

Introduced by:

Luke A. Bronin, Mayor

HEADING
AND
PURPOSE

**AN ORDINANCE AMENDING CHAPTER 9, ARTICLES V AND VI OF THE
HARTFORD MUNICIPAL CODE**

COURT OF COMMON COUNCIL,
CITY OF HARTFORD

February 14, 2017

Be It Hereby Ordained by the Court of Common Council of the City of Hartford that Chapter 9, Articles V and VI of the Municipal Code of Hartford be amended as follows.

ARTICLE V. – ANTI-BLIGHT AND PROPERTY-MAINTENANCE PROGRAM

Sec. 9-90. – Title.

This article and the regulations contained herein are to be known as the “Anti-Blight and Property-Maintenance Program,” hereinafter referred to as “this article,” and is enacted and authorized pursuant to Connecticut General Statutes, Section 7-148(c)(7)(H)(xv).

Sec. 9-91. – Definitions.

The following words, terms and phrases, when used in [this article]Section 9-98A, [shall]have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

[*Blighted vacant housing* shall mean that class of properties, determined annually pursuant to this article that shall be subject to special assessment and shall consist of the following: (1) dwellings that are and have remained continuously vacant for not less than one hundred twenty (120) days prior to the assessment date and that have not been approved for an assessment deferral pursuant to section 9-98B of this article; (2) underutilized property; (3) uninhabitable dwellings, multiple dwellings, or dwelling units, regardless of the duration of the vacancy, that have not been approved for an assessment deferral pursuant to section 9-98B of this article, and (4) vacant lots as defined by this Section.]

[*Blighted premises* means any building, structure, vacant lot or grounds, whether vacant or occupied, in which the Director of Licenses and Inspections, or the Fire Marshal, or the Director of Health and Human Services, or the Chief of Police have verified that at least two (2) of the following conditions exist:

- (1) Exterior windows or doors are broken or missing or are not secured and painted in accordance with subsection 9-98(a) of this article;
- (2) 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;
- (3) Foundation walls are damaged, collapsing, crumbling or contain open cracks or breaks;
- (4) Interior walls, stairs, porches, floors, ceilings, support pillars or beams are damaged, collapsing or deteriorating;
- (5) Exterior additions, including, but not limited to, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts, are damaged, collapsing or deteriorating;

- (6) Fences are broken, deteriorating to the point of decay, are in otherwise dilapidated condition, or are damaged to the extent that they allow access to the property;
- (7) Other conditions exist that reflect a level of maintenance which is not in keeping with community standards, including, but not limited to, graffiti that is clearly visible from the street;
- (8) The premises are attracting illegal activity as evidenced by multiple felony or misdemeanor arrests on the premises; multiple felony or misdemeanor warrants issued or served to a person residing in the premises;
- (9) The property is a fire hazard;
- (10) The property 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;
- (11) The property 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;
- (12) Extended vacancy of a dwelling, multiple dwelling or mixed commercial use property.]

Dwelling, multiple dwelling and dwelling unit [shall]have the meaning contained in chapter 18, article V, section 18-1 of this Code and [shall]include a dwelling within a commercial property.

[Equivalent amount of space means the amount of space deemed equivalent to a dwelling unit. Nonresidential space that most recently has been rented as a single unit shall be considered the equivalent of a single dwelling unit. When nonresidential space has not been rented within the two (2) years immediately preceding the serving of a notice of violation, each increment of one thousand five hundred (1,500) square feet or less shall be the equivalent of a dwelling unit for purposes of this article.]

Extended vacancy means a period of sixty (60) days or longer during which a dwelling, dwelling unit, or multiple dwelling subject to this chapter is not legally occupied or one (1) that is uninhabitable, except for the purposes of section 9-98B, reduction in assessment for rehabilitated structures, in which case the period [shall be]is one (1) year. The period [shall] commences from the date the last legal occupant resided in a dwelling unit or other occupied space subject to the provisions of this chapter, except that no part of the period provided for by G.S. § 47-88b (Condominium Act) [shall]will be counted, provided the owner has or is complying with the requirements of section 18-221. “Extended vacancy” [shall]also means that more than twenty (20) percent of the dwelling units in a multiple dwelling or commercial property or more than forty (40) percent of usable floor area of nonresidential space remains unoccupied for longer than sixty (60) days or one (1) year in such multiple dwelling or mixed commercial structures, whichever is applicable.

[Legal occupancy means the human habitation of a dwelling unit that is legal by virtue of compliance with state building, state fire safety, local zoning, and housing codes, and all other pertinent codes. Legal occupancy must be substantiated by the provision of proof of occupancy as evidenced through a bona fide lease agreement, rent receipt or utility statement.

Neighborhood means an area of the City comprising premises or parcels of land any part of which is within a radius of eight hundred (800) feet of any part of another parcel or lot within the City.

Underutilized property shall mean extended vacancy of any dwelling, multiple dwelling or mixed commercial premises.]

Uninhabitable [shall]means any structure, building or dwelling unit that is incapable of immediate legal occupancy as defined by this chapter.

Vacant lot means a parcel of land in a residential zone with no intact building structure(s) thereon.

Sec. 9-91A. – Declaration of policy.

There exists within the City of Hartford a large number of properties which are vacant or in blighted condition. The existence of vacant and blighted properties contributes to the overall decline of neighborhoods, which, in turn, affects the health, safety, welfare and economic well-being of Hartford's residents. Many of the vacant and blighted properties can be rehabilitated, reconstructed, demolished, and/or reused so as to provide decent, safe, and sanitary housing and commercial facilities. Such rehabilitation, reconstruction, demolition, and/or reuse will eliminate, remedy, and prevent the adverse conditions described above while increasing revenue to the City of Hartford.

It is further found that there are many instances where property maintenance of real properties in the City of Hartford is deficient or lacking leading to a progressive deterioration of such properties and the creation of blighted conditions. Accordingly, it is in the best interests of the citizens of the City of Hartford that the City set minimum standards for property maintenance so as to assure that properties within the city be maintained in conformity with such standards and so as to assure that none of these structures and properties will deteriorate and adversely affect their surrounding neighborhoods.

It is found and declared that by reason of lack of maintenance and progressive deterioration, certain structures and properties have the further effect of creating blighted conditions and initiating slums, and that if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditures of large amounts of public funds to correct and eliminate the same. By reason of timely regulations and restrictions, as herein contained, the growth of blight may be prevented and neighborhood and property values may thereby be maintained, the desirability and amenities of residential and nonresidential uses and neighborhoods enhanced, and the public health, safety, and welfare protected and fostered.

Sec. 9-92. – Prohibition on c[re]ating or maintaining blight[ed premises prohibited] violations or property-maintenance violations.

No person, firm, or corporation, including any owner of [any building]real property in the City of Hartford, shall cause or allow,[create, maintain or permit the continuance of any blighted premises as defined in section 9-9] any such real property or premises to exist or be created or maintained in a manner that constitutes a blight violation or a property-maintenance violation as defined in this article.

Sec. 9-93. – Applicability of article; exemptions; severability.

[There shall be no exemptions to the applicability of this article, except as may be otherwise authorized in section 9-101(e) of this article.]

- (a) It is unlawful for any person, firm, corporation, or any owner of real property in the City of Hartford to be in conflict with or in violation of any of the provisions of this article.
- (b) Any building or structure undergoing remodeling, restoration, repair, or renovation under a current building permit, provided that any violations of this article will be corrected thereby and that the building official determines that the work is proceeding in a reasonably expeditious timeframe, is exempt from this article. Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with all other applicable ordinances and laws. Nothing in this article

shall be construed to cancel, modify, or set aside any provisions of the Hartford Zoning Regulations or the Building Code, as may be amended from time to time.

- (c) This article applies to only vacant, unoccupied real property during the first year after it is adopted, or until March 31, 2018, whichever is earlier.
- (d) If any provision of this article or the application thereof to any real property or any person, firm, corporation, or owner of real property is held invalid, such invalidity shall not affect other provisions or application of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

Sec. 9-93A. – Blight violations.

The following conditions existing on any real property within the city constitute blight violations under this article:

- (1) It is becoming dilapidated as determined by the Department of Development Services through inspections showing that two (2) or more property-maintenance violations exist on the real property. When two (2) or more property-maintenance violations exist on real property, each property-maintenance violation shall be treated as a separate blight violation; or
- (2) It is determined by the building official or by health department reports that existing conditions pose a serious or immediate danger to the community that is life-threatening or poses a health or safety risk to the public; or
- (3) It is attracting illegal activity as documented in police department reports; or
- (4) It is a fire hazard as determined by the fire marshal, or as documented in fire department reports; or
- (5) It constitutes a health or sanitary problem, as determined by the Director of Health and Human Services, or any designee(s) thereof; or
- (6) It contains unauthorized storage or accumulation of junk, trash, rubbish, litter, or refuse of any kind; the parking of inoperable vehicles (unless otherwise licensed to do so); or the presence of any inoperable machinery and equipment; or
- (7) It is a factor creating a substantial and unreasonable interference with the lawful use and enjoyment of other space within the building, or of other premises, as documented by complaints or cancellation of insurance on nearby properties; or
- (8) Extended vacancy of a dwelling, dwelling unit, or multiple-dwelling property, or commercial or industrial property that has remained continuously vacant for not less than one hundred twenty (120) days.

Sec. 9-93B. – Property-maintenance violations.

The following conditions existing on any real property within the City of Hartford constitute property-maintenance violations under this article. The existence of two (2) or more property-maintenance violations is a blight violation, and each property-maintenance violation will be enforced as a separate blight violation when two (2) or more exist on real property.

- (1) *Property-maintenance violation* means a violation of the following standards with respect to lots or parcels:

- (a) Grading. All premises shall be graded, drained, and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon. Drainage systems shall divert water away from the property and away from adjacent property lines. All drainage systems should discharge towards the public right-of-way. Approved storm-water management systems are exempt from this section.
 - (b) Shopping Baskets, Carts, and Wagons. No shopping baskets, carts, or wagons shall be left unattended or standing, and the baskets, carts, or wagons shall be collected as often as necessary and removed to an appropriate enclosure intended for such purpose or to the interior of the building or buildings from which they were taken.
 - (c) Fences. All fences shall be maintained. Such maintenance shall include, but is not limited to, painting as needed, removal or covering of graffiti, and the replacement or repair of fences, which may become in disrepair.
 - (d) Weeds and Plant Growth. All landscaping shall be maintained so that lawns, hedges, bushes, and trees are kept neatly and free from becoming overgrown and unsightly where exposed to public view and where the same may have a tendency to depreciate adjoining property. The maintenance shall include, but is not limited to, the replacement of trees and shrubs, which may die or otherwise be destroyed. Grass, weeds, or similar plant growth shall not reach a height greater than one (1) foot on any premises, including on the planting strip fronting the premises. Front yards shall not be allowed to deteriorate into unattended bare, dirt patches.
 - (e) Walks and Driveways. Steps, walks, driveways, parking spaces, and similar paved areas shall be maintained to afford safe passage under normal use and weather conditions. Any holes or other hazards that may exist shall be filled and necessary repairs or replacement accomplished. All off-street parking facilities shall be swept and maintained free of debris.
 - (f) Rodent Infestation. Yards, courts, and vacant lots shall be kept clean and free of rodent infestations.
 - (g) Physical Hazards and Garbage. Yards, courts, and vacant lots shall be kept clean and free of physical hazards and shall be maintained in a manner that will prevent accumulation of trash, garbage, litter, debris, waste, rubbish, and similar materials. The owner of the property shall maintain the premises litter-free.
 - (h) Inoperable Appliances. The owner of the property shall maintain the premises free of discarded or inoperative appliances, furnishings, or machinery.
 - (i) Signs. All signs exposed to the public view shall be maintained in sound condition. Excessively weathered or faded signs shall be removed or restored to sound condition. A non-operative or broken electrical or other sign shall be repaired or removed.
 - (j) Trash Receptacles. Trash receptacles shall be emptied on a regular basis.
 - (k) Cigarette Disposal. All places of business that serve food or drink to patrons (e.g., restaurants, cafes, bars) shall maintain receptacle(s) for the disposal of cigarettes on their premises and shall empty the receptacle(s) on a regular basis.
- (2) Property-maintenance violations also mean the violation of the following standards with respect to all buildings and structures on real property:
- (a) Exterior Surfaces. All exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks, fences, decorative features, and overhang

extensions shall be maintained so that they are not dilapidated or decaying, not open to the elements, and free of graffiti. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Substantial peeling, flaking, and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Surfaces designed for stabilization by oxidation are exempt from this requirement. Exterior walls shall be free from holes, breaks, and loose or rotting materials.

- (b) Exterior Structural Members and Walls. All structural members and walls shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads of the structure's legal use and occupancy.
- (c) Exterior Foundation Walls. The foundation walls of every building shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests. Foundations, floors, and walls shall be in good painted or finished condition without peeling.
- (d) Roofs and Openings. Roofs and flashing shall be sound, tight, and not have defects that admit rain. Roofs shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained and free from obstructions. Roof water shall be discharged in a manner so that it does not fall onto adjacent property. Roof tiles, shingles, and any other attachments shall be properly attached and kept in good condition.
- (e) Exhaust Vents. Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly upon abutting or adjacent public or private property.
- (f) Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained with proper anchorage and in a safe condition.
- (g) Overhang Extensions. All overhang extensions including but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be properly anchored and maintained in a safe condition.
- (h) Stairways, Handrails, Decks, Porches, and Balconies. Every exterior stairway, handrail, deck, porch, balcony, gallery, and all appurtenances attached thereto shall be maintained structurally sound and safe, with proper anchorage and capable of supporting the imposed loads.
- (i) Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally sound and safe.
- (j) Windows, Skylights, Door Frames, and Insect Screens. All windows, including skylights, and door frames shall be kept in sound condition and weather-tight. All glazing materials shall be maintained free from substantial cracks and holes. Boarded windows and doors shall comply with Section 9-98 and shall not be boarded for more than twelve (12) months. Windows, other than fixed windows, shall be operable and capable of being held in position by window hardware. All existing insect screens shall be intact, free from holes or breaks, and tightly fitted.
- (k) Rodent Harborage. Buildings and structures shall be maintained free of insect, vermin, pigeon,

and rodent harborage and infestation.

- (l) Clean and Sanitary Conditions. Buildings and structures shall be maintained in a clean and sanitary condition free from health, safety, and fire hazards.
 - (m) Storefronts. All storefronts, both occupied and non-occupied, and their walls exposed to public view shall be kept in a good state of repair and free of graffiti.
 - (n) Interior Structure. All interior walls, stairs, porches, floors, ceilings, support pillars, and beams shall be maintained so as not to be damaged, collapsing, or deteriorating.
- (3) Property-maintenance violations also include any conditions that unreasonably hinder the use of adjacent properties, block or interfere with the use of the public sidewalk or public or private street or right of way, obstruct the sighting of any road sign, obstruct utility lines or other cables to or around the premises, or extend or infringe beyond the boundaries of the premises.
- (4) Property-maintenance violations also include situations in which the overall condition of the premises causes an unreasonable impact on the enjoyment of or value of neighboring properties as expressed by persistent complaints from adjoining and nearby property owners.

Sec. 9-94. – Enforcement.

- (a) Administration and enforcement. There shall be a Division of Blight Remediation within the Department of Development Services that is the division responsible for the administration and enforcement of this article and the executive official in charge of the Division of Blight Remediation is known as the Director of Blight Remediation. The Director of Blight Remediation may issue rules, regulations, and policies needed for the enforcement of this article, subject to review and approval by the Blight Review Action Committee. The Division of Blight Remediation shall enforce the provisions of this article and any rules or policies promulgated under this article. The Director of Blight Remediation, or any designee(s) thereof, may undertake inspections of complaints for the purpose of documenting violations of this article. The Director of Blight Remediation, or any designee(s) thereof, may order any owner who violates this article to abate such violation, and is hereby authorized and empowered to issue citations for violations of this article. The Director of Blight Remediation, or any designee(s) thereof, is also authorized and empowered to effectuate the removal or abatement of the blight violation or property-maintenance violation under the procedures set forth in this article.
- (b) Inspections. The Director of Blight Remediation, or any designee(s) thereof, may initiate inspections and investigations and shall receive information and complaints concerning blight violations of the provisions of this article. The Division of Blight Remediation shall maintain written status reports indicating the number of complaints, violations identified, active and closed cases, and other information as requested by the Mayor, the Court of Common Council, or the Blight Review Action Committee.
- (c) Complaint of blight violation. Any individual[affected by the action or inaction of an owner of a dwelling unit or other space subject to the provisions of this article], any civic organization, [and]or any appropriate municipal agency may file in writing a complaint of a blight violation of this article with the [division of licenses and inspections]Division of Blight Remediation.
- (d) Notice of violation; order to correct; time limit for compliance. If the Director of Blight Remediation [Head of Licenses and Inspections acting himself or by an appropriate inspector or through an inspector or inspectors from any other departments or agencies the Director of Licenses

and Inspection deems appropriate,]has reasons to believe, pursuant to an inspection of the premises, that [an owner has violated the provisions]two (2) or more blight violation(s) of this article [by allowing, creating, maintaining, or permitting the continuance of blighted premises as defined in section 9-91]exist, the Director of Blight Remediation or any designee(s) thereof [or Inspector shall]may serve a written notice of violation(s) and an order to correct such violation(s) to the owner's last-known address by certified mail, return-receipt requested.[of record of the property by first class and certified mail. Each of the conditions that define blighted premises and exist on the premises in question shall be a separate violation of this article and, along with each other violation of the other sections of the Municipal Code, shall be enforced as provided herein.] If the owner's last-known address is the same as the property where the violation has occurred, then a copy of the notice of violation(s) and order to correct may be posted on the property at the time the violations are noted. The notice requirements of this section [shall be]are deemed satisfied upon: (1) in the case of certified mail upon receipt by the City of either a signed confirmation of delivery or the entire letter returned as non-deliverable, or (2) in the case of the owner's address being the same as the address of the property where the violation has occurred, upon leaving a copy of the notice of violation and order to correct at the property at the time the violations are noted. The notice of violation(s) and order to correct shall direct the removal, correction, or abatement of the violation(s)[require the owner to comply with the requirements of this article] in the manner specified in the order within [thirty (30)]ten (10) calendar days [of]after receipt of the notice. [A copy of the order shall be filed with the town clerk, and any subsequent purchaser of the property shall be subject to such order.] Such notice shall notify the owner that failure to remove, correct, or abate the violation will result in the issuance of a citation in accordance with this article. Such notice shall further notify the owner that failure to remove, correct, or abate the violation will result in fines being imposed that may be enforced subsequently as a lien on the owner's property and may be converted into a court judgment, and the City may cause the removal or abatement of the violation at the expense of the owner, which may likewise result in a lien on the owner's property that may be converted into a court judgment.

(e) (e) Failure to correct deficiencies; citation. If an owner of property has been served with a notice of violation(s) and order to correct[deficiencies,] and has failed to [do so]remove, correct, or abate the violation(s) within [thirty (30)] ten (10) calendar days after receiving a notice of violation and order to correct, as determined upon subsequent inspection, then the owner shall be presumed to be in violation of this article for every day thereafter until the owner submits appropriate evidence that the violations have been corrected.

(1) [Any new owner or new occupant shall, upon request, be granted a thirty-day extension of the notice and opportunity to remediate provided pursuant to subsection (b) of this section. For the purposes of this section, "new owner" means any person or entity who has taken title to a property within thirty (30) days of the notice, and "new occupant" means any person who has taken occupancy of a property within thirty (30) days of the notice.]However, if the owner, within that ten (10) day period, demonstrates to the City that the owner intends in good faith to rehabilitate or demolish the premises, or that the violation has occurred as a result of a casualty loss for which insurance is available but the owner needs additional time to remove, correct, or abate the violation, then the Director of Blight Remediation, or any designee(s) thereof, in his/her discretion, may issue a written stay of the enforcement of the citation and the enforcement of any fines imposed against the owner. Any stay is expressly conditioned upon the rehabilitation or demolition of the premises within a specified period of time not to exceed thirty (30) days, unless the owner requests an extension of time in writing to the Blight Review Action Committee, within the time specified in the stay and demonstrates that work to remove,

correct, or abate the violation(s) is progressing in good faith. The Blight Review Action Committee may grant an extension up to sixty (60) days. The owner may request additional extensions up to sixty (60) days each. If the conditions of the stay have not been met within the specified time period, or the time period as it may be extended, the stay will be terminated and all fines assessed against the owner will be enforced against the owner in accordance with this article, with daily fines accruing from the date of the citation before the grant of any stay.

- (2) [At this time t]The Division of [Licenses and Inspection]Blight Remediation [shall cause the owner to be]may issue a citation against the owner(s) assess[ed]ing a civil penalty [in the sum]of one hundred dollars (\$100.00) per day, or the maximum authorized by Connecticut General Statutes § 7-148(c)(7)(H)(xv) or other state statutes or the Municipal Code, as may be amended from time to time, for each [separate blighting condition as described in the definition of blighted premises and each other]violation of [the Municipal Code]this article that persists beyond [thirty (30)]ten (10) calendar days from the effective date of the notice of violation and order to correct until the owner presents appropriate evidence that the cited violations have been corrected and the premises have been re-inspected.
- (3) Any citation issued pursuant to this article shall be served upon the owner by mailing the citation to the owner’s last-known address by certified mail, return receipt requested, and by posting the citation in a visible manner on the subject property. A copy of the citation shall be filed with the town clerk, and any subsequent purchaser of the property shall be subject to such order. The citation shall provide the owner with the following information:
- (i) The allegations made against the property and the amount of the proposed fines per day of continued violation of the ordinance;
 - (ii) That the owner(s) may contest their liability before the City’s duly appointed hearing officer by requesting an appeal pursuant to Section 9-95 of this article, “Citation hearing officer; appointment; appeals”;
 - (iii) That if the owner(s) does not demand such a hearing within ten (10) calendar days after receiving the citation, the owner(s) shall be deemed to have admitted liability, and the hearing officer may assess a fine without further notice;
 - (iv) That the City may file a lien against the property in accordance with Connecticut General Statutes § 7-148aa for the amount of any unpaid fine for a blight violation or property-maintenance violation imposed by the City in accordance with this article;
 - (v) That a lien may be enforced in the same manner as a property tax lien pursuant to Connecticut General Statutes § 7-148aa and this article;
 - (vi) That fines imposed may be converted to a court judgment for money damages with additional court cost imposed; and
 - (vii) That in the case of violations that pose a danger to the public health, welfare, and safety, the City may cause the conditions to be corrected, removed, or abated at the expense of the owner, and that the amount of costs for correction, removal, or abatement may also become a lien against the owner’s real property.
- (4) (f) [Should an]If the owner(s) fail to pay, within forty-five (45) days of the citation, any and all civil penalties levied pursuant to this article, a one (1) percent interest charge shall be applied to the outstanding balance. The interest shall accrue and [shall]be compounded daily. Failure to pay any fee or civil penalties arising from the enforcement of this article [shall]constitutes a debt in favor of

the City and shall constitute a lien upon the real estate against which the fee or civil penalty was imposed from the original date of such fee or civil penalty. Each such lien may be continued, recorded, and released in the manner provided by the Connecticut General Statutes for continuing, recording, and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrance filed after July 1, 1997, to the fullest extent permitted by law, except taxes, and may be enforced in the same manner as property tax liens. In addition to placing a lien against the property for failure to pay any fee arising from the enforcement of this article, the City may bring civil action against the debtor in a court of competent jurisdiction to recover such debt.

(e) (g) Anti-Blight Special Fund.

- (1) All monies collected by the City as fees and civil penalties for violation[](s) of this article[, Anti-Blight Program,] and revenue collected pursuant to the special assessment pursuant to this article[,] shall be deposited into a special fund. This special fund shall be called the Anti-Blight Special Fund. The purpose of this fund is to provide a source of funds to be used for all associated costs in securing, remediating, and remedying blight and enforcing the Anti-Blight & Property-Maintenance Program.
- (2) Revolving Fund. The account shall be a permanent revolving account and shall not lapse at the end of the fiscal year. All the monies and interests deposited in the Anti-Blight Special Fund shall not be transferred, appropriated, or deposited in the general fund or any other fund. All monies in this revolving fund shall be used exclusively for the purposes of the Anti-Blight & Property-Maintenance Program as set forth herein.
- (3) Civil Penalties, Violations, and Liens. Any civil penalties or liens placed on any property [in]as a result of any violation of the Anti-Blight & Property-Maintenance Program which have been assessed and collected from a foreclosure, sale, or judicial settlement[and have become due and payable to the City of Hartford,] shall be deposited in the Anti-Blight Special Fund.

(f) (h) Appeal for relief of citation. Any owner [who is aggrieved as a result of being]served with a citation in accordance with this article may, within ten (10) days of receipt of the citation, appeal in writing for relief from the citation hearing officer in accordance with sections 1-5 [of the Code,]and section 9-95[, herein] of the Municipal Code.

Sec. 9-95. – Citation hearing officer; appointment; appeals.

The Corporation Counsel shall appoint individuals to hear appeals concerning [the issuance of anti-blight]citations issued under Section 9-94, pursuant to the provisions of section 1-5 of the Municipal Code. The City Council may make recommendations to the Corporation Counsel concerning the individuals to be appointed to serve as citation hearing officers. The individuals appointed to serve as citation hearing officers shall serve for a term of up to one (1) year or until a successor is appointed. All citation hearing officer appointees shall have backgrounds in law and/or issues relating to housing. Each hearing officer appointed pursuant to this section shall hear appeals under this article[and make decisions thereon separate and apart from all the other hearing officers appointed by the Corporation Counsel to hear anti-blight appeals]. In deciding to appoint an individual as a citation hearing officer under this section, the Corporation Counsel shall give preference first to City residents and second to those with a place of business in the City and students attending a law school located in the City. Individuals appointed as citation hearing officers under this section shall serve at the pleasure of the Corporation Counsel.

- (1) An owner may appeal for relief of each citation issued pursuant to section 9-94 to a citation hearing officer in accordance with the provisions of section 1-5 of the Municipal Code. Relief [must]shall be requested in writing within ten (10) days of the owner's receipt of the citation. Relief may be

granted if the owner can establish to the hearing officer's satisfaction that:

- a. The owner cited was not the owner of record of the property at the time the notice of violation and order to correct was issued; or
- b. Notice of the violation was not properly served upon the owner of record in accordance with subsection 9-94(b); or
- c. The notice of violation was not in proper form; e.g., failed to inform[ed] the owner of the section of the Municipal Code being cited for, failed to [gave]give owner sufficient time to cure violation, etc.; or
- d. The notice of citation was not properly served to the owner of record in accordance with subsection 9-94(c); or
- e. The notice of citation was not in proper form; e.g., failed to contain the amount of the penalty incurred under subsection 9-94(c), failed to inform[ed] the owner of the right to appeal, etc.; or
- f. The [d]Director of Blight Remediation incorrectly determined that the violations cited were not corrected within the [thirty]ten-day period, or time period granted by a stay of enforcement, as required by subsection 9-94(c); or
- ~~g.~~ The property is subject to a stay of citation issued pursuant to subsection 9-94; or
- ~~g.~~ h. The [dwelling units or other spaces]real property and its structures are actively undergoing repairs that are required to be made to correct violations of state or local codes; or
- ~~h.~~ i. The owner has in good faith corrected all cited violations and it would work a substantial economic hardship on the owner of the [dwelling unit or building]real property to require further payment of penalties in compliance with this article; or
- [i. The owner has in good faith attempted to sell or rent the dwelling unit or other space for the period described in the definition of extended vacancy attempted but has been unable to do so. To establish good faith and reasonable efforts, the owner must demonstrate by clear and convincing evidence that all reasonable steps have been taken to advertise the premises in a manner designated to and reasonably believed to have the effect of reaching potential tenants or buyers, as the case may be, and that the rent or sale price asked for is not excessive based on the rents or market values for other comparable housing in the neighborhood or adjacent neighborhoods that have:
 - i) The same number of rooms;
 - ii) The same number of bathtubs or showers, flush water closets, kitchen sinks, and lavatory basins;
 - iii) The same number of bedrooms;
 - iv) Similar services, furniture, furnishings, and equipment supplied; and
 - v) Similar amenities provided,
 - vi) Such other market determiners as may be relevant in the determination of the hearing officer based on the location and condition of the property.]

(2) Full documentation, such as code violation reports, engineering reports, and any other information

deemed necessary by the hearing officer shall be provided by the owner(s).

- (3) It is the responsibility of the owner(s) of the premises to have a valid address filed with the City pursuant to section 9-18, and failure to provide such an address shall not constitute a reason for relief of the payment of penalties.

Sec. 9-96. – [Chief operating officer’s]Blight Review Action Committee report; hearing.

- (a) The [Chief Operating Officer of the City shall]Blight Review Action Committee shall present a [quarterly]bi-annual status report at the regular meetings of the Court of Common Council listing all properties deemed to be blighted within the meaning of this article. The report shall include the following:
 - (1) The factors which, in the [Chief Operating Officer’s]Blight Review Action Committee’s opinion, warrant the determination that the premises so listed are blighted;
 - (2) The efforts undertaken by the City to eliminate the blighting condition, such as clearing the premises of debris or barricading the structures on the premises, and that such actions were unsuccessful;
 - (3) That either (a) the owner of the premises cannot or will not eliminate the [blighting condition]blight violation, or (b) the owner has not responded to a lawful order by the City to take action to eliminate the [blighted condition]blight violation within [thirty (30)]ten (10) days after due notice [of the request]or order has been served by means set forth in subsection 9-94[(b)](d)[used to notify property owners of violations of the housing code and orders to comply with the provisions of the housing code].
 - [(4) The circumstances existing on the premises and in the neighborhood which, in the Chief Operating Officer’s opinion, make it necessary for the council to take action in order to eliminate the conditions of blight on the premises;]
- (b) At the regular meeting at which the Council receives the report from the [Chief Operating Officer]Blight Review Action Committee, the Council shall set a date no later than thirty (30) days thereafter at which time a public hearing shall be held in regard to the existence of [blighting conditions]blight violations on the named premises, except that no public hearing shall be held on those properties which are the subject of a pending section 1-5 hearing.
- (c) At the public hearing the report of the [Chief Operating Officer]Blight Review Action Committee shall be treated as prima facie evidence of blight on the premises.

Sec. 9-97. – [Determination by council]Acquisition of properties.

[Upon completion of the public hearing the Court of Common Council shall, within thirty (30) days, consider the Chief Operating Officer’s report and make recommendations to the Chief Operating Officer as to the disposition of those properties, which disposition may include the option to purchase.]The Director of the Department of Development Services is authorized to take the necessary steps to acquire any properties covered by the provisions of this article and which have been certified by the building official to be abandoned pursuant to the Urban Homesteading Act, G.S. §8-169(o), et seq., as it may be amended from time to time, or any other ordinance or state statute. The Director of the Department of Development Services is further authorized to take necessary steps to acquire any properties covered by the provisions of this article, provided there are funds available, using other state and federal means as they may be available.

Sec. 9-98. – Securing and painting of openings in buildings.

[(a)]The Director of Licenses and Inspections or the Director Blight Remediation, or any designee(s) thereof, may order the owner of a vacant or abandoned building to secure all doors and windows, including any or all windows in the upper floors of the building, of any building which is vacant or abandoned. The Director of Licenses and Inspections or the Director of Blight Remediation, or any designee(s) thereof, shall designate the materials and procedures to be used to comply with such order. The Director of Licenses and Inspections or the Director of Blight Remediation, or any designee(s) thereof, shall order all property owners of vacant[,] or abandoned [or occupied]buildings to paint all boards of raw plywood or other similar materials used to cover all doors, windows, or other areas, with a color which matches the color of the building. If the owner of the building fails, neglects, or refuses to comply properly with the terms of the order issued pursuant to this section by the Director of Licenses and Inspections or the Director of Blight Remediation, the Director of Licenses and Inspections or the Director of Blight Remediation or any designee(s) thereof may cause the required work to be performed by City staff or an independent contractor; the Director of Licenses and Inspections or the Director of Blight Remediation is not obligated to secure any building that is not deemed unsafe. The Corporation Counsel's Office may institute an action against the owner of the building to recover the cost of any work performed at the expense of the City pursuant to this section.

Sec. 9-98A. – Registration of vacant buildings and vacant lots.

- (a) *Registration.* All owners of vacant buildings and vacant lots must register their properties at the Department of Licenses and Inspections within fifteen (15) days of the date on which the building became vacant. At the time of registration such owners shall also schedule a time for an inspection within fifteen days (15) of such registration by the Department of Licenses and Inspections and any other departments or agencies the Director of Licenses and Inspections deems appropriate. For purposes of this section a vacant building shall be considered a building that is experiencing an extended vacancy as defined in this article. This registration shall be made through a form provided by the City of Hartford and shall include a list of a contact person or persons responsible for the maintenance and repair of the property. This form shall contain the current telephone numbers and addresses of all contact persons. It is the sole responsibility of the property owner to update this information at the department of licenses and inspections whenever there is a change in the name, telephone or address of the contact person.
- (b) *Failure to comply.* Failure to register or comply with any of the provisions of this section will result in a [[fine]] civil penalty of ninety-nine dollars (\$99.00).
- (c) *Securing of vacant building or vacant lot.* Within ninety (90) days of registration under paragraph (a) of this section the owner of a vacant building or a vacant lot shall submit verification of the following to the Director of Licenses and Inspections:
 - (1) Proof of the cleaning and securing of any vacant building or vacant lot in accordance with all applicable codes and regulations as verified by appropriate inspectors. Such cleaning and securing shall include, but not be limited to, boarding and painting of vacant buildings as described in section 9-98 and HUD bolting where necessary.
 - (2) Confirmation to the satisfaction of the Director of Licenses and Inspections that the provision of all utilities have been terminated and that appropriate measures have been taken to secure plumbing fixtures, gas delivery systems and any other utility related systems or materials. Such utilities shall include, but not be limited to, removal of hazardous materials, natural gas, electric power and water.

- (d) *Annual fee.* The owner of any vacant lot shall pay an annual fee of twenty-five dollars (\$25.00) and the owner of any vacant building shall pay an annual fee of ninety-nine dollars (\$99.00) for the period that such vacant lot or vacant building remains so. The fee is related to the administrative costs of registering and processing the vacant building or vacant lot registration form and for the costs of the City related to the monitoring and inspection of the vacant building or vacant lot.
- (e) *Reporting.* The Director of Licenses and Inspections shall submit a quarterly report not later than January 15, April 15, July 15 and October 15 of each year to the Mayor and the Court of Common Council listing all buildings and lots in the City declared vacant under the provisions of this section, the date upon which such buildings and lots were declared vacant and whether a vacant building or vacant lot registration and any site plan have been filed for the building. The report shall also include a list of all previously declared vacant buildings and vacant lots and their current status. The Director of Licenses and Inspections shall also submit an initial list of all vacant lots and vacant buildings to the Hartford Police and Fire Departments and shall update such list as necessary.

Sec. 9-98B. – Reduction in assessment for rehabilitated structures.

- (a) The assessment on real property, which is determined to [be “blighted premises” as defined in] have two (2) or more existing blight violations under [Hartford Municipal Code section 9-91] this article and is within one thousand five hundred (1,500) feet of [property classified as] residential property, shall, at the discretion of the City Assessor, be adjusted as provided for in subsection (c) and pursuant to G.S. §12-121e, provided all other criteria established in this section are met.
- (b) [Prior to any work commencing and b] Before such real property will be considered for a deferral under this section, a “request for deferral” application shall be filed with the department of assessment which shall include:
 - (1) A description of the parcel;
 - (2) A description of the planned improvements thereon and intended use;
 - (3) An itemized estimate of the cost of those improvements; and
 - (4) A timetable detailing the schedule of improvements.
- (c) Real property that meets the requirements of subsections (a) and (d) of this section shall have the assessment on the building to be rehabilitated reduced for a period of nine (9) years from the time such improvement has been completed and a certificate of occupancy has been issued pursuant to section 35-69. Such adjusted assessment shall reflect the value of the structure prior to rehabilitation and shall defer any increase in assessment attributable to such improvement according to the following schedule:

Year	Percentage of increase deferred
1	100
2	100
3	100
4	100
5	100
6	80
7	60
8	40
9	20
10	0

- (d) For a building to be considered for an assessment deferral under this section, the following criteria [must]shall be met:
- (1) Residential (one- to four-family, co-ops and condominiums) and apartments (five-family and up).
 - a. The building shall be at least fifteen (15) years old.
 - b. The investment in the building to be improved shall be at least thirty (30) percent of the assessed value of said property as of the last revaluation.
 - c. No building shall be eligible unless appropriate building permits have been acquired and applications for such permits are made at the same time as the filing for an assessment deferral with the City Assessor.
 - d. Any rehabilitated structure [must]shall meet all zoning requirements and conform to the City plan of development.
 - e. Within seven (7) days of completion of improvements and issuance of a certificate of occupancy, the Assessor [must]shall be notified by the owner.
 - (2) Commercial and industrial.
 - a. The building shall be at least twenty (20) years old.
 - b. The investment in the building to be improved shall be at least forty (40) percent of the assessed value of said property as of the last revaluation.
 - c. No building shall be eligible unless appropriate building permits have been acquired and applications for such permits are made at the same time as the filing for an assessment deferral with the City Assessor.
 - d. Any rehabilitated structure [must]shall meet all zoning requirements and conform to the City plan of development.
 - e. Within seven (7) days of completion of improvements and issuance of a certificate of occupancy, the Assessor [must]shall be notified.
- (e) For the purposes of revaluation, the market value prior to rehabilitation and the post rehabilitated market value will fluctuate with the revaluation. The market value of the property prior to rehabilitation will be adjusted by a factor equal to the median change in value for the property use code as a result of the revaluation. The post rehabilitated market value of the property will be recalculated with the revaluation. In cases where rehabilitation has not been completed prior to the implementation of a revaluation, the market value of the property will be recalculated with the revaluation.
- (f) If rehabilitation work is not completed or a certificate of occupancy has not been obtained within two (2) years of the date of the approval of the Assessment Deferral application, a new application [must]shall be filed with the Assessment Division and re-approved for the property to maintain eligibility of the program. If the property is transferred after program approval and before a certificate of occupancy for the rehabilitation work has been issued, the new owner [must]shall file a new application with the Assessment Division prior to the commencement or recommencement of work and would require re-approval for the property to maintain its program eligibility.

[Sec. 9-98C. – Reserved.]

[Sec. 9-98D. – Blighted housing special assessment.

- (a) Blighted Vacant Housing, as defined by this article, is established as a separate classification of real property for the purpose of ad valorem taxation and shall be subject to special assessment.
- (b) The special assessment shall be in addition to the general tax levy for properties classified as blighted vacant housing and shall apportion the reasonable cost of government services required, as determined annually by the Court of Common Council on the recommendation of the Mayor to respond to, remediate and/or ameliorate, blighted housing conditions within the City, provide public safety and other governmental services increased by and reasonably attributed to or resulting from blighted housing, and the cost of securing and maintaining properties foreclosed by the City for nonpayment of any foreclosable tax, fee, fine or civil penalty. The costs shall be determined annually based on an analysis of the costs for code inspection and enforcement, housing and health enforcement, costs for police and fire personnel and public safety response to blighted housing, increased costs of government services for maintenance of public property and facilities, education, and any other cost or expense reasonably attributable to blighted housing.
- (c) The special assessment shall be determined by calculating the costs reasonably attributable to blighted vacant housing and apportioning those costs among the properties classified as blighted vacant housing on a per dwelling unit basis. The number of dwelling units within a multiple dwelling unit property subject to special assessment shall be the number of units determined by the city to be blighted vacant housing. The dwelling unit assessment shall be determined by dividing the total blighted housing costs budgeted by the City by the total number of dwelling units in the entire class of properties identified and classified as blighted vacant housing and then apportioned to each blighted vacant housing property based on the number of per dwelling units determined to be blighted. For purposes of determining the special assessment for vacant residentially zoned property, each lot shall be deemed to have a single dwelling unit.
- (d) The costs and expenses reasonably attributable to blighted housing, as determined by this article and upon which the special assessment is based, shall be set forth as expenses for which the City Council has authorized appropriation in the City budget and, following the adoption of the budget, each owner of property finally classified as blighted vacant housing pursuant to section 9-98F shall be mailed, by first class mail, at the address on record with the Assessor, a notice that the property shall be subject to special assessment and a statement of the amount of the assessment to be levied against the property.
- (e) Any unpaid special assessment shall constitute a lien upon the real estate against which the assessment was imposed from the date thirty (30) days following the date the assessment is levied. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens. Each such lien may be enforced in the same manner as property tax liens.]

Sec. 9-98C[E]. – Blight[ed housing] review action committee.

- (a) The Blight[ed Housing] Review Action Committee is established and [shall be]comprised of the [Chief Operating Officer,]Corporation Counsel or his or her designee within the Office of Corporation Counsel, [Finance Director,]Tax Assessor or his or her designee, Director of Blight Remediation or her or his designee, Director of Licenses and Inspections or his or her designee, Director of the Department of Public Works or his or her deputy, Director of Health and Human

Services or his or her deputy, and Tax Collector or his or her designee[(or their respective designees)] and [shall have]has the authority conferred upon the Committee by this article. The Chair of the Blight Review Action Committee shall be the Director of Blight Remediation.

- (b) The Committee [shall have]has the authority to administer the provisions of this article through the Director of Blight Remediation, to determine when and under what circumstances entry upon private property shall be authorized, and [to determine those properties subject to special assessment, and]to settle, based on the recommendation of the Director of Blight Remediation, any fines, citations, civil penalties, or liens placed on any property for violations of this article if such settlements are deemed, in the Committee's discretion, necessary to promote the policy set fo[u]rth in Section 9-91A, Declaration of policy.

[Sec. 9-98F. – Special assessment; property for classification; review.

- (a) The Blighted Housing Review Committee shall convene annually no later than June 1 to review and identify those properties likely to be classified as blighted vacant housing. The Committee shall also have authority to determine when the right of entry by City personnel shall be authorized for the abatement of blight on private property.
- (b) Each year the Blighted Housing Review Committee shall identify properties that constitute blighted vacant housing and shall prepare and file a preliminary list of all such properties in the offices of the Town and City Clerk and the City Assessor. In determining those properties that shall be classified as blighted vacant housing for purposes of special assessment, the Committee shall consider, at minimum and without limitation, properties registered as vacant pursuant to the provisions of Section 9-98A of this article, properties registered pursuant to G.S. §7-148ii, properties that are boarded, properties identified as vacant by any local, state or federal agency or department, and properties to which power utilities have been disconnected. To the extent practicable, the City shall keep and maintain a listing of vacant and potentially vacant housing as a reference and shall regularly monitor, review and update the information therein contained. Such list shall include, at minimum and without limitation, all properties registered as vacant pursuant to this article and those properties registered pursuant to G.S. § 7-148ii.
- (c) No later than August 1 of each year, the city shall mail, by first-class mail, to the owner(s) of record of each parcel preliminarily identified as blighted vacant housing as those owners are listed in the records of the City assessor, or such agents as may have registered with the City pursuant to this article or G.S. § 7-148ii, a preliminary warning notice of determination that the owner's property has been identified as blighted vacant housing subject to special assessment and notice of the right to and procedure for seeking review and remediation of that determination, which notice shall conform to the review procedures set forth in this section.
- (d) The owner of any property identified and noticed as blighted vacant housing may seek review of the determination from the Blighted Housing Review Committee, which request shall be postmarked or hand delivered within thirty (30) days of the date of the mailing of the notice. The request shall be mailed or delivered to the office of the Chief Operating Officer. The request shall be made in writing setting forth the facts and circumstances demonstrating that the property is not blighted vacant housing or establishing a basis for exemption pursuant to subsection (e) and may be supported by documentation and affidavits. There shall be no hearing unless such hearing is deemed necessary by the Committee, in its discretion, to clarify conflicting factual information. If, on review of the owner's submissions and such other review or investigation as the Committee deems appropriate in its discretion, it is determined that the property is not blighted vacant housing, the Committee shall remove the property from the list of blighted vacant housing. The failure of an

owner to seek review as provided by this section shall be presumptive evidence that the property is blighted vacant housing subject to special assessment.

- (e) The Committee shall have the discretion to exempt and remove properties, except those properties otherwise subject to blight enforcement under this article, from the list of properties subject to the special assessment where: (1) the property is under active construction or rehabilitation as evidenced by current permits, current or impending financing, evidence of actual on-going construction, current contracts or other circumstances indicative of a present intent and ability on the part of the owner to restore the property to occupancy, (2) the property has been transferred to new owners within the thirty (30) days prior to notice or during the review period, (3) the Committee determines that financial or personal hardship prevents reasonable efforts to restore the property to occupancy, including but not limited to divorce, bankruptcy or illness, (4) the owner has died or is incapacitated, (5) the property is for sale or rent under conditions which satisfy the criteria set forth in section 9-95(1)(i), or (6) such other combination of conditions exist which, in the discretion of the Committee, demonstrate unanticipated excusable hardship warranting exemption.
- (f) Within the fiscal year of the Special Assessment date and the following fiscal year, the Blighted Housing Review Committee may remove any assessment found to be entered in error.
- (g) The owner of property classified as blighted vacant housing shall have a period of one hundred eighty (180) days from the mailing of the notice of determination to reverse the condition of the property, restore the property to use, and to notify the Blighted Housing Review Committee in writing, that the property is no longer blighted vacant housing. This notification shall be mailed or delivered to the Office of the Chief Operating Officer. Property that has been remedied, cured or corrected, and restored to use such that it is no longer blighted vacant housing shall be removed from the final list of assessable property by the Blighted Housing Review Committee. The failure of an owner to notify the Blighted Housing Review Committee that property has been restored to active use and is no longer blighted vacant housing prior to the expiration of the six-month cure period shall be presumptive evidence that the property remains subject to special assessment for the succeeding fiscal and tax year.
- (h) On or before April 1 of each year, upon completion of the review process set forth in this section, the Blighted Housing Review Committee shall certify and file its final list of blighted vacant housing for the upcoming fiscal and tax year with the Town and City Clerk, the City Assessor, the Mayor, and the Common Council.
- (i) For purposes of the application of the special assessment in the year of adoption, and for that year and the following fiscal year only, blighted property subject to the special assessment shall be identified and the owners notified of the determination of the City on or before the first day of November. An owner shall file an appeal, if any, on or before December 1 and the period during which the owner's appeal may be heard and decided or cure the conditions shall remain one hundred eighty (180) days from the date of the notice. Final determination shall be made by the Blighted Housing Review Committee on or before May 15.]

[ARTICLE VI. – URBAN HOMESTEADING

Sec. 9-99. – City acquisition of abandoned blighted properties.

The Director of the Department of Development Services is authorized to take the necessary steps to acquire any properties covered by the provisions of this article and which have been certified by the Building Official to be abandoned pursuant to the Urban Homesteading Act, G.S. § 8-169(o) et seq., as it may be amended from time to time. The Director of the Department of Development Services is authorized to take

necessary steps to acquire any properties covered by the provisions of this articles, provided there are funds available, using other state and federal means as they may be available.]

This ordinance shall be effective upon passage.

