

**PA13-132**

HB6235

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**H - 1156**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2013**

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HOUSE OF REPRESENTATIVES

193  
May 1, 2013

Calendar -- House Calendar 344, favorable report  
of the Joint Standing Committee on PLANNING AND  
DEVELOPMENT, AN ACT CREATING A STATE-WIDE TASK FORCE  
TO ADDRESS BLIGHT AND CONCERNING NOTICE OF FINES,  
PENALTIES, COSTS, OR FEES FOR CITATIONS ISSUED UNDER  
MUNICIPAL ORDINANCES.

HB 6235

DEPUTY SPEAKER BERGER:

Representative Rojas of the 9th, for what do you  
rise?

REP. ROJAS (9th):

Thank you, Mr. Speaker.

I move acceptance of the Joint Committee's  
favorable report and passage of the bill.

DEPUTY SPEAKER BERGER:

Thank you.

The motion before the Chamber is acceptance of  
the Joint Committee's favorable report and passage of  
the bill.

Will you comment further, Representative?

REP. ROJAS (9th):

Thank you, Mr. Speaker.

The bill has two provisions. The first one  
limits a person's ability to contest a municipal  
default judgment by claiming that notice of the

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citation was not delivered at the address that is on record with the Tax Collector's Office. The second provision creates a 15-member task force to study the issue of blight procedures at the local level.

I move adoption.

DEPUTY SPEAKER BERGER:

Motion before the Chamber is adoption.

Will you -- will you remark further on the bill?

Will you remark further on the bill?

Representative Aman of the 14th.

REP. AMAN (14th):

Thank you. Thank you, Mr. Speaker.

In looking at the bill, it came out of both parties working on it, trying to address a problem and it deals with the issue of blight.

And I would ask the proponent to define blight, but I don't think the good Chairman could do that, because that was one of the major problems we had in the Committee and in general talking with the public hearing, that there is probably as many definitions of blight as there are individuals out there. So one of the things that this bill does is to create a model ordinance regarding blight.

When I was Mayor, we did a Blight Ordinance and, to put it mildly, it was very, very difficult to write. It was very difficult for the Town Attorney to research State law and case law to determine how an ordinance could be written.

And, in summary, it was very, very expensive and it's been modified any number of times since. So I do think the task force is a good idea to do a model guide and then allow each municipality to take that as a model guide and interpret it and rewrite their ordinances to meet their local needs.

It is set up with a 16-person committee, which I think covers a wide variety of professional people and hopefully, that they will be able to come up with a definition of blight and a model ordinance that they should have that the Planning and Development Committee can work on next February.

The last part of the bill or the second section refers to notices and how they are sent.

And through you, Mr. Speaker.

I have a question on the legislative intent.

DEPUTY SPEAKER BERGER:

Representative Rojas, prepare yourself.

Representative Aman

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REP. AMAN (14th):

Yes. Line 68 to 70 talks about the last notice. A legal notice can be sent to the last known address at the Tax -- Tax Collector's Office and if the good Chairman could explain why or how that particular address was chosen to be used.

DEPUTY SPEAKER BERGER:

Representative Rojas.

REP. ROJAS (9th):

Thank you, Mr. Speaker.

That was one of the major issues that resulted in the legislation being here. What often happens in a lot of municipalities is that the actual owner of a particular property that's in violation of a local ordinance regarding blight, often those people can't be located or the address on record with the Tax Collector is not the appropriate address for which a notice can be sent to.

Through you.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Representative Aman.

REP. AMAN (14th):

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Yes, and so it doesn't make any difference if the property has been foreclosed on or if it's been held by a trust or corporation. If the notice has been mailed, I presume, by Certified Mail to the address on the Tax Collector's records, this would serve the legal requirement to serve notice?

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Rojas.

REP. ROJAS (9th):

Through you, Mr. Speaker.

That is correct.

Through you.

DEPUTY SPEAKER BERGER:

Representative Aman.

REP. AMAN (14th):

Yes. I -- I think that, again, this would serve a problem of -- that especially the cities are having with foreclosed properties in general, and multi-landlords that come into court or come in basically cite that they never received formal notice and the problem is the municipality had no real place to send a formal notice that the person would have any chance of receiving it.

So I -- I think we got pretty much unanimous agreement from the cities and the inner suburbs that deal with this problem; and therefore, I urge my colleagues to support it.

Thank you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Will you comment further on the bill before us?  
Will you remark further on the bill before us?

If not, will staff and guests please come to the Well of the House? Will the members please take their seats? The machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representative is voting by roll. Will the members please return to the chamber immediately.

DEPUTY SPEAKER BERGER:

Have all the members voted? Have all the members voted?

Will the members please check the board to determine if your vote is properly cast.

If all the members have voted, the machine will be locked and the Clerk will take the tally.

Will the Clerk please announce the tally.

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THE CLERK:

Bill Number 6235.  
Total Number Voting 146  
Necessary for Passage 74  
Those voting Yea 146  
Those voting Nay 0  
Absent and not voting 4

DEPUTY SPEAKER BERGER:

The bill passes.

Would the Clerk please call Calendar Number 408?

THE CLERK:

House Calendar 408, favorable report of the Joint Standing Committee on JUDICIARY, HOUSE BILL 5117, AN ACT CONCERNING INCREASED PENALTIES FOR FAILURE TO STOP FOR SCHOOL CROSSING GUARDS.

DEPUTY SPEAKER BERGER:

Representative Ritter.

REP. RITTER (1st):

Thank you, Mr. Speaker.

I mover for acceptance of the Joint Committee's favorable report and passage of the bill.

DEPUTY SPEAKER BERGER:

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**PLANNING AND  
DEVELOPMENT  
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## COMMITTEE

REP. SMITH: Thank you and good morning, Senator. Just you mentioned some costs in association with municipalities being audited and I'm just wondering where those costs would be placed. Would it be on the State or would it be on the municipality?

SENATOR MCKINNEY: I think the State has to pay for it. For -- for gosh, I forget how many years I've tried and failed to get an inspector general office in the State of Connecticut. And -- and I get opposition from both sides. The bottom line though is that I believe the evidence is pretty clear that when our management audits or when there is oversight of our money spent you end up saving more money than it costs you to do the audit.

But absolutely, there's going to be a cost to the auditor's office to do this. I think at the end of the day it will save money.

REP. SMITH: Okay. Thank you very much for your testimony.

SENATOR MCKINNEY: Thank you.

REP. D. FOX: Any further questions for Senator McKinney?

Seeing none, Senator, thank you for your time.

SENATOR MCKINNEY: Thank you very much.

REP. D. FOX: Up next we have Representative Berger followed by Representative Jack Hennessy.

Good morning, Representative.

REP. BERGER: Good morning. For the purposed of a record my name is Jeffrey Berger, representing the 73 District in the House. I'm here to

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testify in support of House Bill number 6235,  
AN ACT CONCERNING BLIGHT VIOLATIONS.

I'm going to go into a little bit of what we are going to try to do with that this year but I think it's appropriate to start off by first of all thanking the committee for it's very diligent work in the last legislative session on moving forward a very, very important blight bill which was House Bill 5319 which became Public Act number 12-146 which was generated out of this committee.

And Senator Cassano, Representative Gentile was the Chair of this committee last year along with Representative Smith -- Smith and Grogins were very instrumental in helping craft that legislation and we did some work with that and we had several markups and were successful in getting that passed.

So this bill before you today builds on the work that this committee and members that last year -- and I think as a caveat it should be stated on the record that in no way is it the intent of the Bill 6235 to be a hammer over the head of good landlords so to speak.

This really -- and the previous bill and what we are going to do with this bill addressed the real battling award so to speak that lets the property become blighted, brings down the quality of life in our neighborhoods, brings down the property value of properties in a neighborhood. And what -- and the work that we do here today and the work that we've done in the past deals with that in a very positive meaningful way.

This year under the House Bill number 6235 we would like to be able to expand the lien capability of the municipality on a landlord's

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real property. And that would be real property located in the State of Connecticut.

We would not be able obviously to lien property out of the State. This -- in speaking with different blight officers in different municipalities throughout the State we really find that the new language of providing a lien outside of the property that's currently blighted to an owner's real property either another rental property or his personal property -- he or she's personal property.

They find it to be a great tool that would be a great tool in recouping costs that the municipality would incur for cleanup and maintenance of that -- of that property. Last year's bill -- and just to kind of talk a little about what we did last year and how we don't want this to be looked at as a negative toward a landlord.

We built in language last year in House Bill 5319 that required such municipality to give written notice of any violation to the owner or occupant of the property and to provide a reasonable opportunity for the owner and occupant to remediate the blighted conditions prior to any enforcement action being taken. So we've created the impetus to clean the property.

We've protected the rights of the landlord but we really need to move forward on a stronger enforcement tool which would be the lien to be able to levy that on that property owner that has let that property go to disarray, blight, quality of life and property value decreasing. So there may be other components that we may want to add in to this later but the lien on real property is a key factor for us as a tool for enforcement. So thank you for your time

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and I'm available for questions.

REP. D. FOX: Thank you, Representative.

Are there any questions? Yes, Senator Fasano.

SENATOR FASANO: Thank you, Representative Berger for your testimony. Currently if -- if there's a blighted property the municipality -- go through those steps with me if I may. You get a notice saying the property is blighted, clean it up and then if it -- current law.

REP. BERGER: Yeah.

SENATOR FASANO: If they don't you could -- if it's dangerous I think the municipality has the right to board up the property. Right? And could lien the property for that value of work. Is that correct?

REP. BERGER: That is correct. Boarding the property, cutting the law, weeding, you know those type of things.

SENATOR FASANO: And what we're asking is for that lien to also be placed on personal -- on real property that the person owns in the State for whatever for that value.

REP. BERGER: Yes.

SENATOR FASANO: Is that incumbent on whether or not that blighted property has equity or not. So in other words if -- let's just take the hypothetical that there is -- a piece of property's blighted, there's no mortgages against it but it's blighted. Would you be incumbent upon saying well I don't want to do that property. I want to go do his house because that hurts more than this unmortgaged

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although plenty of equity for the town, the other one hurts more. Would -- would that be - - is that what this also envisions or is this a situation where there's no equity in the property?

REP. BERGER: It would be -- it would be -- well there's a couple of things. What happens oftentimes and I know the committee's aware of this is that a property will be blighted. There may not be a mortgage. The liens that the city would put on the property do not take precedence over any tax that the city or State may have incurred on the property.

So oftentimes as values decrease and oftentimes over the course of many years especially for a property that doesn't have a mortgage on it the -- the taxes both on the State federal level or whatever will oftentimes outstrip the value of the property.

The ability to be able to then lien a person's real property his -- say their residence would be really a strong message sent. And believe me, Senator, this is the last resort to have to do. It is hopeful that we would not have to get to there and the property would either be cleaned or sold or demolished in an appropriate way within the laws and regulations.

But we need to have that additional tool to go to the real property personal if -- if it was so desired by the municipality to do that. So it becomes another tool for us.

SENATOR FASANO: So if -- let's take the case of real estate taxes outstanding. That would be the municipal real estate taxes so they could foreclose on the real estate taxes right away if the guy -- whatever doesn't -- if it's a blighted property, they're behind in real

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estate taxes, there's no mortgage, foreclose on the real estate taxes, put the property out for sale, you're done with it.

So the blight's almost a secondary to -- your avenue to clean up the property which is foreclosure of the taxes. My concern is -- so I don't think a back tax issue is a big issue because you could take the property by taxes. My concern is -- and not for you per say but in another part you could get a overly aggressive municipality who says you have blight.

The guy says look, the economy's bad. I'm working on it. I'm just trying to stay a little bit above. Okay. We're going to lien your house. And it just seems to me a little bit tougher result. Most -- we give people mechanics liens when they do work on a house.

We don't allow those mechanics liens to drift to a personal residence or contract claims against a property to sort of stick to that property. It seems to me we're giving a large remedy for a municipality. If the property's blighted perhaps their other remedy is just to quicken the pace of the foreclosure for the back taxes. They usually sort of go -- bless you -- it usually goes hand in hand. So I'm just concerned about this being used more as a sword and then that just gives me some hesitancy.

REP. BERGER: And I understand that, Senator. But I -- I certainly believe that certainly in a bipartisan way last year we kind of addressed that concern that you had and we really created a tremendous amount of safeguards and protections so -- so to speak the municipality doesn't have to jump the gun and you know start imposing \$250 fines per day. There's quite a period of notification and reasonable time for

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the property owner to clean up.

So really the lien -- and we could -- we could craft that within the language. And I really would encourage the committee and those that have worked in the past on it to help out with that. That this is really a last resort. Once we've created all those -- once we've gone through those different firewalls so to speak that this would be a last tool where we would be able to hammer them.

SENATOR FASANO: Only because I'm just thinking of this sort of thinking about this out loud, if it was a last resort would you be adverse to if the town wanted to place a blight lien on the property other than the property that's blighted they would be allowed to do so subject to a court hearing?

REP. BERGER: Yes and we provide that in the previous bill also that they would -- there are civil penalties but there would also be -- be an opportunity to appear before court.

SENATOR FASANO: Because maybe the guy could put up a bond or something else --

REP. BERGER: .Yup.

SENATOR FASANO: -- in lieu to evade protection.

REP. BERGER: Sure. Yeah and we actually provide that in Public Act 12-146 and you know we could expand on that.

SENATOR FASANO: Okay.

REP. BERGER: Thank you.

SENATOR FASANO: Thank you. Thank you for your answers.

REP. BERGER: Yes, Sir.

REP. D. FOX: Yes, Representative Aman.

REP. AMAN: Yes. Just going on to that it all talks about going -- and the way you're referring you're talking about an individual who owns a couple of properties. I'm wondering how the LLCs or corporate entities would fit in to this and from your experience of properties that are blighted and the ones you're worried and concerned about how many of them are owned by individuals and how many of them are owned by corporations, LLC and I know last year a lot of the discussion was out of area landlords that were causing the problem.

REP. BERGER: Right.

REP. AMAN: And so I'm just trying to as a practical matter trying to figure out from your experience will this actually help or will it more just say oh we now can do this but there's nobody we can do it against.

REP. BERGER: Well -- and thank you for that -- for that clarification too, Representative. What we have found the obviously a lot of properties will be placed in LLCs. Mostly owners will put an LLC to protect themselves against liability. But the State of Connecticut has records for LLCs and for the principles of the LLC.

So there is a way to be able to track a principle of an LLC thereby finding a true to life owner safeguarded under the LLC but also a principle of the LLC that's liable and -- and it's a way for the municipality to be able to reach out to them to get a lien.

REP. AMAN: So you feel that an LLC that owns the

property you would be able to pierce the LLC and go to one of the partners and lien their home?

REP. BERGER: It is our desire to have that happen. Yes.

REP. AMAN: Then I guess I'd have to talk to some other attorneys about that.

REP. BERGER: Myself too.

REP. D. FOX: Any further, Representative?

Senator.

SENATOR OSTEN: Thank you very much.

Having placed such blighted liens on properties before I -- most of our blighted properties tend to be owned by banks. Are you saying that then we would be able to put a lien on the bank itself? So say Bank of America owns probably ten properties in town, probably some of the worst properties in the town where I'm the First Selectman. Are you saying that I could then put a lien on Bank of America?

REP. BERGER: You could put a lien on Bank of America any other property that they may have located within the State of Connecticut.

SENATOR OSTEN: So I could put a lien on their bank? The bank property that they own?

REP. BERGER: Yes.

SENATOR OSTEN: Is that what you're saying here.

REP. BERGER: Yes.

SENATOR OSTEN: And having reached out to see if

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those particular organizations how would they plan on handling that, most of the time it's very hard to find someone from the bank to even respond to you on a blighted property.

REP. BERGER: We -- we've actually, Senator, been very successful in working through some different contacts with Bank of America actually specifically and also with Chase in the City of Waterbury --

SENATOR OSTEN: Yup.

REP. BERGER: -- to be able to almost not get to the level where we would have to lien other property where they actually would be able to go -- and they have to go in to board, to clean property, to maintain it, if there's garbage there clean it. So we've been successful with what we did last year sort of as the hammer to move them along.

But this would obviously then be another tool that we'd be able to utilize in another property that bank -- Bank of America may own not only in that municipality but also in the State of Connecticut.

SENATOR OSTEN: Okay. Thank you.

REP. D. FOX: Yes, Representative Davis.

REP. DAVIS: Thank you.

And thank you, Representative Berger. Would there be concerns that the banks would then use subsidiaries to own each one of these properties and then by putting those liens it would have limited effect on putting the liens on other properties throughout the State because they would in fact be setting up shell companies perhaps to actually hold these

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foreclosed properties and transfer those to those foreclosed companies to hold the property that way to avoid a scenario in which you're attempting to create?

REP. BERGER: They could potentially do that. I have not seen that, Representative Davis, occur yet in our area and in the municipalities that surround Waterbury -- the Greater Waterbury area. I have not seen that take place but obviously you could be creative in that way.

REP. DAVIS: And I'm sure they will be. We'll see.

REP. BERGER: Most of the times they will react in a positive especially what -- you know the work that we did from last year which was created and we -- and we worked with the banks on this last year on creating this language so to come up with some consensus. So it's been very beneficial. So I really don't see that happening. I really envision this you know outside really the quote, unquote you know the drastic slumlord that may be you know he's living out of town.

Maybe he owns two or three properties completely blighted, neglected. You know the city has put you know \$10,000, \$20,000 in liens on the property, is moving to foreclosure on taxes. And you know they're sitting in a house that probably has no mortgage on it and just letting neighborhoods to into the hole and not caring about their investment, not caring about their responsibility to the community and living outside basically of the law.

So listen let's give -- let's give those municipalities the tools to make something happen and create some accountability.

REP. DAVIS: Sure. I certainly understand your

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concern and thank you for your testimony.

REP. BERGER: Thank you, Representative Davis.

REP. D. FOX: Do you have any further questions?

Yes, Representative Smith.

REP. SMITH: Thank you, Mr. Chair.

And good morning, Representative.

REP. BERGER: Good morning, Representative Smith.

REP. SMITH: It's nice to talk about blight once again. This kind of reminds me when I built my house back in 1996 I thought I would be done forever --

REP. BERGER: Yeah.

REP. SMITH: -- and remodeling or having to do any wrong repairs but how wrong was I in thinking that?

REP. BERGER: We're all in that same boat.

REP. SMITH: Yes. So here we are talking about blight again. We did do something with the lenders with the last bill I believe and I was looking at the statute quickly, we gave a 30 day notice provision that if you were a new owner or a new occupant or someone who took title within the past 30 days prior to the notice such as a bank may have done in foreclosure action then they would then have an opportunity to remedy the situation occur before being penalized in the statute as it exists now. Is that your understanding?

REP. BERGER: Yes it is.

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REP. SMITH: Okay.

REP. BERGER: I feel like I'm being cross examined a little bit.

REP. SMITH: You know I have tendency to do that. I apologize. It's just--

REP. BERGER: It's like my old police days you know?

REP. SMITH: Yeah I just -- you probably deserve it being up there.

REP. BERGER: I'm trying to answer with short answers.

REP. SMITH: If you don't know the answer I recommend not answering the question then.

REP. BERGER: Thank you. Thank you, Attorney.

REP. SMITH: Yeah. The -- the fine or the lien that you anticipate being placed on the -- on the property, what priority if you know would that have in terms of if there's a mortgage already on the property of the unblighted property? What priority would this new lien have?

REP. BERGER: Yes. And it's my understanding through language that I've read and obviously in the bill from last year that the only -- the only lien that it could supersede would be a tax lien. I mean it could not supersede a tax lien.

REP. SMITH: Okay. So with that understanding that if -- if I owned a piece of -- a blighted property and I owned another home within the same -- within the State of Connecticut and I had two mortgages on my home that was not blighted and I did not remedy the blighted condition and the town was ready to put a lien

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on either that property or my home with the two mortgages and the town went ahead and did that. They put the lien on the home with the two mortgages so that lien would then have priority over those two mortgages?

REP. BERGER: It is my understanding that that is correct.

REP. SMITH: Which of course raises a concern actually for the banks I would assume.

REP. BERGER: Depending on the equity, Representative, in that house that would be liened that would have the two mortgages.

REP. SMITH: But I think Senator Fasano was trying to get to that point before as to you know would the town be looking to see okay here's a property with one mortgage and \$300,000 worth of equity and we have a blighted property that has basically no equity, let's put the lien over here. I anticipate that would be part of the thinking.

REP. BERGER: Yeah.

REP. SMITH: I thought I heard you testify that you were looking to have this bill apply if -- for instance if Richard Smith owns a property and it's blighted but I own a home that's an LLC's name, you know Smith LLC that you wanted this bill to be able to get to the situation where you could put a lien on the Smith LLC property. Was that accurate?

REP. BERGER: Yes or vice a versa.

REP. SMITH: So you'd put a lien on either one? I'm not sure how we can get to the LLC. I'm just -  
- I've been thinking about it you know. You know if there's a lawsuit against a person and

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or a company and we want to get to the person we usually have to what's called in legal terms pursue the (inaudible) and get down to the personal liabilities. I'm not sure that we can do that on this type of bill but I'm sure the lawyers in the LOB here can figure that out if there's a way.

REP. BERGER: Yeah.

REP. SMITH: But that may be difficult.

REP. BERGER: Yeah and I appreciate -- and I appreciate your concern with that and we'll obviously work with Representative Grogins and the -- the chairs and ranking members and committee members on that with -- with legal staff. But if we can get a little win this year so to speak and on the lien if we have to work further down the road on the LLC capacity then so be it.

REP. SMITH: I'm sorry just one more question that came to my mind. Going back to the scenario where I own a house that has two mortgages and a blighted property and the priority of the blight lien would take preference over the two mortgages. Would you anticipate some type of notice to those two lenders in the situation that okay we now have a lien that we can place wherever we want to place it and the lender on my home may be totally different from the lender on the blighted property? How do they know that this is happening and what can they do to -- to remedy that situation?

REP. BERGER: I would certainly agree with you that notification would be an appropriate way for us to -- to write or draft language in this new portion -- the new clause.

REP. SMITH: Thank you.

REP. BERGER: Yeah.

REP. D. FOX: Any further questions?

Yes, Representative.

REP. VICINO: Good morning, Representative.

REP. BERGER: Good morning, Representative Vicino.

REP. VICINO: I understand your intentions with the blight issue that's happening all over the State. In my local district there's several different blight properties. Some are slum lords, some are land hardships with negotiations with insurance companies. They collect on policies where there was arson or possibly unforeseen fires. These things take a while to work out. People are upset and the problem is the blight itself.

Getting involved with the -- going after additional properties with piercing corporations and court hearings could prolong this whole project being that the whole problem is the initial problem of the blight right from the start where possibly the State could look at the statute to enforce the present statute to speed up the process and give municipalities more teeth on what we have on the books so that we can move through this quicker being that some of these processes fall into a dead zone where they just sit there.

And if we could go back and repair what we have on the books now versus getting into new open territory that from what I can hear in this room might even prolong the problem. Thank you.

REP. BERGER: And if I -- if I can comment on that

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through the Chair. And you're absolutely correct. And what we did -- and I would encourage you, Representative, to go back and review Public Act 12-146 and that was House Bill 5319 which was last year's legislative session.

And I believe we got exactly at what you were talking about creating timelines, creating certain scenarios where we didn't get bogged down where we had in the past that we created 30 day notice and daily parameters where the property would be viewed and evaluated so we kind of got to that on -- and I believe we really, really created again the timelines that you were talking about and many were concerned about in the past.

This is just going to be another tool added on at the end when all else fails and we -- we've addressed all the issues and the city has gone through an exorbitant amount of money as you're aware of to try to maintain a property. But this is our last resort.

REP. D. FOX: Any further questions?

Representative Berger, thank you very much for your time and testimony.

REP. BERGER: Thank you, Representative Fox.

REP. D. FOX: Next we have Representative Jack HENNESSY.

REP. HENNESSY: Good morning, Representative Fox.

REP. D. FOX: Morning, Representative. How are you?

REP. HENNESSY: Good thank you. Senator Cassano, Senator Osten, Fasano, Representative Aman, members of the planning and development

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But I think it makes good sense. I would -- I would look at an ordinance. I think part of the problem is in the end too even when it -- if you do have an ordinance, you do have the register's that try to keep it current.

I don't know how you could keep it current unless you propose some fines or some type of levies. But I would think I would start on the local level to take a look at that.

JODIE PAUL-ARNDT: Okay. We can definitely do that.

REP. DIMINICO: Thank you.

JODIE PAUL-ARNDT: Thank you.

REP. D. FOX: Are there any other questions? No.

Thank you for your testimony.

JODIE PAUL-ARNDT: Thank you.

REP. D. FOX: Next up is Chris Rosario followed by Ron Thomas and Tim Malone.

CHRISTOPHER ROSARIO: Good afternoon. Christopher Rosario, Director of Anti-Blight City of Bridgeport. Thank you for the opportunity to testify in support of House Bill 6235, AN ACT CONCERNING ANTI-BLIGHT VIOLATIONS. Blight is a huge problem that affects all municipalities throughout the State. In particular blight has become a cancer in regional cities with the largest populations.

As a result of the recent economic decline we have seen a significant increase in blight now only the amount of properties but the severity of it as well. With the economic climate on our nation and State whether positive or negative does not negate the responsibility of

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owning property. It is the duty of the property owner to maintain their property. It is the duty of -- and it is the duty of the municipality to do everything within its power to enforce this blight ordinance. The City of Bridgeport arguably faces the worst cases of blight.

On average the City has its hands full with 500 or more blighted properties on an ongoing basis. Many of these property owners are repeat offenders who game the system as much as possible. Others are absentee landlords living in pristine homes while their tenants live in shambles. Some are investors scooping up cheap properties now thinking that when the economy gets better they'll turn them around. Other property owners have just simply walked away from the property with no intention of selling it or not intent to maintain it.

No matter what their reason is, the residents look to the City to do something about it and we are doing all we can to get it cleaned up. We are fining property owners and we're putting liens on blighted properties but this process is not a deterrent to property owners. We continue to see repeat offenders, abandoned homes and absentee landlords. The primary goal is to prevent blight from happening in the first place.

The secondary goal is to be able to quickly remedy eliminate existing blight. This proposed bill is critical in the ability of a municipality to truly fight the growing disease. It is my belief that empowering municipalities to place liens on other property owned by these property owners will bring about swift compliance with municipal blight ordinances. History shows that the absentee property owners are not concerned with their

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blighted properties and are less concerned with the liens placed on them.

But these same property owners take a great care of their houses where they live at and their businesses that they run. If a property owner has the audacity to outright neglect a property in a particular municipality then why shouldn't the same municipality have the ability to lien the other property owned by this individual. Taking care of all our -- all your properties is the fair and decent thing to do.

Let's take another big step towards cleaning up our city neighborhoods so that they can thrive again. I thank you for addressing this issue and giving me the opportunity to provide testimony.

REP. D. FOX: Thank you for your testimony.

Are there any questions? Representative Grogins.

REP. GROGINS: Thank you.

Thank you, Mr. Rosario for testifying. What percentage of the properties that you have blight liens on are you able to resolve in a favorable manner?

CHRISTOPHER ROSARIO: Right now we're about a 45 percent clip. The -- where the problem -- we're reliant to the problem. It's kind of like the flip side. Other -- other cities have problems with bank owned properties. We deal with a company called Compliance Connections so once we find out that it is a bank owned property we deal with this outside company, the identify the REO and then we tell them what violations we have and then they hire

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contractors to clean it.

Our main issue right now is the LLCs and we also have you know non-LLC owned properties that they live in Trumbull, they live in Fairfield and Monroe and they have lavish houses but they have shambles, you know houses that are in shambles in Bridgeport. Those are the folks that we really are targeting.

REP. GROGINS: Do you find that with those properties that you just referred to that you're unable to effectuate them to clean up their properties because maybe the property values are well below what the liens are or whatever for whatever reason?

CHRISTOPHER ROSARIO: Correct. And in many of these cases they'll give you the whole you know listen the economy's bad you know I don't have any money to put into it. But if, you know, if we attach a lien for whatever the fines or emergency weather clean up if need be if it's that bad I think that would wake them up to take action.

REP. D. FOX: Senator Fasano.

SENATOR FASANO: Thank you very much, Mr. Chairman.

Thank you for testifying. You did a very good job.

CHRISTOPHER ROSARIO: Thank you, Senator.

SENATOR FASANO: You know one of the things on the notice issues what -- I guess what I was saying is that if we send tax bills to the whatever address they have the fact that that's the wrong address is no defense in that the tax bill must get paid. They can't say it's -- you have the obligation of making sure the right

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address is -- the tax bill's done.

Maybe one fix that we can talk about is saying that whatever that address is for your tax bill is deemed your legal notice for any notice with respect to municipalities. So we don't have to set up a whole new system to say you must you know give us an address change and -- no if -- if -- whatever the address is for your tax bill we send you a blight letter to that address, you don't respond to it and there's a serious issue and they ask for your warrant for an arrest like the last lady was talking about.

As long as we show that it went to the address on that tax bill that's it. It's done. It's incumbent upon the property owners to make sure they give us the right address and if they don't they suffer the consequences. That's the way I'd like to do it because if we have it for tax bills then it's going to work for all notices and we'll have our researchers take a look at that and maybe think of some language so at least that gets over the notice issue. But I appreciate your testimony.

CHRISTOPHER ROSARIO: Thank you. Well what we find is we do check the tax records and we do send out notices to the tax address. They keep paying their taxes but we keep getting the mail back. That's where our detective work comes in and we have staff members that are dealing with this outside company that we deal with and we give them the address and they find their address outside of the -- you know outside of the City. And then we send our notices there.

SENATOR FASANO: But I think what we're going to do -- not that --

CHRISTOPHER ROSARIO: Because that would definitely

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-- that would definitely help out.

SENATOR FASANO: I would suggest in my -- I would suggest in my committee that that tax bill address is the address for all notices so the courts, the prosecutor's office, everybody can run off of that address because we'll give them the -- and we'll talk about but my -- at least talking up here a little bit that would give them the threshold they need in statute to proceed to the next level. It shouldn't be up to you guys.

You know they say okay we'll pay the tax bill but we're going to pretend like we didn't see these others and let them chase us. It's a waste of taxpayers' dollars for someone who's disrespecting a community and not playing by the rules. We shouldn't cut them slack. We should hold their feet to the fire and maybe that's something we could look at.

CHRISTOPHER ROSARIO: Absolutely.

SENATOR FASANO: And I think it's a very good point to bring up. Thank you.

CHRISTOPHER ROSARIO: Thank you.

REP. D. FOX: Are there any other questions? No.

Thank you for your testimony.

CHRISTOPHER ROSARIO: Thank you all.

REP. D. FOX: Ron Thomas or someone else from CCM? No. No. Okay. Tim Malone followed by Dennis Waz.

TIMOTHY MALONE: Hi. I'm Tim Malone. I'm from the Central Connecticut Regional Planning Agency. We represent Berlin, Bristol, Burlington, New

HB 5966

**JOINT  
STANDING  
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law/gbr PLANNING AND DEVELOPMENT

10:00 A.M.

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SENATOR CASSANO: Thank you.

Thank you.

JENNIFER BUCHANAN: And if I could please.

SENATOR CASSANO: Yeah.

JENNIFER BUCHANAN: Bill number -- the blight violation, 6235, AN ACT CONCERNING BLIGHT VIOLATIONS. Being a resident of the City of Bridgeport I strongly support this. For 12 years I was a mortgage originator. I worked for Washington Mutual Bank, Chase Bank and for MetLife Insurance when they had a banking division that originated mortgages.

So I know a little bit about how the banks handle blighted properties, what their opinion is on it. What you may not realize for a bank to foreclose on a property and start managing it out the door normally it costs them between 15 and \$17,000 to foreclose on a property. That is a lot of money. Banks are in the business of making money. So for them to manage blighted properties the last thing they want is a bad name in the community. They do not -- they're in the business of having you bring your money to them.

So putting pressure locally on every single branch, walking in there, making them aware that they're going to let the community know that they have a blighted property they're not taking care of. That's going to work its way up the chain really fast and get some work done.

But in the meantime we have right next to me is -- is a building that's blighted. There was actually a rabid skunk -- a raccoon living in it and I had to go out literally for four hours

## COMMITTEE

in the sun keeping people away from it because I live on a street that's on a way to the park. It was a Sunday afternoon and there were a lot of children and families walking.

I called the police. I called animal control. They showed up six hours after the call. My neighbors called. My daughter is a veterinarian. I sent her video of the -- the animal and showed her -- told her the symptoms and she said that animal has rabies and it's our wandering on the street.

So this is an issue of a person that I know owns several properties in the City of Bridgeport. And they don't live in the City of Bridgeport and they don't really care. I know who that person is and I called them and they came the next day. So there -- we have a lot of incidences in the City of Bridgeport.

It's a real hardship on us. If I ever decide to sell that house even though it's on the water it's going to be really tough to sell it with that house next to me. We need some help (inaudible). Thank you.

SENATOR CASSANO: Thank you very much.

Rich Torres then Greg Pappas.

RICK TORRES: All committee members my name is Rick Torres not Rich.

SENATOR CASSANO: Okay.

RICK TORRES: I guess I can be Rich today. I am a former candidate for mayor in the City of Bridgeport two times in the Republican Party. I want to commend this committee for the questions that I've heard overall on many issues.

HB 5724

Testimony of Robert Foley of Bridgeport in support of HB 6235  
Planning and Development Committee Public Hearing  
Wednesday, February 13, 2013

Please support this bill

I am in favor of this blight bill that I asked Representative Auden Grogins to introduce holding absentee property owners personally responsible for continued blight violations

The bill number is HB 6235 AN ACT CONCERNING BLIGHT VIOLATIONS

Thank you

Robert Foley  
272 Brewster Street  
Bridgeport, CT 06605

February 12, 2013

Testimony in Support of HB 6235 - AN ACT CONCERNING BLIGHT VIOLATIONS

Thank you to all of the members of the Planning and Development Committee for considering my testimony in support of HB 6235, An Act Concerning Blight Violations. My name is Joy Cline Cadwallader and I have lived in the Black Rock section of Bridgeport (Representative Grogin's district), for the past eight years. I provide this testimony, in lieu of my ability to appear before you in Hartford to deliver it personally, to urge you to pass this important piece of legislation

As is well known, Bridgeport is a city hit hard with the economic downturn this past decade, and in particular these past five years. The city is plagued with abandoned buildings, residences and lots that are an eyesore at best, and a danger to residents at worst

In our little enclave of Black Rock, we are blessed to be surrounded by good neighbors and friends, but even here we see the scourge of blight. There is a house a block away from where my husband and I are raising our two small children that remains blighted and is not only awful looking, but I believe is a danger to the neighborhood. Our children (6 and 4 yrs. old) call it the "spooky haunted house." It is hard for me to understand why the owners of this otherwise key piece of property have left it to fall into such disrepair that it really does look like a nightmare. The windows are boarded up, the breezeway that once led to a garage is a ragged, sharp, splintered mess since the garage collapsed sometime last year. If the investors who own this property had to look at this every time they left their house, maybe they'd do something about it. But there it stands, out of view of the people who own it, and in plain sight of all of us in the neighborhood. It is likely that it will stay like this forever, until something is done about it.

I believe this piece of legislation will give us the tool in the tool-box we need to effect positive change for our neighborhood, for the bigger part of Bridgeport and for all areas of Connecticut that are suffering with little recourse from slumlords who won't and don't do anything to clean up their properties. This law will enable the municipality to recover blight liens and fines by holding property owners personally responsible for blight violations. This will also help prevent those individuals from purchasing a piece of property who may be tempted to allow it to become or remain in disrepair.

Please consider this bill as if a property next door to your own personal residence or place of business were falling apart, filled with wild animals, rodents and insects, or worse, squatters with intentions of using the structure for manufacture of illegal street drugs. Blighted properties are a significant problem in our neighborhood and have a tremendously negative impact on our community.

Thank you for your time and consideration

Sincerely,

Joy Cline Cadwallader  
261 Grovers Avenue  
Bridgeport, CT 06605

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**CONNECTICUT  
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President, Calendar page 40, Calendar 514 House Bill Number 5725, also from the Committee on Planning and Development.

In addition, Madam President, I would like to mark as go on Calendar page 5, Calendar 346, House Bill Number 6322, from the Committee on Insurance and Real Estate. Also Calendar page 5, Calendar 347, House Bill Number 6547 also marked go.

Calendar page 14, California 524, House Bill Number 6380 also marked go. And we'll mark some additional times after -- after that, Madam President. Thank you.

THE CHAIR:

Thank you.

Mr. Clerk.

THE CLERK:

On page 13, Calendar 515, substitute for House Bill Number 6235, AN ACT CREATING A STATEWIDE TASK FORCE TO ADDRESS BLIGHT AND CONCERNING NOTICE OF FINES, PENALTIES, COSTS OR FEES FOR CITATIONS ISSUED UNDER MUNICIPAL ORDINANCES. Favorable report of the Committee on Planning and Development.

THE CHAIR:

Senator Cassano, good afternoon, sir.

SENATOR CASSANO:

Good afternoon, Madam President.

I will try and be as brief as the chaplain.

THE CHAIR:

Thank you, sir.

SENATOR CASSANO:

I move acceptance of the Joint Favorable Committee Report and passage of the bill.

THE CHAIR:

Motions are on acceptance and passage. Will you remark, sir?

SENATOR CASSANO:

Yes. This is a bill that creates a statewide task force to address blight and notices of fines and penalties.

I've always been one of those that's never been fond of task force and studies, but the reality is that we have 169 municipalities all establishing various blight rules, both residential and commercial, and they tend to all be different.

And at the request of CCM and the small cost -- in the small towns, they'd like to put together a committee that would address and come up with some standardized rules and ideas that would be beneficial to all of us. And that's the purpose of the bill.

THE CHAIR:

(Inaudible) Senator Kane, good afternoon, sir.

SENATOR KANE:

Good afternoon, Madam President.

Throw you just a quick question or two to the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR KANE:

Thank you, Madam President.

Senator Cassano, I'm glad you brought this bill up. It just raised a question in my mind in regard to my

own hometown, which has no blight ordinance. Does -- will this task force speak to that or look to that at all through you?

THE CHAIR:

Senator Cassano?

SENATOR CASSANO:

Through you, Madam President, we would hope that it would be a document that would be a model for all cities and towns to adopt. Unfortunately, even the finest of towns have parts that have blight. neighbors are affected by it, impacted. you probably see that in your own. And there are no rules to deal with those.

And so it's our hope that we have a set of rules that would be sensible enough and doable enough so that everybody could implement them.

THE CHAIR:

Senator Kane

SENATOR KANE:

Thank you, Madam President.

And if so the towns would adapt them by ordinance, through you?

THE CHAIR:

Senator Cassano

SENATOR CASSANO:

Yes. Whatever the process is in the various towns, where the town council ordinance or whatever, it would be -- it would have to be adopted locally, local option.

And -- and it would be dependent again on oversight, who does the oversight whether it's planning or

development or in some towns they have specific offices to do that. Then that's how it would be done.

(Senator Duff in the Chair.)

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

I was wondering if it was something I said that scared the Lieutenant Governor off maybe.

The -- the next question I would have is CCM came to your committee to propose this legislation through you, Mr. President?

THE CHAIR:

Senator Cassano

SENATOR CASSANO:

It was an informal discussion following a public hearing they had where there were a couple of requests on blight ordinances and so on. we have passed some of these in the past. And so we had just a very -- one of those, you know, what if type of conversations, and they quickly agreed that they would like to participate.

Cost as well was agreed as well, and so we said let's put this into a bill form so that we can generate a statewide look at this. and that's how it really came about.

THE CHAIR:

Senator Kane

SENATOR KANE:

Thank you, Mr. President.

And who would be performing the study through you?

THE CHAIR:

Senator Cassano

SENATOR CASSANO:

A task force consisting of the following, the chairpersons and ranking members of the joint standing committee, the General Assembly, that have cognizance. Two appointed by the House of -- the speaker of the House. One of them shall represent resident tenants. Two appointed by the president of (Inaudible) Senate, one who shall represent residential land lots, one appointed by the majority leader of the House of Representatives, who shall represent the CCM.

One appointed by the majority of the Senate who shall represent the International Council of Shopping Centers. One appointed by the minority leader of the House of Representatives shall represent the Connecticut Business and Industry. Somebody to represent the Council of Small Towns, minority leader of the Senate, and so on.

And so it's a real mix trying to get business and residential. and I think it really could be a useful document.

THE CHAIR:

Senator Kane

SENATOR KANE:

Thank you, Mr. President.

One last question, if I might. You know, why can't CCM do this on their own, with their own participating towns? For example, putting out a survey to their members, a questionnaire. You know, why couldn't the organization do that?

and -- and I've seen the fiscal note. It's less than \$1,000, which is just mileage for the members to come up and participate, but you know, I'm just curious if

there were any other resources needed or, you know, why the necessity.

and I think it's a -- I don't disparage the idea. I think it's a good idea. I'm just curious why CCM couldn't do this on their own and they need legislation or need us to do it through you.

THE CHAIR:

Senator Cassano.

SENATOR CASSANO:

Through you, Mr. President, CMM originally has basically done this on their own in their own network. Cities are calling in cities, and others are saying what are you doing about it and how did you go about it? And what does your ordinance say? Can I get a copy?

but what this does is it brings in shopping centers, brings in business -- business and industry. It's a much broader base that CCM really couldn't get to the table with any effect.

So I mean, this could be a document that really is -- has an impact for all of our cities and towns because of the broad base of the participants.

THE CHAIR:

Senator Kane

SENATOR KANE:

thank you, Mr. President.

I thank the good Chairman for answering my questions, and I will support the bill. Thank you.

THE CHAIR:

Thank you, Senator.

Remark further on the bill?

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

Mr. President, a question or two through you to the proponent, please.

THE CHAIR:

Please proceed, sir.

SENATOR MCKINNEY:

Thank you, Mr. President.

Senator Cassano, what -- what would be the impact of the work of this task force on towns who have already implemented blight ordinances. Through you, Mr. President.

THE CHAIR:

Senator Cassano.

SENATOR CASSANO:

Through you, Mr. President, those towns that have existing blight ordinances would not be affected. they may, if they choose, make changes based on recommendations by this particular committee. Many -- many may become models for what's being done here.

SENATOR MCKINNEY:

Is there --

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Through you, Mr. President, and thank you for that answer. is there a need for towns to have uniform blight ordinances, through you, Mr. President?

THE CHAIR:

Senator Cassano.

SENATOR CASSANO:

I don't believe so. But to have a uniform guideline, so that you can establish your own ordinances based on your property values, your sense of community and so on, it would be a very helpful direction with the kind of participation that we have, to know the ramifications of what it means to establish an ordinance like this, and so from that point of view it would be helpful.

and some may alter existing ordinances because maybe they left something out or fines were different or time periods were different. there's so many factors here that it could help those that have no ordinances, up to those that do.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Senator.

I appreciate you answering my questions. I guess I would just close in saying that while I don't see anything wrong with the task force, I don't know why I have this feeling that task force recommendations will lead to some law which will state that towns can only do certain things with blight ordinances, and then my home town, which spent a lot of time in trouble in enacting a blight ordinance, will somehow be mandated to change.

I -- I know that's not the senator's intent, and I don't know -- and I know that's not what this is intended to do. But I also know this place, and that's -- that's my long-term fear. thank you.

THE CHAIR:

Thank you, Senator.

Will you remark further on the bill? Remark further on the bill.

Senator Cassano.

SENATOR CASSANO:

Yes. I would -- I would like to comment back to Senator McKinney. I feel as you do. We have a very good blight ordinance. we have a zoning enforcement officer to make sure it works. It makes -- it makes for a better community.

We don't want to go backwards, but if there are ideas that make it better than that's fine. And so I do share those concerns and I think that we'll come out of this with a good product.

Seeing no other hands, I'd ask that this be placed on the Consent Calendar.

THE CHAIR:

Is there objection to place this on the Consent Calendar? Seeing and hearing none, so ordered.

SENATOR CASSANO:

Thank you.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 4, Calendar 514, House Bill number 5725, AN ACT CONCERNING THE STATEWIDE PHOSPHOROUS REDUCTION PLAN. Favorable report of the Committee on Planning and Development.

THE CHAIR:

Senator Cassano.

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Calendar page 29, Calendar 653, substitute for House Bill Number 6699. And, finally, Madam President, on Calendar page 31, Calendar 664, substitute for House Bill Number 6689.

I would like to add those items to our Consent Calendar and, and now call for a, I would ask the Clerk to list all of the items on the Consent Calendar and then proceed to a vote on that first Consent Calendar.

Thank you, Madam President.

THE CHAIR:

Thank you.

Mr. Clerk.

THE CLERK:

Today's first Consent Calendar, on page 5, Calendar 341, House Bill 6364; Calendar 343, House Bill 5425; Calendar 346, House Bill 6322; Calendar 347, House Bill 6547; and on page 6, Calendar 349, House Bill 5513; page 9, Calendar 450, Senate Bill 921; on page 13, Calendar 506, House Bill 6491; Calendar 515, House Bill 6235.

On page 14, Calendar 524, House Bill 6380; on page 16, Calendar 559, House Bill 6508; page 17, Calendar 563, House Bill 5617; Calendar 569, House Bill 6485; and on page 19, Calendar 588, House Bill 6549; on page 23, Calendar 614, House Bill 6587; Calendar 616, House Bill 6678; page 25, Calendar 629, House Bill 6662; on page 26, Calendar 633, House Bill 6576; and on page 27, Calendar 640, House Bill 6550; on page 28, Calendar 650, House Bill 6659.

And on Page 29, Calendar 653, House Bill 6699; Calendar 655, House Bill 6339; page 31, Calendar 664, House Bill 6689; Calendar 665, House Bill 6355; page 34, Calendar 201, Senate Bill 911; and on page 40, Calendar 514, House Bill 5725.

THE CHAIR:

Mr. Clerk, will you call for a roll call vote on the first Consent Calendar. And the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.  
Senators please return to the Chamber. Immediate roll call in the Senate on the first Consent Calendar of the day.

THE CHAIR:

Yeah, thank you. Good. There we go.

If all members have voted, all members have voted, the machine will be closed.

Mr. Clerk, will you please call the tally.

THE CLERK:

On the first Consent Calendar,

Total Number Voting 34

Necessary for Adoption 18

Those voting Yea 34

Those voting Nay 0

Those absent and not voting 2

THE CHAIR:

Consent Calendar passes.

Senator Looney.

SENATOR LOONEY:

Madam President.

THE CHAIR:

Senator Looney.