

RENTAL HOUSING PROGRAM

Mansfield Town Council
November 9, 2015



HISTORY/TIMELINE

2004

- **Committee on Community Quality of Life Established**
First committee met 2004-2005; second met 2008-2012

2005

- **Litter and Blight Standards Adopted**
Mansfield Code of Ordinances Chapter 131

2006

- **Minimum Housing Standards & Rental Certification Requirements for Storrs Area Adopted**
Mansfield Code of Ordinances Chapter 130

2006

- **Landlord Registration Requirements Adopted**
Mansfield Code of Ordinances Chapter 152, Article I

2008

- **Rental Certification Zone Expanded to Encompass 75% of Town**

HISTORY/TIMELINE

2010

- **Off-Street Parking Plan Requirements Adopted**
Mansfield Code of Ordinances Chapter 152, Article II

2010

- **Maximum Occupancy by Unrelated Individuals Reduced from 4 to 3**
Zoning Regulations – Definition of Family

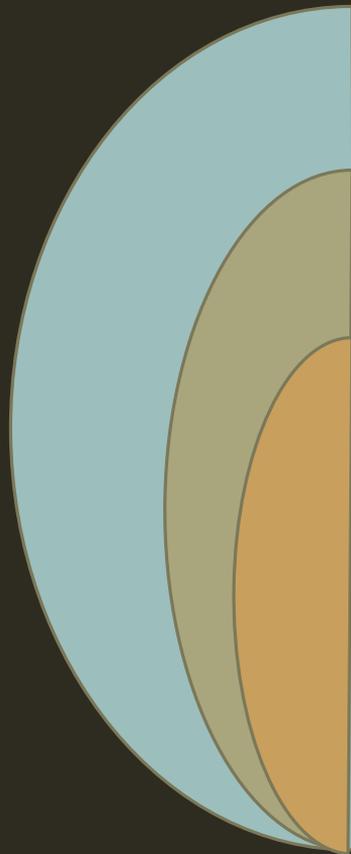
2011

- **Neighborhood Nuisance Ordinance Adopted**
Mansfield Code of Ordinances Chapter 135

2014

- **Rental Certification Zone Expanded Town-wide**

MANSFIELD TOMORROW: PLAN OF CONSERVATION AND DEVELOPMENT (2015)



Goal 7.3

Mansfield maintains high quality living conditions throughout the town.

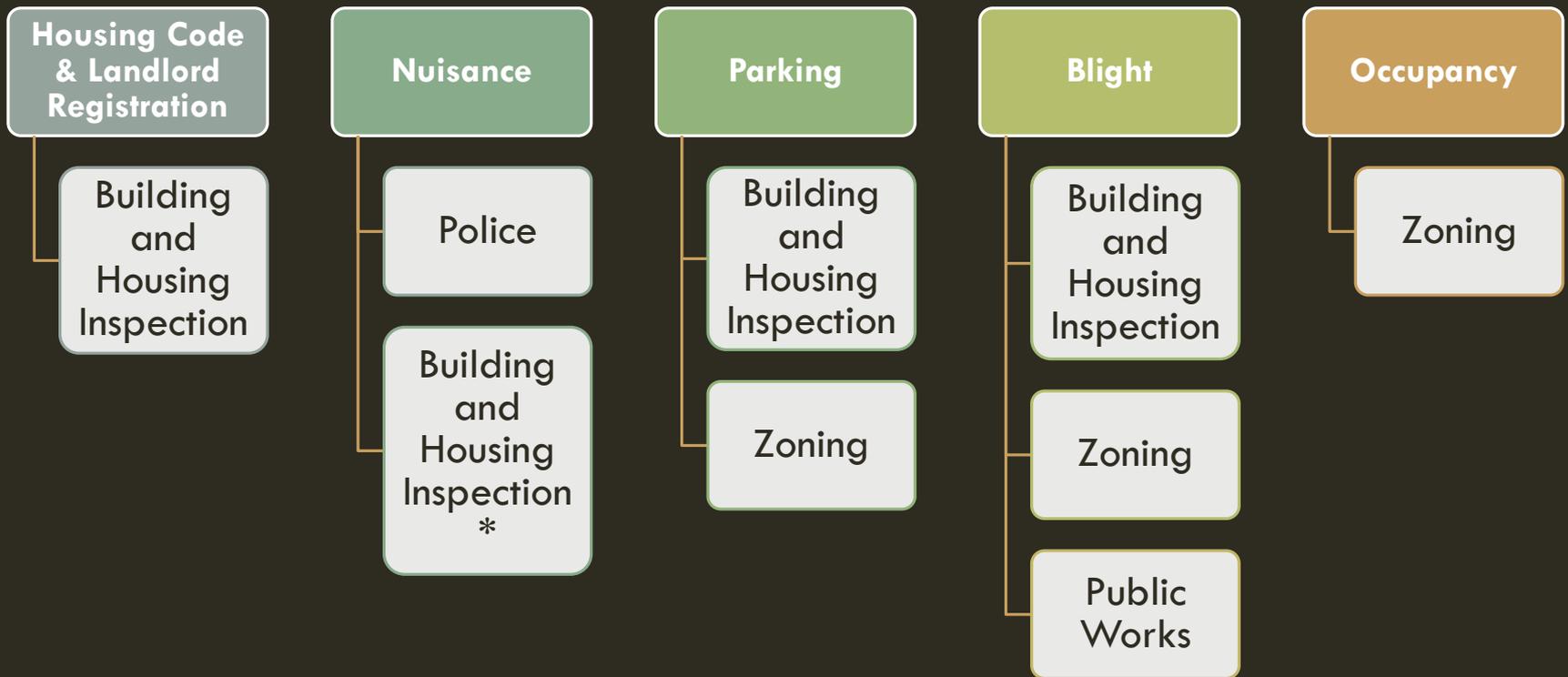
Strategy B

Strengthen the Town's ability to respond to neighborhood quality of life issues.

Actions

1. Enhance code enforcement systems for rental properties through researching and implementing enforcement practices successfully used by other college communities.
2. Identify strategies to improve enforcement of the Town's restrictions on number of unrelated individuals that can live together
3. Track changes in quantity and location of rental units to determine impact of policy and regulatory changes and identify needed changes to policies and regulations.

ENFORCEMENT RESPONSIBILITIES



*Administration Only

RESIDENTIAL RENTALS IN MANSFIELD

391

Single Family
Homes

124

Two-Family
Homes

21

Three-Family
Homes

44

Four to Six
Family Homes

113

Condominium
Units

921

Multi-Family
Apartments

TOWN OF MANSFIELD

DEPARTMENT OF BUILDING & HOUSING INSPECTION



MICHAEL E. NINTEAU, DIRECTOR
BENJAMIN D. FUNK, CODE ENFORCEMENT OFFICER
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LANDLORD REGISTRATION FORM

NOTE: Landlord Registration expires upon transfer of property to new owner and a subsequent initial registration form must be filed within twenty-one (21) days of such transfer.

DATE:

CHECK APPLICABLE FILING FEE:

- | | | |
|--------------------------|------------------------------|-----------------|
| <input type="checkbox"/> | INITIAL REGISTRATION FEE | \$25.00 |
| <input type="checkbox"/> | CHANGE OF ADDRESS | \$10.00 |
| <input type="checkbox"/> | ADD TO EXISTING REGISTRATION | NO FEE REQUIRED |

List Property Address(es): (Attach Separate sheet to list additional properties under single registration for same owner of record)

LANDLORD REGISTRATION

BUILDING AND HOUSING
INSPECTION

LANDLORD REGISTRATION PROGRAM

Authority

- The Landlord Registration Ordinance was adopted pursuant to the authority granted by Sections 47a-6a, 47a-6b, and 7-148 of the Connecticut General Statutes.

Purpose

- Ensure that Town has contact information for specific individuals responsible for residential rental properties.

Applicability

- Owners of existing residential rental dwelling units (both occupied and vacant) are required to register with the Town and update contact information for agents responsible for the property within 21 days of any changes.
- Dwelling units owned by the State of Connecticut are exempt.

ENFORCEMENT OF LANDLORD REGISTRATION REQUIREMENTS

Identification of Rental Properties

- Administrative staff track property sales to identify rental conversions
- Enforcement staff identify properties through rental signs
- Complaints from neighbors

Penalties

- Violations of the ordinance result in a penalty of not more than \$250 for the first violation and not more than \$1,000 for subsequent violations
- Failure to pay required registration fees result in a fine of \$90



HOUSING CODE & RENTAL CERTIFICATION

BUILDING AND HOUSING
INSPECTION

HOUSING CODE

Purpose

- Ensure safe and sanitary housing
- Reverse decay in parts of the community due to inadequate property maintenance by some landlords

Applicability

- All dwelling units with the exception of those owned by the State of Connecticut must comply with minimum housing code requirements.

Minimum Requirements

- 2003 International Property Maintenance Code as modified by Chapter 130 of the Code of Ordinances
- Addresses interior and exterior maintenance; light and ventilation requirements; plumbing requirements; installation of electrical and mechanical equipment; and fire safety requirements
- Code also has occupancy limits; however, zoning limits are often more restrictive than housing code restrictions

RENTAL CERTIFICATES

All rented dwelling units must obtain a rental certificate with the exception of the following:

- Owner occupied buildings containing 4 or fewer units; must be primary residence for owner in which he/she remains for more than half of the calendar year
- Units restricted to persons age 55 and older
- Units owned by the Mansfield Housing Authority
- Units owned by the State of Connecticut
- Newly constructed housing units for the first 5 years after issuance of a Certificate of Occupancy
- Single-family dwellings rented or leased for a period not to exceed one year when the original owner occupant will return to the unit as his/her primary residence at the end of the rental term/lease
- Single family units sold and rented or leased by the buyer as a condition of the sale to provide the seller with extended occupancy for a period not to exceed one year

RENTAL CERTIFICATES

Term

- Rental certificates are valid for two years
- Cost of certificate: \$150

Implementation/Inspection Schedule

- Schedule of inspections/certificate renewal is based on two-year schedule established by Housing Department
- Owners are contacted via mail approximately 30 days prior to scheduled inspection date for recertification to remind them to schedule inspection

Right of Entry

- Inspectors will not enter occupied units without a right of entry from the tenant(s)
- Owners can only grant right of entry to vacant units or common areas

RENTAL CERTIFICATES

Conditions for Certificate Issuance

- Code Official is required to issue a Certificate of Compliance if:
 - Dwelling unit is in substantial compliance with the requirements of the Housing Code
 - All fees or other assessments charged in accordance with the housing code have been paid

Revocation of Certificate

- A certificate may be revoked after issuance if it is determined that the unit is no longer in substantial compliance with the Housing Code

ENFORCEMENT OF HOUSING CODE REQUIREMENTS

Complaints

- Any tenant residing in a regulated dwelling unit may register a complaint with the Housing Department

Inspections

- Units are inspected biannually as part of the recertification process
- Inspections are also performed in response to tenant complaints

Penalties

- Property owners renting dwelling units without a valid certificate may be assessed a fine of up to \$100/day if certificate is not obtained within 15 days of receiving the violation notice



OFF-STREET PARKING REGULATIONS

BUILDING AND HOUSING
INSPECTION
ZONING

OFF-STREET PARKING REQUIREMENTS FOR RESIDENTIAL RENTAL PROPERTIES

Authority

- These requirements were adopted pursuant to the authority granted by Sections 7-148 et. seq. of the Connecticut General Statutes.

Purpose

- Promote neighborhood compatibility by reducing the visual blight and unsafe conditions created by uncontrolled parking at residential rental properties
- Ensure safe vehicular and pedestrian ingress and egress
- Preserve and enhance property values

OFF-STREET PARKING REQUIREMENTS FOR RESIDENTIAL RENTAL PROPERTIES

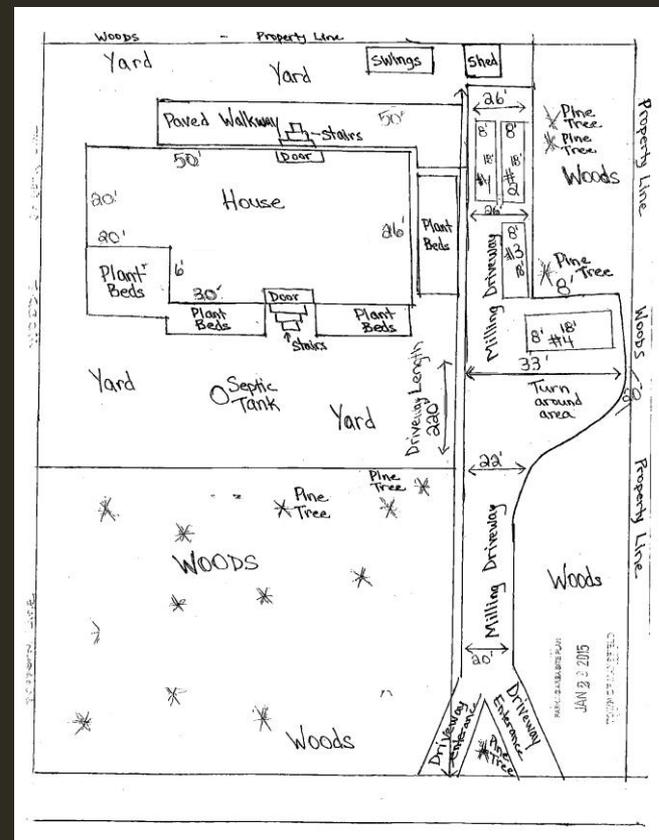
Applicability

- All residential rental properties with the exception of rental property owned by the State of Connecticut and properties containing a dwelling unit that is the primary place of residence for the owner.
- To qualify for the owner occupant exemption, the owner must reside for more than one-half of the calendar year and be a record owner of a minimum of 50% fee simple interest in the property

OFF-STREET PARKING REQUIREMENTS

Parking Plans

- Must meet minimum standards identified in Ordinance
- Must be approved by Housing Office
- A minimum of 2 and a maximum of 6 exterior spaces per dwelling unit are allowed, including parking for guests
- Approved plan must be posted and maintained within the dwelling unit (2013 addition)



ENFORCEMENT OF OFF-STREET PARKING REGULATIONS

Officials

- Town Manager designates Town officials empowered to enforce parking requirements
- Building and Housing Inspectors and the Zoning Enforcement Officer are authorized to enforce these regulations

Warning

- Initial violations or infrequent violations may be addressed through issuance of a warning unless a significant safety or neighborhood impact problem is observed or significant damage is done to a lawn or other landscape area

Citation

- \$90 fine for violations
- Fine doubles if not paid within 10 days



LITTER AND BLIGHT

Building & Housing
Inspection
Zoning

LITTER AND BLIGHT

Public Places

- Accumulation of litter on private properties cannot be deposited onto public property (streets, gutters, other public land)
- Property owners are responsible for keeping the sidewalk or abutting edge of the street abutting their premises free from litter

Private Property

- Owners are required to maintain their premises free of litter and blight

ENFORCEMENT OF LITTER/BLIGHT

Warning

- Initial violations are addressed through issuance of written warning.

Fine

- \$90 fine for violations
- Each separate day that violation exists is subject to separate additional fine **without the issuance of a separate citation**

Liens

- Should a property owner fail to dispose of litter or blight within 10 days after receipt of notice, the Town may pay for the disposal and bill the property owner
- Failure to pay for disposal fees will result in the filing of a lien on the property



MAXIMUM OCCUPANCY REGULATIONS

ZONING

ZONING REGULATIONS ON OCCUPANCY*

2010

- PZC amended definition of Family to reduce number of unrelated individuals from 4 to 3 and add exception for “functional families”
- Limitation applies to all dwelling units

*Housing, Building and Fire Codes also have occupancy limitations; in most cases the current Zoning Regulations are more restrictive than these codes

MANSFIELD DEFINITION OF FAMILY

Familial Relationships

- Identifies the types of relationships that qualify as a family, including: specific blood relations, marriage, civil union, adoption, foster care, guardianship
- Does not include group housing (dormitories, fraternities, sororities, shelters, etc.)

Number of Individuals

- Unlimited number of related individuals plus 1 additional unrelated individual
- Two unrelated people and any children related to either of them
- Up to 3 adult persons that are not living together as a functional family
- Functional Families-unlimited unrelated individuals if meet criteria in definition; for enforcement purposes the definition assumes that more than 3 unrelated individuals living together that do not meet criteria in first two bullets are **not** a functional family

ENFORCEMENT OF OCCUPANCY LIMITATIONS

Investigation

- Neighbor complaints
- Referral from Housing Inspectors
- Rental Advertisements
- On-site and On-street parking

Challenges

- Multiple inspections required for each property to establish pattern
- Must document that it is the same vehicles to demonstrate residency
- Limited to what can be viewed from the street
- Inspections generally need to occur before 7 am

ZONING ENFORCEMENT PROCESS

1

- **Initial Warning (for new addresses)**

Initial warning of violation; owner asked to contact ZEO with corrective action plan

2

- **Violation Notice**

Identifies deadline for remedying violation; sent by Certified Mail pursuant to Sec. 189-2 of the Code of Ordinances

3

- **Citation**

\$150 Citation may be issued via Certified Mail for failure to remedy by deadline; multiple citations may be issued for continued non-compliance

4

- **Cease and Desist Order**

If multiple citations fail to result in compliance, ZEO may issue a Cease and Desist Order

5

- **Superior Court**

If a property owner fails to respond to a Cease and Desist Order, the Town may file for injunctive relief in Superior Court



NEIGHBORHOOD NUISANCES

Police
Building & Housing
Inspection

WHAT CONSTITUTES A NUISANCE?

- ❖ Any behavior which **substantially interferes with the comfort or safety** of other residents or occupants of the same or nearby buildings or structures.
- ❖ Conduct of a person or persons on any premises in a manner which is a **violation of law, or which creates a disturbance of the quiet enjoyment of private or public property**, may constitute a nuisance. Such behavior includes disorderly, indecent, tumultuous or riotous conduct. (See definition for specific examples)
- ❖ The **knowing failure of any tenant to act responsibly** to require any resident of the same premises or guest on his or her rented premises or adjacent premises with the consent of the tenant or his or her co-resident to refrain from behavior constituting a nuisance under this article shall itself be a nuisance.

EVOLUTION OF NUISANCE ORDINANCE

2011

- Nuisance Ordinance Adopted
- Provided for escalation of penalties short of arrest
- Provided financial penalties for problematic landlords that are not managing property and behavior of tenants

2012

- Ordinance amended to hold all tenants responsible for violations of the nuisance ordinance.

ENFORCEMENT OF NUISANCE ORDINANCE

1

- Issuance of written warning or \$250 fine

2

- If violation occurs on residential rental premises, a copy of the violation and a warning of penalties for multiple violations is sent by certified mail to the property owner.

3

- If violations are issued to the same property on multiple occasions (more than 2 times within 6 months, more than 3 times within 9 months or more than 4 times in a year), Property Owner also receives a \$250 fine

4

- If pattern of nuisance behavior continues, Town may file for injunctive relief in Superior Court

UConn

**OFF-CAMPUS
STUDENT SERVICES**

Off-Campus Student Services advances the mission of the University of Connecticut and Division of Student Affairs by enhancing the experience and supporting the success of off-campus and commuter students. OCSS serves as an advocate for students and centralized resource for off-campus living.

Furthermore, OCSS strives to intentionally design opportunities to improve the quality of community life, foster maturation of independent life skills, promote development of responsible community members and cultivate involvement in the University, Storrs/Mansfield and surrounding communities.

THE UNIVERSITY OF CONNECTICUT

RESPONSIBILITIES OF COMMUNITY LIFE: THE STUDENT CODE

A. Jurisdiction of the University

Each student shall be responsible for his/her conduct from the time of admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if his/her conduct is not discovered until after a degree is awarded). *The Student Code* shall apply to a student's conduct even if the student withdraws from the University while a student conduct matter is pending.

Generally, University jurisdiction shall be limited to student conduct that occurs on University premises or at University-sponsored or University-supervised events (including students involved with off-campus internships and study abroad programs). However, the University may apply *The Student Code* to students whose misconduct has a direct and distinct adverse impact on the University community, its members, and/or the pursuit of its objectives regardless of where such conduct may occur.

The following examples describe the kinds of off-campus acts that might be addressed through the University student conduct system. They are illustrative in intent and they should not be regarded as all-inclusive: driving under the influence of alcohol or drugs; physical/sexual assault; sale/distribution of illegal substances; and malicious destruction of property.

Should the Director of Community Standards reasonably determine that a particular alleged act of off-campus misconduct falls within the jurisdiction of the University, the case will be referred to the University student conduct system.

**POTENTIAL CHANGES TO
REGULATIONS AND ENFORCEMENT**

STRONGER PENALTIES FOR PROBLEM LANDLORDS

Seek injunctive relief for nuisances created by problem landlords

- Nuisance ordinance provides for \$250 fine for multiple violations on single property within defined timeframe
- Nominal fine and ability to transfer to tenants may not serve as a substantial incentive to better manage property
- Town could seek injunctive relief in Superior Court for landlords of nuisance properties

DISCOURAGE FUTURE CONVERSIONS

Provide different occupancy limits based on unit type

- Current definition of family applies to all dwelling units
- Mansfield Tomorrow POCD recommends updating regulations to allow more than 3 unrelated individuals to occupy units in larger multi-family apartment complexes
- Purpose is to provide incentive for living in apartments instead of single-family neighborhoods and reduce market demand for neighborhood rentals
- Multi-family apartment complexes must obtain Special Permit approval, creating an additional level of review as compared to single-family homes which are permitted by right

ENFORCEMENT

*Will require Town Council action

Penalties

- Authorize automatic, daily accrual of fines (\$150/day) for zoning violations to eliminate need to issue multiple citations*

Occupancy List

- Identify and publish legal occupancy limits for all units in rental certification program
- Include legal occupancy on rental certificate

Enforcement

- Use flex time to allow for more regular inspections during non-work hours
- Review feasibility of using part-time employees

Complaints

- Include submission and tracking of complaints on-line as part of public portal of permitting/code enforcement software

QUESTIONS?