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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

June 6, 2006

Mayor Mark D. Boughton
Members of the Common Council

Re: Absentee Landlord Ordinance

The Common Council Committee appointed to review the request for an absentee landlord ordinance met on May 24, 2006 at 7:00 P.M. In attendance were committee members Cutsumpas and Rotello. Also in attendance were Assistant Corporation Counsel Les Pinter, Director of the Permit Center Sean Hearty and Council Members McMahon, Taborsak, Perkins, Johnson, Stanley, Basso and Teicholz, ex-officio.

State Statutes gives municipalities the ability to impose penalties on landlords who do not file their addresses. Mr. Hearty said that the statute is great for the City to track down landlords who live out of town. This will require them to file with the Tax Assessor and would be a great help. Attorney Pinter stated that in 2006 the Legislature adopted this revision to the existing statute and permits municipalities to establish a penalty for absentee landlords who do not file the addresses where they live. This will give the Permit Center the additional teeth it needs to find these persons. The ability to require the filing of addresses and any service at that address will allow a criminal suit. The first fine could be up to \$250.00 and the second is \$1,000. He will draft an ordinance to mirror the statute for Danbury and leave it to the Tax Assessor or any other office the Council designates.

Mr. Rotello asked if the City has flexibility in drafting the ordinance. Attorney Pinter said there is flexibility in naming the filing office and the amount of the fine. Mr. Rotello said he is concerned about the 21-day period. He would like to see it extended to ninety days. Attorney Pinter said that couldn't be changed because it is specifically noted in the statute.

Mr. Cutsumpas asked when it would be decided to impose the \$1,000 fine and how would this be done in the ordinance? Attorney Pinter said he would research what the specific cases might be when you have a repeat violator.

Mr. Cutsumpas said the departments should have flexibility. Mr. Hearty said when he comes across a violation, he will be able to include in his letter that this ordinance exists. It is his opinion that since the Tax Assessor is now charged with address changes, it should remain in that office and leave it to him to impose the fine.

Mr. Cutsumpas asked if the City's notification obligation would be fulfilled when the ordinance is published? Attorney Pinter said the ordinance is published and, as a result, the City will notify as many people as publication allows.

Mr. Rotello made a motion to recommend that the ordinance be submitted in accordance with State Statute, designating the tax assessor as the depository, including telephone numbers. Seconded by Mr. Cutsumpas. Motion carried unanimously.

Respectfully submitted,

TED CUTSUMPAS, Chairman

ROBERT RILEY

PAUL ROTELLO



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

Be it ordained by the Common Council of the City of Danbury:

That the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a section, to be numbered 12-8, which said section reads as follows:

Sec. 12-8. Nonresident Landlords; Filing with Tax Assessor; Civil Penalties.

- (a) *Generally.* The purpose of this section is to improve the quality of life in the City of Danbury by requiring nonresident landlords to file their residential addresses with the City in order that they can be properly and timely contacted by code officials to assure that housing can be maintained in a clean, healthful and livable condition.
- (b) *Definitions.* As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.
 - (1) *Nonresident landlord* means an owner of rental property who does not reside on such property.
 - (2) *Address* means a location as described by the full street number, if any, the street name, the city or town, and the state, and not a mailing address such as a post office box.
- (c) *Requirement to File Street Address.* Each nonresident landlord shall maintain on file in the Office of the Tax Assessor, the current residential address of the nonresident owner of such property, if the owner is an individual, or the current residential address of the designated agent in charge of the building if the nonresident owner is a corporation, partnership, trust or other legally recognized entity owning rental real property in Danbury.
- (d) *Requirement to File Phone Numbers.* Each nonresident landlord shall also provide a telephone number where said landlord or agent or property manager authorized to act for said landlord can be reached.
- (e) *Change of Address.* In the event the residential address specified in (c) hereof changes, notice of the new residential address shall be provided by such nonresident landlord or agent in charge of the building to the Office of the Tax Assessor not more than twenty-one (21) days after the date that the address change occurred.
- (f) *Failure to File Address.* If the nonresident landlord or agent fails to file an address pursuant to this section, the address to which property tax bills are mailed for the rental real property shall be deemed to be the nonresident owner or agent's current address and may be used for enforcement procedures specified in subsection (g) hereof.
- (g) *Enforcement/Orders.* Service of local or state orders relating to maintenance of such rental real property or compliance with state law or local codes concerning such real property directed to the nonresident landlord 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 civil or criminal action against the owner or agent for failure to comply with such orders. The provisions of this subsection shall not be construed to limit the validity of any other means of giving notice of such orders that may be used by the state or by the City of Danbury.
- (h) *Civil Penalties.* Any nonresident landlord or agent who violates the provisions of this section shall have committed an infraction punishable by a fine of \$250 for the first violation and \$1,000 for any subsequent violation. Enforcement of such penalties shall be through the citation procedures set forth in Section 12-34 of the Code of Ordinances.
- (i) *Consistent with Other Provisions.* The requirements of this section shall be in addition to and not in place of any other requirements contained in any other provisions of the Code of Ordinances.