

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO THE SUBSTITUTE

Introduced by:

Pedro E. Segarra, Mayor
Shawn T. Wooden, Council President

HEADING
AND
PURPOSE

**AN ORDINANCE AMENDING CHAPTER 18 ARTICLE VII OF THE CITY OF
HARTFORD MUNICIPAL CODE DE ROOMING HOUSES**

COURT OF COMMON COUNCIL,
CITY OF HARTFORD

July 2, 2015

Be It Ordained by the Court of Common Council of the City of Hartford that Chapter 18, Article VII of the Municipal Code is hereby repealed and replaced by a new Article VII as shown below.

[Article VII. Roominghouses:

Sec. 18-161. - Compliance with chapter.

No person shall operate a roominghouse or occupy or let to another for occupancy any rooming unit in any roominghouse, except in compliance with this chapter except the provisions of articles III and VI of this chapter.

Sec. 18-162. - License—Required.

No person shall operate a roominghouse unless he holds a valid roominghouse license issued by the department of licenses and inspections, and approved by such department and by the director of health and the fire department and issued in the name of the operator and for the specific dwelling or dwelling unit.

Sec. 18-163. - Same—Application, issuance.

The operator shall apply to the department of licenses and inspections for a license required by this article, which shall be issued upon compliance by the operator with the applicable provisions of this chapter and of any rules and regulations adopted pursuant to this chapter.

Sec. 18-164. - Same—Display.

The license required by this article shall be displayed in a conspicuous place within the roominghouse at all times.

Sec. 18-165. - Same—Transfer of license or premises.

No license required by this article shall be transferable. Every person holding such a license shall give notice in writing to the department of licenses and inspections within twenty-four (24) hours after having sold, transferred, given away or otherwise disposed of ownership of, interest in or control of any roominghouse. Such notice shall include the name and address of the person succeeding to the ownership or control of the roominghouse.

Sec. 18-166. - Same—Hearing when application denied.

Any person whose application for a license to operate a roominghouse has been denied may request and shall be granted a hearing on the matter before the department concerned, under the procedure provided in section 18-7.

Sec. 18-167. - Same—Suspension.

- (a) Whenever, upon inspection of any roominghouse, conditions or practices are found to exist which are in violation of any provision of this chapter or of any rule or regulation adopted pursuant to this chapter, the department concerned shall give notice in writing to the operator of the roominghouse that, unless such conditions or practices are corrected within a reasonable period to be determined by the department, the operator's roominghouse license will be suspended. At the end of such period, the department concerned shall reinspect such roominghouse and, if it is found that such conditions or practices have not been corrected, notice in writing shall be given to the operator that his license has been suspended. Upon receipt of notice of suspension, such operator shall immediately cease operation of the roominghouse and no person shall occupy, for sleeping or living purposes, any rooming unit therein.
- (b) Any person whose license to operate a roominghouse has been suspended, or who has received notice from the department concerned that his license is to be suspended unless existing conditions or practices at his roominghouse are corrected, may request and shall be granted a hearing on the matter before such department under the procedure provided by section 18-7; provided that, if no petition for such hearing is filed within ten (10) days following the day on which such permit was suspended, such license shall be deemed to have been automatically revoked.

Sec. 18-168. - Same—Expiration, fee.

Every roominghouse license shall expire at the end of one (1) year following the date of issuance, unless sooner suspended or revoked as provided in this article. The fee for such license shall be fifty dollars (\$50.00) for one (1) to eleven (11) units and one hundred dollars (\$100.00) for twelve (12) or more units.

Sec. 18-169. - Residence of owner or agent.

- (a) No license shall be renewed and no new license shall be issued to operate a roominghouse in the city unless the owner, or one (1) of the owners in case there is more than one (1) owner, of the premises shall actually reside on the premises.
- (b) In lieu of actually residing on the premises, the owner may designate, in writing, an agent who shall actually reside on the premises. This designation shall contain a power of attorney from the owner to the agent to act for and in the name of the owner in any emergency situation concerning the roominghouse, and such designation shall be accepted in writing by the agent. The designation shall be filed with the director of licenses and inspections and with the police department.
- (c) The agent designated by the owner as provided in this section shall have the same duties and responsibilities as the actual owner in all matters concerning the roominghouse and shall be responsible for any and all violations of state statutes or city ordinances in connection with the operation of the roominghouse in the same manner and to the same effect as any owner of the roominghouse.
- (d) If the agent shall cease to be a resident of the premises, the owner shall designate a new resident agent in the same manner as provided in this section for an original resident agent and such designation shall be filed with the director of licenses and inspections and the police department within forty-eight (48) hours of the termination of the previous agent's residency.
- (e) Failure of the owner of the roominghouse to reside on the premises or to designate a resident agent as required in this section shall be cause for the suspension of the roominghouse license by the director of licenses and inspections upon notice to the owner thereof. Any owner aggrieved by the decision of the director of licenses and inspections may request a hearing before the director of licenses and inspections by filing such request in writing with the director of licenses and inspections within seven (7) days of the giving of notice of the suspension to the owner. The

director of licenses and inspections shall hold a hearing not less than five (5) nor more than ten (10) days from the date of filing of the request for a hearing. Notice mailed to the last address on file with the director of licenses and inspections of the owner or notice attached to the entrance to the roominghouse shall be considered to have been given.

- (f) If any owner requests a hearing as provided in this section, the suspension of the roominghouse license shall be stayed until the conclusion of the hearing and a final decision therein is made by the director of licenses and inspections.
- (g) If the roominghouse license is finally suspended, it shall not be reinstated nor shall the premises again be used for a roominghouse for a period of one (1) year from the final action of the director of licenses and inspections in suspending the license.

Sec. 18-170. - Penalty for sections 18-16 through 18-165, 18-168 and 18-169.

The provisions of section 18-12 shall be applicable to sections 18-162 through 18-165, 18-168 and 18-169.

Sec. 18-171. - Toilet and bath facilities.

- (a) At least one (1) flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the director of health and in good working condition, shall be supplied for each two (2) rooming units of three (3) rooms or less, or each eight (8) persons or fraction thereof residing within a roominghouse, including members of the operator's family wherever they share the use of such facilities; provided that, in a roominghouse where rooms are let only to males, flush urinals may be substituted for not more than half the required number of water closets.
- (b) All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all of the persons sharing such facilities, and shall be on the same floor as the rooming units which it services; provided that, where the number of rooming units does not exceed four (4), the director of health may, in roominghouses licensed prior to June 12, 1956, approve the use of suitable and adequate facilities on the floor immediately above or below such rooming units, if the total number of persons using such facilities does not exceed eight (8) and if such use does not conflict with other provisions of this Code or the state statutes. Any one (1) toilet may not be shared by the occupants of more than two (2) floors. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities shall be located in a basement, except by written approval of the director of health.

Sec. 18-172. - Floor space and ceiling height.

Every room in a roominghouse occupied for sleeping purposes by one (1) person shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes for more than one (1) person shall contain at least fifty (50) square feet of floor space for each occupant thereof. The provisions of section 18-119 of this chapter are qualified to permit, in rooming units, ceiling heights of at least seven (7) feet over half of the floor area.

Sec. 18-173. - Maintenance of premises generally.

The operator of every roominghouse shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for maintenance of a sanitary condition in every other part of the roominghouse. He shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

Sec. 18-174. - Change and maintenance of linen and bedding.

The operator of every roominghouse shall change supplied bed linen and towels therein at least once each week and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

Sec. 18-175. - Means of egress from rooming units.

Every rooming unit in a roominghouse shall have safe, unobstructed means of egress leading to a safe and open space at ground level as required by the laws of this state and this city.

Sec. 18-176. - Applicability of article to hotels.

Every provision of this article which applies to roominghouses shall also apply to hotels, except to the extent that any such provision may be found in conflict with the laws of this state.]

Article VII. Rooming Houses

Sec. 18-161. Definitions.

The definitions of "rooming unit" and "roominghouse" in Section 18-1 of the Municipal Code are hereby deleted and the following definitions are substituted.

"Roomer" shall mean a person who resides in a rooming house, for compensation, by prearrangement, for definite periods of time.

"Rooming house" shall mean and include a residential structure, the principal use of which is to provide lodging, but not meals, for compensation, by pre-arrangement for definite periods, for three or more persons. A rooming house is to be distinguished from a boarding house, [hostel,] hotel, motel, group home, shelter or rehabilitation home.

"Rooming unit" shall mean each room shown on the plan required hereunder to be occupied by a roomer or roomers.

Sec. 18-162. Buildings to conform with applicable law.

No building now in existence or hereafter constructed or erected, nor any portion thereof, shall be used as a rooming house, unless such building and every part thereof shall conform to the requirements of this Article and to such other requirements of the law, including, without limitation the State Basic Building Code, the Fire Safety Code, Hartford Municipal Code, department of development services rules, and Hartford Zoning Regulations as may apply.

Sec. 18-163. License Required; expiration, renewal.

It shall be unlawful for any person to conduct, keep, manage or operate, or cause or allow to be conducted, kept, managed or operated, a rooming house, without a license therefor issued by the department of development services. All rooming house licenses existing on the date of adoption of this ordinance shall expire on June 30, 2016. Thereafter, all rooming house licenses shall expire on June 30 of each year, and may be renewed annually. [, subject to the same conditions as the original license.] All renewals shall be subject to the conditions set forth herein, except that no renewal may allow a larger number of roomers or rooming units than in the previous year. Such license shall be issued upon payment of the fee and satisfaction of all requirements, as provided in this article. The fee shall accompany the application.

Such license shall not be transferable, and shall expire upon sale of the real property on which the rooming house stands, or upon the transfer of a majority interest in any business entity which owns such real property. The owner shall inform the department of development services prior to any such sale or transfer and the [Failure of a] new owner of such property or business entity [to] shall file an application for a new license, at least thirty days prior to the date of such sale or transfer[, shall result

in expiration of the license].

Sec. 18-164. Occupancy of licensee.

The licensee who obtains a license under this Article shall reside in the rooming house. In the R-6, R-7, and R-8 zoning districts, no license or license renewal shall be issued to a licensee who is not the owner or majority owner of the property. A licensee who is not the owner of the real property shall have a valid power of attorney from the owner, not more than one year old, which gives the licensee authority to do all things necessary to manage and operate the rooming house, including, without limitation, to collect, deposit and spend the rents from roomers, to pay bills, to make repairs, to correct violations, and to allow inspections of the premises.

Sec. 18-165. Application.

An application for a new rooming house license may be filed at any time. Application for rooming house license renewals [may] shall be made yearly on or before May first, and shall take effect on July first.

The City may issue a rooming house license to the owner of the real property on which the rooming house stands, or to a person authorized by the owner to apply for such license. A written application for a rooming house license must be submitted on forms furnished by the department of development services. A written application for a license required by this Article upon forms furnished by the department of development services shall be filed with such department each year and shall provide such information as required by said department. The owner of the property and the proposed licensee must sign the application.

At a minimum, the information shall include the following.

(a) Each application shall contain the full name, address, telephone number, [and] email address, and a copy of either a driver's license or comparable state-issued photo identification showing the name, photo, and address of the person in whose name such license is to be issued, and, if different, of the owner of the building and premises where the rooming house is proposed to be carried on. If the owner is a business entity, the applicant shall provide the name, address, telephone number and email address of the person who is the owner, director or manager of the business entity.

(b) Each application shall state the number of rooms in the building and which rooms in the building are to be occupied as rooming units, and the number of persons proposed to be accommodated or allowed in each room.

(c) Each application shall include a plan of each floor of the building, to be drawn to a scale of not less than one-quarter inch to a foot, showing all fire escapes, stairs, halls, bathrooms, location and size of all windows, the location and size of habitable rooms and the exits of each floor, showing the number of persons proposed to be accommodated or allowed on each floor, with the intended use of every room in the building written on the plan. Unless the building is exempt by the State Fire Code, the plan shall show sprinklers in the common areas and rooming units.

(d) Each application shall be accompanied by a valid certificate of insurance showing general liability and innkeeper's liability insurance for the rooming house with coverage of at least one million dollars of general liability and one million dollars of excess liability. Such certificate of insurance shall provide that no cancellation will be made without thirty days' notice to the City's department of development services.

(e) Each applicant who is not the owner of the real property on which the rooming house stands shall provide a copy of a valid power of attorney acceptable to the department of development services, which authorizes the proposed licensee to act in the owner's place in all ways necessary to obtain a license and operate the rooming house.

(f) Each application shall state the name, address, telephone number, and email address of any mortgagee of record, including one taking a mortgage by assignment.

(g) Any change to information required for application under this Section 18-165 that occurs after a license is issued must be submitted to the department of development services within seven days of such change or seven days prior to a change of licensee.

Sec. 18-166. Application fees.

The license application fee shall be nonrefundable. The fee to apply for a rooming house license for from one to 6 rooming units shall be \$500.00, from seven to twelve rooming units shall be \$750.00, and for more than twelve rooming units shall be \$1,000.00. The license fees may be changed by resolution of the court of common council.

Sec. 18-167. Inspection and approval.

The department of development services shall refer all applications for rooming house licenses to the building inspector, fire department, and such other inspectors as may be appropriate for review. The purpose of such review is to provide for inspections of the property to determine compliance with applicable law, to determine that the property is free of fire hazards and other unsafe conditions, and to determine that the premises are safe and habitable and are provided with adequate heat, light and ventilation and exits. Upon request by any City inspector or officer, the licensee shall produce for inspection his or her state-issued photo identification. The department of development services shall not issue a license or renewal if the property fails to pass inspection or fails to comply with any applicable life safety code. The department of development services may deny a license renewal if there have been three or more violations of the same provision in this article in the prior year or six or more total violations in the prior year.

Sec. 18-168 . License, conditions.

The conditions in this Section 18-168 must be maintained as a condition of a rooming house license issued under this Article. It shall be a condition of every rooming house license that

(a) the licensee promptly allows and cooperates with any inspection requested to be performed by the department of development services or other authorized City department or officer;

(b) the insurance provided with the application remain in place and is not cancelled, and does not expire without replacement;

(c) the power of attorney required, if any, for the application is not revoked.

(d) the real estate taxes on the property where the rooming house is located are not delinquent.

(e) the licensee must reside on the property where the rooming house is located.

(f) the property complies with all applicable law.

Sec. 18-169. Display of information

A copy of the rooming house license and the floor plan must be displayed in a central common area, in a conspicuous place, on the main floor of the rooming house, together with a notice that violations of this ordinance may be reported anonymously by calling 311.

Sec. 18-170. Fire safety equipment.

In addition to any requirement imposed by the City's fire marshal or fire department, each floor of a structure used, or any part of which is used, for a rooming house or rooming units, shall have a smoke alarm and a fire extinguisher in a common area, and each rooming unit shall have a smoke alarm. All smoke alarms shall be powered by electricity or have active batteries, and all fire extinguishers shall be in good operating order at all times.

Sec. 18-171. Register.

The licensee of every such rooming house shall keep in the office, or other place on the premises, a register in which shall be entered the name and permanent residence, if any, of every person who becomes a roomer therein. Such register shall also show the number or location of the room or bed occupied by such person, with dates of arrival, and departure. The register shall also be accessible, without charge, to any duly authorized agent of the department of development services.

Sec. 18-172. Basement occupancy.

No license shall be issued to any person proposing to use a basement or any part thereof as habitable rooms or rooming units.

Sec. 18-173. Bath facilities [Toilet, showers or bathtubs]

In every rooming house, there shall be at least one toilet, one sink, and one shower or bathtub for each four rooming units shown on the plans submitted with the application for the rooming house license or for each five roomers, whichever requirement provides more bath facilities per roomer. All such facilities shall be so located to be reasonably accessible from a common hall to all persons using them, and shall be on the same floor as the rooming units in which such persons reside. All such facilities shall be kept in good working order and connected properly to water and sewer pipes.

Sec. 18-174. Maintenance of premises generally.

The licensee of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for maintenance of a sanitary condition in every part of the rooming house, including the entire structure in which the rooming house stands.

Sec. 18-175. [Air space]Minimum Space Requirements.

No room in any rooming house shall be occupied as a rooming unit by any human being unless there are at least seventy square feet of floor space for one roomer and at least fifty additional square feet of floor space per additional roomer, [six hundred cubic feet of air space,] exclusive of wardrobe and closet space. [, for each and every person occupying any such rooming unit, and unless there is a ceiling height] There shall be a ceiling height of at least seven feet over half of the floor area of each

rooming unit.

[Sec. 18-176. Cooking prohibited.]

[No rooming house licensee shall permit cooking by any means in any rooming unit.]

Sec. [18-177]18-176. Use of accessory building prohibited.

No accessory building shall be used for rooming house purposes. No rooming unit may be located in any accessory building.

Sec. 18-177. Doorbells

Each rooming house shall have a doorbell at the principal entrance used by tenants that rings in a common area and is audible within the rooming units and each rooming unit shall have a doorbell.

Sec. 18-178. Violations.

Any person who violates any provision of this article, including operation of a rooming house in violation of the conditions required herein, shall be subject to the general penalties under section 1-4 of this Code, and shall be subject to revocation or suspension of any license issued hereunder, as well as any enforcement action or legal remedy available at law or in equity. Owners of property where rooming houses are located, whether or not they are licensees, and all licensees, shall be liable for violations of the provisions of this Article.

If a rooming house fails any inspections, a re-inspection fee of \$250 shall be charged for each subsequent inspection.

Any unpaid fees or fines may become a lien on the property as authorized by law.

Section 18-179. Revocation for Cause

The department of development services may revoke a rooming house license if there has been a conviction of the licensee or owner of selling drugs or committing other crimes on the premises of a rooming house, or within two blocks of the rooming house, or if there have been more than three arrests of any person or persons for offenses committed at the rooming house within a 12-month period for any felony or for disturbing the peace, disorderly conduct, creating a public disturbance, assault, or drug offences. A license that has been denied or revoked pursuant to this provision shall not be reissued for a period of one full year from the date of revocation.

Section 18-180. Reporting

The licensee or owner of a rooming house shall report any illegal activity on the premises to the police.

Sec. 18-181 [179]. Interpretation of article.

In their interpretation and application, the provisions of this Article shall be held to be the minimum requirements with respect to rooming houses as defined in this Article, adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where this article imposes a greater restriction upon the use of buildings or premises for rooming house purposes than are

imposed or required by the provisions of any other applicable law, the provisions of this Article shall control.

This ordinance shall take effect upon adoption.

