



Senate

General Assembly

File No. 502

February Session, 2024

Substitute Senate Bill No. 209

Senate, April 16, 2024

The Committee on Judiciary reported through SEN. WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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

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

1 Section 1. Section 47a-6a of the 2024 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2024*):

4 (a) As used in this section: [.]

5 (1) ["address"] "Address" means a location as described by the full
6 street number, if any, the street name, the city or town, and the state,
7 and not a mailing address such as a post office box; [.]

8 (2) ["dwelling unit"] "Dwelling unit" means any house or building, or
9 portion thereof, which is rented, leased or hired out to be occupied, or
10 is arranged or designed to be occupied, or is occupied, as the home or
11 residence of one or more persons, living independently of each other,
12 and doing their cooking upon the premises, and having a common right

13 in the halls, stairways or yards; [,]

14 (3) ["agent in charge"] "Agent in charge" or "agent" means [one] an
15 individual who manages real [estate] property, including, but not
16 limited to, the collection of rents and supervision and maintenance of
17 such property, including for the purposes of compliance with state and
18 local codes;

19 (4) ["controlling participant"] "Controlling participant" means an
20 individual [that] who exercises day-to-day financial or operational
21 control; [, and]

22 (5) ["project-based housing provider"] "Project-based housing
23 provider" means a property owner who contracts with the United States
24 Department of Housing and Urban Development to provide housing to
25 tenants under the federal Housing Choice Voucher Program, 42 USC
26 1437f(o);

27 (6) "Identifying information" means proof of an individual's name,
28 date of birth, current residential address, motor vehicle operator's
29 license number or other identification number issued by any
30 government agency or entity;

31 (7) "Nonresident owner" means an individual who does not reside at
32 rental real property who is (A) an owner, as defined in section 47a-1, of
33 such real property, or (B) the controlling participant of the entity that
34 owns such real property; and

35 (8) "Population" means the number of persons according to the most
36 recent federal decennial census.

37 (b) Any municipality may, and any municipality with a population
38 of twenty-five thousand or more shall, require the nonresident owner or
39 project-based housing provider of occupied or vacant rental real
40 property to report to the tax assessor, or other municipal [office] officer
41 designated by the municipality, the current residential address of the
42 nonresident owner or project-based housing provider of such property,
43 if the nonresident owner or project-based housing provider is an

44 individual, or the current residential address of the agent in charge of
45 the building, if the nonresident owner or project-based housing
46 provider is a corporation, partnership, trust or other legally recognized
47 entity owning rental real property in the state. If the nonresident owners
48 or project-based housing providers are a corporation, partnership, trust
49 or other legally recognized entity owning rental real property in the
50 state, such report shall also include identifying information and the
51 current residential address of each controlling participant associated
52 with the property. If such residential address changes, notice of the new
53 residential address shall be provided by such nonresident owner,
54 project-based housing provider or agent in charge of the building to the
55 office of the tax assessor or other designated municipal office not more
56 than twenty-one days after the date that the address change occurred. If
57 the nonresident owner, project-based housing provider or agent fails to
58 file an address under this section, the address to which the municipality
59 mails property tax bills for the rental real property shall be deemed to
60 be the nonresident owner, project-based housing provider or agent's
61 current address. Such address may be used for compliance with the
62 provisions of subsection [(c)] (d) of this section.

63 (c) In addition to the residential address required pursuant to
64 subsection (b) of this section, any municipality with a population of
65 twenty-five thousand or more shall require the nonresident owner,
66 project-based housing provider or agent in charge, as applicable, to
67 report to the tax assessor, or other municipal officer designated by the
68 municipality, accurate identifying information concerning such
69 nonresident owner, project-based housing provider or agent in charge.

70 [(c)] (d) Service of state or municipal orders relating to maintenance
71 of such rental real property or compliance with state law and local codes
72 concerning such real property directed to the nonresident owner,
73 project-based housing provider or agent at the address on file, or
74 deemed to be on file in accordance with the provisions of this section,
75 shall be sufficient proof of service of notice of such orders in any
76 subsequent criminal or civil action against the owner, project-based
77 housing provider or agent for failure to comply with the orders. The

78 provisions of this section shall not be construed to limit the validity of
79 any other means of giving notice of such orders that may be used by the
80 state or such municipality.

81 ~~[(d)]~~ (e) Any person who violates any provision of this section shall
82 have committed ~~[an infraction]~~ a violation.

83 ~~[(e)]~~ (f) Any report provided to a tax assessor pursuant to subsection
84 (b) ~~or (c)~~ of this section ~~[on or after October 1, 2023,]~~ shall be confidential
85 and shall not be disclosed under chapter 14.

86 Sec. 2. Subsection (a) of section 47a-7 of the general statutes is
87 repealed and the following is substituted in lieu thereof (*Effective October*
88 *1, 2024*):

89 (a) A landlord shall: (1) Comply with the requirements of chapter
90 3680 and all applicable building and housing codes materially affecting
91 health and safety of both the state or any political subdivision thereof;
92 (2) make all repairs and do whatever is necessary to put and keep the
93 premises in a fit and habitable condition, except where the premises are
94 intentionally rendered unfit or uninhabitable by the tenant, a member
95 of ~~[his]~~ such tenant's family or other person on the premises with ~~[his]~~
96 such tenant's consent, in which case such duty shall be the responsibility
97 of ~~[the]~~ such tenant; (3) keep all common areas of the premises in a clean
98 and safe condition; (4) maintain in good and safe working order and
99 condition all electrical, plumbing, sanitary, heating, ventilating and
100 other facilities and appliances and elevators, supplied or required to be
101 supplied by him; (5) provide and maintain appropriate receptacles for
102 the removal of ashes, garbage, rubbish and other waste incidental to the
103 occupancy of the dwelling unit and arrange for their removal; ~~[and]~~ (6)
104 supply running water and reasonable amounts of hot water at all times
105 and reasonable heat ~~[except if]~~ unless (A) the building which includes
106 the dwelling unit is not required by law to be equipped for that purpose,
107 or ~~[if]~~ (B) the dwelling unit is so constructed that heat or hot water is
108 generated by an installation within the exclusive control of the tenant or
109 supplied by a direct public utility connection; and (7) comply with the
110 requirements of section 47a-6a, as amended by this act.

111 Sec. 3. Section 29-254a of the general statutes is repealed and the
112 following is substituted in lieu thereof (*Effective October 1, 2024*):

113 Any person who violates any provision of the State Building Code
114 shall, for a first offense, be fined not less than two hundred dollars or
115 more than one thousand dollars or imprisoned not more than six
116 months, or both, and, for any subsequent offense, be fined not less than
117 five hundred dollars or more than two thousand dollars or be
118 imprisoned not more than one year, or both.

119 Sec. 4. Section 29-291c of the general statutes is repealed and the
120 following is substituted in lieu thereof (*Effective October 1, 2024*):

121 (a) When the State Fire Marshal or a local fire marshal ascertains that
122 there exists in any building, or upon any premises, a condition that
123 violates the State Fire Prevention Code or Fire Safety Code, the State Fire
124 Marshal or local fire marshal shall order such condition remedied by the
125 owner or occupant of such building or premises. Any such remedy shall
126 [be in conformance] conform with all building codes, ordinances, rules
127 and regulations of the municipality [involved] in which such building
128 or premises is located. Such owner or occupant shall be subject to the
129 penalties prescribed by subsection (e) of this section and, in addition,
130 may be fined fifty dollars [a] per day for each [day's continuance of each
131 violation] day each such violation continues, to be recovered in a proper
132 action in the name of the state.

133 (b) Upon failure of an owner or occupant to abate or remedy a
134 violation pursuant to subsection (a) of this section within a reasonable
135 period of time specified by the State Fire Marshal or the local fire
136 marshal, the local fire marshal shall promptly notify, in writing, the
137 prosecuting attorney having jurisdiction in the municipality in which
138 such violation or condition exists of all of the relevant facts. The local
139 fire marshal may request the chief executive officer of the municipality,
140 any official of the municipality authorized to institute actions on behalf
141 of the municipality in which the [hazard] violation or condition exists or
142 the State Fire Marshal, to apply to any court of equitable jurisdiction for
143 an injunction against such owner or occupant for the purpose of closing

144 or restricting from public service or use the place or premises containing
145 the violation or condition until the violation or condition has been
146 remedied, or the State Fire Marshal may apply for such an injunction
147 without such request.

148 (c) The State Fire Marshal or any local fire marshal empowered to
149 enforce the State Fire Prevention Code or Fire Safety Code may, as an
150 alternative to issuing an order pursuant to subsection (a) of this section,
151 give the owner or occupant a written citation for any violation of the
152 applicable code. No such citation may be issued if the owner or
153 occupant has been previously issued a citation for the same violation by
154 the State Fire Marshal or the local fire marshal within six months prior
155 to the current violation. Such citation shall contain the name and
156 address, if known, of the owner or occupant, the specific offense
157 charged and the time and place of the violation. The citation shall be
158 signed by the State Fire Marshal or local fire marshal and shall be signed
159 by the owner or occupant in acknowledgment that such citation has
160 been received. The State Fire Marshal or local fire marshal shall, if
161 practicable, deliver a copy of the citation to the owner or occupant at the
162 time and place of the violation or shall use some other reasonable means
163 of notification. Any person who is issued a citation for violation of any
164 provision of the State Fire Prevention Code or Fire Safety Code in
165 accordance with this subsection shall be fined not more than two
166 hundred fifty dollars.

167 (d) If a local fire marshal issues a citation pursuant to subsection (c)
168 of this section, the state shall remit to the municipalities in which the
169 violations occurred ninety per cent of the proceeds of the fine and shall
170 remit to the State Treasurer the remaining ten per cent. If the State Fire
171 Marshal issues a citation pursuant to said subsection, the state shall
172 remit to the State Treasurer the entire proceeds of the fine. Each clerk of
173 the Superior Court or the Chief Court Administrator, on or before the
174 thirtieth day of January, April, July and October in each year, shall
175 certify to the Comptroller the amount due for the previous quarter
176 under this subsection to each municipality served by the office of the
177 clerk or official.

178 (e) In addition to the fine prescribed in subsection (a) of this section,
 179 any person who violates any provision of the State Fire Prevention Code
 180 or Fire Safety Code shall, for a first offense, be fined not less than two
 181 hundred dollars or more than one thousand dollars or be imprisoned
 182 not more than six months, or both, and, for any subsequent offense, be
 183 fined not less than five hundred dollars or more than one thousand
 184 dollars or be imprisoned not more than one year, or both.

185 Sec. 5. Section 29-394 of the general statutes is repealed and the
 186 following is substituted in lieu thereof (*Effective October 1, 2024*):

187 Any person who, by himself or his agent, fails to comply with the
 188 written order of a building inspector for the provision of additional exit
 189 facilities in a building, the repair or alteration of a building or the
 190 removal of a building or any portion thereof, shall, for a first offense, be
 191 fined not less than two hundred dollars nor more than one thousand
 192 dollars or imprisoned not more than six months, or both, and, for any
 193 subsequent offense, be fined not less than five hundred dollars or more
 194 than two thousand dollars or be imprisoned not more than one year, or
 195 both.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	47a-6a
Sec. 2	October 1, 2024	47a-7(a)
Sec. 3	October 1, 2024	29-254a
Sec. 4	October 1, 2024	29-291c
Sec. 5	October 1, 2024	29-394

Statement of Legislative Commissioners:

In Section 1(b) and (c), "not less than twenty-five thousand" was changed to "twenty-five thousand or more" for consistency with standard drafting conventions; in Section 1(c), ", as applicable," was added for clarity; in Section 2(a), "his" was changed to "such tenant's", "except if" was changed to "unless" and subparagraph designators were added for clarity; in Section 4(a), "be in conformance" was changed to "conform" for conciseness, "involved" was changed to "in which such building or premises is located" for clarity, and the provision concerning

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 25 \$	FY 26 \$
Judicial Dept. (Probation)	GF - Potential Cost	Minimal	Minimal
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 25 \$	FY 26 \$
Various Municipalities	Revenue Gain	Potential	Potential

Explanation

The bill requires municipalities with a population of 25,000 or more to require certain residential property owners and landlords to report information to the municipality and establishes that failure to do so will result in a violation.¹ This results in a potential revenue gain to municipalities beginning in FY 25 as reporting requirement violations result in a \$100 fine.

There is an additional revenue gain to municipalities that have established an ordinance for a civil penalty for reporting requirement violations. This penalty may be up to \$500 for a first violation and up to \$1,000 for subsequent violations.

¹ According to the U.S. Census Bureau population estimates, in 2022 there were 45 towns in Connecticut with a population of 25,000 or more.

The bill also increases second and subsequent penalties for certain fire and building code violations, which results in a potential cost to the Judicial Department for probation and a potential revenue gain to the General Fund from fines. On average, the marginal cost to the state for incarcerating an offender for the year is \$3,300² while the average marginal cost for supervision in the community is less than \$800³ each year for adults. In FY 23, there were less than 50 total offenses recorded and less than \$1,000 in total revenue for these offenses.⁴

The Out Years

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

²Inmate marginal cost is based on increased consumables (e.g., food, clothing, water, sewage, living supplies, etc.). This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

³Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

⁴CGS Sec. 29-354: 3 offenses; CGS Sec. 29-291c: 25 offenses and \$1,000 revenue; and CGS Sec. 29-254a: 18 offenses

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)