



**Town of Mansfield
Agenda Item Summary**

To: Town Council
From: Matt Hart, Town Manager *MWH*
CC: Maria Capriola, Assistant Town Manager; Michael Nintean, Director
Building & Housing Inspection; Linda Painter, Director of Planning
and Development
Date: July 11, 2016
Re: Proposed Amendments to the Mansfield Housing Code and
Related Ordinances

Subject Matter/Background

Staff has been working with the Ad Hoc Committee on Rental Regulations and Enforcement to review and update various provisions within the Town's housing code and related ordinances. The Committee has voted to send the attached draft language for consideration and possible action by the Town Council.

The objectives of the proposed amendments are to accomplish the following:

- The amendments to the Section 901.1 of the Housing Code and Section 152-4 of the Landlord Registration Ordinance 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.
- The amendment to Section 901.2 of the Housing Code 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 meets the requirements of the Housing code but is not in compliance with other regulations such as zoning, health, fire, building, etc.
- The amendment to Section 404.5 of the Housing Code would delete the current overcrowding provision in the 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 and a violation of this provision of the Zoning Regulations. The current method of monitoring and counting cars is imperfect.

As a reminder, Chapter 130 of the Mansfield Code adopts the International Property Maintenance Code (2003 edition) to serve as the Town's Housing Code, with local modifications.

Financial Impact

Other than a minor increase in certification fees collected from currently exempt properties, there should be little to no financial impact if the proposed changes are enacted.

Recommendation

Staff recommends that the Town Council schedule a public hearing to solicit public comment regarding the proposed changes to the housing code and related ordinances.

If the Council supports this recommendation, the following motion is in order:

Move, effective July 11, 2016, to schedule a public hearing for 7:00 PM at the Town Council's regular meeting on July 25, 2016, to solicit public comment regarding the proposed amendments to the Mansfield Housing Code and related ordinances.

Attachments

- 1) Chapter 130, Section 901 of the Housing Code (**blackline** and clean copy)
- 2) Chapter 152. Rental Property (**blackline** and clean copy)
- 3) Chapter 130, Section 404 of the Housing Code (**blackline** and clean copy)

Chapter 130. Housing Code

Article II. Amendments to Code

§ 130-35. Chapter 9, Rental Certification and Inspections.

[Amended 3-26-2007, effective 4-20-2007; 10-14-2014, effective 11-7-2014]
Add CHAPTER 9, RENTAL CERTIFICATION AND INSPECTIONS:

**SECTION 901
CERTIFICATION**

Findings. The Town Council of the Town of Mansfield finds that inadequate maintenance of residential rental property within the community is a detriment to the public welfare, health and safety.

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 not more than four units, ~~one of which is where the owner's primary place of residence in which he or she remains for more than half of the calendar year.~~ resides at least 6 months per calendar year. Owner is defined as that individual owning at least a 50% fee simple interest in said property. 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.

Implementation Schedule: The provisions of this chapter shall be implemented pursuant to a schedule, hereinafter referred to as the "implementation schedule," developed and maintained by the Code Official. No owner, agent or person in charge of a dwelling or dwelling unit located within the Town of Mansfield shall be found in violation of this chapter until such time as he/she fails to obtain a valid certificate of compliance within the period of time specified by the implementation schedule.

Term of Certificate: Every rental certificate of compliance shall expire pursuant to the date set forth within the implementation schedule. The fee for a certificate of compliance shall be \$150 for the two-year period established pursuant to the schedule.

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 or reports provided to the Code Official pursuant to 130-10 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 or receipt of reports provided to the Code Official pursuant to Section 130-10 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 or any other applicable law, regulation or code, the certificate may be revoked by the Code Official in a writing stating the reasons for the revocation.

Chapter 152. Rental Property

Article I. Landlord Registration

§ 152-4. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ADDRESS

A location as 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.

AGENT IN CHARGE

One who manages real estate, including, but not limited to, the collection of rents and supervision of property.

NONRESIDENT OWNER

Of a residential rental housing unit means any owner of such said property who does not reside onsite or does not own at least a 50% interest fee simple in his individual capacity, in any such unit or its associated premises, which is owned by her or him. 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.

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Chapter 130. Housing Code

Article II. Amendments to Code

§ 130-25. Section 404, Occupancy Limits.

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 by unrelated individuals in a dwelling unit shall be as provided in the Mansfield Zoning Regulations, as may be amended.

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