

Comparison of Existing Anti-Blight Ordinance with Amendments Adopted by Council March 24, 2008 & June 9, 2008

Code	Existing Ordinance	Amendments Adopted by Council 3/24/08	Amendments Adopted by Council 6/9/08	Explanation of Changes
<p>9-91 Definitions</p>	<p><i>Blighted premises</i> means any building, structure, or grounds, whether vacant or occupied...</p> <p>...in which the director of licenses and inspections, the fire marshal, the director of Health and Human Services, or the chief of police have identified at least one (1) violation of building, housing, zoning, fire or health codes that pose a significant risk to health and or safety conditions on the premises itself or in the surrounding neighborhood and in which at least one (1) of the following conditions exists:</p> <p>(4) It is a factor that is seriously depreciating property values in the neighborhood</p> <p>(5) It 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 within the neighborhood.</p>	<p><i>Blighted premises</i> means any building, structure, <u>vacant lot</u> or grounds, whether vacant or occupied...</p> <p>... in which the director of licenses and inspections, the fire marshal, the director of Health and Human Services, or the chief of police have identified the existence of at least one (1) of the following conditions:</p> <p>(1) It is a factor that is <u>substantially</u> depreciating property values in the neighborhood</p> <p>(5) It 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 within the neighborhood <u>as documented and reported to the director of licenses and inspections by neighborhood complaints.</u></p>	<p><i>Blighted premises</i> means any building, structure, <u>vacant lot</u> or grounds, whether vacant or occupied...</p> <p>...in which the director of licenses and inspections, the fire marshal, the director of Health and Human Services, or the chief of police have identified <u>the existence of</u> at least one (1) violation of building, housing, zoning, fire or health codes that pose a significant risk to health and or safety conditions on the premises itself or in the surrounding neighborhood and in which at least one (1) of the following conditions exists:</p> <p>(1) It is a factor that is <u>substantially</u> depreciating property values in the neighborhood</p> <p>(5) It 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 within the neighborhood <u>as documented and reported to the director of licenses and inspections by neighborhood complaints.</u></p>	<p>The term “vacant lot” was added in both amendments</p> <p>The existing ordinance requires that two criteria be met for premises to be termed blighted: 1) at least one code violation, and 2) at least one of a list of other conditions. The 3-24 amendment required that only one criteria be met. Code violations were added to the list of criteria as (7) [see below] The 4-14 amendment returns to the requirements of the existing ordinance that two criteria must be met.</p> <p>The word “seriously” was replaced by “substantially” in both amendments.</p> <p>In both amendments, underlined language defines how the factor is to be determined applicable.</p>

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9-91 cont.	<p><i>Dilapidated</i> means any dwelling unit, building, or grounds that does not meet the housing code standards contained in articles I through VII of Chapter 18 of this Code, or, in the case of nonresidential space, dilapidated means space that does not conform to standards as determined by the "State Basic Building Code".</p>	<p>(7) It has been cited for at least one (1) violation of building, housing, zoning, fire or health codes that pose a significant risk to health and or safety conditions on the premises itself or in the surrounding neighborhood by the director If licenses and inspections, the fire marshal, the director of Heath and Human Services, or the chief of police and such violation or violations have not been corrected within the time specified by the citing official.</p> <p>(8) It has overgrown grass or weeds at least one foot in height</p> <p>(9) It displays evidence of graffiti or has been otherwise vandalized</p> <p>-----</p>	<p>-----</p> <p>(7) It has overgrown grass or weeds at least one foot in height</p> <p>(8) It displays evidence of graffiti or has been otherwise vandalized</p> <p><i>Dilapidated</i> means any dwelling unit, building, or grounds that does not meet the housing code standards contained in articles I through VII of Chapter 18 of this Code, or, in the case of nonresidential space, dilapidated means space that does not conform to standards as determined by the "State Basic Building Code".</p>	<p>In the 3-24 Amendment, code violation was changed from being one of two required criteria to being one of a number of factors. Proposed 4-14 amendment retains two criteria. [see above]</p> <p>New criterion added in both amendments</p> <p>New criterion added in both amendments</p> <p>Definition of dilapidated was deleted in 3-24 amendments and retained in 4-14 proposed amendments</p>

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9-91 cont.	<i>Legal occupancy</i> 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 and the supplying of proof of occupancy evidenced through a bona fide lease agreement, rent receipt or utility statement.	<i>Legal occupancy</i> 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. <u>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.</u> <i>Vacant lot</i> means a parcel of land with no intact building structure(s) thereon.	<i>Legal occupancy</i> 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. <u>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.</u> <i>Vacant Lot</i> means a parcel of land <u>in a residential zone</u> with no intact building structure(s) thereon.	Proof of occupancy language has been reworded in both 3-24 and 4-14 amendments. Type of proof remains the same. A definition of “vacant lot” was added in 3-24 amendment and reworded in 4-14 proposed amendment to include “in a residential zone”
9-94 Enforcement	(b) <i>Notice of violation; order to correct; time limit for compliance.</i> If the head of licenses and inspections acting himself or by an appropriate inspector or the appropriate inspector, has reason to believe, pursuant to an inspection of the premises, that an owner has violated the provisions of this article, the director or inspector shall serve a notice of violation and an order to correct such violation on the owner of record of the property. If the owner's address is the same as the property where the violation has occurred then a citation may be left at the time the violation is noted.	(b) <i>Notice of violation; order to correct; time limit for compliance.</i> If the head of licenses and inspections acting himself or by an appropriate inspector or the appropriate inspector, has reason to believe, pursuant to an inspection of the premises, that an owner has violated the provisions of this article, the director or inspector <u>may send</u> a notice of violation and an order to correct such violation to the owner of record of the property <u>by first class and registered mail.</u> If the owner's address is the same as the property where the violation has occurred then a copy of the <u>notice of violation and order to correct</u> may be left at the time the violation is noted. <u>The notice requirements of this section shall be deemed satisfied upon : (1) in the case of first class mail, upon posting of the notice of violation and order to correct by first class mail, or (2) in the</u>	(b) <i>Notice of violation; order to correct; time limit for compliance.</i> If the head of licenses and inspections acting himself or by an appropriate inspector or the appropriate inspector, has reason to believe, pursuant to an inspection of the premises, that an owner has violated the provisions of this article <u>and it is in the best interest of the City of Hartford,</u> the director or inspector shall serve a notice of violation and an order to correct such violation <u>to</u> the owner of record of the property <u>by first class and registered mail.</u> If the owner's address is the same as the property where the violation has occurred then a <u>copy of the notice of violation and order to correct</u> may be left at the time the violation is noted. <u>The notice requirements of this section shall be deemed satisfied upon : (1) in the case of first class mail, upon posting of the notice of violation and order to</u>	The term “shall serve” in the existing ordinance was determined by the City Corporation Counsel’s Office to mean that a sheriff must deliver the papers. City staff indicated that this was expensive and sheriffs could not find the individuals on whom to serve the documents. The 3-24 amendment allowed a notice to be sent via first class and registered mail and specified the circumstances under which the requirements of this section shall be determined to be satisfied. The 4-14 proposed amendment retains the term “served” but allows a notice to be sent via first class and registered mail and specifies the same circumstances under which the requirements of this section shall be determined to be satisfied, as those in the 3-24 amendments.

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9-94 cont.	<p>(c) <i>Failure to correct deficiencies.</i> If an owner of property has been served with a notice of violation and order to correct deficiencies, and has failed to do so within thirty (30) days as determined upon subsequent inspection, a copy of such notice shall be published in a newspaper having general circulation in the municipality and 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. At this time the Division of Licenses and Inspection shall cause the owner to be fined one hundred dollars (\$100.00) for each day that each separate blighting condition persists beyond thirty (30) days from the effective date of the order until the owner presents appropriate evidence that the cited violations have been corrected and the premises have been re-inspected.</p>	<p><u>case of registered mail upon receipt by the City of either a signed confirmation of delivery or the entire letter returned as non-deliverable, or (3) 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.</u></p> <p>(c) <i>Failure to correct deficiencies.</i> If an owner of property has been <u>sent</u> a notice of violation and order to correct deficiencies, and has failed to do so within thirty (30) days 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. At this time the Division of Licenses and Inspection shall cause the owner to be fined one hundred dollars (\$100.00) <u>per day per blighted condition</u> for each separate blighting condition persists beyond thirty (30) days from the effective date of the order until the owner presents appropriate evidence that the cited violations have been corrected and the premises have been re-inspected.</p>	<p><u>correct by first class mail, or (2) in the case of registered mail upon receipt by the City of either a signed confirmation of delivery or the entire letter returned as non-deliverable, or (3) 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.</u></p> <p>(c) <i>Failure to correct deficiencies.</i> If an owner of property has been served with a notice of violation and order to correct deficiencies, and has failed to do so within thirty (30) days 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. At this time the Division of Licenses and Inspection shall cause the owner to be fined one hundred dollars (\$100.00) <u>per day for each cited violation of building, zoning, fire or health codes</u> that persists beyond thirty (30) days from the effective date of the order until the owner presents appropriate evidence that the cited violations have been corrected and the premises have been re-inspected.</p>	<p>New language in the 4-14 amendment gives the L&I director the ability to determine if a notice of violation is “in the best interest of the City of Hartford”.</p> <p>In the 3-24 amendment, the term “serve” was replaced by “sent” and the requirement to publish a notice in the newspaper was deleted. In the 4-14 proposed amendment, the term “serve” is retained and the requirement to publish a notice in the newspaper has been deleted.</p> <p>The existing ordinance fines an owner \$100 for each day that each separate blighting condition persists beyond 30 days. The 3-24 amendment fines an owner \$100 per day <u>per blighted condition</u> for each day that the separate blighting condition persists beyond 30 days (although there is a grammatical error in the ordinance). In the 4-14 proposed amendment, the owner is fined \$100 per day only for <u>each cited code violation</u> that persists beyond 30 days, not all blighting conditions,</p>

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9-94 cont.	<i>(e) 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 of the citation to a citation hearing officer in accordance with section 1-5 of the Code, and section 9-95, herein</i>	<i>(e) Appeal for relief of citation. Any owner who is aggrieved as a result of being <u>sent</u> a citation in accordance with this article may, within ten (10) days of receipt of the citation, appeal in writing for relief of the citation to a citation hearing officer in accordance with section 1-5 of the Code, and section 9-95, herein.</i>	<i>(e) Appeal for relief of citation. Any owner who is aggrieved as a result of being <u>sent</u> a citation in accordance with this article may, within ten (10) days of receipt of the citation, appeal in writing for relief of the citation to a citation hearing officer in accordance with section 1-5 of the Code, and section 9-95, herein.</i>	The term "sent" has replaced "served" in both the 3-24 amendment and 4-14 proposed amendment.
9-95 Citation Hearing Officer	(1)Relief may be granted if the owner can establish to the hearing officer's satisfaction that: (b) Notice of the violation was not properly served upon the owner of record... (d) The notice of citation was not properly served upon the owner of record... (h) It would work a substantial economic hardship on the owner of the dwelling unit or building to require compliance with this article.	(1)Relief may be granted if the owner can establish to the hearing officer's satisfaction that: (b) Notice of the violation was not properly <u>sent to</u> the owner of record... (d) The notice of citation was not properly <u>sent to</u> the owner of record... -----	(1)Relief may be granted if the owner can establish to the hearing officer's satisfaction that: (b) Notice of the violation was not properly <u>sent to</u> the owner of record... (d) The notice of citation was not properly <u>sent to</u> the owner of record... (h) <u>The owner has in good faith corrected all cited violations and</u> it would work a substantial economic hardship on the owner of the dwelling unit or building to require <u>further payment of fines in compliance</u> with this article.	The term "served upon" has been replace with "sent to" in both amendments The term "served upon" has been replace with "sent to" in both amendments The section on substantial economic hardship was deleted in the 3-24 amendment and modified in the 4-14 proposed amendment to require that the owner has corrected the violations and to focus the hardship on payment of fines.
9-96 Chief Operating Officer's Report; Hearing	(a)....The report shall include the following: (3) That either (a) the owner of the premises cannot or will not eliminate the blighted condition, or (b) the owner has not responded to a lawful order by the City to take action to eliminate the blighted condition within thirty (30) days	(a)....The report shall include the following: (3) That either (a) the owner of the premises cannot or will not eliminate the blighted condition, or (b) the owner has not responded to a lawful order by the City to take action to eliminate the blighted condition within thirty (30) days	(a)....The report shall include the following: (3) That either (a) the owner of the premises cannot or will not eliminate the blighted condition, or (b) the owner has not responded to a lawful order by the City to take action to eliminate the blighted condition within thirty (30) days	In both amendments, language referencing the new means of notification of owner has been added.

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9-98A cont.	<p>-----</p> <p>-----</p>	<p><u>(d) Annual Fee.</u> The owner of any vacant lot or vacant building shall pay an annual fee of \$99 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.</p> <p><u>(e) Reporting.</u> 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 lot registration and 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.</p>	<p><u>(d) Annual Fee.</u> The owner of any vacant lot or vacant building shall pay an annual fee of \$99 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.</p> <p><u>(e) Reporting.</u> 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 lot registration and 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.</p>	<p>In both amendments, a new section has been added requiring owners to pay an annual fee of \$99 for each vacant lot or building.</p> <p>In both amendments, a new section has been added requiring the L&I director to submit quarterly reports to Mayor and Council. The content of the reports is specified.</p>

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9-99	<p>-----</p> <p>-----</p>	<p>Sec. 9-99. City acquisition of abandoned blighted properties</p> <p><u>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, CGS 8-169(o) et seq, as it may be amended from time to time. 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.</u></p>	<p>Sec. 9-99. City acquisition of abandoned blighted properties</p> <p><u>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, CGS 8-169(o) et seq, as it may be amended from time to time. 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.</u></p>	<p>In both amendments, a new Section 9-99 is added authorizing the Director of Development Services to acquire vacant properties under certain specified circumstances.</p>