



House of Representatives

File No. 812

General Assembly

January Session, 2019

(Reprint of File No. 197)

Substitute House Bill No. 7225
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 25, 2019

AN ACT CONCERNING PUBLIC HOUSING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 47a-6a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 (a) As used in this section, "address" means a location as described
4 by the full street number, if any, the street name, the city or town, and
5 the state, and not a mailing address such as a post office box, "dwelling
6 unit" means any house or building, or portion thereof, which is rented,
7 leased or hired out to be occupied, or is arranged or designed to be
8 occupied, or is occupied, as the home or residence of one or more
9 persons, living independently of each other, and doing their cooking
10 upon the premises, and having a common right in the halls, stairways
11 or yards, [and] "agent in charge" means one who manages real estate,
12 including, but not limited to, the collection of rents and supervision of
13 property, "controlling participant" means an individual or entity that
14 exercises day-to-day financial or operational control, and "project-
15 based housing provider" means a property owner who contracts with
16 the United States Department of Housing and Urban Development to

17 provide housing to tenants under the federal Housing Choice Voucher
18 Program, 42 USC 1437f(o).

19 (b) Any municipality may require the nonresident owner or project-
20 based housing provider of occupied or vacant rental real property to
21 maintain on file in the office of the tax assessor, or other municipal
22 office designated by the municipality, the current residential address
23 of the nonresident owner or project-based housing provider of such
24 property, if the nonresident owner or project-based housing provider
25 is an individual, or the current residential address of the agent in
26 charge of the building, if the nonresident owner or project-based
27 housing provider is a corporation, partnership, trust or other legally
28 recognized entity owning rental real property in the state. In the case
29 of a project-based housing provider, such information shall also
30 include identifying information and the current residential address of
31 each controlling participant associated with the property, except that,
32 if such controlling participant is a corporation, partnership, trust or
33 other legally recognized entity, the project-based housing provider
34 shall include the identifying information and the current residential
35 address of an individual who exercises day-to-day financial or
36 operational control of such entity. If such residential address changes,
37 notice of the new residential address shall be provided by such
38 nonresident owner, project-based housing provider or agent in charge
39 of the building to the office of the tax assessor or other designated
40 municipal office not more than twenty-one days after the date that the
41 address change occurred. If the nonresident owner, project-based
42 housing provider or agent fails to file an address under this section,
43 the address to which the municipality mails property tax bills for the
44 rental real property shall be deemed to be the nonresident owner,
45 project-based housing provider or agent's current address. Such
46 address may be used for compliance with the provisions of subsection
47 (c) of this section.

48 (c) Service of state or municipal orders relating to maintenance of
49 such rental real property or compliance with state law and local codes
50 concerning such real property directed to the nonresident owner,

51 project-based housing provider or agent at the address on file, or
 52 deemed to be on file in accordance with the provisions of this section,
 53 shall be sufficient proof of service of notice of such orders in any
 54 subsequent criminal or civil action against the owner, project-based
 55 housing provider or agent for failure to comply with the orders. The
 56 provisions of this section shall not be construed to limit the validity of
 57 any other means of giving notice of such orders that may be used by
 58 the state or such municipality.

59 (d) Any person who violates any provision of this section shall have
 60 committed an infraction.

61 Sec. 2. Section 47a-6b of the general statutes is repealed and the
 62 following is substituted in lieu thereof (*Effective October 1, 2019*):

63 Notwithstanding the provisions of section 51-164p, any
 64 municipality may by ordinance adopted by its legislative body
 65 establish a civil penalty for a violation of section 47a-6a, as amended
 66 by this act, provided the amount of such civil penalty shall be not more
 67 than [two] five hundred [fifty] dollars for the first violation and not
 68 more than one thousand dollars for any subsequent violation. Any
 69 person who is assessed a civil penalty pursuant to this section may
 70 appeal therefrom to the Superior Court. An appeal shall be instituted
 71 not later than thirty days after the mailing of notice of such assessment
 72 by filing a petition to reopen assessment, together with an entry fee in
 73 an amount equal to the entry fee for a small claims case pursuant to
 74 section 52-259, at the Superior Court facility designated by the Chief
 75 Court Administrator, which shall entitle such person to a hearing in
 76 accordance with the rules of the judges of the Superior Court.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	47a-6a
Sec. 2	<i>October 1, 2019</i>	47a-6b

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 20 \$	FY 21 \$
Various Municipalities	Revenue Gain	See Below	See Below

Explanation

The bill results in a revenue gain, estimated to be less than \$5,000 annually, to municipalities. It increases by \$250 the fine for a first offense of a municipal ordinance requiring rental property owners to file their current residential address with the municipality in which the property is located.

House "A" strikes various sections of the underlying bill which does not result in a fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of fines levied.

OLR Bill Analysis**sHB 7225 (as amended by House "A")******AN ACT CONCERNING PUBLIC HOUSING.*****SUMMARY**

This bill expands the types of housing providers that municipalities may require to file their residential addresses with the municipality to include project-based housing providers (PBHPs). (PBHPs are property owners who contract with the U.S. Department of Housing and Urban Development to rent some or all of the units in their housing development to low income individuals and families.) Current law gives municipalities the option of requiring only nonresident rental property owners (landlords) or their agents to file such information.

By law, violations of the filing requirements are an infraction, and municipalities may establish a civil penalty for them by ordinance. The bill increases the maximum penalty for a first violation from \$250 to \$500. As under current law, subsequent violations are subject to a maximum penalty of \$1,000.

*House Amendment "A" (1) removes provisions concerning public housing authority wait lists and (2) allows municipalities to require PHBPs to file identifying information about their owners, rather than requiring all such providers and nonresident landlords to do so.

EFFECTIVE DATE: October 1, 2019

LANDLORD AND PBHP REGISTRY

Under the bill, municipalities may require vacant and occupied PBHPs to file their current residential addresses with the municipality's tax assessor or other municipally designated office. If the PBHP's owner is a business entity, such as a corporation,

partnership, or trust, the owner may instead file the residential address of the agent in charge (i.e., the individual who collects rents or supervises the property). Existing law authorizes municipalities to require nonresident landlords to do the same.

Under the bill, PBHPs must additionally identify the individuals and entities that exercise day-to-day financial or operational control of the property (i.e., controlling participants) and provide a current residential address for each. If a PBHP's controlling participant is a business entity, the PBHP must provide the identifying information and residential address for a natural person who has financial or operational control over the business, as well. Residential addresses must include a full street address and cannot be a mailing or post office box address.

As is the case under current law for nonresident landlords, when the state or town serves orders to a PBHP or its agent at the address on file concerning (1) rental property maintenance or (2) compliance with state law and local codes, that action is sufficient proof of service in any subsequent criminal or civil action against the PBHP or agent for failure to comply with the orders.

Similarly, if the PBHP or its agent fails to file a residential address or update it within 21 days of moving, the address to which the municipal tax assessor mails the property tax bills for the property is deemed to be the current residential address.

COMMITTEE ACTION

Housing Committee

Joint Favorable Substitute
Yea 14 Nay 0 (03/07/2019)