

HOW TO USE HOUSING COURT

Training for Health Enforcement Officials Regarding Housing Matters



Presented December 15, 2016 for the CT Department of Public Health
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HOW TO USE HOUSING COURT OBJECTIVES:

SUBSTANTIVE REVIEW OF THESE AREAS:

- GOALS OF ENFORCEMENT***
- AUTHORITY***
- CIVIL vs. CRIMINAL COURT***
- WORKING WITH YOUR STATE
PROSECUTOR***
- RIGHT OF ENTRY AND ADMINISTRATIVE
SEARCH WARRANT PREPARATION***
- ARREST WARRANT PREPARATION***

GOALS OF ENFORCEMENT



1. COMPLIANCE

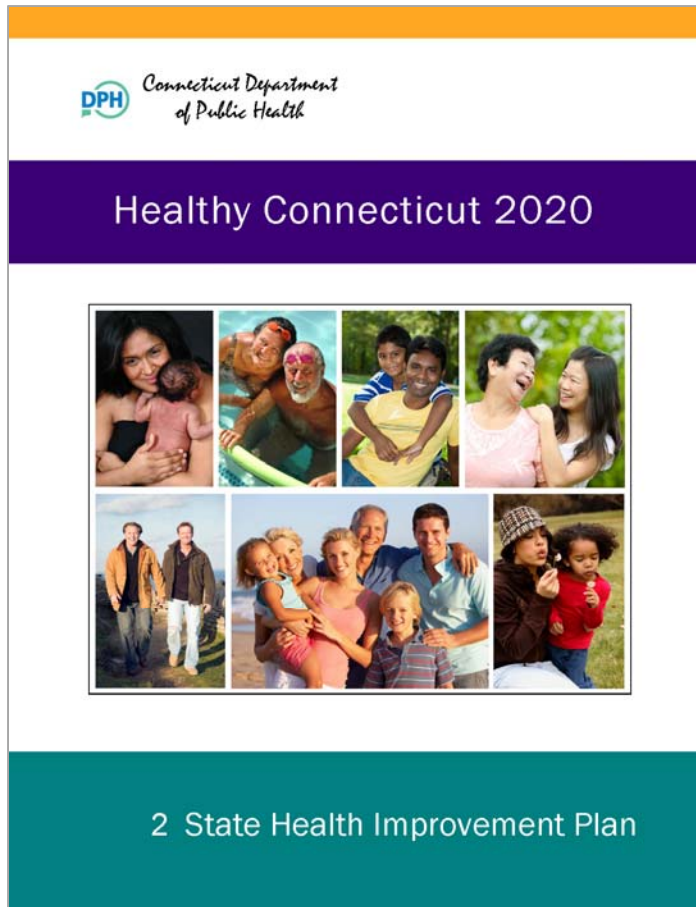
Using the abatement process to obtain code compliance makes people safer and less likely to get sick or injured as a result of substandard housing conditions.

2. CORRECT HUMAN BEHAVIOR

Introduce the importance of building health and safety to landlords, tenants and the surrounding community.

3. IMPROVE COMMUNITY WELL BEING

Create safer and healthier communities by enforcement of required housing code standards.



The State Health Improvement Plan (SHIP) Overview

Focus Group 2: Environmental Health

Proposed Objectives for 2016 Action Agenda

ENV-1 LEAD	Reduce the prevalence rate of children less than 6 years of age with confirmed blood lead levels at or above the CDC reference value (5 $\mu\text{g}/\text{dL}$).
ENV-5 AIR	Increase public awareness of the presence and risks of poor air quality days.
ENV-6 HEALTHY HOUSING	Increase the enforcement of minimum housing code standards through the collaboration of code enforcement agencies.

SHIP Environmental Health- Healthy Housing 2016-17 Action Strategies

- 1 ADOPT A STATEWIDE PROPERTY MAINTENANCE CODE.
 - **FOR MORE ON THE IPMC, GO TO CT TRAIN.ORG AT :**
<https://ct.train.org/DesktopModules/eLearning/CourseDetails/CourseDetailsForm.aspx?tabid=62&courseid=1064921&backURL=L0Rlc2t0b3BTaGVsbC5hc3B4P3RhYkklPTYyJmdvdG89YnJvd3NIJmJyb3dzZT1rZXI3b3JkJmtleXdvcmQ9cG1jJmtleW9wdGlvbj1Cb3RoJmNsaW5pY2FsPUJvdGgmbG9jYWw9QWxsJkI5Q29zdD0w>
- 2 ESTABLISH CLEAR INCENTIVES FOR PROPERTY OWNERS TO COMPLY WITH CT'S HEALTH AND SAFETY CODES THROUGH A "COOPERATIVE COMPLIANCE" MODEL.
- 3 INCREASE AWARENESS ON THE IMPORTANCE OF HEALTHY HOUSING IN PREVENTING INJURY AND ILLNESS, ADDRESSING INEQUALITIES IN HEALTH, ECONOMIC AND SOCIAL FACTORS, AS WELL AS BY REDUCING CRIME.

WHERE DOES YOUR ENFORCEMENT AUTHORITY COME FROM?

- U.S. and State Constitution
- Connecticut General Statutes (CGS)
 - Includes the Connecticut State Health Code and all other statutorily enabled regulations.
- U.S. and State of CT Court Opinions
- The CT Department of Public Health

Selected health laws: CGS 19a-206.

- **19a-206. Duties of municipal directors of health. Nuisances and sources of filth. Injunctions. Civil penalties. Authority of town director within city or borough.** (a) **Town, city and borough directors of health or their authorized agents shall, within their respective jurisdictions, examine all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated and cause to be removed all filth which in their judgment may endanger the health of the inhabitants. Any owner or occupant of any property who maintains such property, whether real or personal, or any part thereof, in a manner which violates the provisions of the Public Health Code enacted pursuant to the authority of sections 19a-36 and 19a-37 shall be deemed to be maintaining a nuisance or source of filth injurious to the public health. Any local director of health or his authorized agent or a sanitarian authorized by such director may enter all places within his jurisdiction where there is just cause to suspect any nuisance or source of filth exists, and abate or cause to be abated such nuisance and remove or cause to be removed such filth.**

CGS 19a-206 (b)

Orders, Remedies and Penalties

- (b) When any such nuisance or source of filth is found on private property, such director of health **shall** order the owner or occupant of such property, or both, to remove, abate or remediate the same within such time as the director directs. If the owner of such property is a registrant, such director may deliver the order in accordance with section 7-148ii, provided nothing in this section shall preclude a director from providing notice in another manner permitted by applicable law. If such order is not complied with within the time fixed by such director: (1) Such director, or any official of such town, city or borough authorized to institute actions on behalf of such town, city or borough, may institute and maintain a **civil action** for injunctive relief in any court of competent jurisdiction to require the abatement or remediation of such nuisance, the removal of such filth and the restraining and prohibiting of acts which caused such nuisance or filth, and such court shall have power to grant such injunctive relief upon notice and hearing; (2) (A) the owner or occupant of such property, or both, shall be subject to a **civil penalty** of two hundred fifty dollars per day for each day such nuisance is maintained or such filth is allowed to remain after the time fixed by the director in his order has expired, except that the owner or occupant of such property or any part thereof on which a public eating place is conducted shall not be subject to the provisions of this subdivision, but shall be subject to the provisions of subdivision (3) of this subsection, and (B) such civil penalty may be collected in a civil proceeding by the director of health or any official of such town, city or borough authorized to institute. and **(3) the owner or occupant of such property, or both, shall be subject to the provisions of sections 19a-36, 19a-220 and 19a-230.**

CT Public Health Code (PHC) – Abatement of Nuisance

19-13-B2. Abatement of nuisance (a) Any local director of health, upon information of the existence of a nuisance or any pollution occurring within his jurisdiction, or when any such nuisance or pollution comes to his attention, shall, within a reasonable time, investigate and, upon finding such nuisance or pollution exists, shall issue his order in writing for the abatement of the same.

(b) Such order shall specify the nature of such nuisance or pollution and shall designate the time within which such abatement or discontinuance shall be accomplished; and if such order is not complied with within the time specified, the facts shall be submitted to the [prosecuting authority](#). Copies of all orders shall be kept on file by the director of health in his office and copies of the same shall be furnished the state commissioner of health on request.

Essential Services Termination

CGS 19a-109

- Heating and provision of utilities for buildings. Hot water. Termination of services. When any building or part thereof is occupied as a home or place of residence or as an office or place of business, either mercantile or otherwise, a temperature of less than sixty-five degrees Fahrenheit in such building or part thereof shall, for the purpose of this section, be deemed injurious to the health of the occupants thereof, except that the Commissioner of Public Health may adopt regulations establishing a temperature higher than sixty-five degrees Fahrenheit when the health, comfort or safety of the occupants of any such building or part thereof so requires. In any such building or part thereof where, because of physical characteristics or the nature of the business being conducted, a temperature of sixty-five degrees Fahrenheit cannot reasonably be maintained in certain areas, the Labor Commissioner may grant a variance for such areas. The owner of any building or the agent of such owner having charge of such property, or any lessor or his agent, manager, superintendent or janitor of any building, or part thereof, the lease or rental agreement whereof by its terms, express or implied, requires the furnishing of heat, cooking gas, electricity, hot water or water to any occupant of such building or part thereof, who, wilfully and intentionally, fails to furnish such heat to the degrees herein provided, cooking gas, electricity, hot water or water and thereby interferes with the cooking gas, electricity, hot water or water and thereby interferes with the comfortable or quiet enjoyment of the premises, at any time when the same are necessary to the proper or customary use of such building or part thereof, shall be guilty of a class D misdemeanor. No public service company or electric supplier, as defined in section 16-1, shall, at the request of any such owner, agent, lessor, manager, superintendent or janitor, cause heat, cooking gas, electricity, hot water or water services to be terminated with respect to any such leased or rented property unless the owner or lessor furnishes a statement signed by the lessee agreeing to such termination or a notarized statement signed by the lessor to the effect that the premises are vacant. (D Misdemeanor = 30 days and/or \$250)

Housing Enforcement in Rental Properties

- CHAPTER 833a. PUBLIC ENFORCEMENT OF HEALTH AND SAFETY STANDARDS IN TENEMENT AND BOARDING HOUSES, AND IN RENTED DWELLINGS
- Enforced by the local health departments
- See CT General Statutes Sections 47a-50 through 47a-55
- Also punishable as a C misdemeanor offense.

Criminal Penalties

- CGS 19a-36(a)(7). Any person who violates any provision of the Public Health Code shall be guilty of a class C misdemeanor.
- CGS 19a-220. (Formerly Sec. 19-93). Enforcement of orders of health authorities. When any person refuses to obey a legal order given by a director of health, health committee or board of health, or endeavors to prevent it from being carried into effect, a judge of the Superior Court may issue his warrant to a proper officer or to an indifferent person, therein stating such order and requiring him to carry it into effect, and such officer or indifferent person shall execute the same.
- CGS 19a-230. (Formerly Sec. 19-104). Penalty. Any person who violates any provision of this chapter or any legal order of a director of health or board of health, for which no other penalty is provided, shall be guilty of a class C misdemeanor.

C Misdemeanor penalty = not to exceed 3 months incarceration and/or a \$500 fine.
May only be imposed after a finding of guilty by a judge of the CT Superior Court.

The CT Supreme Court Has Ruled

The health officer of the town, and through the enforcement provisions of Section 19a-206(b), this court, are duty-bound to take those steps necessary to preserve the public health against the spread of disease and to exercise the utmost diligence in enforcing health regulations, *State v. Racskowski*, 86 Conn. 677, 680.

REFERRALS TO COURT - CIVIL AND CRIMINAL

When should a referral to court be made?

- When an inspection must be conducted but access is denied, and no emergency exists or other exception to the warrant requirement.
- When there is a health or housing code violation that has not been abated after legal order of the local director of health.
 - No agreed extensions of time are in place.
 - No appeal is pending where a stay of the order is in currently in effect.

CIVIL vs. CRIMINAL COURT

*WHAT IS THE
DIFFERENCE?*

Which court? Civil or Criminal?

CIVIL:

- Injunctions to perform searches required by law.
- Allows for application for a court order for required compliance, with reimbursement of municipal costs and penalties for any violations.
- May also seek an order to close or restrict use.
- Cases handled by municipal counsel.

CRIMINAL:

- Applications for administrative search warrants
- Allows for penalties for violation of code upon *conviction* including jail, fines, and conditional probation.
- Court may order compliance as a special sentencing condition.
- Cases handled by state prosecutors.

**Right of Entry
and
Administrative Search
Warrants**



Constitutional Issues

The right of privacy v. the governmental interest to protect public safety.

It's Not Just For This....



For Fourth Amendment Purposes...



There is NO DIFFERENCE!!!

Lawful Entry Required

Required inspections must be done. Therefore, municipal officials should seek lawful entry through voluntary **consent** of the person in control of the property.

That requirement is waived in an **emergency** if there is an imminent threat to the safety or health of any person.

Lacking consent or exigent circumstances, the official must seek court authorization to enter.

Is it enough for the
code official to say:
“The Occupant Owner or
Tenant won’t allow access?”

How To Get A Court Ordered Entry

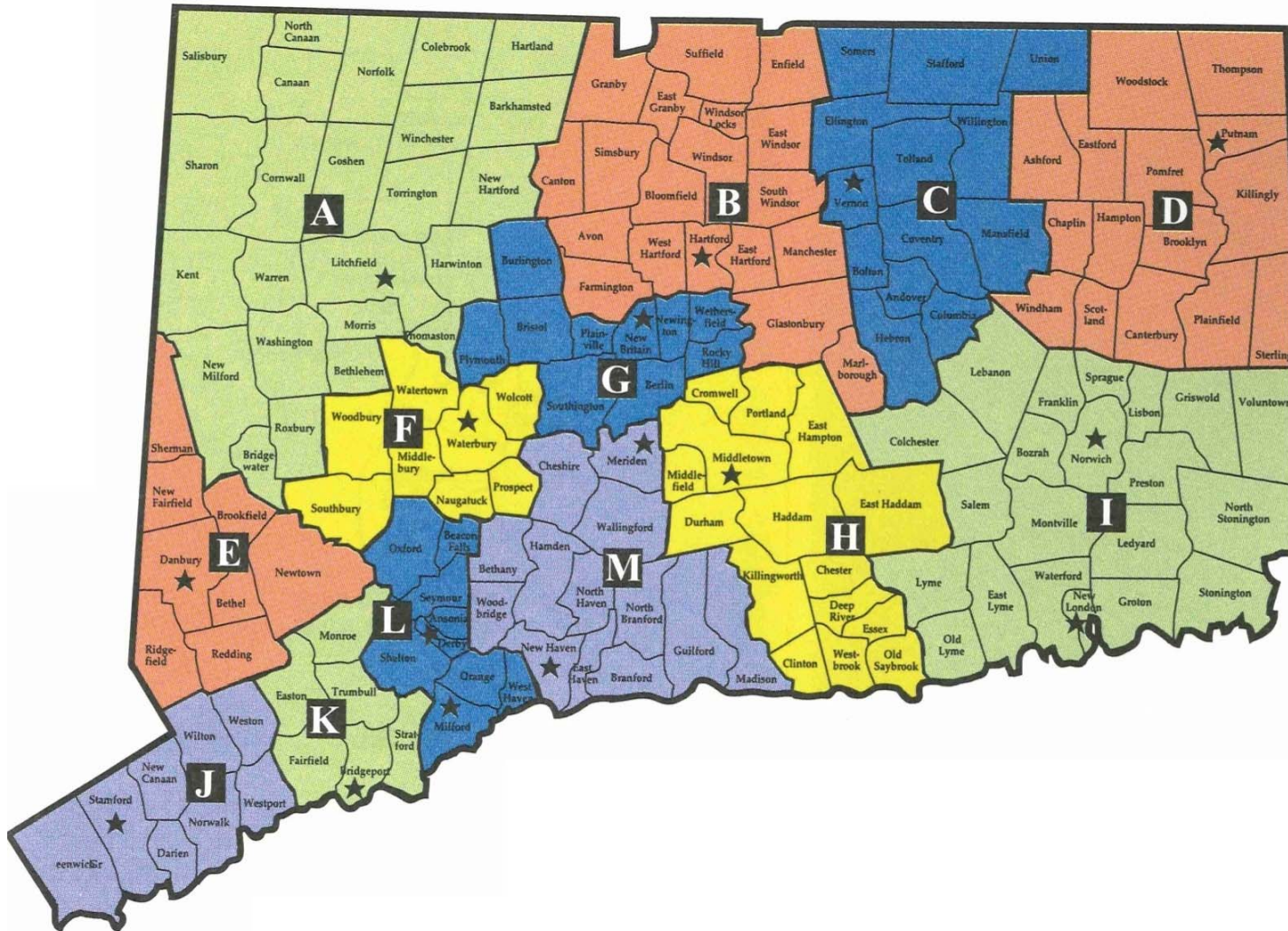
A CT Superior Court judge may authorize your entry over the objection of the property owner or occupant in two ways:

1. Upon successful application for an **administrative search warrant**; obtained through your local state's attorney's office.
2. Upon successful **civil action** for court ordered entry; obtained through the municipal attorney.

WORKING WITH YOUR STATE PROSECUTOR



CT JUDICIAL DISTRICTS



- A: Litchfield**
- B: Hartford**
- C: Tolland**
- D: Windham**
- E: Danbury**
- F: Waterbury**
- G: New Britain**
- H: Middlesex**
- I: New London**
- J: Stamford-Norwalk**
- K: Fairfield**
- L: Ansonia-Milford**
- M: New Haven**

DCJ HOUSING PROSECUTOR ASSIGNMENTS AS OF 12/2016



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**When Your Statutory
Authority and the
Constitution Collide...
or,
“A Man and His Dirt”**

<https://www.youtube.com/watch?v=ILahs9E30aY>

Suppression of Evidence

What happens when you do it wrong.



Warrantless searches are
presumed



UNREASONABLE

(Unless an Exception Applies)

Important Exceptions To The Warrant Requirement For Health Officials :

- **Consent**
- **Plain view**
- **Exigency/Emergency**
- **Closely regulated business**

Third Party Consent

- Not valid from Landlord (even with a right of entry clause in the lease)



Third Party Consent

Not valid from a hotel clerk



Written Consent



State of Connecticut DIVISION OF CRIMINAL JUSTICE

Consent To Search And Examine Evidence

Case No: _____ Date: _____ Time: _____ City/Town: _____

Name: _____ DOB: _____

Address: _____

I, _____, after having been informed of my Constitutional right not
(print name)

to have a search performed without a search warrant and of my Constitutional right to refuse to consent to such a search,
DO CONSENT _____ to have: _____ and _____

(initials)
who are members of the Division of Criminal Justice, and _____ and

_____ who are members of the _____

(insert agency name)
conduct a complete search of my:

Residence Place of business Vehicle Other property

(describe vehicle or property to be searched)

which property is located at:

(specify location/address: street, apartment number, route, city or town, state)

I authorize members of the Division of Criminal Justice and the _____ Police Department to take
from the location or locations specified above, such materials and other property as they may desire and to perform
examinations and tests, including forensic examinations and tests, on any item seized.

Permission for this search and examination of evidence is granted by me, knowingly, willingly and voluntarily, to the above
named police officer or police officers and no inducements, threats or promises have been made to me in order to gain my
consent.

Signature: _____ Witness:*

Witness: _____ Witness:*

(Except for the entering of the subject's signature and initials, this form shall be completed by a police inspector/officer. * 2 Police inspector/officers should be witnesses)

Plain View



- It is not a search within the Fourth Amendment to observe what is in plain view from a location where you have the right to be.

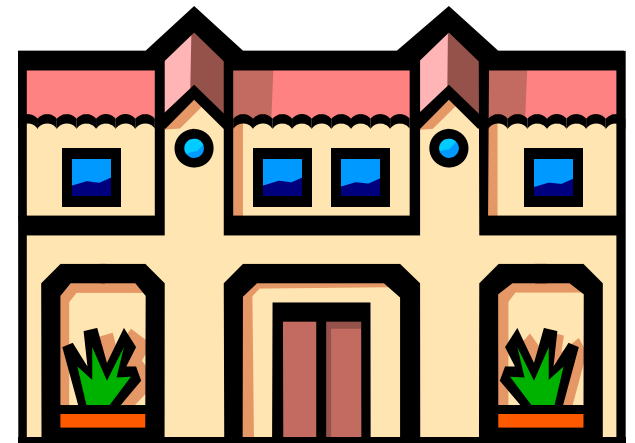
Plain View



- “Lawful Initial Entry”
 - Entry onto property was lawful, or condition is visible either from a public area or a place you are authorized to be.

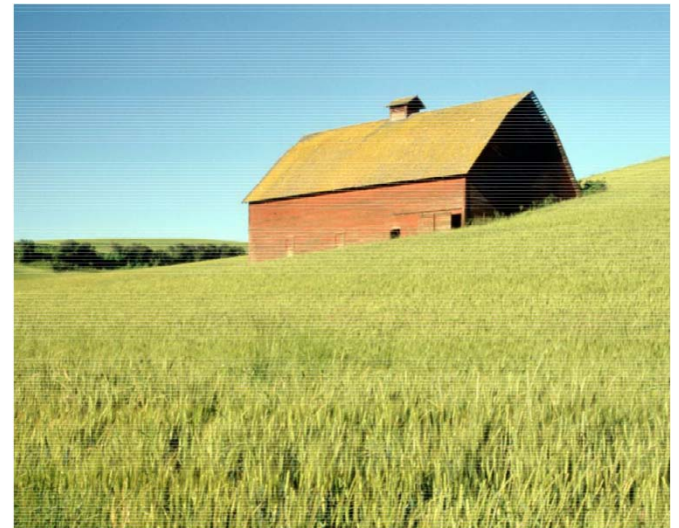
Warrant Only Needed Where There Is A Reasonable Expectation of Privacy

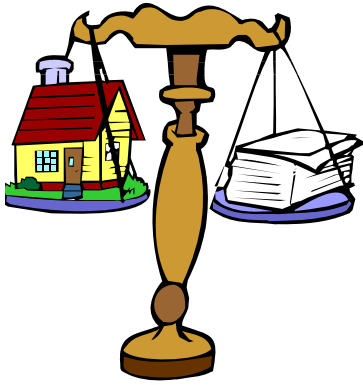
- **No reasonable expectation of privacy in common hallway of apartment building**
 - Mutual use and control by tenants and owner
 - Used by Visitors
 - Delivery people
 - Trades people



Fourth Amendment Doesn't Protect

- **Open Fields**
- **Abandoned Property**
- **Private Party Searches**





Curtilage or Open Field?

- “Curtilage” is the area immediately surrounding the house.
- Curtilage is considered to be part of the house for fourth amendment purposes.

Curtilage or Open Field?

- Factors that help decide:
 - Distance from the house
 - Fenced in area around the house?
 - Use to which the area is put
 - Steps taken to protect the area from observation by passers by.



Trespass?

- An implicit license exists for visitors to:
 - Approach by the front path
 - Knock promptly
 - Wait to be received
 - Absent invitation to remain longer, leave
- Government official may do what any other private citizen may do.
 - Salesman, trick or treater, Girl Scout

Trespass

OK:

- Walk up the driveway
- Walk up porch steps to front door
- Knock on door
- Observe anything in plain view on your way to and from the door
- Observe anything in plain view if resident opens the door
- Ask permission to enter and inspect

Trespass

NOT OK:

- Open a gate marked “No trespassing.”
- Explore path or yard with devices (metal detector, thermal imager).
- Go into back yard (absent invitation to do so).
- Go around house looking into windows

Emergency/Exigent Circumstance



- Imminent and substantial threat to life safety.
- No time to get a warrant.
- Mere inconvenience is not sufficient

Administrative Search Warrants



INSPECTION WHERE ENTRY REFUSED

*When cooperation ceases
and access to the property is denied, an
ADMINISTRATIVE SEARCH WARRANT
is required before entry and
inspection can be accomplished.*

ADMINISTRATIVE SEARCH WARRANTS UPHELD

- State v. Saturno (2016, CT Supreme Court), State v. Burke (1990, CT App. Court) Admin. search warrant upheld for fire inspection. Cites Camara v. Municipal Court, (1967, U.S. Supreme Court):

“Probable cause to issue a warrant to inspect for safety code violation exists if reasonable legislative or administrative standards for conducting an area inspection are satisfied.”

Area Inspection Programs

The U.S. Supreme Court has held:
Validly enacted and properly conducted
area code inspection programs are
reasonable searches.

INSPECTION PROCESS ENFORCEMENT

- An administrative search warrant is similar to a search and seizure warrant, except:
 - No seizure takes place
 - There is no requirement to show probable cause that a violation exists.
- All that must be demonstrated to a judge is that the official:
 - has a lawful right to inspect and
 - the premises is within your jurisdiction.

INSPECTION PROCESS ENFORCEMENT

- The administrative warrant affidavit and application is a simple form to complete.
- It must be signed by two co-affiants and sworn to or affirmed in the presence of a judge of the superior court.
- Preparation of the affidavit is not complex, nor should it be.

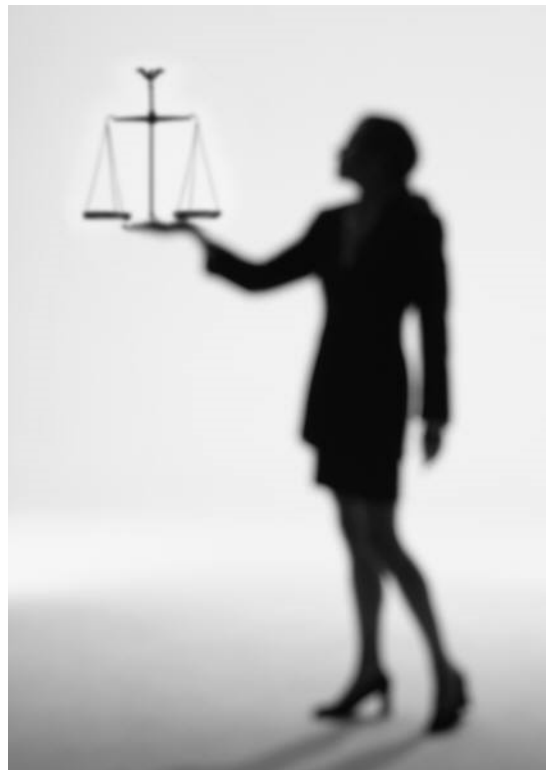
INSPECTION PROCESS ENFORCEMENT

The following elements are to be written into every affidavit:

1. The two affiants' credentials and credibility.
2. The authority to inspect.
3. The locations to be inspected.
4. What the inspection is intended to determine.
5. Why are you requesting the warrant, including efforts to obtain voluntary compliance.

Review of Warrant

- Prosecutor must review all administrative search warrants before submitted to a judge. Contact one of us if you do not have the form needed.



DRAFT THE APPLICATION

- You will submit for review to the prosecutor.
- If the application is approved by a prosecutor, it must be taken to the judge for review.
 - Remember, both affiants must go together to apply for the warrant and to swear or affirm before the reviewing judge.

AFTER THE WARRANT IS SIGNED

- Right of entry for inspection purposes overrides objection of owner/occupant.
- Warrant must be served in 10 days or less unless Judge specifies shorter time.
- Police officer should accompany inspector for safety.
- Entry limited to those agencies on affidavit.
- Return should be sent to clerk within reasonable time of search.

ARREST WARRANT PREPARATION



Criminal Arrest

Submitting an application for the arrest of an individual is very serious. Make sure this is the appropriate action to take.

You are asking for the initiation of a criminal case that may result in the deprivation of the rights of another individual.

ARREST WARRANT PREPARATION

YOU'VE BEGGED



YOU'VE PRAYED



Stress Reduction Kit



**Bang
Head
Here**

Directions:

1. Place kit on FIRM surface.
2. Follow directions in circle of kit.
3. Repeat step 2 as necessary, or until unconscious.
4. If unconscious, cease stress reduction activity.

3 PARTS OF CRIMINAL APPLICATION FOR AN ARREST WARRANT:

1. INFORMATION SHEET
2. ARREST WARRANT
3. THE AFFIDAVIT

THE INFORMATION

THE INFORMATION ADVISES INTERESTED PARTIES
OF:

THE NAME OF THE ACCUSED

THE NUMBER AND DESCRIPTION OF
THE CHARGES

ALLOWS COURT PERSONNEL TO MAKE
NOTATIONS.

THE INFORMATION

FORM

CASE NUMBER

AGENCY NAME

STATE OF CONNECTICUT VS

DATE OF BIRTH**

TO BE HELD AT

COMPLETION

LEAVE BLANK

YOUR DEPARTMENT

NAME OF THE ACCUSED

VERIFIED?

TOWN OF HOUSING OR GA COURT

THE INFORMATION

FORM

GA NUMBER

COURT DATE

COMPLETION

HOUSING COURTS DO NOT
HAVE A GA NUMBER

LEAVE BLANK: NOT
ASSIGNED BY THE
WARRANT AUTHOR

THE INFORMATION

FORM

COUNT ONE: OFFENSE

AT (TOWN)

ON OR ABOUT (DATE)

COMPLETION

VIOLATION OF CPHC – NUISANCE

PROPERTY LOCATION

MOST RECENT RE-INSPECTION
DATE

THE INFORMATION

FORM

IN VIOLATION OF GENERAL
STATUTE NUMBER

COMPLETION

19a-206

THE SECTION OF THE CT
GENERAL STATUTES THAT
HAS BEEN VIOLATED.

NOT THE CPHC REGULATION
SECTION

THE INFORMATION

- SUBSEQUENT COUNTS ARE FILLED IN THE SAME WAY.
- WARRANTS WITH MORE THAN THREE COUNTS ARE CONTINUED ON ADDITIONAL INFORMATION PAGES.
- REMAINING SECTIONS ARE LEFT BLANK.

ARREST WARRANT

- THE REVERSE SIDE OF THE INFORMATION IS THE ARREST WARRANT.
- IT AUTHORIZES “ANY PROPER OFFICER OF THE STATE OF CONNECTICUT” TO ARREST THE BODY OF THE ACCUSED.
- YOU COMPLETE ONLY THE AGENCY NAME AND THE NAME OF THE ACCUSED

ARREST WARRANT APPLICATION

FORM

- AGENCY NAME
- NAME
- RESIDENCE
- COURT TO BE HELD AT

COMPLETION

- YOUR DEPARTMENT
- LAST, FIRST, MI OF ACCUSED.
- TOWN/ CITY OF ACCUSED
- LOCATION OF COURT

APPLICATION FOR ARREST WARRANT

To: A Judge of the Superior Court

The undersigned hereby applies for a warrant for the arrest of the above-named accused on the basis of the facts set forth in the:

- Affidavit Below.

- Affidavit Attached.

APPLICATION FOR ARREST WARRANT

The checkboxes should be marked especially when there are pages you want the judge to include in the finding of probable cause.

You are directing the reader to look beyond the “4 Corners” of the warrant.

APPLICATION FOR ARREST WARRANT

DATE:

SIGNED (Prosecuting authority)

Type/print name of prosecuting authority

Not for applicant to fill out. For reviewing prosecutor.

AFFIDAVIT

- This is the narrative portion of the arrest warrant application which establishes probable cause.
- Probable cause is reason to believe that an offense has been committed and that the accused committed it.

AFFIDAVIT

- “The undersigned affiant, being duly sworn, deposes and says:”
- You are the affiant (author) of the narrative of the warrant. You must swear to the content and accuracy of the information contained in the body of the warrant.

AFFIDAVIT

- 1ST Paragraph: YOUR CREDENTIALS
 - I, [YOUR NAME], AM A(N) [YOUR POSITION/TITLE], AND A DULY AUTHORIZED REPRESENTATIVE THEREOF, HAVE BEEN EMPLOYED BY THE [NAME OF THE DEPARTMENT YOU WORK FOR] FOR [TIME ON THE JOB.]

AFFIDAVIT

- 2ND Paragraph: BASIS OF KNOWLEDGE
- The facts and circumstances reported in this affidavit are the result of personal knowledge and observations of this affiant [AND ADDITIONAL REPRESENTATIVES OF THIS DEPARTMENT]

AFFIDAVIT

- 3RD Paragraph: INITIAL INSPECTION
- On, [DATE AND TIME OF INITIAL INSPECTION], I did inspect the premises of [ADDRESS AND DESCRIPTION OF THE PROPERTY.] the inspection was made pursuant to [A COMPLAINT/STATUTORILY REQUIRED INSPECTION.]

AFFIDAVIT

- 4th Paragraph: OWNERSHIP
- On, [DATE], The owner of the property was determined to be [OWNER'S NAME(S) AS ON DEED.] The information was obtained by examination of the [TOWN] land records. A copy of the deed is attached to this affidavit and incorporated herein. [NOTE: IF BUSINESS ENTITY, ADD PRINCIPAL AGENT AND SOURCE OF INFORMATION, I.E. SECRETARY OF STATE CONCORD.]

AFFIDAVIT

- 5TH Paragraph: THE ORDER
- On, [DATE OF THE ORDER], an order from the Director of Health with a compliance time of [GIVE THE TIME FRAME], was sent via [PROVIDE THE MEANS OF SERVICE ON THE OWNER] to the owner of record.

AFFIDAVIT

- 6TH Paragraph [OR MORE IF NEEDED]:
- This portion of the affidavit can include work done by the owner, contact made with the owner, extensions of time requested, appeals sought, or any information you believe should be considered for probable cause. Efforts by owner to comply should also be included.

AFFIDAVIT

- 7TH Paragraph: RE-INSPECTION
- On, [DATE OF THE RE-INSPECTION (after the expiration of the time allowed in the abatement order)], this Affiant [OR ID OTHER MEMBER OF DEPT.] re-inspected the property at [ADDRESS OF THE PROPERTY.] At that time, it was determined that the following code violations still existed:

AFFIDAVIT

- 7th Paragraph (Continued): LIST VIOLATIONS
- Provide a list of each of the outstanding violations. Each entry should include the CPHC section violated, a layman's description of the violation, the description and location of the violation, [you may include the corrective action needed,] and the time provided to comply in the abatement order.

AFFIDAVIT

- 8TH Paragraph:
- Said violations place the occupants of the premises at risk of health or safety injury.
- Include this paragraph if the statement applies to your inspection.

AFFIDAVIT

- 9TH Paragraph: CONCLUSION
- Wherefore, I believe cause exists that a warrant should issue for [NAME OF THE OWNER/MEMBER/MANAGER OF THE LLC], owner of the property located at [PROVIDE THE ADDRESS OF THE PROPERTY,] in violation of Connecticut General Statute Section(s): [LIST THE SECTIONS FOR EACH COUNT].

ARREST WARRANT

- Remember that the affidavit is discoverable.
- It is available to be seen by the accused, their attorney, and the general public.

ARREST WARRANT

NO MORE HEADACHES!

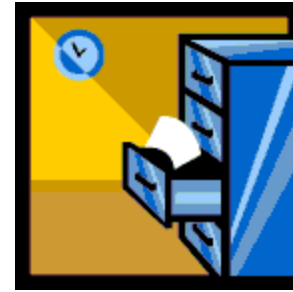


PHOTOS



- Remember to take notes for the photos: who took the photos, what they depict and the address that you are taking the photos of along with the date/time of the picture.

About your files:



- General rule: If you write it, be prepared to have it reviewed. State laws must be consulted for applicable disclosure laws.
- Freedom of Information laws generally require disclosure of your files, however some items may be closed as confidential. Prior to disclosure, seek the opinion of the local prosecutor on disclosure of records or documents in or subject to a criminal investigation or pending case.
 - See CGS 1-210(b)(16). Exempt records include: Records of complaints, including information compiled in the investigation thereof, brought to a municipal health authority pursuant to chapter 368e or a district department of health pursuant to chapter 368f, until such time as the investigation is concluded or thirty days from the date of receipt of the complaint, whichever occurs first;

And, also seek the opinion of municipal or local counsel on all other disclosure concerns.

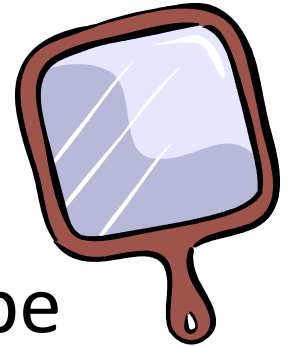
ABATEMENT:



- **YOU MAY CITE THE OWNER OR OCCUPANT AS APPLICABLE**
- **CITING THE OWNER:**
 - The identity of the owner should be found on the municipal land records **NOT** the assessor's card.
 - Get a certified copy of the deed for you file as proof ownership.
 - Owners should be listed with full name on order.
 - Please be aware that if the owner is a business, estate, corporation or partnership different information is required.

BE CAREFUL IN ADDRESSING THE ORDER

- First obtain the owner name from the deed for the property. Mirror the deed.
- If abating an occupant or other person, be careful to obtain the proper names from a reliable source.
- If a corporation, LLC or general partnership, check the exact name with proper filing authority in your state.



ADDRESSING THE ORDER

Mirror the deed...

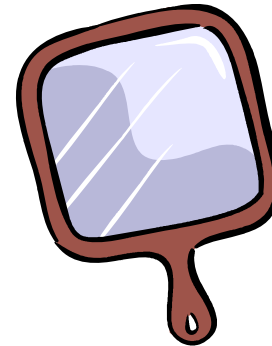
- PERSONS: example - If deed states the grantees (owners) are John Owner and Lilly Owner, order should have both full names.

John Owner

Lilly Owner

123 Owner's Court

No Name, CT 06000*



*One order is generally sufficient for multiple owners only if owners live at same address. Check with your local prosecutor for these matters.

ADDRESSING THE ORDER

- ESTATES:
 - The deed may contain the name of a person who is deceased, or their estate.
 - Check with the Probate Court to determine the person responsible for the estate of the deceased owner. (i.e. Executor or an heir).
 - Get certified copy of appointment document.
 - Cite responsible person for the estate.
 - Consider circumstances

CORPORATE AND PARTNERSHIP OWNERS

- CORPORATIONS (Corp.s and Inc.s)
- LIMITED LIABILITY CORPORATIONS (LLCs)
- PARTNERSHIPS
- LIMITED LIABILITY PARTNERSHIPS (LLPs)
 - DOMESTIC (Registered in your state)
 - FOREIGN (Registered outside of your state)



GENERALLY CORPORATIONS DOING BUSINESS IN A STATE
MUST BE REGISTERED WITH THAT JURISDICTION'S SECRETARY OF STATE.

STATE LAWS VARY ON LIABILITY OF OFFICERS SO CHECK WITH YOUR
LOCAL JURISDICTION



CORPORATIONS, THEIR AGENTS AND CRIMINAL LIABILITY

- **Corporations and their agents may be held liable for their acts including failure to comply with an order of a code official.**
- **Example: Connecticut General Statute Sec. 53a-11. Criminal liability of an individual for conduct in name or behalf of corporation or limited liability company.** A person shall be criminally liable for conduct constituting an offense which such person performs or causes to be performed in the name of or in behalf of a corporation or limited liability company to the same extent as if such conduct were performed in such person's own name or behalf.

ADDRESSING THE ORDER

Mirror the deed...

- CORPORATE OWNER (Ex.)
 - Deed says XYZ, Inc. is the owner.
 - Enter XYZ, Inc. in your search.
 - Identify the principal of the corporation = the PRESIDENT of the corporation.
 - Obtain residence address for service, if available.
 - Print copy of your search page or keep document for your file.

ADDRESSING THE ORDER

Mirror the deed...

- LIMITED LIABILITY CORPORATIONS
 - Deed says XYZ, LLC.
 - Enter XYZ, LLC in your search.
 - Identify the principal of the LLC = the MEMBER or Managing Member of the LLC.
 - Obtain residence address for service.
 - Print copy of your search page or keep document for your file.

ADDRESSING THE ORDER

Mirror the deed...

- CORPORATION (ex.)

I. V. League, Pres.

XYZ, Corp.

123 Big House Ave.

No Name, Your State

00000

- LLC (ex.)

I.V. League, Member

XYZ, LLC

123 Big House Ave.

No Name, Your State

00000

Referrals:

Everyone is busy, become familiar with and utilize the other agencies in your town to accomplish the goal.

- Building
- Police
- Health
- Housing
- Planning and Zoning
- Animal control
- Legal



UNLESS AUTHORIZED BY LAW,

NEVER, NEVER, NEVER...



- Tell anyone you will have them arrested.
- Tell anyone you will get an arrest warrant.
- Tell anyone you will get a search warrant.
- Tell anyone that you must be allowed on the property.
- Tell anyone what the prosecutor may or may not do with the case.
- Excuse someone from a court date.
- Tell them that you will get their case dropped.



CONTACT INFORMATION:

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