

Overview of Blight Regulation and Enforcement

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1. The Problem: Towns need to have a code procedure to address blight head-on, a single problem house affects the general welfare of the neighborhood and the entire town including impacts on property values and safety. The appearance of the Town also affects its reputation and consequently the value of its properties. A municipal Anti- Blight Ordinance is required to address blight .
2. ORDINANCES-Authority
 - [General Statutes § 7-148\(c\)\(10\)\(A\)](#) applies generally to all powers afforded to municipalities by [§ 7-148\(c\)](#). It provides: “Any municipality shall have the power to do any of the following, in addition to all powers granted to municipalities under the Constitution and [G]eneral [S]tatutes ... (10) Miscellaneous. (A) Make all lawful regulations and ordinances in furtherance of any general powers as enumerated in this section, and prescribe penalties for the violation of the same not to exceed [\$250,] unless otherwise specifically provided by the [G]eneral [S]tatutes. Such regulations and ordinances may be enforced by citations issued by designated municipal officers or employees, provided the regulations and ordinances have been designated specifically by the municipality for enforcement by citation in the same manner in which they were adopted and the designated municipal officers or employees issue a written warning providing notice of the specific violation before issuing the citation ...”
 - Dedicated Anti-Blight ordinances: CGS § 7-148 authorizes adoption of ordinances to prevent housing blight and other blights. Typically the ordinance declares blighted property to be a nuisance, and defines blighted property.
 - The ordinance is enforced as a blight ordinance pursuant to C.G.S. Section 148 (c) (7) (H) (xv), and as a nuisance ordinance pursuant to C.G.S. Section 7-148 (c) (7) (E).
 - CGS § 7-148 (c)(7)(E) authorizes the municipality to enforce a blight ordinance-- to “Define, prohibit and abate within the municipality all nuisances and causes thereof, and all things detrimental to the health, morals, safety, convenience and welfare of its inhabitants and cause the abatement of any nuisance at the expense of the owner or owners of the premises on which such nuisance exists.” See Demello v. Plainville, 170 Conn. 675 (1976).
 - Section 148 (c) (7) (H) (xv) authorizes a municipality to “Make and enforce regulations preventing housing blight, including regulations reducing assessments, provided such regulations define housing blight, and including regulations establishing a duty to maintain property and specifying standards to determine if there is neglect; prescribe fines for the violation of such regulations of not less than ten or more than one hundred dollars for each day that a violation continues and, if such fines are prescribed, such municipality shall adopt a citation hearing procedure in accordance with [section 7-152c](#)”;

- CGS § 7-148aa authorizes fines for code violations of up to \$100 per occurrence- per day the violation continues and for a lien superior to all other liens except taxes on the targeted property for any unpaid fine.
- Some towns include blight in general provisions regarding property maintenance, sanitation and public health (See, i.e. Wethersfield).
- Urban homesteading: CGS § 8-169q permits an anti-blight ordinance to designate an urban homesteading agency that may condemn abandoned property contributing to blight; the owner is provided a chance to demolish the property or rehabilitate. If the owner fails to comply, the agency may transfer the property to a qualified applicant under this program.
- CGS § 14-150a provides for removal of abandoned motor vehicles, discarded motor vehicle parts.
- Zoning regulations may prohibit junk yards, unregistered vehicles.
- Demolition codes (including building code).
- Sidewalk and snow removal ordinances.
- Review ordinances from communities of similar size and character to get a feel for the options available. See sample ordinances attached.

3. OTHER PROGRAMS/Ordinances:

- **Neighborhood Revitalization Zones** (“NRZ”) are authorized under CGS § 7-600 et seq. This permits neighborhood groups and business to form a strategic plan with the municipality to revitalize a neighborhood that has a significant number of blighted properties. Once the plan is adopted, state and local codes may be waived to accomplish the goals and the town may utilize eminent domain or appointment of a receiver to bring properties up to identified health and safety standards.
- **Enterprise Zones** under CGS § 32-70 et seq include a goal of reducing housing blight and abandoned properties; once the zone is designated, grants and property tax deferrals are possible to encourage investment to address the conditions.

- **Redevelopment Agencies.** CGS § 8-124 et seq authorizes redevelopment agencies formed by the municipality to acquire property and to demolish and repair buildings if the agency determines this necessary to remove blight. The agency may provide for voluntary and compulsory programs. C.G.S.A. § 8-124 et seq. provides for use of eminent domain. “The adoption of a redevelopment plan by a municipality under § 8-124 of the General Statutes does not preempt local zoning of the area within the plan, and the municipality can alter the types of buildings within the area even though modification of the redevelopment plan requires consent of affected redevelopers under C.G.S.A. § 8-136.” Fuller, Robert A. citing to *Jimmies, Inc. v. West Haven Planning and Zoning Commission*, 11 Conn.L.Rptr. 179, 1994 WL 112206 (1994).
- See *Kelo v. City of New London, Conn.* 545 U.S. 469, 125 S.Ct. 2655 U.S. (2005) (Justice Stevens, upholding the Ct. Supreme Court, held that city's exercise of eminent domain power in furtherance of economic development plan satisfied constitutional “public use” requirement of the takings clause of the Fifth Amendment, applicable through Fourteenth Amendment, even though the city was not planning to open the condemned land for use by the general public). Article I, Section 11 of the Connecticut Constitution provides that “the property of no person shall be taken for public use without just compensation therefor.”
- **Urban Renewal Projects** CGS § 8-140 et seq to eliminate certain insanitary, deteriorated, deteriorating, slum or blighted areas through acquisition and clearance where the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation.
- **Historic Property programs** through Commission on Culture and Tourism.
- **Health Code Enforcement.**
- **Fire and Safety Code Enforcement.**
- **Building/demolition code enforcement**-Neighborhood Stabilization Program (NSP) - In July 2008, Congress passed Public Law 110-289, the Housing and Economic Recovery Act of 2008 (HERA), which created the Neighborhood Stabilization Program (NSP) under Title III of Division B and provides \$3.92 billion to states, counties and cities in order to acquire, rehabilitate, demolish and redevelop foreclosed and abandoned residential properties. Jurisdiction is under the State of Connecticut Department of Economic and Community Development, Web Address: www.decd.org.

4. ORDINANCE PROVISIONS:

- DEFINITION.

“No owner of real property shall cause or allow any blighted premises to be created or to continue.”

“Blighted property means any property that does not comply with state building, health or fire codes, or is unsafe and an immediate danger to public welfare and safety.”

See Farmington, Pomfret and Orange, Wilton, Sprague, Manchester.

- Declaration:

- “It is hereby declared that abandoned motor vehicles, discarded motor vehicle parts and blighted properties have a deteriorating effect upon the value and enjoyment of properties nearby, constitute a continuing public nuisance and a health, environmental and safety hazard, particularly to children.” Pomfret Ordinances.

- “It is hereby found and declared that there exists in the Town of Sprague a number of blighted properties and that continued existence of blighted properties constitutes a continuing, public nuisance and contributes to the decline of neighborhoods, and results in a deleterious effect upon residential and commercial properties. Further, it is found that the existence of blight adversely affects the economic well-being of the Town and is inimical to the health, safety and welfare of the residents of the Town of Sprague. Moreover, many of the blighted properties may be rehabilitated, reconstructed, demolished, cleaned up, groomed, maintained, returned to satisfactory condition or reused to provide decent, safe sanitary housing or commercial facilities. Such rehabilitation, reconstruction, demolition, clean-up or reuse of the most egregious examples of blighted and nuisance properties, and the prevention of new or worsening ones, will eliminate, remedy and prevent the adverse conditions described.” Sprague.

- Designate officer responsible for enforcement.

- Provide for posting of annual Blighted Properties List based on recommendations from designated officials.

- Citation Procedure- follow CGS § 7-152c, g citation appeal statute- due process.

- Fine and Lien procedure under C.G.S. Sec. 7-148aa.
- Cost Recovery. Provide for provision whereby the municipality is entitled to recover its costs, fines, equitable and legal relief, together with any reasonable attorneys fees and legal costs and such other relief as permitted by law.
- Lien Holder Notice. General Statutes § 7-148gg Provides for first class mailing to “each lien holder of real estate a copy of any notice or order by the municipality to the owner of such real estate to demolish, remove or otherwise dispose of the real estate or to make it safe and sanitary issued under any provision of the [G]eneral [S]tatutes or any municipal building, health or safety codes or regulations as well as a copy of any notice sent to the owner of such real estate or recorded on the land record, with respect to any costs or expenses incurred by the municipality to demolish, remove or otherwise dispose of the real estate or to make it safe and sanitary. See City of Ansonia v. Zelanin 2009 WL 2602727 Conn.Super July 23, 2009 (Lien Holder notice is essential component).

5. ENFORCEMENT.

- Approach: Addressing blight best accomplished by a multi-agency team with a multi-faceted approach: Health Director, fire marshal, building official. Economic development officer, zoning enforcement office, social worker, housing court prosecutor. In some cases appointment of a conservator through the probate court may be required. Mortgage holders have a stake and can sometimes help.
- May be able to hire a contractor to repair and include in collection costs.
- Procedure: Must strictly follow citation and other procedures set out in ordinance; CGS § 7-152g interpreted in Amoroso v. Norwich, 2006 WL 414069 (Conn.Super February 03, 2006. to require de novo trial.
- Obtain stipulated judgment with fines for noncompliance and ability to invoke contempt of court remedy.
- Imposition of Lien and Fine. See 7-148aa- record lien on the land records.
- Provide incentives: i.e. delay in enforcement if compliance by deadline.
- The criminal procedure may be used for citation enforcement where there is a bona-fide safety/health concern. Health Code enforcement is typical avenue for this procedure.