. Grass, weeds or similar growths shall not reach a height greater than one (1) foot on any premises. Front yards shall not be allowed to deteriorate into unattended bare, dirt patches;

(v)

The planting strip fronting the premises shall be maintained in a safe condition, neat, mowed as necessary, and free of litter, poison ivy, ragweed, and other noxious plant.

(vi)

Steps, walks, driveways, parking spaces and similar paved areas shall be maintained to afford safe passage under normal use and weather conditions. Any holes or other hazards that may exist shall be filled and necessary repairs and replacement accomplished. All off-street parking facilities shall be swept as often as necessary in the determination of the enforcement officer.

(vii)

Yards, courts and vacant lots shall be kept clean and free of physical hazards, rodent harborage and infestation, and shall be maintained in a manner that will prevent accumulations of trash, garbage, litter, debris and rubbish. The owner of the property shall maintain the premises litter-free, and shall remove discarded or inoperative appliances, furnishings or machinery.

(viii)

All signs exposed to the public view shall be maintained in good repair. Excessively weathered or faded signs shall be removed or put into good repair. A non-operative or broken electrical or other sign shall be repaired or removed.

(ix)

Trash receptacles shall be emptied on a regular basis.

(x)

All places of business that serve food or drink to patrons (e.g., restaurants, cafes, bars, etc.) shall maintain receptacle(s) for the disposal of cigarettes on their premises and shall empty the receptacle(s) on a regular basis.

Property maintenance violations shall also mean the violation of the following standards with respect to buildings and structures:

(i)

The exterior of buildings and structures shall be maintained so that it is not dilapidated or decaying, not open to the elements, and so that its appearance shall not have a tendency to depreciate adjoining property. The following factors may be considered in determining whether a building or structure is being maintained: missing or boarded windows or doors; collapsing or missing walls, roof or floor; exterior walls which contain holes, breaks, loose or rotting materials or the presence of graffiti, or exterior walls which are not properly surface-coated to prevent deterioration; siding that is seriously damaged or missing; foundation walls which contain open cracks or leaks or are structurally faulty; overhang extensions, including but not limited to canopies, signs, awnings, stairways, fire escapes, standpipes and exhaust ducts which contain rust or other decay; chimneys and other appurtenances which are in a state of disrepair; and insect screens which contain tears or ragged edges.

(ii)

The foundation walls of every building shall be maintained in good repair, free of graffiti and in structurally sound condition.

(iii)

Foundations, floors, and walls shall be in good painted or finished condition without peeling.

(iv)

Exterior walls (including doors and windows), roofs, and the areas around doors, windows, chimneys and other parts of a building shall be maintained as to keep water

from entering the building and to prevent undue heat loss from occupied areas. Materials which have been damaged or show evidence of dry rot or other deterioration shall be repaired or replaced and refinished in a workmanlike manner. Exterior walls, roofs and other parts of the building shall be free from, loose and unsecured objects and material. Such objects and materials shall be removed, repaired or replaced.

(v)

Buildings and structures shall be maintained free of insect, vermin, pigeon and rodent harborage and infestation.

(vi)

Buildings and structures shall be maintained in a clean and sanitary condition free from health, safety and fire hazards.

(vii)

All storefronts, both occupied and non-occupied, and their walls exposed to public view shall be kept in a good state of repair and free of graffiti.

Property maintenance violations shall also include any conditions which unreasonably hinder the use of adjacent properties, block or interfere with the use of the public sidewalk and/or public or private street or right of way, or obstruct the sighting of any road sign, obstruct utility lines or other cables to or around the premises, or extend or infringe beyond the boundaries of the premises.

Property maintenance violations shall also include situations in which the overall condition of the premises causes an unreasonable impact on the enjoyment of or value of neighboring properties as expressed by persistent complaints from adjoining and nearby property owners.

Property maintenance violations shall not include the violation of any of the above standards when they exist on exempt property.

(e)

Penalty for violation. Violation of this section shall result in a fine up to one hundred dollars (\$100.00) or the maximum amount authorized by state statutes or this Code for each day that said violation continues.

(f)

Enforcement. The director and/or other official designated by the mayor shall be charged with supervising the enforcement of this ordinance. The mayor shall also designate an enforcement officer or officers to carry out the enforcement of this section. It shall be the

duty of the enforcement officer(s) to enforce the provisions of this section and any rules or regulations promulgated under this section. The enforcement officer shall undertake inspections of complaints for the purpose of documenting violations of this section. The enforcement officer may order any owner who violates this ordinance to abate such violation, and shall be hereby authorized and empowered to issue citations for violations of this section. The enforcement officer shall also be authorized and empowered to effectuate the removal or abatement of the anti-blight violation and/or property maintenance violation under the procedures set forth in this section.

(g)

Inspections and investigations: reports. The enforcement officer shall initiate inspections and investigations and shall receive information and complaints, concerning violations of the provisions of this section. The enforcement officer shall provide the director with monthly written status reports indicating the number of complaints, violations identified, active and closed cases and other information as requested.

(h)

Special consideration. Special consideration shall be given to any individual who is an elderly individual or a disabled individual, if such individual is elderly or disabled and no capable individual resides in the residence. In such cases, the enforcement officer may give such elderly individual or disabled individual additional time, not to exceed sixty (60) days, to correct the violation, and at the expiration of any additional time granted by the enforcement officer, the director may grant such elderly individual or disabled individual additional time, not to exceed sixty (60) days, to correct the violation.

Where the owner of a premises where an anti-blight violation and/or property maintenance violation is found to be a low income individual under this section, the enforcement officer may give special consideration to such individual by providing additional time, not to exceed sixty (60) days, to correct the violation, and at the expiration of any additional time granted by the enforcement officer, the director may grant such low income individual additional time, not to exceed sixty (60) days, to correct the violation.

However, in the case of an owner who is an elderly individual, a disabled individual or a low-income individual, if the violations have to do with lawn, brush, weeds and shrub maintenance or keeping the grounds free from rubbish and debris, or if the violations constitute a danger to the public health, safety or welfare, neither the enforcement officer nor the director shall grant additional time to correct the violation.

(i)

Notice of violation. The city shall serve a written notice to an owner of a premises of the violation(s) of this section by personal in-hand service or delivery, or by mailing such notice to the owner's last known address by certified mail, return receipt requested. Such

notice shall direct the removal, correction or abatement of the violation within ten (10) calendar days after receipt of the written notice and shall notify the owner that failure to remove, correct or abate the violation shall result in the issuance of a citation in accordance with this ordinance. Such notice shall further inform the owner that failure to remove, correct or abate the violation will result in fines being imposed which can be enforceable subsequently as a lien on the owner's property, and may be also converted into court judgments, or the city may cause the removal or abatement of the violation at the expense of the owner.

(j)

Citation/Penalties. If the owner fails to remove, correct or abate the violation within ten (10) calendar days after receiving a notice of violation, as provided in subsection (i) above, the city shall serve a written civil citation on the owner of the premises. However, if the owner, within that ten (10) day period, demonstrates to the enforcement officer that he/she intends in good faith to rehabilitate or demolish the premises, or that the violation has occurred as a result of a casualty loss for which insurance is available, but the owner needs additional time to remove, correct or abate the violation, then the enforcement officer, in his/her discretion, may issue a written stay of the enforcement of the citation and the enforcement of any fines imposed against the owner. Said stay shall be expressly conditioned upon the rehabilitation or demolition of the premises within a specified period of time not to exceed thirty (30) days, unless the owner requests in writing to the director within the time specified by the enforcement officer that the stay should be extended for an additional period of time, in which case, the director may extend such stay in writing for an additional time not to exceed sixty (60) days. If the conditions of the stay have not been met within the specified time period, or the time period as it may be extended, as provided above, the stay will be terminated and all fines assessed against the owner shall be enforced against the owner in accordance with this section.

The citation shall be served upon the owner by personal in-hand service or delivery, or by mailing such citation to the owner's last known address by certified mail, return receipt requested. The civil citation shall provide the owner with the following information:

(1)

The allegations made against him/her and the amount of the proposed fines per day of continued violation of the ordinance;

(2)

That he/she may contest his/her liability before the city's duly appointed hearing officer by delivering written notice in person or by mail to said Hearing Officer c/o the Director, Livable City Initiative, City Hall, 165 Church Street, 3rd floor, New Haven, CT 06511 within ten (10) calendar days from the date of receipt of the citation(s);

(3)

That if he/she does not demand such a hearing within such ten (10) calendar days in accordance with this ordinance, he/she shall be deemed to have admitted liability, and the hearing officer may assess a fine without further notice;

(4)

That the city may file a lien against said real property in accordance with Conn. General Statutes, Section 7-148aa as amended from time to time, for the amount of any unpaid fine for an anti-blight violation and/or property maintenance violation imposed by the city in accordance with this section;

(5)

That said lien may be enforced in the same manner as a property tax lien. Pursuant to Conn. General Statutes Section 7-148aa, as amended from time to time, any unpaid fine imposed pursuant to this citation hearing procedure shall constitute a lien upon the Real Property against which the fine was imposed from the date of the fine. The lien shall be continued, recorded, released and enforced as provided for by said statute. Such liens shall take precedence over all other liens and other encumbrances, except taxes, filed after July 1, 1997;

(6)

That fines imposed may be converted to a court judgment for money damages with additional court cost imposed; and

(7)

That in the case of violations which pose a danger to the public health, welfare and safety, the city may cause the conditions to be corrected, removed or abated at the expense of the owner, and that the amount of such costs for correction, removal or abatement may also become a lien against the owner's real property.

(k)

Hearing officer. The mayor shall appoint one or more hearing officer(s), who shall not be a city employee, to conduct the hearings authorized by this section. Such hearing officer shall serve without pay. The mayor may remove any such hearing officer at any time for whatever reason he/she deems sufficient.

(l)

Appeal; hearing procedure for citations. If an owner who is sent notice pursuant to Section (i) above wishes to admit liability for any alleged violation, he/she may, without requesting a hearing, pay the full amount of the fine(s) admitted to, in person or by mail to the city by delivering it to the director. Such payment shall be inadmissible in any

proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any owner who does not deliver or mail written demand for a hearing within ten (10) days of the date of receipt of the notice of violation provided for in subsection (i) above, shall be deemed to have admitted liability, and the designated hearing officer shall certify such Owner's failure to respond to the enforcement officer. said enforcement officer shall thereupon enter and assess the fine(s) so provided for, and shall follow the procedures set forth in this ordinance for placing a lien on the real property, or obtaining a court judgment.

Any owner who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of the notice, unless the owner requesting the hearing agrees to an earlier date. The hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. The city shall present at the hearing the original notice of violation, a certified copy of such notice, the violator's copy or a certified copy of the violator's copy issued by an enforcement officer, and such original or certified copy shall be deemed to be a business record within the scope of Connecticut General Statutes, Section 52-180 and evidence of the facts contained therein. The Enforcement Officer may, but is not required, to appear at the hearing, but shall be required to appear if the owner specifically requests the enforcement officer's presence. An owner who wishes to contest his/her liability shall appear at the hearing, and may present evidence on his/her behalf, or the owner may request that the hearing be conducted by mail, and may submit documents and copies of reports for the hearing officer's review. The hearing officer may grant a request for a hearing by mail, or may determine at any time (including after a hearing by mail has been granted and undertaken) that a hearing in person is necessary to fairly adjudicate the matter, and that the owner must appear in person at a hearing. If the enforcement officer is not able to attend the hearing, and his/her presence has not been specifically requested by the owner, a designated city official, other than the hearing officer and other than the enforcement officer, may present evidence on behalf of the city.

If the owner fails to appear, or fails to request a hearing by mail within the timeframe set forth herein, the hearing officer may enter a default upon finding of proper notice and liability under applicable law. The hearing officer shall conduct the hearing in the order and form, and with such methods of proof as he/she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce his/her decision at the end of the hearing. If the owner demonstrates that he/she intends to rehabilitate or demolish the premises, by the submission of documentation such as construction plans, permits and the availability of sufficient funds to pay for such work satisfactory to the hearing officer, then the hearing officer shall stay the matter and enter his/her determination in writing accordingly. Said stay shall be expressly conditioned upon the rehabilitation or demolition of the premises within a specified period of time not to exceed ninety (90) days, unless the director requests in writing to the hearing officer within the time specified by the hearing officer that the stay should be extended for an additional period of time, in which case, the hearing officer shall extend such stay for the

additional time requested by the director. If the conditions of the stay have not been met within the specified time period, or the time period as it may be extended, as provided above, the hearing officer shall enter and assess the fines against the owner as provided in this ordinance retroactive to the date of the hearing. If he/she determines that the person is not liable, the hearing officer shall dismiss the matter, and enter his/her determination in writing accordingly. If he/she determines that the person is liable for the violation(s), the hearing officer shall forthwith enter and assess the fines against such owner, and levy such fines as provided for herein. The hearing officer shall forward a notice of assessment to the enforcement officer for further action.

If such assessment is not paid on the date of its entry, the enforcement officer shall send by first class mail a Notice of Assessment to the Owner found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the Notice of Assessment with the Clerk of the Superior Court, Housing Session, 121 Elm Street, New Haven, CT 06510, together with the appropriate entry fee. The certified copy of the Notice of Assessment shall constitute a record of assessment. Within such twelve (12) month period, assessments against the same person may be accrued and filed as one record of assessment. The clerk shall enter judgment, in the amount of such record of assessment with appropriate court costs against such owner in favor of the city. Notwithstanding any other provision of the General Statutes, the notice of Assessment, when entered as a court judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such owner.

An owner against whom an assessment has been entered pursuant to this ordinance is entitled to judicial review by way of appeal. An appeal must be instituted within thirty (30) days of the mailing of the notice of such assessment by filing a petition to reopen the assessment, together with an entry fee with the Clerk of the Superior Court, Housing Session 121 Elm Street, New Haven, CT 06510, which shall entitle such person to a court hearing.

(m)

Waiver of fines. The director shall waive and release fines and liens if the city acquires the premises. If the premises is purchased by a private third-party buyer, the director may also waive and release part or all of the fines and liens at the time of the sale of the premises, if in the director's opinion, the buyer has the financial ability and intention to immediately rehabilitate the premises, or the director may defer the enforcement of the fines until all rehabilitation work is completed to the satisfaction of the director.

(n)

Fines collected. All funds collected by the city as fines through the civil citation process shall be deposited into an account to be administered by the director to be used for associated costs in enforcing and administering this ordinance (e.g., court fees, service of notices and citations, copying, postage, etc.). The account shall be a continuing or revolving account.

(o)

Abatement by city when public health danger

(1)

Notice to abate public health danger. In addition to the any other actions prescribed and specified in this section, the enforcement officer or other official designated by the mayor is hereby authorized and empowered to issue a written notice of public health violationn to the owner of a premises within the city to correct, remove or abate violations which are dangerous to the public health, safety or welfare. Such notice shall be served by in-hand service or delivery, or shall be mailed by registered mail to the owner at his/her last known address.

(2)

Actions upon noncompliance. Upon the failure, neglect or refusal of any owner so notified to correct, remove or abate suc violations which are dangerous to the public health, safety or welfare within ten (10) calendar days after receipt of the written notice provided for in subsection (1) above, or within ten (10) days after the date of such notice in the event the same is returned to the city because of the inability to make delivery thereof, provided the same was properly addressed to the last known address of the owner, the city may cause such abatement by city staff or an independent contractor engaged by the city of such violation(s) at the expense of the owner of the premises where such violation(s) exist.

(3)

Conference granted to owner. Any owner notified under subsection (1) above shall be granted a conference with the director or his/her designee upon the written request of the owner within such ten (10) calendar day period. Such conference shall be granted as soon as practicable, but the conference shall in no way stay the required abatement of such violations and any accumulation of fines imposed.

(4)

Recorded statement constitutes lien. Upon completion of the abatement of such violation(s) by city staff or by an independent contractor engaged by the city to abate the violation(s), the director or his/her designee shall determine the actual cost of the abatement and shall bill the owner therefor. Upon the failure of the owner to pay the city the amount of such charge within thirty (30) days from the date of such bill, the director or his/her designee shall cause to be recorded in the land records of the city a sworn statement detailing the cost and expense incurred for the abatement work, the date the work was done and the location of the property upon which the work was done. The recordation of the sworn statement shall constitute a lien on the property.

(p)

Rules and regulations. The director may promulgate rules and regulations providing for the reasonable interpretation of the terms of this section, and for the day-to-day conduct of the investigation and enforcement under this section, so long as such rules and regulations do not exceed the scope of this section.

(q)

Consistency with other enforcement methods. This section is intended to be enforced and applied in a manner consistent with other available administrative remedies for the enforcement of anti-blight violations and/or property maintenance violations, but is not intended to be exclusive of such other remedies, penalties or enforcement actions which may be available to the city.

(Code of 1985, § 9-30; Ord. of 10-21-91, § 1; Ord. of 5-20-96, § 3; Ord. of 4-17-97; Ord. of 6-7-99; Ord. No. 1266, 8-7-00; Ord. No. 1401, 1-3-06; Ord. No. 1599, 9-21-09)