



Substitute House Bill No. 6892

Public Act No. 23-33

**AN ACT CONCERNING MUNICIPAL BLIGHT ORDINANCES AND
THE FINE FOR LITTERING.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (b) of section 8-169aa of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(b) (1) In any municipality with a population of [~~thirty-five~~] fifteen thousand or more, a party in interest may file a petition for the appointment of a receiver to take possession and undertake rehabilitation of a building within such municipality, which petition shall be filed in the superior court for the judicial district in which such building is located. The proceeding on the petition shall constitute an action in rem.

(2) (A) The petition shall include a sworn statement of the petitioner that, to the best of his or her knowledge, the building meets the conditions described in subdivision (2) of subsection (c) of this section on the date the petition is filed. The petition shall also include, to the extent available to the petitioner after his or her reasonable efforts to obtain the following information, (i) a copy of any citation or order charging the owner of the building with being in violation of municipal

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code requirements or determining the building to be a public nuisance, blighted or unfit for human occupancy or use, (ii) a recommendation for appointment as receiver for the building, (iii) a preliminary plan detailing (I) initial cost estimates of rehabilitation of the building for purposes of compliance with the applicable municipal code and plan for the area adopted by the municipality in which the building is located, and (II) anticipated funding sources, and (iv) a schedule of each mortgage, lien or other encumbrance on the building.

(B) The petition may include any other property adjacent to the building, provided (i) such other property is owned by the same owner as the building, and (ii) the building and each such property are used for a single or interrelated purpose.

(3) A true copy of the petition shall be served on the owner of the building and each lienholder of record, including any municipality, unless such municipality is the petitioner, in the manner provided by section 52-57. In addition, the petitioner shall record a notice of lis pendens with the clerk of such municipality, in the manner provided by section 52-325.

Sec. 2. Subparagraph (H) of subdivision (7) of subsection (c) of section 7-148 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(H) (i) Secure the safety of persons in or passing through the municipality by regulation of shows, processions, parades and music;

(ii) Regulate and prohibit the carrying on within the municipality of any trade, manufacture, business or profession which is, or may be, so carried on as to become prejudicial to public health, conducive to fraud and cheating, or dangerous to, or constituting an unreasonable annoyance to, those living or owning property in the vicinity;

(iii) Regulate auctions and garage and tag sales;

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(iv) Prohibit, restrain, license and regulate the business of peddlers, auctioneers and junk dealers in a manner not inconsistent with the general statutes;

(v) Regulate and prohibit swimming or bathing in the public or exposed places within the municipality;

(vi) Regulate and license the operation of amusement parks and amusement arcades including, but not limited to, the regulation of mechanical rides and the establishment of the hours of operation;

(vii) Prohibit, restrain, license and regulate all sports, exhibitions, public amusements and performances and all places where games may be played;

(viii) Preserve the public peace and good order, prevent and quell riots and disorderly assemblages and prevent disturbing noises;

(ix) Establish a system to obtain a more accurate registration of births, marriages and deaths than the system provided by the general statutes in a manner not inconsistent with the general statutes;

(x) Control insect pests or plant diseases in any manner deemed appropriate;

(xi) Provide for the health of the inhabitants of the municipality and do all things necessary or desirable to secure and promote the public health;

(xii) Regulate the use of streets, sidewalks, highways, public places and grounds for public and private purposes;

(xiii) Make and enforce police, sanitary or other similar regulations and protect or promote the peace, safety, good government and welfare of the municipality and its inhabitants;

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(xiv) Regulate, in addition to the requirements under section 7-282b, the installation, maintenance and operation of any device or equipment in a residence or place of business which is capable of automatically calling and relaying recorded emergency messages to any state police or municipal police or fire department telephone number or which is capable of automatically calling and relaying recorded emergency messages or other forms of emergency signals to an intermediate third party which shall thereafter call and relay such emergency messages to a state police or municipal police or fire department telephone number. Such regulations may provide for penalties for the transmittal of false alarms by such devices or equipment;

(xv) Make and enforce regulations for the prevention and remediation of housing blight or blight upon any commercial real property, including regulations reducing assessments and authorizing designated agents of the municipality to enter property during reasonable hours for the purpose of remediating blighted conditions, provided such regulations define [housing] blight and require such municipality to give written notice of any violation to the owner [and occupant] of the property and provide a reasonable opportunity for the owner [and occupant] to remediate the blighted conditions prior to any enforcement action being taken, except that a municipality may take immediate enforcement action in the case of a violation at a property that is the third or more such blight violation at such property during the prior twelve-month period, and further provided such regulations shall not authorize such municipality or its designated agents to enter any dwelling house or structure on such property, and including regulations establishing a duty to maintain property and specifying standards to determine if there is neglect; prescribe civil penalties for the violation of such regulations of not [less than ten or] more than one hundred fifty dollars for each day that a violation continues if such violation occurs at an occupied property, not more than two hundred fifty dollars for each day that a violation continues if such violation

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occurs at a vacant property, and not more than one thousand dollars for each day that a violation continues at a property if such violation is the third or more such violation at such property during the prior twelve-month period, and, if such civil penalties are prescribed, such municipality shall adopt a citation hearing procedure in accordance with section 7-152c. For the sole purpose of determining if a violation is the third or more such violation at such property during the prior twelve-month period, "violation" means a violation of any municipal blight regulation for which the municipality has issued a notice of violation and, (I) in the determination of such municipality, the conditions creating such violation were previously cured, or (II) one hundred twenty days have passed from the notice of violation and the conditions creating such violation have not been cured. A third violation may also be established where three or more conditions constituting such violation exist at a property simultaneously;

(xvi) Regulate, on any property owned by or under the control of the municipality, any activity deemed to be deleterious to public health, including the burning of a lighted cigarette, cigar, pipe or similar device, whether containing, wholly or in part, tobacco or cannabis, as defined in section 21a-420, and the use or consumption of cannabis, including, but not limited to, electronic cannabis delivery systems, as defined in section 19a-342a, or vapor products, as defined in said section, containing cannabis. If the municipality's population is greater than fifty thousand, such regulations shall designate a place in the municipality in which public consumption of cannabis is permitted. Such regulations may prohibit the smoking of cannabis and the use of electronic cannabis delivery systems and vapor products containing cannabis in the outdoor sections of a restaurant. Such regulations may prescribe penalties for the violation of such regulations, provided such fine does not exceed fifty dollars for a violation of such regulations regarding consumption by an individual or a fine in excess of one thousand dollars to any business for a violation of such regulations;

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Sec. 3. Subsection (c) of section 7-148jj of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(c) Nothing in this section shall prohibit or limit a municipality from adopting or enforcing an ordinance or regulation relating to the prevention of [housing] blight pursuant to subparagraph (H)(xv) of subdivision (7) of subsection (c) of section 7-148, the maintenance of safe and sanitary housing as provided in subparagraph (A) of subdivision (7) of subsection (c) of section 7-148, or the abatement of nuisances as provided in subparagraph (E) of subdivision (7) of subsection (c) of section 7-148.

Sec. 4. Subsection (a) of section 7-148o of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(a) Except as provided in subsection (b) of this section, any person who, after written notice and a reasonable opportunity to remediate blighted conditions, wilfully violates any regulation adopted pursuant to subparagraph (H)(xv) of subdivision (7) of subsection (c) of section 7-148 concerning the prevention and remediation of [housing] blight shall be fined by the state not more than two hundred fifty dollars for each day for which it can be shown, based on actual inspection of the property on each such day, that the blighted conditions continued to exist after written notice to the owner or occupant as provided in this section, and the expiration of a reasonable opportunity to remediate.

Sec. 5. Subsection (a) of section 32-70a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(a) On or before October 1, 2006, the Commissioner of Economic and Community Development shall establish goals for enterprise zones

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designated under section 32-70. The commissioner shall review such goals every five years and update them as necessary and appropriate. Such goals shall include, but not be limited to, increasing private investment, expanding the tax base, providing job training and job creation for residents of enterprise zones and reducing property abandonment and [housing] blight in enterprise zones.

Sec. 6. Subsection (b) of section 22a-250 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(b) (1) Any person who violates any provision of subsection (a) of this section shall be fined not more than [one hundred ninety-nine] five hundred dollars. One-half of any fine collected pursuant to this subsection shall be payable to the state and one-half of such fine shall be payable to the municipality in which the arrest was made unless the arrest was made by a conservation officer, special conservation officer or patrolman appointed by the Commissioner of Energy and Environmental Protection under authority of section 26-5, in which case one-half of such fine shall be payable to the Department of Energy and Environmental Protection. Any municipality, after conducting a hearing in accordance with an ordinance adopted pursuant to section 7-152c, may assess a separate administrative penalty of not more than five hundred dollars upon the responsible party or property owner, as applicable, if such litter includes any item of furniture or any discarded item listed in subsection (d) of this section.

(2) Whenever any person is convicted of a violation of subdivision (2) of subsection (a) of this section, the court shall, in addition to imposing the fine authorized by subdivision (1) of this subsection, impose a surcharge in an amount equal to fifty per cent of such fine. Any such surcharge collected pursuant to this subdivision shall be payable to the municipality in which the arrest was made unless the arrest was made by a conservation officer, special conservation officer or patrolman

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appointed by the Commissioner of Energy and Environmental Protection under authority of section 26-5, in which case such surcharge shall be payable to the Department of Energy and Environmental Protection.

(3) When any such material or substances are thrown, blown, scattered or spilled from a vehicle, the operator thereof shall be deemed prima facie to have committed such offense.

Sec. 7. Subsection (b) of section 51-164n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(b) Notwithstanding any provision of the general statutes, any person who is alleged to have committed (1) a violation under the provisions of section 1-9, 1-10, 1-11, 2-71h, 4b-13, 7-13, 7-14, 7-35 or 7-41, subsection (c) of section 7-66, section 7-83, 7-147h, 7-148, as amended by this act, 7-148f, [7-148o,] 7-283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-185, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 10a-35, 12-52, 12-54, 12-129b or 12-170aa, subdivision (3) of subsection (e) of section 12-286, section 12-286a, 12-292, 12-314b or 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-476c, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-253, 13a-263 or 13b-39f, subsection (f) of section 13b-42, section 13b-90 or 13b-100, subsection (a) of section 13b-108, section 13b-221 or 13b-292, subsection (a) or (b) of section 13b-324, section 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414 or 14-4, subdivision (2) of subsection (a) of section 14-12, subsection (d) of section 14-12, subsection (f) of section 14-12a, subsection (a) of section 14-15a, section 14-16c, 14-20a or 14-27a, subsection (f) of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-44j, 14-49, 14-50a, 14-58 or 14-62a, subsection (b) of section 14-66, section 14-66a or 14-67a, subsection (g) of section 14-80, subsection

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(f) or (i) of section 14-80h, section 14-97a or 14-98, subsection (a), (b) or (d) of section 14-100a, section 14-100b, 14-103a, 14-106a, 14-106c, 14-145a or 14-146, subsection (b) of section 14-147, section 14-152, 14-153, 14-161 or 14-163b, subsection (f) of section 14-164i, section 14-213b or 14-219, subdivision (1) of section 14-223a, subsection (d) of section 14-224, section 14-240, 14-250, 14-253a, 14-261a, 14-262, 14-264, 14-266, 14-267a, 14-269, 14-270, 14-272b, 14-274, 14-275 or 14-275a, subsection (c) of section 14-275c, section 14-276, subsection (a) or (b) of section 14-277, section 14-278, 14-279 or 14-280, subsection (b), (e) or (h) of section 14-283, section 14-283d, 14-283e, 14-283f, 14-283g, 14-291, 14-293b, 14-296aa, 14-298a, 14-300, 14-300d, 14-300f, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-15e, 15-25 or 15-33, subdivision (1) of section 15-97, subsection (a) of section 15-115, section 16-15, 16-16, 16-44, 16-256e, 16-278 or 16a-15, subsection (a) of section 16a-21, section 16a-22, subsection (a) or (b) of section 16a-22h, section 16a-106, 17a-24, 17a-145, 17a-149 or 17a-152, subsection (b) of section 17a-227, section 17a-465, subsection (c) of section 17a-488, section 17b-124, 17b-131, 17b-137, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-102a, 19a-102b, 19a-105, 19a-107, 19a-113, 19a-215, 19a-216a, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-442, 19a-502, 19a-565, 20-7a, 20-14, 20-153a, 20-158, 20-231, 20-233, 20-249, 20-257, 20-265, 20-324e, 20-329c or 20-329g, subsection (b) of section 20-334, section 20-341l, 20-366, 20-482, 20-597, 20-608, 20-610, 20-623, 21-1, 21-38, 21-39, 21-43, 21-47, 21-48 or 21-63, subsection (d) of section 21-71, section 21-76a or 21-100, subsection (c) of section 21a-2, subdivision (1) of section 21a-19, section 21a-20 or 21a-21, subdivision (1) of subsection (b) of section 21a-25, section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63, 21a-70b or 21a-77, subsection (b) or (c) of section 21a-79, section 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159, section 21a-278b, subsection (c), (d) or (e) of section 21a-279a, section 21a-421eee, 21a-421fff, 21a-421hhh, subsection (a) of section 21a-

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430, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, 22-30, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39f, 22-49, 22-54, 22-61j or 22-61l, subdivision (1) of subsection (n) of section 22-61l, subsection (f) of section 22-61m, subdivision (1) of subsection (f) of section 22-61m, section 22-84, 22-89, 22-90, 22-96, 22-98, 22-99, 22-100 or 22-111o, subsection (d) of section 22-118l, section 22-167, subsection (c) of section 22-277, section 22-278, 22-279, 22-280a, 22-318a, 22-320h, 22-324a or 22-326, subsection (b), subdivision (1) or (2) of subsection (e) or subsection (g) of section 22-344, subsection (a) or (b) of section 22-344b, section 22-344c, subsection (d) of section 22-344d, section 22-344f, 22-350a, 22-354, 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22-415c, 22a-66a or 22a-246, subsection (a) of section 22a-250, section 22a-256g, subsection (e) of section 22a-256h, section 22a-363 or 22a-381d, subsections (c) and (d) of section 22a-381e, section 22a-449, 22a-450, 22a-461, 23-4b, 23-38, 23-45, 23-46 or 23-61b, subsection (a) or subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40, subsection (a) of section 25-43, section 25-43d, 25-135, 26-18, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-42, 26-43, 26-49, 26-54, 26-55, 26-56, 26-58 or 26-59, subdivision (1) of subsection (d) of section 26-61, section 26-64, subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-114a, 26-117, subsection (b) of section 26-127, 26-128, 26-128a, 26-131, 26-132, 26-138, 26-139 or 26-141, subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-231, 26-232, 26-244, 26-257a, 26-260, 26-276, 26-280, 26-284, 26-285, 26-286, 26-287, 26-288, 26-290, 26-291a, 26-292, 26-294, 27-107, 28-13, 29-6a, 29-16, 29-17, 29-25, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e), (g) or (h) of section 29-161q, section 29-161y or 29-161z, subdivision (1) of section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of section 29-291c, section 29-316 or 29-318, subsection (b) of section 29-335a, section 29-381, 30-19f, 30-48a or 30-86a, subsection (b) of section 30-89, subsection (c) or (d) of section 30-117, section 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38, 31-40, 31-44, 31-47 or 31-48, subsection (b) of section 31-48b,

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section 31-51, 31-51g, 31-52, 31-52a, 31-53 or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288, 31-348, 33-624, 33-1017, 34-13d or 34-412, subdivision (1) of section 35-20, subsection (a) of section 36a-57, subsection (b) of section 36a-665, section 36a-699, 36a-739, 36a-787, 38a-2 or 38a-140, subsection (a) or (b) of section 38a-278, section 38a-479qq, 38a-479rr, 38a-506, 38a-548, 38a-626, 38a-680, 38a-713, 38a-733, 38a-764, 38a-786, 38a-828, 38a-829, 38a-885, 42-133hh, 42-230, 42-470 or 42-480, subsection (a) or (c) of section 43-16q, section 45a-283, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46a-81b, 46b-22, 46b-24, 46b-34, 46b-38d, 47-34a, 47-47 or 47-53, subsection (i) of section 47a-21, subdivision (1) of subsection (k) of section 47a-21, section 49-2a, 49-8a, 49-16, 52-143 or 52-289, subsection (j) of section 52-362, section 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-290a, 53-302a, 53-303e, 53-311a, 53-314, 53-321, 53-322, 53-323 or 53-331, subsection (b) of section 53-343a, section 53-344, subsection (b) or (c) of section 53-344b, subsection (b) of section 53-345a, section 53-377, 53-422 or 53-450 or subsection (i) of section 54-36a, or (2) a violation under the provisions of chapter 268, or (3) a violation of any regulation adopted in accordance with the provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any town, city or borough, except violations of building codes and the health code, for which the penalty exceeds ninety dollars but does not exceed two hundred fifty dollars, unless such town, city or borough has established a payment and hearing procedure for such violation pursuant to section 7-152c, shall follow the procedures set forth in this section.

Sec. 8. Section 7-148gg of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

Each municipality, in addition to any other notice required under the general statutes or any municipal health, housing or safety codes or

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regulations, shall [simultaneously] send to each lien holder of real estate a copy of any notice or order by such municipality to the owner of such real estate to demolish, remove or otherwise dispose of the real estate [or to make it safe and sanitary] issued under any provision of the general statutes or any municipal building, health or safety codes or regulations as well as a copy of any notice sent to the owner of such real estate or recorded on the land [record] records, with respect to any costs or expenses incurred by the municipality to demolish, remove or otherwise dispose of the real estate. [or to make it safe and sanitary.] The municipality shall make reasonable efforts to send such copy by first class mail to the lienholder's current or last-known address.

Sec. 9. Section 47a-56a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

Whenever any order issued under the provisions of section 47a-53 or section 47a-55, or under the provisions of any municipal charter or special act or ordinance relating to the abatement of nuisances in tenement houses is not complied with, or not so far complied with as the appropriate authority finds reasonable, within the time allowed, or whenever a landlord has not substantially complied with the provisions of section 47a-7, the authority appointed under the provisions of section 47a-56 may apply to the superior court for the judicial district where the property is situated for an order requiring the owner [and any mortgagees or lienors of record] to show cause why a receiver of rents, issues and profits should not be appointed and why such receiver should not remove or remedy such condition and obtain a lien in favor of the municipality, having priority with respect to all existing mortgages or liens, to secure payment of the costs incurred by the receiver in removing or remedying such condition. Such application shall contain: (1) Proof by affidavit that an order of the proper authority has been issued and served on the owner; [, mortgagees and lienors;] (2) a statement that a nuisance exists because a landlord has been in

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substantial noncompliance with the provisions of section 47a-7 or a nuisance exists that constitutes a fire hazard or a serious threat to life, health or safety and that such nuisance continued to exist in such property after the time fixed for the removal thereof in such order, and such statement shall contain a description of the property and the conditions constituting such nuisance; and (3) a brief description of the nature of the work required to remove or remedy the condition and an estimate as to the cost thereof.