
OLR Bill Analysis

sSB 209

AN ACT CONCERNING NONRESIDENT LANDLORD REGISTRATION AND INCREASING PENALTIES FOR REPEAT BUILDING AND FIRE CODE VIOLATIONS.

SUMMARY

This bill requires municipalities with a population of at least 25,000 based on the most recent decennial census (“covered municipalities”) to require certain residential property owners and landlords to report specified information to the municipality, such as their current residential address. Existing law allows, but does not require, all municipalities to do so. The bill also modifies the reporting requirement for these municipalities to include other identifying information for the owner, landlord, or agent in charge of the building. Under current law, the identifying information requirement applies only to certain individuals associated with a business entity that owns rental property. Additionally, under the bill, violators commit a violation, rather than an infraction.

The bill adds complying with the modified reporting requirement to the law’s list of landlord responsibilities (§ 2). Under existing law, (1) rental agreements cannot allow landlords to receive rent payments for any period during which the landlord is noncompliant with these responsibilities (CGS § 47a-4a) and (2) a tenant who claims that the landlord failed to perform his or her legal duties may generally institute an action in Superior Court to seek relief (CGS § 47a-14h).

The bill also establishes increased penalties for repeat violations of the State Building Code, the State Fire Prevention Code and Fire Safety Code, and certain written orders by building inspectors.

Lastly, it makes technical, conforming, and other minor changes, such as specifying that the duties of agents in charge of a building include

property supervision and maintenance to comply with state and local codes.

EFFECTIVE DATE: October 1, 2024

§ 1 — MUNICIPAL LANDLORD IDENTIFICATION REQUIREMENTS

Current law allows municipalities to require nonresident property owners and landlords renting to federal Housing Choice Voucher program participants (also known as “project-based housing providers” or PBHPs) to report certain information to the tax assessor or another designated municipal officer. This information must include the following:

1. the owner’s or PBHP’s current residential address, if they are an individual, or
2. the current residential address of (a) the agent in charge of the building and (b) each person who exercises day-to-day financial or operational control of the property (i.e., “controlling participants”), if the owner or PBHP is a business entity that owns rental property in the state (i.e., a corporation, partnership, trust, or other legally recognized entity).

For business entities, this report must also include identifying information for the controlling participants.

Identifying Information and Nonresident Owners

Current law does not define “identifying information,” but under the bill it is proof of a person’s name, birthdate, current residential address, driver’s license number, or other government-issued identification number. The bill also defines nonresident owner, which is a person who does not live at the residential rental property and is either (1) an owner (i.e., one or more people with legal title to the property or beneficial ownership and a right to present use and enjoyment of the premises, including mortgagees in possession) or (2) a controlling participant.

Covered Municipalities

Under the bill, covered municipalities must require nonresident

property owners and PBHPs to report the information described above to them. For these municipalities, the bill also expands the reporting requirement to include accurate identifying information for the nonresident owner, PBHP, or agent in charge. Under current law, reports provided to a tax assessor on or after October 1, 2023, are exempt from disclosure under the state’s Freedom of Information Act. The bill makes these reports exempt regardless of when they were provided.

Violations of Reporting Requirement

Under the bill, a person who violates the reporting requirement discussed above commits a violation, rather than an infraction as under current law (see BACKGROUND). Consequently, the fine for a violation under the bill is \$100 (rather than being based on the schedule of infraction fines) and cannot be paid by mail (CGS § 51-164m(f)).

Existing law also allows municipalities to adopt an ordinance setting a civil penalty for violations of the reporting requirement. The penalty cannot exceed \$500 for a first violation and \$1,000 for subsequent violations. Anyone who is assessed a civil penalty may appeal to the Superior Court (CGS § 47a-6b).

§§ 3-5 — INCREASED PENALTIES FOR CERTAIN REPEAT CODE VIOLATIONS

The bill establishes increased penalties for repeat violations of (1) the State Building Code; (2) the State Fire Prevention Code and Fire Safety Code; and (3) a building inspector’s written order for providing additional exits, making repairs or alterations, or removing the building or a portion of it. The bill retains current law’s penalties for these violations for a first offense (i.e., a fine between \$200 and \$1,000, imprisonment up to six months, or both). Under the bill, the penalties for subsequent violations are as follows:

1. State Building Code or building inspector’s written order: a fine between \$500 and \$2,000, up to one year of imprisonment, or both;
2. State Fire Prevention Code and Fire Safety Code: a fine between \$500 and \$1,000, up to one year of imprisonment, or both.

Under existing law, unchanged by the bill, the fire code-related violations may also be subject to a fine of \$50 per day for each day the violation continues.

BACKGROUND

Infractions

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35 surcharge and an additional fee based on the amount of the fine. There may be other added charges depending upon the type of infraction. For example, certain motor vehicle infractions trigger a Special Transportation Fund surcharge of 50% of the fine. An infraction is not a crime, and violators can pay the fine by mail without making a court appearance.

COMMITTEE ACTION

Housing Committee

Joint Favorable Substitute Change of Reference - JUD
Yea 13 Nay 2 (03/07/2024)

Judiciary Committee

Joint Favorable
Yea 29 Nay 7 (03/28/2024)