

Approved:

For Introduction

Town Attorney
Date:

Public Hearing:
Board Action:
Effective Date:
Moved By:
Seconded By:

ORDINANCE REGARDING LANDLORD REGISTRATION

BE IT ORDAINED AS FOLLOWS:

Section 1. Title.

This Ordinance shall be known and may be referred to as the “Landlord Registration Ordinance.”

Section 2. Legislative Authority.

This Landlord Registration Ordinance is enacted pursuant to the provisions of Connecticut General Statutes sections 47a-6a, 47a-6b, and 7-148.

Section 3. Findings and Purpose.

The Board of Selectman of Town of Cromwell finds that the identification and knowledge of the whereabouts of nonresident owners of residential rental housing units located within the Town of Cromwell is in the best interest of the community and will promote the public health, welfare, and safety of the residents of Cromwell. Accordingly, by enacting the Landlord Registration Ordinance, the Town of Cromwell seeks to better protect, preserve and promote the health, safety, welfare and quality of life of its residents by requiring nonresident owners of residential rental housing units located within Cromwell to comply with this Ordinance.

Section 4. Definitions.

The definitions contained within Connecticut General Statutes section 47-6a(a) shall apply to the terms of this Landlord Registration Ordinance. In addition to such statutory definitions, the following shall apply:

A. “Nonresident Owner” –

means any owner of the property at an address, as defined herein, who does not reside at such address and has not so resided for the preceding 30 days or more.

B. "Resident Owner" – means any owner of the property at an address, as defined herein, who currently resides at such property and has done so for 30 days or more, which is owned by her or him.

Section 5. Applicability.

This Ordinance shall apply to all occupied or vacant residential rental property within the Town of Cromwell. Such property that is owned by the State of Connecticut shall be exempt, unless the property is owned by an entity leasing real property from the State of Connecticut.

Section 6. Required Registration.

- A. By October 1, 2011, any nonresident owner of an existing occupied or vacant residential rental real property or dwelling unit shall be required to file and maintain on file in the Cromwell Health Department the current residential address of the nonresident owner of such property, if the owner is an individual. If a nonresident owner is a corporation, partnership, trust or other legal recognized entity, then the current residential address of the agent in charge of the property or dwelling unit shall be filed in the Cromwell Health Department.
- B. If such residential address changes, notice of the new residential address shall be provided by such nonresident owner or agent in charge of the building to the Health Department of the Town of Cromwell not more than thirty (30) days after the date that the address change occurred.
- C. Each such nonresident owner or agent shall pay a fee of \$50.00 for each initial registration and a fee of \$10.00 for each notice of residential address change.
- D. If any such nonresident owner or agent fails to maintain on file an address as required by this section, the address to which the Town mails property tax bills for the residential rental property or dwelling unit shall be deemed to be the nonresident owner or agent's current address. Such address may be used for compliance with the provisions of subsection E of this section.
- E. Service of state or municipal orders relating to maintenance of any such residential rental property or dwelling unit or compliance with state law and local codes concerning such real property directed to the nonresident owner or agent at the address on file, or deemed to be on file in accordance with the provisions of this section, shall be sufficient proof of service of notice of such orders in any subsequent criminal or civil action against the nonresident owner or agent for failure to comply with the orders.
- F. Any person who violates any provision of this section shall have committed an infraction.

Section 7. Penalties.

- A. As provided in Connecticut General Statutes sections 47a-6a and 47a-6b, any nonresident owner or agent who violates any provision of this Landlord Registration Ordinance shall be assessed a civil penalty of not more than \$250.00 for the first violation and not more than \$1,000.00 for any subsequent violation.

- B. The Cromwell Health Department of the Town of Cromwell shall send notice of the assessment to the nonresident owner or agent of the property that is the subject of the violation.

- C. Any person who is assessed a civil penalty pursuant to this section may appeal therefrom to the Cromwell Hearing Officer, provided such person must file a petition to reopen assessment with the Hearing Officer, together with the entry fee in an amount equal to the entry fee for a small claims case pursuant to section 52-259 of the Connecticut General Statutes, no later than 10 days after the receipt of notice of such assessment.

Section 8. Severability of Provisions.

Should any court of competent jurisdiction declare any section or clause or provision of this Landlord Registration Ordinance to be unconstitutional or ultra vires, such decision shall affect only such particular section, clause or provision so declared unconstitutional and shall not affect any other section, clause or provision of this Ordinance.

Section 9. Construction.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of either gender shall include both genders.

Section 10. Effective date.

Following its adoption by the Board of Selectman, this Landlord Registration Ordinance shall become effective on the 30th day after publication in a newspaper having circulation within the Town.

PURPOSE: To require non-resident owners of residential rental housing units to register their address with the Health Department.

PREPARED BY: John W. Bradley, Jr., Town Attorney

PROPOSED BY: Wesley Bell, Director of Health

DATE: June ____, 2011