



**TOWN OF MANSFIELD**  
**Ad Hoc Committee on Rental Regulations and Enforcement**  
**Wednesday, May 25, 2016**  
**5:30 P.M.**  
**Mansfield Public Library**  
**Buchanan Center**  
**Special Meeting**

AGENDA

1. Call to Order/Roll Call
2. Approval of Minutes
3. Opportunity for Public to Address the Committee
4. Staff Reports
5. Review of draft changes to current regulations and ordinances pertaining to dwelling rental.
6. Topics for Next Meeting Agenda
7. Adjournment

## Minutes Ad Hoc Committee on Rental Regulations

April 13, 2016

1. **Members Present:** Chairperson Moran called the meeting to order at 5:40 pm, B. Ryan, M. Sargent, V. Ward.
2. **Other Council Members Present:** P. Shapiro, V. Raymond, B. Shaiken
3. **Staff Present:** M. Hart, M. Ninteau, J. Mullen, Atty. Deneen
4. **Approval of Minutes:** Moved by Ryan, Second Sargent to approve March minutes approved unanimous.
5. **Public Comment:** D. Freudmann 22 Eastwood Road stated it was his belief that UConn administration should address the occupancy issue by housing more students on campus. He also stated he believes the decay of property rights leads to a decay of civil rights. R. Schaffer 45 Echo Road introduced her attorney Keith Ainsworth they commented on activity of the Neighborhood Preservation Group and distributed draft examples of regulations they had written. J. Silander Silver Falls Road distributed a map showing the location of rental dwelling units in Town and explained the key indicating which were owned by Mansfield residents and which were not. B. Rowe 45 Echo Road thanked the Town for providing many forums for discussion and that he was not opposed to students but that UConn was not building enough housing.
6. **Staff Reports:** M. Hart stated that he and Mayor Shapiro met with UConn to discuss neighborhood preservation near UConn. He also stated he met with the preservation group and local realtors to discuss workforce issues and that the seasonal litter cleaning patrols had started. M. Ninteau and J. Mullen spoke briefly regarding their code enforcement activity.
7. **Presentation of Current Regulations:** Attorney Deneen spoke at great length regarding the list of possible actions from the Neighborhood Preservation group. He also presented his legal opinion that a moratorium limiting the use of single family dwelling would not be legal. This would also indicate that Housing Certificates could not be suspended based on current law. He also informed the committee that the creation of a class known as student rentals would be difficult and that a similar regulation was passed in Hamden Connecticut that is currently being litigated. It was his opinion that the Town hold off on this action at least until that case has been decided. Review any development if the Town's Planning and Zoning Commission acts on a moratorium of multi family dwelling construction. If this occurs zoning members would have to recuse themselves from any discussions. Chairperson Moran stated that the moratorium issue should not be discussed for these reasons and that the committee would work on regulation review pursuant to their charge.

8. **Future Discussion Topics:** The following topics were flagged for future discussion:

- Review code language of owner in various Town regulations and attempt to create a uniform definition.
- Discuss amending the occupancy limits within the Town's Housing Code to aid in enforcement.
- Discuss the ability to modify the current regulations to allow rental certificates to be held or revoked if other regulations were being violated.
- Review current fine amounts for appropriateness regarding punitive value versus allowed by State law.
- Review Exterior maintenance provision within the current Housing code

9. **Adjournment:** V. Ward moved to adjourn at 7:05 pm, seconded by B. Ryan, Passed unanimous.

Respectfully submitted.

Mike Ninteau, Director of Building & Housing Inspection

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**TOWN OF MANSFIELD**  
**OFFICE OF BUILDING AND HOUSING INSPECTION**

Michael E. Ninteau, CBO MCP, Director  
Ben Funk, Code Enforcement Officer  
Brad Freeman, Assistant Building Official

AUDREY P. BECK BUILDING  
FOUR SOUTH EAGLEVILLE ROAD  
MANSFIELD, CT 06268

TEL. 860-429-3324  
FAX 860-429-3388

Date: May 19, 2016

To: AD HOC Committee on Rental Regulations

From: Mike Ninteau, Director of Building and Housing Inspection

**Re: Proposed Language Changes**

As requested staff has prepared proposed amendments to various Town ordinances to address concerns that have been raised.

Compliance with All Applicable Regulations

*Proposed amendment to Housing Code (Section 130-35 of the Mansfield Code of Ordinances – also referred to as Chapter 9 of the Housing Code, Rental Certifications and Inspections)*

The following amendment to Section 901.2, Conditions for issuance of certificates, would require a dwelling unit to be in compliance with all pertinent laws, ordinances and regulations prior to a rental certificate being issued. This would give staff the ability to hold a certificate and for fines to accrue if the subject unit is in compliance with the Housing code but is not in compliance with other regulations such as zoning, health, fire, building etc.

901.2 Conditions for issuance of certificates. Upon request of the owner, agent or other person authorized to rent a dwelling unit (hereinafter referred to as the "applicant"), the Code Official will be available at an appointed time, within a reasonable amount of time, agreed upon by the Code Official and the applicant, or later if the applicant requests, to inspect such dwelling or dwelling unit. If such inspection establishes that the dwelling or dwelling unit is in substantial compliance with this code and any other applicable law, regulation or code, the Code Official shall issue a certificate of compliance for said dwelling or dwelling unit, provided that all fees or other assessments charged against the dwelling or dwelling unit pursuant to this Housing Code have been paid. One copy of the certificate of compliance shall be handed to or sent by mail to the applicant; a second copy shall be posted by the owner or his/her designated agent in a conspicuous location inside the dwelling or dwelling unit for the information of the tenant and shall not be removed by or at the direction of anyone other than the tenant; and a third copy shall be kept on file in the Code Official's office. After the issuance of a certificate, if, upon reinspection pursuant to this code it is determined by the Code Official that the dwelling or dwelling unit is no longer in substantial compliance with this code, the certificate may be revoked by the Code Official in a writing stating the reasons for the revocation.

### Definition of Owner-Occupied Dwelling

*Proposed amendments to Housing Code (Section 130-35 of the Mansfield Code of Ordinances – also referred to as Chapter 9 of the Housing Code, Rental Certifications and Inspections) and Landlord Registration (Chapter 152, Article I of the Mansfield Code of Ordinances)*

The following amendments to the Section 901.1 of the Housing Code and Section 152-4 of the Landlord Registration Definitions, would ensure that the definition of an owner occupied dwelling is consistent and in line with the most stringent provisions as presently codified within the Mansfield Off Street Parking ordinance. This change would eliminate the current loophole that exempts certain rental properties from landlord registration and certificate requirements when a small percentage of the property is transferred into the name of someone residing in the unit (such as 1%) or when an officer of the LLC holding title to the property resides in the unit.

#### Mansfield Housing Code

901.1 Scope. No owner, agent or person in charge of a residential rental housing unit offered for rent within the Town of Mansfield shall allow any person to occupy the same as a tenant or lessee for a valuable consideration, unless the owner, agent or person in charge holds a valid certificate of compliance issued by the Code Official for the specific housing unit.

Exception: The provisions of this chapter shall not apply to those housing units that are:

1. Age-restricted to persons aged 55 and older.
2. Owned by the Mansfield Housing Authority.
3. Owned by the State of Connecticut. This exception shall not include those dwellings or dwelling units located within the Town of Mansfield that are owned by an entity leasing real property from the State of Connecticut.
4. Newly constructed housing units for the first five years after issuance of an initial certificate of occupancy by the Town of Mansfield Building Department.
5. Housing units in any building consisting of no more than four units, one of which is the owner's primary place of residence in which he or she remains for more than half of the calendar year. To qualify for this exemption, any such owner-occupant must be the record owner of a minimum 50% fee simple interest in said residential rental property in his or her personal individual capacity only.
6. Single-family dwelling units rented or leased for a period not to exceed one year when the original owner occupant will return to that unit as his or her primary residence at the end of the rental term or lease.
7. Single-family dwelling units sold and rented or leased by the buyer to the seller as a condition of the sale to provide the seller with extended occupancy for a period not to exceed one year.

#### Landlord Registration Definitions (Section 152-4)

##### Nonresident Owner

As used in this article, the term "nonresident owner" of a residential rental housing unit means any owner of such property who does not reside in any such unit or its associated premises, which is owned by him or her. Any owner-occupant who is not the record owner of a minimum of 50% fee simple interest in said residential rental property in his or her personal individual capacity shall also be considered a non-resident owner for the purposes of this article.

Violations of the Number of Unrelated Individuals that may live in a Dwelling Unit (Overcrowding)

*Proposed amendment to Housing Code (Section 130-25 of the Mansfield Code of Ordinances – also referred to as Section 404 of the Housing Code, Occupancy Limits)*

The following amendment to Section 404.5 would delete the current overcrowding provision in the Mansfield Housing code and replace the language in its entirety to be consistent with the current Mansfield Zoning regulations. This would allow housing certificates to be revoked for noncompliance and fines to accrue at a rate of \$100 per day until the zoning violation is corrected. Please be aware while this step adds tools to achieve compliance it remains challenging to prove overcrowding. The current method of counting cars is not without potential issues.

**Housing Code (Section 130-25)**

SECTION 404, OCCUPANCY LIMITS, is amended as follows:

- A. **404.1 Privacy.** Dwelling units, housekeeping units, rooming units and apartment units shall be arranged to provide privacy and be separate from other adjoining spaces.
- B. **404.5 Overcrowding.** The maximum occupancy of dwelling units by unrelated individuals shall be as provided for in the Mansfield Zoning Regulations, as may be amended.