



House of Representatives

File No. 789

General Assembly

January Session, 2023 **(Reprint of File No. 419)**

Substitute House Bill No. 6892
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 18, 2023

AN ACT CONCERNING MUNICIPAL BLIGHT ORDINANCES AND THE FINE FOR LITTERING.

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

1 Section 1. Subsection (b) of section 8-169aa of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2023*):

4 (b) (1) In any municipality with a population of [thirty-five] fifteen
5 thousand or more, a party in interest may file a petition for the
6 appointment of a receiver to take possession and undertake
7 rehabilitation of a building within such municipality, which petition
8 shall be filed in the superior court for the judicial district in which such
9 building is located. The proceeding on the petition shall constitute an
10 action in rem.

11 (2) (A) The petition shall include a sworn statement of the petitioner
12 that, to the best of his or her knowledge, the building meets the
13 conditions described in subdivision (2) of subsection (c) of this section
14 on the date the petition is filed. The petition shall also include, to the

15 extent available to the petitioner after his or her reasonable efforts to
16 obtain the following information, (i) a copy of any citation or order
17 charging the owner of the building with being in violation of municipal
18 code requirements or determining the building to be a public nuisance,
19 blighted or unfit for human occupancy or use, (ii) a recommendation for
20 appointment as receiver for the building, (iii) a preliminary plan
21 detailing (I) initial cost estimates of rehabilitation of the building for
22 purposes of compliance with the applicable municipal code and plan for
23 the area adopted by the municipality in which the building is located,
24 and (II) anticipated funding sources, and (iv) a schedule of each
25 mortgage, lien or other encumbrance on the building.

26 (B) The petition may include any other property adjacent to the
27 building, provided (i) such other property is owned by the same owner
28 as the building, and (ii) the building and each such property are used
29 for a single or interrelated purpose.

30 (3) A true copy of the petition shall be served on the owner of the
31 building and each lienholder of record, including any municipality,
32 unless such municipality is the petitioner, in the manner provided by
33 section 52-57. In addition, the petitioner shall record a notice of lis
34 pendens with the clerk of such municipality, in the manner provided by
35 section 52-325.

36 Sec. 2. Subparagraph (H) of subdivision (7) of subsection (c) of section
37 7-148 of the general statutes is repealed and the following is substituted
38 in lieu thereof (*Effective October 1, 2023*):

39 (H) (i) Secure the safety of persons in or passing through the
40 municipality by regulation of shows, processions, parades and music;

41 (ii) Regulate and prohibit the carrying on within the municipality of
42 any trade, manufacture, business or profession which is, or may be, so
43 carried on as to become prejudicial to public health, conducive to fraud
44 and cheating, or dangerous to, or constituting an unreasonable
45 annoyance to, those living or owning property in the vicinity;

- 46 (iii) Regulate auctions and garage and tag sales;
- 47 (iv) Prohibit, restrain, license and regulate the business of peddlers,
48 auctioneers and junk dealers in a manner not inconsistent with the
49 general statutes;
- 50 (v) Regulate and prohibit swimming or bathing in the public or
51 exposed places within the municipality;
- 52 (vi) Regulate and license the operation of amusement parks and
53 amusement arcades including, but not limited to, the regulation of
54 mechanical rides and the establishment of the hours of operation;
- 55 (vii) Prohibit, restrain, license and regulate all sports, exhibitions,
56 public amusements and performances and all places where games may
57 be played;
- 58 (viii) Preserve the public peace and good order, prevent and quell
59 riots and disorderly assemblages and prevent disturbing noises;
- 60 (ix) Establish a system to obtain a more accurate registration of births,
61 marriages and deaths than the system provided by the general statutes
62 in a manner not inconsistent with the general statutes;
- 63 (x) Control insect pests or plant diseases in any manner deemed
64 appropriate;
- 65 (xi) Provide for the health of the inhabitants of the municipality and
66 do all things necessary or desirable to secure and promote the public
67 health;
- 68 (xii) Regulate the use of streets, sidewalks, highways, public places
69 and grounds for public and private purposes;
- 70 (xiii) Make and enforce police, sanitary or other similar regulations
71 and protect or promote the peace, safety, good government and welfare
72 of the municipality and its inhabitants;

73 (xiv) Regulate, in addition to the requirements under section 7-282b,
74 the installation, maintenance and operation of any device or equipment
75 in a residence or place of business which is capable of automatically
76 calling and relaying recorded emergency messages to any state police
77 or municipal police or fire department telephone number or which is
78 capable of automatically calling and relaying recorded emergency
79 messages or other forms of emergency signals to an intermediate third
80 party which shall thereafter call and relay such emergency messages to
81 a state police or municipal police or fire department telephone number.
82 Such regulations may provide for penalties for the transmittal of false
83 alarms by such devices or equipment;

84 (xv) Make and enforce regulations for the prevention and
85 remediation of housing blight or blight upon any commercial real
86 property, including regulations reducing assessments and authorizing
87 designated agents of the municipality to enter property during
88 reasonable hours for the purpose of remediating blighted conditions,
89 provided such regulations define [housing] blight and require such
90 municipality to give written notice of any violation to the owner [and
91 occupant] of the property and provide a reasonable opportunity for the
92 owner [and occupant] to remediate the blighted conditions prior to any
93 enforcement action being taken, except that a municipality may take
94 immediate enforcement action in the case of a violation at a property
95 that is the third or more such blight violation at such property during
96 the prior twelve-month period, and further provided such regulations
97 shall not authorize such municipality or its designated agents to enter
98 any dwelling house or structure on such property, and including
99 regulations establishing a duty to maintain property and specifying
100 standards to determine if there is neglect; prescribe civil penalties for
101 the violation of such regulations of not [less than ten or] more than one
102 hundred fifty dollars for each day that a violation continues if such
103 violation occurs at an occupied property, not more than two hundred
104 fifty dollars for each day that a violation continues if such violation
105 occurs at a vacant property, and not more than one thousand dollars for
106 each day that a violation continues at a property if such violation is the

107 third or more such violation at such property during the prior twelve-
108 month period, and, if such civil penalties are prescribed, such
109 municipality shall adopt a citation hearing procedure in accordance
110 with section 7-152c. For the sole purpose of determining if a violation is
111 the third or more such violation at such property during the prior
112 twelve-month period, "violation" means a violation of any municipal
113 blight regulation for which the municipality has issued a notice of
114 violation and, (I) in the determination of such municipality, the
115 conditions creating such violation were previously cured, or (II) one
116 hundred twenty days have passed from the notice of violation and the
117 conditions creating such violation have not been cured. A third violation
118 may also be established where three or more conditions constituting
119 such violation exist at a property simultaneously;

120 (xvi) Regulate, on any property owned by or under the control of the
121 municipality, any activity deemed to be deleterious to public health,
122 including the burning of a lighted cigarette, cigar, pipe or similar device,
123 whether containing, wholly or in part, tobacco or cannabis, as defined
124 in section 21a-420, and the use or consumption of cannabis, including,
125 but not limited to, electronic cannabis delivery systems, as defined in
126 section 19a-342a, or vapor products, as defined in said section,
127 containing cannabis. If the municipality's population is greater than fifty
128 thousand, such regulations shall designate a place in the municipality
129 in which public consumption of cannabis is permitted. Such regulations
130 may prohibit the smoking of cannabis and the use of electronic cannabis
131 delivery systems and vapor products containing cannabis in the
132 outdoor sections of a restaurant. Such regulations may prescribe
133 penalties for the violation of such regulations, provided such fine does
134 not exceed fifty dollars for a violation of such regulations regarding
135 consumption by an individual or a fine in excess of one thousand dollars
136 to any business for a violation of such regulations;

137 Sec. 3. Subsection (c) of section 7-148jj of the general statutes is
138 repealed and the following is substituted in lieu thereof (*Effective October*
139 *1, 2023*):

140 (c) Nothing in this section shall prohibit or limit a municipality from
141 adopting or enforcing an ordinance or regulation relating to the
142 prevention of [housing] blight pursuant to subparagraph (H)(xv) of
143 subdivision (7) of subsection (c) of section 7-148, the maintenance of safe
144 and sanitary housing as provided in subparagraph (A) of subdivision
145 (7) of subsection (c) of section 7-148, or the abatement of nuisances as
146 provided in subparagraph (E) of subdivision (7) of subsection (c) of
147 section 7-148.

148 Sec. 4. Subsection (a) of section 7-148o of the general statutes is
149 repealed and the following is substituted in lieu thereof (*Effective October*
150 *1, 2023*):

151 (a) Except as provided in subsection (b) of this section, any person
152 who, after written notice and a reasonable opportunity to remediate
153 blighted conditions, wilfully violates any regulation adopted pursuant
154 to subparagraph (H)(xv) of subdivision (7) of subsection (c) of section 7-
155 148 concerning the prevention and remediation of [housing] blight shall
156 be fined by the state not more than two hundred fifty dollars for each
157 day for which it can be shown, based on actual inspection of the
158 property on each such day, that the blighted conditions continued to
159 exist after written notice to the owner or occupant as provided in this
160 section, and the expiration of a reasonable opportunity to remediate.

161 Sec. 5. Subsection (a) of section 32-70a of the general statutes is
162 repealed and the following is substituted in lieu thereof (*Effective October*
163 *1, 2023*):

164 (a) On or before October 1, 2006, the Commissioner of Economic and
165 Community Development shall establish goals for enterprise zones
166 designated under section 32-70. The commissioner shall review such
167 goals every five years and update them as necessary and appropriate.
168 Such goals shall include, but not be limited to, increasing private
169 investment, expanding the tax base, providing job training and job
170 creation for residents of enterprise zones and reducing property
171 abandonment and [housing] blight in enterprise zones.

172 Sec. 6. Subsection (b) of section 22a-250 of the general statutes is
173 repealed and the following is substituted in lieu thereof (*Effective October*
174 *1, 2023*):

175 (b) (1) Any person who violates any provision of subsection (a) of this
176 section shall be fined not more than [one hundred ninety-nine] five
177 hundred dollars. One-half of any fine collected pursuant to this
178 subsection shall be payable to the state and one-half of such fine shall be
179 payable to the municipality in which the arrest was made unless the
180 arrest was made by a conservation officer, special conservation officer
181 or patrolman appointed by the Commissioner of Energy and
182 Environmental Protection under authority of section 26-5, in which case
183 one-half of such fine shall be payable to the Department of Energy and
184 Environmental Protection. Any municipality, after conducting a hearing
185 in accordance with an ordinance adopted pursuant to section 7-152c,
186 may assess a separate administrative penalty of not more than five
187 hundred dollars upon the responsible party or property owner, as
188 applicable, if such litter includes any item of furniture or any discarded
189 item listed in subsection (d) of this section.

190 (2) Whenever any person is convicted of a violation of subdivision (2)
191 of subsection (a) of this section, the court shall, in addition to imposing
192 the fine authorized by subdivision (1) of this subsection, impose a
193 surcharge in an amount equal to fifty per cent of such fine. Any such
194 surcharge collected pursuant to this subdivision shall be payable to the
195 municipality in which the arrest was made unless the arrest was made
196 by a conservation officer, special conservation officer or patrolman
197 appointed by the Commissioner of Energy and Environmental
198 Protection under authority of section 26-5, in which case such surcharge
199 shall be payable to the Department of Energy and Environmental
200 Protection.

201 (3) When any such material or substances are thrown, blown,
202 scattered or spilled from a vehicle, the operator thereof shall be deemed
203 prima facie to have committed such offense.

204 Sec. 7. Subsection (b) of section 51-164n of the general statutes is
205 repealed and the following is substituted in lieu thereof (*Effective October*
206 *1, 2023*):

207 (b) Notwithstanding any provision of the general statutes, any person
208 who is alleged to have committed (1) a violation under the provisions of
209 section 1-9, 1-10, 1-11, 2-71h, 4b-13, 7-13, 7-14, 7-35 or 7-41, subsection (c)
210 of section 7-66, section 7-83, 7-147h, 7-148, as amended by this act, 7-
211 148f, [7-148o,] 7-283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-
212 185, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 10a-35, 12-52, 12-54,
213 12-129b or 12-170aa, subdivision (3) of subsection (e) of section 12-286,
214 section 12-286a, 12-292, 12-314b or 12-326g, subdivision (4) of section 12-
215 408, subdivision (3), (5) or (6) of section 12-411, section 12-435c, 12-476a,
216 12-476b, 12-476c, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-
217 117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-253, 13a-263 or
218 13b-39f, subsection (f) of section 13b-42, section 13b-90 or 13b-100,
219 subsection (a) of section 13b-108, section 13b-221 or 13b-292, subsection
220 (a) or (b) of section 13b-324, section 13b-336, 13b-337, 13b-338, 13b-410a,
221 13b-410b or 13b-410c, subsection (a), (b) or (c) of section 13b-412, section
222 13b-414 or 14-4, subdivision (2) of subsection (a) of section 14-12,
223 subsection (d) of section 14-12, subsection (f) of section 14-12a,
224 subsection (a) of section 14-15a, section 14-16c, 14-20a or 14-27a,
225 subsection (f) of section 14-34a, subsection (d) of section 14-35, section
226 14-43, 14-44j, 14-49, 14-50a, 14-58 or 14-62a, subsection (b) of section 14-
227 66, section 14-66a or 14-67a, subsection (g) of section 14-80, subsection
228 (f) or (i) of section 14-80h, section 14-97a or 14-98, subsection (a), (b) or
229 (d) of section 14-100a, section 14-100b, 14-103a, 14-106a, 14-106c, 14-145a
230 or 14-146, subsection (b) of section 14-147, section 14-152, 14-153, 14-161
231 or 14-163b, subsection (f) of section 14-164i, section 14-213b or 14-219,
232 subdivision (1) of section 14-223a, subsection (d) of section 14-224,
233 section 14-240, 14-250, 14-253a, 14-261a, 14-262, 14-264, 14-266, 14-267a,
234 14-269, 14-270, 14-272b, 14-274, 14-275 or 14-275a, subsection (c) of
235 section 14-275c, section 14-276, subsection (a) or (b) of section 14-277,
236 section 14-278, 14-279 or 14-280, subsection (b), (e) or (h) of section 14-
237 283, section 14-283d, 14-283e, 14-283f, 14-283g, 14-291, 14-293b, 14-296aa,

238 14-298a, 14-300, 14-300d, 14-300f, 14-319, 14-320, 14-321, 14-325a, 14-326,
239 14-330 or 14-332a, subdivision (1), (2) or (3) of section 14-386a, section
240 15-15e, 15-25 or 15-33, subdivision (1) of section 15-97, subsection (a) of
241 section 15-115, section 16-15, 16-16, 16-44, 16-256e, 16-278 or 16a-15,
242 subsection (a) of section 16a-21, section 16a-22, subsection (a) or (b) of
243 section 16a-22h, section 16a-106, 17a-24, 17a-145, 17a-149 or 17a-152,
244 subsection (b) of section 17a-227, section 17a-465, subsection (c) of
245 section 17a-488, section 17b-124, 17b-131, 17b-137, 19a-33, 19a-39 or 19a-
246 87, subsection (b) of section 19a-87a, section 19a-91, 19a-102a, 19a-102b,
247 19a-105, 19a-107, 19a-113, 19a-215, 19a-216a, 19a-219, 19a-222, 19a-224,
248 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338,
249 19a-339, 19a-340, 19a-425, 19a-442, 19a-502, 19a-565, 20-7a, 20-14, 20-
250 153a, 20-158, 20-231, 20-233, 20-249, 20-257, 20-265, 20-324e, 20-329c or
251 20-329g, subsection (b) of section 20-334, section 20-341l, 20-366, 20-482,
252 20-597, 20-608, 20-610, 20-623, 21-1, 21-38, 21-39, 21-43, 21-47, 21-48 or
253 21-63, subsection (d) of section 21-71, section 21-76a or 21-100,
254 subsection (c) of section 21a-2, subdivision (1) of section 21a-19, section
255 21a-20 or 21a-21, subdivision (1) of subsection (b) of section 21a-25,
256 section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46,
257 21a-61, 21a-63, 21a-70b or 21a-77, subsection (b) or (c) of section 21a-79,
258 section 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-
259 159, section 21a-278b, subsection (c), (d) or (e) of section 21a-279a,
260 section 21a-421eee, 21a-421fff, 21a-421hhh, subsection (a) of section 21a-
261 430, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, 22-30, 22-34, 22-35,
262 22-36, 22-38, 22-39, 22-39f, 22-49, 22-54, 22-61j or 22-61l, subdivision (1)
263 of subsection (n) of section 22-61l, subsection (f) of section 22-61m,
264 subdivision (1) of subsection (f) of section 22-61m, section 22-84, 22-89,
265 22-90, 22-96, 22-98, 22-99, 22-100 or 22-111o, subsection (d) of section 22-
266 118l, section 22-167, subsection (c) of section 22-277, section 22-278, 22-
267 279, 22-280a, 22-318a, 22-320h, 22-324a or 22-326, subsection (b),
268 subdivision (1) or (2) of subsection (e) or subsection (g) of section 22-344,
269 subsection (a) or (b) of section 22-344b, section 22-344c, subsection (d) of
270 section 22-344d, section 22-344f, 22-350a, 22-354, 22-359, 22-366, 22-391,
271 22-413, 22-414, 22-415, 22-415c, 22a-66a or 22a-246, subsection (a) of
272 section 22a-250, section 22a-256g, subsection (e) of section 22a-256h,

273 section 22a-363 or 22a-381d, subsections (c) and (d) of section 22a-381e,
274 section 22a-449, 22a-450, 22a-461, 23-4b, 23-38, 23-45, 23-46 or 23-61b,
275 subsection (a) or subdivision (1) of subsection (c) of section 23-65, section
276 25-37 or 25-40, subsection (a) of section 25-43, section 25-43d, 25-135, 26-
277 18, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-42, 26-43, 26-49, 26-54, 26-55, 26-
278 56, 26-58 or 26-59, subdivision (1) of subsection (d) of section 26-61,
279 section 26-64, subdivision (1) of section 26-76, section 26-79, 26-87, 26-89,
280 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-114a, 26-117,
281 subsection (b) of section 26-127, 26-128, 26-128a, 26-131, 26-132, 26-138,
282 26-139 or 26-141, subdivision (1) of section 26-186, section 26-207, 26-215,
283 26-217 or 26-224a, subdivision (1) of section 26-226, section 26-227, 26-
284 230, 26-231, 26-232, 26-244, 26-257a, 26-260, 26-276, 26-280, 26-284, 26-
285 285, 26-286, 26-287, 26-288, 26-290, 26-291a, 26-292, 26-294, 27-107, 28-13,
286 29-6a, 29-16, 29-17, 29-25, 29-143o, 29-143z or 29-156a, subsection (b), (d),
287 (e), (g) or (h) of section 29-161q, section 29-161y or 29-161z, subdivision
288 (1) of section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of
289 section 29-291c, section 29-316 or 29-318, subsection (b) of section 29-
290 335a, section 29-381, 30-19f, 30-48a or 30-86a, subsection (b) of section
291 30-89, subsection (c) or (d) of section 30-117, section 31-3, 31-10, 31-11,
292 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36,
293 31-38, 31-40, 31-44, 31-47 or 31-48, subsection (b) of section 31-48b,
294 section 31-51, 31-51g, 31-52, 31-52a, 31-53 or 31-54, subsection (a) or (c)
295 of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-
296 134, subsection (i) of section 31-273, section 31-288, 31-348, 33-624, 33-
297 1017, 34-13d or 34-412, subdivision (1) of section 35-20, subsection (a) of
298 section 36a-57, subsection (b) of section 36a-665, section 36a-699, 36a-
299 739, 36a-787, 38a-2 or 38a-140, subsection (a) or (b) of section 38a-278,
300 section 38a-479qq, 38a-479rr, 38a-506, 38a-548, 38a-626, 38a-680, 38a-713,
301 38a-733, 38a-764, 38a-786, 38a-828, 38a-829, 38a-885, 42-133hh, 42-230,
302 42-470 or 42-480, subsection (a) or (c) of section 43-16q, section 45a-283,
303 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54,
304 section 46a-59, 46a-81b, 46b-22, 46b-24, 46b-34, 46b-38d, 47-34a, 47-47 or
305 47-53, subsection (i) of section 47a-21, subdivision (1) of subsection (k)
306 of section 47a-21, section 49-2a, 49-8a, 49-16, 52-143 or 52-289, subsection
307 (j) of section 52-362, section 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-

308 264, 53-280, 53-290a, 53-302a, 53-303e, 53-311a, 53-314, 53-321, 53-322, 53-
309 323 or 53-331, subsection (b) of section 53-343a, section 53-344,
310 subsection (b) or (c) of section 53-344b, subsection (b) of section 53-345a,
311 section 53-377, 53-422 or 53-450 or subsection (i) of section 54-36a, or (2)
312 a violation under the provisions of chapter 268, or (3) a violation of any
313 regulation adopted in accordance with the provisions of section 12-484,
314 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or
315 bylaw of any town, city or borough, except violations of building codes
316 and the health code, for which the penalty exceeds ninety dollars but
317 does not exceed two hundred fifty dollars, unless such town, city or
318 borough has established a payment and hearing procedure for such
319 violation pursuant to section 7-152c, shall follow the procedures set
320 forth in this section.

321 Sec. 8. Section 7-148gg of the general statutes is repealed and the
322 following is substituted in lieu thereof (*Effective October 1, 2023*):

323 Each municipality, in addition to any other notice required under the
324 general statutes or any municipal health, housing or safety codes or
325 regulations, shall [simultaneously] send to each lien holder of real estate
326 a copy of any notice or order by such municipality to the owner of such
327 real estate to demolish, remove or otherwise dispose of the real estate
328 [or to make it safe and sanitary] issued under any provision of the
329 general statutes or any municipal building, health or safety codes or
330 regulations as well as a copy of any notice sent to the owner of such real
331 estate or recorded on the land [record] records, with respect to any costs
332 or expenses incurred by the municipality to demolish, remove or
333 otherwise dispose of the real estate. [or to make it safe and sanitary.] The
334 municipality shall make reasonable efforts to send such copy by first
335 class mail to the lienholder's current or last-known address.

336 Sec. 9. Section 47a-56a of the general statutes is repealed and the
337 following is substituted in lieu thereof (*Effective October 1, 2023*):

338 Whenever any order issued under the provisions of section 47a-53 or
339 section 47a-55, or under the provisions of any municipal charter or

340 special act or ordinance relating to the abatement of nuisances in
 341 tenement houses is not complied with, or not so far complied with as
 342 the appropriate authority finds reasonable, within the time allowed, or
 343 whenever a landlord has not substantially complied with the provisions
 344 of section 47a-7, the authority appointed under the provisions of section
 345 47a-56 may apply to the superior court for the judicial district where the
 346 property is situated for an order requiring the owner [and any
 347 mortgagees or lienors of record] to show cause why a receiver of rents,
 348 issues and profits should not be appointed and why such receiver
 349 should not remove or remedy such condition and obtain a lien in favor
 350 of the municipality, having priority with respect to all existing
 351 mortgages or liens, to secure payment of the costs incurred by the
 352 receiver in removing or remedying such condition. Such application
 353 shall contain: (1) Proof by affidavit that an order of the proper authority
 354 has been issued and served on the owner; [, mortgagees and lienors;] (2)
 355 a statement that a nuisance exists because a landlord has been in
 356 substantial noncompliance with the provisions of section 47a-7 or a
 357 nuisance exists that constitutes a fire hazard or a serious threat to life,
 358 health or safety and that such nuisance continued to exist in such
 359 property after the time fixed for the removal thereof in such order, and
 360 such statement shall contain a description of the property and the
 361 conditions constituting such nuisance; and (3) a brief description of the
 362 nature of the work required to remove or remedy the condition and an
 363 estimate as to the cost thereof.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	8-169aa(b)
Sec. 2	October 1, 2023	7-148(c)(7)(H)
Sec. 3	October 1, 2023	7-148jj(c)
Sec. 4	October 1, 2023	7-148o(a)
Sec. 5	October 1, 2023	32-70a(a)
Sec. 6	October 1, 2023	22a-250(b)
Sec. 7	October 1, 2023	51-164n(b)
Sec. 8	October 1, 2023	7-148gg
Sec. 9	October 1, 2023	47a-56a

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:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Department of Energy and Environmental Protection	GF - Revenue Gain	See Below	See Below
Resources of the General Fund	GF - Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 24 \$	FY 25 \$
Various Municipalities	Savings	Potential Minimal	Potential Minimal
Various Municipalities	Grand List Expansion	None	Potential
Various Municipalities	Revenue Gain	Potential	Potential

Explanation

The bill expands the definition of "blight" to include commercial property and makes other changes to the regulation of and penalties related to blight and littering. These changes result in multiple impacts to municipalities and a potential revenue gain to the state. Municipalities with the most property that falls under the definition of blight will receive the most benefit.

Section 1 expands the communities in which abandoned and blighted property receiverships can be used to include any community with at least 15,000 people. To the extent this results in the improvement of blighted property, there would be a grand list expansion beginning in FY 25 in any municipality where this process occurs. A grand list

expansion results in a revenue gain, given a constant mill rate.

Section 2 increases the maximum daily civil penalties municipalities can impose for blight from \$100 for all blighted properties to: (1) \$150 for occupied property, (2) \$250 for vacant property and (3) \$1,000 for any property if it is a third or subsequent violation occurring within a 12-month period. The bill additionally expands situations where a third violation may be issued. These provisions will result in a potential revenue gain to municipalities, beginning in FY 24, that is dependent on the number and type of blight violations that occur along with the penalty levels chosen by municipalities.

Sections 3, 4 and 7 expand the definition of blight to include commercial property. To the extent this results in more civil penalties, municipalities will experience a revenue gain beginning FY 24.

Section 5 makes a clarifying change regarding the goals of the enterprise zone program that has no fiscal impact.

Section 6 increases the maximum fine for littering from \$199 to \$500, beginning in FY 24. In FY 22, \$15,570 was collected in revenue to the General Fund (GF) from littering and \$3,947 was collected in revenue to the GF from littering on public land. This could result in a potential revenue gain to the GF and municipalities to the extent higher fines are imposed. Under current law (unchanged by the bill), one-half of the fine goes to the GF while one-half goes to the municipality in which it occurred; under certain conditions, the fine is collected by the Department of Energy and Environmental Protection instead of the municipality.

Section 8 eliminates certain notice requirements municipalities must provide to lienholders. This may result in a potential minimal savings to municipalities beginning in FY 24 as they are no longer required to provide certain notices.

Section 9 eliminates the requirement for mortgagees and lienholders to participate in certain court proceedings. This results in no fiscal

impact to municipalities as the rest of the court proceedings are unchanged.

House "A" expands situations where a third violation may be issued for violation of municipal blight regulation. This may result in an increased potential revenue gain for municipalities, beginning in FY 24, that is dependent on the number and type of blight violations that occur along with the penalty levels chosen by municipalities.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations and the amount of the fees imposed.

OLR Bill Analysis**sHB 6892 (as amended by House "A")******AN ACT CONCERNING MUNICIPAL BLIGHT ORDINANCES AND THE FINE FOR LITTERING.*****SUMMARY**

This bill makes several changes in laws related to blight, littering, and related conditions, generally expanding the options for penalizing people who litter or create or maintain blighted or unsafe conditions. Among other things, the bill:

1. expands the communities in which abandoned and blighted property receiverships can be used, by including any community with at least 15,000 people;
2. broadly expands state and local authority to regulate blight to include regulating blighted commercial properties, not just residential ones;
3. increases the maximum daily penalties municipalities can assess for blight under their general powers, from \$100 to \$1,000, for repeat offenders in a 12-month period;
4. increases the maximum state littering fine from \$199 to \$500;
5. eliminates certain notice requirements to lienholders when a municipality remediates, or orders remediated, certain property maintenance-related violations; and
6. when a municipal authority requests a rent receivership, eliminates current law's requirement that mortgagees and lienholders participate in proceedings to determine whether a receiver should be appointed.

The bill also expands the enterprise zone program's goal of eliminating housing blight to include eliminating any blight (§ 5). By law, the enterprise zone program offers various tax incentives and other benefits to businesses that start up in or improve real property in areas designated as enterprise zones.

*House Amendment "A" adds the provision clarifying how multiple or subsequent blight violations are counted for the municipally assessed civil penalty imposed when there are at least three violations in a 12-month period.

EFFECTIVE DATE: October 1, 2023

§ 1 — ABANDONED AND BLIGHTED PROPERTY RECEIVERSHIPS

Current law provides a judicial process to appoint a receiver to rehabilitate and dispose of abandoned properties in municipalities with populations of at least 35,000. This bill lowers the population threshold, making the process available in any municipality with at least 15,000 people.

Under existing law, the Superior Court may appoint a receiver for a residential, commercial, or industrial building if its owner fails to maintain it as applicable municipal codes require. Lienholders and individuals and entities with development capacity may seek to be appointed as the receiver and, once appointed, are granted the power to rehabilitate the property under a court-approved plan. Once the property is rehabilitated, the court may approve its sale, free of any encumbrances; any sale proceeds must be distributed as required by law (CGS § 8-169aa).

§§ 2-4 & 7 — STATE AND LOCAL ENFORCEMENT OF BLIGHT VIOLATIONS

The bill broadly expands state and local authority to regulate blight to include regulating blighted commercial properties. It also (1) increases the municipally imposed civil penalties for blight ordinance violations from a daily maximum of \$100 to \$1,000 under certain circumstances and (2) allows municipalities to correct violations

without providing notice and an opportunity for correction if a property is cited at least three times in 12 months.

The bill also eliminates the option to pay the state blight fine (up to \$250 per day) through the Superior Court's Centralized Infractions Bureau, which processes payments or not guilty pleas for committing infractions or violations.

The bill also makes a conforming change (§ 3).

Locally Imposed Civil Penalty & Remediation (§ 2)

Currently, the municipal powers law (CGS § 7-148) specifically authorizes municipalities to adopt housing blight ordinances that can be enforced through (1) civil penalties; (2) a state blight fine; (3) municipal remediation actions; or (4) imposing a special assessment, which becomes a lien on the property. The bill expands local authority under the municipal powers law as it relates to blight, as described below.

Notice. The bill eliminates current law's requirement for municipalities to give occupants, in addition to a blighted residential property's owner, notice and an opportunity to correct a violation before the municipality takes further enforcement action. Thus, under the bill, only owners must be notified.

Commercial Blight. The bill authorizes these municipal blight ordinances to also regulate blighted commercial property. It generally extends existing law's housing blight enforcement options to commercial blight cases, except for the provisions on special assessments for blighted housing.

Existing law, unchanged by the bill, allows municipalities with a blight ordinance to enact an ordinance imposing a special assessment on blighted housing to cover blight enforcement and remediation costs. Unpaid assessments are a lien on the residential property, similar to a tax lien (CGS § 7-148ff).

Civil Penalty. The bill eliminates the minimum municipally assessed civil penalty (\$10 per day) and increases the maximum daily penalty (currently \$100) to:

1. \$150 for occupied property;
2. \$250 for vacant property; and
3. \$1,000 for any property if it is a third or subsequent violation occurring within a 12-month period.

The bill specifies that a violation may be counted toward this three-violation threshold if the municipality previously issued a violation notice and (1) determined that the conditions creating the violation were previously resolved or (2) 120 days have passed since the violation notice was given and the conditions have not been resolved. A third violation may also be established if there are three conditions, each constituting a violation, simultaneously on the property.

The bill's maximum penalties apply to both housing and commercial blight. As under existing law, municipalities cannot assess these penalties unless they have adopted a citation hearing procedure.

Remediation. Current law allows a municipality, in its blight ordinance, to designate an agent with the right to enter "property," but not a dwelling or other structure, during reasonable hours to remediate blighted conditions. The bill extends this municipal authority to include commercial property.

Currently, remediation action can be taken only after notice and an opportunity to correct a violation has been given. The bill eliminates the notice and correction opportunity requirement if there have been at least three blight violations at the same property in a 12-month period, allowing municipalities to take immediate remediation action under these circumstances. The law generally allows a municipality to recover its costs to remedy blight on a property from the property owner (e.g., CGS § 49-73b).

State Blight Fine (§§ 4 & 7)

Existing law sets a state blight fine for violating municipal blight ordinances. The bill correspondingly allows the state to impose this fine when the violations relate to blighted commercial properties. By law, this fine is capped at \$250 per day and is only imposed:

1. for willful violations;
2. after notice of the violation and a reasonable opportunity to correct it has been given to the owner and occupants; and
3. if, for each day the fine is imposed, an actual inspection of the property is made to confirm the violation still exists.

The bill eliminates the option of paying the state blight fine through the Centralized Infractions Bureau.

§ 6 — INCREASED STATE FINE FOR LITTERING

State law prohibits littering on public land or public property, in state waters, or on private property not owned by the litterer. A violator is currently subject to a fine of up to \$199, which may be paid by mail through the Central Infractions Bureau. The bill raises the maximum fine to \$500. Under the law, unchanged by the bill, half of the fine must be paid to the state and the other half to the municipality in which the arrest was made, unless the arrest was made by a Department of Energy and Environmental Protection (DEEP) conservation officer or patrolman, in which case it is paid to DEEP. Existing law also allows municipalities to impose a separate administrative penalty of up to \$500 for disposing of litter that is furniture, an automobile or automobile part, a large appliance, tire, bulky or hazardous waste, or similar material.

By law and unchanged by the bill, a person who litters on public land (e.g., a state or municipal park) must also pay a surcharge equal to half the fine. Thus, under the bill, the maximum surcharge rises to \$250. As under existing law, the surcharge must be paid to the municipality in which the arrest was made, unless the arrest was made by a DEEP conservation officer or patrolman, in which case it is paid to DEEP.

By law and unchanged by the bill, municipalities may adopt an ordinance imposing a fine of up to \$1,000 for violating the state littering law and authorizing municipal police officers and other people to issue citations to enforce it (CGS § 22a-226d).

By law, “litter” includes any discarded, used, or unconsumed substance or waste material, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or combination thereof, that is not deposited in a litter receptacle (CGS § 22a-248).

§ 8 — NOTICE REQUIREMENTS TO LIENHOLDER

The bill eliminates certain notice requirements to lienholders when a municipality remediates, or orders to be remediated, certain property maintenance related violations.

Currently, a blanket provision in the law requires municipalities to notify a lienholder about any notice or order to a property owner to dispose of real estate or make it safe and sanitary. Municipalities must similarly inform lienholders when they (1) incur costs to dispose of the property or make it safe and sanitary or (2) record a lien for these costs on the land records. The bill eliminates these broadly applicable notice requirements for lienholders if the notice is about making property safe and sanitary but not about disposing of it. The bill’s provisions generally do not change other existing notice requirements in the law or local codes and regulations (see § 9, below).

By law, certain municipal property maintenance, housing, and health related fines, expenses, charges, and penalties that remain unpaid may become a lien on the violator’s property (see e.g., CGS §§ 7-148aa and 47a-58).

§ 9 — TENEMENT RENT RECEIVERSHIP PROCEEDINGS

Existing law, unchanged by the bill, allows courts to establish a rent receivership after finding that certain conditions affecting health or safety exist in a tenement (i.e., a building with at least three rental units, see below). If established, the rent receiver uses the property’s rental

income to pay for correcting the cited conditions or reimburse the municipality for correcting them (CGS § 47a-56d).

Under the bill, when a municipal authority (as opposed to the tenants) requests a rent receivership, mortgagees and lienholders do not need to participate in proceedings to determine whether a receiver should be appointed; only property owners must respond to the municipality's request. By law, unchanged by the bill, notice of the proceeding must be served on mortgagees and lienholders (CGS § 47a-56b).

The bill correspondingly eliminates a requirement that the municipality, when applying for a hearing on the matter, provide proof that correction orders were served on mortgagees and lienholders (see also § 8, above).

By law, a "tenement house" is any house or building, or portion of it, rented to be occupied, or arranged or designed to be occupied, or occupied, as the home or residence of three or more families, living independently, doing their cooking on the premises, and having a common right in the halls, stairways, or yards (CGS § 47a-50).

BACKGROUND

Related Bills

HB 6666 (File 183), § 2, reported favorably by the Housing Committee, allows municipalities to set civil penalties of up to \$1,000 for each violation of their rules on maintaining safe and sanitary housing.

sHB 6781 (File 208), § 1, reported favorably by the Housing Committee, allows municipalities to set civil penalties of up to \$2,000 for each violation of their rules on maintaining safe and sanitary housing.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 20 Nay 1 (03/20/2023)

Judiciary Committee

Joint Favorable

Yea 30 Nay 7 (05/09/2023)