SUBSTITUTE ORDINANCE

Introduced by:

HEADING AND PURPOSE

Mayor Pedro E. Segarra

AN ORDINANCE AMENDING CHAPTER 9, ARTICLE V OF THE MUNICIPAL CODE DE ANTI-BLIGHT PROGRAM

COURT OF COMMON COUNCIL,
CITY OF HARTFORD

September 19, 2012

Be It Ordained by the Court of Common Council of the City of Hartford:

Sec. 9-91. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Blighted 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 and twenty (120) days prior to the assessment date and that have not been approved for an assessment deferral pursuant to §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 §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 [means a space that meets the definition of a dwelling unit as contained in Chapter 18, Article V of this Code.] 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 [space] a dwelling, dwelling unit, or multiple dwelling subject to this chapter is not legally occupied or one that is uninhabitable, except for the purposes of section 9-98B, reduction in assessment for rehabilitated structures, in which case the period shall be one (1) year. The period shall commence 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 be counted, provided the owner has or is complying with the requirements of section 18-221. Extended vacancy shall also mean that more than twenty (20) percent of [residential] 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.

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

Uninhabitable shall mean any structure, building or dwelling unit that is incapable of immediate legal occupancy as defined by this Chapter.

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

Sec. 9-91A. - Declaration of policy.

There exists within the City of Hartford a large number of properties which are vacant or [and] 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.

Sec. 9-92. - Creating or maintaining blighted premises prohibited.

No owner of any building in the City of Hartford shall allow, create, maintain or permit the continuance of any blighted premises as defined in section 9-91.

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

There shall be no exemptions to the applicability of this article.

Sec. 9-94. - Enforcement.

(a) *Complaint of 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 any appropriate municipal agency may file in writing a complaint of violation of this article with the division of licenses and inspections.

(b) *Notice of violation; order to correct; time limit for compliance.* If the 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 of this article by allowing, creating, maintaining or permitting the continuance of blighted premises as defined in section 9-91, the Director or Inspector shall serve a notice of violation and an order to correct such violation to the owner 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 address is the same as the property where the violation has occurred then a copy of the notice of violation and order to correct may be posted on the property at the time the violation is noted. The notice requirements of this section shall be 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 order shall require the owner to comply with the requirements of this article in the manner specified in the order within thirty (30) days of 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.

(c) *Failure to correct deficiencies.* 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) per day, for each separate blighting condition as described in the definition of blighted premises and each other violation of the Municipal Code 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.

(d) Should an owner fail to pay, within forty-five (45) days, a fine levied pursuant to this article, a one (1) percent interest charge shall be applied to the outstanding balance. The interest shall accrue along with the fines and shall be compounded daily. Failure to pay any fee or fine arising from the enforcement of this article shall constitute a debt in favor of the City and shall constitute a lien upon the real estate against which the fee was imposed from the original date of such fee. 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 encumbrances filed after the effective

date of this article 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) *Anti-Blight Special Fund.*

(1) All monies collected by the City as fees and fines for violation (s) of this [a] Article, Anti-Blight [p] Program, and revenue collected pursuant to 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 Program. This special fund shall be administered by the Director of Development Services.

(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 Program as set forth herein.

(3) *Fines, Violations and Liens.* Any fines, penalties or liens placed on any property in violation of the Anti-Blight 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) *Appeal for relief of citation.* Any owner who is aggrieved as a result of being served with citation in accordance with this article may, within ten (10) days of receipt of the citation [to a 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.

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

The Corporation Counsel shall appoint individuals to hear appeals concerning the issuance of anti-blight citations 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 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 be requested in writing within ten (10) days of the owner's receipt of the citation. Relief may be granted, in an appeal from a citation, 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., informed the owner of the section of the Municipal Code being cited for, gave 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), informed the owner of the right to appeal, etc.; or

f. The director incorrectly determined that the violations cited were not corrected within the thirty-day period as required by subsection 9-94(c); or

g. The dwelling units or other spaces are actively undergoing repairs that are required to be made to correct violations of state or local codes; or

h. 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 to require further payment of fines 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 [sixty-day] period [as] 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 [availability of the space] premises in a manner [that is] designed to and [will have] reasonably believed to have the effect of reaching [that segment of the city's population that includes] 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 [charged] for other comparable housing [accommodations] 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.

(3) It is the responsibility of the owner 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 report; hearing.

(a) The Chief Operating Officer of the City shall present a quarterly 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 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 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 after due notice of the request or

order has been served by means set forth in subsection 9-94(b) 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, 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 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 shall be treated as prima facie evidence of blight on the premises.

Sec. 9-97. - Determination by council.

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. 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 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 shall designate the materials and procedures to be used to comply with such order. The Director shall order all property owners of vacant, 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, the Director may cause the required work to be performed by City staff or an independent contractor; the Director of Licenses and Inspection is not obligated to secure any building 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 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) With respect to vacant buildings, an asbestos report in form acceptable to the Director of Licenses and Inspections.

(2) 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.

(3) 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 Hartford Municipal Code section 9-91 and is within one thousand five hundred (1,500) feet of property classified as residential, 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 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 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 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 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 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 be notified.

(e) For the purposes of revaluation, the deferred increase in assessment will fluctuate in accordance with the revaluated assessment.

[Section 9-98C - Special Assessment on Blighted Properties

(a) ***Creation of the Blighted Properties Special Assessment Committee.*** The Council hereby adopts C.G.S. §7-148ff concerning a special assessment on blighted properties. The Mayor shall appoint a committee consisting of not less than six taxpayers of the city of

Hartford, one of whom shall be a landlord. The committee shall also include the Tax Assessor and one representative of each of the following departments and divisions: Office of Corporation Counsel, Planning Division, Department of Health and Human Services, Division of Housing and Property Management, Fire Department and Division of Licenses and Inspections.

(b) ***Committee Procedures.*** The committee shall undertake and complete, within a period not in excess of sixty (60) days following such appointment, a study and investigation with respect to such special assessment and shall submit a report to the Finance Department. The report shall include, but not be limited to, the following:

(1) a statement describing the fiscal effect of a special assessment on the revenue of the municipality.
(2) identification of properties that may be subject to a special assessment,
(3) the amount of property taxes generated by the properties and the cost to the municipality for code enforcement on such properties, including costs for police and fire personnel,
(4) recommendations with respect to the form and extent of any assessment, and
(5) standards for imposition of the assessment for which the committee shall consider:
    (A) the number of outstanding health, housing and safety violations for the property,
    (B) the number of times municipal health, housing and safety personnel have had to inspect the property, and
    (C) the cost to the municipality to enforce code compliance on the property.

(c) ***Power to Amend Special Assessment.*** After the initial approval of the special assessment by the Court of Common Council, such plan may be amended from time to time by vote of the Court of Common Council on recommendation of the Finance Department without compliance with the requirements of this subsection applicable to such initial approval.

(d) ***Special Assessment.*** The Finance Department shall make a recommendation to the Court of Common Council as to the amount of the special assessment to be assessed against blighted properties. The amount of the assessment, which shall be a reasonable amount, shall be based on an analysis of the costs to the municipality for code inspection and enforcement, including costs for police and fire personnel. This assessment shall be published under this code section once established and shall be reviewed annually and amended as necessary.

(e) ***Special Assessment Board.*** There shall be a board consisting of the Chief Operating Officer, Corporation Counsel, Finance Director, Tax Assessor, Director of Licenses and Inspections, and a member of the Budget Fiscal Analysis Task Force or similar body.

(f) The Special Assessment Board shall determine when and on which properties the special assessment shall be imposed. This determination will be based upon the Board's application of the Anti-Blight Ordinance upon the property in question. If a property meets the criteria as described pursuant to Section 9-91 of this Code, the Board shall have authority to assess the property. The Board shall also weigh any interaction that the property owner has had with the City and any progress achieved toward bringing the property into compliance in their decision to assess said property. The Special Assessment Board 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.

(g) ***Notice of Special Assessment to Owner.*** Upon the determination of the Special Assessment Board that a property is to be assessed and/or right of entry authorized pursuant to this section of the Code, the Tax Assessor shall send official notice of the assessment and/or authorized right of entry to the owner of record at the address of record as recorded and maintained in the Tax Assessor's Office. Such notice shall be mailed first class and certified mail with return receipt. The notice shall include the following:

(1) Notice that the property has been determined to be blighted pursuant to the requirements of the Anti-Blight Ordinance Section 9-91, and

(2) Notice that the Department of Health and Human Services, Division of Housing and Property Management, Fire Department and Division of Licenses and Inspections are authorized to perform inspections upon said premises in order to gain compliance, and
(3) The amount of the assessment to be levied against the property, and
(4) Whether or not a right of entry is authorized to remediate the violations and date said entry will occur, and
(5) Notice that the property owner has thirty (30) days to remediate all violations that constitute blight upon the property before such assessment is levied and right of entry executed.

(h) ***Appeal of Special Assessment.*** Any owner that has been notified of the special assessment by the Special Assessment Board shall have the right to appeal the special assessment to the Citation Hearing Officer within ten (10) days of receipt of the notice. The Citation Hearing Officer shall schedule a hearing pursuant to the procedures outlined in Section 1-5 of the Municipal Code.

(i) ***Transfer of Special Assessment Proceeds to Anti-Blight Special Fund.*** All proceeds derived from and collected by the City or any of its departments from any Special Assessment on blighted property shall be deposited into the Anti-Blight Special Fund created pursuant to Sec. 9-94(e) of this Code. Proceeds shall be dedicated for expenses of the City related to enforcement of ordinances regulating blight and state and local health, housing and safety codes and regulations, including expenses related to community police, and the remediation of blighted conditions when authorized.]

Sec. 9-99. - Blighted housing special assessment.

(a) Blighted 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 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 or fine. 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 housing and apportioning those costs among the properties classified as blighted 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 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 housing and then apportioned to each blighted 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 in the City budget and, following the adoption of the budget, each owner of property finally classified as blighted housing pursuant to Section 9-101 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 fine was imposed from the date of such fine. 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. 9-100. – Blighted Housing Review Committee.

(a) The Blighted Housing Review Committee is established and shall be comprised of Chief Operating Officer, Corporation Counsel, Finance Director, Tax Assessor, Director of Licenses and Inspections, and a member of the Budget Fiscal Analysis Task Force or similar body and shall have the authority conferred by this Section

(b) The Committee shall have the authority to administer the provisions of this Article, to determine when and under what circumstances entry upon private property shall be authorized, and to determine those properties subject to special assessment.

Sec. 9-101 – Special assessment; Property 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 housing as defined by this Article. 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, on or before the assessment date, the Blighted Housing Review Committee shall identify those properties that constitute blighted 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 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 C.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 C.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 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 C.G.S. 7-148ii, a notice of determination that the owner's property has been classified as blighted 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 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 Assessor. The request shall be made in writing under oath setting forth the facts and circumstances demonstrating that the property is not blighted housing 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 housing, the Committee shall remove the property from the list of blighted housing. The failure of an owner to seek review as provided by this Section shall be presumptive evidence that the property is blighted housing.

(e) The owner of property classified as blighted housing shall have a period of one hundred and 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, under oath, that the property is no longer blighted housing. Property that has been remedied cured or corrected, and restored to use such that it is no longer blighted housing shall be removed from the final list of blighted housing 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 housing prior to the expiration of the six month cure period shall be presumptive evidence that the property remains blighted housing subject to special assessment for the succeeding fiscal and tax year.

(f) 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 housing for the upcoming fiscal and tax year with the Town and City Clerk, the City Assessor, the Mayor, and the Common Council.

(g) 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 1st day of November. An owner shall file an appeal, if any, on or before December 1st and the period during which the owner's appeal may be heard and decided or during which the owner may cure the conditions shall remain 180 days from the date of the notice. Final determination shall be made by the Blighted Housing Review Committee on or before May 15th.

This ordinance shall take effect upon adoption.