



General Assembly

Amendment

February Session, 2006

LCO No. 5442

SB0038905442HDO

Offered by:

REP. WALLACE, 109th Dist.

REP. LEONE, 148th Dist.

REP. DOYLE, 28th Dist.

REP. SHAPIRO, 144th Dist.

REP. STONE, 9th Dist.

REP. SHERER, 147th Dist.

REP. MICHELE, 77th Dist.

REP. FLOREN, 149th Dist.

REP. FOX, 146th Dist.

To: Subst. Senate Bill No. 389

File No. 199

Cal. No. 477

(As Amended by Senate Amendment Schedules "A" and "B")

"AN ACT AUTHORIZING MUNICIPALITIES TO ESTABLISH A SPECIAL ASSESSMENT ON BLIGHTED HOUSING."

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- 1 Strike sections 501 to 507, inclusive, of senate amendment schedule
2 "B" and insert the following in lieu thereof:
- 3 "Sec. 501. Section 47a-53 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2006*):
- 5 (a) Whenever any tenement, lodging or boarding house or any
6 building, structure, excavation, business pursuit, matter or thing in or
7 about such house or the lot on which it is situated, or the plumbing,
8 sewerage, drainage, lighting, paint or ventilation of such house, is, in
9 the opinion of the board of health or other enforcing agency, in a
10 condition which is or in its effect is dangerous or detrimental to life or

11 health, or whenever any tenement, lodging or boarding house in the
12 opinion of the board or enforcing agency, is in violation of the
13 provisions of section 19a-109, the board or other enforcing agency may
14 declare that the same, to the extent specified by the board or other
15 enforcing agency, is a public nuisance. The board or enforcing agency
16 may order such public nuisance to be removed, abated, suspended,
17 altered or otherwise remedied, improved or purified. The board of
18 health or other enforcing agency may also order or cause any tenement
19 house or part thereof, or any excavation, building, structure, sewer,
20 plumbing pipe, paint, passage, premises, ground, matter or thing in or
21 about a tenement, lodging or boarding house or the lot on which such
22 house is situated, to be purified, cleansed, disinfected, removed,
23 altered, repaired or improved.

24 (b) If any order of the board of health or other enforcing agency is
25 not complied with, or not so far complied with as the board or other
26 enforcing agency regards as reasonable, within five days after the
27 service thereof, or within such shorter time as the board or other
28 enforcing agency designates, such order may be executed by the board
29 or other enforcing agency, through its officers, agents, employees or
30 contractors. The expense of executing such order, including an amount
31 not to exceed five per cent of the expense thereof as a service charge
32 and ten per cent of the expense thereof as a penalty shall be collected
33 from the owner by an action in the name of the city, borough or town.

34 (c) (1) Any expense of executing an order, including any service
35 charge and penalty imposed by the board of health or other enforcing
36 agency pursuant to the provisions of subsection (b) of this section, and
37 remaining unpaid for a period of sixty days after its due date shall
38 constitute a lien upon the real estate against which the expense was
39 imposed, provided a notice of violation is recorded in the land records
40 and indexed in the name of the property owner not later than thirty
41 days after the expense was imposed.

42 (2) Each such notice of violation shall be effective from the time of
43 the recording on the land records. Each lien shall take precedence over

44 transfers and encumbrances recorded after such time.

45 (3) Any municipal lien pursuant to the provisions of this section
46 may be foreclosed in the same manner as a mortgage.

47 (4) Any municipal lien pursuant to this section may be discharged
48 or dissolved in the manner provided in sections 49-35a to 49-37,
49 inclusive.

50 (d) Any board of health or other enforcing agency imposing an
51 expense, including a service charge and penalty, pursuant to
52 subsection (b) of this section shall maintain a current record of all
53 properties with respect to which such expenses remain unpaid in the
54 office of such board or agency. Such record shall be available for
55 inspection by the public.

56 Sec. 502. Section 47a-58 of the general statutes is repealed and the
57 following is substituted in lieu thereof (*Effective October 1, 2006*):

58 (a) Any enforcing agency may issue a notice of violation to any
59 person who violates any provision of this chapter or a provision of a
60 local housing code. Such notice shall specify each violation and specify
61 the last day by which such violation shall be corrected. The date
62 specified shall not be less than three weeks from the date of mailing of
63 such notice, provided that in the case of a condition, which in the
64 judgment of the enforcing agency is or in its effect is dangerous or
65 detrimental to life or health, the date specified shall not be more than
66 five days from the date of mailing of such notice. The enforcing agency
67 may postpone the last day by which a violation shall be corrected upon
68 a showing by the owner or other responsible person that he has begun
69 to correct the violation but that full correction of the violation cannot
70 be completed within the time provided because of technical
71 difficulties, inability to obtain necessary materials or labor or inability
72 to gain access to the dwelling unit wherein the violation exists.

73 (b) When the owner or other responsible person has corrected such
74 violation, [he] the owner or other responsible person shall promptly,

75 but not later than two weeks after such correction, report to the
76 enforcing agency in writing, indicating the date when each violation
77 was corrected. It shall be presumed that the violation was corrected on
78 the date so indicated, unless a subsequent inspection by the enforcing
79 agency again reveals the existence of the condition giving rise to the
80 earlier notice of violation.

81 (c) Any person who fails to correct any violation prior to the date set
82 forth in the notice of violation shall be subject to a cumulative civil
83 penalty of five dollars per day for each violation from the date set for
84 correction in the notice of violation to the date such violation is
85 corrected, except that in any case the penalty shall not exceed [five]
86 one hundred dollars per day nor shall the total penalty exceed
87 [seventy-five] seven thousand five hundred dollars. The penalty may
88 be collected by the enforcing agency by action against the owner or
89 other responsible person or by an action against the real property. An
90 action against the owner may be joined with an action against the real
91 property.

92 (d) In addition to the penalties specified in this section, the
93 enforcing agency may enforce the provisions of this chapter or a local
94 housing code by injunctive relief pursuant to chapter 916.

95 (e) (1) Any penalty imposed by an enforcing agency pursuant to the
96 provisions of subsection (c) of this section, and remaining unpaid for a
97 period of sixty days after its due date shall constitute a lien upon the
98 real property against which the penalty was imposed, provided a
99 notice of violation is recorded in the land records and indexed in the
100 name of the property owner no later than thirty days after the penalty
101 was imposed.

102 (2) Each such notice of violation shall be effective from the time of
103 the recording on the land records. Each lien shall take precedence over
104 all transfers and encumbrances recorded after such time.

105 (3) Any municipal lien pursuant to the provisions of this section
106 may be foreclosed in the same manner as a mortgage.

107 (4) Any municipal lien pursuant to this section may be discharged
108 or dissolved in the manner provided in sections 49-35a to 49-37,
109 inclusive.

110 (f) Any enforcing agency imposing a penalty pursuant to subsection
111 (c) of this section shall maintain a current record of all properties with
112 respect to which such penalty remains unpaid in the office of such
113 agency. Such record shall be available for inspection by the public.

114 Sec. 503. (NEW) (*Effective October 1, 2006*) Each municipality, in
115 addition to any other notice required under the general statutes or any
116 municipal health, housing or safety codes or regulations, shall
117 simultaneously send to each lien holder of real estate a copy of any
118 notice or order by such municipality to the owner of such real estate to
119 demolish, remove or otherwise dispose of the real estate or to make it
120 safe and sanitary issued under any provision of the general statutes or
121 any municipal building, health or safety codes or regulations as well
122 as a copy of any notice sent to the owner of such real estate or recorded
123 on the land record, with respect to any costs or expenses incurred by
124 the municipality to demolish, remove or otherwise dispose of the real
125 estate or to make it safe and sanitary. The municipality shall make
126 reasonable efforts to send such copy by first class mail to the
127 lienholder's current or last-known address.

128 Sec. 504. Section 49-73b of the general statutes is repealed and the
129 following is substituted in lieu thereof (*Effective October 1, 2006*):

130 (a) Any municipality which has incurred expenses for the
131 inspection, repair, demolition, removal or other disposition of any real
132 estate in order to secure such real estate or to make it safe and sanitary
133 under any provision of the general statutes or any municipal building,
134 health, housing or safety codes or regulations shall have the right to
135 recover such expenses from the owner of the real estate for which such
136 expenses were incurred.

137 (b) The interest of each person in such real estate shall be subject to a
138 lien for the payment of such expenses, which lien shall take precedence

139 over any other encumbrance except municipal tax assessments on such
140 real estate. No such lien shall be valid, unless the municipality, within
141 thirty days after such work has ceased, files a certificate of such lien
142 and gives notice to the owner of the real estate in the same manner as
143 provided in section 49-34. Simultaneous with the filing, the
144 municipality shall make reasonable efforts to mail a copy of the
145 certificate by first class mail to the lienholder's current or last-known
146 address.

147 (c) The interest of each person in the proceeds of any policy
148 providing insurance coverage issued by an insurance company for a
149 loss to a covered residential or commercial structure, including any
150 policy written pursuant to the provisions of section 38a-670, shall be
151 subject to a lien on such proceeds for the expenses incurred by a
152 municipality pursuant to the provisions of subsection (a) of this
153 section, provided such municipality, within thirty days after such
154 work has ceased, files a certificate of such lien and gives notice to such
155 interested person in the same manner as provided in section 49-34.

156 (d) Any municipal lien filed pursuant to the provisions of this
157 section may be foreclosed in the same manner as a mortgage.

158 (e) Any certificate of lien filed pursuant to this section shall exist
159 from the fifteenth day succeeding the date of entry of such certificate in
160 the land records.

161 (f) Any municipal lien filed pursuant to this section may be
162 discharged or dissolved in the manner provided in sections 49-35a to
163 49-37, inclusive.

164 (g) Nothing in this section shall prevent an insured owner,
165 mortgagee, assignee or other interested party from negotiating a
166 dissolution of any such lien on the insurance proceeds, enabling the
167 insurance company to disburse said proceeds.

168 (h) The provisions of this section shall not apply to policies on
169 single-family or two-family dwellings.

170 Sec. 505. (NEW) (*Effective October 1, 2006*) If a municipality does not
171 file a lien under any provisions of the general statutes to recover costs
172 for the inspection, repair, demolition, removal or other disposition of
173 any real estate in order to secure such real estate or to make it safe and
174 sanitary, pursuant to any provision of the general statutes or municipal
175 building, health, housing or safety codes or regulations, then such
176 municipality may assess the amount of such costs against the real
177 estate upon which such cost was incurred. Upon certification by the
178 municipal agency incurring such cost of the assessment amount due
179 and owing reasonably related to the municipality's actual cost, the tax
180 collector shall add the amount of such assessment to the extent unpaid
181 to the taxes due on such real estate and such amount shall become a
182 part of the taxes to be collected at the same time and shall bear interest
183 at such rates and in such manner as provided for delinquent taxes in
184 accordance with section 12-146 of the general statutes. Any amount
185 added to the assessment under this section shall constitute a lien upon
186 the real estate against for which the amount was imposed from the
187 date such amount was due. Each such lien may be continued, recorded
188 and released in the manner provided by the general statutes for
189 continuing, recording and releasing property tax liens. Each such lien
190 may be enforced in the same manner as property tax liens. Any agency
191 of a municipality that incurs costs that have been assessed against real
192 estate under this section shall maintain a current record of all real
193 estate with respect to which such costs remain unpaid in the office of
194 such municipal agency. Such record shall be available for inspection
195 by the public.

196 Sec. 506. Subdivision (10) of subsection (c) of section 7-148 of the
197 general statutes is repealed and the following is substituted in lieu
198 thereof (*Effective October 1, 2006*):

199 (10) (A) Make all lawful regulations and ordinances in furtherance
200 of any general powers as enumerated in this section, and prescribe
201 penalties for the violation of the same not to exceed [one hundred] two
202 hundred fifty dollars, unless otherwise specifically provided by the
203 general statutes. Such regulations and ordinances may be enforced by

204 citations issued by designated municipal officers or employees,
205 provided the regulations and ordinances have been designated
206 specifically by the municipality for enforcement by citation in the same
207 manner in which they were adopted and the designated municipal
208 officers or employees issue a written warning providing notice of the
209 specific violation before issuing the citation;

210 (B) Adopt a code of ethical conduct;

211 (C) Establish and maintain free legal aid bureaus;

212 (D) Perform data processing and related administrative computer
213 services for a fee for another municipality;

214 (E) Adopt the model ordinance concerning a municipal freedom of
215 information advisory board created under subsection (f) of section 1-
216 205 and establish a municipal freedom of information advisory board
217 as provided by said ordinance and said section.

218 Sec. 507. Subsection (b) of section 51-164n of the 2006 supplement to
219 the general statutes is repealed and the following is substituted in lieu
220 thereof (*Effective October 1, 2006*):

221 (b) Notwithstanding any provision of the general statutes, any
222 person who is alleged to have committed (1) a violation under the
223 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
224 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-
225 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, as amended, 12-292,
226 or 12-326g, as amended, subdivision (4) of section 12-408, subdivision
227 (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487,
228 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, as
229 amended, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-253,
230 subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292, 13b-
231 336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection (a),
232 (b) or (c) of section 13b-412, section 13b-414, subsection (d) of section
233 14-12, as amended, section 14-20a or 14-27a, subsection (e) of section
234 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, as

235 amended, 14-50a or 14-58, subsection (b) of section 14-66, as amended,
236 section 14-66a, 14-66b or 14-67a, subsection (g) of section 14-80,
237 subsection (f) of section 14-80h, as amended, section 14-97a, 14-100b,
238 14-103a, 14-105a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a
239 first violation as specified in subsection (f) of section 14-164i, section
240 14-219 as specified in subsection (e) of said section, subdivision (1) of
241 section 14-223a, as amended, section 14-240, 14-249, as amended, or 14-
242 250, as amended, subsection (a), (b) or (c) of section 14-261a, section 14-
243 262, 14-264, 14-267a, 14-269, 14-270, as amended, 14-275a, 14-278 or 14-
244 279, subsection (e) of section 14-283, as amended, section 14-291, 14-
245 293b, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a,
246 subdivision (1), (2) or (3) of section 14-386a, section 15-33, subsection
247 (a) of section 15-115, section 16-256, 16-256e, 16a-15, as amended, or
248 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145,
249 as amended, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-
250 137 or 17b-734, subsection (b) of section 17b-736, section 19a-30, 19a-33,
251 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-
252 105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-
253 297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-
254 425, 19a-502, 20-7a, as amended, 20-14, 20-158, 20-231, 20-257, 20-265 or
255 20-324e, subsection (a) of section 20-341, section 20-341l, 20-597, 20-608,
256 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, as amended, 21-
257 76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of section 21a-37,
258 section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-
259 79, as amended, section 21a-85, 21a-154, 21a-159, 21a-201, 21a-211, 22-
260 13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, as
261 amended, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-
262 89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a, 22-318a, 22-
263 320h, 22-324a, 22-326 or 22-342, subsection (b) or (e) of section 22-344,
264 section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-
265 246, subsection (a) of section 22a-250, as amended, subsection (e) of
266 section 22a-256h, subsection (a) of section 22a-381d, section 22a-449, as
267 amended, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of
268 section 23-65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-
269 49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128,

270 26-131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230,
271 26-294, 28-13, 29-6a, 29-109, 29-161y, 29-161z, 29-198, 29-210, 29-243, 29-
272 277, 29-316, 29-318, 29-341, 29-381, 30-48a, 30-86a, as amended, 31-3, 31-
273 10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-
274 28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k,
275 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-
276 70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section
277 31-273, as amended, section 31-288, 36a-787, 42-230, 45a-450, 45a-634 or
278 45a-658, subdivision (13) or (14) of section 46a-54, as amended, section
279 46a-59, 46b-22, 46b-24, 46b-34, 46b-38dd, 46b-38gg, 46b-38kk, 47-34a,
280 47-47, 49-8a, 49-16 or 53-133, subsection (a) or (b) of section 53-211, or
281 section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-
282 321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a violation under the
283 provisions of chapter 268, or (3) a violation of any regulation adopted
284 in accordance with the provisions of section 12-484, 12-487 or 13b-410,
285 or (4) a violation of any ordinance, regulation or bylaw of any town,
286 city or borough, except violations of building codes and the health
287 code, for which the penalty exceeds ninety dollars but does not exceed
288 two hundred fifty dollars, unless such town, city or borough has
289 established a payment and hearing procedure for such violation
290 pursuant to section 7-152c, shall follow the procedures set forth in this
291 section.

292 Sec. 508. Section 51-164p of the general statutes is repealed and the
293 following is substituted in lieu thereof (*Effective October 1, 2006*):

294 (a) Notwithstanding any provision of any special act, local law or
295 the general statutes to the contrary, any violation of any ordinance,
296 regulation or bylaw of any town, city or borough, except violations of
297 building codes and the health code, for which the penalty does not
298 exceed ninety dollars shall be an infraction as provided for in sections
299 51-164m and 51-164n, as amended by this act.

300 (b) Notwithstanding any provision of any special act, local law or
301 the general statutes, any violation of any ordinance, regulation or
302 bylaw of any town, city or borough, except violations of building codes

303 and the health code, for which the penalty exceeds ninety dollars but
304 does not exceed two hundred fifty dollars shall be a violation as
305 provided for in sections 51-164m and 51-164n, as amended by this act."