



# CITY OF DANBURY

155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810  
www.danbury-ct.gov

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## **Sec. 20-54. Fair Rent Commission.**

- (a) *Created; purpose.* Pursuant to and in conformity with C.G.S. §§ 7-148b—7-148f, there is hereby created a Commission known as the Fair Rent Commission for the purpose of controlling and eliminating excessive rental charges on residential property within the City of Danbury. This article is enacted in recognition of the compelling need for rent stabilization for the duration of a severe housing shortage in the City of Danbury.
- (b) *Membership.*
- (1) The Commission shall consist of nine (9) members, all of whom shall be resident electors of the City of Danbury. The members shall be appointed by the Mayor subject to confirmation by a majority vote of the City Council.
  - (2) In addition, the Mayor shall appoint two (2) resident electors to serve as alternates, subject to approval by the City Council. Either of said alternates shall act in the place of a regular member who is either absent or disqualified from serving. The term of office of said alternates shall be for a period of three (3) years, or until their successors have been chosen and qualified.
- (c) *Terms of office.* Members of the Commission shall be appointed for terms of three (3) years.
- (d) *Powers.* Pursuant to C.G.S. §§ 7-148b through 7-148f the Commission shall have the following powers, consistent with budgetary limitations imposed by the City Council:
- (1) To make such studies and investigations into rentals charged for housing accommodations within the City of Danbury as are appropriate to carry out the duties and responsibilities delegated hereunder, and subject to the terms, limitations and conditions set forth herein.
  - (2) To receive complaints, inquiries, and other communications concerning alleged excessive rental charges in housing accommodations within the City.
  - (3) To conduct hearings on complaints or requests for investigation submitted to it by any person, subject to the terms, limitations and conditions as set forth herein.
  - (4) To determine, after a hearing as set forth herein, whether or not the rent for any housing accommodation is so excessive as to be harsh and unconscionable.
  - (5) To order a reduction of any excessive rent to an amount which is fair and equitable, and to make such other orders as are authorized herein.
- (e) *Organization and procedures.*
- (1) The Commission shall elect from its own membership such officers as it deems appropriate. In any event, it shall elect a Chairperson, who shall preside over its meetings.
  - (2) A quorum for any meeting shall consist of at least four (4) members of the Commission. Provided, however, in any hearing on a complaint concerning an excessive rental charge, the Commission shall not conduct the hearing unless there are at least five (5) members present; the Commission shall not



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order any rent reduction or make any determination that a rent is so excessive as to be harsh and unconscionable, except on the concurring vote of a majority of the members present at said hearing.

- (3) The Commission shall conduct regular meetings, open to the public, to transact whatever business is properly before said Commission. The Commission shall determine the time, dates and places of said meetings, and shall announce the same in advance of said meetings.

(Code 1961, §§ 10-31, 10-33—10-36; Ord. No. 149, §§ 1, 3—6, 6-25-1970; Ord. No. 178, 9-5-1972; Ord. No. 239, 2-6-1979)

## **Sec. 20-55. Hearings on a complaint.**

- (a) Upon receipt of a complaint that a rental is so excessive as to be harsh and unconscionable, the Commission shall investigate the complaint and determine whether the complaint presents an appropriate matter for consideration by the Commission. In the event that the Commission finds that the complaint involves a matter within the jurisdiction of the Health and Human Services Department of the City of Danbury, or of any other public agency, it shall refer the matter to the appropriate board or agency for action, and, in an appropriate case, shall concurrently exercise its powers hereunder.
- (b) A hearing on said complaint shall be scheduled if the Commission determines, after receipt of the complaint, that a hearing is justified. Written notice of the date, time and place of the hearing shall be given by mailing a notice thereof, by certified, return-receipt-requested mail, postage prepaid, to the landlord and the tenant, at least seven (7) days prior to said hearing. The persons entitled to receive said notice as set forth herein are hereinafter designated as the parties to the complaint.
- (c) At the hearing, each party shall have the right to offer such testimony, exhibits and witnesses as the party deems necessary or appropriate.
- (d) The testimony of all persons shall be under oath, and any member of the Commission is hereby authorized to administer the oath to a witness.
- (e) The Commission shall have the power to subpoena any person to appear before the Commission, and shall have the power to compel the production of any books or documents relating to any matter before the Commission.
- (f) Any party shall have the right to be represented by any person duly authorized by said party at any hearing. In addition, any party shall have the right, either himself, or through his representative, to cross-examine any witnesses produced at the hearing and to examine all documents offered in evidence.
- (g) The Commission shall have the right to request the assistance of any department of the City government, including any available records, information or expert witnesses which the agency may have in its employ.
- (h) The Commission is empowered to hire or retain any expert real estate appraisers and legal counsel or other competent experts to advise it.

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Ordinance No. 41, adopted September 5, 2018.

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- (i) In the event that there is insufficient time to complete a hearing, the Commission shall have the power to adjourn the hearing to another time and date.
  - (j) After the completion of the public hearing and the receipt of all evidence, testimony and exhibits to be submitted by the parties to it, the Commission shall make such orders as are authorized herein.
  - (k) The Commission shall retain a competent stenographer or use a recording device to record the evidence, minutes and proceedings of the Commission on any complaint.
  - (l) The designated members of the Commission shall have the power to meet with the parties, if the parties request and consent as hereinafter provided, on an informal basis in a session closed to the public if, after notice, no member of the public seeks admission, to attempt to reconcile the differences between the parties to any complaint, but shall take no evidence or make any decision thereat. Any agreement between the parties made as a result of said informal conference must be in writing and fully enforceable by the Commission and shall include a waiver of a formal hearing during its effective term. The informal meeting shall be conducted by two (2) members of the Commission appointed for each case by the Chairperson, one (1) of whom may be the Chairperson. The Commission members so assigned shall take no part of any formal hearing, if any, thereafter held on the case.

(Code 1961, § 10-37; Ord. No. 149, § 7, 6-25-1970; Ord. No. 239, 2-6-1979; Ord. No. 424, 8-6-1991)

### **Sec. 20-56. Orders of Commission.**

Subsequent to the hearing the Commission shall have the power to:

- (1) Order a reduction or freeze of the rental charge for a period not to exceed one (1) year for any housing accommodation where the rental charge is so excessive as to be harsh and unconscionable to an amount which is fair and equitable, subject to the standards set forth in section 20-57.
- (2) Refer the matter to the appropriate City agency or the law enforcement authorities for enforcement of the appropriate municipal ordinance, Connecticut General Statutes or state regulation, if the Commission determines that the housing accommodation in question fails to comply with any municipal ordinance or Connecticut General Statutes or state regulation relating to health and safety.
- (3) Dismiss the complaint.
- (4) Continue, review, terminate or suspend all of its orders and decisions.
- (5) Continue the complaint for final disposition if it finds that the complaint involves a matter which can be corrected or adjusted between the parties and it finds that such a continuance would be appropriate under the circumstances.
- (6) Order payment of the rent in escrow to the Commission or, in lieu thereof, order the posting of a sufficient performance bond by the landlord until such time as the landlord has corrected any health and safety violations which have been found to exist, and which the Health and Human Services Department of the City of Danbury has investigated and has certified to the Commission as existing Code violations relating to health or safety.

(Code 1961, § 10-38; Ord. No. 149, § 8, 6-25-1970; Ord. No. 239, 2-6-1979; Ord. No. 424, 8-6-1991)

State law reference(s)—Similar provisions, C.G.S. § 7-148d.

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**Sec. 20-57. Standards for determining whether rental charge is excessive.**

In determining whether a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable, consideration shall be given to the following circumstances:

- (1) The rents charged for the same number of rooms in other housing accommodations in the same and in other areas of the municipality;
- (2) The sanitary conditions existing in the housing accommodations in question;
- (3) The number of bathtubs or showers, flush water closets, kitchen sinks and lavatory basins available to the occupants thereof;
- (4) Services, furniture, furnishings and equipment supplied therein;
- (5) The size and number of bedrooms contained therein;
- (6) Repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein;
- (7) The amount of taxes and overhead expenses thereof;
- (8) Whether the accommodations are in compliance with the ordinances of the municipality and the General Statutes relating to health and safety;
- (9) Annual return and profits on the landlord's investments;
- (10) The income of the complainant and the availability of accommodations;
- (11) The availability of utilities;
- (12) Damages done to the premises by the tenant, caused by other than ordinary wear and tear;
- (13) Whether and to the extent to which the income from an increase in rental charges has been or will be reinvested in improvements to the accommodations;
- (14) The amount and frequency of increases in rental charges.

(Code 1961, § 10-39; Ord. No. 149, § 9, 6-25-1970; Ord. No. 239, 2-6-1979; Ord. No. 424, 8-6-1991)

State law reference(s)—Similar provisions, C.G.S. § 7-148c.

**Sec. 20-58. Effective date of rent reduction order.**

Any order of rent reduction shall become effective on the next due date of the rent after the filing of the complaint. The existing rent which becomes due and payable during the course of proceedings before the Commission shall continue to be paid to the landlord, unless the housing accommodation in question fails to comply with any municipal ordinances or Connecticut General Statutes or state regulations relating to health and safety, in which event the rent shall be paid to the Commission in escrow. The amount of any increase in rent shall likewise be paid to the Commission in escrow and not to the landlord.

(Code 1961, § 10-40; Ord. No. 149, § 10, 6-25-1970; Ord. No. 239, 2-6-1979; Ord. No. 424, 8-6-1991)

**Sec. 20-59. Escrow account; establishment, purpose, use.**

If required the Commission shall establish an escrow savings account with a local bank or financial institution into which it shall deposit all rents or other funds paid to it within five (5) business days of receipt. Such funds shall

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be held in the escrow savings account until such time as compliance with the ordering necessitating the establishment of the account is achieved; or until the Commission acts on the complaint, or makes other appropriate order; or until a further order is made by a court of competent jurisdiction. Provided, however, the Commission may provide for the payment of the landlord's mortgage, taxes and insurance and his cost of heat, water, electricity and other essential utilities when the expenses become due and payable. In addition, at its discretion, the Commission may order payment of other necessary expenses which are due and payable, or may order payment of the full balance to the landlord in cases of unusual hardship. Any interest earned may be used as provided herein and, upon payment of the balance in whole or in part to the landlord, shall be remitted to the landlord.

(Code 1961, § 10-41; Ord. No. 149, § 11, 6-25-1970; Ord. No. 239, 2-6-1979; Ord. No. 424, 8-6-1991)

### **Sec. 20-60. Time limit to render decision on complaint.**

The Commission shall render its decision on any complaint filed with it by a tenant no later than sixty (60) days after the date of the filing of said complaint. Provided, however, the time limit for deciding any such complaint may be extended by the Commission in any case involving unusual hardship or administrative difficulties.

(Code 1961, § 10-42; Ord. No. 149, § 12, 6-25-1970; Ord. No. 239, 2-6-1979)

### **Sec. 20-61. Retaliatory eviction.**

In any action for summary process, it shall be an affirmative defense pursuant to C.G.S. § 47a-33 that the plaintiff brought such action against the tenant solely because of a complaint filed with the Commission or because the tenant or complainant has taken any other action with reference to a matter covered by this article.

(Code 1961, § 10-43; Ord. No. 149, § 13, 6-25-1970; Ord. No. 239, 2-6-1979)

### **Sec. 20-62. Landlord retaliation.**

- (a) *When actions deemed retaliatory.* Pursuant to C.G.S. § 47a-20, it shall be a retaliatory action for a landlord to demand an increase in rent from any tenant or to decrease the services to which any tenant has been entitled within six (6) months after:
- (1) The tenant has in good faith attempted to remedy by any lawful means, including contacting officials of the state or of the City or any public agency thereof or filing a complaint with the Fair Rent Commission, any condition constituting a violation of any provisions of either C.G.S. ch. 368o (C.G.S. § 19a-355 et seq.) or 412 (C.G.S. § 21-64 et seq.), or of any other state statute or regulation, or of the housing and health ordinances of the City;
  - (2) Any municipal agency or official has filed a notice, complaint or order regarding such violation;
  - (3) The tenant has in good faith requested the landlord to make repairs;
  - (4) The tenant has in good faith instituted an action under C.G.S. § 47a-14h(a) through (i); or
  - (5) The tenant has organized or become a member of a tenants' union.
- (b) *Investigation of claims; hearings.* Upon the receipt of any claim of retaliatory action, the Commission shall inform the landlord of the claim and shall investigate the claim. If the claim is not resolved through conciliation, the Commission shall convene a hearing within sixty (60) days of the filing of the claim for the

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purpose of determining whether the landlord has engaged in a retaliatory action and the Commission shall render its decision within thirty (30) days of the hearing of the case.

- (c) *Action of landlord and tenant pending determination by Commission.* Pending a determination by the Commission, the landlord shall not pursue a demand for an increase in rent from the tenant or decrease any services to which the tenant is entitled and the tenant shall continue to pay the amount of rent in effect at the time of the claim of retaliatory action.
- (d) *Cease and desist order.* If after such hearing the Commission finds that the landlord has engaged in a retaliatory action in violation of the provisions of this section, the Commission may order the landlord to cease and desist from demanding an increase in rent from the tenant or from decreasing the services to which the tenant has been entitled.

(Code 1961, § 10-44; Ord. No. 424, 8-6-1991)

### **Sec. 20-63. Eligibility to file complaint; defenses to complaint.**

Any tenant shall be eligible to file a complaint with the Commission. It shall be an affirmative defense to any complaint that the tenant is delinquent in the payment of rent, or is responsible for damage or other adverse conditions existing within the leasehold premises. If the Commission, after investigation or hearing, finds that the tenant is delinquent in his rent, or is responsible for damages within the leasehold premises, it shall not act upon the complaint until such time as the tenant has paid into escrow with the Commission an amount sufficient to pay for the damages, or has paid the delinquency in rent. Provided, if the Commission finds that the reason for the tenant's delinquency was a harsh and unconscionable rent, or if the Commission finds that the delinquency is the result of exceptional hardship, then it shall consider the complaint, notwithstanding the provisions of this section. This exception shall not be construed to give the Commission the power to waive any amount of past rent which is due, or to make any retroactive order. The Commission shall not conduct a hearing on any complaint of any tenant who it finds is bringing the complaint for the purpose of harassing, annoying or embarrassing the landlord, or upon the complaint of any tenant who it finds is using the procedures of the Commission in an attempt to defeat a summary process action.

(Code 1961, § 10-45; Ord. No. 149, § 14, 6-25-1970; Ord. No. 239, 2-6-1979; Ord. No. 424, 8-6-1991)

### **Sec. 20-64. Bylaws and rules of procedures.**

The Commission shall be empowered to enact such bylaws and regulations as are necessary for the conduct of its business, provided no bylaw or regulation shall be in conflict with any provision of this article as set forth herein. Provided further, however, no bylaws or regulations shall become effective unless published in advance.

(Code 1961, § 10-46; Ord. No. 149, § 15, 6-25-1970; Ord. No. 239, 2-6-1979; Ord. No. 424, 8-6-1991)

### **Sec. 20-65. Continuation of proceedings; filing notice of decision on land records.**

All proceedings shall continue regardless of the fact that a tenant may quit the housing accommodation in question. No sale, assignment or transfer of the housing accommodation in question shall be cause for discontinuing any pending proceeding, nor shall it affect the rights, duties and obligations of the Commission or the parties thereto. The Commission may file a notice of decision on the land records of the City.

(Code 1961, § 10-47; Ord. No. 149, § 16, 6-25-1970; Ord. No. 239, 2-6-1979; Ord. No. 424, 8-6-1991)

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**Sec. 20-66. Service of notice.**

All notices with regard to any complaint shall be served by certified mail, return receipt requested, postage prepaid, upon the landlord and the tenant. If any notice is returned without having been delivered, the Commission may arrange for service by a deputy sheriff, constable of the City of Danbury, or indifferent person in the same manner as is provided in the Connecticut General Statutes for service of process in an ordinary civil action.

(Code 1961, § 10-48; Ord. No. 149, § 17, 6-25-1970; Ord. No. 239, 2-6-1979; Ord. No. 424, 8-6-1991)

**Sec. 20-67. Penalty for violations.**

Pursuant to C.G.S. § 7-148f, any person who violates any order of rent reduction or rent suspension by demanding, accepting or receiving an amount in excess thereof while such order remains in effect, and no appeal pursuant to C.G.S. § 7-148e is pending; or violates the provisions of this article or of C.G.S. §§ 7-148b through 7-148e; or who refuses to obey any subpoena, order or decision of the Commission pursuant thereto shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense. If such offense continues for more than five (5) days, it shall constitute a new offense for each day it continues to exist thereafter. No action shall be taken on any such violation by the Corporation Counsel of the City except upon written complaint of the Chairperson of the Commission or his designee after an affirmative vote of three (3) members present and voting at a meeting of the Commission.

(Code 1961, § 10-49; Ord. No. 424, 8-6-1991)

**Sec. 20-68. Enforcement of orders of Commission.**

The Commission is empowered to bring a civil action to any court of competent jurisdiction to enforce any order of the Commission made pursuant to this article, or to enjoin a violation or threatened violation of any order of the Commission, or to seek damages incurred as a result of the violation of any order of the Commission made pursuant to this article.

(Code 1961, § 10-50; Ord. No. 149, § 18, 6-25-1970; Ord. No. 239, 2-6-1979; Ord. No. 424, 8-6-1991)

**Sec. 20-69. Other remedies preserved.**

The provisions of this article shall not affect or limit the right of the landlord to institute a summary process action as provided by the Connecticut General Statutes, nor shall this article affect the right of the landlord, tenant, mortgagee or encumbrancer of record to institute any action authorized by law.

(Code 1961, § 10-52; Ord. No. 149, § 20, 6-25-1970; Ord. No. 239, 2-6-1979)

**Sec. 20-70. Additions to state law.**

Any addition to the state law referring to Fair Rent Commissions will be automatically incorporated into this article.

(Code 1961, § 10-53; Ord. No. 239, 2-6-1979)

**Secs. 20-71—20-98. Reserved.**

## **ARTICLE IV. MAINTENANCE AND OCCUPANCY CODE<sup>1</sup>**

### **DIVISION 1. GENERALLY**

#### **Sec. 20-99. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this article:

*Meaning of certain terms.* Whenever the term "dwelling," "dwelling unit," "rooming units," "premises," or "structure" is used in this article, it shall be construed as though it was followed by the term "or any part thereof." Words used in the singular include the plural, and the plural the singular, the masculine gender includes the feminine and the feminine the masculine.

*Accessory structure* means a detached structure located on or partially on any premises, which is not used or intended to be used for living or sleeping by human occupants.

*Appropriate authority* means that person within the governmental structure of the corporate unit charged with the administration of the appropriate code.

*Approved* means approved by the local or state authority having such administrative authority.

*Ashes* means the residue from the burning of combustible materials.

*Attic* means any story situated wholly or partly within the roof and so designed, arranged or built as to be used for business, storage or habitation.

*Basement* means the lowest story of the building, below the main floor and wholly or partially lower than the surface of the ground.

*Building* means a fixed construction with walls, foundation and roof, such as a house, factory, garage, etc.

*Cellar* means a room or group of rooms totally below the ground level and usually under a building.

*Central heating system* means a single system supplying heat to one (1) or more dwelling units or more than one (1) rooming unit.

*Chimney* means a vertical masonry shaft of reinforced concrete or other approved noncombustible, heat-resisting material enclosing one (1) or more flues, for the purpose of removing products of combustion from solid, liquid or gas fuel.

*Dilapidated* means no longer adequate for the purpose or use for which it was originally intended.

*Director of Health* means the Director of Health of the City of Danbury, or his duly authorized personnel.

*Dormitory* means a building or group of rooms in a building used for institutional living and sleeping purposes by four (4) or more persons.

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<sup>1</sup>State law reference(s)—Rental housing, C.G.S. § 47a-50 et seq.



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*Dwelling* means any enclosed space which is wholly or partly used or intended to be used for living and sleeping by human occupants, provided that single-family owner-occupied buildings as well as temporary housing as defined in this section shall not be regarded as a dwelling.

*Dwelling unit* means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

*Egress* means an arrangement of exit facilities to ensure a safe means of exit from a building.

*Extermination* means the control and elimination of insects, rodents or other pests by:

- (1) Eliminating their harborage places;
- (2) Removing or making inaccessible materials that may serve as their food;
- (3) Poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the local or state authority having such administrative authority.

*Family* means any number of individuals related by blood, marriage or adoption, or by custodial arrangement approved by the Health and Human Services Department of the City of Danbury, the Children and Family Services Department of the State of Connecticut or a court of competent jurisdiction; provided, however, that a group of not more than three (3) persons keeping house together but not necessarily related by blood, marriage, adoption or custodial agreement may be considered a family.

*Flush water closet* means a toilet bowl flushed with water under pressure with a water-sealed trap above the floor level. Such a toilet bowl shall have a smooth, easily cleanable surface.

*Garbage* means the animal and vegetable waste resulting from the handling, preparation, cooking, serving, and nonconsumption of food.

*Grade* means the finished ground level adjacent to a required window.

*Guest* means any person who shares a dwelling unit in a nonpermanent status for not more than thirty (30) days.

*Habitable room* means a room or enclosed floor space intended to be used for living, sleeping, cooking or eating purposes, excluding bathroom, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets, recreation rooms (but not including a living room), private workshops or hobby rooms, and storage spaces. A kitchenette not exceeding sixty (60) square feet in floor area may be considered to be part of a habitable room in a dwelling unit consisting of one (1) room and may be part of a habitable room other than a sleeping room in other dwelling units.

*Heated water* means water heated to a temperature of not less than one hundred twenty (120) degrees Fahrenheit.

*Heating devices* means all furnaces, unit heaters, domestic incinerators, cooking and heating stoves and ranges, and other similar devices.

*Hotel* means a commercial establishment offering lodging to transient guests, including, but not limited to, motels, boatels and apartment hotels.

*Housing Inspector* means a person appointed by the Mayor to carry out the instructions of the Director of Health in the enforcement of this Code and to make routine inspections of the housing within the City as shall be designated by the Director of Health.

*Infestation* means the presence, within or around the dwelling, of any insects, rodents or other pests.

*Kitchen* means any room containing any or all of the following equipment, or the area of a room within three (3) feet of such equipment: sink and/or other device for dishwashing, stove or other device for cooking,

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refrigerator or other device for cool storage of food, cabinets and/or shelves for storage of equipment and utensils, and counter or table for food preparation.

*Kitchenette* means a small kitchen or alcove containing cooking facilities.

*Multiple dwelling* means any dwelling containing more than two (2) dwelling units.

*Nonresident* means one who is not a dweller in the City of Danbury.

*Occupant* means any person over one (1) year of age living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

*Operator* means any person who has charge, care, control, or management of a building, or part thereof, in which dwelling units or rooming units are let.

*Owner* means any person who, alone or jointly or severally with others shall have:

- (1) Legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
- (2) Charge, care, or control of any dwelling or dwelling unit, as the owner or agent of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner.

Any such person thus representing the actual owner shall be bound to comply with the provisions of this article and/or rules and regulations adopted pursuant thereto to the same extent as if he were the owner.

*Permissible occupancy* means the maximum number of persons permitted to reside in a dwelling unit or rooming unit.

*Plumbing* means and includes all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catchbasins, drains, vents, and any similar supplied fixtures, together with all connections to water, sewer, or gas lines.

*Premises* means a plotted lot or part thereof or unplotted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure, and includes any such building, accessory structure or other structure thereon.

*Privacy* means the existence of conditions which will permit an individual or individuals to carry out an activity commenced without interruption or interference, either by sight or sound, by unwanted individuals.

*Properly connected* means connected in accordance with all the applicable codes and ordinances of the City of Danbury as from time to time enforced; provided, however, that the application of this definition shall not require the alteration or replacement of any connection in good working order and not constituting a hazard to life or health.

*Rat harborage* means any conditions or place where rats can live, nest or seek shelter.

*Ratproofing* means a form of construction which will prevent the ingress or egress of rats to or from a given space or building, or from gaining access to food, water, or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by rats by climbing, burrowing or other methods, by the use of materials impervious to rat gnawing and other methods approved by the Director of Health.

*Refuse* means all putrescible and nonputrescible solids (except body wastes), including garbage, rubbish, ashes, and dead animals.

*Rooming unit* means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

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*Roominghouse* means any dwelling or part of any dwelling containing one (1) or more rooming units, in which space is let by the owner or operator to more than four (4) persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

*Rubbish* means nonputrescible solid wastes (excluding ashes) consisting of either:

- (1) Combustible wastes such as paper, cardboard, plastic containers, yard clippings, and wood; or
- (2) Noncombustible wastes such as tin cans, glass and crockery.

*Safety* means the condition of being free from danger and hazards which may cause disease or accidents.

*Space heater* means a self-contained, heating appliance of either the circulating type or the radiant type and intended primarily to heat only one (1) room.

*Supplied* means paid for, furnished by, provided by, or under control of the owner or operator.

*Temporary housing* means any tent, trailer, mobile home, or any other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty (30) consecutive days.

*Tenement house* means any house or building, or portion thereof, which is rented, leased, let or hired out to be occupied as the home or residence of three (3) or more families living independently of each other and doing or able to do their cooking upon the premises and having a common right in the halls, stairways or yards.

*Toxic substance* means any chemical product applied on the surface of or incorporated into any structural or decorative material which constitutes a potential hazard to human health at acute or chronic exposure levels.

(Code 1961, § 10-2; Ord. No. 241, 3-6-1979; Ord. No. 254, § 1, 3-4-1980; Ord. No. 465, 5-4-1993)

## **Sec. 20-100. Conflict of ordinances.**

In any case where a provision of this article is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the City of Danbury, the more stringent provision shall prevail.

(Code 1961, § 10-23; Ord. No. 241, 3-6-1979)

## **Sec. 20-101. General provisions.**

The following general provisions shall apply in the interpretation and enforcement of this article:

- (1) *Legislative finding.* It is hereby found that there exist and may in the future exist, within the City of Danbury, premises, dwellings, dwelling units, rooming units, or parts thereof, which by reason of their structure, equipment, sanitation, maintenance, use, or occupancy affect or are likely to affect adversely the public health (including the physical, mental, and social well-being of persons and families), safety, and general welfare. To correct and prevent the existence of such adverse conditions, and to achieve and maintain such levels of residential environmental quality as will protect and promote public health, safety, and general welfare, it is further found that the establishment and enforcement of minimum housing standards are required.
- (2) *Purposes.* It is hereby declared that the purpose of this article is to protect, preserve, and promote the physical and mental health and social well-being of the people, to prevent and control the incidence of communicable diseases, to regulate privately and publicly owned dwellings for the purpose of maintaining adequate sanitation and public health, and to protect the safety of the people and to promote the general welfare by legislation which shall be applicable to all dwellings now in existence or hereafter constructed. It is hereby further declared that the purpose of this article is to ensure that

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the quality of housing is adequate for protection of public health, safety and general welfare, including: establishment of minimum standards for basic equipment and facilities for light, ventilation, and thermal conditions, for safety from fire and accidents, for the use and location and amount of space for human occupancy, and for an adequate level of maintenance; determination of the responsibilities of owners, operators and occupants of dwellings; and provision for the administration and enforcement thereof.

- (3) *Title.* This article shall be known and may be cited as the "Housing Maintenance and Occupancy Code" of the City of Danbury.

(Code 1961, § 10-1; Ord. No. 241, 3-6-1979)

### **Sec. 20-102. Nonconforming uses and buildings.**

- (a) Any building or premises lawfully existing or in use at the effective date of this article or of any pertinent amendment thereto, may be continued, subject to the following regulations:
- (1) Said nonconforming building or use may be continued if said building is a one-family building and is occupied by the owner or his family, or if said building is a two-family building where one (1) of the apartments or dwelling units is occupied by the owner or his family; provided, however, that said nonconforming building or use must nevertheless conform with and adhere to all of the provisions of this article except sections 20-171(1), 20-171(2), 20-174(1)c and 20-174(1)d.
  - (2) A nonconforming building or use which does not fall within the categories of buildings delineated in subsection (a)(1) of this section may be continued only if said nonconforming building or use conforms with and adheres to all of the provisions of this article provided, however, that the Director of Health may exempt, in whole or in part, such a nonconforming building or use from sections 20-171(1), 20-171(2), 20-174(1)c and 20-174(1)d, if, in his opinion, compliance with these sections would be impractical or would create an extreme hardship, financial or otherwise, upon the owner of such a nonconforming building or use.
- (b) Any existing building devoted to a nonconforming use may be reconstructed and structurally altered only subject to the following regulations:
- (1) A nonconforming building shall not be added to or expanded unless the addition or expansion conforms with the provisions of this article.
  - (2) A nonconforming building, if once changed into a conforming use, shall not be changed back again into a nonconforming use.
  - (3) A nonconforming building which has been damaged by fire, explosion, accident, act of God or of the public enemy, or riot may be reconstructed to its condition immediately prior to such damage, provided that the cost of said reconstruction does not exceed fifty (50) percent of its fair market value. In the event that the cost of said reconstruction exceeds fifty (50) percent of the fair market value, said building may not be reconstructed unless it conforms to all of the provisions of this article.
  - (4) A nonconforming building which has been abandoned for a period of one (1) year shall not thereafter be resumed.

(Code 1961, § 10-24; Ord. No. 241, 3-6-1979)

### **Secs. 20-103—20-132. Reserved.**

## ***DIVISION 2. ADMINISTRATION AND ENFORCEMENT***

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### **Sec. 20-133. Adoption of plans of inspection by the City of Danbury.**

- (a) The Director of Health is hereby authorized and directed to develop and adopt plans of inspection of the dwelling units subject to the provisions of this article, including:
  - (1) A plan for the periodic inspection of hotels and roominghouses subject to the provisions of section 10-176, governing the licensing of the operation of such dwellings;
  - (2) A plan for the systematic inspection of dwelling units contained in such contiguous areas within the City of Danbury as may from time to time be designated by the Director of Health.
- (b) Before making inspections pursuant to a plan authorized in section 20-134, the Director of Health shall advise the public of the plan to inspect.

(Code 1961, § 10-12; Ord. No. 241, 3-6-1979)

### **Sec. 20-134. Inspections: powers and duties of the Director of Health.**

- (a) Whenever the Director of Health is denied access to any premises, he shall obtain a search warrant from a court of competent jurisdiction.
- (b) The Director of Health is hereby authorized and directed to make inspections pursuant to one (1) or more of the plans for inspection authorized by section 20-133, or in response to a complaint that an alleged violation of the provisions of this article or of applicable rules or regulations pursuant thereto has been committed, or when the Director of Health has valid reason to believe that a violation of this article or any rules and regulations pursuant thereto has been committed.
- (c) The Director of Health is hereby authorized to enter and inspect between the hours of 8:00 a.m. and 5:00 p.m. all dwellings, dwelling units, roominghouses, rooming units, dormitories, dormitory units, hotel and hotel units subject to the provisions of this article for the purpose of determining whether there is compliance with its provisions.
- (d) The Director of Health is hereby authorized to inspect the premises surrounding dwellings, dwelling units, roominghouses, rooming units, and hotels subject to this article for the purpose of determining whether there is compliance with its provisions.
- (e) The Director of Health and the owner, owner's agent, or occupant of a dwelling, dwelling unit, rooming unit, roominghouse or dormitory room subject to this article may agree to an inspection by appointment at a time other than the hours provided by this article.
- (f) The owner, owner's agent, or occupant of a dwelling, dwelling unit, rooming unit, roominghouse, hotel or hotel unit, upon presentation by the Director of Health of proper identification, a copy of any relevant plan of inspection pursuant to which entry is sought, and a schedule of the specific areas and facilities to be inspected, shall give the Director of Health entry and free access to every part of the dwelling, dwelling unit, rooming unit, hotel or hotel unit or to the premises surrounding any of these. Before making inspections within a contiguous area pursuant to a plan authorized in subsection (b) of this section, the Director of Health shall first consult with organizations representative of property owners and other residents of such contiguous area, if any such organizations exist.
- (g) The Director of Health shall keep confidential all evidence not related to the purposes of this article and any rules and regulations pursuant thereto which he may discover in the course of the inspection. Such evidence shall be considered privileged, and shall not be admissible in any judicial proceeding without the consent of the owner, other person in charge, or occupant of the dwelling unit or rooming unit so inspected.

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- (h) If any owner, owner's agent, or occupant of a dwelling, dwelling unit or rooming unit, or a multiple dwelling or roominghouse subject to the provisions of this article refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to every part of the structure or premises where inspection authorized by this division is sought, the Director of Health may seek in a court of competent jurisdiction an order that such owner, occupant or other person in charge cease and desist with such interference.

(Code 1961, § 10-13; Ord. No. 241, 3-6-1979; Ord. No. 468, 5-4-1993)

### **Sec. 20-135. Emergency powers of Director of Health.**

- (a) Whenever, in the judgment of the Director of Health, an emergency exists which requires immediate action to protect the public health, safety or welfare, he may, without notice, conference or hearing, issue an order directing the owner, owner's agent or occupant of the structure to which the provisions of this article or applicable rules and regulations pursuant thereto apply to take such action as is necessary to correct or abate the emergency or, if circumstances warrant, may himself act to abate or correct it.
- (b) The owner, owner's agent, or occupant of such structure shall be granted a conference on the matter upon his request, as soon as practicable, but such conference shall in no case stay the abatement or correction of such emergency.
- (c) The City of Danbury shall have a lien for such expenses as are incurred in executing any order as well as for those expenses incurred in abating or correcting any emergency hereunder. All such expenses shall accrue interest at a rate of twelve (12) percent per annum. The provisions of section 20-136(f), shall apply to any liens arising hereunder.

(Code 1961, § 10-14; Ord. No. 241, 3-6-1979; Ord. No. 262, 11-6-1980)

### **Sec. 20-136. Order for the abatement of nuisance.**

- (a) Whenever the Director of Health determines that any dwelling, dwelling unit, roominghouse, rooming unit, dormitory, dormitory unit, hotel or hotel unit, or the premises surrounding any of these, fails to meet the requirements set forth in this article or in applicable rules and regulations issued pursuant thereto, he shall issue an order setting forth the alleged failures and advising the owner, owner's agent, or occupant that such failures must be corrected. This order shall:
- (1) Be in writing.
  - (2) Set forth the alleged violations of this article or of applicable rules and regulations issued pursuant thereto.
  - (3) Describe the dwelling, dwelling unit, roominghouse, rooming unit, dormitory, dormitory unit, hotel or hotel unit where the violations are alleged to exist or to have been committed.
  - (4) Provide a reasonable time for the correction of any violation alleged.
  - (5) Be served upon:
    - a. The owner, owner's agent or occupant of the dwelling, dwelling unit, roominghouse, rooming unit, dormitory, dormitory unit, hotel or hotel unit personally or by certified mail, return receipt requested, addressed to the last known place of the residence of the owner, occupant or other person in charge. If one (1) or more persons to whom the notice is addressed cannot be found after a diligent effort to do so, service may be made upon such person or persons by posting a notice on or about the dwelling, dwelling unit, roominghouse, rooming unit, dormitory,

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dormitory unit, hotel or hotel unit described in the order or by causing such order to be published in a newspaper of general circulation for a period of five (5) consecutive days;

- b. A resident agent for the receipt of service of such orders designated pursuant to section 20-176(1)(f); or
  - c. The Director of Health where he has been designated the agent for such service pursuant to section 20-176(1)(g).
- (b) At the end of the period of time allowed for the correction of any violation alleged, the Director of Health shall reinspect the dwelling, dwelling unit, roominghouse, rooming unit, dormitory, dormitory unit, hotel or hotel unit described in the notice.
- (c) If upon reinspection of violations are determined not to have been corrected, the Director of Health may initiate legal proceedings for the immediate correction of the alleged violations or may order the dwelling, dwelling unit, roominghouse, rooming unit, dormitory, dormitory unit, hotel or hotel unit vacated within thirty (30) days or both.
- (d) The Director of Health, after the expiration of the time granted the persons served with such order to seek reconsideration in a hearing in the manner provided by this article, or after a final decision adverse to such person served has been rendered by the hearing agency or by a court of competent jurisdiction to which the appeal has been taken, shall cause the order to be recorded in the office of the Town Clerk.
- (e) All subsequent transferees of the dwelling, dwelling unit, roominghouse, rooming unit, dormitory, dormitory unit, hotel or hotel unit in connection with which an order has been so recorded shall be deemed to have notice of the continuing existence of the violations alleged, and shall be liable to all penalties and procedures provided by this article and the applicable rules and regulations issued pursuant thereto the same degree as was their transferor.
- (f) Remedial action by City:
- (1) Whenever the Director of Health shall issue an order alleging the existence of violations and such order is not complied with, or not so far complied with as the Director may regard as reasonable, within the time therein designated, the order may be executed in whole or in part by the Director, his agents, contractors, or, as an alternative if a tenement house is involved, the Director may pursue his remedies under the receivership provisions of this article. No order shall be executed or receivership initiated unless all mortgagees or lienors of record of the property where the violations exists shall have been served with a copy of the order at least forty-eight (48) hours prior to the taking of such action. If any such mortgagee or lienor cannot with due diligence be served personally within the City of Danbury, service may be made on such person by posting a copy thereof in a conspicuous place on the property where the violations exists, and by sending a copy thereof by certified mail, return receipt requested, to the mortgagee or lienor at the address set forth in the recorded mortgage or lien.
  - (2) The expenses and disbursements incurred by the Director of Health in carrying out such orders shall initially be paid for from the housing repair fund hereinafter described in subsection (f)(1) of this section or any other appropriation of funds for such purpose.
  - (3) The City shall have a lien for such expenses as are incurred in the execution of the order, which lien shall have priority over all other liens and encumbrances, except taxes and assessments, recorded previously to the existence of such lien.
  - (4) No such lien shall be valid for any purpose until the Director of Health shall file with the Town Clerk, for recordation with the deeds of land, a certificate subscribed and sworn to by the Director describing the premises, the owner of the premises, the amount claimed as a lien thereon, and the date of commencement of the activities undertaken in executing the order, and stating that the amount is justly due and that the expense has been incurred in pursuance of the order of the Director, giving the

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date of the order. Such certificate shall be filed at any time during the progress of the work required by such order or within four (4) months after the completion of the contract, or the final performance of the work, or the final furnishing of the materials, dating from the last item of work performed or materials furnished.

- (5) Unless within six (6) months after actual notice of such filing proceedings to discharge such lien are taken by the party against whom or whose premises a lien is claimed, the filing shall, as to all persons having such actual notice, become conclusive evidence that the amount claimed in the notice of lien with interest is due and is a just lien upon the premises.
- (6) When the Director of Health shall have executed any order so far as it may require, the Director of Health shall file among his records such order and an affidavit stating with fairness and accuracy the items of expense in general terms and the date of execution of such order.
- (7) The expenses of executing an order until the same are paid or discharged shall be in lien and charge for rent and compensation due or then maturing from any tenant or occupant of the dwelling and premises or parts thereof to which any order relates, or in respect of which any such expenses were incurred. Recovery or repayment of such expenses as are incurred in executing an order may be obtained by the Director of Health by collecting rents directly from the tenants of the building involved or by a suit against the owner of the dwelling instituted and maintained in the City of Danbury, or both. Any such recovery or repayment shall be deposited in the housing repair fund to be used for purposes of the fund.
- (8) Every owner, owner's agent or occupant of a dwelling, dwelling unit, roominghouse, rooming unit, dormitory, dormitory unit, hotel or hotel unit, who has received notice of the intention of the Director of Health to make repairs shall give free entry and free access to the agent of the Director of Health for the purpose of making such repairs. Any owner, owner's agent or occupant of a dwelling, dwelling unit, roominghouse, rooming unit, dormitory, dormitory unit, hotel or hotel unit who refuses, impedes, interferes with, hinders or obstructs entry by such agent pursuant to a notice of intention to make repairs shall be subject to a penalty of one hundred dollars (\$100.00) for each such failure to comply with this section.
- (9) A fund to be known as the housing relocation and repair fund is hereby created and established, to be administered pursuant to rules and regulations adopted by the Code Enforcement Division of the Health and Human Services Department in consultation with the Director of Health. Said fund shall be used for the purpose of defraying the costs associated with emergency housing repairs and with providing emergency housing necessitated by code enforcement activities. For purposes of this section, the term "code enforcement activities" includes, but shall not be limited to, administrative or judicial action intended to achieve compliance with provisions of the housing maintenance and occupancy code, the fire safety code, the building code and the public health code. Into such fund will be deposited such monies as shall be appropriated or allotted by the City Council or shall be realized from the sale of bonds issued pursuant to C.G.S. ch. 109 (C.G.S. § 7-369 et seq.) for that purpose, or such amounts as may be received as grants-in-aid under any state or federal program, or such other monies that shall be made available to the fund.

(Code 1961, § 10-16; Ord. No. 241, 3-6-1979; Ord. No. 428, 11-7-1991; Ord. No. 538, 6-1-1999)

### **Sec. 20-137. Penalties for violation of abatement order.**

Any owner, owner's agent, or occupant who has not complied with an order of abatement shall be subject to the penalties provided in C.G.S. § 47a-55.

(Code 1961, § 10-17; Ord. No. 241, 3-6-1979)



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## **Sec. 20-138. Funding.**

All penalties collected for violations of this article, all license fees collected pursuant to this article, all judgments collected in actions to recover the costs of repair and demolition pursuant to this article, and all donations and grants from public or private sources designed to promote the purposes of this article shall be deposited to the general fund of the City of Danbury as unanticipated revenue and/or to such funds described and contained within the provisions of this article.

(Code 1961, § 10-18; Ord. No. 241, 3-6-1979)

## **Sec. 20-139. Designation of a building as unfit for human habitation.**

The designation of dwellings, dwelling units, roominghouses, rooming units, dormitories, dormitory units, hotels or hotel units as unfit for human habitation shall be carried out in compliance with the following requirements:

- (1) Any dwelling, dwelling unit, roominghouse, rooming unit, dormitory, dormitory unit, hotel or hotel unit which shall be found to have any of the following defects may be posted as unfit for human habitation by the Director of Health if the Director determines that repair of the defect is not possible or not possible within a reasonable period of time sufficient to avoid danger to occupants:
  - a. One which is so damaged, decayed, dilapidated, unsanitary, unsafe and/or vermin-infested that it creates a serious hazard to the health or safety of the occupants or the public and/or contains lead-based paint, glaze or other surface coverings containing a toxic level of lead which is in violation of the provisions of this Code of Ordinances or of C.G.S. § 19a-111c, or of the provisions of regulations promulgated pursuant to said section.
  - b. One which lacks illumination, ventilation, electrical, plumbing, heating or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
  - c. One which because of its general condition is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.
- (2) Any dwelling, dwelling unit, roominghouse, rooming unit, dormitory, dormitory unit, hotel or hotel unit posted as unfit for human habitation by the Director of Health shall be vacated, either temporarily or permanently, within a reasonable time as ordered by the Director of Health. Whenever any dwelling, dwelling unit, roominghouse, rooming unit, dormitory, dormitory unit, hotel or hotel unit has been posted and vacated, the Director of Health shall order services and other utilities to be turned off or disconnected and all utility meters to be removed.
- (3) No dwelling, dwelling unit, roominghouse, rooming unit, hotel or hotel unit which has been posted as unfit for human habitation may again be used for human habitation until written approval is secured from, and such poster is removed by, the Director of Health. The Director of Health shall remove such poster whenever the defect or defects upon which the posting was based have been eliminated.
- (4) No person shall deface or remove any poster from any dwelling, dwelling unit, roominghouse, rooming unit, hotel or hotel unit which has been posted as unfit for human habitation except as provided in subsections (1) through (3) of this section. Whoever violates this provision shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00).
- (5) Any person affected by any notice relating to the posting of a dwelling, dwelling unit, roominghouse, rooming unit, hotel or hotel unit as unfit for human habitation may request, and shall be granted, a hearing on the matter before the hearing agency.

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(Code 1961, § 10-19; Ord. No. 241, 3-6-1979; Ord. No. 470, 5-4-1993)

**Sec. 20-140. Rent receivership.**

- (a) The provisions of C.G.S. §§ 47a-56a through 47a-56i are hereby adopted, and the Director of Health hereby appointed for the enforcement of said provisions in accordance with the provisions of C.G.S. § 47a-56.
- (b) Whenever a nuisance which constitutes a serious fire hazard or is a serious threat to life, health, or safety has been found to exist in a tenement house and an order for the abatement of such nuisance has been properly made and served and has not been complied with, or not so far complied with as the Director of Health finds reasonable, within the time allowed, then the Director of Health may apply to the court of competent jurisdiction, pursuant to C.G.S. § 47a-56a, for a rule requiring the owners or any mortgagees or lienors of record to show cause why a receiver of the rents, issues, and profits should not be appointed, and why said receiver should not remove or remedy such nuisance and obtain a lien in favor of the municipality having priority over all liens recorded in the office of the Town Clerk after the recording of a notice of the pendency of the application to secure payment of all costs of the receiver in removing or remedying such condition.
- (c) A fund, to be known as the "Tenement House Operating Fund," is hereby created and established. Into such fund shall be deposited such monies as shall be appropriated by the City Council or be realized from the sale of bonds issued pursuant to C.G.S. ch. 109 (C.G.S. § 7-369 et seq.), for that purpose, or as shall be otherwise made available to the fund. From such fund shall be withdrawn all amounts expended by the receiver to meet any costs of removing or remedying nuisances pursuant to the provisions of this article and C.G.S. §§ 47a-56 through 47a-56h. The receiver shall seek an order of the court authorizing the repayment to such fund of the amounts so expended from the rents, issues and profits of the property in which a nuisance exists or from any amount recovered pursuant to C.G.S. §§ 47a-56 through 47a-56h. Such fund shall be in the custody of the Treasurer of the City, and the books and accounts of such funds shall be kept by the Director of Finance of the City.

(Code 1961, § 10-20; Ord. No. 241, 3-6-1979; Ord. No. 413, 3-5-1991)

**Sec. 20-141. Application for appeals conference or hearing.**

- (a) Any person aggrieved by an order of abatement from the Director of Health issued in connection with any alleged violation of the provisions of this article or by any order requiring repair or demolition pursuant to sections 20-136(a) and 20-139(1) may apply for a conference with the Director of Health.
  - (1) This application must be made within forty-eight (48) hours after the notice is served in the manner prescribed by section 20-136.
  - (2) The Director of Health shall schedule a conference to be held within three (3) days of the application.
  - (3) At the conference, the applicant shall be permitted to present his argument for rescinding or modifying the Director's order.
  - (4) Nothing contained herein shall be construed to limit the authority of the Director of Health to resolve cases of code noncompliance through an administrative route, including the holding of informal conferences, with owners, occupants or agents or employees of said owners or occupants. Such conferences may be held by the Director at his discretion at any time, either before or after resort to other remedies available hereunder.
- (b) If the applicant is not satisfied with the decision of the Director rendered at the conference, the applicant may appeal to the hearing agency.

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- (1) Such appeal shall be filed within five (5) days after the order is served on petitioner in the manner prescribed in section 20-136.
  - (2) The hearing agency shall schedule a hearing to be held within ten (10) days of the filing of said petition and shall serve the petitioner with notice of the time and place where said hearing is to be held at least seven (7) days prior to said hearing.
  - (3) The hearing agency shall render a decision within ten (10) days after said hearing and shall serve the petitioner with notice of its decision, in the manner provided for service of notice in section 20-136, within four (4) days of the date of said decision.
  - (4) At the hearing, the petitioner shall be given an opportunity to show cause why the order should be modified or withdrawn, or why the period of time permitted for compliance should be extended.
  - (5) The hearing agency shall have the power to affirm, modify, or revoke the order, and may grant an extension of time for the performance of any act required of not more than two (2) additional months where the hearing agency finds that there is practical difficulty or undue hardship connected with the performance of any act required by the provisions of this article or by applicable rules or regulations issued pursuant thereto, and that such extension is in harmony with the general purpose of this article to secure the public health, safety and welfare.
  - (6) The hearing agency may grant variances from the provisions of this article when the hearing agency finds that there is practical difficulty or unnecessary hardship connected with the performance of any act required by this article and applicable rules and regulations pursuant thereto; that strict adherence to such provisions would be arbitrary in the case at hand; that extension would not provide an appropriate remedy in the case at hand; and that the variance is in harmony with the general purpose of this article to secure the public health, safety and welfare.
  - (7) The building code board of appeals of the City of Danbury is hereby designated as the hearing agency for this article.
  - (8) There will be a fee of ten dollars (\$10.00) assessed for each appeal filed with the hearing agency. Said fee must be paid in full on or before the scheduled date of hearing. All fees and issues connected with a convention of the hearing agency shall be collected by said agency and deposited into the general fund of the City of Danbury and/or into such funds described and contained within the provisions of this article.
- (c) Any person aggrieved by the final decision of the hearing agency may obtain judicial review by filing in a court of competent jurisdiction within ten (10) days of the announcement of such decision a petition praying that the decision be set aside in whole or in part. A copy of each petition so filed shall be forthwith transmitted to the hearing agency, which shall file in court a record of the proceedings upon which it based its decision. Upon the filing of such record, the court shall affirm, modify or vacate the decision complained of, in whole or in part. The findings of the hearing agency with respect to questions of fact shall be sustained if supported by substantial evidence on record, considered as a whole.

(Code 1961, § 10-21; Ord. No. 241, 3-6-1979; Ord. No. 254, § 6, 3-4-1980)

### **Sec. 20-142. Collection and dissemination of technical housing information.**

The Director of Health is hereby authorized to collect and disseminate information concerning techniques of maintenance, repair, and sanitation in housing, and concerning the requirements of this article and applicable rules and regulations pursuant thereto.

(Code 1961, § 10-22; Ord. No. 241, 3-6-1979)

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**Secs. 20-143—20-167. Reserved.**

*DIVISION 3. STANDARDS AND REQUIREMENTS*

**Sec. 20-168. Responsibilities of owners and occupants.**

- (a) *Owners.* The following shall be the responsibilities of owners:
- (1) No owner or other person shall occupy or let to another person any dwelling or dwelling unit unless it and the premises are clean, sanitary, fit for human occupancy, and comply with all applicable legal requirements of the State of Connecticut and the City of Danbury.
  - (2) Every owner of a dwelling containing two (2) or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
  - (3) Every owner of a dwelling containing three (3) or more dwelling units shall supply facilities or refuse containers for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of single-family or two-family dwellings, it shall be the responsibility of each occupant to furnish such facilities or refuse containers. All refuse containers shall be rodentproof, insectproof, watertight, structurally strong to withstand handling stress, easily filled, emptied and cleaned; shall be provided with tight-fitting covers or similar closure; and shall be maintained at all times in a clean sanitary condition. A minimum of two (2) twenty-gallon refuse containers shall be supplied for each dwelling unit.
  - (4) No owner of a dwelling unit shall store, place, or allow to accumulate any materials which may serve as food for rats in a site accessible to rats.
  - (5) No owner of a dwelling shall permit accumulation of rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in a dwelling or about the shared or public areas of a dwelling or its premises. Materials stored by the owner or permitted to be stored by the owner shall be stacked neatly in piles elevated at least eighteen (18) inches above the ground floor.
  - (6) Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodentproof or insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling or in the shared or common parts of any dwelling containing two (2) or more units, extermination thereof shall be the responsibility of the owner.
  - (7) The owner of a dwelling unit shall be responsible for:
    - a. Making doors and windows weathertight; or
    - b. Providing and hanging all screens and double or storm doors and windows. Where there is a written agreement between the owner and the occupant as to the maintenance or replacement of screens, storm doors and windows, said agreement shall control. In the absence of such an agreement, maintenance or replacement of screens, storm doors and windows, once properly installed, become the responsibility of the occupant.
  - (8) The owner of a dwelling unit shall keep all plumbing fixtures in an operable condition.
  - (9) In any case where the Director of Health, after a hearing, finds that a particular property consisting of three (3) or more units is substandard because of violations of the housing code, or any law or ordinance, the Director of Health may require the owner of such property to register the name and

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address of an agent who will be on the premises daily to enforce the provisions of this Code. The rules of the hearing provided for in this section shall be established by the Corporation Counsel.

(b) *Occupants.* The following shall be the responsibility of occupants:

- (1) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.
- (2) Every occupant of a dwelling unit shall keep all supplied fixtures and facilities therein in a clean, sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- (3) Every occupant of a dwelling or dwelling unit shall store and dispose of all his garbage, refuse, and any other organic waste which might provide food for insects and/or rodents in a clean, sanitary, safe manner by placing it in refuse containers.
- (4) No occupants of a dwelling or dwelling unit shall accumulate rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in or about any dwelling or dwelling unit. Stored materials shall be stacked neatly in piles elevated at least eighteen (18) inches above the ground or floor.
- (5) No occupant of a dwelling or dwelling unit shall store, place, or allow to accumulate any materials which may serve as food for rats in a site accessible to rats.
- (6) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only dwelling unit within the dwelling that is infested.

(Code 1961, § 10-3; Ord. No. 241, 3-6-1979)

### **Sec. 20-169. General maintenance requirements.**

No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- (1) Every foundation, roof and exterior wall, door, skylight and window shall be reasonably weathertight, watertight, and dampfree, and shall be kept in sound condition and good repair. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint or other protective covering or treatment using nontoxic materials where readily accessible to children. Walls shall be capable of affording privacy for the occupants.
- (2) Every window, exterior door and basement hatchway or similar device shall be kept rodentproof and reasonably watertight and weathertight, and shall be kept in good working condition and repair.
- (3) Every premises shall be graded, drained, free of standing water, and maintained in a clean, sanitary and safe condition.
- (4) Unless other provisions are made, gutters, leaders and downspouts shall be provided and maintained in good working condition so as to provide proper drainage of stormwater.
- (5) a. All painted portions of all buildings used in whole or in part for human habitation, as well as any accessory structures on the premises thereof, shall be kept free of cracked, chipped, blistered, flaked, loose or peeling paint. Any such surface shall be properly prepared and repainted with a paint or other covering conforming to the standards as required in accordance with the Lead-Based Paint Poisoning Prevention Act, Chapter 63 of the Social Security Act, as the same may be amended from time to time.

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- b. The owners of all dwellings shall comply with the requirements of C.G.S. § 19a-111c concerning the removal of toxic levels of lead from dwellings, as the same may be amended from time to time. The Director of Health may require any such owner to submit evidence of compliance with the requirements of the aforesaid provisions of the Connecticut General Statutes from qualified testing firms acceptable to the Director.
  - c. Whenever the Director of Health receives a report of lead poisoning or otherwise determines that a child under the age of six (6) has an abnormal body burden of lead, the Director may cause the paint or water on the premises of the dwelling in which such child resides to be tested for lead content. The Director shall take appropriate action to compel abatement of hazardous conditions if the lead content of paint or water on such premises exceeds the permissible limits thereof as established in this subsection. For purposes of this subsection, abatement shall be required if the lead content of paint on the premises exceeds the standards established in accordance with the Lead-Based Paint Poisoning Act, Chapter 63 of the Social Security Act, as the same may be amended from time to time. Similarly, abatement shall be required if the lead content of water on the premises meets or exceeds five one-hundredths of one milligram per liter (0.05 milligram/liter).
  - d. The Director of Health may engage or order the engagement of qualified firms to perform testing for lead content in paint and water. In addition, the Director may engage or order the engagement of firms to monitor compliance with abatement regulations or with abatement orders issued pursuant to this section or to certify that abatements have been successfully accomplished.
- (6) Every dwelling, multiple dwelling, roominghouse or accessory structure, and the premises on which any such structures are located, shall be maintained so as to prevent and eliminate rodent harborage.
- a. All openings in the exterior walls, foundations, basements, ground or first floors and roofs which have a half-inch-diameter or more opening shall be ratproofed in an approved manner if they are within forty-eight (48) inches of the existing exterior ground level immediately below such openings or if they may be reached by rats from the ground by climbing unguarded pipes, wires, cornices, stairs, roofs, and other items such as trees or vines or by burrowing.
  - b. All sewers, pipes, drains or conduits and openings around such pipes and conduits shall be constructed to prevent the ingress or egress of rats to or from a building.
  - c. Interior floors of basements, cellars and other areas in contact with the soil shall be ratproofed in an approved manner.
  - d. Any materials used for ratproofing shall be acceptable to the Director of Health.
- (7) Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch, and every appurtenance thereto, shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair. Every inside and outside stair or step shall have uniform risers and treads.
- (8) Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition.
- (9) Every water closet compartment, bathroom and kitchen floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- (10) Every plumbing fixture and pipe, every chimney, flue and smoke pipe, and every other facility, piece of equipment, or utility which is present in a dwelling or dwelling unit, or which is required under this

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article, shall be constructed and installed in conformance with the appropriate statutes, ordinances and regulations of the City of Danbury and the State of Connecticut.

- (11) All construction and materials, ways and means of egress, and installation and use of equipment shall conform to applicable state and local laws dealing with fire protection.

(Code 1961, § 10-4; Ord. No. 241, 3-6-1979; Ord. No. 254, § 2, 3-4-1980; Ord. No. 417, 6-4-1991; Ord. No. 466, 5-4-1993)

### **Sec. 20-170. Minimum standards for basic equipment and facilities.**

No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purposes of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

- (1) Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked, which shall have adequate circulation area and shall be equipped with the following:
  - a. A kitchen sink in good working condition and properly connected to a water supply system which is approved by the Director of Health and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sewer or septic system approved by the Director of Health.
  - b. Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that does not under ordinary summer conditions require refrigeration for safekeeping; said cabinets and/or shelves and counter or table shall be adequate for the permissible occupancy of the dwelling unit and shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.
  - c. A stove, or similar device, for cooking food and a refrigerator, or similar device, for the safe storage of food at temperatures less than fifty (50) degrees Fahrenheit, but more than thirty-two (32) degrees Fahrenheit, under ordinary maximum summer conditions, which are properly installed with all necessary connections for safe, sanitary and efficient operation; provided that such stove, refrigerator, and/or similar devices need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same on occupancy, and that sufficient space and adequate connections for the safe and efficient installation and operation of said stove, refrigerator and/or similar devices are provided.
- (2) Within every dwelling unit there shall be a nonhabitable room which affords privacy to a person within said room and which is equipped with a flush water closet in good working condition. Said flush water closet shall be connected to a water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly and shall be connected to a sewer system or septic system which is approved by the Director of Health.
- (3) Within every dwelling unit there shall be a lavatory sink. Said lavatory sink may be in the same room as the flush water closet, or, if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in good working condition and properly connected to a water supply system which is approved by the Director of Health and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sewer system or septic system approved by the Director of Health.
- (4) Within every dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. Said bathtub or shower may be in the same room as the flush water closet or in another room and shall be properly connected

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to a water supply system which is approved by the Director of Health and which provides at all times an adequate amount of heated and unheated water under pressure, and which is connected to a sewer system or septic system approved by the Director of Health.

- (5) Every dwelling shall have supplied water heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of subsections (1)a, (3) and (4) of this section, and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred twenty (120) degrees Fahrenheit. Such supplied water heating facilities shall be capable of meeting the requirements of this subsection when the dwelling or dwelling unit heating facilities required under the provisions of the subsections of this section are not in operation.
- (6) Every dwelling unit shall have safe, unobstructed means of egress, leading to safe and open spaces at ground level, as required by the statutes, ordinances and regulations of the City.
- (7) Railing or parapets, not less than thirty-four (34) inches high shall be placed around porches, balconies and roofs more than thirty (30) inches above the ground level which are used by the occupants. Stairway having more than three (3) steps shall be equipped with railing.
- (8) Each dwelling shall have a suitable facility for the safe storage of drugs and household poisons.
- (9) No person shall let to another for occupancy any dwelling or dwelling unit unless all exterior doors of the dwelling or dwelling unit are equipped with functioning locking devices.

(Code 1961, § 10-5; Ord. No. 241, 3-6-1979; Ord. No. 354, § 5, 3-4-1980)

### **Sec. 20-171. Minimum standards for light and ventilation.**

No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- (1) Every habitable room shall have at least one (1) window or skylight facing directly outdoors. The total window area, measured between stops, of every habitable room shall be not less than ten (10) percent of the floor area of such room. A window facing walls or other portions of structures so as to create a light-obstruction within eight (8) feet of such window shall not be included in the minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen (15) percent of the total floor area of such room.
- (2) Every habitable room shall have one (1) or more windows or other ventilating space capable of being opened to ensure a clear opening of not less than forty-five (45) percent of the required window area.
- (3) Bathroom and water closet compartments and nonhabitable rooms used for food preparation may be provided with adequate ventilating systems approved by the Director of Health in lieu of the required window.
- (4) During that portion of each year when there is a need for protection against mosquitoes, flies, and other insects (June 1 to October 30), at least one (1) door opening directly from a dwelling unit to outdoor space shall have supplied properly fitting screens having at least sixteen (16) mesh, and swinging doors shall be equipped with a self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with sixteen-mesh screens, half or full, with a secure attachment to the window frame. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement



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which might provide an entry for rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.

- (5) Where there is usable electric service available from power lines which are not more than three hundred (300) feet away from a dwelling, every dwelling unit and all public and common areas shall be supplied with electric service, outlets, and fixtures which shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to a source of electric power in a manner prescribed by the ordinances, rules and regulations of the City of Danbury.
- a. Every water closet compartment, bathroom and kitchen or kitchenette, laundry room, furnace room, and public hall shall contain at least one (1) supplied ceiling or wall-type electric light fixture.
  - b. Convenient switches or equivalent devices for turning on one (1) light in each room or passageway shall be located so as to permit the area ahead to be lighted.
  - c. Every dwelling unit shall be supplied with at least one (1) 15-ampere circuit, and such circuit shall not be shared with another dwelling unit.
  - d. Every habitable room shall contain at least two (2) separate wall-type duplex electric convenience outlets or one (1) such duplex convenience outlet and one (1) supplied wall- or ceiling-type electric light fixture. No duplex outlet shall serve more than two (2) fixtures or appliances.
  - e. Temporary wiring or extension cords shall not be used as permanent wiring.
  - f. All electric lights and outlets in bathrooms shall be controlled by switches which are of such design as shall minimize the danger of electric shock, and such lights and outlets shall be installed and maintained in such condition as to minimize the danger of electrical shock.
- (6) Every public hall and stairway in every multiple dwelling shall be adequately lighted by natural or electric light at all times, so as to provide in all parts thereof at least ten (10) footcandles of light at the tread or floor level. Every public hall and stairway in structures containing not more than two (2) dwelling units may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed instead of full-time lighting.

(Code 1961, § 10-6; Ord. No. 241, 3-6-1979; Ord. No. 254, § 3, 3-4-1980)

### **Sec. 20-172. Minimum thermal standards.**

No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- (1) Every dwelling or dwelling unit shall be supplied with heating devices which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments located therein to a temperature of at least sixty-five (65) degrees Fahrenheit at a distance three (3) feet above floor level when outdoor temperature is ten (10) degrees Fahrenheit below zero.
- (2) In every dwelling unit and/or rooming unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least sixty-five (65) degrees Fahrenheit shall be maintained in all habitable rooms, bathrooms, and water closet compartments at a distance of three (3) feet above the floor level at all times.
- (3) The heating devices provided shall be equipped with a control valve and/or thermostat to allow the occupant of the dwelling or dwelling unit to regulate and/or reduce the heat supplied.

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- (4) No owner or occupant shall install, operate or use an unvented space heater employing a flame.

(Code 1961, § 10-7; Ord. No. 241, 3-6-1979)

### **Sec. 20-173. Discontinuance of required services.**

No owner, owner's agent, or occupant shall cause any service facility, equipment or utility which is required under this article to be removed from or shut off from or discontinued for any occupied dwelling or dwelling unit let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Director of Health. Where there exists only one (1) meter service in a building containing two (2) or more dwelling units, the landlord thereof shall be responsible for supplying the service.

(Code 1961, § 10-8; Ord. No. 241, 3-6-1979)

### **Sec. 20-174. Maximum density, minimum space, use and location requirements.**

No person shall occupy or let to be occupied any dwelling or dwelling unit, for the purpose of living therein, unless there is compliance with the following requirements:

- (1) The following shall be the required minimum space for occupancy.
  - a. Every dwelling unit shall contain not less than one hundred fifty (150) square feet of floor space for the first occupant and not less than one hundred (100) square feet of additional floor space for each additional occupant thereof.
  - b. No room shall be used for sleeping purposes unless it shall have a floor area of not less than seventy (70) square feet.
  - c. Every habitable room shall have a clear room width of not less than seven (7) feet at the narrowest point exclusive of projections affecting less than ten (10) percent of the floor area.
  - d. No part of a room shall be included within the floor area required above where the ceiling height is less than five (5) feet. At least half of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet.
- (2) No space located partially or totally below grade shall be used as a habitable room of a dwelling unit unless approved by the Director of Health in writing and unless:
  - a. The floor and those portions of the walls below grade are of waterproof and dampproof construction.
  - b. The minimum window area is equal to at least that required in section 20-171(1); and such window area is located entirely above the grade of the ground adjoining such window area, or, if windows are located wholly or partly below grade, there will be constructed a properly drained window well whose open area is equal to or greater than the area of the masonry opening for the window; the bottom of the window well is below the top of the impervious masonry construction under this window, and the minimum horizontal distance at a right angle from the point of the window well is equal to or greater than the vertical depth of the window well as measured from the bottom of the masonry opening for the window, except where there is supplied adequate artificial illumination.
  - c. The total openable window area in each room is equal to at least the minimum as required under section 20-171(2), except where some other approved devices affording adequate ventilation and humidity control are supplied.

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- d. There are no pipes, ducts or other obstructions less than six (6) feet, eight (8) inches above the floor level which interfere with the normal use of the room or area.
  - (3) Not more than one (1) family plus four (4) boarders or a group of not more than four (4) persons keeping house together, unrelated to the family, except for guests or domestic employees, shall occupy a dwelling unit unless a permit for a roominghouse has been granted by the Director of Health.
  - (4) Every dwelling unit shall have at least four (4) square feet of floor-to-ceiling-height closet space for the personal effects of each permissible occupant; if it is lacking, in whole or in part, an amount of space equal in square footage to the deficiency shall be subtracted from the area of habitable room space used in determining permissible occupancy.

(Code 1961, § 10-9; Ord. No. 241, 3-6-1979; Ord. No. 467, 5-4-1993)

### **Sec. 20-175. Certificate of occupancy requirement.**

- (a) No dwelling unit in any dwelling containing three (3) or more dwelling units shall be occupied for human habitation, after a vacancy, until a certificate of occupancy has been issued by the Director of Health, certifying that such dwelling unit conforms to the requirements of the applicable housing ordinances of this City and to the Connecticut General Statutes; provided, that no provision of this section shall be construed to prohibit human occupancy of such dwelling unit during the pendency of an application for such certificate. No provision of this section shall apply to any structure occupied by the owner thereof and containing three (3) or less housing units. Any person aggrieved by the refusal of a certificate of occupancy may appeal to the court of competent jurisdiction within which the dwelling unit is located, and such appeal shall be privileged.
- (b) No rent shall be recoverable by the owner or lessor of such dwelling for the occupancy of any 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.
- (c) The provisions of this section shall not apply to any such structure which has been constructed within a period of ten (10) years next preceding the date when such certificate of occupancy would otherwise be required hereunder.
- (d) The Director of Health may set a reasonable schedule of fees which are to be paid prior to the issuance of the certificate of occupancy required by this section, subject to its approval and adoption by a resolution of the City Council.

(Code 1961, § 10-10; Ord. No. 241, 3-6-1979; Ord. No. 254, § 4, 3-4-1980; Ord. No. 342, 1-6-1987; Ord. No. 464, 5-4-1993; Ord. No. 468, 5-4-1993)

### **Sec. 20-176. Special requirements for roominghouses, dormitories, hotels.**

No person shall operate a roominghouse, dormitory, or hotel, or shall occupy or let to another for occupancy any unit in any roominghouse, dormitory, or hotel, which is not in compliance with the provisions of this article except the provisions of sections 20-140, 20-168, 20-170, 20-174(1) and 20-175. Any facility licensed by the State of Connecticut as a community residence, as defined in C.G.S. § 19a-507a, or as a private boarding home, group home or other residential facility as described in C.G.S. § 17a-277 or as a child care facility licensed by the department of children and family services which is intended to serve as a residential group home shall be exempt from the provisions of this section.

- (1) No owner or other person shall occupy or let to another person any rooming unit, dormitory unit or hotel unit unless it is clean and sanitary, and complies with all the applicable requirements of the City of Danbury, including the following:

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- a. Every operating license shall be issued for a period of one (1) year from its date of issuance, unless sooner revoked, and may be renewed for successive periods of not to exceed one (1) year.
  - b. The Director of Health is hereby authorized, upon application therefor, to issue new operating licenses, and renewals thereof, in the names of applicant owners of hotels and roominghouses. No such licenses shall be issued unless the hotel or roominghouse in connection with which the license is sought is found after inspection to meet the requirements of this article and of applicable rules and regulations pursuant thereto.
  - c. No operating license shall be issued or renewed unless the applicant owner has first made application therefor, on an application form provided by the Director of Health. The Director of Health shall develop such forms and make them available to the public.
  - d. No operating license shall be issued or renewed unless the applicant owner agrees in his application to such inspections pursuant to subsection (1) of this section and section 20-134(1) as the Director of Health may require to determine whether the hotel or roominghouse in connection with which such license is sought is in compliance with the provisions of this article and with applicable rules and regulations pursuant thereto.
  - e. Subject to the approval of the City Council, the Director of Health may set a reasonable fee schedule and receive fees pursuant thereto which are to be paid prior to the issuance of a license as required by this section.
  - f. No operating license shall be issued or renewed for a nonresident applicant unless, subject to the Director's approval, such applicant designates in writing the Director of Health his agent for the receipt of service of an order of abatement as specified in this article and for service of process pursuant to this article.
  - g. No operating license shall be issued or renewed for a resident applicant unless such applicant has first designated an agent for the receipt of service of notice of violations of the provisions of this article and for service of process pursuant to this article, when said applicant is absent from the City for thirty (30) or more days. Such a designation shall be made in writing and shall accompany each application form. The applicant may designate any person who is a resident in the City his agent for this purpose or, subject to the Director's approval, may designate the Director of Health his agent for this purpose.
  - h. No operating license shall be renewed unless an application therefor has been made within sixty (60) days prior to the expiration of the present operating license.
  - i. Each license shall be displayed in a conspicuous place within the common ways of the hotel or roominghouse. No license shall be transferable to another person or to another hotel or roominghouse. Every person holding an operating license shall give notice in writing to the Director of Health within twenty-four (24) hours after having transferred or otherwise disposed of the legal control of any licensed hotel or roominghouse. Such notice shall include the name and address of the person or persons succeeding to the ownership or control of such hotel or roominghouse.
  - j. Every owner or other person in charge of a licensed hotel or roominghouse shall keep, or cause to be kept, records of all requests for repair and complaints by tenants, which are related to the provisions of this article and to any applicable rules and regulations, and of all corrections made in response to such requests and complaints. Such records shall be made available by the owner or owner's agent to the Director of Health for inspection and copying upon demand. Such records shall be admissible in any administrative or judicial proceeding pursuant to the provisions of this article, as prima facie evidence of the violation or the correction of violation of this article or applicable rules and regulations pursuant thereto.

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- k. Whenever, upon inspection of the licensed hotel or roominghouse, or of the records required to be kept by subsection (10) of this section, the Director of Health finds that conditions or practices exist which are in violation of the provisions of this article or of any applicable rules and regulations pursuant thereto, he shall serve the owner or owner's agent with an order of abatement in the manner hereinafter provided. Such order shall state that unless the violations cited are corrected in reasonable time, the operating license may be suspended.
  - l. At the end of the time he has allowed for correction of the violation cited, the Director of Health shall reinspect the hotel or roominghouse, and, if he determines that such conditions have not been corrected, he may issue an order suspending the operating license.
  - m. Any person whose operating license has been suspended shall be entitled, if the Director of Health so determines, to a formal hearing in the manner hereinafter provided by this article. If no request for a hearing reaches the Director of Health within two (2) days following receipt of the order for suspension, the license may be revoked, except that prior to revocation any person whose license has been suspended may request reinspection upon showing that the violations cited in the order have been corrected.
  - n. If, upon reinspection, the Director of Health finds that the hotel or roominghouse in connection with which the order was issued is now in compliance with this article and with applicable rules and regulations pursuant thereto, he shall reinstate the license. A request for reinspection shall not exceed the suspension period, unless the Director of Health grants such request.
- (2) At least one (1) flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the Director of Health and in good working condition, shall be supplied for each six (6) persons or fraction thereof residing within a roominghouse or dormitory, including members of the operator's family wherever they share the use of the said facilities, provided that:
- a. In a roominghouse or dormitory, where rooms are let only to males, flush urinals may be substituted for not more than one-half ( $\frac{1}{2}$ ) the required number of water closets.
  - b. All such facilities shall be located within the dwelling so as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities and shall be on the same floor as the rooming units, dormitory units or hotel rooms which they serve.
  - c. Every lavatory basin and bathtub or shower shall be supplied with heated and unheated water under pressure at all times.
  - d. No such facilities shall be located in a basement or cellar.
- (3) The following provisions shall apply in all roominghouses and hotels:
- a. Cooking in units is prohibited.
  - b. Communal cooking and dining facilities in a roominghouse are prohibited, except as approved by the Director of Health in writing.
  - c. Access doors to units shall have operating locks to ensure privacy.
- (4) Unless exempted by the Director of Health in writing, the operator of every roominghouse and hotel shall change supplied bed linen and towels therein at least once a week, and prior to the letting of any room to any occupant; and the operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.
- (5) Every room in a roominghouse, dormitory, or hotel used for living or sleeping purposes shall comply with all requirements of this article pertaining to a habitable room. Every rooming unit occupied by one (1) person shall contain at least one hundred ten (110) square feet of floor space, and every rooming

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unit occupied by more than one (1) person shall contain at least ninety (90) square feet of floor space for each occupant thereof; every such room shall also contain at least four (4) square feet of floor-to-ceiling closet space per occupant thereof, or, if it is lacking in whole or in part, an amount of space equal in square footage to the deficiency shall be subtracted from the area of habitable room space used in determining permissible occupancy.

- (6) Every rooming, dormitory, or hotel unit shall have immediate access to two (2) or more safe, unobstructed means of egress, with minimum headroom of six (6) feet six (6) inches, leading to safe and open space at ground level, as required by the law of the State of Connecticut and the City of Danbury. Access to or egress from each rooming unit shall be provided without passing through any other rooming unit.
- (7) Railing or parapets not less than thirty-four (34) inches high shall be placed around porches, balconies and roofs more than thirty (30) inches above the ground level which are used by occupants. Stairways having more than three (3) steps shall be equipped with railing.
- (8) All front, side and rear yards shall be maintained in a clean and sanitary condition. The occupants shall be responsible for the maintenance of their yards. Should the occupant fail to maintain his yard, then the owner shall be responsible for the maintenance thereof. No rubbish, garbage, debris or other waste matter shall be allowed to accumulate in any yard.
- (9) The operator of every roominghouse, dormitory, or hotel shall be responsible for the sanitary maintenance of all walls, floors, and ceilings and for maintenance of a sanitary condition in every other part of the roominghouse, dormitory or hotel and shall further be responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.
- (10) Special requirements for emergency housing shelters. Emergency housing shelters, providing temporary housing to homeless persons, operated by a governmental unit or a nonprofit corporation shall be required to meet all provisions of this section, with the exception of subsections (2) and (5) of this section. In lieu of these subsections, the operator shall be required to meet the following requirements:
  - a. At least one (1) flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the Director of Health and in good working condition, shall be supplied for each ten (10) persons or fraction thereof residing or expected to reside in the shelter. All such facilities shall be located within the shelter so as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities, and shall be on the same floor as the area housing the occupants unless otherwise approved by the Director of Health.
  - b. Every shelter shall contain at least fifty (50) square feet of floor space for each occupant thereof. No room or area containing less than ninety (90) square feet of floor area shall be used to house occupants.

(Code 1961, § 10-11; Ord. No. 241, 3-6-1979; Ord. No. 334, 5-6-1986; Ord. No. 392, 6-5-1990; Ord. No. 394, 6-5-1990)