



# OLR RESEARCH REPORT

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## COMPARISON OF MUNICIPAL BLIGHT ORDINANCES

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You asked for an analysis of municipal blight ordinances and a comparison of how they define blight.

### SUMMARY

Municipalities derive their power to adopt blight ordinances from the municipal powers statutes. These statutes give municipalities the broad authority to protect, preserve, and promote public health, safety, and welfare. They also specifically authorize municipalities to make and enforce regulations for the prevention and remediation of housing blight (CGS § [7-148](#)). Many municipalities have exercised this authority by passing blight ordinances.

We reviewed over 30 such blight ordinances from a cross section of Connecticut municipalities and found that most have the same core provisions defining blight and establishing procedures for citing properties and appealing citations. Specifically, they contain provisions concerning:

1. purpose,
2. scope,
3. definitions,

4. property owner duties,
5. complaints and enforcement,
6. administrative procedures, and
7. remediation measures.

In addition, some ordinances, though not a majority, have provisions concerning (1) remediation incentives, (2) special assessments, or (3) hardship waivers.

Ordinances generally define the term “blighted premises,” not “blight,” and list conditions that constitute such a premises (e.g., broken windows or interference with neighbors’ use of their property). Most ordinances define the term broadly and specify that the presence of just one of the many listed conditions constitutes a blighted premises.

## **CORE PROVISIONS**

Nearly all of the blight ordinances we reviewed contain the same core provisions. Generally, they define blight and establish procedures for citing properties and appealing citations. We describe the core provisions below.

### ***Declaration of Purpose***

Most municipal blight ordinances have a “declaration of purpose” section in which they establish the reasons for, and intent behind, the policy. Commonly cited reasons for blight ordinances are (1) correcting existing blight; (2) promoting public health, safety, and welfare; and (3) preserving property values.

### ***Scope***

The ordinances establish their scope by specifying the properties or structures to which they apply (e.g., residential, unimproved parcels, sheds). Of the ordinances we reviewed, most cover any building, structure, or parcel. However, some have narrower applicability. For example, Wethersfield exempts from its blight ordinance buildings, structures, and parcels associated with active farms and certain historic barns. And Torrington exempts owner-occupied one- and two-family residences.

## ***Definitions***

Ordinances generally do not define the term “blight.” Rather, they define “blighted premises” and related terms such as “abandoned property,” “accessory structure,” “community standard,” “deterioration,” “dwelling,” “nuisance,” “proximate property,” “uninhabitable,” and “vacant.” (We found one municipality, Danbury, that additionally defines “blighted exterior premises.”)

Most ordinances define “blighted premises” broadly and list several conditions that constitute blight (e.g., broken windows, overgrown grass, rodent infestations, attracting illegal activity, interfering with neighbors’ use and enjoyment of their property). Some ordinances contain provisions applicable to their specific characteristics. For example, ordinances in comparatively rural communities often include language related to agriculture or natural landscapes (e.g., Coventry, which exempts premises in their natural field or wooded state from the definition of blighted premises).

## ***Duty of Owner or Occupant***

Generally, ordinances prohibit property owners from allowing, creating, maintaining, or causing to be created or maintained, blighted premises. Some ordinances, like those in Coventry and Wethersfield, make their provisions enforceable against a person who occupies a property (i.e., non-owner in possession), not only the owner. Still others differentiate between owners and non-owners in possession. In Middletown, for example, an owner is solely responsible for structural maintenance, but an owner, operator, or occupier is responsible for keeping a premises’ exterior and structures free from abandoned vehicles, nuisances, garbage, refuse, infestations, and filth.

## ***Complaints and Enforcement***

Under most ordinances, anyone can file a complaint with the municipality alleging a blight ordinance violation. If a municipality determines that a violation exists after investigating a complaint, it must give written notice of the violation to the property owner and occupant and provide them with a reasonable opportunity to remediate the conditions before issuing a citation. Some ordinances specify how long an owner or occupant has to remediate blighted conditions (e.g., Hartford and Fairfield allow 30 days after receiving notice and Woodbridge allows 10 days). Others set the deadline on a case-by-case basis (e.g., Coventry, Wethersfield).

An owner or occupant who does not remediate the blighted conditions by the deadline may be cited and required to pay a fine for each day the violation continues. (In general, municipalities assess the maximum \$100 fine authorized under CGS § [7-148\(c\)\(7\)\(H\)\(xv\)](#).) In some municipalities, a property owner may be fined separately for each blighted condition (e.g, in Hartford, each blighted condition is subject to a \$100 fine per day).

Most municipalities permit enforcement officials to cite offenders without a legislative body's approval. But in some municipalities, like Derby, enforcement officials create a list of blighted properties, which the legislative body must approve before such properties can be cited.

Under CGS § [7-148aa](#), any unpaid fine that a municipality imposes under a housing blight ordinance is a lien on the cited property. These liens take precedence over all other liens and other encumbrances, except taxes, filed after July 1, 1997.

### ***Administrative Procedures***

Municipalities issuing citations for housing blight ordinance violations must establish a hearing procedure for individuals to contest their liability for the fines (CGS §§ [7-148\(c\)\(7\)\(H\)\(xv\)](#)). These procedures are generally uniform because they must comply with statutory requirements and due process principles. State law requires municipalities to designate one or more citation hearing officers, who cannot be police officers or individuals who issue citations. Municipalities must inform a cited individual, within 12 months of the expiration of the final period for uncontested fines, penalties, costs, or fees (fines) (1) of the allegations and the fine amount, (2) of his or her right to request a hearing, (3) that if no hearing is demanded, the assessment and judgment will be entered against him or her, and (4) that such judgment may issue without further notice (CGS § [7-152c](#)).

If cited individuals neither pay the fine nor request a hearing, the municipality can enforce the citation in Superior Court. A person aggrieved by a hearing officer's decision may seek judicial review.

### ***Municipal Remediation***

State law authorizes municipalities to recover from a property owner the costs it incurs to remedy blight on a property (CGS §§ [47a-53](#) and [49-73b](#)). This includes expenses for inspecting, repairing, demolishing, maintaining, removing, or disposing of any property in order to remedy the blight. In these situations, the municipality can place a lien on the

owner's interest in the property, or, in some cases, the insurance policy covering the property.

Municipalities frequently cite in their ordinances their authority to remediate blighted conditions and recover the costs by placing a lien on the subject property (e.g., Coventry, Fairfield). In some municipalities, the legislative body or a designated committee must approve remediation plans before they are implemented. For example, in Bristol and Middletown, a Code Enforcement Committee must approve an abatement plan before it can be implemented. The committee consists of the police chief, health director, fire marshals, public works director, and chief building official, or their designees; a code or zoning enforcement officer (or both); and two city residents (Middletown's committee also includes the general counsel).

## **ADDITIONAL PROVISIONS**

Some of the ordinances we examined contained additional provisions beyond the core provisions. The three most common we found concern (1) remediation incentives, (2) special assessments, and (3) hardship waivers.

### ***Remediation Incentives***

Some ordinances provide financial incentives to purchasers who remediate blighted properties with outstanding fines or liens. Bridgeport, for example, allows fines and liens to be waived and released if the city determines, at the time of the property's sale, that the buyer can afford to, and intends to, immediately rehabilitate the property (if remediation does not occur, fines and liens may be reinstated). And in Danbury, purchasers can apply to the city for a waiver of fines and release of a lien if they agree to remediate the blight. Additionally, purchasers may be eligible for a fixed assessment for construction or improvements to blighted property.

### ***Special Assessments***

By law, a municipality that has adopted housing blight regulations can enact an ordinance to impose a special assessment on blighted housing to cover blight enforcement and remediation costs (CGS § [7-148ff](#)). Relatively few municipalities have enacted such ordinances, but Bridgeport and Hartford have.

The law specifies the elements that must be included in such an ordinance and the steps the municipality must take before implementing the assessment. Specifically, these ordinances must:

1. specify the standards used to (a) impose a special assessment or (b) enter blighted property to remediate it;
2. state the assessment amount;
3. establish procedures for (a) notifying a property owner of the special assessment's imposition and (b) appealing such assessment; and
4. establish a board responsible for determining (a) when to impose a special assessment and (b) whether to authorize entry onto a blighted property.

Money received from a special assessment goes into a special fund or account dedicated for the municipality's expenses related to enforcing the blight regulations and state and local health, housing, and safety codes and regulations, including police expenses. Any unpaid assessment is a lien on the real estate, similar to a tax lien.

### ***Hardship waivers***

Some ordinances provide a hardship waiver for the elderly, individuals with disabilities, or low-income individuals (e.g., Bridgeport, Coventry, Woodbridge). For example, in Coventry, an enforcement officer may give a property owner additional time to correct a violation if the owner establishes good cause (e.g., an elderly individual unable to correct problem due to age; an individual with a disability unable to correct problem due to a medical condition; or a low income individual unable to correct problem due to cost). In deciding whether additional time is warranted, the officer must consider whether (1) other occupants are able to assist in correcting the problem and (2) the problem is so severe that additional time is unwarranted. The enforcement officer cannot provide additional time for a problem related to lawn or shrub maintenance, keeping grounds free of rubbish and debris, or a fire or safety hazard.

### **SELECT ORDINANCES: DEFINITION OF BLIGHT AND SCOPE**

Table 1 shows how nine municipal blight ordinances define blighted premises. The table also covers the scope of these ordinances (i.e., the structures and property to which they apply).

It includes three ordinances from small municipalities (less than 30,000 residents), three from medium municipalities (30,000 to 100,000

residents), and three from large municipalities (over 100,000 residents). The selected ordinances represent rural (e.g., Coventry), suburban (e.g., Wethersfield), and urban (e.g., Waterbury) municipalities, as well as relatively high-income (e.g., Fairfield) and low-income (e.g., Hartford) municipalities.

**Table 1: Select Ordinances**

<b>Municipality (Population*)</b>	<b>Scope</b>	<b>Definition</b>
<p><a href="#">Woodbridge</a> (Pt. II, Ch. 175)  (8,990)</p>	<p>Applies to any building, structure, or any parcel of land</p> <p>Excludes blighted premises for which a special permit or site plan application for improvements to the premises is pending (for 90 days from date of application submittal)</p>	<p>“Blighted premises” is one in which any of the following conditions exists:</p> <ul style="list-style-type: none"> <li>• conditions posing a serious threat to the safety, health and/or general welfare of the community, as determined by the building official, zoning enforcement officer, or other official designated by the town</li> <li>• attracts illegal activity, as documented by police reports</li> <li>• is a fire hazard, as determined by the fire marshal or deputy fire marshal or documented by the fire department</li> <li>• is not being maintained or is becoming dilapidated as evidenced by existence of one or more of the following conditions: <ul style="list-style-type: none"> <li>• missing, broken or boarded up windows or doors</li> <li>• collapsing or missing walls, roof, or floor</li> <li>• structurally faulty foundation</li> <li>• seriously damaged or missing siding</li> <li>• unrepaired fire or water damage</li> <li>• rodent harborage and/or infestation</li> <li>• persistent garbage or trash</li> <li>• abandoned motor vehicle situated on the premises unless the premises is a junkyard legally licensed in the State of Connecticut</li> <li>• parking lots left in a state of disrepair or abandonment</li> <li>• violation of provisions regarding outside storage under zoning regulations</li> </ul> </li> </ul>
<p><a href="#">Coventry</a> (Pt. II, Ch. 18, Art. II)  (12,435)</p>	<p>Applies to:</p> <ul style="list-style-type: none"> <li>• premises, building, dwelling, fence, swimming pool, or similar constructed object</li> <li>• landscaping, including trees, plants, and grass</li> </ul>	<p>“Blight or blighted” means:</p> <ul style="list-style-type: none"> <li>• any structure in a state of dilapidation or decay; open to the elements as a result of damage, dilapidation, or decay; unable to provide shelter or serve the purpose for which it was constructed due to damage, dilapidation, or decay</li> <li>• premises occupied by a structure intended for human occupancy in which weeds or similar vegetation (excluding flowers, fruits, vegetables, and areas maintained in their naturally wooded or field state) is allowed to reach and remain at a height of 36 inches or greater for 30 or more days</li> <li>• dead, decayed, diseased, or damaged trees constituting a hazard or danger to persons or property</li> <li>• two or more unregistered motor vehicles in public view</li> <li>• residentially zoned property with any combination of five or more pieces of mechanical equipment stored in public view</li> <li>• residential or commercially zoned property that contains either (1) accumulated debris (excluding grass or brush piles outside the public view and not causing a hazard) or (2) landscaping that physically hinders or interferes with lawful use of abutting premises or a public sidewalk, street, right of way, or road sign</li> </ul>



**Table 1 (continued)**

<b>Municipality (Population*)</b>	<b>Scope</b>	<b>Definition</b>
<p><a href="#">Wethersfield</a> (Pt. II, Ch. 122)</p> <p>(26,668)</p>	<p>Applies to any building, structure, any part of a structure that is a separate unit, a parcel of land, an accessory structure, or fence</p> <p>Excludes:</p> <ul style="list-style-type: none"> <li>• buildings, structures, or land parcels on an active farm</li> <li>• certain barns, including all barns built before 1900</li> </ul>	<p>“Blighted premises” is one in which any of the following conditions exists:</p> <ul style="list-style-type: none"> <li>• conditions posing a serious threat to health, safety, and welfare of town residents, as determined by the town manager</li> <li>• it is not being maintained to a significant degree, as evidenced by at least one of the following conditions: <ul style="list-style-type: none"> <li>• missing, broken, or boarded windows or doors</li> <li>• collapsing or deteriorating exterior walls, roofs, stairs, porches, handrails, railings, basement hatchways, chimneys, flues, or floors</li> <li>• exterior walls which contain holes, breaks, or loose or rotting materials</li> <li>• foundation walls which contain open cracks and breaks</li> <li>• overhang extensions, including but not limited to canopies, marquees, signs, awnings, stairways, fire escapes, standpipes, and exhaust ducts, which contain rust or other decay</li> <li>• rat infestations</li> <li>• garbage or trash improperly stored or accumulated on the premises</li> <li>• in the case of fence, broken or rotted boards or in an otherwise dilapidated condition</li> <li>• any other exterior condition reflecting a level of maintenance which (1) is not in keeping with community standards, (2) constitutes a blighting factor for adjacent property owners or occupiers, or (3) which is an element leading to the progressive deterioration of the neighborhood</li> </ul> </li> <li>• is attracting illegal activity as documented in police records</li> <li>• is a fire hazard, as documented by fire marshal or fire department records</li> <li>• creates a substantial and unreasonable interference with the use and enjoyment of nearby premises, as documented by neighborhood complaints, police reports, cancellation of insurance on proximate properties, or similar circumstances</li> </ul>
<p><a href="#">Middletown</a> (Pt. II, Ch. 120, Art. II)</p> <p>(47,648)</p>	<p>Applies to any residential, nonresidential, or mixed occupancy building and the land on which it is situated, used or intended to be used for dwelling, commercial, business, or industrial occupancy (including mobile home parks)</p>	<p>A property owner, operator, or occupant can be found to be maintaining a blighted premises if he or she does not comply with specified standards, including:</p> <ul style="list-style-type: none"> <li>• keeping the exterior and its structures free of all abandoned vehicles, nuisances, garbage, refuse, rubbish, infestations, and filth</li> <li>• maintaining the exterior of every structure free of broken glass, loose shingles, crumbling stone or brick, or other condition that reflects deterioration or inadequate maintenance</li> <li>• keeping the outside structure walls free of any holes, loose boards, or any damaged siding that admits rain, cold air, dampness, rodents, insects, or vermin</li> <li>• where weekly curbside pickup is not available, providing a sanitary place for garbage and refuse to be stored, minimizing exposure to public view</li> </ul>

**Table 1 (continued)**

<b>Municipality (Population*)</b>	<b>Scope</b>	<b>Definition</b>
<a href="#">Fairfield</a> (Pt. II, Ch. 51)  (59,404)	Applies to any building or structure, or part thereof (including awnings, marquees, and portable equipment)  Excludes blighted premises for which a special permit or site plan application for improvements to the premises is pending (for 120 days from date of application submittal)	“Blighted premises” is real property that is and continues to be in a state of disrepair or is becoming dilapidated.  “State of disrepair or becoming dilapidated” is a physically deteriorating condition that left unabated, would cause an unsafe or unsanitary condition or a nuisance to the general public that may be evidenced by any of the following conditions: <ul style="list-style-type: none"> <li>• missing, broken, or boarded up windows or doors</li> <li>• collapsing or missing walls or roof</li> <li>• seriously damaged or missing siding</li> <li>• fire or water damage</li> <li>• rodent or other pest infestation</li> <li>• excessive amounts of garbage or trash</li> <li>• inoperative or unregistered motor vehicles or boats</li> <li>• commercial parking lots left in a state of disrepair or abandonment</li> <li>• vacant buildings or structures left unsecured or unguarded against unauthorized entry</li> <li>• graffiti</li> </ul>

**Table 1 (continued)**

<b>Municipality (Population*)</b>	<b>Scope</b>	<b>Definition</b>
<p><a href="#">Danbury</a> (Pt. II, Ch. 10, Art. VI)</p> <p><a href="#">Amendment to Ordinance</a> (No. 718)</p> <p>(80,893)</p>	<p>Applies to any building or structure, or parcel of land</p>	<p>“Blighted premises” is one in which any of the following conditions exists:</p> <ul style="list-style-type: none"> <li>• conditions posing a serious or immediate danger to the community</li> <li>• is not being maintained (e.g., missing or boarded windows or doors; a collapsing or missing wall; sagging or collapsed roof or floor; siding that is seriously damaged or missing; fire damage; a foundation that is seriously damaged or missing; a foundation that is structurally faulty, or garbage, trash, or abandoned cars situated on the premises)</li> <li>• is becoming dilapidated or unsafe, as determined by building official</li> <li>• attracts illegal activity, as determined by chief of police</li> <li>• is a fire hazard, as determined by fire marshal</li> <li>• is a health or sanitary problem, as determined by the health director</li> <li>• is a factor in materially depreciating property values in the immediate neighborhood because of its poorly maintained conditions</li> <li>• is a factor in creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the building or structure or of other premises within the neighborhood</li> </ul> <p>“Blighted exterior premises” is one in which any of the following conditions exist:</p> <ul style="list-style-type: none"> <li>• the unauthorized storage or accumulation of junk, trash, rubbish, boxes, paper, plastic, debris, refuse or excessive wood waste debris of any kind on the exterior premises</li> <li>• the parking of inoperable, abandoned and/or unregistered motor vehicles including cars, trucks, boats, motorcycles, or other inoperable machinery, on the exterior premises or the public right of way, except as permitted</li> <li>• the exterior premises is not being maintained. The following factors may be considered: <ul style="list-style-type: none"> <li>• the presence of junk, trash, rubbish, boxes, paper, plastic, debris, refuse or excessive wood waste debris of any kind</li> <li>• the presence of rodent infestation or vermin</li> <li>• the presence of overgrown grass, weeds, or brush that is uncultivated at least one foot in height</li> <li>• the presence of visible portions of significant unattended bare dirt patches</li> </ul> </li> <li>• the exterior premises has attracted illegal activity, as determined by the chief of police</li> <li>• the exterior premises is a factor in materially depreciating property values in the immediate neighborhood because of its poorly maintained condition</li> <li>• the exterior premises is a factor creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other premises within the neighborhood</li> <li>• the exterior premises constitutes a health or sanitary problem, as determined by the health director</li> </ul>

**Table 1 (continued)**

<b>Municipality (Population*)</b>	<b>Scope</b>	<b>Definition</b>
<a href="#">Waterbury</a> (amendment to Ch. 150)  (110,366)	Applies to any building, structure or parcel of land	“Blighted premises” is one in which any of the following conditions exist: <ul style="list-style-type: none"> <li>• it is becoming dilapidated, as documented by the building official</li> <li>• it is attracting illegal activity, as documented by the police</li> <li>• it is a fire hazard, as determined by the fire marshal or as documented by the fire department;</li> <li>• it is determined by the building official or director of health that the building, structure, or parcel of land is in a condition which poses a serious threat to the safety, health, morals and general welfare of the community</li> <li>• it is not being maintained as evidenced by the existence of one or more of the following conditions: missing or boarded windows or doors; collapsing or missing walls, roofs or floors; seriously damaged or missing siding; a structurally faulty foundation; garbage, trash, or abandoned cars situated on the premises; overgrown grass or weeds at least 9 inches in height</li> <li>• it is a factor causing depreciation of property values in the neighborhood</li> <li>• it is creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other premises in the neighborhood</li> </ul>

Table 1 (continued)

<b>Municipality (Population*)</b>	<b>Scope</b>	<b>Definition</b>
<a href="#">Hartford</a> (Pt. II, Ch. 9, Art. V)  (124,775)	Applies to any building, structure, vacant lot or grounds, whether vacant or occupied	“Blighted premises” is one in which at least two of the following conditions exist: <ul style="list-style-type: none"> <li>• exterior windows or doors are broken or missing or are not secured and painted</li> <li>• exterior walls, roofs, stairs, porches, floors, or chimneys are damaged, collapsing, or deteriorating or permit the interior of the building to be open to the weather</li> <li>• foundation walls are damaged, collapsing, crumbling, or contain open cracks or breaks</li> <li>• interior walls, stairs, porches, floors, ceilings, support pillars or beams are damaged, collapsing or deteriorating</li> <li>• exterior additions, including, canopies, marquees, signs, awnings, fire escapes, standpipes, and exhaust ducts are damaged, collapsing or deteriorating</li> <li>• fences are broken, deteriorating to the point of decay, in otherwise dilapidated condition, or damaged to the extent that they allow access to the property</li> <li>• other conditions reflecting a level of maintenance not in keeping with community standards, including graffiti that is clearly visible from the street</li> <li>• it is attracting illegal activity as evidenced by multiple felony or misdemeanor arrests on the premises or multiple felony or misdemeanor warrants issued or served to a person residing in the premises</li> <li>• it is a fire hazard</li> <li>• it is a factor creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the building or premises or within the neighborhood as documented and reported to the director of licenses and inspections by neighborhood complaints</li> <li>• it is a menace to the public health, safety, or welfare in its present condition because of rat infestation, overgrown vegetation, trash and garbage, abandoned cars, improper grading, or other factors</li> <li>• extended vacancy of a dwelling, multiple dwelling, or mixed commercial use property</li> </ul>

Table 1 (continued)

<b>Municipality (Population*)</b>	<b>Scope</b>	<b>Definition</b>
<a href="#">Bridgeport</a> (Tit. 8, Ch. 8.76)  (144,229)	Applies to any building or structure, any portion of a building or structure that is a separate unit, or any vacant parcel	“Blighted premises” is one in which any of the following conditions exist: <ul style="list-style-type: none"> <li>• conditions posing a serious or immediate danger to the community; i.e., a life threatening condition or a condition, which puts at risk the health or safety of citizens of the city</li> <li>• it is not being maintained; the following factors may be considered in determining whether a structure or building is not being maintained: missing or boarded windows or doors; a collapsing or missing wall, roof, or floor; siding that is seriously damaged or missing; fire damage; a foundation that is structurally faulty; or garbage, trash, or cars that are abandoned, unregistered, or inoperable for more than 30 days visibly situated on the premises</li> <li>• it is becoming dilapidated</li> <li>• it is attracting illegal activity</li> <li>• it is a fire hazard</li> <li>• it is a factor that is materially depreciating property values in the neighborhood because of its poorly maintained condition</li> <li>• it is a factor creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the building or of other premises within the neighborhood</li> <li>• the outside of the building and/or the property fails to meet the following standards:                             <ul style="list-style-type: none"> <li>• exterior and areas exposed to public view of all commercial and residential property and premises are free from deterioration and in a state of good repair (in keeping with community standards; shall not constitute blighting factor for adjoining property owners; shall not be an element leading to progressive deterioration of neighborhood). Such maintenance shall include:                                     <ul style="list-style-type: none"> <li>- maintaining all surfaces free of broken glass, crumbling stone or brick or other condition reflective to deterioration or inadequate maintenance</li> <li>- grounds and yards reflecting the level of upkeep of surrounding premises and properties (considering: grass that has been allowed to seed; severely overgrown bushes and trees; dead trees; trash, rubbish, and dilapidated equipment or abandoned vehicles; illegally parked cars)</li> <li>- not keeping a dumpster or other refuse container usually used on a construction site in a residential area unless a construction or improvement project is to commence, or has been completed, within 2 weeks</li> </ul> </li> </ul> </li> </ul>

\*As reported in the 2010 Census

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