

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: ORDER OF THE BOARD OF ALDERS- Order of the Board of Alders of the City of New Haven Amendment to Article XIV of the Code of General Ordinances Concerning Residential Rental Business Licenses and Transparency of Ownership. (Submitted By: Arlevia Samuel, Livable City Initiative)

REPORT: 1597-02

ADVICE: Approve.

BACKGROUND

Currently, approximately 70% of the City's dwelling units are renter-occupied. Many of these dwelling units are owned by limited liability corporations which are not owner occupied. This makes it difficult for the City to identify and contact property owners of improper and/or unsafe property conditions.

Accordingly, the Residential Rental Business License Program was established in August 2005 to (i.) implement a proactive rental inspection program to ensure the safety, health, and welfare; (ii.) eliminate housing blight; and (iii.) identify rental units in the City and their owners on a continuous and recurring basis.

The Livable City's Initiative spends an exorbitant amount of time attempting to find, research and contact property owners/landlords. The following two amendments are proposed to Chapter 17, Article XIV, Section 17 of the City's Code of General Ordinances:

1. Add a new definition - "Natural Person" meaning a living human being, not less than eighteen years of age. Natural person does not include any legal entity or other legal fiction ordinarily granted the status of person under Connecticut State Law.
2. Replace Section 17-74 in its entirety and replace to read as follows: ("Strike-through" will be removed and the "Underlined" will be added.)

~~(a) Upon adoption of this article, it shall be unlawful for owner(s) of certain residential rental property located within New Haven to operate/rent such property without obtaining a type I, type II, or type III residential rental property license, subject to the exemptions set forth in section 17-73 herein this section shall apply to the following residential rental property classifications:~~

~~(1) Owner-occupied dwellings containing three (3) or more residential rental units;~~

~~(2) Non-owner occupied dwellings containing two (2) or more residential rental units; and~~

~~(3) Non-owner occupied dwellings located at mixed-use residential rental properties.~~

~~(b) Renting/operating residential rental property without a license to do so constitutes a violation of this article and is subject to the penalties set forth in section 17-84 herein.~~

~~(c) Upon the enactment of related ordinances as found in chapter 17, article XIII of the city's Code of Ordinances, all property owners of the above described residential rental property classifications are required to obtain a residential rental license in order to operate/rent such property. Application materials can be obtained online or at the office of the Livable City Initiative. If the property is exempt from the requirements of this article, the property owner shall submit evidence as to the~~

~~appropriate exemption to the city's livable city initiative bureau. Acceptable forms of evidence to satisfy the above mentioned exemption include, but are not limited to, a current utility bill (not to include water, water pollution control or tax bill) and a government issued photo identification, which includes date of birth, expiration date, and signature.~~

~~(d) In order to obtain a residential rental property license, the property owner or his/her agent must submit an application containing the following information concerning each residential rental property that he/she owns in New Haven:~~

~~(1) The name, address (No PO Box), telephone number(s), and email address for each owner of record; if the owner is not an individual, the application must list the names, addresses, telephone numbers, and email addresses of each member or partner of the owner entity as well as the name, address, telephone number, and email for the agent or property management company authorized to act on behalf of the owner or owner entity, as applicable.~~

~~(2) Address of the residential rental property and the number of residential rental units in it;~~

~~(3) Whether the owner resides in the residential rental property; and~~

~~(4) The number of Section 8 rental units administered by the housing authority of New Haven in the residential rental property, if any.~~

~~(e) The property owner or his/her agent must certify to the accuracy of the information that he/she provides in the residential rental property license application with penalty for false representation(s) as set forth in section 17-84 below.~~

~~(f) The residential rental property owner or his/her agent must submit the completed residential rental application to the City of New Haven, personally or by mail to Livable City Initiative, 165 Church Street, 3rd floor, New Haven, Connecticut 06510 within the deadline specified in the notice of the licensing requirement. The completed application may be submitted through electronic means, when available.~~

~~(g) The residential rental property owner or his/her agent must inform the Livable City Initiative of any change concerning the information contained in the residential rental property application within thirty (30) days of such change.~~

~~(h) Within twenty (20) days of receipt of a complete application and of the license fee required by section 17-74, and inspection appointment will be mailed out.~~

Sec. 17-74. - License required.

(a) Upon adoption of this article, it shall be unlawful for owner(s) of certain residential rental property located within New Haven to operate/rent such property without obtaining a type I, type II, or type III residential rental property license, subject to the

exemptions set forth in section 17-73 herein this section shall apply to the following residential rental property classifications:

- (1) Owner-occupied dwellings containing three (3) or more residential rental units;
- (2) Non-owner occupied dwellings containing two (2) or more residential rental units; and
- (3) Non-owner occupied dwellings located at mixed-use residential rental properties.

(b) Renting/operating residential rental property without a license to do so constitutes a violation of this article and is subject to the penalties set forth in section 17-84 herein.

(c) Upon the enactment of related ordinances as found in chapter 17, article XIII of the city's Code of Ordinances, all property owners of the above described residential rental property classifications are required to obtain a residential rental license in order to operate/rent such property. Application materials can be obtained online or at the office of the Livable City Initiative. If the property is exempt from the requirements of this article, the property owner shall submit evidence as to the appropriate exemption to the city's livable city initiative bureau. Acceptable forms of evidence to satisfy the above-mentioned exemption include, but are not limited to, a current utility bill (not to include water, water pollution control or tax bill) and a government issued photo identification, which includes date of birth, expiration date, and signature.

(d) In order to obtain a residential rental property license, the property owner or his/her agent shall submit an application containing the following information concerning each residential rental property that he/she owns in New Haven:

- (1) The full legal name, address, telephone number(s), and email address for each owner and registered agent, and the operator (if any) of record. The application shall list the names, addresses, telephone numbers, and email addresses of each member or partner of the owner entity or property management company authorized to act on behalf of the owner or owner entity, as applicable, as well as the name, address, telephone number, and email for the registered agent for service.

- a. Name. In the case where the owner or operator is a corporation, partnership limited liability company or other legal entity, the name of a managing partner which shall be a natural person, shall be provided, but if there is no managing partner, the names of each general partner shall be provided. If the general partner is a legal entity, the names of all the persons who are partners in any entity shall be disclosed. In the case of a limited liability company, the name of the managing member and the names of the agents(s) registered with the State of Connecticut shall be provided. In the case of a corporation or other business entity, the name of the president, the name of the secretary, and the name of the agents(s) registered with the State of Connecticut of the business entity shall be provided. In the case of a trust, the name of at least one trustee shall be provided. In the case of an estate, the name of the executor,

administrator, conservator, or other fiduciary responsible for the estate shall be provided.

b. Address. An address shall be a location described by the full street number, if any, the street name, the city or town, and the state, and not a mailing address such as a Post Office box. If the owner or owners is a person or persons who do not reside in the City of New Haven, each owner shall provide his or her residential or bona fide business address that is a physical address and not a Post Office box. In the case of a partnership, limited liability company, corporation, or other business entity, each registered agent shall provide his or her residential or bona fide business address that is a physical address and not a Post Office box, and the address of each other individual required to be named in subsection (1) of this section must be provided.

c. Registered agent. In the case of an owner-occupant, the registered agent shall be a natural person who is a resident of the City of New Haven who shall act as the agent of the owner-occupant for the receipt of any violation notice and for service of process issued pursuant to the provisions of this chapter. In the case of a non-resident owner, the registered agent shall be a natural person who is a resident of the State of Connecticut, who shall act as an authorized agent of the owner for the receipt of violation notices and for service of process issued pursuant to the provisions of this chapter.

(2) The total number of rooms in the building, the number of dwelling units in the building, and the number of persons proposed to be accommodated or allowed in each dwelling unit.

(3) A copy of a driver's license or comparable state-issued photo identification, or other comparable national government-issued photo identification, showing the name, photo, and address of the owner or owners required to be named in section 17-74 and the address of the registered agent and operator (if any); or an affidavit with the name of the owner or owners required to be named in Sec. 17-74 stating that the address given is a bona fide business address that is a physical address and not a post office box.

(4) Whether the owner resides in the residential rental property; and

(5) The number of Section 8 rental units administered by the housing authority of New Haven in the residential rental property, if any.

(e) The property owner or his/her agent shall certify to the accuracy of the information that he/she provides in the residential rental property license application with penalty for false representation(s) as set forth in section 17-84 below.

(f) The residential rental property owner or his/her agent shall submit the completed residential rental application to the City of New Haven, in person, by mail, or by electronic means. The application can be delivered or mailed to: Livable City Initiative, 165 Church Street, 3rd floor, New Haven, Connecticut 06510 within the deadline specified in the notice of the licensing requirement. Alternative means via electronic

submissions may be submitted through process as may be established by the Livable City Initiative.

- (g) The residential rental property owner or his/her agent shall inform the Livable City Initiative of any change concerning the information contained in the residential rental property application within thirty (30) days of such change.
- (h) Within twenty (20) days of receipt of a complete application and of the license fee required by section 17-74, the City shall mail a letter confirming receipt of the completed application and advising the Owner of the next available inspection date. Mailing of the confirmation letter shall be conclusive evidence that the Landlord is in compliance with the ordinance until the City completes such inspection and issues the License pursuant to §17-77(h); or the City issues the appropriate corrective action report, pursuant to §17- 77(i) - §17-77(n).

According to the City's website, "The Livable City Initiative (LCI) is a neighborhood-focused agency with a mission to enhance the experience of the individuals who live and work in the City of New Haven." These amendments may reduce Staff time required to contact landlords and property owners and allows the City Livable Initiative to carry out its mission more effectively.

PLANNING CONSIDERATIONS

In accordance with Title I, Article XIII, Section 2(A) of the New Haven Code of Ordinances states, **"Every Ordinance or Resolution of the Board of Alders relating to the location and use of any street, bridge, boulevard, esplanade, square, park, playground, playfield, aviation field, parking space, public building, the facilities or terminals of any public utility, or the establishment or change in the boundaries of or regulations concerning zoning, shall be at once referred to the City Planning Commission and final action shall not be taken on any such Ordinance or Resolution until the commission shall have reported thereon, provided that the Board of Alders may establish by ordinance a period of not less than sixty (60) Days within which the commission shall file its report with the City Clerk and if no report is filed within such period the approval of the commission shall be presumed."** Accordingly, the Board of Alders seeks guidance regarding the proposal.

The Board of Alder seeks guidance as to:

- Whether the proposal is aligned with the City's Comprehensive Plan.

ADVICE

The proposal is aligned with the City's Comprehensive Plan because it will:

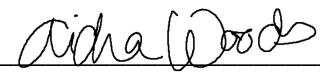
- **"Promote sustainable and balanced economic growth."**
- **"Promote diverse housing stock suitable for people of all ages and incomes."**
- **"Ensure that all housing within the city meets or exceeds the quality standards established within the City's Housing and Building Code. To that end, continue to enforce the housing code through the City's residential licensing program and expand the functioning of this program by allocating additional resources."**
- **"Encourage the revitalization of distressed, privately-owned property through enforcement of existing regulations for interior and exterior maintenance and through the creation of clear consequences for delinquent private owners, moving aggressively to housing court"**

and other necessary actions while protecting the rights and needs of non-owner occupants."

- **"Update the City's inventory on the quality of housing stock within the city regularly, so as to accurately identify all substandard housing stock."**
- **"Use the City's legal authority to eliminate vacant, substandard housing units when rehab is determined to be economically not feasible and encourage new construction on buildable lots in a manner consistent with the desired character."**
- **"Encourage the stabilization and revitalization of publicly owned property through a timely disposition process."**
- **"Encourage buffering of blighting influences such as unmaintained yards, unscreened storage, glaring lights, and noise from public view on all residential properties."**

Additionally, this Commission is very concerned about enforceability and encourages the board to consider best practices from other jurisdictions.

ADOPTED: December 1, 2021
Leslie Radcliffe
Chair

ATTEST: 
Aicha Woods
Executive Director, City Plan Department