



General Assembly

Amendment

January Session, 2009

LCO No. 7066

SB0095107066SD0

Offered by:

SEN. DUFF, 25th Dist.

REP. BARRY, 12th Dist.

To: Subst. Senate Bill No. 951

File No. 170

Cal. No. 179

"AN ACT CONCERNING NEIGHBORHOOD PROTECTION."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2009*) As used in sections 7-
4 148ff, 7-152c, 19a-206, 47a-52, 47a-53, 47a-58, 49-73b of the general
5 statutes and section 2 of this act:

6 (1) "Registrant" means the owner of vacant residential property who
7 is required to register such property pursuant to section 2 of this act.

8 (2) "Residential property" means a one-to-four family dwelling.

9 (3) "Vacant" means uninhabited.

10 (4) "MERS" means the Mortgage Electronic Registration Systems.

11 Sec. 2. (NEW) (*Effective October 1, 2009*) (a) Any person in whom title
12 to a residential property has vested after October 1, 2009, through a

13 foreclosure action pursuant to sections 49-16 to 49-19, inclusive, of the
14 general statutes or section 49-26 of the general statutes, shall register
15 such property with the town clerk of the municipality in which the
16 property is located or with MERS (1) no later than ten days after the
17 date title vests in such person if such residential property is vacant on
18 the date title vests, or (2) if, as a result of an execution of ejectment
19 pursuant to section 49-22 of the general statutes or a summary process
20 action pursuant to chapter 832 of the general statutes, such residential
21 property becomes vacant before the date one hundred twenty days
22 after the date title vests in such person, then no later than ten days
23 after the date on which such property becomes vacant.

24 (b) If the registration is with the municipality, it shall contain (1) the
25 name, address, telephone number and electronic mail address of the
26 registrant and, if the registrant is a corporation or an individual who
27 resides out-of-state, the name, address, telephone number and
28 electronic mail address of a direct contact in the state; and (2) the
29 name, address, telephone number and electronic mail address of the
30 local property maintenance company responsible for the security and
31 maintenance of the vacant residential property, if such a management
32 company has been engaged by the registrant. The registrant shall
33 indicate on such registration whether it prefers to be contacted by first
34 class mail or electronic mail and the preferred addresses for such
35 communications. The registrant shall report any change in the
36 information provided on the registration no later than ten days
37 following the date of the change of information. At the time of
38 registration, the registrant shall pay a one-hundred-dollar fee to the
39 municipality.

40 (c) If the registration is with MERS, it shall contain (1) the name,
41 address, telephone number and electronic mail address of the
42 registrant, and (2) the name, address, telephone number and electronic
43 address of the local property maintenance company responsible for the
44 maintenance of the property, if such a management company has been
45 engaged by the registrant.

46 (d) If a registrant fails to comply with any provision of the general
47 statutes or of any municipal ordinance concerning the repair or
48 maintenance of real estate, including, without limitation, an ordinance
49 relating to the prevention of housing blight pursuant to subparagraph
50 (H)(xv) of subdivision (7) of subsection (c) of section 7-148 of the
51 general statutes, the maintenance of safe and sanitary housing as
52 provided in subparagraph (A) of subdivision (7) of subsection (c) of
53 section 7-148 of the general statutes, or the abatement of nuisances as
54 provided in subparagraph (E) of subdivision (7) of subsection (c) of
55 section 7-148 of the general statutes, the municipality may issue a
56 notice to the registrant citing the conditions on such property that
57 violate such provisions. Such notice shall be sent by either first class or
58 electronic mail, or both, and shall be sent to the preferred address or
59 addresses of the registrant identified on the registration. A copy of
60 such notice shall be sent by first class mail or electronic mail to the
61 property maintenance company if such a company has been identified
62 on the registration. Such notice shall comply with section 7-148gg of
63 the general statutes.

64 (e) The notice described in subsection (d) of this section shall
65 provide a date, reasonable under the circumstances, by which the
66 registrant may remedy the condition or conditions on such registrant's
67 property. If the registrant or property management company does not
68 remedy the condition or conditions on such registrant's property
69 before the date following the date specified in such notice, the
70 municipality may enforce its rights under the relevant provisions of
71 the general statutes or of any municipal ordinance.

72 (f) A municipality shall only impose registration requirements upon
73 registrants in accordance with this section, except that any municipal
74 registration requirements effective on or before October 1, 2009, shall
75 remain effective.

76 Sec. 3. Section 7-148ff of the general statutes is repealed and the
77 following is substituted in lieu thereof (*Effective October 1, 2009*):

78 (a) Any municipality that has regulations preventing housing blight
79 under subparagraph (H)(xv) of subdivision (7) of subsection (c) of
80 section 7-148 may, by ordinance adopted by its legislative body on
81 recommendation of its board of finance or equivalent body, provide
82 for a special assessment on housing that is blighted, as defined in such
83 regulations.

84 (b) Prior to initial approval by the legislative body of such
85 municipality of the plan for implementation of the special assessment
86 to be provided pursuant to the provisions of this section, the executive
87 authority of such municipality shall appoint a committee consisting of
88 not less than six taxpayers of such municipality, one of whom shall be
89 a landlord, the tax assessor and representatives of municipal agencies
90 responsible for zoning and health, housing, fire and other safety code
91 compliance. The committee shall undertake and complete, within a
92 period not in excess of sixty days following such appointment, a study
93 and investigation with respect to such special assessment and shall
94 submit a report to the board of finance or equivalent body of such
95 municipality. The report shall include, but not be limited to, the
96 following: (1) A statement describing the fiscal effect of a special
97 assessment on the revenue for the municipality; (2) identification of
98 properties that may be subject to a special assessment; (3) the amount
99 of property taxes generated by the properties and the cost to the
100 municipality for code enforcement on such properties, including costs
101 for police and fire personnel; (4) recommendations with respect to the
102 form and extent of any assessment; and (5) standards for imposition of
103 the assessment. In establishing any standards, the committee shall
104 consider the number of outstanding health, housing and safety
105 violations for the property, the number of times municipal health,
106 housing and safety personnel have had to inspect the property and the
107 cost to the municipality to enforce code compliance on the property.
108 After the initial approval of the special assessment by the legislative
109 body of such municipality, such plan may be amended from time to
110 time by vote of its legislative body on recommendation of its board of
111 finance or equivalent body without compliance with the requirements

112 of this subsection applicable to such initial approval.

113 (c) Any ordinance adopted under subsection (a) of this section shall
114 include, but not be limited to, the following: (1) Standards to
115 determine if a special assessment should be imposed on a property, (2)
116 the amount of the assessment, which shall be a reasonable amount and
117 based on an analysis of the costs to the municipality for code
118 inspection and enforcement, including costs for police and fire
119 personnel, (3) procedures for notice to the property owner of
120 imposition of the special assessment, which shall include a time period
121 to remedy the code noncompliance before the assessment is due and a
122 process for appeal of an assessment, and which may allow for notice to
123 be delivered in accordance with section 2 of this act when the property
124 owner is a registrant, and (4) the appointment of a board consisting of
125 the finance director, tax assessor and municipal code enforcement
126 official to determine when the special assessment should be imposed
127 on specific property. Annually, the legislative body shall review the
128 amount of any assessment to be imposed pursuant to an ordinance
129 adopted under this section and may revise such amount.

130 (d) Any funds received by a municipality from a special assessment
131 imposed pursuant to an ordinance adopted under subsection (c) of this
132 section shall be deposited into a special fund or account maintained by
133 the municipality which shall be dedicated for expenses of the
134 municipality related to enforcement of ordinances regulating blight
135 and state and local health, housing and safety codes and regulations,
136 including expenses related to community police.

137 (e) Any unpaid special assessment imposed by a municipality
138 pursuant to the provisions of an ordinance adopted under subsection
139 (c) of this section shall constitute a lien upon the real estate against
140 which the fine was imposed from the date of such fine. Each such lien
141 may be continued, recorded and released in the manner provided by
142 the general statutes for continuing, recording and releasing property
143 tax liens. Each such lien may be enforced in the same manner as
144 property tax liens.

145 Sec. 4. Section 7-152c of the general statutes is repealed and the
146 following is substituted in lieu thereof (*Effective October 1, 2009*):

147 (a) Any municipality as defined in subsection (a) of section 7-148
148 may establish by ordinance a citation hearing procedure in accordance
149 with this section. The Superior Court shall be authorized to enforce the
150 assessments and judgments provided for under this section.

151 (b) The chief executive officer of any such municipality shall appoint
152 one or more citation hearing officers, other than police officers or
153 employees or persons who issue citations, to conduct the hearings
154 authorized by this section.

155 (c) Any such municipality, at any time within twelve months from
156 the expiration of the final period for the uncontested payment of fines,
157 penalties, costs or fees for any citation issued under any ordinance
158 adopted pursuant to section 7-148 or section 22a-226d, for an alleged
159 violation thereof, shall send notice to the person cited. Such notice
160 shall inform the person cited: (1) Of the allegations against him and the
161 amount of the fines, penalties, costs or fees due; (2) that he may contest
162 his liability before a citation hearing officer by delivering in person or
163 by mail written notice within ten days of the date thereof; (3) that if he
164 does not demand such a hearing, an assessment and judgment shall be
165 entered against him; and (4) that such judgment may issue without
166 further notice. If the person to whom such notice is issued is a
167 registrant, the municipality may deliver such notice in accordance with
168 section 2 of this act, provided nothing in this section shall preclude a
169 municipality from providing notice in another manner permitted by
170 applicable law.

171 (d) If the person who is sent notice pursuant to subsection (c) of this
172 section wishes to admit liability for any alleged violation, he may,
173 without requesting a hearing, pay the full amount of the fines,
174 penalties, costs or fees admitted to in person or by mail to an official
175 designated by such municipality. Such payment shall be inadmissible
176 in any proceeding, civil or criminal, to establish the conduct of such

177 person or other person making the payment. Any person who does not
178 deliver or mail written demand for a hearing within ten days of the
179 date of the first notice provided for in subsection (c) of this section
180 shall be deemed to have admitted liability, and the designated
181 municipal official shall certify such person's failure to respond to the
182 hearing officer. The hearing officer shall thereupon enter and assess
183 the fines, penalties, costs or fees provided for by the applicable
184 ordinances and shall follow the procedures set forth in subsection (f) of
185 this section.

186 (e) Any person who requests a hearing shall be given written notice
187 of the date, time and place for the hearing. Such hearing shall be held
188 not less than fifteen days nor more than thirty days from the date of
189 the mailing of notice, provided the hearing officer shall grant upon
190 good cause shown any reasonable request by any interested party for
191 postponement or continuance. An original or certified copy of the
192 initial notice of violation issued by the issuing official or policeman
193 shall be filed and retained by the municipality, and shall be deemed to
194 be a business record within the scope of section 52-180 and evidence of
195 the facts contained therein. The presence of the issuing official or
196 policeman shall be required at the hearing if such person so requests.
197 A person wishing to contest his liability shall appear at the hearing
198 and may present evidence in his behalf. A designated municipal
199 official, other than the hearing officer, may present evidence on behalf
200 of the municipality. If such person fails to appear, the hearing officer
201 may enter an assessment by default against him upon a finding of
202 proper notice and liability under the applicable statutes or ordinances.
203 The hearing officer may accept from such person copies of police
204 reports, investigatory and citation reports, and other official
205 documents by mail and may determine thereby that the appearance of
206 such person is unnecessary. The hearing officer shall conduct the
207 hearing in the order and form and with such methods of proof as he
208 deems fair and appropriate. The rules regarding the admissibility of
209 evidence shall not be strictly applied, but all testimony shall be given
210 under oath or affirmation. The hearing officer shall announce his

211 decision at the end of the hearing. If he determines that the person is
212 not liable, he shall dismiss the matter and enter his determination in
213 writing accordingly. If he determines that the person is liable for the
214 violation, he shall forthwith enter and assess the fines, penalties, costs
215 or fees against such person as provided by the applicable ordinances of
216 the municipality.

217 (f) If such assessment is not paid on the date of its entry, the hearing
218 officer shall send by first class mail a notice of the assessment to the
219 person found liable and shall file, not less than thirty days or more
220 than twelve months after such mailing, a certified copy of the notice of
221 assessment with the clerk of a superior court facility designated by the
222 Chief Court Administrator together with an entry fee of eight dollars.
223 The certified copy of the notice of assessment shall constitute a record
224 of assessment. Within such twelve-month period, assessments against
225 the same person may be accrued and filed as one record of assessment.
226 The clerk shall enter judgment, in the amount of such record of
227 assessment and court costs of eight dollars, against such person in
228 favor of the municipality. Notwithstanding any provision of the
229 general statutes, the hearing officer's assessment, when so entered as a
230 judgment, shall have the effect of a civil money judgment and a levy of
231 execution on such judgment may issue without further notice to such
232 person.

233 (g) A person against whom an assessment has been entered
234 pursuant to this section is entitled to judicial review by way of appeal.
235 An appeal shall be instituted within thirty days of the mailing of notice
236 of such assessment by filing a petition to reopen assessment, together
237 with an entry fee in an amount equal to the entry fee for a small claims
238 case pursuant to section 52-259, at a Superior Court facility designated
239 by the Chief Court Administrator, which shall entitle such person to a
240 hearing in accordance with the rules of the judges of the Superior
241 Court.

242 Sec. 5. Section 19a-206 of the general statutes is repealed and the
243 following is substituted in lieu thereof (*Effective October 1, 2009*):

244 (a) Town, city and borough directors of health or their authorized
245 agents shall, within their respective jurisdictions, examine all
246 nuisances and sources of filth injurious to the public health, cause such
247 nuisances to be abated or remediated and cause to be removed all filth
248 which in their judgment may endanger the health of the inhabitants.
249 Any owner or occupant of any property who maintains such property,
250 whether real or personal, or any part thereof, in a manner which
251 violates the provisions of the Public Health Code enacted pursuant to
252 the authority of sections 19a-36 and 19a-37 shall be deemed to be
253 maintaining a nuisance or source of filth injurious to the public health.
254 Any local director of health or his authorized agent or a sanitarian
255 authorized by such director may enter all places within his jurisdiction
256 where there is just cause to suspect any nuisance or source of filth
257 exists, and abate or remediate or cause to be abated or remediated such
258 nuisance and remove or cause to be removed such filth.

259 (b) When any such nuisance or source of filth is found on private
260 property, such director of health shall order the owner or occupant of
261 such property, or both, to remove, abate or remediate the same within
262 such time as the director directs. If the owner of such property is a
263 registrant, such director may deliver the order in accordance with
264 section 2 of this act, provided nothing in this section shall preclude a
265 director from providing notice in another manner permitted by
266 applicable law. If such order is not complied with within the time fixed
267 by such director: (1) Such director, or any official of such town, city or
268 borough authorized to institute actions on behalf of such town, city or
269 borough, may institute and maintain a civil action for injunctive relief
270 in any court of competent jurisdiction to require the abatement or
271 remediation of such nuisance, the removal of such filth and the
272 restraining and prohibiting of acts which caused such nuisance or filth,
273 and such court shall have power to grant such injunctive relief upon
274 notice and hearing; (2) (A) the owner or occupant of such property, or
275 both, shall be subject to a civil penalty of two hundred fifty dollars per
276 day for each day such nuisance is maintained or such filth is allowed
277 to remain after the time fixed by the director in his order has expired,

278 except that the owner or occupant of such property or any part thereof
279 on which a public eating place is conducted shall not be subject to the
280 provisions of this subdivision, but shall be subject to the provisions of
281 subdivision (3) of this subsection, and (B) such civil penalty may be
282 collected in a civil proceeding by the director of health or any official
283 of such town, city or borough authorized to institute civil actions and
284 shall be payable to the treasurer of such city, town or borough; and (3)
285 the owner or occupant of such property, or both, shall be subject to the
286 provisions of sections 19a-36, 19a-220 and 19a-230.

287 (c) If the director institutes an action for injunctive relief seeking the
288 abatement or remediation of a nuisance or the removal of filth, the
289 maintenance of which is of so serious a nature as to constitute an
290 immediate hazard to the health of persons other than the persons
291 maintaining such nuisance or filth, he may, upon a verified complaint
292 stating the facts which show such immediate hazard, apply for an ex
293 parte injunction requiring the abatement or remediation of such
294 nuisance or the removal of such filth and restraining and prohibiting
295 the acts which caused such nuisance or filth to occur, and for a hearing
296 on an order to show cause why such ex parte injunction should not be
297 continued pending final determination on the merits of such action. If
298 the court finds that an immediate hazard to the health of persons other
299 than those persons maintaining such nuisance or source of filth exists,
300 such ex parte injunction shall be issued, provided a hearing on its
301 continuance pending final judgment is ordered held within seven days
302 thereafter and provided further that any persons so enjoined may
303 make a written request to the court or judge issuing such injunction for
304 a hearing to vacate such injunction, in which event such hearing shall
305 be held within three days after such request is filed.

306 (d) In each town, except in a town having a city or borough within
307 its limits, the town director of health shall have and exercise all the
308 power for preserving the public health and preventing the spread of
309 diseases; and, in any town within which there exists a city or borough,
310 the limits of which are not coterminous with the limits of such town,
311 such town director of health shall exercise the powers and duties of his

312 office only in such part of such town as is outside the limits of such city
313 or borough, except that when such city or borough has not appointed a
314 director of health, the town director of health shall, for the purposes of
315 this section, exercise the powers and duties of his office throughout the
316 town, including such city or borough, until such city or borough
317 appoints a director of health.

318 (e) When such nuisance is abated or remediated or the source of
319 filth is removed from private property, such abatement, remediation or
320 removal shall be at the expense of the owner or, where applicable, the
321 occupant of such property, or both, and damages and costs for such
322 abatement, remediation or removal may be recovered against the
323 owner or, where applicable, the occupant, or both, by the town, city or
324 borough in a civil action as provided in subsection (b) of this section or
325 in a separate civil action brought by the director of health or any
326 official of such city, town or borough authorized to institute civil
327 actions.

328 (f) If the order of a district department of health, formed pursuant to
329 section 19a-241, causes the displacement of any occupant of a
330 residential dwelling unit, the municipality in which such dwelling unit
331 is located shall be responsible for any relocation assistance afforded to
332 such occupant pursuant to chapter 135. The district department of
333 health shall provide written notification to the occupant of the
334 occupant's rights under chapter 135 at the time an order causing
335 displacement is issued. The written notification shall include the name,
336 address and telephone number of the person authorized by the
337 municipality to process applications for relocation assistance afforded
338 pursuant to chapter 135.

339 Sec. 6. Section 47a-52 of the general statutes is repealed and the
340 following is substituted in lieu thereof (*Effective October 1, 2009*):

341 (a) As used in this section, "rented dwelling" means any structure or
342 portion thereof which is rented, leased, or hired out to be occupied as
343 the home or residence of one or two families and any mobile

344 manufactured home in a mobile manufactured home park which,
345 although owned by its resident, sits upon a space or lot which is
346 rented, leased or hired out, but shall not include a tenement house as
347 defined in section 19a-355 or in section 47a-1.

348 (b) "Department of health" means the health authority of each city,
349 borough or town, by whatever name such health authority may be
350 known.

351 (c) When any defect in the plumbing, sewerage, water supply,
352 drainage, lighting, ventilation, or sanitary condition of a rented
353 dwelling, or of the premises on which it is situated, in the opinion of
354 the department of health of the municipality where such dwelling is
355 located, constitutes a danger to life or health, the department may
356 order the responsible party to correct the same in such manner as it
357 specifies. If the responsible party is a registrant, the department may
358 deliver the order in accordance with section 2 of this act, provided
359 nothing in this section shall preclude a director from providing notice
360 in another manner permitted by applicable law. If the order is not
361 complied with within the time limit set by the department, the person
362 in charge of the department may institute a civil action for injunctive
363 relief, in accordance with chapter 916, to require the abatement of such
364 danger.

365 (d) Paint on the exposed surfaces of the interior of a rented dwelling
366 shall not be cracked, chipped, blistered, flaking, loose or peeling so as
367 to constitute a health hazard. Testing, remediation, abatement and
368 management of lead-based paint at a rented dwelling or its premises
369 shall be as defined in, and in accordance with, the regulations, if any,
370 adopted pursuant to section 19a-111c.

371 (e) When the department of health certifies that any such rented
372 dwelling or premises are unfit for human habitation, by reason of
373 defects which may cause sickness or endanger the health of the
374 occupants, the department may issue an order requiring the rented
375 dwelling, premises or any portion thereof to be vacated within not less

376 than twenty-four hours or more than ten days.

377 (f) Any person who violates or assists in violating, or fails to comply
378 with, any provision of this section or any legal order of a department
379 of health made under any such provision shall be fined not more than
380 two hundred dollars or imprisoned not more than sixty days or both.

381 (g) Any person aggrieved by an order issued under this section may
382 appeal, pursuant to section 19a-229, to the Commissioner of Public
383 Health.

384 Sec. 7. Section 47a-53 of the general statutes is repealed and the
385 following is substituted in lieu thereof (*Effective October 1, 2009*):

386 (a) Whenever any tenement, lodging or boarding house or any
387 building, structure, excavation, business pursuit, matter or thing in or
388 about such house or the lot on which it is situated, or the plumbing,
389 sewerage, drainage, lighting, paint or ventilation of such house, is, in
390 the opinion of the board of health or other enforcing agency, in a
391 condition which is or in its effect is dangerous or detrimental to life or
392 health, or whenever any tenement, lodging or boarding house in the
393 opinion of the board or enforcing agency, is in violation of the
394 provisions of section 19a-109, the board or other enforcing agency may
395 declare that the same, to the extent specified by the board or other
396 enforcing agency, is a public nuisance. The board or enforcing agency
397 may order such public nuisance to be removed, abated, suspended,
398 altered or otherwise remedied, improved or purified. The board of
399 health or other enforcing agency may also order or cause any tenement
400 house or part thereof, or any excavation, building, structure, sewer,
401 plumbing pipe, paint, passage, premises, ground, matter or thing in or
402 about a tenement, lodging or boarding house or the lot on which such
403 house is situated, to be purified, cleansed, disinfected, removed,
404 altered, repaired or improved. If the board or enforcing agency issues
405 an order to a registrant, such order may be delivered in accordance
406 with section 2 of this act, provided nothing in this section shall
407 preclude a board or enforcing agency from providing notice in another

408 manner permitted by applicable law.

409 (b) If any order of the board of health or other enforcing agency is
410 not complied with, or not so far complied with as the board or other
411 enforcing agency regards as reasonable, within five days after the
412 service thereof, or within such shorter time as the board or other
413 enforcing agency designates, such order may be executed by the board
414 or other enforcing agency, through its officers, agents, employees or
415 contractors. The expense of executing such order, including an amount
416 not to exceed five per cent of the expense thereof as a service charge
417 and ten per cent of the expense thereof as a penalty shall be collected
418 from the owner by an action in the name of the city, borough or town.

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

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

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

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

435 (d) Any board of health or other enforcing agency imposing an
436 expense, including a service charge and penalty, pursuant to
437 subsection (b) of this section, shall maintain a current record of all
438 properties with respect to which such expenses remain unpaid in the

439 office of such board or agency. Such record shall be available for
440 inspection by the public.

441 Sec. 8. Section 47a-58 of the general statutes is repealed and the
442 following is substituted in lieu thereof (*Effective October 1, 2009*):

443 (a) Any enforcing agency may issue a notice of violation to any
444 person who violates any provision of this chapter or a provision of a
445 local housing code. If an enforcing agency issues an order to a
446 registrant, such order may be delivered in accordance with section 2 of
447 this act, provided nothing in this section shall preclude an enforcing
448 agency from providing notice in another manner permitted by
449 applicable law. Such notice shall specify each violation and specify the
450 last day by which such violation shall be corrected. The date specified
451 shall not be less than three weeks from the date of mailing of such
452 notice, provided that in the case of a condition, which in the judgment
453 of the enforcing agency is or in its effect is dangerous or detrimental to
454 life or health, the date specified shall not be more than five days from
455 the date of mailing of such notice. The enforcing agency may postpone
456 the last day by which a violation shall be corrected upon a showing by
457 the owner or other responsible person that he has begun to correct the
458 violation but that full correction of the violation cannot be completed
459 within the time provided because of technical difficulties, inability to
460 obtain necessary materials or labor or inability to gain access to the
461 dwelling unit wherein the violation exists.

462 (b) When the owner or other responsible person has corrected such
463 violation, the owner or other responsible person shall promptly, but
464 not later than two weeks after such correction, report to the enforcing
465 agency in writing, indicating the date when each violation was
466 corrected. It shall be presumed that the violation was corrected on the
467 date so indicated, unless a subsequent inspection by the enforcing
468 agency again reveals the existence of the condition giving rise to the
469 earlier notice of violation.

470 (c) Any person who fails to correct any violation prior to the date set

471 forth in the notice of violation shall be subject to a cumulative civil
472 penalty of five dollars per day for each violation from the date set for
473 correction in the notice of violation to the date such violation is
474 corrected, except that in any case, the penalty shall not exceed one
475 hundred dollars per day and the total penalty shall not exceed seven
476 thousand five hundred dollars. The penalty may be collected by the
477 enforcing agency by action against the owner or other responsible
478 person or by an action against the real property. An action against the
479 owner may be joined with an action against the real property.

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

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

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

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

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

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

502 Sec. 9. Section 49-73b of the general statutes is repealed and the
503 following is substituted in lieu thereof (*Effective October 1, 2009*):

504 (a) Any municipality [which] that has incurred expenses for the
505 inspection, repair, demolition, maintenance, removal or other
506 disposition of any real estate in order to secure such real estate, to
507 remedy a blighted condition on such real estate or to make it safe and
508 sanitary under any provision of the general statutes or any municipal
509 building, health, housing or safety codes or regulations shall have the
510 right to recover such expenses from the owner of the real estate for
511 which such expenses were incurred.

512 (b) The interest of each person in such real estate shall be subject to a
513 lien for the payment of such expenses, which lien shall take precedence
514 over any other encumbrance except municipal tax assessments on such
515 real estate. No such lien shall be valid, unless the municipality,
516 [within] not later than the date thirty days after the date on which such
517 work has ceased, files a certificate of such lien and gives notice to the
518 owner of the real estate in the same manner as provided in section 49-
519 34. Simultaneous with the filing, the municipality shall make
520 reasonable efforts to mail a copy of the certificate by first class mail to
521 the lienholder's current or last-known address.

522 (c) The interest of each person in the proceeds of any policy
523 providing insurance coverage issued by an insurance company for a
524 loss to a covered residential or commercial structure, including any
525 policy written pursuant to the provisions of section 38a-670, shall be
526 subject to a lien on such proceeds for the expenses incurred by a
527 municipality pursuant to the provisions of subsection (a) of this
528 section, provided such municipality, within thirty days after such
529 work has ceased, files a certificate of such lien and gives notice to such
530 interested person in the same manner as provided in section 49-34.

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

533 (e) Any certificate of lien filed pursuant to this section shall exist

534 from the fifteenth day succeeding the date of entry of such certificate in
535 the land records.

536 (f) Any municipal lien filed pursuant to this section may be
537 discharged or dissolved in the manner provided in sections 49-35a to
538 49-37, inclusive.

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

543 (h) The provisions of this section shall not apply to policies on
544 single-family or two-family dwellings, unless such dwellings are
545 vacant residential properties owned by a registrant subject to section 2
546 of this act.

547 Sec. 10. (NEW) (*Effective October 1, 2009*) (a) No municipality shall
548 adopt a property maintenance ordinance or regulation that applies
549 only to the property maintenance activities of a person who holds title
550 or a mortgage to real property located within this state and obtained
551 by foreclosure, provided nothing in this section shall preclude a
552 municipality from enacting or enforcing an ordinance or regulation
553 that applies generally to all owners of real property within such
554 municipality, without regard to how the owner acquired title. For
555 purposes of this section, property maintenance activities include, but
556 are not limited to, activities related to the repair, maintenance,
557 restoration, alteration, removal or demolition of any part of real
558 property.

559 (b) Notwithstanding the provisions of subsection (a) of this section,
560 any municipal property maintenance ordinance or regulation that
561 applies only to the property maintenance activities of a person who
562 holds title or a mortgage to real property located within this state and
563 obtained by foreclosure shall continue to be effective provided such
564 ordinance or regulation was adopted on or before October 1, 2009.

565 (c) Nothing in this section shall prohibit or limit a municipality from
 566 adopting or enforcing an ordinance or regulation relating to the
 567 prevention of housing blight pursuant to subparagraph (H)(xv) of
 568 subdivision (7) of subsection (c) of section 7-148 of the general statutes,
 569 the maintenance of safe and sanitary housing as provided in
 570 subparagraph (A) of subdivision (7) of subsection (c) of section 7-148 of
 571 the general statutes, or the abatement of nuisances as provided in
 572 subparagraph (E) of subdivision (7) of subsection (c) of section 7-148 of
 573 the general statutes."

| | | |
|---|------------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2009</i> | New section |
| Sec. 2 | <i>October 1, 2009</i> | New section |
| Sec. 3 | <i>October 1, 2009</i> | 7-148ff |
| Sec. 4 | <i>October 1, 2009</i> | 7-152c |
| Sec. 5 | <i>October 1, 2009</i> | 19a-206 |
| Sec. 6 | <i>October 1, 2009</i> | 47a-52 |
| Sec. 7 | <i>October 1, 2009</i> | 47a-53 |
| Sec. 8 | <i>October 1, 2009</i> | 47a-58 |
| Sec. 9 | <i>October 1, 2009</i> | 49-73b |
| Sec. 10 | <i>October 1, 2009</i> | New section |