



General Assembly

January Session, 2001

Amendment

LCO No. 7853

Offered by:

REP. HORTON, 2nd Dist.

To: Senate Bill No. 774

File No. 237

Cal. No. 575

"AN ACT CONCERNING MUNICIPAL BLIGHT ORDINANCES."

1 In line 1, insert "Section 1."

2 After line 12, insert the following:

3 "Sec. 2. Section 47a-56a of the general statutes is repealed and the
4 following is substituted in lieu thereof:

5 Whenever any order issued under the provisions of section 47a-53,
6 or section 47a-55, or under the provisions of any municipal charter or
7 special act or ordinance relating to the abatement of nuisances in
8 tenement houses is not complied with, or not so far complied with as
9 the appropriate authority finds reasonable, within the time allowed, or
10 whenever a landlord has not substantially complied with the
11 provisions of section 47a-7, the authority appointed under the
12 provisions of section 47a-56, [shall] may apply to the superior court for
13 the judicial district where the property is situated for an order
14 requiring the owner and any mortgagees or lienors of record to show
15 cause why a receiver of rents, issues and profits should not be

16 appointed and why said receiver should not remove or remedy such
17 condition and obtain a lien in favor of the municipality, having priority
18 with respect to all existing mortgages or liens, to secure payment of the
19 costs incurred by the receiver in removing or remedying such
20 condition. Such application shall contain (1) proof by affidavit that an
21 order of the proper authority has been issued and served on the
22 owner, mortgagees and lienors; (2) a statement that a nuisance exists
23 because a landlord has been in substantial noncompliance with the
24 provisions of section 47a-7 or a nuisance exists that constitutes a fire
25 hazard or a serious threat to life, health or safety and that such
26 nuisance continued to exist in such property after the time fixed for the
27 removal thereof in such order, and such statement shall contain a
28 description of the property and the conditions constituting such
29 nuisance; (3) a brief description of the nature of the work required to
30 remove or remedy the condition and an estimate as to the cost thereof.

31 Sec. 3. Section 47a-56d of the general statutes is repealed and the
32 following is substituted in lieu thereof:

33 (a) The receiver's appointment shall not be effective until [he] the
34 receiver furnishes a bond, with sufficient surety, in an amount to be
35 determined by the court, and until [he] the receiver provides evidence
36 [that he has obtained] of liability insurance coverage in an amount to
37 be set by the court, but at least in an amount, for a single injury, equal
38 to one hundred per cent of the appraised value of the property,
39 disregarding encumbrances.

40 (b) The receiver shall with all reasonable speed remove the
41 delinquent matters and deficiencies in the property constituting a
42 serious fire hazard or a serious threat to life, health or safety. During
43 the term of the receivership the receiver shall repair and maintain the
44 property in a safe and healthful condition. The receiver shall have the
45 power to let contracts [therefor] in accordance with the provisions of
46 local laws, ordinances, rules and regulations applicable to contracts for
47 public works. Notwithstanding any such laws, ordinances, rules or
48 regulations, the receiver may let contracts or incur expenses for

49 individual items of repairs, improvements or supplies without
50 advertisement or the procurement of competitive bids where the total
51 amount of any such individual item does not exceed five hundred
52 dollars or where there exists a condition which constitutes an
53 imminent and substantial danger to life, health or safety, but in such
54 event the receiver shall endeavor to obtain contracts on the most
55 advantageous terms.

56 (c) The receiver shall collect the accrued and accruing rents, issues
57 and profits of the property and apply the same to the cost of removing
58 or remedying such nuisance, to the payment of expenses reasonably
59 necessary to the proper operation and management of the property,
60 including insurance and the fees of the managing agent, if any, and to
61 unpaid taxes, assessments, water rents and sewer rents and penalties
62 and interest thereon.

63 (d) If the income of the property is insufficient to cover the cost of
64 remedying or removing such nuisance, the municipality [shall] may
65 advance to the receiver any sums required to cover such cost and
66 thereupon shall have a lien against the property having the priority
67 provided in section 47a-56a.

68 (e) Any excess of income of the property in the hands of the receiver
69 shall be applied to the necessary expenses in regard to such property
70 of [his office as receiver] the receiver's office and then to sums due to
71 mortgagees or lienors.

72 (f) The receiver shall have the power to bring a summary process
73 action pursuant to the provisions of chapter 832 against any tenant or
74 occupant of the property."