



General Assembly

**Amendment**

February Session, 2006

LCO No. 3754

**\*SB0038903754SD0\***

Offered by:

SEN. WILLIAMS, 29<sup>th</sup> Dist.  
SEN. LOONEY, 11<sup>th</sup> Dist.  
SEN. GAFFEY, 13<sup>th</sup> Dist.

SEN. HANDLEY, 4<sup>th</sup> Dist.  
SEN. MCDONALD, 27<sup>th</sup> Dist.  
SEN. COLEMAN, 2<sup>nd</sup> Dist.

To: Subst. Senate Bill No. 389

File No. 199

Cal. No. 182

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

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 8-12 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2006*):

5 (a) If any building or structure has been erected, constructed,  
6 altered, converted or maintained, or any building, structure or land  
7 has been used, in violation of any provision of this chapter or of any  
8 bylaw, ordinance, rule or regulation made under authority conferred  
9 hereby, any official having jurisdiction, in addition to other remedies,  
10 may institute an action or proceeding to prevent such unlawful  
11 erection, construction, alteration, conversion, maintenance or use or to  
12 restrain, correct or abate such violation or to prevent the occupancy of  
13 such building, structure or land or to prevent any illegal act, conduct,

14 business or use in or about such premises. Such regulations shall be  
15 enforced by the officer or official board or authority designated  
16 therein, who shall be authorized to cause any building, structure, place  
17 or premises to be inspected and examined and to order in writing the  
18 remedying of any condition found to exist therein or thereon in  
19 violation of any provision of the regulations made under authority of  
20 the provisions of this chapter or, when the violation involves grading  
21 of land, the removal of earth or soil erosion and sediment control, to  
22 issue, in writing, a cease and desist order to be effective immediately.  
23 The owner or agent of any building or premises where a violation of  
24 any provision of such regulations has been committed or exists, or the  
25 lessee or tenant of an entire building or entire premises where such  
26 violation has been committed or exists, or the owner, agent, lessee or  
27 tenant of any part of the building or premises in which such violation  
28 has been committed or exists, or the agent, architect, builder,  
29 contractor or any other person who commits, takes part or assists in  
30 any such violation or who maintains any building or premises in  
31 which any such violation exists, shall be fined not less than [ten] one  
32 hundred nor more than [one] five hundred dollars for each day that  
33 such violation continues; but, if the offense is wilful, the person  
34 convicted thereof shall be fined not less than [one] five hundred  
35 dollars nor more than [two hundred and fifty] one thousand dollars  
36 for each day that such violation continues, or imprisoned not more  
37 than ten days for each day such violation continues or both; and the  
38 Superior Court shall have jurisdiction of all such offenses, subject to  
39 appeal as in other cases. Any person who, having been served with an  
40 order to discontinue any such violation, fails to comply with such  
41 order within ten days after such service, or having been served with a  
42 cease and desist order with respect to a violation involving grading of  
43 land, removal of earth or soil erosion and sediment control, fails to  
44 comply with such order immediately, or continues to violate any  
45 provision of the regulations made under authority of the provisions of  
46 this chapter specified in such order shall be subject to a civil penalty  
47 not to exceed two thousand five hundred dollars, payable to the  
48 treasurer of the municipality. In any criminal prosecution under this

49 section, the defendant may plead in abatement that such criminal  
50 prosecution is based on a zoning ordinance or regulation which is the  
51 subject of a civil action wherein one of the issues is the interpretation  
52 of such ordinance or regulations, and that the issues in the civil action  
53 are such that the prosecution would fail if the civil action results in an  
54 interpretation different from that claimed by the state in the criminal  
55 prosecution. If the court renders judgment for such municipality and  
56 finds that the violation was wilful, the court shall allow such  
57 municipality its costs, together with reasonable attorney's fees to be  
58 taxed by the court. The court before which such prosecution is pending  
59 may order such prosecution abated if it finds that the allegations of the  
60 plea are true.

61 (b) Any fine imposed by a municipality pursuant to the provisions  
62 of subsection (a) of this section, and remaining unpaid for a period of  
63 sixty days after its due date shall constitute a lien upon the real estate  
64 against which the fine was imposed from the date of such fine,  
65 provided a notice of violation is recorded in the land records and  
66 indexed in the name of the property owner no later than thirty days  
67 after the fine was imposed. Each such lien may be continued, recorded  
68 and released in the manner provided by the general statutes for  
69 continuing, recording and releasing property tax liens. Each such lien  
70 shall be effective from the time of the recording of the lien on the land  
71 records, shall take precedence over all other liens and encumbrances,  
72 except taxes, and may be enforced in the same manner as property tax  
73 liens. Each title insurance company issuing a policy for property in this  
74 state shall exclude coverage for loss or damage because of a valid  
75 existing lien or a future unrecorded lien imposed under this  
76 subsection.

77 (c) Any municipality imposing a fine pursuant to subsection (a) of  
78 this section shall maintain a current record of all properties with  
79 respect to which such fine remains unpaid in the office of the  
80 municipal clerk. Such record shall be available for inspection by the  
81 public.

82 Sec. 502. Section 8-12a of the general statutes is repealed and the  
83 following is substituted in lieu thereof (*Effective October 1, 2006*):

84 (a) Any municipality may, by ordinance adopted by its legislative  
85 body, establish penalties for violations of zoning regulations adopted  
86 under section 8-2 or by special act. The ordinance shall establish the  
87 types of violations for which a citation may be issued and the amount  
88 of any fine to be imposed thereby and shall specify the time period for  
89 uncontested payment of fines for any alleged violation under any such  
90 regulation. No fine imposed under the authority of this section may  
91 exceed [one] two hundred fifty dollars for each day a violation  
92 continues. Any fine shall be payable to the treasurer of the  
93 municipality.

94 (b) The hearing procedure for any citation issued pursuant to this  
95 section shall be in accordance with section 7-152c except that no zoning  
96 enforcement officer, building inspector or employee of the municipal  
97 body exercising zoning authority may be appointed to be a hearing  
98 officer.

99 (c) Any zoning enforcement officer who issues a citation pursuant to  
100 an ordinance adopted under this section shall be liable for treble  
101 damages in any civil action if the court finds that such citation was  
102 issued frivolously or without probable cause.

103 (d) Any fine imposed by a municipality pursuant to the provisions  
104 of subsection (a) of this section, and remaining unpaid for a period of  
105 sixty days after its due date shall constitute a lien upon the real estate  
106 against which the fine was imposed from the date of such fine,  
107 provided a notice of violation is recorded in the land records and  
108 indexed in the name of the property owner no later than thirty days  
109 after the fine was imposed. Each such lien may be continued, recorded  
110 and released in the manner provided by the general statutes for  
111 continuing, recording and releasing property tax liens. Each such lien  
112 shall be effective from the time of the recording of the lien on the land  
113 records, shall take precedence over all other liens and encumbrances,

114 except taxes, and may be enforced in the same manner as property tax  
115 liens. Each title insurance company issuing a policy for property in this  
116 state shall exclude coverage for loss or damage because of a valid  
117 existing lien or a future unrecorded lien imposed under this  
118 subsection.

119 (e) Any municipality imposing a fine pursuant to subsection (a) of  
120 this section shall maintain a current record of all properties with  
121 respect to which such fine remains unpaid in the office of the  
122 municipal clerk. Such record shall be available for inspection by the  
123 public.

124 Sec. 503. Section 47a-53 of the general statutes is repealed and the  
125 following is substituted in lieu thereof (*Effective October 1, 2006*):

126 (a) Whenever any tenement, lodging or boarding house or any  
127 building, structure, excavation, business pursuit, matter or thing in or  
128 about such house or the lot on which it is situated, or the plumbing,  
129 sewerage, drainage, lighting, paint or ventilation of such house, is, in  
130 the opinion of the board of health or other enforcing agency, in a  
131 condition which is or in its effect is dangerous or detrimental to life or  
132 health, or whenever any tenement, lodging or boarding house in the  
133 opinion of the board or enforcing agency, is in violation of the  
134 provisions of section 19a-109, the board or other enforcing agency may  
135 declare that the same, to the extent specified by the board or other  
136 enforcing agency, is a public nuisance. The board or enforcing agency  
137 may order such public nuisance to be removed, abated, suspended,  
138 altered or otherwise remedied, improved or purified. The board of  
139 health or other enforcing agency may also order or cause any tenement  
140 house or part thereof, or any excavation, building, structure, sewer,  
141 plumbing pipe, paint, passage, premises, ground, matter or thing in or  
142 about a tenement, lodging or boarding house or the lot on which such  
143 house is situated, to be purified, cleansed, disinfected, removed,  
144 altered, repaired or improved.

145 (b) If any order of the board of health or other enforcing agency is

146 not complied with, or not so far complied with as the board or other  
147 enforcing agency regards as reasonable, within five days after the  
148 service thereof, or within such shorter time as the board or other  
149 enforcing agency designates, such order may be executed by the board  
150 or other enforcing agency, through its officers, agents, employees or  
151 contractors. The expense of executing such order, including an amount  
152 not to exceed five per cent of the expense thereof as a service charge  
153 and ten per cent of the expense thereof as a penalty shall be collected  
154 from the owner by an action in the name of the city, borough or town.

155 (c) Any expense of executing an order, including any service charge  
156 and penalty, imposed by the board of health or other enforcing agency  
157 pursuant to the provisions of subsection (b) of this section, and  
158 remaining unpaid for a period of sixty days after its due date shall  
159 constitute a lien upon the real estate against which the expense was  
160 imposed from the date of such expense, provided a notice of violation  
161 is recorded in the land records and indexed in the name of the  
162 property owner not later than thirty days after the expense was  
163 imposed. Each such lien may be continued, recorded and released in  
164 the manner provided by the general statutes for continuing, recording  
165 and releasing property tax liens. Each such lien shall be effective from  
166 the time of the recording of the lien on the land records, shall take  
167 precedence over all other liens and encumbrances, except taxes, and  
168 may be enforced in the same manner as property tax liens. Each title  
169 insurance company issuing a policy for property in this state shall  
170 exclude coverage for loss or damage because of a valid existing lien or  
171 a future unrecorded lien imposed under this subsection.

172 (d) Any board of health or other enforcing agency imposing an  
173 expense, including a service charge and penalty, pursuant to  
174 subsection (b) of this section shall maintain a current record of all  
175 properties with respect to which such expenses remain unpaid in the  
176 office of the municipal clerk. Such record shall be available for  
177 inspection by the public.

178 Sec. 504. Section 47a-58 of the general statutes is repealed and the

179 following is substituted in lieu thereof (*Effective October 1, 2006*):

180 (a) Any enforcing agency may issue a notice of violation to any  
181 person who violates any provision of this chapter or a provision of a  
182 local housing code. Such notice shall specify each violation and specify  
183 the last day by which such violation shall be corrected. The date  
184 specified shall not be less than three weeks from the date of mailing of  
185 such notice, provided that in the case of a condition, which in the  
186 judgment of the enforcing agency is or in its effect is dangerous or  
187 detrimental to life or health, the date specified shall not be more than  
188 five days from the date of mailing of such notice. The enforcing agency  
189 may postpone the last day by which a violation shall be corrected upon  
190 a showing by the owner or other responsible person that he has begun  
191 to correct the violation but that full correction of the violation cannot  
192 be completed within the time provided because of technical  
193 difficulties, inability to obtain necessary materials or labor or inability  
194 to gain access to the dwelling unit wherein the violation exists.

195 (b) When the owner or other responsible person has corrected such  
196 violation, [he] the owner or other responsible person shall promptly,  
197 but not later than two weeks after such correction, report to the  
198 enforcing agency in writing, indicating the date when each violation  
199 was corrected. It shall be presumed that the violation was corrected on  
200 the date so indicated, unless a subsequent inspection by the enforcing  
201 agency again reveals the existence of the condition giving rise to the  
202 earlier notice of violation.

203 (c) Any person who fails to correct any violation prior to the date set  
204 forth in the notice of violation shall be subject to a cumulative civil  
205 penalty of five dollars per day for each violation from the date set for  
206 correction in the notice of violation to the date such violation is  
207 corrected, except that in any case the penalty shall not exceed [five]  
208 one hundred dollars per day nor shall the total penalty exceed  
209 [seventy-five] seven thousand five hundred dollars. The penalty may  
210 be collected by the enforcing agency by action against the owner or  
211 other responsible person or by an action against the real property. An

212 action against the owner may be joined with an action against the real  
213 property.

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

217 (e) Any penalty imposed by an enforcing agency pursuant to the  
218 provisions of subsection (c) of this section, and remaining unpaid for a  
219 period of sixty days after its due date shall constitute a lien upon the  
220 real property against which the penalty was imposed from the date of  
221 such penalty, provided a notice of violation is recorded in the land  
222 records and indexed in the name of the property owner no later than  
223 thirty days after the penalty was imposed. Each such lien may be  
224 continued, recorded and released in the manner provided by the  
225 general statutes for continuing, recording and releasing property tax  
226 liens. Each such lien shall be effective from the time of the recording of  
227 the lien on the land records, shall take precedence over all other liens  
228 and encumbrances, except taxes, and may be enforced in the same  
229 manner as property tax liens. Each title insurance company issuing a  
230 policy for property in this state shall exclude coverage for loss or  
231 damage because of a valid existing lien or a future unrecorded lien  
232 imposed under this subsection.

233 (f) Any enforcing agency imposing a penalty pursuant to subsection  
234 (c) of this section shall maintain a current record of all properties with  
235 respect to which such penalty remains unpaid in the office of the  
236 municipal clerk. Such record shall be available for inspection by the  
237 public.

238 Sec. 505. Subdivision (10) of subsection (c) of section 7-148 of the  
239 general statutes is repealed and the following is substituted in lieu  
240 thereof (*Effective October 1, 2006*):

241 (10) (A) Make all lawful regulations and ordinances in furtherance  
242 of any general powers as enumerated in this section, and prescribe  
243 penalties for the violation of the same not to exceed [one hundred] two

244 hundred fifty dollars, unless otherwise specifically provided by the  
245 general statutes. Such regulations and ordinances may be enforced by  
246 citations issued by designated municipal officers or employees,  
247 provided the regulations and ordinances have been designated  
248 specifically by the municipality for enforcement by citation in the same  
249 manner in which they were adopted and the designated municipal  
250 officers or employees issue a written warning providing notice of the  
251 specific violation before issuing the citation;

252 (B) Adopt a code of ethical conduct;

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

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

256 (E) Adopt the model ordinance concerning a municipal freedom of  
257 information advisory board created under subsection (f) of section 1-  
258 205 and establish a municipal freedom of information advisory board  
259 as provided by said ordinance and said section.

260 Sec. 506. Subsection (b) of section 51-164n of the 2006 supplement to  
261 the general statutes is repealed and the following is substituted in lieu  
262 thereof (*Effective October 1, 2006*):

263 (b) Notwithstanding any provision of the general statutes, any  
264 person who is alleged to have committed (1) a violation under the  
265 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-  
266 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-  
267 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, as amended, 12-292,  
268 or 12-326g, as amended, subdivision (4) of section 12-408, subdivision  
269 (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487,  
270 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, as  
271 amended, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-253,  
272 subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292, 13b-  
273 336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection (a),  
274 (b) or (c) of section 13b-412, section 13b-414, subsection (d) of section

275 14-12, as amended, section 14-20a or 14-27a, subsection (e) of section  
276 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, as  
277 amended, 14-50a or 14-58, subsection (b) of section 14-66, as amended,  
278 section 14-66a, 14-66b or 14-67a, subsection (g) of section 14-80,  
279 subsection (f) of section 14-80h, as amended, section 14-97a, 14-100b,  
280 14-103a, 14-105a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a  
281 first violation as specified in subsection (f) of section 14-164i, section  
282 14-219 as specified in subsection (e) of said section, subdivision (1) of  
283 section 14-223a, as amended, section 14-240, 14-249, as amended, or 14-  
284 250, as amended, subsection (a), (b) or (c) of section 14-261a, section 14-  
285 262, 14-264, 14-267a, 14-269, 14-270, as amended, 14-275a, 14-278 or 14-  
286 279, subsection (e) of section 14-283, as amended, section 14-291, 14-  
287 293b, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a,  
288 subdivision (1), (2) or (3) of section 14-386a, section 15-33, subsection  
289 (a) of section 15-115, section 16-256, 16-256e, 16a-15, as amended, or  
290 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145,  
291 as amended, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-  
292 137 or 17b-734, subsection (b) of section 17b-736, section 19a-30, 19a-33,  
293 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-  
294 105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-  
295 297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-  
296 425, 19a-502, 20-7a, as amended, 20-14, 20-158, 20-231, 20-257, 20-265 or  
297 20-324e, subsection (a) of section 20-341, section 20-341l, 20-597, 20-608,  
298 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, as amended, 21-  
299 76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of section 21a-37,  
300 section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-  
301 79, as amended, section 21a-85, 21a-154, 21a-159, 21a-201, 21a-211, 22-  
302 13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, as  
303 amended, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-  
304 89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a, 22-318a, 22-  
305 320h, 22-324a, 22-326 or 22-342, subsection (b) or (e) of section 22-344,  
306 section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-  
307 246, subsection (a) of section 22a-250, as amended, subsection (e) of  
308 section 22a-256h, subsection (a) of section 22a-381d, section 22a-449, as  
309 amended, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of

310 section 23-65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-  
311 49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128,  
312 26-131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230,  
313 26-294, 28-13, 29-6a, 29-109, 29-161y, 29-161z, 29-198, 29-210, 29-243, 29-  
314 277, 29-316, 29-318, 29-341, 29-381, 30-48a, 30-86a, as amended, 31-3, 31-  
315 10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-  
316 28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k,  
317 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-  
318 70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section  
319 31-273, as amended, section 31-288, 36a-787, 42-230, 45a-450, 45a-634 or  
320 45a-658, subdivision (13) or (14) of section 46a-54, as amended, section  
321 46a-59, 46b-22, 46b-24, 46b-34, 46b-38dd, 46b-38gg, 46b-38kk, 47-34a,  
322 47-47, 49-8a, 49-16 or 53-133, subsection (a) or (b) of section 53-211, or  
323 section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-  
324 321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a violation under the  
325 provisions of chapter 268, or (3) a violation of any regulation adopted  
326 in accordance with the provisions of section 12-484, 12-487 or 13b-410,  
327 or (4) a violation of any ordinance, regulation or bylaw of any town,  
328 city or borough, except violations of building codes and the health  
329 code, for which the penalty exceeds ninety dollars but does not exceed  
330 two hundred fifty dollars, unless such town, city or borough has  
331 established a payment and hearing procedure for such violation  
332 pursuant to section 7-152c, shall follow the procedures set forth in this  
333 section.

334 Sec. 507. Section 51-164p of the general statutes is repealed and the  
335 following is substituted in lieu thereof (*Effective October 1, 2006*):

336 (a) Notwithstanding any provision of any special act, local law or  
337 the general statutes to the contrary, any violation of any ordinance,  
338 regulation or bylaw of any town, city or borough, except violations of  
339 building codes and the health code, for which the penalty does not  
340 exceed ninety dollars shall be an infraction as provided for in sections  
341 51-164m and 51-164n, as amended by this act.

342 (b) Notwithstanding any provision of any special act, local law or

343 the general statutes, any violation of any ordinance, regulation or  
344 bylaw of any town, city or borough, except violations of building codes  
345 and the health code, for which the penalty exceeds ninety dollars but  
346 does not exceed two hundred fifty dollars shall be a violation as  
347 provided for in sections 51-164m and 51-164n, as amended by this act."