

Substitution amendment 8-1-05

As amended by Joint Community Development – Legislation Committee on June 13, 2005

RESIDENTIAL RENTAL PROPERTY LICENSING AND INSPECTION

The City of New Haven is committed to protecting the safety, health and welfare of its residents and to eliminating housing blight. Towards that end, the city's board of aldermen has adopted ordinances and regulations concerning the operation and condition of certain residential rental property within its borders.

For the purposes of these regulations, the following words have the following meanings:

"Residential rental property" means a dwelling with at least two (2) dwelling units, regardless of whether anyone is currently residing in each unit.

"Dwelling unit" means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

The regulations governing licensing set forth below shall apply to the following residential rental property classifications only:

- (1) owner occupied dwellings containing three (3) or more rental units in addition to the unit in which the owner resides; and
- (2) non-owner occupied dwellings containing two (2) or more rental units.

Additionally, the above residential rental property classifications must be inspected by a city code inspector before a license to rent units within such property is issued.

The licensing and inspection requirements do not apply to the following property:

- (1) Owner occupied residential rental property containing two (2) or less rental units;
- (2) Section 8 units whose vouchers are administered by the Housing Authority of New Haven within residential rental property located in New Haven; and
- (3) Dormitories as defined in the associated ordinances relating to these regulations.

The following regulations do not apply to dwellings owned by the Housing Authority of New Haven, motels, hotels, rooming houses, condominiums, nor temporary housing, such as a tent, trailer, or similar structure which is used as human shelter for not more than thirty (30) consecutive days or more than ninety (90) days in any calendar year.

The following provisions shall not be deemed to restrict the right of the city to inspect any property pursuant to any applicable federal, state or local laws and regulations.

An owner who fails to comply with the following regulations may be penalized in accordance with the Penalties section as described below, and which are prescribed by ordinance section 17-13.14 of the city's Code of Ordinances.

I. Licensing

1. Upon the enactment of related ordinances as found in Chapter 17, Article XIII of the city's Code of Ordinances, owners of the above-described residential rental property classifications will be notified of the requirement to obtain a license in order to operate/rent such property.

2. In order to obtain a residential rental property license, the property owner or his/her agent must submit an application containing the following information concerning each residential rental property that he/she owns in New Haven:

- (a) the owner(s) name, address and telephone numbers;
- (b) the name, address and telephone numbers of the owner's agent, if applicable;
- (c) address of the residential rental property and the number of rental units in it;
- (d) whether the owner resides in the residential rental property; and
- (e) the number of section 8 rental units administered by the Housing Authority of New Haven in the residential rental property, if any.

3. The property owner or his/her agent must certify to the truthfulness and accuracy of the information that he/she provides in the residential rental property license application with penalty for false representation(s).

4. The residential rental property owner or his/her agent must submit the completed residential rental application to the Livable City Initiative, 165 Church Street, 3rd floor, New Haven, CT within the deadline specified in the notice of the licensing requirement.

5. The residential rental property owner or his/her agent must inform the Livable City Initiative of any change concerning the information contained in the residential rental property application within thirty (30) days of such change.

6. The owner or his/her agent must submit a licensing fee in accordance with the following rates, which are based on the number of rental units within the residential rental property:

- Two and Three Units:..... \$75.00 per structure
- Four to Ten Units:.....\$150.00 per structure
- Eleven to Twenty Units:.....\$250.00 per structure
- Over Twenty Units:..... \$375.00 per structure

The residential property owner or his/her agent must pay the applicable licensing fee when he/she files the application.

7. The residential rental property licensing fee requirements do not apply to units located within residential rental property that has been issued a certificate of occupancy within the previous three (3) years.

8. Residential rental property licenses are not transferable. Any change in ownership of a residential rental property must be reported within thirty (30) days of the title transfer. The owner listed on the residential rental property application will be liable for such property until the new property owner reports such transfer. Once such transfer occurs, the new owner must apply for a new residential rental property license, and contact the Livable City Initiative for a rental re-inspection scheduling date for the residential rental property.

9. Any residential rental property owner who fails to comply with the above licensing requirements may be penalized in accordance with the Penalties section as described below, and which are prescribed by ordinance section 17-13.14 of the city’s Code of Ordinances.

II. Inspection

1. Once the owner or his/her agent submits the completed application and pays the licensing fee, a scheduling date will be arranged for a city code inspector to inspect the residential rental property. The inspection will occur within sixty (60) days of the date in which the application is filed. A city code inspector will conduct the inspection of the residential dwelling units, and the residential rental property’s common areas, basement, exterior and yards.

2. The residential rental property owner or his/her agent must provide the tenants of such property with at least seven (7) days advanced notice of the inspection. The city will provide the owner or his /her agent with consent forms for each rental unit within the residential rental property. If a tenant objects to such inspection, the Code Enforcement Officer needs to obtain an administrative warrant from the appropriate official at the Superior Court for the Judicial District of New Haven before the code inspector inspects the non-consenting tenant's unit.

3. The code inspector will use a checklist comprised of housing related criteria to determine whether the residential rental property meets minimum housing code standards with respect to that criteria. The code inspector will limit his/her inspection to the checklist criteria, barring any life-threatening health or safety violation that is not covered in the checklist. The license issuer will have copies of the checklist available for the public.

(4) The code inspector shall fill out an inspection form in triplicate indicating the status of each of the inspected criteria on the above-referenced checklist. The landlord or his/her agent and the respective tenant shall each receive a copy of the completed form. The Livable City Initiative shall keep the third copy in its records for public inspection.

5. In the event that a residential rental property contains at least twenty (20) rental units, the code inspector will have the discretion to select and inspect a representative sampling of *such* units, (never less than twenty percent (20%)) of them. Such selection shall be made by a statistically random process, and is restricted to those rental units which have been authorized for inspection by their respective tenants. If the inspected units fail to pass inspection, the code inspector will have discretion to inspect additional rental units in that residential rental property.

6. The residential rental property owner or his/her agent must be present at all scheduled property inspections. If such person is not present on a scheduled date and time, the inspection will be rescheduled once. The residential rental property owner will be charged a fee of ten dollars (\$10.00) per rental unit for the first scheduled appointment that he/she or his/her agent fails to attend without just cause as determined by the Code Enforcement Officer. If the owner or his/her agent is not present at subsequently rescheduled dates and times, the residential rental property owner may be penalized in accordance with the Penalties section as described below, and which are prescribed by ordinance section 17-13.14 of the city's Code of Ordinances.

7. A residential rental property owner will be charged a fee if a code inspector has to return to the owner's residential rental property more than once to determine whether all defects detected in the inspector's initial inspection have

been repaired. The fee shall be set at twenty-five dollars (\$25.00) per additional inspection .

III. Inspection Results

1. If the residential rental property passes inspection, the code inspector will immediately notify the owner or his/her agent of the results. A residential occupancy certificate will be sent by certified mail to the owner at the address listed in the application form.
2. The code inspector will prepare a list of defects, if any, that he/she finds during the inspection, and give the list to the owner or his/her agent when the inspection is completed. If no life-threatening health and/or safety defect is found, the owner will be given thirty (30) days to repair the defect(s), unless the Code Enforcement Officer or his/her designee deems that more or less time is needed. Once the allowed repair time expires, the code inspector will conduct a re-inspection of the residential rental property. If all defects have not been repaired, the Code Enforcement Officer or his/her designee will have discretion to provide the owner with additional time to repair the defect(s), or order alternative measure(s), which may include a penalty as described below, and which is prescribed by ordinance section 17-13.14 of the city's Code of Ordinances.
3. If the inspector finds a life-threatening health and/or safety defect, he/she will immediately inform the owner or his/her agent, and the city's Code Enforcement Officer. The residential rental property license will be denied or revoked, as appropriate, and the endangered tenant(s) may be relocated at the Code Enforcement Officer's discretion and at the city's expense. Any rental unit(s) directly affected by the life-threatening defect(s) shall not be reoccupied unless and until the life-threatening health and/or safety defect is repaired, and the Code Enforcement Officer issues or reinstates the residential rental property license in writing. The owner will be liable to the city for the tenants' relocation costs, including those relating to shelter, moving and storage. These costs must be reimbursed before a license is issued or reinstated. Any owner who fails to reimburse the city for these costs will be penalized in accordance with the Penalties section as described below, and in accordance with ordinance section 17-13.14 of the city's Code of Ordinances.
4. If the code inspector detects at least one (1) defect during the residential rental property inspection, he/she will arrange to re-inspect the property until it fully complies with required housing standards. The owner will not be charged a fee for the first re-inspection, but will be charged a twenty five dollar (\$25.00) fee for each subsequent re-inspection.
5. Each tenant shall be responsible for maintaining his/her respective rental unit in a clean and sanitary condition, and abide by all duties imposed on him/her by all applicable federal, state and local laws and regulations including the Housing

Code of the City of New Haven. A tenant will be liable for all damages that he/she causes to the residential rental property. If the code inspector finds that a tenant is responsible for damages that are detected during the inspection of the residential rental property, the inspector may issue a citation and proceed to collect the associated fine as determined by a court proceeding.

6. On inspection, Livable City Initiative shall distribute a document entitled "Licensing and Inspection of Residential Rental Property Owners and Occupants Responsibilities," to the landlord or his/her agent, and the tenant(s) of the residential rental property. This document is incorporated by reference in these regulations.

IV. License Term

Once the residential rental property owner pays all applicable fees and costs, and the residential rental property has passed inspection, the property owner shall be issued a residential rental property license. The license shall be effective for two (2) years commencing from the license issuance or reinstatement date, unless otherwise voided as a result of a subsequently discovered defect, a property title transfer, or other just cause as determined by the Code Enforcement Officer. Once the license term expires, or the license is otherwise voided, the license must be renewed or reinstated, as appropriate, in order to be effective.

V. Penalties

Any residential rental property owner who violates the above regulations may be penalized in the amount of one hundred dollars (\$100.00) per rental unit of the subject property per day for a total of thirty (30) days that such violation continues, or the maximum allowed under Connecticut General Statute sect. 7-148(c)(10)(A), whichever is greater. Failure to cure the violation and pay such penalty within thirty (30) days of receipt of notice of such fine may result in a lien for the penalty amount plus associated costs, including but not limited to legal fees, to be filed in the city clerk's office of New Haven against the owner's residential rental property in question.

VI. Conciliation Board

The mayor or his/her designee may appoint a conciliation board to resolve disputes arising from the application of this article before formal appeal or court involvement. The board will meet on an as needed basis, and function as an impartial and informal hearing tribunal that deals with minor issues voluntarily

brought before it, including but not limited to, a tenant's refusal to provide access to his/her dwelling unit, and decisions negatively affecting a residential property owner (i.e. the Code Enforcement Officer's refusal to issue a license to such owner because of defect(s) discovered with respect to his/her property dispute). Any interested person may seek relief from this board as an alternative resolution mechanism. The request for relief must be filed in writing with the conciliation board within ten (10) days of the challenged dispute. The committee shall be comprised of five (5) persons: one (1) city employee associated with the city's Livable City Initiative, one (1) representative from New Haven Legal Assistance Association, one (1) property owner, one (1) tenant, and one (1) alderman appointed by the president of the board of aldermen. No conciliation proceeding shall extend beyond thirty (30) days. Board decisions are not binding, and may be appealed in accordance with the Appeals section as described below, and in accordance with ordinance section 17-1.16 of the city's Code of Ordinances.

VII. Appeals

Any person aggrieved by the application of the above regulations may appeal such decision to the Board of Code Appeals within ten (10) days of such decision in accordance with section 17-1.16 of the city's Code of Ordinances. Such appeal must be in writing.

VIII. Regulation Amendment

The Director of the Livable City Initiative reserves the right, and shall have the authority to modify the above regulations, provided that such modification is done in conformance with federal, state and local laws and regulations, and with the approval of the city's board of aldermen.