

CHAPTER 18: LANDLORD ACCOUNTABILITY ACT

RELOCATED SECTION. Existing Section 17-44 (Rental Accountability Act) to be Relocated and renamed as "Section 18-1 Regulation of Rental Units" et. seq.

NEW SECTION Sec. 18-2 Landlord Registration

This article shall be known and may be cited as the "ordinance regarding nonresident landlord registration" or "nonresident landlord registration ordinance."

Sec. 18-2a Legislative authority.

This article is enacted pursuant to the provisions of Connecticut General Statutes 47a-6a, 47a-6b, 7-148 and the City of Ansonia Charter.

Sec. 18-2b Findings and purpose.

The Board of Aldermen of the City of Ansonia finds that there have occurred numerous incidents of when persons renting a residential dwelling have had difficulty with their premises and the use thereof, or that the use by the persons renting the property has been maintained so as to create a public nuisance, disturbance or hazard, and the City has been unable to quickly identify and contact the nonresident owner of the property or the agent in charge. The Board of Aldermen also finds that the identification and knowledge of the whereabouts of nonresident owners of residential rental housing units in the City of Ansonia is in the best interests of the community and will promote the public welfare, health and safety of the people of Ansonia. Accordingly, pursuant to the authority granted to municipalities by Connecticut General Statutes 47a-6a, 47a-6b, and 7-148, and of that authority granted the Board of Aldermen by the City of Ansonia Charter, the City of Ansonia seeks to better protect, preserve and promote the health, safety, welfare and quality of life of its people by requiring nonresident owners of residential rental housing units to comply with this article. Following its adoption by the Board of Aldermen, this article shall become effective on September 1, 2021, after publication in a newspaper having circulation in this City.

Sec. 18-2c Definitions.

As used in this article, the following terms shall have the meanings indicated:

ADDRESS

A location as described by the full street number, if any, the street name, the city or City, and the state, and not a mailing address such as a post office box.

AGENT IN CHARGE

One who manages real estate, including, but not limited to, the collection of rents and supervision of property, who may be reached or contacted at any time in the event of an emergency affecting the premises or any unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make or cause to be made emergency decisions concerning the building and any repair thereto or expenditure in connection therewith and who shall, at all times, have a current list of all building tenants which shall be made available to emergency personnel as required in the event of an emergency.

CONTACT INFORMATION

The name, address, electronic mail (e-mail) address and phone number of the nonresident owner and the agent in charge, if any.

DWELLING UNIT

Any house or building, or portion thereof, which is rented, leased or hired out to be occupied, or is arranged or designed to be occupied, or is occupied, as the home or residence of one or more persons, living independently of each other, and doing their cooking upon the premises, and having an exclusive or a common right in the halls, stairways or yards.

NONRESIDENT OWNER

Any owner of a dwelling unit who does not reside in such unit nor within the building of which the dwelling unit is a part.

Sec. 18-2d Applicability.

This article shall apply to all dwelling units in the City of Ansonia, except that dwelling units that are owned by the State of Connecticut shall be exempt. This exemption shall not include dwelling units leased from the State of Connecticut.

Sec. 18-2e Registration required; fees.

(a) Within 60 days following the effective date of this ordinance, and biannually thereafter within 30 days after September 1 of each year, commencing September 1, 2022, any nonresident owner of one or more dwelling unit shall be required to file and maintain on file in the office of code enforcement of the City of Ansonia a signed statement including the following information for each property owned:

a. the current address and contact information of the nonresident owner of such property, if the owner is an individual. If a nonresident owner is a corporation, partnership, trust or other legal recognized entity, then names of all general partners and the current address and contact information of the agent in charge of the building; and

b. The names of all tenants currently residing on such properties; and

c. A listing of all motor vehicles kept on such properties.

The Ansonia Building Department will maintain standard forms for use by nonresident owners to satisfy the reporting requirements of this Section. However, failure to receive forms from the Ansonia Building Department shall not relieve nonresident owners from their obligations to file in a timely manner under this Section.

A copy of the signed statement shall be posted at each dwelling in a conspicuous place.

(b) Nonresident owners are responsible for filing an updated signed statement within fifteen (15) days of any change to the information required by this Section.

(c) Any nonresident owner or agent who fails to file signed statements in a timely manner in accordance with this Section shall be responsible for a one-hundred-dollar (\$100.00) penalty for each month said signed statement is late.

(d) If any such nonresident owner or agent fails to maintain on file information as required by this section, the address to which the City mails property tax bills or public water/sewer bills, for the residential rental housing unit shall be deemed to be the nonresident owner's or agent's current address. Such address may be used for compliance with the provisions of Subsection (e) of this section.

(e) Service of state or municipal orders relating to maintenance of any such dwelling unit or compliance with state law and local codes concerning such real property directed to the nonresident owner or agent at the address on file, or deemed to be on file in accordance with the provisions of this section, shall be sufficient proof of service of notice of such orders in any subsequent criminal or civil action against the nonresident owner or agent for failure to comply with the orders.

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

Sec. 18-2f Penalties for offenses; notice of assessment; appeals.

(a) As provided in Connecticut General Statutes 47a-6a and 47a-6b, and notwithstanding any provision of the Ansonia Code of Ordinances to the contrary, any nonresident owner or agent who shall violate any provisions of this article shall be assessed a civil penalty of not more than \$250 for the first violation and not more than \$1,000 for any subsequent violation.

(b) The office of code enforcement of the City of Ansonia shall send notice of the assessment to the nonresident owner or agent of the property that is the subject of the violation.

(c) Any person who is assessed a civil penalty pursuant to this section may appeal therefrom to the superior court. An appeal shall be instituted not later than 30 days after the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to C.G.S. 52-259, at the superior court facility designated

by the chief court administrator, which shall entitle such person to a hearing in accordance with the rules of the judges of the superior court.

NEW SECTION Sec. 18-3 Rental Certification Program

This article shall be known and may be cited as the "ordinance regarding rental certifications" or "rental certification ordinance."

Sec. 18-3a Findings.

The Board of Aldermen of the City of Ansonia finds that inadequate maintenance of residential rental property within the community is a detriment to the public welfare, health and safety.

Sec. 18-3b Scope.

No owner, agent or person in charge of a residential rental housing unit offered for rent within the City of Ansonia shall allow any person to occupy the same as a tenant or lessee for a valuable consideration, unless the owner, agent or person in charge holds a valid certificate of compliance issued by the Code Official for the specific housing unit.

Exception: The provisions of this chapter shall not apply to those housing units that are:

1. Owned by the State of Connecticut. This exception shall not include those dwellings or dwelling units located within the City of Ansonia that are owned by an entity leasing real property from the State of Connecticut.
2. Legal two-family dwelling units that are owner occupied.
3. Legal three-family dwelling units that are owner occupied.

4. Single-family dwelling units rented or leased for a period not to exceed one year when the original owner occupant will return to that unit as his or her primary residence at the end of the rental term or lease.

5. Single-family dwelling units sold and rented or leased by the buyer to the seller as a condition of the sale to provide the seller with extended occupancy for a period not to exceed one year.

Sec. 18-3c Implementation Schedule.

The provisions of this chapter shall be implemented pursuant to a schedule, hereinafter referred to as the "implementation schedule," developed and maintained by the Code Official. No owner, agent or person in charge of a dwelling or dwelling unit located within the City of Ansonia shall be found in violation of this chapter until such time as he/she fails to obtain a valid certificate of compliance within the period specified by the implementation schedule, or to renew said certificate pursuant to the implementation schedule.

Sec. 18-3d Term of Certificate.

Every rental certificate of compliance shall expire pursuant to the date set forth within the implementation schedule unless renewed. The fee for a certificate of compliance shall be \$150. The renewal fee for a certificate of compliance shall be \$100.

Sec. 18-3e Conditions for issuance and renewal of certificates.

Upon request of the owner, agent or other person authorized to rent a dwelling unit (hereinafter referred to as the "applicant"), the Code Official will be available at an appointed time, within a reasonable amount of time, agreed upon by the Code Official and the applicant, or later if the applicant requests, to inspect such dwelling or dwelling unit.

If such inspection or reports provided to the Code Official establish that the dwelling or dwelling unit is in substantial compliance with this code and any other applicable law, regulation or code, the Code Official shall issue a certificate of compliance for said dwelling or dwelling unit, provided that all fees or other assessments charged against the dwelling or dwelling unit pursuant to this Housing Code have been paid. One copy of the certificate of compliance shall be handed to or sent by mail to the applicant; a second copy shall be posted by the owner or his/her designated agent in a conspicuous location inside

the dwelling or dwelling unit for the information of the tenant and shall not be removed by or at the direction of anyone other than the tenant; and a third copy shall be kept on file in the Code Official's office. After the issuance of a certificate, if, upon reinspection or receipt of reports provided to the Code Official, it is determined by the Code Official that the dwelling or dwelling unit is no longer in substantial compliance with this code or any other applicable law, regulation or code, the certificate may be revoked by the Code Official in a writing stating the reasons for the revocation.

Sec. 18-3f Reinspections.

If said dwelling or dwelling unit does not comply with the code standards, the Code Official shall furnish the applicant with a written list of the specific violations, which would have to be corrected before a certificate of compliance could be issued for the dwelling or dwelling unit. Upon the representation of the applicant that the listed violations have been corrected, the Code Official shall reinspect said dwelling or dwelling unit and issue a certificate of compliance or a list of violations, as above provided.

Sec. 18-3g Waiver pending correction.

Any applicant who is delayed in correcting violations necessary to entitle him/her to a certificate of compliance and who has a valid contract in writing with a person for the performance of the work may petition the Code Official in writing for a temporary waiver of compliance. The petition shall contain the information therein which is reasonably necessary for a decision and shall include a written and signed statement by the person under contract to correct the violation, specifying the date of beginning and completion of the work.

If the Code Official shall find that the delay in the correction of the violation is reasonable, taking into consideration the availability of persons to do the work and the current work load, and that the work can reasonably be undertaken and completed while the premises are occupied or that appropriate provision has been made for housing the tenant elsewhere during the necessary period when the dwelling or dwelling unit will not be habitable because of the work of correcting the code violation, the Code Official shall issue a temporary waiver of compliance expiring on the date when the corrective work should be completed. The applicant shall, on or before that date, request a reinspection. The Code Official shall reinspect the dwelling or dwelling unit and issue the certificate of compliance or list any remaining violations as above provided.

Sec. 18-3h Appeals.

Any applicant aggrieved by the decision of the Code Official to issue a certificate of compliance may appeal to the Zoning Board of Appeals.

Sec. 18-3i Renewal of Certificates.

Renewal of certificates shall be contingent on reinspections, to be performed on a bi-annual basis.

Sec. 18-3j Violations and penalties.

Any owner, agent or other authorized persons who lets for occupancy any dwelling or dwelling unit in the City of Ansonia and who does not hold a valid certificate of compliance from the Code Official shall be given written notice by said official of said violation by personal service or by certified mail, addressed to said owner, agent or other authorized person in control of the subject property at his/her last known address. Any such person or entity who or which fails to cure such violation within 15 days after the date of such written notice may be assessed a fine of not more than \$100 per day for each and every day that such violation continues, as each day of such continued violation shall be considered a separate violation of this chapter.

NEW SECTION Sec. 18-4 Rental Inspections

This article shall be known and may be cited as the "ordinance regarding rental inspections" or "rental inspection ordinance."

Sec. 18-4a Scope.

The Code Official is hereby authorized and directed to make periodic inspections within the purview of this chapter and such inspections as are required by a code compliance program of the City of Ansonia, by and with the consent of the owner, occupant or person in charge, to determine the condition of dwellings, dwelling units, rooming units and premises within this City for the purpose of determining compliance with the provisions of this chapter or this code. Occupants may also request inspections under this chapter or this code.

A. For the purpose of making such inspections, the Code Official, with the consent of the owner, occupant or person in charge, is hereby authorized to enter, examine and survey all dwellings, dwelling

units, rooming units and premises at such time mutually satisfactory to and agreed upon by the Code Official and the owner or occupant of a dwelling, dwelling unit or rooming unit or the person in charge thereof. Such inspection, examination or survey shall not have for its purpose the undue harassment of the owner or occupant, and such inspection, examination or survey shall be made so as to cause the least amount of inconvenience to said owner or occupant, consistent with an efficient performance of the duties of the Code Official. To further ensure that the policy of this chapter, which is to achieve compliance through cooperation of owners and occupants, shall be successfully maintained, it shall be the practice of the Code Official, whenever practicable, to provide reasonable advance notice to owners and/or occupants of projected special inspections or inspections of a routine nature. Ultimately, no owner or occupant of a residential rental housing unit or rooming unit may unreasonably withhold from the Code Official consent to access the premises for the purpose of performing any inspection authorized by this code.

B. The occupant of each dwelling, dwelling unit, rooming unit or premises, or the person in charge thereof, upon presentation by the Code Official of his/her proper credentials, may give the Code Official entry to the dwelling, dwelling unit, rooming unit or premises and free access to every part thereof.

C. Whenever an owner, occupant or person in charge of a dwelling, dwelling unit, rooming unit or premises shall deny the Code Official right of entry for the purpose of inspection, examination or survey, the Code Official shall not enter until he/she presents a duly issued search warrant or other written authorization describing the dwelling, dwelling unit, rooming unit or premises to the owner, occupant or person in charge thereof.

D. Nothing in this section shall be construed to preclude the entry of the Code Official at any time when, in his/her judgment, an emergency tending to create an immediate danger to the public welfare or safety exists, or when such entry is requested by the owner, occupant or person in charge of the dwelling, dwelling unit, rooming unit or premises, or when the Code Official presents a duly issued search warrant to said owner or occupant or person in charge thereof.

Sec. 18-4b Access to remedy.

Per Connecticut General Statutes Section 47a-16, every occupant of a residential rental housing unit or rooming unit shall not unreasonably withhold from the owner thereof, or his/her agent or employee, consent to access any part of such dwelling, dwelling unit or rooming unit, or its premises, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this chapter.