

CGS 19a-206

Services with Commissioner and Department of Public Health, effective July 1, 1995; (Revisor's note: In 2001 the references in this section to the date "19.." were changed editorially by the Revisors to "20.." to reflect the new millennium).

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Sec. 19a-205. (Formerly Sec. 19-78). Salaries of directors of health. Each town director of health shall be paid by the treasurer of the town in which he has exercised the duties of his office for his actual services and necessary expenses. Bills for actual services and necessary expenses shall be rendered by each town director of health on the first days of April, July, October and January for the preceding three months. Each city and borough director of health shall receive such compensation as is fixed by the common council or burgesses of the city or borough for which he is appointed, but, if such compensation is not so fixed, he shall receive payment for his actual services and necessary expenses.

(1949 Rev., S. 3631; P.A. 77-614, S. 323, 610; P.A. 92-8, S. 1.)

History: P.A. 77-614 replaced commissioner of health with commissioner of health services, effective January 1, 1979; Sec. 19-78 transferred to Sec. 19a-205 in 1983; P.A. 92-8 deleted requirement that commissioner of health services approve salaries.

Annotation to former section 19-78:

"Expenses" defined. 76 C. 167.

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* Sec. 19a-206. (Formerly Sec. 19-79). Duties of municipal directors of health. Nuisances and sources of filth. Injunctions. Civil penalties. Authority of town director within city or borough. Availability of relocation assistance. (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 or remediated 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 remediate or cause to be abated or remediated such nuisance and remove or cause to be removed such filth.

(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 civil actions and shall be payable to the treasurer of such city, town or borough; 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.

(c) If the director institutes an action for injunctive relief seeking the abatement or remediation of a nuisance or the removal of filth, the maintenance of which is of so serious a nature as to constitute an immediate hazard to the health of persons other than the persons maintaining such nuisance or filth, he may, upon a verified complaint stating the facts which show such immediate hazard, apply for an ex parte injunction requiring the abatement or remediation of such nuisance or the removal of such filth and restraining and prohibiting the acts which caused such nuisance or filth to occur, and for a hearing on an order to show cause why such ex parte injunction should not be continued pending final determination on the merits of such action. If the court finds that an immediate hazard to the health of persons other than those persons maintaining such nuisance or source of filth exists, such ex parte injunction shall be issued, provided a hearing on its continuance pending final judgment is ordered held within seven days thereafter and provided further that any persons so enjoined may make a written request to the court or judge issuing such injunction for a hearing to vacate such injunction, in which event such hearing shall be held within three days after such request is filed.

(d) In each town, except in a town having a city or borough within its limits, the town director of health shall have and exercise all the power for preserving the public health and preventing the spread of diseases; and, in any town within which there exists a city or borough, the limits of which are not coterminous with the limits of such town, such town director of health shall exercise the powers and duties of his office only in such part of such town as is outside the limits of such city or borough, except that when such city or borough has not appointed a director of health, the town director of health shall, for the purposes of this section, exercise the powers and duties of his office throughout the town, including such city or borough, until such city or borough appoints a director of health.

(e) When such nuisance is abated or remediated or the source of filth is removed from private property, such abatement, remediation or removal shall be at the expense of the owner or, where applicable, the occupant of such property, or both, and damages and costs for such abatement, remediation or removal may be recovered against the owner or, where applicable, the occupant, or both, by the town, city or borough in a civil action as provided in subsection (b) of this section or in a separate civil action brought by the director of health or any official of such city, town or borough authorized to institute civil actions.

(f) If the order of a district department of health, formed pursuant to section 19a-241, causes the displacement of any occupant of a residential dwelling unit, the municipality in which such dwelling

unit is located shall be responsible for any relocation assistance afforded to such occupant pursuant to chapter 135. The district department of health shall provide written notification to the occupant of the occupant's rights under chapter 135 at the time an order causing displacement is issued. The written notification shall include the name, address and telephone number of the person authorized by the municipality to process applications for relocation assistance afforded pursuant to chapter 135.

(1949 Rev., S. 3850; 1959, P.A. 445; P.A. 77-465; P.A. 87-521, S. 2; June Sp. Sess. P.A. 07-2, S. 55; P.A. 08-137, S. 2; P.A. 09-144, S. 5.)

History: 1959 act added provision for director of health authorizing qualified person to act; P.A. 77-465 placed previous provisions in Subsecs. (a) and (d) and added new provisions in Subsecs. (b), (c) and (e) clarifying general provisions re maintaining nuisance or source of filth injurious to public health stated in Subsec. (a) and added exception in Subsec. (d) re town health director's jurisdiction in cities or boroughs lacking health directors of their own; Sec. 19-79 transferred to Sec. 19a-206 in 1983; P.A. 87-521 amended Subsec. (a) to provide for the delegation of duties to an authorized agent and a sanitarian and to make technical changes; June Sp. Sess. P.A. 07-2 amended Subsecs. (a) to (c) and (e) to add references to remediation, made technical changes in Subsecs. (b) and (e) and amended Subsec. (e) to subject owners or occupants of private property to liability for remediation, where applicable; P.A. 08-137 added Subsec. (f) re relocation assistance availability when district department of health order causes displacement of occupant of residential dwelling unit, effective June 5, 2008; P.A. 09-144 amended Subsec. (b) by allowing notice to be delivered to registrant in accordance with Sec. 7-148ii.

See Sec. 21a-62 re power of local health authority to order analyses of foods and medicines or other articles for human consumption.

See Sec. 26-192g re duties of local directors of health with regard to unauthorized taking of shellfish in contaminated or posted areas.

Annotations to former section 19-79:

Towns not liable for acts of health officers, acting in good faith, and doing no unnecessary damage; health officer is not liable for error of judgment when acting in good faith. 51 C. 93. No distinction between nuisances and filth as to power of health officer. *Id.*, 98, 99. Filth and nuisances may be removed although not endangering health at time of removal. *Id.*, 102. Duty to prevent spread of disease. 86 C. 677. A person cannot be charged with a crime under section until the time allowed in an order for compliance with its terms has expired. 148 C. 439. Cited. 170 C. 387; *Id.*, 675.

First selectmen of towns have never possessed any authority concerning matters affecting the public health. 8 CS 431. History and purpose discussed; the nuisances referred to are confined to those injurious to public health. 24 CS 242.

Annotations to present section:

Cited. 42 CA 631. Under 2005 revision, Subsec. (b) clearly and unambiguously authorizes local health directors to issue orders to landlords for public nuisance violations regardless of the landlords' involvement in the violations. 133 CA 710.

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Sec. 47a-56d. (Formerly Sec. 19-347c). Receiver: Bond required. Powers and duties.

Sec. 47a-56e. (Formerly Sec. 19-347d). Liability of owner.

Sec. 47a-56f. (Formerly Sec. 19-347e). Payment of expenses. Liability of receiver. Assistance of municipal personnel. Costs and attorney's fees.

Sec. 47a-56g. (Formerly Sec. 19-347f). Discharge of receiver.

Sec. 47a-56h. (Formerly Sec. 19-347g). Rights of mortgagee or lienor remedying nuisance and paying expenses.

Sec. 47a-56i. (Formerly Sec. 19-347h). Housing Receivership Revolving Fund. Source of funds for expenses of a receiver in remedying certain tenement conditions.

Sec. 47a-56j. (Formerly Sec. 19-347i). State financial assistance for rent receivership programs.

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

Sec. 47a-57. (Formerly Sec. 19-347r). Certificate of occupancy required for lawful occupation. Penalty for allowing occupancy without certificate.

Sec. 47a-58. (Formerly Sec. 19-347s). Notice of violation. Penalty. Injunctive relief. Municipal lien for unpaid penalty.

Sec. 47a-59. (Formerly Sec. 19-347t). Enforcement actions. Defenses.

Sec. 47a-60. (Formerly Sec. 19-347u). Stay of penalty. Violation contested by owner.

Sec. 47a-61. (Formerly Sec. 19-347v). Precedence in trial order.

Sec. 47a-62 to 47a-67. **Reserved**

* Sec. 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.

(P.A. 79-571, S. 70.)

See Sec. 19a-355 for definitions applicable with respect to tenement and lodging houses under chapter 368o.

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Sec. 47a-51. (Formerly Sec. 19-343). 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.

(1949 Rev., S. 4050; P.A. 79-571, S. 71.)

History: P.A. 79-571 divided section into Subsecs. and restated provisions but made no substantive changes; Sec. 19-343 transferred to Sec. 47a-51 in 1981.

Annotations to former section 19-343:

Cited. 117 C. 351. Obligation imposed on the landlord is to keep the building in repair as distinguished from the separate apartments in it. *Id.*, 627. However, where other portions of the apartment are under his control, it is his duty to use reasonable care to inspect and keep them in repair. 118 C. 580. Statute does not make landlord liable for defects unless he knew of them or ought to have discovered them by reasonable inspection. 124 C. 328. Landlord is not an insurer for failure to inspect and repair; he fulfills his duty when he uses reasonable care. 137 C. 629.

Annotation to present section:

Cited. 211 C. 501.

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Sec. 47a-52. (Formerly Sec. 19-88). 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 responsible party is a registrant, the department 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 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, 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 guilty of a class C misdemeanor.

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

(1953, S. 2139d; P.A. 79-276, S. 1; 79-571, S. 72; P.A. 91-383, S. 21; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; June Sp. Sess. P.A. 07-2, S. 56; P.A. 09-144, S. 6; P.A. 12-80, S. 115.)

History: P.A. 79-276 authorized institution of civil action for injunctive relief when order not complied with within set time limit; P.A. 79-571 divided section into Subsecs., added reference to Secs. 47a-1 and 47a-50 in Subsec. (a), reworded Subsec. (d) and added Subsec. (f) re appeals; Sec. 19-88 transferred to Sec. 47a-52 in 1981; P.A. 91-383 amended Subsec. (a) to include in definition of "rented dwelling" a mobile manufactured home which is owned by its resident but sits upon a rented space or lot; P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; June Sp. Sess. P.A. 07-2 made a technical change in Subsec. (c), added new Subsec. (d) re testing, remediation, abatement and management of lead-based paint at rented dwellings and redesignated existing Subsecs. (d), (e) and (f) as Subsecs. (e), (f) and (g), respectively; P.A. 09-144 amended Subsec. (c) by allowing order to be delivered to a registrant in accordance with Sec. 7-148ii; P.A. 12-80 amended Subsec. (f) to change penalty from a fine of not more than \$200 or imprisonment of not more than 60 days or both to a class C misdemeanor.

Cited. 192 C. 207; 211 C. 501.

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Sec. 47a-53. (Formerly Sec. 19-344). 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. If the board or enforcing agency issues an order to a registrant, such order may be delivered in accordance with section 7-148ii, provided nothing in this section shall preclude a board or enforcing agency from providing notice in another manner permitted by applicable law.

(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.

(1949 Rev., S. 4051; 1971, P.A. 194, S. 1; 1972, P.A. 178, S. 1; P.A. 74-345, S. 6; P.A. 79-571, S. 73; Oct. Sp. Sess. P.A. 79-8, S. 2, 6; P.A. 06-185, S. 2; P.A. 09-144, S. 7.)

History: 1971 act added references to paint; 1972 act added references to authorities other than board of health which are granted enforcement powers; P.A. 74-345 authorized imposition of 5% surcharge for service charge and 10% for penalty; P.A. 79-571 divided section into Subsecs., substituted "enforcing agency" for references to other authorities with enforcement powers and made other minor changes in wording; October, 1979, P.A. 79-8 authorized declaration of tenement, lodging or boarding house as public nuisance when it violates provisions of Sec. 19-65 in the opinion of board of health or other

enforcing agency; Sec. 19-344 transferred to Sec. 47a-53 in 1981; P.A. 06-185 added Subsec. (c) re municipal lien for expenses of executing order and Subsec. (d) re record of properties with unpaid expenses; P.A. 09-144 amended Subsec. (a) by allowing order to be delivered to a registrant in accordance with Sec. 7-148ii.

Annotation to former section 19-344:

Cited. 117 C. 351.

Annotation to present section:

Cited. 211 C. 501.

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Sec. 47a-54. (Formerly Sec. 19-345). 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.

(1949 Rev., S. 4052; 1972, P.A. 178, S. 2; P.A. 79-571, S. 74.)

History: 1972 act added references to authorities other than board of health which are granted enforcement powers; P.A. 79-571 divided section into Subsecs., restated provisions and substituted "enforcing agency" for references to authorities other than board of health; Sec. 19-345 transferred to Sec. 19-345 in 1981.

Annotation to former section 19-345:

Cited. 117 C. 351.

Annotation to present section:

Cited. 35 CA 126; judgment reversed, see 235 C. 360.

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Sec. 47a-54a. (Formerly Sec. 19-346). 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.

(1949 Rev., S. 4053; 1963, P.A. 71; 1971, P.A. 194, S. 2; 1972, P.A. 178, S. 3; P.A. 79-571, S. 75.)

History: 1963 act raised requirements for water closets or vaults from one for each two apartments of three rooms or less and one for each apartment of four or more rooms to same requirements for apartments of two and three rooms respectively; 1971 act required that paint on accessible surfaces not be cracked, chipped, blistered, etc. so as to be a health hazard; 1972 act added reference to authorities other than board of health which are granted enforcement powers; P.A. 79-571 removed specific requirements re bathrooms, halls, windows, walls etc., reincorporating deleted provisions in new sections which became Secs. 47a-54b to 47a-54f, substituted "enforcing agency" for "authority designated to enforce this part" and rephrased remaining provisions; Sec. 19-346 transferred to Sec. 47a-54a in 1981.

See Sec. 19a-359 re required number of bathrooms and water closets in tenement houses.

Annotations to former section 19-346:

Applies to hallway in three-family dwelling house; liability of landlord for failure to light hall. 108 C. 404. Meaning of term "at night". Id., 405. Statute imposes upon landlord the duty to use reasonable care and diligence to provide for lighting and to keep lights in operation during the night. 115 C. 233; 123 C. 337; 133 C. 357. Statute did not make it duty of landlord to light cellar at night; 111 C. 26; nor the steps outside the tenement house. 121 C. 261. Obligation to light public hall was a public obligation and could not be waived by tenant. 117 C. 356. Principle of assumption of risk held inapplicable. Id.; 133 C. 360. Local ordinance re lighting of hallways held inapplicable. 132 C. 418. Mere presence of lighting fixture not enough; landlord must also use reasonable care and diligence to keep lights in operation and use care, commensurate with particular circumstances, to guard against the lights being turned out. 153 C. 92. Cited. Id., 540.

Provisions of statute not applicable to the steps and lighting thereof furnishing an approach to a tenement house which are entirely outside the house itself. 5 CS 8. "Public halls" include exterior as well as interior passageways. 6 CS 368. Presence of unlighted fixture does not constitute compliance with statute nor exercise of reasonable care; mere presence of lighting fixture in each hallway, connected with wiring of adjoining apartment and controlled by tenant at his option and expense, not compliance. 22 CS 184.

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Sec. 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.

(P.A. 79-571, S. 76.)

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Sec. 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.

(P.A. 79-571, S. 77.)

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Sec. 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.

(P.A. 79-571, S. 78.)

Cited. 208 C. 161.

Cited. 35 CA 126; judgment reversed, see 235 C. 360.

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Sec. 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.

(P.A. 79-571, S. 79.)

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Sec. 47a-54f. Paint. (a) In each tenement, lodging or boarding house the walls of any court, shaft, hall or room shall be whitewashed 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.

(P.A. 79-571, S. 80; June Sp. Sess. P.A. 07-2, S. 57.)

History: June Sp. Sess. P.A. 07-2 amended Subsec. (b) to apply provisions to exposed surfaces of interior of tenement houses, rather than accessible surfaces, and add provision re testing, remediation, abatement and management of lead-based paint at tenement houses.

Presence of lead paint in violation of section constitutes negligence per se; section does not impose strict liability on landlords; because section does not modify common law elements of landlord premises liability, notice is relevant to tenant's cause of action. 235 C. 360.

Cited. 35 CA 126; judgment reversed, see 235 C. 360; 40 CA 219.

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Sec. 47a-55. (Formerly Sec. 19-347). 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.

(1949 Rev., S. 4054; 1961, P.A. 517, S. 59; 1972, P.A. 178, S. 4; P.A. 74-345, S. 7; P.A. 79-571, S. 81.)

History: 1961 act deleted obsolete provision that prosecuting authorities of town, city or borough have power to prosecute; 1972 act added proviso authorizing towns to designate authorities other than board of health as enforcement agencies; P.A. 74-345 raised standard maximum fine from \$200 to \$1,000 and maximum term of imprisonment from 60 days to 6 months and maximum term of imprisonment for continued violation from 6 months to 1 year; P.A. 79-571 divided section into Subsecs., specified that stated penalties apply to violations "for which no other penalty is provided" and made other minor changes in wording; Sec. 19-347 transferred to Sec. 47a-55 in 1981.

Annotations to former section 19-347:

Cited. 117 C. 351.

City health authority not exclusive administrator of housing code requirements. 4 Conn. Cir. Ct. 243.

Annotations to present section:

Cited. 13 CA 1; 35 CA 126; judgment reversed, see 235 C. 360.

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Sec. 47a-56. (Formerly Sec. 19-347a). 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.

(February, 1965, P.A. 554, S. 1; P.A. 79-571, S. 82.)

History: P.A. 79-571 added reference to new sections which became Secs. 47a-56b and 47a-56c; Sec. 19-347a transferred to Sec. 47a-56 in 1981 and internal references to other sections revised as necessary to reflect their transfer.

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Sec. 47a-56a. (Formerly Sec. 19-347b). Appointment of receiver of rents: Application. Whenever any

**CT Public Health Code
19-13-B1 and B2**

CHAPTER II**ENVIRONMENTAL HEALTH****Sec. 19-13-B1. Conditions specifically declared to constitute public nuisances**

The following conditions are specifically declared to constitute public nuisances:

(a) Bakeries, restaurants and other places where food is prepared or served that are not kept in a clean and sanitary condition; or in which persons who have any communicable disease are employed; or for which suitable toilet facilities are not provided; or in which there is evidence that rats, mice or vermin are present.

(b) Spoiled or diseased meats, whether exposed and offered for sale or being transported or kept for sale.

(c) Barns or stables, hogpens, chicken yards or manure piles or accumulations of organic material so maintained as to be a breeding place for flies.

(d) The discharge or exposure of sewage, garbage or any other organic filth into or on any public place in such a way that transmission of infective material may result thereby.

(e) Privies not screened against flies in populous districts and privies likely to pollute the ground or surface water from which water supply is obtained.

(f) Transportation of garbage, night soil or other organic filth except in tight, covered wagons which prevent leakage or access of flies.

(g) Stagnant water likely to afford breeding places for mosquitoes within a residential district or within a distance of one thousand feet therefrom.

(h) Bone boiling, fat rendering establishments, or tallow or soap works, or other trades, when they can be shown to affect public health or produce serious offense.

(i) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.

Sec. 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.

**Septic Tanks, Privies, Cesspools and Other Receptacles for
Domestic Sewage; Public Toilet Accommodations**

Secs. 19-13-B3—19-13-B20.

Repealed, January 13, 1970.

Subsurface Sewage Disposal

Secs. 19-13-B20a—19-13-B20s.

Repealed, August 16, 1982.