

Connecticut General Statutes Annotated [Currentness](#)Title 47A. Landlord and Tenant ([Refs & Annos](#))

→ [Chapter 833A](#). Public Enforcement of Health and Safety Standards in Tenement and Boarding Houses, and in Rented Dwellings ([Refs & Annos](#))

→ **§ 47a-50. Definitions**

The following terms, when used in this chapter, are defined as follows:

- (1) A “tenement house” means any house or building, or portion thereof, which is rented, leased or hired out to be occupied, or is arranged or designed to be occupied, or is occupied, as the home or residence of three or more families, living independently of each other, and doing their cooking upon the premises, and having a common right in the halls, stairways or yards;
- (2) A “lodging house” or “boarding house” means any house or building or portion thereof, in which six or more persons are harbored, received or lodged for hire, or any building or part thereof, which is used as a sleeping place or lodging for six or more persons not members of the family residing therein;
- (3) A “dwelling unit” or an “apartment” means any house or building, or portion thereof, which is rented, leased or hired out to be occupied, or is occupied as a home or residence of one or more persons;
- (4) A “yard” means an open, unoccupied space, on the same lot with a tenement, lodging or boarding house, between the rear line of such house and the rear line of the lot;
- (5) A “court” means an open, unoccupied space, other than a yard, on the same lot with a tenement house;
- (6) A “public hall” means a hall, corridor or passageway not within an apartment or dwelling unit;
- (7) A “basement” means a story partly, but not more than one-half, below the level of the grade;
- (8) A “cellar” means a story more than one-half below the level of the grade;
- (9) The word “shall” is mandatory and not directory, and denotes that the house shall be maintained in all respects according to the mandate, as long as it continues to be a tenement house;
- (10) In determining the number of stories in a tenement house, a basement or an attic shall be counted as a

story if it is occupied or designed to be occupied for living purposes;

(11) “Enforcing agency” means the board of health or other authority designated to enforce the provisions of this chapter or a local housing code.

#### **§ 47a-51. Sanitary regulations**

(a) Each tenement, lodging or boarding house, and each part thereof, shall be kept clean and free from any accumulation of dirt, filth, garbage or other matter, in or on the house or part thereof, or in the yards, courts, passages, areas or alleys connected with or belonging to the same. The owner, tenant, lessee or occupant of each tenement, lodging or boarding house, or part of such house, shall cleanse thoroughly all rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, water closets, cesspools, drains, halls, cellars and roofs and all other parts of such house, or the part of such house of which he is owner, tenant, lessee or occupant, to the approval of the board of health or enforcing agency, and shall keep the same in a clean condition at all times.

(b) The owner of each tenement house shall provide, for such building, suitable receptacles for, or conveniences for the disposal of, garbage, ashes and rubbish.

(c) Each building used as a tenement, lodging or boarding house and all parts thereof shall be kept in good repair.

(d) The roof of each tenement, lodging or boarding house shall be so kept as not to leak, and all rain water shall be so drained and conveyed from the roof as to prevent its dripping onto the ground or causing dampness in the walls, ceilings, yards or areas.

(e) No horse, cow, calf, swine, poultry, sheep or goat shall be kept in or near any tenement, lodging or boarding house, unless stabled at least twenty feet distant from such tenement, lodging or boarding house, and then only when such stabling is not detrimental to health, in the opinion of the board of health or enforcing agency.

(f) A tenement, lodging or boarding house, or any part thereof, shall not be used for the handling, keeping or storing of combustible articles or rags, or any other articles, in a manner deemed by the board of health or enforcing agency to be dangerous or detrimental to health.

#### **§ 47a-52. Abatement of conditions in rented dwelling other than tenement house constituting danger to life or health**

(a) As used in this section, “rented dwelling” means any structure or portion thereof which is rented, leased, or

hired out to be occupied as the home or residence of one or two families and any mobile manufactured home in a mobile manufactured home park which, although owned by its resident, sits upon a space or lot which is rented, leased or hired out, but shall not include a tenement house as defined in [section 19a-355](#) or in [section 47a-1](#).

(b) “Department of health” means the health authority of each city, borough or town, by whatever name such health authority may be known.

(c) When any defect in the plumbing, sewerage, water supply, drainage, lighting, ventilation, or sanitary condition of a rented dwelling, or of the premises on which it is situated, in the opinion of the department of health of the municipality where such dwelling is located, constitutes a danger to life or health, the department may order the responsible party to correct the same in such manner as it specifies. If the order is not complied with within the time limit set by the department, the person in charge of the department may institute a civil action for injunctive relief, in accordance with chapter 916, [\[FN1\]](#) to require the abatement of such danger.

(d) Paint on the exposed surfaces of the interior of a rented dwelling shall not be cracked, chipped, blistered, flaking, loose or peeling so as to constitute a health hazard. Testing, remediation, abatement and management of lead-based paint at a rented dwelling or its premises shall be as defined in, and in accordance with, the regulations, if any, adopted pursuant to [section 19a-111c](#).

(e) When the department of health certifies that any such rented dwelling or premises are unfit for human habitation, by reason of defects which may cause sickness or endanger the health of the occupants, the department may issue an order requiring the rented dwelling, premises or any portion thereof to be vacated within not less than twenty-four hours or more than ten days.

(f) Any person who violates or assists in violating, or fails to comply with, any provision of this section or any legal order of a department of health made under any such provision shall be fined not more than two hundred dollars or imprisoned not more than sixty days or both.

(g) Any person aggrieved by an order issued under this section may appeal, pursuant to [section 19a-229](#), to the Commissioner of Public Health.

[\[FN1\]](#) C.G.S.A. § 52-471 et seq.

#### **§ 47a-53. Orders of enforcement agency. Municipal lien for expenses in executing order**

(a) Whenever any tenement, lodging or boarding house or any building, structure, excavation, business pursuit, matter or thing in or about such house or the lot on which it is situated, or the plumbing, sewerage, drainage, lighting, paint or ventilation of such house, is, in the opinion of the board of health or other enforcing

agency, in a condition which is or in its effect is dangerous or detrimental to life or health, or whenever any tenement, lodging or boarding house in the opinion of the board or enforcing agency, is in violation of the provisions of [section 19a-109](#), the board or other enforcing agency may declare that the same, to the extent specified by the board or other enforcing agency, is a public nuisance. The board or enforcing agency may order such public nuisance to be removed, abated, suspended, altered or otherwise remedied, improved or purified. The board of health or other enforcing agency may also order or cause any tenement house or part thereof, or any excavation, building, structure, sewer, plumbing pipe, paint, passage, premises, ground, matter or thing in or about a tenement, lodging or boarding house or the lot on which such house is situated, to be purified, cleansed, disinfected, removed, altered, repaired or improved.

(b) If any order of the board of health or other enforcing agency is not complied with, or not so far complied with as the board or other enforcing agency regards as reasonable, within five days after the service thereof, or within such shorter time as the board or other enforcing agency designates, such order may be executed by the board or other enforcing agency, through its officers, agents, employees or contractors. The expense of executing such order, including an amount not to exceed five per cent of the expense thereof as a service charge and ten per cent of the expense thereof as a penalty shall be collected from the owner by an action in the name of the city, borough or town.

(c) (1) Any expense of executing an order, including any service charge and penalty imposed by the board of health or other enforcing agency pursuant to the provisions of subsection (b) of this section, and remaining unpaid for a period of sixty days after its due date, shall constitute a lien upon the real estate against which the expense was imposed, provided a notice of violation is recorded in the land records and indexed in the name of the property owner not later than thirty days after the expense was imposed.

(2) Each such notice of violation shall be effective from the time of the recording on the land records. Each lien shall take precedence over transfers and encumbrances recorded after such time.

(3) Any municipal lien pursuant to the provisions of this section may be foreclosed in the same manner as a mortgage.

(4) Any municipal lien pursuant to this section may be discharged or dissolved in the manner provided in [sections 49-35a to 49-37](#), inclusive.

(d) Any board of health or other enforcing agency imposing an expense, including a service charge and penalty, pursuant to subsection (b) of this section, shall maintain a current record of all properties with respect to which such expenses remain unpaid in the office of such board or agency. Such record shall be available for inspection by the public.

#### **[§ 47a-54. Communicable diseases; unfit for habitation; order to vacate](#)**

(a) Whenever it is certified by the board of health or other enforcing agency, that a tenement, lodging or boarding house, or any part thereof, is infected with communicable disease, or that it is unfit for human habitation or dangerous to life or health by reason of want of repair or of defects in the drainage, plumbing, ventilation or construction of the same, or by reason of the existence on the premises of a nuisance liable to cause sickness among the occupants of such house, the board of health or other enforcing agency may issue an order requiring all persons therein to vacate such house, or part thereof, within not less than twenty-four hours nor more than ten days. The board of health or other enforcing agency shall state in the order the reason for the issuance of the order.

(b) If such order is not complied with within the time so specified, the board of health or other enforcing agency may cause such house, or part thereof, to be vacated.

(c) The board of health or other enforcing agency, whenever satisfied that the danger from such house, or part thereof, has ceased to exist, or that such house is fit for human habitation, may revoke such order or may extend the time within which the order may be complied with.

#### **§ 47a-54a. Overcrowding in tenement and lodging houses**

If a room in a tenement, lodging or boarding house is overcrowded, the board of health or other enforcing agency may order the number of persons sleeping or living in such room to be so reduced that there shall not be less than five hundred cubic feet of air to each person over twelve years of age who occupies such room, and three hundred cubic feet of air to each child under twelve years of age who occupies such room.

#### **§ 47a-54b. Water in tenement and lodging houses**

Water in sufficient quantity shall be provided on each floor, occupied by one or more families, in each tenement house which is located on premises abutting on a street or alley in which pipes for the distribution of water to the public are laid, and, when such house is not so located, a sufficient supply of wholesome water shall be provided on a part of the lot where it will not be contaminated from water closets, barns, garbage or other sources of impurity.

#### **§ 47a-54c. Toilets and bathrooms**

(a) Each building used as a tenement, lodging or boarding house shall be furnished with adequate and suitable privy vaults or water closets. There shall be at least one such water closet or vault for each two dwelling units or apartments of two rooms or less each, and one such water closet or vault for each dwelling unit or apartment of three or more rooms. Each tenement, boarding or lodging house located on premises abutting on any street or alley where running water is available and through which there is a sewer with which connection may be had shall be provided with water closets connected with such sewer, and each such water closet shall be

located on the same floor as the dwelling unit or apartment which it serves.

(b) Each bathroom or water closet compartment in a tenement, lodging or boarding house shall be ventilated by a freely opening window of at least three square feet in area, opening to the outer air or upon a vent shaft having such openings at the bottom and top as meet the approval of the board of health, or by a separate ventilating flue of noncorroding material and at least thirty-six square inches in area, leading directly to the roof.

(c) Each such bathroom or water closet compartment, not otherwise sufficiently lighted, shall be provided with light from an adjoining room or rooms by means of translucent glass, of adequate size, in a fixed sash.

#### **§ 47a-54d. Public halls**

(a) Dark or poorly ventilated public halls in tenement, lodging or boarding houses shall be remedied in such manner as is deemed practicable and ordered by the board of health or enforcing agency.

(b) The owner of each tenement house shall provide for the lighting of all public halls at night.

#### **§ 47a-54e. Bedrooms**

A room in a tenement, lodging or boarding house shall not be used as a sleeping room unless it has an outside window or is provided with a sash window of at least eight square feet opening into an adjoining room, in the same apartment, having an outside window, which sash window shall be a vertically sliding, pulley-hung sash, both halves of which shall be so constructed as to open readily, and the lower half shall be glazed with translucent glass.

#### **§ 47a-54f. Paint**

(a) In each tenement, lodging or boarding house the walls of any court, shaft, hall or room shall be white-washed or painted a light color whenever, in the opinion of the board of health or enforcing agency, such whitewashing or painting is needed for the better lighting of any room, hall or water closet compartment.

(b) Paint on the exposed surfaces of the interior of a tenement house shall not be cracked, chipped, blistered, flaking, loose, or peeling so as to constitute a health hazard. Testing, remediation, abatement and management of lead-based paint at a tenement house or its premises shall be as defined in, and in accordance with, the regulations, if any, adopted pursuant to [section 19a-111c](#).

#### **§ 47a-55. Enforcement. Penalties**

(a) The board of health of each town, city or borough shall enforce the provisions of this part, and the board of health is given authority for such purpose. Any such town, city or borough may by ordinance duly adopted by its legislative body designate another authority or authorities to exercise concurrent or exclusive jurisdiction in the enforcement of this part. All duties imposed and powers conferred by this part upon boards of health shall devolve upon the health authority or such other designated authority or authorities of each city, borough or town by whatever name such health or other authority or authorities may be known. Nothing in this part shall be construed to abrogate or impair the powers of a local board of health, or of the courts, or any such other lawful authority, to enforce any provision of any city or borough charter or health ordinances and regulations not inconsistent with this part, or to prevent or punish for violations thereof.

(b) Each person who violates or assists in violating, or fails to comply with, any of said provisions or any legal order of a board of health or such other authority made under any of said provisions, for which no other penalty is provided, shall be fined not more than one thousand dollars or imprisoned not more than six months or both.

(c) Each person who continues to violate or assist in violating, or who continues to fail or refuse to comply with, any of said provisions after having been convicted of violating or assisting in violating any of said provisions, or of failing to comply therewith, for which no other penalty is provided, shall, upon a subsequent conviction, be imprisoned not more than one year.

#### **§ 47a-56. Passage of ordinance for abatement of nuisances. Appointment of authority**

The legislative body of any city, town or borough may by ordinance adopt the provisions of sections 47a-56 to 47a-56i, inclusive, and appoint a person or committee, known hereinafter as the authority, to carry out the provisions of said sections.

#### **§ 47a-56a. Appointment of receiver of rents: Application**

Whenever any order issued under the provisions of [section 47a-53](#) or [section 47a-55](#), or under the provisions of any municipal charter or special act or ordinance relating to the abatement of nuisances in tenement houses is not complied with, or not so far complied with as the appropriate authority finds reasonable, within the time allowed, or whenever a landlord has not substantially complied with the provisions of [section 47a-7](#), the authority appointed under the provisions of [section 47a-56](#) may apply to the superior court for the judicial district where the property is situated for an order requiring the owner and any mortgagees or lienors of record to show cause why a receiver of rents, issues and profits should not be appointed and why such receiver should not remove or remedy such condition and obtain a lien in favor of the municipality, having priority with respect to all existing mortgages or liens, to secure payment of the costs incurred by the receiver in removing or remedying such condition. Such application shall contain: (1) Proof by affidavit that an order of the proper authority has been issued and served on the owner, mortgagees and lienors; (2) a statement that a nuisance exists because a landlord has been in substantial noncompliance with the provisions of [section 47a-7](#) or a nuisance

exists that constitutes a fire hazard or a serious threat to life, health or safety and that such nuisance continued to exist in such property after the time fixed for the removal thereof in such order, and such statement shall contain a description of the property and the conditions constituting such nuisance; and (3) a brief description of the nature of the work required to remove or remedy the condition and an estimate as to the cost thereof.

#### **§ 47a-56b. Appointment of receiver of rents: Service**

- (a) Such rule to show cause shall be returnable not less than five days after service is completed.
- (b) The rule to show cause shall provide for personal service of a copy thereof and the application on which it is based on the owners and mortgagees of record and lienors.
- (c) If any such owner, mortgagee or lienor cannot with due diligence be served personally within the municipality where the property is located and within the time fixed in such order, service may be made on such person by posting a copy thereof in a conspicuous place on the property where the nuisance exists, and by sending a copy thereof by registered mail, return receipt requested, to the owner at the address set forth in the last-recorded deed with respect to such property, or, in the case of a mortgagee or lienor, to the address set forth in the recorded mortgage or lien and by publication in a newspaper of general circulation in the judicial district where such property is located.
- (d) If the condition constituting the nuisance is such that, unless it is immediately cured, substantial damage may be caused to the property or if it constitutes an imminent danger to its occupants or the occupants of adjoining properties, the rule to show cause may be returnable in the discretion of the court in less than five days and, in such case, service may be made on the owner, mortgagee and lienor by posting a copy thereof in a conspicuous place on the property where the nuisance exists and by mailing a copy in the case of the owner to the address set forth in the last-recorded deed and, in the case of the mortgagee and lienor, to the address recorded. In such action the court may issue an immediate ex parte order granting such relief as it deems appropriate, pending a full hearing to be held not later than three days after such order is issued.

#### **§ 47a-56c. Appointment of receiver of rents: Determination by court**

- (a) On the return of said rule to show cause, its determination shall have precedence over every other business of the civil docket of the Superior Court.
- (b) If the court finds that the facts stated in such application warrant the granting thereof, the court shall appoint a receiver of the rents, issues and profits of the property.
- (c) If, after determination of the issue, the owner or any mortgagee or lienor or other person having an interest

in the property applies to the court to be permitted to remove or remedy the conditions constituting the nuisance and (1) demonstrates the ability promptly to undertake the work required and (2) posts security for the performance thereof within the time, and in the amount and manner, deemed necessary by the court, the court may, in lieu of appointing such receiver, issue an order permitting such person to perform the work within a time fixed by the court.

(d) If at the time fixed in the order the conditions constituting the nuisance have not been satisfactorily remedied or removed, the court shall appoint such receiver.

(e) If, after the granting of such court order permitting a person to perform the work but before the time fixed by the court for the completion thereof, it appears to the authority issuing the original order that the person permitted to do such work is not proceeding with due diligence, such authority may apply to the court, on notice to those persons who have appeared in the proceeding, for a hearing to determine whether such receiver shall be appointed immediately.

(f) On the failure of any such owner, mortgagee, lienor or other person having an interest in the property to complete the work in accordance with the provisions of such order, any receiver thereafter appointed shall be reimbursed for costs incurred by him in removing or remedying the condition and other charges provided for in [sections 47a-56 to 47a-56i](#), inclusive, out of such security.

#### **§ 47a-56d. Receiver: Bond required. Powers and duties**

(a) The receiver's appointment shall not be effective until the receiver furnishes a bond, with sufficient surety, in an amount to be determined by the court, and until the receiver provides evidence of liability insurance coverage in an amount to be set by the court, but at least in an amount, for a single injury, equal to one hundred per cent of the appraised value of the property, disregarding encumbrances.

(b) The receiver shall with all reasonable speed remove the delinquent matters and deficiencies in the property constituting a serious fire hazard or a serious threat to life, health or safety. During the term of the receivership the receiver shall repair and maintain the property in a safe and healthful condition. The receiver shall have the power to let contracts in accordance with the provisions of local laws, ordinances, rules and regulations applicable to contracts for public works. Notwithstanding any such laws, ordinances, rules or regulations, the receiver may let contracts or incur expenses for individual items of repairs, improvements or supplies without advertisement or the procurement of competitive bids where the total amount of any such individual item does not exceed five hundred dollars or where there exists a condition which constitutes an imminent and substantial danger to life, health or safety, but in such event the receiver shall endeavor to obtain contracts on the most advantageous terms.

(c) The receiver shall collect the accrued and accruing rents, issues and profits of the property and apply the

same to the cost of removing or remedying such nuisance, to the payment of expenses reasonably necessary to the proper operation and management of the property, including insurance and the fees of the managing agent, if any, and to unpaid taxes, assessments, water rents and sewer rents and penalties and interest thereon.

(d) If the income of the property is insufficient to cover the cost of remedying or removing such nuisance, the municipality may advance to the receiver any sums required to cover such cost and thereupon shall have a lien against the property having the priority provided in [section 47a-56a](#).

(e) Any excess of income of the property in the hands of the receiver shall be applied to the necessary expenses in regard to such property of the receiver's office and then to sums due to mortgagees or lienors.

(f) The receiver shall have the power to bring a summary process action pursuant to the provisions of chapter 832 [\[FN1\]](#) against any tenant or occupant of the property.

[\[FN1\]](#) C.G.S.A. § 47a-23 et seq.

#### **§ 47a-56e. Liability of owner**

Nothing in [sections 47a-56 to 47a-56i](#), inclusive, shall be deemed to relieve the owner of such property of any civil or criminal liability incurred or any duty imposed by reason of acts or omissions of the owner prior to the appointment of any receiver thereunder, nor shall anything contained therein be construed to suspend during the receivership any obligation of the owner for the payment of taxes or other operating and maintenance expenses of the property or any obligation of the owner or any other person for the payment of mortgages or liens.

#### **§ 47a-56f. Payment of expenses. Liability of receiver. Assistance of municipal personnel. Costs and attorney's fees**

(a) The receiver shall be entitled to his necessary expenses and to a reasonable fee, to be determined by the court.

(b) The receiver shall be liable for injuries to persons and property by reason of the condition of the property for which he is receiver in a case where an owner would have been liable, but the receiver shall be liable only to the extent that he is insured against such liability or to the extent that he would have been insured against such liability had he purchased and maintained the insurance required by [section 47a-56d](#). The receiver shall not be liable for such injury in his personal capacity or out of the assets in his hands as receiver, except as provided above.

(c) The personnel and facilities of the municipality and the corporation counsel shall be availed of by the re-

ceiver for the purpose of carrying out his duties as such receiver and the cost of such services shall be deemed a necessary expense of the receiver.

(d) The municipality shall be entitled to its costs in filing an application under [section 47a-56a](#) and a reasonable attorney's fee, to be determined by the court.

#### **§ 47a-56g. Discharge of receiver**

The receiver shall be discharged upon rendering a complete accounting to the court when such condition has been removed and the cost thereof and all other costs authorized by [sections 47a-56 to 47a-56i](#), inclusive, have been paid or reimbursed from the rents and income of the property and the surplus money, if any, has been paid over to the owner or the mortgagee or lienor as the court may direct. The receiver may be discharged at any time upon filing his account as receiver without affecting the right of the municipality to its lien. Upon the removal of such condition, the owner, the mortgagee or any lienor may apply for the discharge of the receiver upon payment to the receiver of all moneys expended by the receiver for removal of such condition and all other costs authorized by said sections which have not been paid or reimbursed from the rents and income of the property.

#### **§ 47a-56h. Rights of mortgagee or lienor remedying nuisance and paying expenses**

Any mortgagee or lienor who, at his expense, remedies or removes the nuisance to the satisfaction of the court shall have and be entitled to enforce a lien equivalent to the lien granted to the receiver in favor of the municipality under [sections 47a-56 to 47a-56i](#), inclusive. Any mortgagee or lienor who, following the appointment of a receiver by the court, reimburses the receiver and the municipality for all costs and charges as hereinabove provided shall be entitled to an assignment of the lien granted to the receiver in favor of the municipality.

#### **§ 47a-56i. Housing Receivership Revolving Fund. Source of funds for expenses of a receiver in remedying certain tenement conditions**

(a) The expenses incurred by a receiver in removing or remedying a condition pursuant to the provisions of [sections 47a-14a to 47a-14g](#), inclusive, and [sections 47a-56 to 47a-56i](#), inclusive, shall be met by the rents collected by the receiver, the municipality in which the property is located or, with court approval, from a fund to be known as the Housing Receivership Revolving Fund, which shall be maintained by the Commissioner of Economic and Community Development. The court may also approve resort to such fund to meet expenses incurred by a receiver of rents for residential premises pursuant to the provisions of [section 16-262f](#) or [47a-14h](#) or chapter 735a [FN1] or pursuant to any other action involving the making of repairs to residential rental property under court supervision. A court may authorize resort to such fund if (1) sufficient sources of money are not otherwise immediately available, (2) the property which is the subject of the receivership is a building

which contains not more than twenty dwelling units or is a mobile manufactured home park or a space or lot in such park and (3) the anticipated average expense from the fund per dwelling unit or per space or lot in such park is not in excess of five thousand dollars.

(b) The receiver shall repay the amounts so expended to such fund from the proceeds of any amounts recovered pursuant to the provisions of said sections.

(c) The owner of the property shall be liable for repayment to the fund of all amounts expended from the fund upon or in connection with such property and to the municipality for all amounts expended by it upon or in connection with such property. Any such funds expended from the fund shall be secured by a lien on such property for the benefit of the state, which shall have priority over all mortgages or other liens on such property. Any such funds expended by the municipality shall be secured by a lien on such property which shall have the same priority as a lien for municipal taxes.

[FN1] C.G.S.A. § 42-110a et seq.

#### **§ 47a-56j. State financial assistance for rent receivership programs**

The state, acting by and in the discretion of the Commissioner of Economic and Community Development may enter into a contract with a municipality for state financial assistance in an amount determined by the commissioner for a rent receivership program undertaken pursuant to [sections 47a-56 to 47a-56i](#), inclusive. Such contract shall provide for financial assistance in the form of a state advance-in-aid to initiate and operate a tenement house operating fund pursuant to said [section 47a-56i](#) for the purposes authorized in said [sections 47a-56 to 47a-56i](#), inclusive. Such advance-in-aid shall be repayable solely from funds received by the receiver or the municipality pursuant to said sections at such times and in such manner as the commissioner may determine.

#### **§ 47a-56k. Authorization of state bonds for purposes of the Housing Receivership Revolving Fund**

(a) The State Bond Commission shall have power, in accordance with the provisions of this section, from time to time to authorize the issuance of bonds of the state in one or more series and in principal amounts not exceeding in the aggregate three hundred thousand dollars, the proceeds of the sale of which shall be used by the Department of Economic and Community Development to provide funds for the Housing Receivership Revolving Fund established in accordance with [section 47a-56i](#), provided not more than two hundred thousand dollars may be expended from said fund in any single municipality.

(b) All provisions of [section 3-20](#) or the exercise of any right or power granted thereby which are not inconsistent with the provisions of this section are hereby adopted and shall apply to all bonds authorized by the State Bond Commission pursuant to this section, and temporary notes in anticipation of the money to be derived from the sale of any such bonds so authorized may be issued in accordance with said [section 3-20](#) and

from time to time renewed. Such bonds shall mature at such time or times not exceeding twenty years from their respective dates as may be provided in or pursuant to the resolution or resolutions of the State Bond Commission authorizing such bonds. None of such bonds shall be authorized except upon a finding by the State Bond Commission that there has been filed with it a request for such authorization which is signed by or on behalf of the Commissioner of Economic and Community Development and states such terms and conditions as said commission in its discretion may require. Such bonds issued pursuant to this section shall be general obligations of the state and the full faith and credit of the state of Connecticut are pledged for the payment of the principal of and interest on such bonds as the same become due, and accordingly and as part of the contract of the state with the holders of such bonds, appropriation of all amounts necessary for punctual payment of such principal and interest is hereby made and the Treasurer shall pay such principal and interest as the same become due.

**§ 47a-57. Certificate of occupancy required for lawful occupation. Penalty for allowing occupancy without certificate**

(a) An apartment or dwelling unit in any structure containing three or more housing units in any municipality which adopts the provisions of this section by vote of its legislative body shall not be occupied for human habitation, after a vacancy, until a certificate of occupancy has been issued by the person designated by the legislative body of such municipality to administer the provisions of this section, certifying that such apartment or dwelling unit conforms to the requirements of the applicable housing ordinances of such municipality and this chapter. No provision of this section shall apply to any structure occupied by the owner thereof and containing three or less housing units. No provision of this section shall be construed to prohibit human occupancy of such apartment or dwelling unit during the pendency of an application for such certificate.

(b) Any person aggrieved by the refusal of a certificate of occupancy may appeal to the superior court for the judicial district within which the structure is located. Such appeal shall be privileged.

(c) Any owner or lessor who recovers rent for the occupation of any apartment or dwelling unit for which a certificate of occupancy has not been obtained prior to the rental thereof in violation of subsection (a) of this section shall be liable for a civil penalty of not more than twenty dollars per day for not more than two hundred days for such period of unlawful occupation.

(d) The provisions of this section shall not apply to any structure which has been constructed or substantially reconstructed within the ten-year period immediately before the date such certificate of occupancy would otherwise be required under this section.

**§ 47a-58. Notice of violation. Penalty. Injunctive relief. Municipal lien for unpaid penalty**

(a) Any enforcing agency may issue a notice of violation to any person who violates any provision of this

chapter or a provision of a local housing code. Such notice shall specify each violation and specify the last day by which such violation shall be corrected. The date specified shall not be less than three weeks from the date of mailing of such notice, provided that in the case of a condition, which in the judgment of the enforcing agency is or in its effect is dangerous or detrimental to life or health, the date specified shall not be more than five days from the date of mailing of such notice. The enforcing agency may postpone the last day by which a violation shall be corrected upon a showing by the owner or other responsible person that he has begun to correct the violation but that full correction of the violation cannot be completed within the time provided because of technical difficulties, inability to obtain necessary materials or labor or inability to gain access to the dwelling unit wherein the violation exists.

(b) When the owner or other responsible person has corrected such violation, the owner or other responsible person shall promptly, but not later than two weeks after such correction, report to the enforcing agency in writing, indicating the date when each violation was corrected. It shall be presumed that the violation was corrected on the date so indicated, unless a subsequent inspection by the enforcing agency again reveals the existence of the condition giving rise to the earlier notice of violation.

(c) Any person who fails to correct any violation prior to the date set forth in the notice of violation shall be subject to a cumulative civil penalty of five dollars per day for each violation from the date set for correction in the notice of violation to the date such violation is corrected, except that in any case, the penalty shall not exceed one hundred dollars per day and the total penalty shall not exceed seven thousand five hundred dollars. The penalty may be collected by the enforcing agency by action against the owner or other responsible person or by an action against the real property. An action against the owner may be joined with an action against the real property.

(d) In addition to the penalties specified in this section, the enforcing agency may enforce the provisions of this chapter or a local housing code by injunctive relief pursuant to chapter 916. [\[FN1\]](#)

(e) (1) Any penalty imposed by an enforcing agency pursuant to the provisions of subsection (c) of this section, and remaining unpaid for a period of sixty days after its due date, shall constitute a lien upon the real property against which the penalty was imposed, provided a notice of violation is recorded in the land records and indexed in the name of the property owner no later than thirty days after the penalty was imposed.

(2) Each such notice of violation shall be effective from the time of the recording on the land records. Each lien shall take precedence over all transfers and encumbrances recorded after such time.

(3) Any municipal lien pursuant to the provisions of this section may be foreclosed in the same manner as a mortgage.

(4) Any municipal lien pursuant to this section may be discharged or dissolved in the manner provided in [sec-](#)

tions 49-35a to 49-37, inclusive.

(f) Any enforcing agency imposing a penalty pursuant to subsection (c) of this section shall maintain a current record of all properties with respect to which such penalty remains unpaid in the office of such agency. Such record shall be available for inspection by the public.

[FN1] C.G.S.A. § 52-471 et seq.

#### **§ 47a-59. Enforcement actions. Defenses**

(a) The enforcing agency may bring an action in the Superior Court for the recovery of civil penalties, together with costs and disbursements.

(b) It shall be a complete defense to any action brought pursuant to subsection (a) of this section, that: (1) The violation giving rise to the action was caused by the wilful act or gross negligence of a person other than the defendant; or (2) the defendant began to correct the violation promptly upon receipt of notice thereof, but that its full correction could not be completed within the time provided because of technical difficulties, inability to obtain necessary materials or labor or inability to gain access to the dwelling unit wherein the violation occurs.

#### **§ 47a-60. Stay of penalty. Violation contested by owner**

(a) In any action for penalties under sections 47a-53, 47a-55 and 47a-58 to 47a-61, inclusive, the defendant may move at any time before the trial of the case for an order to stay the further accumulation of the per diem penalty from the day the action is commenced until the same is finally terminated by judgment or otherwise, including the time necessary for judicial review. The court shall grant the motion if the defendant shows to the satisfaction of the court that there is a substantial issue of fact or law concerning the existence of the violation charged. The court may impose such conditions on the granting of the motion as justice may require.

(b) Nothing contained in said sections shall prevent an owner or other responsible person from contesting the finding of a violation by the enforcing agency, prior to the enforcing agency's action for the collection of penalties, by any means provided by law. In any such action or proceeding, the court may stay the further accumulation of the per diem penalty in the same manner and under the same conditions as provided in subsection (a) of this section.

#### **§ 47a-61. Precedence in trial order**

Any action for recovery of civil penalties under the provisions of sections 47a-53, 47a-55 and 47a-58 to 47a-61, inclusive, shall have precedence over all others in respect to order of trial, except actions brought by

or in favor of the state or upon probate bonds.

**§§ 47a-62 to 47a-67. Reserved for future use**

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