



CITY OF NEW HAVEN

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TESTIMONY OF MAYOR JUSTIN ELICKER BEFORE THE PLANNING AND DEVELOPMENT COMMITTEE IN SUPPORT OF HB 6391 AN ACT INCREASING PENALTIES FOR THE VIOLATION OF MUNICIPAL ORDINANCES

Hello Senator Rahman, Representative DeGraw and members of the Planning & Development Committee.

My name is Justin Elicker, and I am the Mayor of New Haven. I am here to speak in support of HB 6391 AN ACT INCREASING PENALTIES FOR THE VIOLATION OF MUNICIPAL ORDINANCES.

In New Haven we work hard to ensure residents and businesses comply with city ordinances and state statutes to ensure the safety, wellbeing, and quality of life that everyone in our community deserves. While our goal is to ensure compliance, at times certain individuals or businesses violate the law and it is our work to bring them into compliance. Generally people or businesses will work collaboratively with us, however at times there is a reluctance to do so. Penalties in the form of fines are a necessary tool that the City uses to ensure compliance when collaboration no longer works.

Currently, state statute restricts municipalities from implementing a fine of over \$250. Our understanding is this amount was approved by the State legislature in 2006. With rising costs driven by inflation over these past 16 years, the \$250 fine is no longer significant enough to deter the most egregious, repeat violators from violating the law.

An increase ceiling for fines municipalities could choose to enact to \$1,000 would allow a graduated penalty and help us modify behavior to ensure better compliance with the law and a better lifestyle for New Haven residents. Our intention, as it always has been, is to give violators the support they need to come into compliance, and only when that is not successful would we implement fines on a graduated increasing scale.

Our challenges are particularly acute with violations of the housing code. While the majority of landlords comply with the law and provide safe environments for renters, there are some who consistently and repeatedly violate city law and create unsafe and deplorable environments for tenants. From rodents to mold to broken plumbing to broken heating systems, our housing inspectors see repeat violations and an unwillingness of certain landlords to address the problem. Our assessment is that some large companies see paying fines simply as the cost of doing business and deliberately fail to fix problems because the savings of not addressing housing issues is more than the cost of the small fines they potentially could incur. This must change. Giving municipalities the option to increase fines after repeat offenses to \$1,000 will give us the tools to hold companies accountable when all other options fail.

We urge your support of this legislation. Thank you.

**TESTIMONY OF MARK WILSON, MANAGER OF NEIGHBORHOOD AND COMMERCIAL DEVELOPMENT
FOR THE CITY OF NEW HAVEN LIVABLE CITY INITIATIVE, IN SUPPORT OF HB 6391, AN ACT INCREASING
PENALTIES FOR THE VIOLATION OF MUNICIPAL ORDINANCES**

Good morning, Senator Rahman, Representative DeGraw and members of the Planning & Development Committee. My name is Mark Wilson, I live in Waterbury, CT, I currently serve as the Manager of Neighborhood and Commercial Development, and I previously served as the Interim Deputy Director of Housing Code Enforcement in the City of New Haven.

I am here to testify in support of House Bill 6391 An Act Increasing Penalties for The Violation of Municipal Ordinances.

I feel an increase in the fines a municipality can levy is a big step in the right direction, particularly when the violations effect the lives of our residents.

While serving as the interim Deputy Director of Housing Code Enforcement, I witnessed firsthand the deplorable conditions that many of the residents in New Haven are subject to. Early last year I responded to an afterhours no heat emergency call at a four-family dwelling. I arrived to find all four families with no heat and living in what I would describe as sub-human conditions. There were holes in the roof, missing windows, non-working toilets, leaking plumbing, faulty electrical wiring, non-working appliances and no smoke or carbon monoxide detectors. Our office immediately reached out to the landlord, who lived out of State, and when we described the condition of the property, they responded that they were not interested nor were they going to make any repairs and that we should begin the legal process. Less than a week later, our office responded to another after hours call for burst water pipes due to inadequate heat. The responding inspector found 3 families living in units with no heat, the electrical utilities in two units had been disconnected due to non-payment, a vacant unit with burst pipes and no access to the water supply to shut them off. As it turned out, this property was also owned by the same landlord, who when reached told us to add this building to the legal process as well. The City was forced to uproot these families and relocate them while the legal process was played out. **NO ONE SHOULD HAVE TO LIVE UNDER THESE CONDITIONS.**

Most of the housing code violations we encounter are not this egregious. Many can be abated rather quickly and generally avoided altogether with a proactive maintenance plan. Implementing such a plan across hundreds of rental units can be challenging but doable. We have many large landlords in New Haven who do a fine job in maintaining their properties. But there are, however, some landlords who are more likely to chance gambling on paying a small fine rather than implementing a preventive maintenance plan, because simply put, the payoff is bigger. If the stakes were raised and the cost to play was much higher, we believe that more landlords would come to see the overall good in maintaining their properties an if not, the potential cost of failing to do so.

The goal of housing code enforcement and this bill should be voluntary compliance not punishment. Many of the larger landlords in New Haven have been summoned to court on multiple occasions, they have been fined multiple times for multiple violations only to gladly pay the maximum \$250 fine per

violation. For many these are simply minor bumps in the road, considered as just another small expense in the cost of doing business. This is evidenced by their willingness to retain high priced attorneys who stay at the ready to represent them.

These housing code violations are infractions, not misdemeanors. Pleading guilty and paying a fine does not lead to a criminal conviction, does not lead to a criminal record, nor the stigma attached these. Paying a meager fine of \$250.00 for these violations that effect the daily lives of our residents is not enough. We must do more. I feel the MINIMUM fines should be raised to \$1,000.00 per violation.

This Bill will empower municipalities with the leverage needed, when necessary, to force negligent landlords to step up and do the right thing. For far too long our ordinances have been viewed as having a lot of bark but no bite.

To be clear the mission of the City of New Haven's Livable City Initiative is to protect the health, safety, and welfare of all our citizens, tenants and landlords alike. All our residents have the right to decent, safe, and sanitary housing. I include both tenants and landlords as our inspections are carried out to protect the welfare of both. Unfortunately, due to the dichotomy that generally exist between an absent and willful landlord and their tenant, it may seem at times that we are siding with the tenants, when in fact our position is and will always be that safe and decent housing units are available to all.

I urge you to vote in favor of HOUSE BILL 6391.

Again, I would like to thank The Planning and Development Committee for the opportunity to speak on this issue and to offer my testimony