



# Analysis of Impediments To Fair Housing Choice

City of Middletown, Connecticut

Draft for Public Comment

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## **I. Introduction and Executive Summary**

### **A, Introduction**

The purpose of this document is to meet the provision outlined in Section 808(e)(5) of the Fair Housing Act which requires that the Secretary of HUD administer housing and urban development programs in a manner to affirmatively further fair housing. The various housing and community development programs through which the City receives funds, require grantees to certify that they will affirmatively further fair housing as part of the obligation assumed when they accept HUD program funds. In 1995, as part of the final rule for Consolidated Submissions for Community Planning and Development Programs (24CFR91) it was required that grantees submit an Affirmatively Furthering Fair Housing (AFFH) certification as part of their Consolidated Plan. This certification, which is signed every year by the Mayor as part of the City's Annual Action Plan requires grantees to undertake Fair Housing Planning (FHP) through:

- 1) The completion of an Analysis of Impediments (AI);
- 2) Actions to eliminate any identified impediments; and
- 3) Maintenance of AFFH records.

The Analysis of Impediments to Fair Housing Choice (AI) is a review of impediments to fair housing choice in both the public and private sector. Impediments to fair housing choice are defined as:

- Any action, omissions, or decisions taken because of race, color, religion, sex, disability, familial status or national origin which restrict housing choices or the availability of housing choices; or
- Any actions, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status or national origin.

According to the HUD Fair Housing Planning Manual, the broad objectives of Affirmatively Furthering Fair Housing can be interpreted to mean:

- Analyze and eliminate housing discrimination in the jurisdiction.
- Promote fair housing choice for all persons.
- Provide opportunities for racially and ethnically inclusive patterns of housing occupancy.
- Promote housing that is physically accessible to, and usable by, all persons, particularly persons with disabilities.
- Foster compliance with the nondiscrimination provisions of the Fair Housing Act.

The City prepared its initial Analysis of Impediments to Fair Housing in 1996. Now, in 2011, an update has been prepared to reflect the changes in the community and activities undertaken to further fair housing since 1996

### **B. Executive Summary**

#### **1. Analysis of Impediments to Fair Housing Process**

The City of Middletown's Analysis of Impediments to Fair Housing is a result of a collaborative effort among numerous departments and agencies. For the 2011 revision, a multi-departmental input and review was utilized to develop the Analysis of Impediments. The City of Middletown's Department of Planning, Conservation and Development acted as the lead agency for this review. The Human Relations and Consumer Protection Departments provide information, statistical data and review of the plan. Other sources that may be the City of Middletown's Citizens' Advisory Committee, Commission on Human Relations, and Committee Concerning People with Disabilities, Services Commission. The Middletown Common Council provided ultimate approval authority.

The majority of the background material included as part of this analysis was collected from other documents and studies previously prepared by City departments and agencies and outside sources. Materials from the City's most recently completed Consolidated Plan for Housing and Community Development Programs; annual performance reports; and plans and studies prepared by the Middletown Department of Planning, Conservation and Development provided a strong framework for housing condition and housing activity analysis. This background data, when combined with the fair housing materials provided by the Housing Authority, housing and social service providers in the City provides a picture of housing opportunities and constraints in the City and the region.

## 2. Conclusions

### A.. Impediments Found

The City of Middletown has determined through its Analysis of Impediments to Fair Housing Choice that it is in compliance with requirements to affirmatively further fair housing. A continuation of existing programs and the development of new methods to improve housing choice will ensure continued compliance with the requirements embodied in Section 808(e)(5) of the Fair Housing Act and the regulatory requirements of the CDBG program. Improvements to the City's Fair Housing policies and programs will be made as needed in response to improved outreach and education, regional coordination and planning activities, and public input and criticism. The Analysis to Impediments supporting documentation will be kept current to ensure continued compliance and improvement.

This report found 12 areas that will require action or further review in order to ensure that Middletown is complying in its efforts to affirmatively furthering fair housing:

- Administrative Policies and Programs;
- Zoning;
- Rental Market, Section 8 and Public Housing;
- Homeownership Opportunities;
- Banking Practices and Predatory Lending;
- Challenges facing Affordable Units;
- Cost-Burden and Employment;
- Land Resources and Site Selection;
- Environmental Constraints;
- Public Transportation;
- Regional Issues: and,
- Accessibility.

### B. Actions to Address Impediments

Through the compilation of data and information for its Analysis of Impediments to Fair Housing Choice, few incidences of discriminatory conditions were uncovered. The major actions which need to occur are those which build upon the City's current programs. Actions to be taken over the next several years, as they relate to fair housing choice include:

- The City of Middletown will implement the recommendation of its Housing Study.
- The City should prepare and present a proposed licensing program for review in 2011.
- The City and the Middletown Housing Authority should meet on a quarterly basis to update each other on programs and develop areas for partnership.
- The City and local housing groups should meet to explore opportunities to create efficiencies and savings.
- The City of Middletown should work with local lenders to address the investment gap between wealthy and less wealthy sections of the City.
- The City of Middletown of Middletown will fund its Community Development Block Grant job programs
- The City will use resources that it has available through a US EPA Brownfield grant will develop a database of sites that are appropriate for infill development.
- The City will continue to maintain the inventory of historic properties on its website to allow developers and property owners to know when they have a historic structure that it eligible for reuse and reduced zoning requirements.
- The City will use resources that it has available through a US EPA Brownfield grant to investigate sites for hazardous materials and provided the results to the owners and the public.
- The City of Middletown through its representation on the Middletown Area Transits will support expansion of services or collaboration with adjacent public transit systems to create services to meet economic opportunities.
- The City of Middletown will participate with the MidState Regional Planning Agency and where appropriate neighboring regional organizations to develop regional solutions to transportation problems.
- The City of Middletown will participate with the MidState Regional Planning Agency and where appropriate neighboring regional organizations to develop regional solutions to the affordable housing problems.

- Extending the Audio-voice crosswalks for the visually impaired all along Main Street, south end, central and north end;
- Establishment of micro grants to provide accessibility improvements with in the home, such as ramps, accessible tubs, grab bars, and lever door knobs;
- Establish a formal program with Vinal Tech High School to provide assistance to the City's disabled as part of their community service requirements;
- Partner with the Chamber of Commerce to develop a disabled job coaching program; and,
- Work on revising the Design Guidelines for City reviewed private projects or City public works projects to implement universal design through out the City.

The City of Middletown is committed to the provision of fair housing choice as evidenced by the numerous programs and activities it supports. Enhancement of these programs coupled with the creation of new activities and techniques meet the objectives of affirmatively furthering fair housing choice.

## II. Middletown Background Information

### A. Demographic Summary

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The City of Middletown covers 42.5 square miles, or approximately 27,190 acres. The city's 2000 population totaled 45,563 persons, giving it a population density of 1,072 people per square mile. Middletown is the most densely populated of Middlesex County. Average household size is 2.23. Average household size of an owner-occupied unit is 2.49 and average household size of a renter-occupied unit is 1.95 persons. Average family size (related) is 2.90 persons.

Since 2001, Middletown's population has increased by 4.4% from 45,563 to 47,568. Middletown has an estimated growth rate of 0.6% for each year. This equals to an estimated 273 new residents per year or an estimated 10 households per year.

Middletown is also growing older as a community. Between 2001 and 2008, median age has risen from 35 years to 38. The largest age segment of the community is the 25-49 years old cohort. But this segment decrease in size by 3.4% since 2001. The 50-64 years old cohort saw the largest gain of 29.9%, an increase from 6,246 people to 8,113. The cohort to experience the second largest gain was the 65 years of age and older cohort, with a gain of 16.3%. While Middletown will likely continue to get older, recent trends in the 0-4 year cohort could counter the aging trend for Middletown. With an 11.1% increase in young children, Middletown could be experiencing a local baby-boom, however evidence is sketchy at this time. Therefore Middletown could be challenged with the competing needs of seniors and very young children, over the next five years.

Middletown continues to be attractive to immigrants. 4,137, or 9.6%, of Middletown's residents are foreign born. 50.9% of the foreign born population has become naturalized citizens. From 1990 to 2000, 1,606 foreign born residents of Middletown entered the United States. This is an increase of 113% from the period 1980 to 1990, where 752 foreign born residents of Middletown entered the United States. 45.7% of the foreign born residents originated from Europe. The predominate non-English languages spoken in Middletown are Spanish, Italian and Polish. 1,092 residents speak little to no English.

Middletown is also growing more diverse, with the exception of the Native American cohort, Middletown's racial minority cohorts are all increasing in population from 2001 to 2008. The largest percent increase was record by those claiming to be either a multi-racial or declared themselves as other. This segment saw an increase of 299%. Asian and Pacific Islander segment saw an increase of 118%. Hispanics saw an increase of 32.7%. African-American community is still the largest minority population in Middletown. However, the African-American population experienced the smallest increase of 15.1%, growing from 4,790 in 2001 to 5,514 in 2008. Caucasians decreased in population by -7%, from 36,856 to 34,279.

In 2000, 39% of Middletown residents, who are 18 years of age and older, had not obtained a high school diploma. In the downtown and north end 51% of residents, 18 years of age and older, had not obtained a high school diploma.

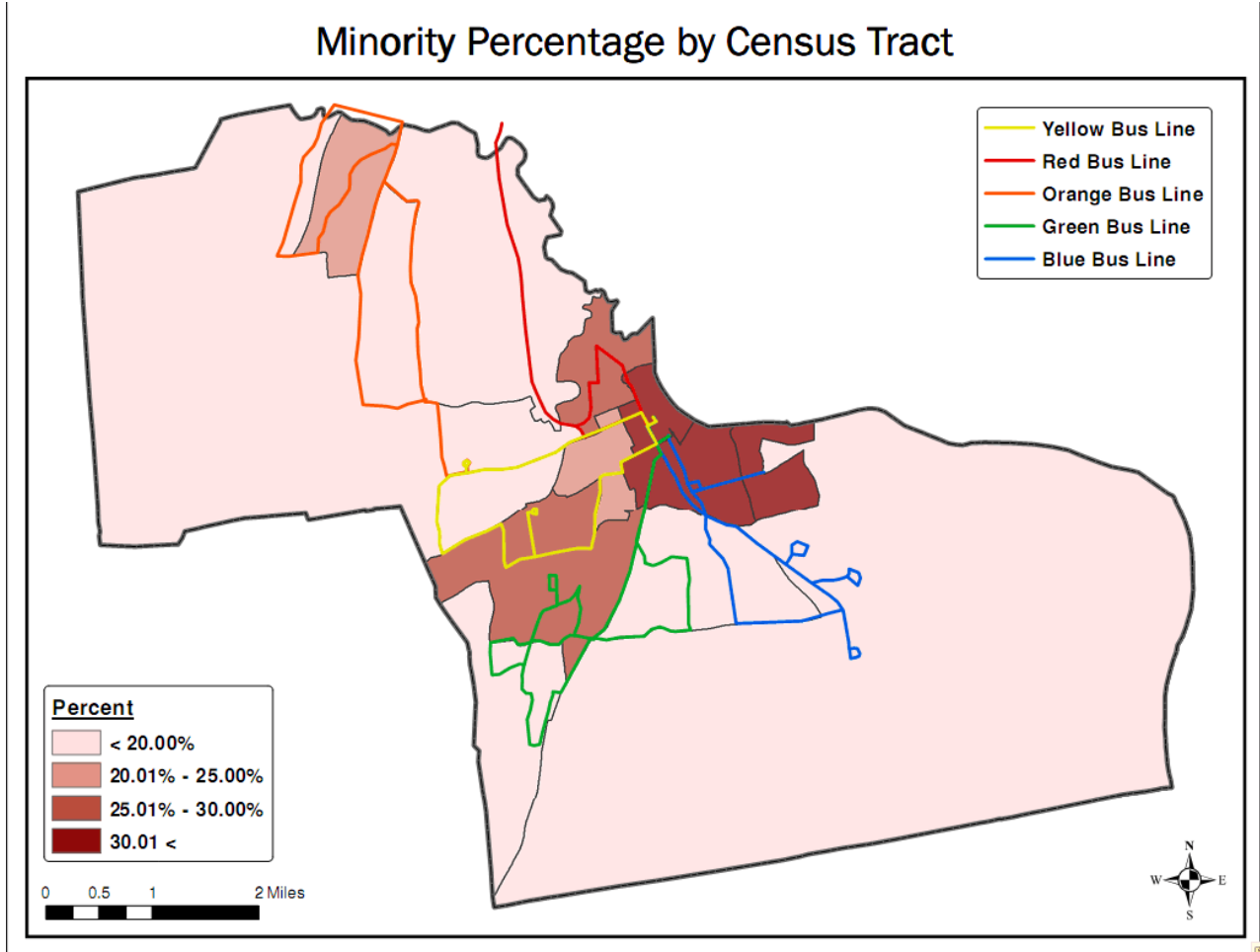
In 2000, 10% of Middletown's residents that had a Masters or Doctorate degree. While in the Downtown and North End only 4% of these residents had a Masters and Doctorate degree.

Middletown's median household income for 2008 is \$60,542. The wealthiest census tract is 5419, with an income of \$74,904 or 158% of the median income in 2000 and consists of Maromas and South Farm south of Randolph Road. The poorest census tract is 5416 which consists of the downtown core with an income of \$13,699 or 29% of the median income in 2000. The wealthiest census tract has a median income of nearly 550% times larger than the poorest census tract.

From 1990 to 2000, three census tracts became poorer over the decade. The downtown core, census tract 5416, experienced a drop of median income of \$2,529; or a drop from 43% area median income (AMI) to 29%. The neighborhoods south of downtown, census tract 5417, experienced a drop of median income of \$881; or a drop from 82% AMI to 63% AMI. The most severe drop was experienced by the Connecticut Valley Hospital Campus, census tract 5418, with a drop of \$15,625; or a drop from 120% area median income AMI to 64%.

Conclusions:

- Middletown is growing older.
- Middletown is growing more diverse.
- Middletown’s rural areas are wealthy and Middletown’s urban core is poor.



**B. Income Summary**

The 2000 Census reports that there were 9,640 households that are considered to be low and moderate income. In 2009, low and moderate income is considered to be an income of less than \$34,350 for an individual or \$49,050 in a family of four. Approximately 38% of Middletown’s households are considered low and moderate income.

The 2000 Census reports that there are 450 families, representing 3,142 individuals, living in poverty. This represents 6.5% of Middletown’s population. The majority, 265 families, consist of single female mothers with children. 7% of children (696) are living in poverty and 6% of seniors (344) are living in poverty. For 2009, poverty level is an income of \$10,830 for an individual and an income of \$22,050 for a family of four.

The highest concentration of low- and moderate-income households and those living in poverty can be found in and around the downtown. In the downtown, 79% of the households are low- and moderate-income and 37% live below the poverty level.

In 2009, an estimated living wage for a Middletown household falls between \$40,800 (two-bedroom) and \$48,996 (three-bedroom) in annual income. Living wage is a term used to describe the minimum wage necessary for shelter and nutrition for a person for an extended period of time. Typically, this is calculated by determining what wage achieves a 30% expense for local housing costs. These figures are based on renting a two or three bedroom apartment at fair-market rates and keeping the housing cost under 30% of income.

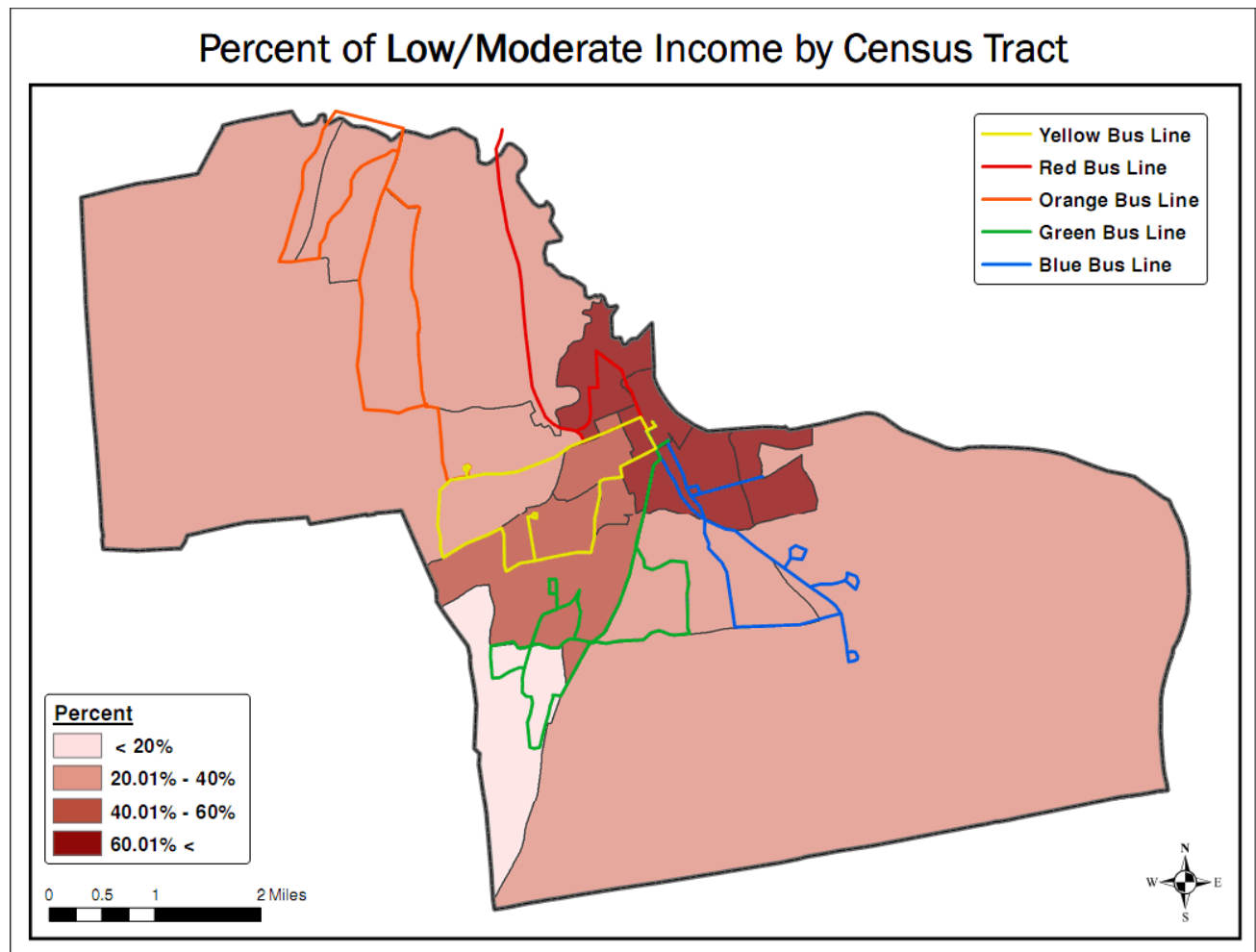
To afford a two-bedroom apartment at fair-market rent, a single income household would need an hourly wage of \$19.62 or a two income household would need an hourly wage of \$9.81 a piece. To afford a three-bedroom apartment at fair-market rent, a single income household would need an hourly wage of \$23.56 or a two-income household would need an hourly wage of \$11.78 a piece.

Working a Connecticut minimum wage job, \$8.00 an hour, would force a household to spend far more than 30% on housing costs. It is estimated that roughly 34.7% (6,435) of Middletown’s households are spending more than 30% of their income on housing.

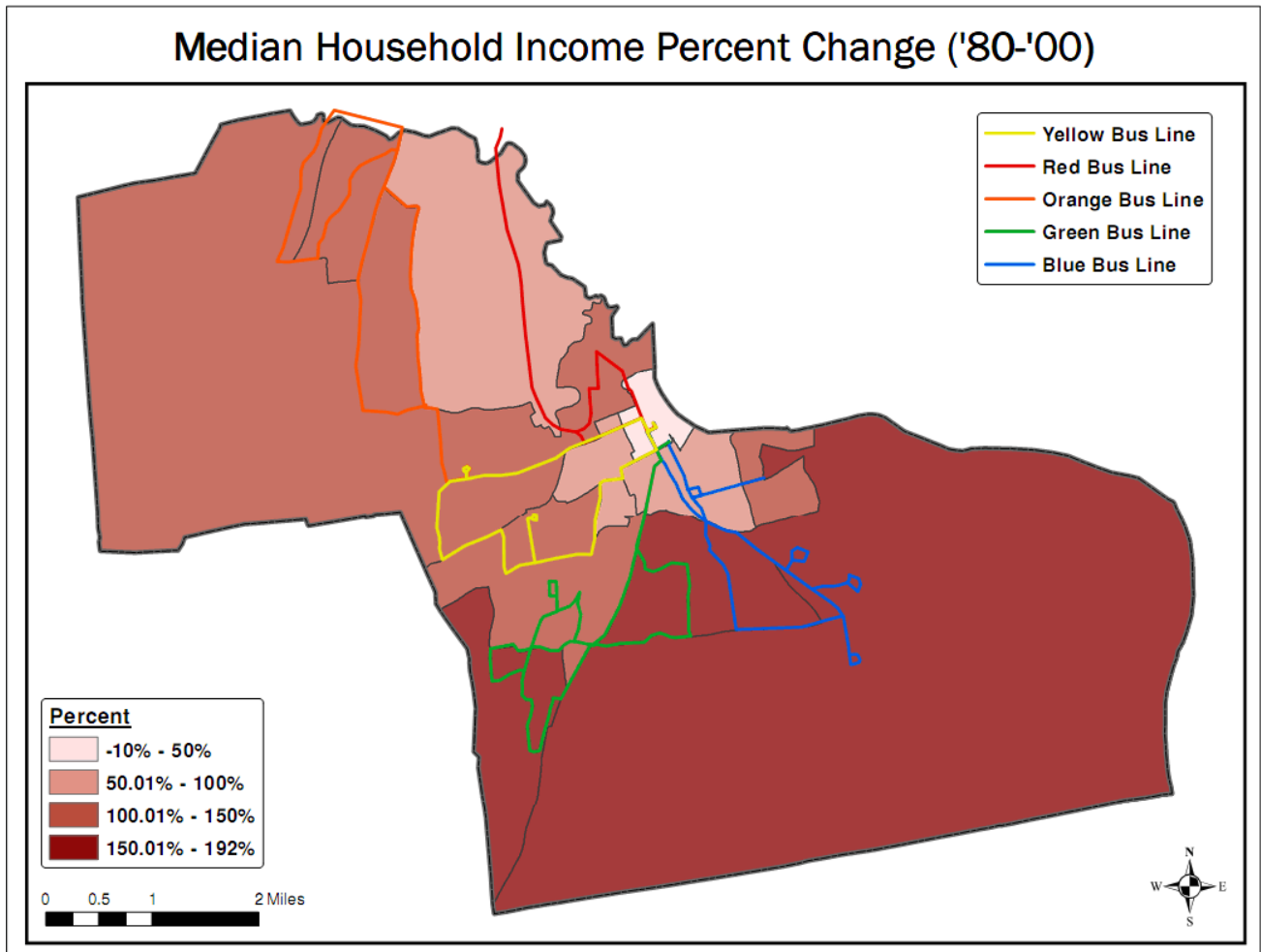
The downtown and surrounding neighborhoods have nearly 60% of household earning less than a living wage.

Conclusions:

- The urban core of Middletown contains a significantly higher proportion of low and moderate income residents, as well as a higher proportion of households living below the poverty level than the rest of the City.
- Sixty percent of urban core households likely earn less than a living wage.
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### C. Employment Summary

Middletown has experienced consistent growth in its labor force over the last five years, growing from 26,132 to 27,363 between 2005 and 2009. Middletown's unemployment rate typically matches or is lower than the state and national unemployment rates.

The makeup of the labor force by industry has changed over time. The two industries that have shrunk significantly have been manufacturing and services. Both saw approximately a 1,000 job decrease from 1998 to 2007. The industry with the largest gain in jobs has been government, growing by 2,850 jobs. This has more than compensated the losses suffered in other industries. All other industries experienced modest increases; even agriculture saw a net gain of 51 jobs.

Middletown has been affected by the recession. Current unemployment is at 8.2% (Jun 2009). In the last fifteen years the highest unemployment rate was 8.3% which was in January of 1996. Unemployment has a positive role to play in our local economy by allowing companies hire the best talent from a pool of labor. However, unemployment becomes a negative drag on the local economy through reducing their spending at local business and increase in illegal behavior to make ends meet. The recognized full employment threshold is 6.4%. Whenever unemployment rises above this level, Middletown can expect negative impacts on the local economy and positive impacts when unemployment is below 6.4%. With an unemployment rate of 8.2%, Middletown would need to create 492 jobs filled by Middletown residents to bring employment back to full employment.

In 2000, unemployment in the Downtown and North End was at least double the rate for the rest of the City and minority unemployment was over 8% or three times the City rate of unemployment. Using these ratios for 2009, the downtown

could currently have an unemployment rate of 18.5% and minorities in Middletown could have an unemployment rate as high as 22%.

As of July 2009, Middletown is fortunate enough to have at least 547 vacancies. Of these 547 vacancies, 80 are in the hospital healthcare industry and 50 are in the health products and services industry. These are high paying jobs, but also require trained individuals. Having the appropriate training is often the largest hurdle for the unemployed. Many of these positions will likely be filled by individuals not residing in Middletown.

Looking forward, healthcare, education and government will likely be the main engines of employment growth in Middletown.

Conclusions:

- Middletown’s labor force will continue to grow in the next five years.
- Middletown’s higher than normal unemployment rates are manageable, provided that firms continue to seek new employees who reside in Middletown.
- Institutional employment, such as healthcare, education and government, will likely provide the bulk of hiring in the next five years.
- Small business hiring is relatively weak and will need to strengthen for an economic recovery to take hold.

D. Transportation Summary

A key factor for residents is access to transportation and those of low income or that do not have a car, access to public transportation, like the Middletown Area Transit system (MAT).

Middletown has a comprehensive bus system that accesses all major residential areas, especially public housing and affordable housing complexes, and links them to the City’s major employment Centers, such as the Downtown and the commercial corridor that parallels Interstate Highway 91.



## E. Housing Summary

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Middletown housing market consists of 19,618 housing units. 46.5% of these housing units are single-family dwellings, 11.4% are condos, 8.7% are two-family dwellings, 2.8% are three-family dwellings, 3% are 4-8 unit apartment buildings and 25.4% are apartment buildings with over 8 units. The section of the City with the most diverse housing stock is the downtown with only 33.8% consisting of single-family dwellings. The most homogeneous section of the City is west of I-91 with 99.3% of the housing as single-family dwellings.

Middletown has a homeownership rate of 52%. The downtown and surrounding neighborhoods have a homeownership rate of 19%.

Middletown saw a significant rise in home values from 1991 to 2008. The median home sales price increased by 165%. However, this is lower than the national increase of 290% in the Case-Shiller Index over the same period.

A median sales price for a single-family home in 1996 was \$126,000. In 2008 the median sales price was \$224,000 for a single-family home. This is 6.6% less than the peak median sales prices of \$240,000 reported in 2007. For 2009, single family housing prices have begun to increase again. The median price from June 2008 to June 2009 was up by 1%.

As of July, interest rates of 5.3% for 30 year mortgage can allow a median income family in Middletown to afford a \$264,800 home with 20% down payment or \$204,660 with 3% down payment. These prices are in line with recent sales prices and therefore prices should remain stable.

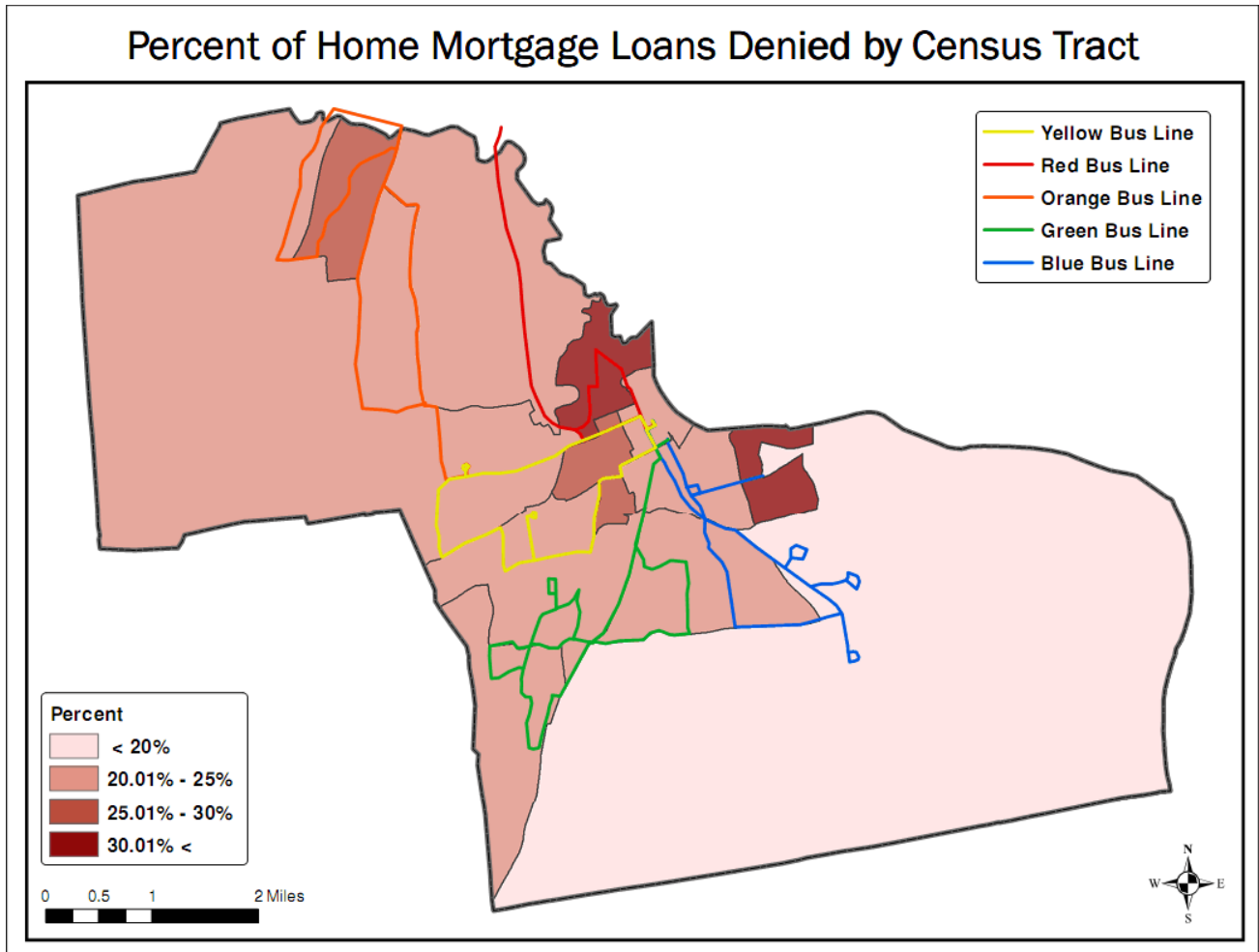
However, using accepted models to determine if the local real estate market is fairly valued showed that compared to long-term trends the current prices are at least 14% higher than what should be expected compared to income and 8% higher than what should be expected compared to rental rates. The most likely reason is that home values have not dropped to their long-term trend values is that interest rates are still at historic lows. At some point interest rates will have to rise, which will increase borrowing costs. Higher borrowing costs will have an effect on what households can afford and could cause a renewed decrease in property values in Middletown.

Looking forward, the value of homes will likely remain flat over the next few years, but a modest decrease has not been eliminated as a possibility. Middletown has been spared the dramatic decreases in property values the have been experienced around the country, but sudden increase in interests and continued elevated levels of unemployment are a risk factor to future home values.

Middletown has a large stock of affordable housing. The State of Connecticut estimates that 20% of Middletown housing units are considered to be affordable, either through subsidized rents or fixed rents. The City estimates the number of affordable units at 3,727. 751 are for elderly residents and 801 units are made available through the Middletown Housing Authority's Section 8 housing voucher program. Nearly a third of the City's affordable housing stock is located in the downtown and North End. Furthermore 63% of the housing units in the downtown census tract (5416) are subsidized or restricted in some way. The North End census tract (5411, 33%) and South End (5417, 26%) also have higher rates of subsidized or restricted housing than the rest of the City (17%).

### Conclusions:

- Middletown's housing market has not suffered the dramatic declines experienced elsewhere but demand will remain lower for the next few years.
- Homeownership is weak in the urban core, and unless it is strengthened it will continue to have associated negative effects.
- Middletown's subsidized housing is highly concentrated in the urban core census tracts.



F. Agencies, Programs and Services that Assist in Fair Housing

The following is a summary of the primary resources available to Middletown residents to assist in addressing impediments to housing choice.

City of Middletown Department of Human Relations & Commission on Human Relations

The City’s Human Relations Commission advises the Mayor, Common Council, Department Heads, and Department Directors on methods to assure that all City residents have equal access to economic, political and educational opportunities, equal access to service protection, and accommodation in all business and public agencies.

The commission consists of nine members who are appointed by the mayor and reside in or are employed in the city of Middletown. The individuals represent a broad cross section of our community, have varied careers, and are committed to activists roles in a myriad of civic, ethnic, and community groups.

The Human Relations Office records, investigates, resolves, or refers citizen complaints of discrimination, bias incidents, and unfair treatment. The Human Relations Commission advises the Mayor, Common Council, Department Heads, and Department Directors in ameliorative efforts to provide equal opportunity and access and enhance peace and good order.

City of Middletown Committee Concerning People with Disabilities

City of Middletown Department of Planning, Conservation and Development

### Connecticut Legal Services

Connecticut Legal Services provides legal resources on helping indigent clients meet basic life needs across a wide area of legal issues. Related to housing Connecticut Legal Services helps avoiding or escaping homelessness, and obtaining decent, safe, and affordable housing safety from domestic violence and other forms of abuse

CLS will continue to help tenants enforce the rights recently enacted legislation grants them and defend against evictions when the buildings in which they live have been foreclosed. The entities that foreclose on such properties sometimes fail to comply with their obligations under recently enacted federal laws that protect tenants. Families evicted because of foreclosure face a difficult search for affordable housing in a very tight and expensive market.

We provide community education programs to clients and social services agencies to help our clients know when they need a lawyer, how to avoid legal pitfalls, and how to solve or deal with some kinds of legal problems on their own.

### Community Renewal Team

The CRT Eviction and Foreclosure Prevention program provides assistance to those at clear risk of losing their housing.

The program provides three services:

- Mediation: Landlord – Tenant Conflict Resolution
- Grant funds for back rent and mortgages
- Mortgage-holder agreements and payment rescheduling for delinquent mortgages

The program mediates monetary conflicts and provides third party monitoring as deemed appropriate. The program also educates landlords and tenants about their rights and responsibilities through written materials, workshops and/or individual briefings.

### North End Action Team

The North End Action Team (NEAT) is a neighborhood organization that began in 1997 to develop grassroots leadership in the North End. NEAT is made up of residents, business leaders, property owners, and stakeholder groups.

NEAT's mission is to provide neighborhood-based participation and leadership, to identify concerns, define strategies, and develop resources to improve the quality of life in the North End.

By raising a collective neighborhood voice, the North End can bring about positive change.

The North End is not immune to the economic downturn or the national foreclosure crisis. This Foreclosure prevention & tenants rights initiative will work to identify, reduce and prevent home foreclosures and evictions in the North End as well as to support and train new homeowners. The goal is to increase the number of homeowners and assist residents in credit repair and leadership development with an eye on neighborhood stability and revitalization.

### III. Identification of Impediments to Fair Housing Choice

#### A. Administrative Policies and Programs

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The City of Middletown is in a period of housing choice policy transition. In the past year it has ended its two decade long down payment assistance and closing cost grant program and residential rehabilitation loan program. Both programs were very popular in the 1980s and 1990s. However, in the 2000s, participation in these programs dropped-off due first by the easy access to credit during the housing boom and then by an aversion by residents to take on debt during the housing bust. At the request of HUD, the City has put those funds to other needs within Middletown's Community Development Block Grant programs, such as the top priority of creating jobs in the City's current Consolidated Plan.

The City is current review a number of administrative policies and programs through the assistance of a \$20,000 grant from the Connecticut Office of Policy and Management to promote housing development. It is expected that a complete set of policy proposals and programs will be created to address the new economic climate and needs to further housing choice and fair housing. These include but are not limited to the use of Community Development Block Grants, tax abatements, licensing of rental apartments to ensure code compliance, and zoning code changes to reduce the cost of constructing or converting housing units, especially within our low and moderate income census tracts.

Until the new proposals are implemented the City views the elimination of the Down payment and residential rehab programs as a possible impediment to fair housing choice.

While these two programs were an important tool in addressing fair housing choice the city continues to use it other programs to address this area through the Walter C. Jones Fund, Fair Housing Officer, and inspection for all housing through the Health Department.

The City of Middletown established the Walter C. Jones Fund in 1966 as a beneficiary of a trust fund. The stipulation of the trust was that the City's portion, approximately 60%, would go towards helping to care for the poor of the City of Middletown. The principal of the trust fund is managed by the bank, and the interest is dispersed quarterly to the City and other designated entities as specified in Mr. Jones's will. The City's portion is administered by the Human Relations Department and maintained by the City's Finance Department. A committee of three appointees has the sole authority over the disbursements of the funds. Decisions are made by the committee on a case-by-case basis. The Walter C. Jones Fund is used as a last resort to meet "necessity-of-life" needs of those applicants who have exhausted all other available resources, both their own and that of assisting agencies. The program is administered strictly through application and provides the following level of assistance: 50% of delinquent electric bill, 50% of gas bill, up to one month arrearage in rent, up to \$100.00 with emergency prescription, and a security deposit agreement, an agreement where, no money is disbursed. It is a one-time assistance program, and the applicant must be a Middletown Resident for one year.

The demand for this program far exceeds the available resources because of the economy, high rental rates, and high volume of applications, which make meeting every request difficult. A total of 1,057 cases were administered in a two year period through the Jones Fund. 485 cases were processed for fiscal year July 1, 2007 through June 30, 2008. 63% of the requests were for assistance with rent, 7% for mortgage, and 18% for assistance with utilities. Requests for security deposit accounted for 10%, and 2% of the requests were for emergency prescription. For this fiscal period, 61% of all applications submitted were approved. 572 cases were processed for fiscal year July 1, 2008 through June 30, 2008. 66% of the requests were for assistance with rent, 4% for mortgage, and 20% for assistance with utilizes. Requests for security deposit accounted for 8%, and 2% of the requests were for emergency prescription. All decisions are made by the Walter C. Jones Fund Committee, which reviews all applications and approves or denies disbursement of funds. The funds are used strictly for the care and support of the poor of Middletown.

In accordance with the City's Code of Ordinances, the Director of Human Relations serves as the Fair Housing Officer for the City of Middletown. In addition, the Director is responsible for the administration and management of the City's Walter C. Jones Fund Program. The Director of Human Relations is a member of the Connecticut Fair Housing Association and receives updated educational materials and counseling from housing attorneys and realtors to better facilitate and assist with housing complaints for the City of Middletown.

The City of Middletown, as a recipient of federal and state monies for a great variety of purposes, is bound by law to actively pursue courses of action to increase both employment and housing opportunities for people with low and

moderate income, minorities, and the citizenry at large. As a foundation for assessing the needs of the city and as a means for implementing effective fair housing activities, policies, procedures and changes, the Human Relations Department tracks all complaints involving fair housing and works collaboratively with other outside agencies to facilitate, assist, and provide resources that aid individuals and families in sustaining and maintaining housing.

It is anticipated that initiatives for addressing and furthering fair housing opportunities and practices will be developed as problem areas continue to be identified and brought forth by the community. The following exhibits depict the various types of fair housing complaints received by the Human Relations Department. Fair Housing questions related to tenant and landlord rights attribute to approximately 85% of all calls. Of these calls, tenant evictions related to nonpayment of rent and violation of lease agreement ranked the highest. Callers receive consultation of their rights and/or are referred to the appropriate agency like the Red Cross, the Department of Social Services, or they may be referred to the Statewide Legal Aide Services of Connecticut, if legal aide is required. Local complaints are generally resolved by directly contacting the landlord or other agencies.

Complaints are also received from surrounding towns such as East Hampton, Essex, Old Saybrook, and Portland that do not have a person who serves as fair housing officer. Fair Housing complaints and issues include but are not limited to following:

**Landlord/Tenant Issues:**

- Tenant receipt of a Notice to Quit and or Summary Process. General inquiry regarding the eviction process and tenant’s rights.
- Landlord general inquiry on how to evict a tenant and landlords rights.
- Landlord will not release Section 8 tenant. Serve as mediator between landlord and tenant to resolve dispute.
- Landlord refuses to return tenant’s Security Deposit. Serve as mediator to negotiate return of tenant’s security deposit, where applicable, or refer tenant to Banking Commissioner.
- Landlord refusal to make adequate repairs or slow to make repairs, or maintenance of apartment complex.

The Middletown Health Department performs housing inspections. On average the City responses to 600 housing complaints a year. Most housing in Middletown does not require mandatory routine inspection. Therefore, a housing inspector is dependent on community involvement to spot housing violations, often in the form of complaints. This reactive framework results in the City becoming involved in a preventable situation but has grown in to problem that is unhealthy and risks the safety of the inhabitants of a dwelling. The cause often for the delay in reporting housing complaints, is often fear on the part of the renter who believes they will be evicted if they involve local authorities.

**B. Zoning**

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The City of Middletown’s Zoning Code is extremely inclusive and allows new lots to be created ranging from a minimum of 15,000 square feet to a minimum of 60,000 square feet depending upon the zone and the provision of public utilities. Additionally, there are special zones for the creation of multiple family structures and mixed uses on minimum lot areas of 10,000 square feet.

The Zoning Code prescribes residential density for the City of Middletown. The Code includes site plan review provisions to ensure appropriate placement of units and high quality site developments. Zoning in Middletown, even in the most restricted districts, allows densities higher than surrounding communities and facilitates the development of affordable housing. For example, our Multifamily zone allows up between 6-10 units per acre. In general, the higher densities allowed in the City will decrease land costs per unit and will have a significant effect on delivery costs. Through new site development techniques, such as clustering, construction costs, or reducing parking requirements are further reduced.

The City’s Zoning Code , which acknowledges the historic, organic patterns of development in Middletown, does not deter the construction of affordable or alternative housing in Middletown. However, the City is nearly fully developed and the high costs of housing production- often on marginal and previously undeveloped land- is the greatest impediment to the construction of housing for any income group. This impediment is balanced with opportunities to renovate and rehabilitate existing housing.

**C. Rental Market, Section 8 and Public Housing**

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According to persons familiar with the Middletown rental market, some of the housing impediments evident in the rental market include the following:

- Many landlords demand two (2) months rent security deposit plus one (1) month advance rent which could be as much as \$4,500 in cash.
- Investment properties are not being resold openly on the market. It is perceived that landlords are taking a tax break by not renting some units.
- Over the last two years, housing sales prices have dropped. However, rents have not dropped correspondingly, and actual the opposite is true, rentals prices have increased since there are more rents than home buyer in the real estate market.
- Certain sectors of the community- most notably the North End- do not advertise the availability of units. Rather, it is by word of mouth to exclude the “wrong kind of people”.
- While no hard evidence exists, there is a perception of prejudice towards renting to minorities, single parents, disabled or AFDC recipients.
- Several of the surrounding towns do not share a burden for renting units minorities, single parents, disabled and Temporary Assistance for Needy Families recipients (TANF).

The Middletown Housing Authority currently receives funding to provide up to 781 Section 8 housing vouchers that provide direct payments to private landlords to make the rents affordable to the households income (Currently, 660 of the vouchers are funded). As of September 2009, 106 Section 8 vouchers came under the control of the Middletown Housing Authority as a result of the end of affordable restricts with Carabetta units in Middletown. However, this is not an expansion of the Section 8 program in Middletown rather a transfer of site specific vouchers to the general use vouchers.

The Middletown Housing Authority provides affordable housing to Middletown residents. Their annual operational budget is approximately \$8.8 million, with a full-time staff of 16 and part-time staff of two. Their housing inventory includes:

- 247 Federally-funded units
- 16 units of sensory impaired housing
- 124 family housing units, such as Maplewood Terrace and Traverse Square
- 200 State-funded moderate income units
- 40 State-funded elderly units

The Housing Authority sees that there is a need for one-bedroom apartments for young single residents and three-bedroom apartments for moderate income families.

The Middletown Housing Authority is looking to accomplish the following programs over the next five years:

- Grow other sources of revenue to support its activities.
- Would like to see greater economies of scale developed locally to provide better, more professional, and comprehensive property management to affordable housing projects throughout Middletown. The Housing Authority believes that resources are inefficiently allocated between too many organizations. Cooperative coalitions or agreements between affordable housing groups could provide savings and provide sustainable model for affordable housing in Middletown.
- Policies to selective decrease of concentration of poverty and affordable housing in the North End and downtown is an important step to reviving these neighborhoods.

#### D. Homeownership Opportunities

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According to real estate reports for the period of January 1, 2010 through December 31, 2010, the median sale price for a single detached home was \$216,000. This was \$14,500 less than in 2009, \$230,500. For a Condo the median sale price was \$140,000 or \$7,000 less than in 2009. There were 257 single-family detached sales and 117 Condo sales. 13 single-family units and 21 condos sold for under \$100,000 or 9% of possible homeownership sales. 87 single-family units and 83 condos sold for between \$100,000 and \$200,000 or 45% of possible homeownership sales. 157 single-family units and 13 condos sold for over \$200,000 or 45% of possible homeownership sales.

Even with these lower housing prices, buying a home is a significant investment for low and moderate income residents. The City of Middletown ended its Down Payment Assistance Program and is working on replacement program. However,



without assistance low and moderate income residents will find it a challenge to buy a home and neighborhoods that have low homeownership are seeing those percentages of homeownership decrease.

#### E. Banking Practices and Predatory Lending

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To assess the impact of local lending policies and practices on fair housing choice recent Home Mortgage Disclosure Data (HMDA) was reviewed. The data analyzed was published by the Federal Financial Institutions Examination Council's (FFIEC). The Council is a formal interagency body empowered to prescribe uniform principles, standards, and report forms for the federal examination of financial institutions by the Board of Governors of the Federal Reserve System (FRB), the Federal Deposit Insurance Corporation (FDIC), the National Credit Union Administration (NCUA), the Office of the Comptroller of the Currency (OCC), and the Office of Thrift Supervision (OTS) and to make recommendations to promote uniformity in the supervision of financial institutions.

The Home Mortgage Disclosure Act (HMDA) enacted by Congress in 1975 and implemented by the Federal Reserve Board, requires lending institutions to report public loan data. The data is available by Census Tract within the Hartford-West Hartford-East Hartford, CT Metropolitan Statistical Area. While the data shows not direct correlation between denials and race or income. The data does show a significant under investment in low and moderate income census tracts. While the ability to borrow is likely tied to economic ability to borrow, this under investment through private lending exacerbates the gap between wealthier census tracts and less well of census tracts.

The Home Purchase Loan Statistics for 2009 by Census Tract as taken from the HMDA data. As shown by these statistics, census tracts with higher concentrations of minority population and census tracts with high concentrations of low-income households had higher rates of loan application denial. Applications received from low-income census tracts (defined as census tracts with median incomes below 80% of the median income in Hartford County) and minority census tracts (defined as census tracts with a combined percentage of black and Hispanic residents have 40%) were also less likely to result in loan originations. Unfortunately, the method in which the HMDA data is published does not enable a true correlation of loan denial, race and credit worthiness on a local level. Regardless, the statistics do highlight those areas within the City where outreach and education efforts should be improved.

The Federal Financial Institutions Examination Council also publishes data on the disposition of applications by race of applicant and type of loan. The data for conventional home-purchase loans, 1 to 4 family homes for 2009 is summarized in the Section II, Background Data. Based upon the figures presented, Blacks and Hispanics are underrepresented in regards to conventional home purchase loan applications. Whereas according to the 2000 Census, Blacks comprised 8.4% of the population within the Hartford-West Hartford-East Hartford, CT MSA comprised of 14.6% of the applications denied were received by applicants identifying their race as Black. For Hispanics, in 2000, Hispanics comprised 7.3% of the population in the MSA but comprise 13.9% of applications denied were from identified Hispanic applicants. Although there is no direct explanation as to why there is an over-representation of application denials from Blacks and Hispanics it can be assumed that increased education to the minority community in terms of financial lending and home ownership options would be beneficial.

Data specific to the City of Middletown is not available. It can be assumed however that the need for increased outreach to minorities is the same in the City as in the MSA.

#### F. Challenges facing Affordable Units

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The lack of decent affordable rental housing. Presently, the designated groups or agencies that provide affordable housing are Carabetta's Management, Middletown Housing Authority, and Wharfside Commons. Carabetta and Wharfside have limited affordable units. Over the past couple of years, Carabetta has on an ongoing basis been converting more of its affordable units to fair market rent.

Key affordable complexes like Maplewood Terrace, Taverse Square, Rogers Road, and Santangelo Circle are managed by the Middletown Housing Authority and are home to moderate to low income tenants. Tenants who had Section 8 vouchers are free to use the voucher throughout the community for fair market rental complexes.

Carabetta has eleven complexes clustered throughout the city at key locations on Newfield Street, Plaza Drive, and Randolph Road. However, Carabetta is slowly converting more and more of these convenient, reasonably priced units, to fair market rent, further reducing affordable rent for minimum salary tenants.

Wharfside is a combination of moderate, and affordable units. However, the number of affordable units is about a fourth of all available units in the complex.

Other complexes or landlords who have affordable/low rent complexes scattered through the inner most part of the city are Charton Apartment, Hillside Complex, and Equity in Housing of Middletown or Home, Inc.

Key or concentrated areas for tenant complaints are Bridge Street, Stack Street, Liberty, Rappallo Avenue, Portland Street, Wilcox Complex, Spring Street, Hillside Avenue, Main Street North End, Hotchkiss Street, Green Street, and Grand Street. These are the areas that have the lowest rent under \$650 or less and worst or poorly kept apartments. Other identified sites are Burgundy Hills, Ridgefield, and Rising Trail.

### G. Cost-Burden and Employment

To afford a two-bedroom apartment at fair-market rent, a single income household would need an hourly wage of \$19.62 or a two income household would need an hourly wage of \$9.81 a piece. To afford a three-bedroom apartment at fair-market rent, a single income household would need an hourly wage of \$23.56 or a two-income household would need an hourly wage of \$11.78 a piece.

Working a Connecticut minimum wage job, \$8.00 an hour, would force a household to spend far more than 30% on housing costs. It is estimated that roughly 34.7% (6,435) of Middletown’s households are spending more than 30% of their income on housing.

The downtown and surrounding neighborhoods have nearly 60% of household earning less than a living wage.

A significant cost that becomes a burden to low and moderate income renters are utility bills. The City of Middletown conducted a survey in 2010 and found that 14.9% of Middletown residents have been unable to pay a utility bill in the last year. The survey revealed that the Downtown and North End had 22.9% of its residents were unable to pay a utility bill in the last year.

Middletown has experienced consistent growth in its labor force over the last five years, growing from 26,132 to 27,363 between 2005 and 2009. Middletown’s unemployment rate typically matches or is lower than the state and national unemployment rates.

The makeup of the labor force by industry has changed over time. The two industries that have shrunk significantly have been manufacturing and services. Both saw approximately a 1,000 job decrease from 1998 to 2007. The industry with the largest gain in jobs has been government, growing by 2,850 jobs. This has more than compensated the losses suffered in other industries. All other industries experienced modest increases; even agriculture saw a net gain of 51 jobs.

Middletown has been affected by the recession. Unemployment peaked at 9.1% (January, 2010). Previously, in the last fifteen years, the highest unemployment rate was 8.3% (January, 1996).

In 2000, unemployment in the Downtown and North End was at least double the rate for the rest of the City and minority unemployment was over 8% or three times the City rate of unemployment. Using these ratios for 2010, the downtown could currently have an unemployment rate of 18.5% and minorities in Middletown could have an unemployment rate as high as 22%.

Address the economic situation as well as addressing the affordability of housing will help address the cost burden for Middletown residents in achieving housing choice.

### I. Land Resources and Site Selection

The City of Middletown is approximately 42 square miles and has a project peak population of 55,000-65,000 people. With a current population of nearly 50,000 people, Middletown is entering the final stages before it is considered fully developed from a vacant land perspective. The available land for development are locations that have a variety of site constraints, including steep slopes, ledge, tidal wetlands and infrastructure. Development of these sites raises a number of environmental sustainability issues, largely related to carrying capacity and appropriate density. When permitted, the higher cost of developing a sensitive site often exceeds that of a more typical suburban location.

In the context of dwindling resources, there is increasing consensus that City priorities for housing development should be aimed at already developed areas of the City, through a combination of rehabilitating or rebuilding blighted buildings, historic adaptive reuse opportunities and contextual infill development.

#### J. Environmental Constraints

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The City's Zoning Code and Inland Wetlands and Watercourses Regulations protects sensitive natural resources from over development. The City is mindful of these impediments, especially given that many vacant residential parcels are located on or near tidal wetlands, reservoir watershed or similar natural features.

Although the City is fortunate to have many older structures, 7,708 residential units built before 1980 and there are 1,159 buildings listed on the local historic inventory. These buildings have a high probability of containing hazardous materials such as lead-based paint and asbestos. Cost considerations for clean-up and abatement impact financial feasibility. While not all structures are significant architecturally, federal and state requirements regarding the rehabilitation of these homes present another set of considerations when public subsidies are needed to rehabilitate housing and maintain affordability. It is the City's experience that historic preservation requirements are often impediments to renovating and rehabilitating lead-safe, low maintenance structures. Both of these conditions are integral to the success of reviving Middletown's downtown residential neighborhoods. For example, affordable low-maintenance materials would help slow property deterioration and windows covered in lead paint should be replaced to abate lead-paint poisoning hazards. A balance must be found between historic preservation and the reasonable rehabilitation of housing for low- and moderate-income households.

#### K. Public Transportation

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The City is well served by its public transportation system, with all major apartment complexes low income neighborhoods located on bus routes. Concerns have been raised about the need for improved mass transportation both within the region. One cited example was the availability of jobs in Southern Middlesex County, yet public transportation to this area from Middletown is impractical and since there is very little affordable housing in South Middlesex County there is a disconnect when it relates to housing for low income individuals and jobs for low income workers. More dependable and varied bus routes throughout the region would help with both employment and housing choices to residents of all income levels.

#### L. Regional Issues

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Suburban responses to the development of affordable housing (except for elderly housing) often meet with regulatory or public opposition. While low mortgage rates have encouraged affordable homeownership – particularly in the inner suburbs – there are few opportunities for affordable rents in the communities surrounding Middletown.

Middletown, as the central city, is by far the largest center of government-assisted housing within Middlesex County. Middletown, with 3,641 (17.1%) units, has the highest percentage of assisted housing of any municipality in the county and provides 68% of all assisted units in the region.

Affordable housing remains an integral component to the city's housing strategy. However, in order to meet the increasing demand for affordable units, the strategy must be a regional approach.

#### P. Accessibility

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In Middletown, the issue of fair housing and discrimination goes beyond the issue of racial and ethnic minorities to include issues and barriers faced by persons with disabilities of varying types. Middletown's ADA Coordinator and

Persons with Disabilities Commission advocate for the rights of the disability community. The ADA Coordinator states that its office's goal for Middletown is to make the City the most accessible City in the State. In order to achieve such a necessary goal the biggest issues for the disabled are:

- Access to adequate transportation;
- Housing for the disabled; and,
- Jobs for the disabled.

Gains have been made in the City, most notably the construction of Monarca Place, that provides affordable housing for the deaf and hearing impaired.

The Middletown ADA Coordinator sees the following impediments that affect housing choice or accessible neighborhoods where persons with disabilities may reside:

- Lack of audio-voice crosswalks for the visually impaired all along Main Street, south end, central and north end;
- Need for grants to provide accessibility improvements with in the home, such as ramps, accessible tubs, grab bars, and lever door knobs;
- Need for disabled job coaching program; and,
- Need for City to retrofit existing facilities for accessibility based universal design through out the City.

#### IV. Conclusions

The conclusion of the analysis is there is limited evidence of blatant discrimination in Middletown. However, there is evidence of significant economic pressures affecting affordable housing choice. These economic pressures will be made more acute with the conversion on deed restricted affordable housing to market rate affordable housing and the lack of investment in low and moderate income areas as shown through Home Mortgage Disclosure Data. With a slow recovery, high unemployment will continue to force most low income residents to spend more than the 30% of their income on housing with little hope for economic advancement.

##### A. Recommendations and Action Plan

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###### 1. Administrative Policies and Programs

The City of Middletown should conclude its Housing Study present a comprehensive series of program and policies to promote housing choice in the City of Middletown. These proposals will be made available in draft for in the Spring of 2011 with review and adoption to be completed before the end of 2011.

The City should continue to promote and administer the Walter C. Jones Fund to provide assistance and support to those in need of sustaining their current housing needs.

The City of Middletown should continue to support the efforts of the Fair Housing Officer in hearing and resolving housing complaints, in order to ensure that housing discrimination is not tolerated in our community and all residents have access to resolve complaints in a fair and open atmosphere.

The City of Middletown should works towards the creation and implementation of a apartment licensing program. The Middletown Health Department through its housing inspectors would be able to address code enforcement from a proactive stances rather than a reactive position.

Specific recommendations will include:

- The City of Middletown will implement the recommendation of its Housing Study.
- The City should prepare and present a proposed licensing program for review in 2011.

###### 2. Zoning

The City of Middletown should implement any zoning changes raised by the Housing Study and presented for adoption before the Planning and Zoning Commission before the end of 2011.

Specific recommendations will include:

- The City of Middletown will implement the recommendation of its Housing Study.

###### 3. Rental Market, Section 8 and public housing

The City of Middletown and the Middletown Housing Authority should work more closely to coordinate resources not just among themselves but with the many organizations in the City that provide affordable housing. Cooperative coalitions or agreements between affordable housing groups could provide savings and provide sustainable model for affordable housing in Middletown.

The Middletown Housing Authority should develop and implement policies to selective decrease of concentration of poverty and affordable housing in the North End and downtown is an important step to reviving these neighborhoods.

Specific recommendations will include:

- The City of Middletown will implement the recommendation of its Housing Study.
- The City and the Middletown Housing Authority should meet on a quarterly basis to update each other on programs and develop areas for partnership.
- The City and local housing groups should meet to explore opportunities to create efficiencies and savings.

#### 4. Homeownership Opportunities

The City of Middletown should establish a new incentive, either grant or tax incentive for homeowners to purchase a home in targeted Census tracts 5411, 5416 and 5417.

The City of Middletown should support the efforts of local non-profits and local banks to educate low and moderate income residents to becoming homeowners.

Specific recommendations will include:

- The City of Middletown will implement the recommendation of its Housing Study.

#### 5. Banking Practices and Predatory Lending

The City of Middletown should support the efforts of local non-profits and local banks to educate low and moderate income residents to becoming homeowners.

The City of Middletown should look at new ways to increase the ability for lower income census tracts to leverage private financing.

Specific recommendations will include:

- The City of Middletown should work with local lenders to address the investment gap between wealth and less wealth sections of the City.

#### 6. Challenges facing Affordable Units

The City of Middletown should support efforts to maintain its existing stock of affordable units.

The City of Middletown should support efforts to reinvest in its existing stock of affordable units.

Specific recommendations will include:

- The City of Middletown will implement the recommendation of its Housing Study.

#### 7. Cost-Burden and Employment

The City of Middletown should support efforts to make rental apartments more energy efficient.

The City of Middletown should continue to support programs to provide jobs to Middletown residents, training to make Middletown residents more marketable for employment, or small grants to support the creation of local businesses or to allow local businesses to expand their workforce.

Specific recommendations will include:

- The City of Middletown will fund its Community Development Block Grant job programs

#### 8. Land Resources and Site Selection

The City should promote its regulations and policies that promote the infill construction in developed areas of the City.

The City should promote its regulations and policies that encourage the reuse and conversion of historic properties for new and productive uses, such as affordable housing.

Specific recommendations will include:

- The City will use resources that it has available through a US EPA Brownfield grant will develop a database of sites that are appropriate for infill development.
- The City will continue to maintain the inventory of historic properties on its website to allow developers and property owners to know when they have a historic structure that it eligible for reuse and reduced zoning requirements.

## 9. Environmental Constraints

The City should continue to protect its natural environment and encourage development in developed areas.

The City should investigate ways to address the significant issues affecting reuse of historic structures, lead, asbestos and hazardous materials abatement, to make it financially feasible to reuse these structures for affordable housing.

Specific recommendations will include:

- The City will use resources that it has available through a US EPA Brownfield grant to investigate sites for hazardous materials and provided the results to the owners and the public.

## 10. Public Transportation

The City should actively support a regional public transportation system that enhances its comprehensive local system and allows residents to take advantage of employment through out the region.

Specific recommendations will include:

- The City of Middletown through its representation on the Middletown Area Transits will support expansion of services or collaboration with adjacent public transit systems to create services to meet economic opportunities.
- The City of Middletown will participate with the MidState Regional Planning Agency and where appropriate neighboring regional organizations to develop regional solutions to transportation problems.

## 11. Regional Issues

The City will continue to work at developing a comprehensive regional solution to affordable housing.

Specific recommendations will include:

- The City of Middletown will participate with the MidState Regional Planning Agency and where appropriate neighboring regional organizations to develop regional solutions to the affordable housing problems.

## 12. P. Accessibility

The City of Middletown will continue to support the efforts of the City's ADA Coordinator the Commission on Persons with Disabilities.

Specific recommendations will include:

- Extending the Audio-voice crosswalks for the visually impaired all along Main Street, south end, central and north end;
- Establishment of micro grants to provide accessibility improvements with in the home, such as ramps, accessible tubs, grab bars, and lever door knobs;
- Establish a formal program with Vinal Tech High School to provide assistance to the City's disabled as part of their community service requirements;
- Partner with the Chamber of Commerce to develop a disabled job coaching program; and,
- Work on revising the Design Guidelines for City reviewed private projects or City public works projects to implement universal design through out the City.

**V. Effectivity**

The City of Middletown has determined through its Identification of Impediments to Fair Housing Choice, contained as in the foregoing Fair Housing Plan, that it is in compliance with requirements to affirmatively further fair housing. A continuation of existing programs and the development of new methods to improve housing choice will ensure continued compliance with the requirements embodied in Section 808(e)(5) of the Fair Housing Act and the regulatory requirements of the CDBG and other applicable HUD programs. Improvements and amendments to the City’s Fair Housing Plan made as needed in response to improved outreach and education, changes in the banking and real estate industries, and public input and criticism. The Identification of Impediments supporting documentation will be kept current to ensure continued compliance and improvement.

APPROVAL:

CITIZENS’ ADVISORY COMMITTEE

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date

HUMAN RELATIONS DEPARTMENT

\_\_\_\_\_  
Faith Jackson

\_\_\_\_\_  
Date

ADA COORDINATOR

\_\_\_\_\_  
Phil Cacciolia

\_\_\_\_\_  
Date

CERTIFICATIONS:

CDBG PROGRAM ADMINISTRATOR

\_\_\_\_\_  
Michiel Wackers, AICP

\_\_\_\_\_  
Date

DIRECTOR OF PLANNING, CONSERVATION AND DEVELOPMENT

\_\_\_\_\_  
William Warner, AICP

\_\_\_\_\_  
Date

CHIEF ELECTED OFFICIAL- CITY OF MIDDLETOWN

\_\_\_\_\_  
Sebastian N. Giuliano, Mayor

\_\_\_\_\_  
Date



## VI. Appendix

### A. Statistics and Data Tables

#### Median Household Income- 1970-2009

	1970	1980	1990	2000	2009	% Chg 80-00
Middletown	\$11,280	\$17,308	\$37,644	\$47,162	\$59,677	172%
5411		\$16,680	\$29,153	\$33,696		102%
5412		\$26,086	\$38,979	\$46,911		80%
5413		\$23,438	\$43,057	\$53,802		130%
5414		\$25,192	\$40,131	\$55,919		122%
5415		\$19,531	\$31,389	\$34,128		75%
5416		\$15,167	\$16,228	\$13,699		-10%
5417		\$15,098	\$31,009	\$30,128		100%
5418		\$14,583	\$46,250	\$30,625		110%
5419		\$19,335	\$40,924	\$53,671		178%
5420		\$19,026	\$40,611	\$49,688		161%
5421		\$16,834	\$35,812	\$41,094		144%
5422		\$25,675	\$59,932	\$74,904		192%
Middlesex County	\$11,632	\$19,602	\$43,212	\$59,175	\$74,965	202%
Connecticut	\$11,811	\$20,077	\$41,721	\$53,935	\$67,721	169%

#### Low- and Moderate-Income- 2000

	Pop	Low/Mod Inc	% Low/Mod Inc
Middletown	41,292	16,782	41%
5411	2,350	1,616	69%
5412	4,472	1,794	40%
5413	5,949	1,424	24%
5414	7,472	2,461	33%
5415	1,733	921	53%
5416	1,238	983	79%
5417	2,992	1,857	62%
5418	47	47	100%
5419	5,619	2,168	39%
5420	4,308	1,586	37%
5421	3,482	1,666	48%
5422	1,630	259	16%

#### Poverty Status- 1970-2009

	1970	1980	1990	2000	2009
Total	2,949	3,523	2,745	3,142	5,533
Percent	8.0%	9.0%	6.4%	7.3%	11.6%
White	2,371	2,584	1,767	2,098	
Black	578	690	754	599	
Other		249	224	445	
Hispanic		263		173	

#### Population Change- 1970-2009

	1970	1980	1990	2000	2009	80-09%
Total Populations	36,924	39,040	42,762	43,167	47,702	18.2%
White	34,430	34,425	36,533	34,540	36,951	6.8%
% White	93.2%	88.2%	85.4%	80%	77.5%	
Black	2,494	3,748	4,747	5,291	5,987	37.4%
% Black	6.8%	9.6%	11.1%	12.3%	12.6%	
Other		867	1,482	3,336	4,764	81.8%
% Other		2.2%	3.5%	7.7%	10%	
Hispanic		1,005	1,413	1,419	2,450	59%
% Hispanic		2.6%	3.3%	3.3%	5.1%	

#### Households and Occupancy Characteristics- 1970-2009

	1970	1980	1990	2000	2009	80-00%
All Households	12,106	14,134	14,540	18,554	20,060	31.3%
White Households	11,332	14,130	12,834	15,567		10.2%
Black Households	711	1,120	1,422	1,921		71.5%
Other Households		219	284	1,066		386.8%
Hispanic Households		268	337	660		146.3%

#### Renter Households

All Households	7,197	8,052	9,027	8,553	6.2%
White Households	4,335	6,192	6,737	7,000	13%
Black Households	508	836	1,056	1,202	43.8%
Other Households		169	259	825	388.2%
Hispanic Households		209	268	497	137.8%
Owner Households					
All Households	6,933	6,488	9,527	11,507	77.4%
White Households	5,890	6,599	6,097	8,559	29.7%
Black Households	114	284	366	687	141.9%
Other Households		50	25	281	462%
Hispanic Households		59	69	148	150.8%

Census Tract Population and Racial breakdown- 2000

	Pop.	White	Black	Asian	Other	Minority %	Hispanic	Hispanic %
Middletown	43,167	34,540	5,291	1,155	2,181	20%	2,287	5.3%
5411	2,383	1,758	415	46	164	26.2%	233	9.8%
5412	4,506	3,802	413	118	173	15.6%	170	3.8%
5413	5,949	4,518	834	292	305	24.1%	336	5.6%
5414	7,664	6,482	629	213	340	15.4%	298	3.9%
5415	1,716	1,367	144	98	107	20.3%	81	4.7%
5416	1,304	805	298	55	146	38.3%	177	13.6%
5417	3,303	2,207	742	76	278	33.2%	299	9.1%
5418	696	469	179	3	45	32.6%	67	9.6%
5419	5,899	5,222	384	125	168	11.5%	179	3%
5420	4,411	3,826	365	45	175	13.3%	189	4.3%
5421	3,664	2,656	730	43	235	27.5%	212	5.8%
5422	1,672	1,428	158	41	45	14.6%	46	2.8%
Middlesex County	155,071	141,555	6,856	2,419	4,241	8.7%	4,649	3%
Connecticut	3,405,565	2,780,355	309,843	82,313	233,054	18.4%	320,323	9.4%

Average Employment and Unemployment- 1995-2010

	1995-1999	2000-2004	2005-2009	2010		
Avg Labor Force	23,642	25,232	26,585	27,397	6.7%	3.1%
Avg Employment	22,408	24,243	24,780	22,584	8.2%	-8.9%
Avg Unemployment	5.2%	3.9%	5.9%	8.4%		

Non-Agricultural Employment Statistics- 1980-2009

	1980	1990	2000	2009
Total	19,472	23,720	22,559	25,010
Construction	461	1,151	1,170	1,089
Manufacturing	6,102	4,446	3,280	3,239
Transportation and Public Utilities	533	1,005	797	787
Information and Professional	1,675	2,651	2,609	2,930
Wholesale Retail Trade	3,399	4,101	2,972	3,056
Finance, Insurance and Real Estate	3,011	2,338	2,455	
Education and Health Care	2,384	5,510	5,831	7,326
Art, Entertainment And Restaurant	217	1,312	1,983	
Other Services	1,704	440	999	1,097
Government	3,214	1,172	1,178	989

Leading Employers- City of Middletown- 2009

Name	Type	Full-Time Employment
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Journey To Work- Where Middletown Residents Work- 1990-2000

Trips Originating in Middletown	1990		2000		% Change
	Number	%	Number	%	
Middletown	11,366	48.5%	7,846	35.5%	-44.9%

Cromwell	887	3.8%	1,115	5.0%	+20.4%
Portland	543	2.3%	496	2.2%	-9.5%
Middlefield	276	1.2%	313	1.4%	+11.8%
Other Middlesex County	905	3.9%	1,314	5.9%	+31.1%
Total Middlesex County	13,977	59.6%	11,084	50.1%	-26.1%
Hartford	2,359	10.1%	1,986	9.0%	-18.8%
Rocky Hill	715	3.0%	714	3.2%	-0.1%
Meriden	622	2.7%	767	3.5%	18.9%
East Hartford	470	2.0%	549	2.5%	14.4%
Newington	437	1.9%	360	1.6%	-21.4%
New Britain	427	1.8%	368	1.7%	-16.0%
Wallingford	356	1.5%	578	2.6%	38.4%
West Hartford	349	1.5%	336	1.5%	-3.9%
Berlin	341	1.5%	458	2.1%	25.5%
New Haven	324	1.4%	428	1.9%	24.3%
Farmington	263	1.1%	332	1.5%	20.8%
Other Connecticut	2,565	10.9%	3,906	17.7%	34.3%
Total Non Middlesex	9,228	39.3%	10,782	48.7%	14.4%
Total Connecticut	23,205	98.9%	21,866	98.9%	-6.1%
Outside Connecticut	251	1.1%	252	1.1%	0.4%
Total	23,456		22,118		-6.0%

Journey To Work- People who work in Middletown- 1990-2000  
Trips with Destination in Middletown

Origination	1990		2000		% Change
	Number	%	Number	%	
Middletown	11,366	39.9%	7,846	25.7%	-44.9%
Cromwell	1,308	4.6%	1,059	3.5%	-23.5%
Portland	1,169	4.1%	996	3.3%	-17.4%
Middlefield	691	2.4%	515	1.7%	-34.2%
Other Middlesex County	4,549	16.0%	5,618	18.4%	19.0%
Total Middlesex County	19,083	40.1%	16,034	34.5%	-19.0%
Hartford	649	2.3%	386	1.3%	-68.1%
Rocky Hill	553	1.9%	475	1.6%	-16.4%
Meriden	1,461	5.1%	1,147	3.8%	-27.4%
East Hartford	371	1.3%	359	1.2%	-3.3%
Newington	377	1.3%	459	1.5%	17.9%
New Britain	759	2.7%	728	2.4%	-4.3%
Wallingford	312	1.1%	519	1.7%	39.9%
West Hartford	449	1.6%	492	1.6%	8.7%
Berlin	348	1.2%	313	1.0%	-11.2%
New Haven	212	0.7%	189	0.6%	-12.2%
Farmington	143	0.5%	234	0.8%	38.9%
Other Connecticut	3,439	12.1%	8,730	28.7%	60.6%
Total Non Middlesex	9,073	16.0%	14,031	23.2%	35.3%
Total Connecticut	28,156	98.8%	30,065	98.7%	6.3%
Outside Connecticut	341	1.2%	406	1.3%	16.0%
Total	28,497		30,471		6.5%

Commuting Mode & Mean Travel Time to work- 1980-2009

	1980	1990	2000	2009
Car- Alone	12,938	17,835	18,628	19,482
Carpool	3,763	2,673	1,868	1,700
Public Transportation	282	481	375	573
Walked	1,593	1,896	774	1,761
Other	448	108	110	275
Work at home	246	457	363	570
Minutes	17.2	18.1	21.3	21.4

Housing Units- 1970-2009

	1970	1980	1990	2000	2009
Total	11,305	14,774	18,102	19,697	21,333
1-Unit	5,677	7,156	8,198	9,711	10,968
2-Units	5,588	2,051	2,023	1,737	1,816
3 or more Units	5,526	7,637	8,213	8,506	
Other	37	41	244	36	43

Households & Housing Units- 2000

	Households	Housing Units
Middletown	18,544	19,697
5411	1,125	1,222
5412	1,991	2,057
5413	3,263	3,601
5414	3,112	3,212
5415	722	764
5416	703	808
5417	1,347	1,469
5418	15	21
5419	2,306	2,396
5420	1,853	1,961
5421	1,415	1,483
5422	692	703
Middlesex County	61,288	67,285
Connecticut	1,302,227	1,385,975

Housing Permits- 1990-2010

	1990-1994	1995-1999	2000-2004	2005-2009	2010
Total Permits	556	761	967	938	
Annual Average	111	152	193	188	

Demolition Permits- 1990-2010

	1990-1994	1995-1999	2000-2004	2005-2009	2010
Total Permits	24	25	29	74	
Annual Average	5	5	6	15	

Affordability Problems- Paying more than 30% of income- 1990-2000

	1990		2000	
Owners	1,938	21.7%	1,948	20.5%
Elderly	418	17.7%	622	26.6%
White	1,744	21.6%	1,657	19.6%
Black	96	19.2%	209	30.9%
Hispanic	34	23.6%	15	10%
Renters	2,717	34.4%	2,896	32.2%
Elderly	604	45.2%		
White	2,193	33%	1,868	27.2
Black	383	39%	590	49.4%
Hispanic	80	48.2%	219	44.8%

Inventory of Subsidized and Assisted Housing- 2010

	Total Units	% Units
Elderly/Disabled	767	3.6%
Family/Other	1,830	8.6%
Section 8 Voucher	801	3.8%
Transitional Living/Shelters	243	1.1%
Total	3,641	17.1%

2008 Affordable Housing

	Gov't Assisted	CHFA	Deed	Total	%
	Assisted	Mortgages	Restricted	Assisted	
Middletown	2,801	605	0	3,406	17.29%
Chester	26	7	0	33	2.05%
Clinton	88	37	0	125	2.17%
Cromwell	214	217	0	431	8.03%
Deep River	30	17	0	47	2.46%
Durham	34	9	0	43	1.83%
East Haddam	73	22	1	96	2.39%

East Hampton	76	77	16	169	3.83%
Essex	37	5	0	42	1.41%
Haddam	23	13	0	36	1.28%
Killingworth	0	4	5	9	0.39%
Middlefield	30	15	0	45	2.59%
Old Saybrook	51	13	0	64	1.19%
Portland	265	36	0	301	8.53%
Westbrook	143	11	24	178	5.14%
Middlesex County	3,891	1,088	46	5,025	7.47%
Connecticut	118,392	26,193	4,770	149,355	10.7%

Home Mortgage Disclosure Data- 2009

	Loans Apps	Loans Denied	%	\$ Amount Approved	% Minority	Median HH Inc	\$ Approved Per HH
Middletown	1,843	421	29.6%	\$261,074,000		\$47,162	\$14,079
5411	60	24	40.0%	\$5,153,000	31%	\$33,696	\$4,580
5412	258	53	20.5%	\$40,558,000	18%	\$46,911	\$20,371
5413	247	73	29.6%	\$22,957,000	26%	\$53,802	\$7,036
5414	394	76	20.3%	\$71,625,000	18%	\$55,919	\$23,016
5415	49	13	26.5%	\$5,918,000	23%	\$34,128	\$8,197
5416	17	4	23.6%	\$1,422,000	45%	\$13,699	\$2,023
5417	97	22	22.7%	\$10,948,000	37%	\$30,128	\$8,128
5418	3	1	33.3%	\$165,000	38%	\$30,625	\$11,000
5419	273	48	17.6%	\$45,473,000	13%	\$53,671	\$19,719
5420	201	48	23.9%	\$24,328,000	15%	\$49,688	\$13,129
5421	121	29	24.0%	\$16,165,000	30%	\$41,094	\$11,424
5422	123	30	24.4%	\$16,362,000	17%	\$74,904	\$23,645

Hartford MSA- Racial and Hispanic Breakdown of Loan Denials Gov't Guaranteed Financing 2009

	Applied	Denied	% Denied	% of those denied	Pop %
Less than 50% AMI					
White	755	127	16.8%	66.1%	71.7%
Black	155	37	23.9%	19.3%	13.9%
Asian	21	6	28.6%	3.1%	1.7%
Other	108	22	20.4%	11.5%	12.7%
Total	1,039	192	18.5%		
Hispanic	161	36	22.4%	18.8%	15.3%
50-79% AMI					
White	2,306	202	8.8%	66.9%	80.6%
Black	319	44	13.8%	14.6%	10.4%
Asian	70	9	12.9%	3%	1.8%
Other	295	47	15.9%	15.6%	7.2%
Total	2,990	302	10.1%		
Hispanic	339	40	11.8%	13.2%	8.3%
Greater than 80% AMI					
White	2,147	154	7.2%	70%	89%
Black	157	23	14.6%	10.5%	5.9%
Asian	52	7	13.5%	3.2%	1.8%
Other	326	36	11%	16.4%	3.3%
Total	2,682	220	8.2%		
Hispanic	142	23	16.2%	10.5%	4.2%
Total					
White	5,208	483	9.3%	67.6%	83.8%
Black	631	104	16.5%	14.6%	8.4%
Asian	143	22	15.4%	3.1%	1.8%
Other	729	105	14.4%	14.7%	6%
Total	6,711	714	10.6%		
Hispanic	642	99	15.4%	13.9%	7.3%

Hartford MSA- Racial and Hispanic Breakdown of Loan Denials Conventional Financing 2009

	Applied	Denied	% Denied	% of those denied	Pop %
Less than 50% AMI					
White	721	127	17.6%	73%	71.7%
Black	37	12	32.4%	6.9%	13.9%
Asian	42	14	33.3%	8%	1.7%
Other	76	21	27.6%	12.1%	12.7%
Total	876	174	19.9%		
Hispanic	52	21	40.4%	12.1%	15.3%
50-79% AMI					
White	1,585	159	10%	75.4%	80.6%

Black	83	17	20.5%%	8.1%	10.4%
Asian	82	13	15.9%%	6.2%	1.8%
Other	171	22	12.9%	10.4%	7.2%
Total	1,921	211	11%		
Hispanic	339	40	23.1%	8.5%	8.3%
Greater than 80% AMI					
White	3,875	318	8.2%	72.3%	89%
Black	93	22	23.7%	5%	5.9%
Asian	291	24	8.2%	5.5%	1.8%
Other	547	76	13.9%	17.3%	3.3%
Total	4,806	440	9.2%		
Hispanic	99	14	14.1%	3.2%	4.2%
Total					
White	6,181	604	9.8%	73.2%	83.8%
Black	213	51	23.9%	6.2%	8.4%
Asian	415	51	12.3%	6.2%	1.8%
Other	749	119	15%	14.4%	6%
Total	7,603	825	10.9%		
Hispanic	299	53	23.1%	6.4%	7.3%

Assistance Requests for City's Walter C. Jones Fund- 2008-2010

	2008	2009	2010
Applications	485	572	421
Approved	80	65	40
Denied	51	46	23
Mortgage Assistance	9	4	0
Security Deposit Assistance	13	9	2
Rent Assistance	83	74	41
Utility Assistances	24	22	16
Other	2	2	4

Fair Housing Complaints- 2008-2010

	2008	2009	2010
Eviction/Foreclosure	6	17	19
Health & Maintenance Issues	18	17	12
Homelessness	9	7	8
Landlord/Tenant Disputes	19	24	18
Rent Increases	0	1	0
Other	14	22	12

## B. City Ordinances

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### CHAPTER 53. HOUSING PARTNERSHIP

[HISTORY: Adopted by the Common Council of the City of Middletown 8-8-1988; amended 1-6-1992. Subsequent amendments noted where applicable.]

#### GENERAL REFERENCES

Fair housing — See Ch. 156.

Housing standards — See Ch. 178.

§ 53-1. Creation; membership; terms of office; vacancies; officers.

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II). There is hereby created the City of Middletown Housing Partnership, which agency shall work with the community, the Department of Economic and Community Development and other state agencies to solve housing problems faced by the community and develop ways to increase the supply and availability of affordable housing in the City of Middletown.

A. The Middletown Housing Partnership shall consist of the following members: the Mayor of the City of Middletown; representatives from the Planning and Zoning Commission, the Inland Wetlands and Watercourses Agency, the Housing Authority and the Economic Development Committee not to exceed five in number; representatives of the City of Middletown business community not to exceed four in number; representatives of public interest groups not to exceed six in number; and Middletown urban planning, land use and housing professionals, not to exceed four in number. Said members shall be appointed by the Mayor and confirmed by the Common Council.

B. Each member shall serve for a term of two years. Each vacancy shall be forthwith filled by the Mayor with the confirmation of the Common Council for the unexpired portion of the term of the member whose place shall become vacant.

C. At its first meeting, the Partnership shall elect a Chairman and a Secretary.

#### § 53-2. Responsibilities of City.

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II). The responsibilities of the municipality of the City of Middletown, in order to receive initial designation under the Connecticut Housing Partnership Program, shall include the following:

A. To submit evidence to the Commissioner of Economic and Community Development that the City of Middletown Housing Partnership has been formed in accordance with P.A. 88-305; Editor's Note: See C.G.S. § 8-336f. and

B. To submit evidence to the Commissioner of Economic and Community Development that sufficient local resources have been committed to the City of Middletown Housing Partnership.

#### § 53-3. Duties of Housing Partnership.

The duties of the City of Middletown Housing Partnership, in order to receive development designation under the Connecticut Housing Partnership Program, shall include the following:

A. To examine and identify housing needs and opportunities in the community;

B. To explore the availability of any state, municipal or other land that is suitable for the development of affordable housing;

C. To review applicable zoning regulations to determine whether such regulations restrict the development of affordable housing in the community;

D. To identify any necessary changes to such regulations;

E. To establish priorities and develop a long-range plan to meet identified housing needs in the community consistent with regional housing needs;

F. To establish procedures for the development of a written proposal to achieve such priorities in accordance with said plan; and

G. To start an activity, development or project designed to create additional affordable housing in the City of Middletown.

#### § 53-4. Inconsistent regulations superseded.

At all times when any orders, rules and regulations made and promulgated pursuant to this chapter shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

#### § 53-5. Effect on state and federal regulations.

This chapter shall not be construed so as to conflict with any state or federal rule or regulation.

#### § 53-6. Approval of legislative body required.

No person shall have the right to expend any public funds of the municipality in carrying out any Partnership activities authorized by this chapter without prior approval by the legislative body, nor shall any person have any right to bind the municipality by contract, agreement, or otherwise without prior and specific approval of the legislative body.

#### § 53-7. When effective.

The effective date of this chapter shall be as set forth in the Charter of the City of Middletown.

## ARTICLE II. Property Maintenance and Code Enforcement

[Added 1-3-1989; amended 9-8-2008 by Ord. No. 44-09]

### § 120-18. Declaration of policy.

It is found and declared that there exist within the City properties with, and without, residential and nonresidential structures that are substandard with respect to structural integrity or maintenance. It is further found that certain conditions causing these structures to be substandard adversely affect the economic well-being of the City and are harmful to the health, safety and welfare of City residents. These conditions include, but are not limited to the following: structural deterioration, lack of maintenance, infestation, fire hazards, accumulating refuse on private property, storage of two or more unregistered vehicles (junkyard) and unsanitary conditions. It is further found that certain of these substandard structures can be repaired, rehabilitated, reconstructed or reused so as to provide decent, safe and sanitary housing and commercial facilities, thereby eliminating, remedying, and preventing the adverse conditions described above. It is further found that the lack of maintenance and progressive deterioration of certain structures create blight and initiate slums, and that if the same are not curtailed and removed, these undesirable conditions will grow and spread, necessitating future expenditures of large amounts of public funds to correct and eliminate.

### § 120-19. Declaration of purpose.

The purpose of this article is to protect the public health, safety, and welfare as follows:

A. By establishing minimum standards governing the maintenance, appearance, and condition of residential and nonresidential premises;

B. By fixing responsibilities and duties upon owners, operators and occupants; and

C. By authorizing and establishing procedures for enforcement, inspection and penalties.

### § 120-20. Definitions.

For the purposes of this article, the following words and terms shall mean as follows:

**ABANDONED PROPERTY**

Any real property on which there is a vacant structure, or no structure, and on which:

A. Real property taxes have been delinquent for one year or more and orders have been issued by the City's Fire Marshal, Building Official or Health Director and there has been no compliance with those orders within the prescribed time given by such official or within 90 days, whichever is longer; or

B. The owner has declared in writing to the Building Official that his property is abandoned.

**ABANDONED VEHICLE**

Any unregistered, inoperable car, truck, aircraft, camper, motorcycle or moped, recreational vehicle (e.g., golf cart, snowmobile, water sled, all-terrain vehicle, etc.), boat or other watercraft, tractor, cart, trailer, riding mower, or farming or construction equipment, whether self-propelled or towed. It shall be a defense that the vehicle is not abandoned if it is currently registered with a state or federal licensing agency, such as a department of motor vehicles, or other agency that licenses the particular type of vehicle. "Inoperable" shall mean that the vehicle is no longer being used for its intended purpose evidenced by two or more of the following conditions:

A. Engine no longer starts or is missing;

B. Missing or flat tires or wheels, or other missing parts necessary for locomotion;

C. Missing doors or windows;

D. Close proximity of grass or other vegetation or debris, indicating immobility;

E. Holes, rust, or other evidence of obvious physical decay or neglect, lack of maintenance or excessive use; or

F. Use for another purpose (e.g., storage).

**ACCUMULATING REFUSE**

Refuse that accumulates on any private premises and is not completely contained within trash or refuse storage bins, racks or enclosures, or other containers that are approved by the City for such use.

**DETERIORATION**

The condition of a building or part thereof, characterized by holes, breaks, rot, crumbling, peeling, rusting or other evidence of obvious physical decay or neglect, lack of maintenance or excessive use.

**EXPOSED TO PUBLIC VIEW**

Any premises or any part thereof, or any building or any part thereof, which may be lawfully viewed by the public.

**EXTERIOR OF THE PREMISES**

Open space on the premises outside of any building thereon.

**EXTERMINATION**

The control and elimination of insect, rodents and vermin.

**GARBAGE**

Also see "refuse," "rubbish"; putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food or the keeping of pets or other animals.

**INFESTATION**

The presence of insects, rodents, vermin or other pests on the premises, which constitute a health hazard.

**JUNKYARD**

Storage or parking of two or more unregistered or inoperable motor vehicles.

**NUISANCE**

A. Any public nuisance as defined by statute or ordinance.

B. Any attractive nuisance. An "attractive nuisance" is defined as the presence of any condition which may prove detrimental to the health or safety of children whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to, the presence of abandoned wells, shafts, basements, excavations, refrigerators, vehicles, lumber, and garbage, refuse, rubbish, and any structurally unsound fences or other structures.

C. Physical conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist.

D. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.

E. Fire hazards. Any situation, process, material, or condition that can cause a fire or explosion or provide a ready fuel supply to augment the spread or intensity of the fire or explosion and that poses a threat to life or property as determined by the City Fire Marshal or his duly authorized agent.

**OCCUPANT**

Any person, other than the owner, who occupies a building or premises, or a part thereof, as a tenant or lessee, as a family member of a tenant or lessee, as a guest of a tenant or lessee, or as a trespasser.

**OPERATOR**

Any person who has charge, care or control of a dwelling or premises, or a part thereof, whether with or without the knowledge and consent of the owner.

**OWNER**

The record owner of the real property.

**PARTIES IN INTEREST**

Any person claiming an interest of record pursuant to a bona fide mortgage, assignment of lease or rent, lien, or security in the property.

**PREMISES**

A lot, plot or parcel of land, including the buildings or structures thereon.

**PUBLIC AUTHORITY**

Any officer (or his or her designee) who is in charge of any department or branch of the government of the City relating to health, fire, building regulations or to other activities concerning buildings in the City.

**PUTRESCIBLE**

Liable to undergo decomposition or rotting by bacteria, fungi, and oxidation, resulting in the formation of foul-smelling products.

**REFUSE**

Also see "garbage," "rubbish"; all putrescible and nonputrescible solid waste (except human body wastes), including but not limited to, garbage, rubbish, ashes, street cleanings, dead animals, excrement from pets or other animals, abandoned automobiles and solid market and industrial wastes.

**RUBBISH**



Also see "garbage," "refuse"; nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials.

§ 120-21. Applicability.

Every residential, nonresidential or mixed occupancy building and the land on which it is (or was) situated, used or intended to be used for dwelling, commercial, business or industrial occupancy shall comply with the provisions of this article. Such compliance is required whether or not such building shall have been constructed, altered or repaired before or after the enactment of this article. Such compliance further is required irrespective of any permits or licenses issued for the use or occupancy of the building or premises, for the construction or repair of the building, or for the installation or repair of equipment or facilities prior to the effective date of this article. This article shall also apply to mobile home parks.

§ 120-22. Higher standard to prevail; exception.

In any case where the provisions of this article impose a higher standard than set forth in any other City ordinances or under the laws of the state or federal governments, then the standards as set forth herein shall prevail. If the provisions of this article impose a lower standard than any other City ordinance or under the laws of the state or federal governments, then the higher standard set forth therein shall prevail. The provisions of this article shall not apply to any case where the state has the exclusive right to bring an action to abate a public nuisance involving any real property or portion thereof for the purposes enumerated in Section 19a-343 et seq. of the Connecticut General Statutes or any duly adopted amendments thereto.

§ 120-23. Effect on other provisions.

No waiver, relief from enforcement, or certification of compliance with this article shall constitute a defense against any violation of any other City ordinance applicable to any structure or premises. Any provision herein shall not relieve any owner, operator or occupant from complying with any such other provision, nor any official of the City from enforcing.

§ 120-24. Duty of owners to maintain exterior of premises.

Editor's Note: Former §§ 120-24 through 120-37 were renumbered as §§ 120-29 through 120-42, respectively, 10-5-2009 by Ord. No. 47-09. This renumbering superseded the renumbering of former §§ 120-28 and 120-29 9-8-2009 by Ord. No. 45-09. It shall be the duty of all owners of premises to keep the exterior of the premises and all structures thereon free of all abandoned vehicles (unless the premises are a legal junkyard), nuisances, garbage, refuse, rubbish, infestations, and filth. The exterior of every structure or accessory structure (including fences and walls) shall be maintained free of broken glass, loose shingles, crumbling stone or brick, or other condition reflective of deterioration or inadequate maintenance. The outside structure walls shall not have any holes, loose boards, or any broken, cracked or damaged siding that admits rain, cold air, dampness, rodents, insects or vermin. Every building shall be maintained as to be weather and watertight. Where weekly curbside pickup of garbage, refuse and rubbish is not available, it further shall be the duty of every dwelling owner to provide a place reasonably calculated to maintain sanitary conditions and to minimize its exposure to public view before transfer for safe and sanitary disposal.

§ 120-25. Duty of operators and occupants to maintain exterior of premises.

It shall be the duty of all operators and occupants of premises to keep the exterior of the premises and all structures thereon free of all abandoned vehicles (unless the premises are a legal junkyard), nuisances, garbage, refuse, rubbish, infestations, and filth. Where weekly curbside pickup is available, an operator or occupant of a dwelling shall have the duty and responsibility of removing garbage, refuse and rubbish generated by him to the curb on the day curbside pickup is scheduled in closed containers intended for that purpose. Where weekly curbside pickup is not available, an operator or occupant of a dwelling shall have the duty and responsibility to remove garbage, refuse and rubbish generated by him to the place provided by the owner or to arrange with the owner for its transfer for safe and sanitary disposal.

§ 120-26. Creation or maintenance of blighted premises prohibited; penalties for offenses.

No owner, operator or occupant of real property in the City shall cause or allow blighted premises to be created, nor allow the continued existence of blighted premises. An owner, operator or occupant of real property is deemed to have created and allowed to continue the existence of blighted premises by failing to observe the respective duties of owners, operators and occupants as provided in this article. The violation of this provision shall be punished by a fine of \$100. Each day any violation of this provision continues shall constitute a separate offense. In addition, any condition caused or permitted to exist in violation of any of the provisions of this article shall be deemed a public nuisance. Said nuisance may be abated by the City as provided by law, and each day that such condition continues shall be regarded as a new and separate offense and shall be deemed to be an infraction.

§ 120-27. Code Enforcement Committee.

A. The Mayor or the Mayor's designee shall convene a Code Enforcement Committee consisting of the Chief of Police or his designee, the Zoning Enforcement Officer, and the Director of Health, the Fire Marshals of three fire districts, Director of Public Works and Chief Building Official, or their designees, the City Attorney and two City residents appointed by the Mayor with the consent of the Common Council. The Mayor shall assign any City staff deemed appropriate to assist the Committee. The Code Enforcement Committee shall hold regular monthly meetings to bring forth issues and violations of building, housing, fire, health, zoning and all other codes, ordinances and regulations pertaining to dwellings, buildings and vacant property located within the City. The Code Enforcement Committee shall make recommendations to any enforcement authority responsible for obtaining compliance with laws, codes, ordinances and regulations pertaining to any condition affecting real property. The purpose of the Code Enforcement Committee shall be to coordinate the efforts of the various code enforcement officials. Action by the Committee shall not supplant or replace enforcement by the various departments.

B. The Code Enforcement Committee will submit an annual budget request and may submit supplemental funding requests to the Common Council, through the Finance and Government Operations Commission.

C. Any member of the Code Enforcement Committee who has had warnings, citations, infractions or orders issued under his authority against any owner, occupant or operator of a property found to be in violation of this article or any other law, regulation or code involving the property may bring the matter to the Code Enforcement Committee for abatement. The Code Enforcement Committee, upon a finding that the owner, occupant or operator has either not appealed or has exhausted his right of appeal, and upon a further finding that the condition or conditions are detrimental to the public health, safety, or welfare, or are depressing the property values of property within the neighborhood may vote to approve a plan of abatement. Any such plan may be carried out by either City personnel or private contractor, and shall be monitored by the Code Enforcement Committee for compliance with its approved plan. The Code Enforcement Committee also may approve payment of the costs of such abatement from the Code Enforcement Committee's budgeted funds.

D. At least 10 days prior to any work being performed under an abatement plan approved by the Code Enforcement Committee, a notice of abatement shall be issued to the owner of the real estate. The expenses incurred for the inspection, repair, demolition, removal or other disposition of any real estate in order to secure such real estate or to make it safe and sanitary under any provision of the Connecticut General Statutes or pursuant to building, health, housing or safety codes or regulations of the City of Middletown shall be recovered from the owner of the real estate for which such expenses were incurred. Within 30 days after such work has ceased, the City shall file a certificate of such lien pursuant to Section 49-73b of the Connecticut General Statutes and give notice to the owner of the real estate in the same manner as provided in Section 49-34 of the Connecticut General Statutes.

§ 120-28. Appeals, expenses incurred and foreclosure.

A. Any order issued pursuant to the authority of the Chief Building Official, Director of Health, Zoning Enforcement Officer, or the Fire Marshal may be appealed as provided pursuant to the law granting the authority for said order. Any citation for violation of this article by any person authorized pursuant to Chapter 120 of the Middletown Code of Ordinances to issue citations hereunder shall be preceded by a written warning providing notice of the specific violation to be corrected. Persons issued citations under this article shall have the right to appeal pursuant to Chapter 120 of the Middletown Code of Ordinances and Section 7-152(c) of the Connecticut General Statutes.

B. The Code Enforcement Committee shall provide an accounting of any unpaid fines and costs the City has incurred in carrying out any plan of abatement and provide an accounting to the City Attorney, with a request that any unpaid fine or expenses incurred by the City for the inspection, repair, demolition, removal or other disposition of any real estate in order to secure such real estate or to make it safe and sanitary be reduced to a judgment that can be recorded and enforced.

C. The Code Enforcement Committee may recommend to the City Attorney that the premises be taken by foreclosure.

**CHAPTER 150. ENTERPRISE ZONE**

[HISTORY: Adopted by the Common Council of the City of Middletown 12-45-1994. Amendments noted where applicable.]

§ 150-1. Establishment; boundaries; targeted investment community.

A. In accordance with the provisions of C.G.S. § 32-70, as amended, the Downtown CBD/North End Area of the City of Middletown is hereby designated as an enterprise zone. The boundaries of said enterprise zone shall be as follows: The border between the City of Middletown and Town of Portland in the CT River on the east; the City Tire property and Union Street on the south; Main Street from Union Street northerly to Court Street, and thence continuing northerly along boundaries coterminous with the North End CBD Urban Renewal Area and Housing Development Zone to the Arrigoni Bridge on the west; and properties abutting Rte. 66 in the North End Industrial Area, including the railroad property, and excluding any properties on Miller and Bridge Streets on the north.

B. The official document delineating the enterprise zone boundary is the map (one inch equals 200 feet) produced by the City of Middletown, dated December 1, 1994, and signed by the Commissioner of the Connecticut Department of Economic Development on December 2, 1994.

C. The creation of an enterprise zone in Middletown makes the City a targeted investment community. The Commissioner of the Connecticut Department of Economic Development may extend certain enterprise zone benefits, including the property tax abatement described in § 150-2 below, to qualifying firms in the targeted investment community, at the request of the Mayor, in accordance with the recommendation of the Economic Development Committee and Common Council of the City of Middletown.

§ 150-2. Benefits.

The designation of the enterprise zone in these areas shall entitle qualifying firms to a five-year, eighty-percent abatement of property taxes as provided under C.G.S. § 12-81(59) and (60) and grants for jobs created. For the purpose of this chapter, qualifying firms are described in the regulations of the State of Connecticut, Department of Economic Development, Enterprise Zone Program.

§ 150-3. Residential and nonmanufacturing facilities.

A. All real property in the enterprise zone which is improved in a manner which causes its assessment to be increased during the period when such area is designated as an enterprise zone shall have its real estate assessment fixed. Such fixed assessments shall apply only to existing buildings and shall not apply to new construction.

(1) Additionally, such fixed assessment shall be for a period of seven years from the time of such improvement and shall defer any increase in assessment attributable to such improvement, in accordance with the following schedule:

Year	Percentage of Increase Deferred
First	100%
Second	100%
Third	50%
Fourth	40%
Fifth	30%
Sixth	20%
Seventh	10%

(2) The cost of this fixed assessment is not reimbursed by the State of Connecticut.

B. In the event of a general revaluation by the City of Middletown in the year in which such improvement is completed, resulting in any increase in the assessment on such property, only that portion of the increase resulting from such improvement shall be temporarily abated. In the event of a general revaluation in any year after the year in which such improvement is completed, such abated assessment shall be increased or decreased in proportion to the increase or decrease in the total assessment on such property as a result of such revaluation.

C. Any fixed assessment on any residential property shall cease if for any such property any dwelling unit in such property is rented to any person whose income exceeds 200% of the median family income of the City of Middletown or, for any conversion condominium declared after the designation of the enterprise zone, any unit is sold to any person whose income exceeds 200% of the median family income of the City of Middletown.

D. No improvements of any real property which qualifies as a manufacturing facility under the provisions of C.G.S. § 32-9p(d) and § 150-2 of this chapter shall be eligible for the benefits under this section.

E. No property shall be eligible for benefits under this section if it already has a deferred increased assessment authorized under § 272-7 or 272-9 of the Middletown Code of Ordinances.

§ 150-4. Enterprise Zone Advisory Committee.

A. An Enterprise Zone Advisory Committee (EZAC) shall be established to formulate policy for the promotion and development of the zone, coordinate economic development programs in the zone with related job training and recruitment and social services programs, and adopt an enterprise zone revitalization plan. The plan shall specify goals and objectives for the enterprise zone, describe strategies to attain such goals and establish an implementation schedule. The Enterprise Zone Advisory Committee shall submit its plan to the Economic Development Committee, the Common Council and to the Commissioner of the Connecticut Department of Economic Development for review and comment.

B. The Enterprise Zone Advisory Committee shall consist of the following City officials and community representatives:

(1) The Economic Development Director in Middletown; the Mayor or his/her designee; a representative of the Common Council who has been appointed by said Council; the Chief of Police or his/her designee; the Executive Director of the Middletown Housing Authority or his/her designee; and a representative of the Middletown Board of Education, appointed by said Board;

(2) A representative of Middlesex Community Technical College, appointed by its President;

(3) Two representatives of the Middletown business community, one of whom shall be a member of the Middlesex County Chamber of Commerce;

(4) Two persons who own businesses located in the enterprise zone; and

(5) Two representatives of neighborhood community organizations serving the area in which the enterprise zone is located, or two residents of the enterprise zone.

C. The members described in Subsection B(3), (4) and (5) of this section shall be appointed by the Mayor and approved by the Common Council. Furthermore, said members shall serve for a term of five years.

§ 150-5. Report.

A. The Middletown Economic Development Director shall prepare a report every six months detailing the number of projects which occurred in the enterprise zone (and outside the zone under the targeted investment community), the type of project (manufacturing, residential, retail, commercial), the number of existing and new jobs retained or created, the number of such jobs held by residents of the zone or Job Training Partnership Act (JTPA) eligible residents of Middletown, the number of square feet impacted, the amount of new investment generated, and the gross and net impact on the grand list and tax collections.

B. The report shall also serve as a means to monitor any changes in occupancy, use or ownership in facilities and firms which have been granted benefits. The report shall be submitted to the Mayor, the Enterprise Zone Advisory Committee, the Economic Development Committee, the Common Council and the Commissioner of the Connecticut Department of Economic Development.

## CHAPTER 156. FAIR HOUSING

[HISTORY: Adopted by the Common Council of the City of Middletown 6-1-1981. Amendments noted where applicable.]

### GENERAL REFERENCES

Housing Partnership — See Ch. 53.

Housing standards — See Ch. 178.

§ 156-1. Policy.

It is the policy of the City of Middletown that no person shall discriminate with respect to housing in the City of Middletown in violation of any federal, state or local law.

§ 156-2. Discrimination in the rental, sale or financing of housing prohibited.

[Amended 2-3-2003]

A. It shall be unlawful to refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, or to discriminate or permit discrimination against any person or group of persons in the terms, conditions or privileges of sale or rental of housing accommodations or in the provision of services or facilities in connection therewith, because of race, color, religious creed, age, marital status, national origin, sex, mental retardation or physical disability, Vietnam Era Veteran Status, present or past history of mental or physical disability, union membership, genetic history, criminal record except to the degree required by state and federal law, sexual orientation, ancestry, political belief, familial status, or source of income, including participation in Section 8 or a rental assistance program.

B. It shall be unlawful for any person, bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of real estate loans, to deny a loan to a person applying therefor for the purpose of purchasing, constructing, improving or repairing housing, or to discriminate against such person in the fixing of the amount, interest rate, duration or other terms or conditions of such loan because of race, color, religious creed, age, marital status, national origin, sex, mental retardation or physical disability, Vietnam Era Veteran status, present or past history of mental or physical disability, union membership, genetic history, criminal record except to the degree required by state and federal law, sexual orientation, ancestry, political belief, familial status, or source of income, including participation in Section 8 or a rental assistance program.

C. Applicability.

(1) The provisions of this section shall not apply to:

(a) The rental of housing in a building which contains housing accommodations for not more than two families living independently of each other, if the owner or members of his family reside in one of such housing accommodations; or

(b) The rental of a room or rooms for housing accommodations, if such rental is by the occupant of the housing accommodation, or by the owner of the housing accommodation and he or members of his family reside in such housing accommodation.

(2) The provisions of this section with respect to the prohibition of sex discrimination shall not apply to the rental of sleeping accommodations provided by associations and organizations which rent all such sleeping accommodations on a temporary or permanent basis for the exclusive use of persons of the same sex.

(3) The provisions of this section with respect to the prohibition of discrimination on the basis of marital status shall not be construed to prohibit the denial of housing accommodation to a man and a woman who are both unrelated by blood and not married to each other.

(4) The provisions of this section with respect to the prohibition of discrimination on the basis of age shall not apply to minors, to federal or state-aided or municipal housing for elderly persons, to special discount or other public or private programs to assist persons 60 years of age and older or to privately owned housing developed and maintained exclusively for persons within specified age groups.

(5) The provisions of this section with respect to the prohibition of discrimination on the basis of physical disability shall not require any person to modify his property in any way or provide a higher degree of care for a physically disabled person than for a person not physically disabled.

(6) Nothing in this section shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or to members of the association or society, or prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

§ 156-3. Complaint procedure.

A. Any person who claims to have been injured by a violation of § 156-2 may file a complaint with the Human Relations Director. Such a complaint shall be filed within 90 days after the alleged violation occurred. Complaints shall be in writing, shall state the facts upon which the violation is based and shall be verified. Upon receipt of a complaint, the Human Relations Office shall furnish a copy of the same to the person or persons allegedly committing the violation with the request that a verified answer be filed with the Human Relations Office within 20 days of receipt of the copy of the complaint.

B. After receipt of the answer or upon the expiration of the 20 days without receipt of an answer, the Human Relations Director shall proceed to try to mediate the dispute and eliminate or correct the alleged violation by informal methods of conference, conciliation and persuasion. Nothing said or done in the course of such proceedings may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the person concerned.

C. If the Human Relations Director is unsuccessful in resolving the complaint, then the matter shall be referred to the State Commission on Human Rights and Opportunities or, if the violation of this chapter also constitutes a violation of a state or federal statute, to other appropriate state or federal authorities.

**CHAPTER 178. HOUSING STANDARDS**

[HISTORY: Adopted by the Common Council of the City of Middletown as indicated in article histories. Amendments noted where applicable.]

**GENERAL REFERENCES**

- Housing Partnership — See Ch. 53.
- Building construction — See Ch. 120.
- Fair housing — See Ch. 156.
- Fire prevention — See Ch. 161.
- Property maintenance — See Ch. 228.

**ARTICLE I. Housing Code**

[Adopted 3-7-1983]

**§ 178-1. General provisions.**

The following general provisions shall apply to the interpretation and enforcement of this article:

**A. Purposes.**

(1) It is hereby declared that the purpose of this article is to protect, preserve and promote the physical and mental health and social well-being of the residents of this municipality; to investigate and control the incidence of communicable diseases; to regulate privately and publicly owned dwellings for the purpose of maintaining adequate sanitation and public health; and to protect the safety of the people and to promote the general welfare and to prevent the blighting of residential areas. this article shall be applicable to all dwellings now in existence or hereafter constructed within this municipality.

(2) It is hereby further declared that for all of said dwellings, this article will establish minimum standards for basic equipment and facilities for light, ventilation, heating and cooling; establish minimum standards for basic equipment and facilities for safety from fire and accidents; establish minimum standards for the use and location and amount of space for human occupancy; and establish minimum standards for safe and sanitary maintenance. In addition, this article will determine the responsibilities of owners, operators and occupants of dwellings, and it will provide for the administration and enforcement of all of the aforesaid standards and responsibilities.

**B. Legislative finding.** It is hereby found that dwellings exist or may in the future exist within the City of Middletown, either occupied or unoccupied by human beings, which are in a deteriorated condition, and such dwellings are in said deteriorated condition because of improper management or lack of tenant cooperation; because of faulty design or construction; because said dwellings lack proper sanitary facilities, adequate lighting or ventilation or adequate equipment for heating or cooling; or because of any combination of the aforesaid factors. As a result, said dwellings have become so deteriorated, dilapidated, neglected, overcrowded or unsanitary as to jeopardize or be detrimental to the health, safety, morals or welfare of the occupants of said dwellings and the people of said municipality. It is hereby further found that such deteriorated dwellings contribute to the growth of physical, mental or social ill health or disease, mortality, crime and juvenile delinquency within this municipality.

**C. Citation.** this article shall be known, and may be cited, as the "Middletown Housing Code."

**D. Applicability.**

(1) Every portion of a building or its premises used or intended to be used for the purpose of dwelling, living, eating, sleeping or cooking therein or occupancy shall comply with the provisions of this article and with the rules and regulations adopted pursuant thereto irrespective of when such building shall have been constructed, altered or repaired and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the dwelling and dwelling premises or structure, for the construction or repair of the dwelling or structure or for the installation or repair of dwelling equipment prior to the effective date of this article.

(2) This article establishes minimum standards for the initial and continued occupancy of all dwellings and structures and does not replace or modify standards otherwise established for the construction, repair or use of buildings or the installation of building equipment.

**E. Application of Building and Fire Codes.** Any alterations to buildings or changes of use therein which may be caused directly or indirectly by enforcement of this code shall be done in accordance with applicable sections of the Connecticut State Building Code and Connecticut State Fire Safety Code.

**F. Travel trailers and mobile homes.** All movable units used for human habitation, and the areas, ground or parcels on which they are located, shall comply with the requirements of this Housing Code except if the definition of "temporary housing" in § 178-2 shall apply.

**§ 178-2. Definitions and rules of construction.**

[Amended 4-12-1990]

**A. Definitions.** The following words and phrases, when used in this article, shall have the following meanings:

**ACCESSORY STRUCTURE**

A detached structure which is not used or intended to be used for living or sleeping by human occupants and which is located on the same premises with a dwelling.

**APPROVED**

Approved by the local or state authority having such administrative authority.

**APPROVING AUTHORITY**

The Director of Health or his agent.

**ASHES**

The residue from the burning of combustible materials (and the noncombustible portion of refuse loaded into an incinerator).

**BASEMENT**

The portion of the building partly underground but having less than half its clear height below the average grade of the adjoining ground.

**BUILDING CODE**

The Connecticut State Building Code.

**CELLAR**

The portion of the building partly underground having half or more than half of its clear height below the average grade of the adjoining ground.

**CENTRAL HEATING SYSTEM**

A single system supplying heat to one or more dwelling units or more than one rooming unit.

**DETERIORATED**

Fallen into substandard condition.

**DILAPIDATED**

Fallen into partial ruin or decay.

**DIRECTOR OF HEALTH or DIRECTOR**

The Director of Health of the City of Middletown or his authorized representative.

**DWELLING**

Any enclosed space which is wholly or partly used or intended to be used for living or sleeping by human occupants, including but not limited to a rooming house, provided that temporary housing, as hereinafter defined, shall not be regarded as a dwelling.

**DWELLING UNIT**

Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

**EMERGENCY**

A condition which is a danger to life and/or health or is detrimental as determined by the Director of Health or his duly authorized designee.

**EXTERMINATION**

The control and elimination of insects, rodents or other pests by eliminating their harborages, by removing or by making inaccessible materials that may serve as their food, and by the use of poisoning, spraying, fumigating, trapping, or any other pest elimination methods approved by the Director of Health.

**FAMILY**

A household consisting of one or more person(s).

**FIRE CODE**

The Connecticut State Fire Safety Code.

**FLUSH WATER CLOSET**

A toilet bowl flushed with water under pressure with a water-sealed trap above the floor level.

**GARBAGE**

The animal and vegetable waste resulting from the handling, preparation, cooking, serving and nonconsumption of food, and shall also mean combustible waste material.

**GARBAGE CONTAINER**

A watertight, animal-proof, insect-proof container equipped with a tight-fitting cover.

**GROSS FLOOR AREA**

The total area of all habitable space in a building or structure.

**GUEST**

Any person who shares a dwelling unit in a nonpermanent status for not more than 30 days.

**HABITABLE ROOM**

A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, kitchenettes and utility rooms of less than 50 square feet, foyers or communicating corridors, stairways, closets, storage space and workshops, and hobby and recreation areas in unsealed or uninsulated parts of a structure below ground level or in attics.

**HEATED WATER**

Water heated to a temperature of not less than 120° F. at the outlet.

**HOUSEHOLD**

A family and/or one or more unrelated persons, including servants and not more than two boarders, who share the same dwelling and use some or all of its cooking and eating facilities.

**INFESTATION**

The presence within or around a dwelling or other structure of insects, rodents or other pests.

**KITCHEN or KITCHENETTE**

Any room containing any or all of the following equipment, or the area of a room within three feet of such equipment: sink and/or other device for dishwashing, stove or other device for cooking, and refrigerator or other device for cool storage of food.

**KITCHEN SINK**

A sink of a size and design adequate for the purpose of washing eating and drinking utensils, located in a kitchen, properly connected with a cold and hot water line.

**LAVATORY**

A handwashing basin which is properly connected with both a hot and cold water line and which is separate and distinct from a kitchen sink.

**LEAD PAINT or LEAD-BASED PAINT**

Shall have the same meaning as provided in or determined pursuant to the Federal Lead-Based Paint Poisoning Prevention Act, Chapter 63 of the Social Security Act, as amended.

**MULTIPLE DWELLING**

Any dwelling containing more than two dwelling units.

**OCCUPANT**

Any person over one year of age, living, sleeping, cooking or eating in, or actually having possession of, a dwelling unit or a rooming unit, except that in dwelling units a guest will not be considered an occupant.

**OPERATOR**

Any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.

**ORDER**

Any order made by the Director of Health or his authorized representative in the enforcement of this article.

**ORDINARY WINTER CONDITIONS**

An outdoor temperature of not less than 5° F.

**OWNER**

Any person who, alone or jointly or severally with others:

(1) Shall have the legal title to any dwelling, premises or dwelling unit, with or without accompanying actual possession thereof; or

(2) Shall have charge, care or control of any dwelling, premises or dwelling unit as owner of agent of the owner or an executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article and of rules and regulations adopted pursuant thereto to the same extent as if he were the owner.

**PERMISSIBLE OCCUPANCY**

The maximum number of persons permitted as a family or household to reside in a dwelling unit or rooming unit based on the square footage per person in habitable rooms.

**PERSON**

Includes any individual, firm, corporation, association or partnership.

**PLUMBING**

Includes all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer, sewage disposal system or gas lines.

**POTENTIALLY HAZARDOUS MATERIAL**

Any material, including building material, containing lead, heavy metals, chemicals, or radioactive matter in concentrations dangerous to the public health as deemed by the Connecticut Department of Public Health.

[Amended 1-6-2003 by Ord. No. 01-03]

**PREMISES**

A platted lot or part thereof or unplatted lot or parcel of land, or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure, and includes any such building, accessory structure, or other structures thereon.

**PRIVACY**

The ability of a person or persons to carry out an activity commenced without interruption or interference, either by sight or sound, by unwanted persons.

**RATPROOFING**

A form of construction which will prevent the ingress or egress of rats to or from a given space or building or their gaining access to food, water or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars and exterior and interior walls.

**REFUSE**

All putrescible and nonputrescible solids (except body wastes), including garbage, rubbish, ashes and dead animals. The terms shall also include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings and other combustible materials.

**ROOMING HOUSE**

Any dwelling or that part of any dwelling containing one or more rooming units in which space is occupied by six or more persons who are not members of a single family.

**ROOMING UNIT**

Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking and eating purposes except as provided in § 178-9B(5) of this article.

**RUBBISH**

Nonputrescible solid wastes (excluding ashes) consisting of both:

- (1) Combustible wastes such as old batteries, paint scrapings, paper, cardboard, plastic containers, yard clippings and wood; and
- (2) Noncombustible wastes such as tin cans, glass and crockery.

**SAFETY**

The condition of being free from danger and hazards which may cause accidents or disease.

**SEWAGE DISPOSAL SYSTEM**

A structure, excavation or other facility, usually underground, to which sewage is drained and retained to effect disintegration of the organic matter by bacteria and as defined in the Connecticut Public Health Code, as amended.

**SPACE HEATER**

A self-contained, vented, fuel-burning appliance, a barometric fed fuel control, which has a fuel supply tank located less than 42 inches from the center of the burner.

**SUPPLIED**

Paid for, furnished, provided by, or under the control of the owner or operator.

**TEMPORARY HOUSING**

Any tent, trailer, mobile home or any other structure used for human shelter which is designed to be transportable and is not attached to the ground, to another structure or to any utility system on the same premises for more than 30 consecutive days.

**VENTILATION**

The process of supplying and removing air by natural or mechanical means to or from any space.

B. Rules of construction. Wherever the words "dwelling" or "dwelling unit," "rooming house," "rooming unit," "premises" and "structure" are used in this article, they shall be construed as though they were followed by the words "or any part thereof." Words used in the singular include the plural, and the plural the singular. The masculine gender includes the feminine, and the feminine the masculine.

§ 178-3. Responsibilities of owners and occupants.

[Amended 4-2-1990]

A. No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling or dwelling unit for the purpose of living, sleeping, cooking or eating therein unless said dwelling or dwelling unit and the premises are clean, sanitary, and fit for human occupancy and comply with all requirements of the State of Connecticut and the City of Middletown.

B. Every owner of a dwelling shall maintain in a clean, sanitary and safe condition the shared or public areas of the dwelling and premises thereof.

C. Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition that part or those parts of the dwelling, dwelling unit and premises thereof that he occupies and controls.

D. Every occupant of a dwelling or dwelling unit shall store and dispose of all his rubbish in a clean, sanitary and safe manner.

E. Every occupant of a dwelling or dwelling unit shall store and discard in a clean, sanitary and safe manner all his garbage and any other organic waste which might provide food for rodents and insects. There shall be a minimum of one approved garbage container per dwelling unit used for storage pending collection; it shall meet the qualifications as listed under the definition of "garbage container" in § 178-2.

F. Every owner of a dwelling unit and every owner of a rooming house shall supply adequate facilities or containers for the sanitary and safe storage and removal or disposal of ashes, garbage, rubbish or other waste incidental to the occupancy of each dwelling and shall arrange for removal of waste from the premises.

G. The owner of a dwelling or dwelling unit who shall let to another for occupancy shall be responsible for providing, hanging and maintaining in a proper condition all screens, double or storm doors and windows whenever the same are required under the provisions of this article.

H. The owner of a dwelling containing one or more dwelling units and the owner of a rooming house shall be responsible for extermination of insects, rodents or other pests in or about the premises containing the dwelling units or rooming units.

I. Every occupant of a dwelling unit or structure shall keep all plumbing fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation.

J. No owner or occupant of a dwelling, dwelling unit, or structure shall accumulate rubbish, boxes, lumber, scrap metal, or any other material in such a manner that may provide a rodent harborage or rodent food in or about any dwelling, dwelling unit, or structure.

K. Every occupant of a dwelling, dwelling unit or rooming unit shall give the owner thereof, or his agent or employee, access to any part of the same, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this article or any lawful order issued pursuant to this article.

§ 178-4. Minimum standards for basic equipment and facilities.

[Amended 1-5-1998]

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling or dwelling unit for the purpose of living, sleeping, cooking or eating therein which does not comply with the requirements of this section.

A. Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked, with kitchen cabinets in good repair, and which shall be equipped with the following:

(1) A kitchen sink in good working condition apart from the lavatory sink required in Subsection C of this section. Said kitchen sink shall be properly connected to a water supply system which is approved by the approving authority and at all times shall provide an adequate amount of heated and unheated running water under pressure. Said kitchen sink shall be connected to a sewer or sewage disposal system which is approved by the approving authority.

(2) A stove or similar device for cooking food and a refrigerator or similar device for the safe storage of food at temperatures of less than 45° F. but more than 32° F. Both said stove and refrigerator, or similar devices, shall be provided and properly installed by the owner with all necessary connections for safe, sanitary and efficient operation; provided, however, that a stove, refrigerator, or similar devices need not be installed by the owner when the dwelling unit is not occupied or when there is a written agreement between the owner and the occupant expressly providing that the occupant shall provide the same. If the stove, refrigerator and/or similar devices are to be provided by the occupant, sufficient space for the safe, sanitary and efficient installation and operation of said stove, refrigerator and/or similar devices shall be provided on the premises by the owner.

B. Within every dwelling unit there shall be a nonhabitable room which affords privacy to a person within said room. Said room shall be equipped with a flush water closet in good working condition, and such flush water closet shall be equipped with easily cleanable surfaces, to be connected to a water system that at all times provides an adequate amount of running water under pressure so as to cause the water closet to be operated properly, and it shall also be connected to a sewer or sewage disposal system which is approved by the approving authority.

C. Within every dwelling unit there shall be a room, affording privacy to a person, which is equipped with a lavatory sink. Said lavatory sink may be either in the same room as the flush water closet or in an adjacent room. The lavatory sink shall be in good working condition and properly connected to an approved water supply system, which water supply system shall at all times provide an adequate amount of heated and unheated running water under pressure. Said lavatory sink shall be connected to a sewer or sewage disposal system which is approved by the approving authority.

D. Within every dwelling unit there shall be a nonhabitable room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. Said bathtub or shower may be in the same room as the flush water closet or in another room. Said bathtub or shower shall be properly connected to a water supply system which is approved by the approving authority and which provides at all times an adequate amount of heated and unheated running water under pressure. Said bathtub or shower shall also be connected to a sewer or sewage disposal system which is approved by the approving authority.

E. Every dwelling unit shall have one or more approved means of egress leading to safe and open space at ground level, as required by the laws of this state and the City of Middletown.

F. No person shall let to another for occupancy any dwelling or dwelling unit unless all exterior doors and windows of the dwelling or dwelling unit are equipped with safe, functioning locking devices.

§ 178-5. Minimum standards for light and ventilation.

[Amended 11-3-1986; 4-2-1990]

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling or dwelling unit for the purpose of living, sleeping, cooking or eating therein which does not comply with the requirements of this section.

A. Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be not less than 10% of the floor area of such room. Wherever walls or other portions of any structure face a window of any such rooms, and where such light-obstructing structure is located less than three feet from the window and extends to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least 15% of the total floor area of such room. Each window shall be not less than three square feet in area.

B. At least one window or skylight of every habitable room shall face directly outdoors and shall be easily opened or the room shall be equipped with such device as will adequately ventilate the room. If no such ventilating device is furnished, the total of openable window area in every habitable room shall be equal to at least 45% of the minimum window area size, or minimum skylight-type window size, as required in Subsection A of this section.

C. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in Subsections A and B of this section, except that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with a ventilation system in working condition which is approved by the approving authority.

D. Where there is electric service available from power lines which are not more than 300 feet away from a dwelling, every dwelling unit, and all public and common areas, shall be supplied with electric service, outlets, and electrical fixtures for lighting, all of which shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a manner prescribed by the ordinances, rules, and regulations of the municipality. The minimum capacity of such service, and the minimum number of outlets and lighting fixtures, shall be as follows:

(1) Every habitable room shall have an electric service and outlets and/or lighting fixtures capable of providing at least three watts per square foot of floor area.

- (2) Every habitable room and nonhabitable room used for food preparation shall have at least two floor- or wall-type electric convenience outlets for each 60 square feet, or fraction thereof, of floor area, and in no case fewer than four socket outlets.
- (3) Every water closet compartment, bathroom, kitchen or kitchenette, laundry room, furnace room, and public hall shall contain at least one supplied ceiling- or wall-type electric light fixture.
- (4) Convenient switches for turning on one light in each room or passageway shall be located so as to permit the area ahead to be lighted.
- (5) Every public hall and stairway in every multiple dwelling shall be adequately lighted at all times so as to provide at least six footcandles of light at the tread or floor level. All such lights shall be maintained by the owner and on circuits supplied through a meter independent of meters serving any dwelling unit and operated by a suitable time switch. Every public hall and stairway in structures containing not more than two dwelling units shall be supplied with conveniently located light switches controlling an adequate lighting system which shall provide at least six footcandles of light at the tread or floor level and which may be turned on when needed, instead of full-time lighting, which switches and lighting system shall be provided and maintained by the owner.
- (6) Every water closet compartment and/or bathroom shall have at least one wall-type conveyance outlet installed in compliance with local building codes.

§ 178-6. Minimal thermal standards (heating and cooling).

[Amended 4-2-1990]

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling or dwelling unit for the purpose of living, sleeping, cooking or eating therein which does not comply with the requirements of this section.

A. Every dwelling shall have heating facilities supplied by the owner and properly installed and maintained in safe and working condition by the owner, capable of safely and adequately heating all habitable rooms, kitchen or kitchenette, bathrooms, and water closet compartments in every dwelling unit located therein. Such heating facilities shall adequately heat the room to a temperature of at least 65° F. under ordinary winter conditions, the reading to be taken at a distance of 30 inches above the floor level of each room.

B. Unvented flame space heaters are prohibited.

C. A landlord shall supply running water and reasonable amounts of heated water at all times and reasonable heat except if the dwelling unit is so constructed that heat or heated water is generated by an installation within the exclusive control of the tenant or supplied by a direct public utility connection.

D. A landlord shall supply all utilities at all times except if the dwelling unit is so constructed that the utility is generated by either an installation within the exclusive control of the tenant or supplied by a direct public utility connection.

§ 178-7. General maintenance requirements.

[Amended 4-2-1990; 10-7-1991; 11-7-1994]

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling or dwelling unit for the purpose of living, sleeping, cooking or eating therein which does not comply with the requirements of this section.

A. Every foundation, floor, roof, ceiling, exterior and interior wall, and accessory structure shall be reasonably weathertight, watertight, and damp-free, shall be kept in sound condition and good repair, and shall be capable of affording privacy for the occupants. All exterior wood surfaces shall be protected from the elements and decay by paint or other protective covering or treatment.

B. No lead paint or lead-based paint or other toxic paint or materials shall be used on any exposed exterior or interior surface of any premises containing one or more dwelling units.

C. In each instance where conditions disclose loose, flaking, chipping, or falling paint, and there is reason to believe that the presence of lead paint or lead-based paint or toxic material exists as a potential hazard, the Director of Health or his authorized representative may take sufficient samples and submit the samples for analysis and, if a hazard exists, make such orders as are necessary to eliminate or remove the hazard.

(1) All painted portions of all buildings used in whole or in part for human habitation, as well as any accessory structures on the premises thereof, shall be kept free of cracked, chipped, blistered, flaked, loose or peeling paint. Any such surface shall be properly prepared and repainted with a paint or other covering conforming to the standards as required in accordance with the Lead-Based Paint Poisoning Prevention Act, Chapter 63 of the Social Security Act, as the same may be amended from time to time.

(2) The owners of all dwellings shall comply with the requirements of C.G.S. § 19a-111c concerning the removal of toxic levels of lead from dwellings, as the same may be amended from time to time. The Director of Health may require any such owner to submit evidence of compliance with the requirements of the aforesaid provisions of the Connecticut General Statutes from qualified testing firms acceptable to the Director.

(3) Whenever the Director of Health receives a report of lead poisoning or otherwise determines that a child under the age of six has an abnormal body burden of lead, the Director may cause the paint or water on the premises of the dwelling in which said child resides to be tested for lead content. The Director shall take appropriate action to compel abatement of hazardous conditions if the lead content of paint or water on said premises exceeds the permissible limits thereof as established in this subsection. For purposes of this subsection, abatement shall be required if the lead content of the paint on said premises exceeds the standards established in accordance with the Lead-Based Paint Poisoning Act, Chapter 63 of the Social Security Act, as the same may be amended from time to time. Similarly, abatement shall be required if the lead content of water on said premises meets or exceeds 0.05 milligram per liter.

(4) The Director of Health may engage, or order the engagement, at the property owner's expense, of qualified firms to perform testing for lead content in paint and water. In addition, the Director may engage or order the engagement, at the property owner's expense, of firms to monitor compliance with abatement regulations or with abatement orders issued pursuant to this section or to certify that abatements have been successfully accomplished.

D. Every window, exterior door, interior door and basement hatchway and all similar devices shall be kept rodentproof and reasonably watertight and weathertight, shall be kept in sound working condition and good repair at all times, and shall be capable of offering privacy for the occupants.

E. During that portion of the year when there is a need for protection against mosquitoes, flies, and other flying insects, every door opening directly from a dwelling unit to outside space shall be equipped with properly fitting screens having not less than a 16 mesh and which shall be operated by a self-closing device. During said portion of the year every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall also be supplied with such screens. Should such unit be constructed so that air conditioning is utilized, every window with openings to outdoor space shall also be supplied with screens. Rooming houses with more than 90 rooming units and which are occupied for an average of under two weeks by the same occupant are exempt from this code. However, under these circumstances, the requirements of § 178-7F shall still apply.

[Amended 3-7-2005 by Ord. No. 2-05]

F. Every window located at or near ground level that is used or intended to be used for ventilation, and every other opening located at or near ground level which might provide an entry for rodents, shall be supplied with adequate gauge screen or such other devices as will effectively prevent their entrance.

G. Every dwelling or accessory structure, and the premises upon which it is located, shall be rodentproof and maintained so as to prevent the harboring of rodents. Such premises shall be graded and drained, kept free of standing water, and maintained in a clean, sanitary and safe condition.



- H. All openings in the exterior walls, foundations, basements, ground or first floors, and roofs which have an opening that is a half-inch or more in diameter shall be ratproofed in an approved manner if they are within 48 inches of the existing exterior ground level, immediately below such openings, or if such openings may be reached by rats from the ground by climbing unguarded pipes, wires, cornices, stairs, roofs, and other means, such as trees or lines, or by burrowing.
- I. Skirting, lattice, or other nonratproofed enclosures that can create a harboring place for rats under a porch or under any other portions of a building shall be ratproofed at all locations where a rat could find, burrow, or gnaw an access opening when evidence of rats is found in the area.
- J. In the event that occupancy usages would result in the stacking or piling of materials, the materials shall be so arranged so as to prohibit the creation of a harbor for rats. This can be accomplished by orderly stacking and elevating such material so that there will be an eighteen-inch opening between the materials and the ground level. No materials shall be stacked or piled against the exterior walls of the structure.
- K. All doors, including swinging, sliding, and folding types, shall be constructed so that the space between the lower edge of the door and the threshold shall not exceed 3/8 inch. It is provided further that the space between sections of folding and sliding doors when closed shall not exceed 3/8 inch.
- L. Interior floors of basements, cellars, and other areas in contact with the soil shall be paved with concrete or other materials impervious to rats when evidence of rats is found.
- M. Materials used for rodent control shall be those materials that are acceptable to the approving authority.
- N. All fences provided by the owner or an occupant on the premises shall be constructed of manufactured metal fencing material, wood, masonry, or other inert material. Such fences shall be maintained in good condition. Wood materials shall be protected against decay by use of paint or other preservative. The permissible height and other characteristics of all fences shall conform to the appropriate statutes, ordinances, and regulations of this state and the local authority. Wherever any egress from the dwelling opens into the fenced area, the fence shall include a means of egress from the premises to any public way adjacent thereto.
- O. Accessory structures on the premises shall be structurally sound and shall be maintained in good repair and free from insects and rodents, or such structures shall be removed from the premises. The exterior of such structures shall be made weather resistant through the use of decay-resistant materials or the use of paint or other preservatives.
- P. In areas of heavy rat infestation, the Director of Health may require that every exterior door be equipped with an automatic closing device, or with a screen door that is equipped with such a device and properly fitted.
- Q. All sewers, pipes, drains, conduits, roof ventilators, chimneys, pipe vents, downspouts, openings, etc., permitting accessibility to rats shall be protected against entry by grilles, hardware cloth, caps, expanded metal covers, or other ratproof material acceptable to the approving authority.
- R. If the space between two buildings is too small to permit inspection of the exterior walls of such building, such space shall be sealed so as to prevent the entrance of rats. Provisions shall be made in the ratproofing in such cases that drainage is not obstructed.
- S. Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, porch, gutter, and downspout, and every appurtenance thereto, shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon and shall be kept in sound condition and good repair. Every inside and outside stair or step shall have uniform risers and treads, and stairways shall have handrails, structurally sound of required height and balustrades.
- T. Every inside and outside stair step, riser, tread, stairway, porch, handrail, and balustrade shall be in conformance with the applicable state and local codes.
- U. Porches, stairways, and/or balconies located more than three feet higher than the adjacent area shall have structurally sound protective handrails and balusters, as required. Alternate systems providing at least the same degree of protection shall be acceptable.
- V. Every plumbing fixture, and water and waste pipe, shall be properly installed and maintained in good sanitary working condition.
- W. Every water closet compartment shall be constructed and maintained so as to be impervious to water. Every bathroom and kitchen floor surface shall be so constructed and maintained as to be easily kept in clean and sanitary condition and shall be reasonably impervious to water.
- X. Every plumbing fixture and pipe, every chimney, flue and smoke pipe, and every other facility, piece of equipment, utility, and heating apparatus installed on the premises for the use of any dwelling unit or which is otherwise required under this article shall be constructed and installed in conformance with the applicable local or state codes and shall be maintained in satisfactory working condition.
- Y. Neither the owner nor any occupant of any dwelling unit shall cause any service, facility, equipment, or utility which is required under this article to be removed from or shut off from or discontinued for any premises containing an occupied dwelling or dwelling unit let or occupied hereunder, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is required by the approving authority.
- Z. All construction and materials, all ways and means of egress, and all installation and use of equipment shall conform to applicable state and local laws dealing with fire protection.
- AA. Every yard shall be properly graded and drained by the owner. The premises upon which a dwelling is located shall be kept clean by the owner in the case of rooming houses and multiple dwellings and by the tenant or tenants in other types of dwellings.
- BB. Every parking lot, stall and sidewalk for tenant use shall be maintained in a clean, sanitary and safe condition.
- § 178-8. Minimum space, use and location requirements.
- No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling or dwelling unit for the purpose of living, sleeping, cooking or eating therein which does not comply with the requirements of this section.
- A. Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room space.
- B. In every dwelling unit of two or more rooms, and in every habitable room in a rooming house, every room occupied for sleeping purposes shall contain at least 70 square feet of floor space for the first occupant thereof and at least 50 square feet of floor space for each additional occupant thereof.
- C. No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangement that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room. A bathroom or water closet compartment shall not be used as the only passageway to any hall, basement or cellar or to the exterior of a dwelling unit.
- D. At least 75% of the floor area of every habitable room shall have a ceiling height of no less than seven feet six inches in the basement, seven feet six inches in the first story, and seven feet four inches in upper stories. The floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
- E. No space located totally or partially below grade shall be used as a habitable room or dwelling unit unless:
- (1) The floor, and those portions of the walls below grade, are of waterproof and damp-proof construction.
  - (2) The minimum window area, required in § 178-5A of this article, is located entirely above grade of the ground adjoining such window area or, if windows are located wholly or partly below grade, it shall be required that there be a properly drained window well whose ground area shall be equal

to, or greater than, the area of the window opening. The bottom of the window well shall be below the top of the impervious masonry construction under this window; the minimum horizontal projections of the bottom of the window well shall be equal to, or greater than, the vertical dimension (depth) of this window opening, as measured from the bottom of the masonry opening, and no part of the window well, opposite this window, shall protrude above a line projected at a forty-five-degree angle from the bottom of the window opening at right angles to the outer wall.

(3) The total openable window area in each room is equal to at least the minimum as required under § 178-5B of this article, except where there is supplied some other device affording adequate ventilation and required by the approving authority.

(4) There are no pipes, or other obstructions, less than six feet eight inches above the floor level which interfere with the normal use of the room or area.

F. A dwelling unit shall not be occupied by more than one family plus two occupants unrelated to the family, other than guests or domestic employees. A dwelling unit shall not be occupied by more than one household of unrelated occupants unless a permit for a rooming house has been granted by the Director of Health.

G. No habitable room, bathroom or water closet compartment which is accessory to a dwelling unit shall open directly into or shall be used in conjunction with a food store, barbershop or beauty shop, doctor's or dentist's examination or treatment room, or any similar room used for public purposes.

H. Each dwelling unit occupied by more than two persons shall have separate, fully partitioned sleeping rooms to accommodate any occupants above the first two according to the required floor space.

§ 178-9. Rooming houses.

[Amended 12-1-1986; 4-2-1990; 6-3-1996]

No person shall operate a rooming house or shall occupy or let to another for occupancy any rooming unit in any rooming house except in compliance with, but not limited to, the provisions of §§ 178-3, 178-4, 178-5, 178-6, 178-7, and 178-8 of this article. No vacant rooming unit shall be occupied or let unless it is clean, sanitary, and fit for human occupancy and shall otherwise be in compliance with all applicable requirements of the City of Middletown.

A. No person shall operate a rooming house unless he holds a valid rooming house permit issued by the Director of Health after inspection and approval of the premises by the Director of Health, Fire Marshal, and Assistant Building Official in the name of the operator and for said dwelling or dwelling unit as specified in such permit. The operator shall apply to the Director of Health for such permit, which shall be issued by the Director of Health only after determining said rooming house is in compliance with the applicable provisions of this article. This permit shall be displayed in a conspicuous place within the rooming house at all times. No such permit shall be transferable. Acceptance of such permit by the operator of said rooming house shall serve as authorization by the operator for the Director of Health to make any and all inspections or reinspections as the Director of Health shall find to be necessary to determine the condition of the rooming units consistent with the enforcement of the provisions of this article. Such entry, examination and survey shall be between the hours of 8:00 a.m. and 5:00 p.m. or at such time as shall be reasonable.

(1) Every person holding such permit shall give notice in writing to the Director of Health within 24 hours after having sold, transferred, given away, or otherwise disposed of ownership of, interest in, or control of any rooming house. Such written notice shall include the name and address of the person succeeding to the ownership, interest in, or control of such rooming house. Every rooming house permit shall expire at the end of one year following its date of issuance, unless it is earlier suspended or revoked as hereinafter provided. The annual fee for a permit and for its renewal shall be in accordance with the following schedule. There shall be no fees levied for nonprofit organizations.

Number of Rooming Units	Fee
6 to 9	\$100
10 to 19	\$125
20 to 29	\$150
30 to 39	\$175
40 to 49	\$200
50 to 59	\$250
60 to 69	\$300
70+	\$350

(2) Every rooming house permit shall expire at the end of one year following its date of issuance, unless it is earlier suspended or revoked. If a permit is issued over a temporary period and reinspection cannot be made prior to the expiration date, then the permit will be extended until reinspection can occur.

[Amended 1-6-2003 by Ord. No. 01-03]

B. At least one flush water closet, lavatory basin and bathtub or shower that is properly connected to a water and sewer or sewage disposal system, as required by the approving authority, and in sanitary and in good working condition shall be supplied for each eight persons, or fraction thereof, residing within a rooming house, including members of the operator's family wherever they share the use of said facilities. It is further provided that:

- (1) All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities, and at least one bathroom unit must be approved on each floor where occupants' sleeping rooms are located.
- (2) No such facilities shall be located in a basement, except by a written approval of the Director of Health.
- (3) In a rooming house where rooms are let only to males, flush urinals may be substituted for not more than 1/2 the required number of water closets.
- (4) Every lavatory basin and bathtub or shower shall be supplied with heated and unheated water under pressure at all times.
- (5) Cooking in a rooming unit and/or dormitory rooms shall be prohibited, except as approved by the Director of Health and Fire Marshal.
- (6) Communal cooking and dining facilities in a rooming house shall be prohibited, except as approved by the Director of Health in writing.
- (7) Rooming unit doors shall have operating locks to ensure privacy.
- (8) Every rooming unit shall be provided with a bed and a dresser. If a dresser is not provided, a closet with at least two shelves for storage shall be provided.
- (9) Electrical extension cords shall not be allowed, except as approved by the Director of Health and Fire Marshal.
- (10) Any space heater shall not be allowed, except as approved by the Director of Health and Fire Marshal.

C. The operator of every rooming house shall change supplied bed linen and towels therein at least once each week and prior to the letting of any room to any occupant. The operator shall be responsible for the clean and sanitary maintenance of all supplied bedding; provided, however, that bed linen and towels need not be provided by the operator when there is an agreement between the operator and occupant that the occupant shall provide his own service.

D. Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of floor space. Every room occupied for sleeping by more than one person shall contain at least 50 square feet of floor space for each occupant thereof. Each such room shall also contain for each occupant not less than four square feet of closet space with an unobstructed height of at least five feet. If such closet space is lacking, an amount of space equal

in square footage to the size of any deficiency in closet space shall be subtracted from the area of habitable room, to be used by the Director of Health in determining the number of persons by whom occupancy is permissible.

E. Every window of every rooming unit shall be supplied with shades, drawn drapes, or other devices or material which, when properly used, will afford privacy to the occupant of the rooming unit.

F. In every rooming unit, hot plates, toasters, or any cooking device shall be prohibited, except as approved by the Director of Health and Fire Marshal.

G. Every rooming unit shall have one or more safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of the State of Connecticut and the City of Middletown.

H. Every provision of this article which applies to rooming houses shall also apply to hotels, motels, dormitories, and clubs, except to the extent that any such provisions may be found in conflict with the laws of the State of Connecticut or the City of Middletown.

I. Access to and egress from each rooming unit shall be provided without passing through any other rooming unit or dwelling unit.

§ 178-10. Inspections.

[Amended 4-2-1990]

A. The Director of Health is hereby authorized and directed to make periodic inspections, by and with the authorization of the owner, occupant, or person in charge, to determine the condition of dwellings, dwelling units, and premises within the City of Middletown for the purpose of determining compliance with the provisions of this article.

(1) For the purpose of making such inspections, the Director of Health, with authorization of the owner, occupant or person in charge, is hereby empowered to enter, examine, and survey all dwellings, dwelling units, rooming units, and premises between the hours of 8:00 a.m. and 5:00 p.m. or at such other time mutually satisfactory to and agreed upon by the Director of Health and the owner, the occupant, or the person in charge of any dwelling, dwelling unit, or rooming unit. Inspection, examination and survey is to ensure compliance with this article.

(2) Such inspection, examination, and survey shall be made in a manner that will cause the least amount of inconvenience to said owner or occupant, consistent with an efficient performance of the duties of the Director of Health. To further ensure that the policy of this article is to achieve compliance through cooperation of owners and occupants, and to ensure that such policy will be successfully maintained, whenever practicable the Director of Health will provide reasonable advance notice to the owner, the person in charge, and/or the occupants of any planned blanket inspection and any inspections of a routine nature.

B. The owner or occupant of each dwelling, dwelling unit, rooming unit or premises, or the person in charge thereof, upon presentation by the Director of Health of proper identification, shall give the Director of Health consent in writing for entry to the dwelling, dwelling unit, rooming unit, or premises and free access to every part thereof, provided that no inspection shall be conducted except during the hours designated above.

(1) Whenever an owner, occupant, or person in charge of a dwelling, dwelling unit, or premises shall deny the Director of Health right of entry for the purpose of inspection, examination or survey, the Director of Health shall not so enter until he presents a duly granted authorization to enter for the purpose of inspection, examination, or survey of such premises.

(2) Nothing in this section shall be construed to preclude the entry of the Director of Health at any time when, in his judgment, an emergency tending to create an immediate danger to the public health, welfare, or safety exists; or when such entry by the Director of Health is requested by the owner, occupant, or person in charge of the dwelling, dwelling unit, rooming unit, or premises; or when the Director of Health presents a duly granted authorization to enter for the purpose of inspection, examination, or survey of such premises for the purposes hereof.

(3) Refusal by any owner, occupant or person in charge of a dwelling, dwelling unit or premises to allow the Director of Health entry, when such entry is authorized by law, shall be a violation of this article.

C. Every owner of a rooming house shall keep, or cause to be kept, records of all requests for repair by tenants, which requests are related to the provisions of this article or to any other applicable rules and regulations, and records of all corrections made in response to such requests and complaints. Such records shall be made available by the owner or operator to the Director of Health for inspection and copying upon request.

D. College dormitory lodging shall not be inspected for licensure under this article.

§ 178-11. Enforcement.

[Amended 4-2-1990]

A. This article, known as the "Middletown Housing Code," shall be enforced by the Director of Health of the City of Middletown and his authorized representatives.

B. Whenever the Director of Health determines that conditions exist which cause any dwelling, dwelling unit, rooming unit, or premises to fail to meet the minimum standards provided for in this article, he shall issue a notice of violation setting forth the alleged failure or failures and requiring that such failures be corrected. The notice of violation shall be put in writing. Said notice of violation shall set forth the alleged violation or violations of this article and describe the dwelling, dwelling unit, rooming unit, or premises where the violation is alleged to exist or to have been committed. Said notice of violation shall provide a reasonable time, but not to exceed 60 days, for the correction of any violation alleged. Said notice of violation shall then be served upon the owner, occupant, or person in charge of the dwelling, dwelling unit, rooming unit, or premises by such personal service as shall be in accordance with the laws of the State of Connecticut for the service of process. Such notice may, in the alternative, however, be served on said owner, occupant, or person in charge by the use of registered or certified mail, return receipt requested.

(1) If one or more persons to whom such notice of violation is addressed cannot be found after diligent effort to locate and serve such persons as hereinabove provided, service may be made upon such persons by posting a copy of the notice of violation in a conspicuous place in or about the dwelling, dwelling unit, rooming unit, or premises described therein and by mailing to the last known address.

(2) After the passage of the period of time allowed for the correction of any violation described in such notice of violation, the Director of Health shall reinspect the dwelling, dwelling unit, rooming unit, or premises described in the notice. In making such reinspection the Director of Health shall follow the procedure detailed in § 178-10A and B hereof.

C. Any code official, officer or employee acting in good faith in the discharge of one's duties in the enforcement of the Middletown Housing Code is afforded all the protections from liability in accordance with C.G.S. §§ 7-101a and 7-465, as amended.

D. Whenever an emergency or other condition deemed detrimental to the occupant's health is determined by the Director of Health or his duly authorized designee to exist, corrective action shall not exceed five days.

§ 178-12. Revocation of rooming house permits.

A. The Director of Health is hereby authorized to enter, inspect, examine, and survey all rooming houses between the hours of 8:00 a.m. and 5:00 p.m. Whenever, upon inspection of any rooming house, the Director of Health finds that conditions or practices exist which are in violation of any provisions of this article, the Director of Health shall give a written warning to the operator of such rooming house that unless such conditions are corrected within a period of time to be specified by the Director of Health the operator's permit will be revoked. Such period of time shall be of a reasonable length. At the end of said period of time the Director of Health shall reinspect such rooming house.

(1) If the Director of Health determines that the conditions have not been corrected, he shall hold a hearing to determine whether the permit should be revoked. Written notice of the hearing setting forth the violations and the time and place of hearing shall be given to the holder of the permit setting

forth the violation and the time and place of hearing which shall be given at least seven days prior to the date scheduled for commencement of the hearing. The hearing may be continued from time to time by the Director as the circumstances require. At the hearing, the evidence on which a revocation of permit may be based may be presented. The holder of the permit may be represented by counsel, may cross-examine witnesses and present testimony, documentary evidence or other evidence in support of the holder's claim. If requested to do so, the Director may allow the permittee a reasonable time to submit a written memorandum in support of its claims. Within 10 days of the close of the hearing or the date for submission of the memorandum, the Director shall make a decision as to whether or not the permit shall be revoked. The decision shall be in writing and a copy mailed by certified mail or hand delivered to the permittee. If the permit is revoked, the revocation shall be effective upon receipt of the decision by the permittee.

(2) Notwithstanding any other provision of this Code of Ordinances, the Director of Health, upon receipt of information from which there is cause to believe that a permittee is conducting a rooming house in such a manner as to create a danger of immediate injury or damage to persons or property, shall immediately suspend such permit, which suspension shall be given in writing, and schedule a hearing as soon as practicable for the presentation of evidence, after which the Director shall make a determination as to whether the permit shall be revoked. The same practices and procedures shall apply at such hearing as at a hearing held upon a notice set forth in Subsection A(1) above.

B. Any person whose permit to operate a rooming house has been revoked by the Director of Health shall immediately cease to use the premises as a rooming house. Upon bringing the premises into compliance with this article, a new application for a rooming house permit may be made to the Director of Health.

§ 178-13. Designation of dwellings as unfit for human habitation.

[Amended 4-2-1990]

A. The designation of dwellings, dwelling units or rooming units as unfit for human habitation and the procedure for the condemnation and placarding of such dwellings, dwelling units or rooming units shall be carried out in compliance with the following requirements. Any dwelling, dwelling unit or rooming unit which the Director of Health shall find to have one or more of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Director of Health:

(1) Any dwelling, dwelling unit or rooming unit that is so damaged, decayed or dilapidated, insanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public;

(2) Any dwelling, dwelling unit or rooming unit that lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public; or

(3) Any dwelling, dwelling unit or rooming unit that, because of its general condition or location, is insanitary or otherwise dangerous to the health or safety of the occupants or of the public.

B. Any dwelling, dwelling unit or rooming unit that is condemned as unfit for human habitation, and so designated and placarded by the Director of Health, shall be vacated within such time as may be ordered by the Director of Health.

C. No dwelling, dwelling unit, or rooming unit that has been condemned and placarded as unfit for human habitation shall be used again for human habitation until written approval is secured from the Director of Health and until such placard is removed by express permission of the Director of Health. The Director of Health shall permit removal of such placard by the owner, occupant, or person in charge of the dwelling, dwelling unit, or rooming unit upon the elimination of the defect for which the premises were condemned and placarded.

D. No person shall willfully deface or remove the placard from any dwelling, dwelling unit, or rooming unit which has been condemned as unfit for human habitation and placarded as such, except when such action has been authorized by the Director of Health as provided for in Subsection C.

E. In the event of the failure to take corrective action as ordered by the Director of Health as to any property condemned as unfit for human occupancy within the time ordered, the Director of Health shall take such action as is authorized by law to protect the public health.

F. Nothing herein contained shall be interpreted as precluding any private right of action of any person against an owner, occupant or person in charge of the condemned and placarded structure.

G. All subsequent transferees of a condemned dwelling, dwelling unit, or rooming unit shall be deemed to have notice of the continuing existence of the violations alleged, and said transferees shall be liable to all penalties and procedures provided by this article to the same degree as was their transferor.

H. Whenever any building or structure, whether of the residential, commercial, industrial or other type, becomes so damaged, decayed, dilapidated, unsanitary, unsafe, or rat- or vermin-infested as to be considered a source of danger to the life or health of persons who live in the vicinity, it shall be declared a public nuisance by the Director of Health. Upon declaring it a nuisance, the Director shall issue an order to the owner, in writing, requiring the rehabilitation or demolition of the structure. Upon a failure to comply with the order the Director of Health shall take such action as is authorized by law to protect the public health.

I. Prior to demolition, any building or structure, whether of the residential, commercial, industrial or other type, which has been declared a public nuisance by the Director of Health shall be treated by a licensed pest control operator for the prevention of potential vermin infestations, such as rodents.

§ 178-14. Penalties for offenses.

[Amended 4-2-1990; 1-6-2003 by Ord. No. 01-03]

Any person who violates any provisions of this article or who shall willfully, wantonly or negligently refuse or fail to obey an order of the Director of Health or his duly authorized designee to meet the minimum standards of this article or any rule or regulation adopted pursuant thereto shall be fined by the City of Middletown not more than \$100 and/or may be subject to criminal and/or civil penalties as provided for in the Connecticut General Statutes, as amended. Each continuing day's failure to comply with an order of the Director of Health or his duly authorized designee or any provision of this article shall constitute a separate and distinct violation.

§ 178-15. Appeals.

[Amended 1-6-2003 by Ord. No. 01-03]

Any person aggrieved by an order of the Director of Health in the enforcement of the Middletown Housing Code may appeal to the Commissioner of Public Health pursuant to C.G.S. § 19a-229.

§ 178-16. Existing dwellings.

[Added 4-5-1993]

A. Any dwelling or premises lawfully existing at the effective date of this article or of any pertinent amendment thereto may be continued, subject to the following regulations:

(1) Said existing dwelling may be continued if said dwelling is a one-family dwelling and is occupied by the owner or his family, or if said dwelling is a two-family dwelling where one of the apartments or dwelling units is occupied by the owner or his family; provided, however, that said existing dwelling must nevertheless conform with and adhere to all of the provisions of the Housing Code except the following sections: §§ 178-5A and B and 178-8C and D.

(2) An existing dwelling which does not fall within the categories of dwellings delineated in Subsection A(1) above may be continued only if said existing dwelling conforms to and adheres to all of the provisions of the Housing Code; provided, however, that the Director of Health may exempt, in whole or in part, such an existing dwelling from the following sections if, in his opinion, compliance with these sections would be impractical or would create an extreme hardship upon the owner of such an existing dwelling: §§ 178-5A and B and 178-8C and D.

B. Any existing dwelling devoted to a special consideration may be reconstructed and structurally altered only subject to the following regulations:

(1) An existing dwelling shall not be added to or expanded unless the addition or expansion conforms to the provisions of the Housing Code.

(2) An existing dwelling which has been damaged by fire, explosion, accident, act of God or of the public enemy, or riot may be reconstructed to its condition immediately prior to such damage, provided that the cost of said reconstruction does not exceed 50% of its fair market value. In the event that the cost of said reconstruction exceeds 50% of the fair market value, said dwelling may not be reconstructed unless it conforms to all of the provisions of the Housing Code.

§ 178-17. Adoption of statutory provisions.

[Added 12-1-1986]

A. The provisions of C.G.S. §§ 47a-56 to 47a-56i, inclusive, as amended, are adopted in their entirety.

B. The Mayor of the City of Middletown is appointed as the authority to carry out the provisions of C.G.S. §§ 47a-56 to 47a-56i, inclusive.

§ 178-18. Numbering of buildings.

[Added 7-6-1992]

A violation of Article V, Numbering of Buildings, of Chapter 120, Building Construction, of the Code of Ordinances, as amended, shall also be a violation of this article.

§ 178-19. Identification of landlord.

[Added 2-6-2006 by Ord. No. 04-06]

A. As used in this section, "nonresident owner" means an owner of occupied or vacant rental property who does not reside on such property; "address" means 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; "dwelling unit" means any house or building, or portion thereof, which is rented, leased or hired out to be occupied, or is arranged or designed to be occupied, or is occupied, as the home or residence of one or more persons, living independently of each other, and doing their cooking upon the premises, and having a common right in the halls, stairways or yards; and "agent in charge" means one who manages real estate, including, but not limited to, the collection of rents and supervision of property.

B. Each nonresident owner of occupied or vacant rental real property in the City of Middletown shall annually report on or before August 1 and maintain on file in the Office of the Tax Assessor the current residential address of the nonresident owner of such property, if the owner is an individual, or the current residential address of the agent in charge of the building, if the nonresident owner is a corporation, partnership, trust or other legally recognized entity owning rental real property in the state. If such residential address changes, notice of the new residential address shall be provided by such nonresident owner or agent in charge of the building to such municipal office not more than 21 days after the date that the address change occurred. If the nonresident owner or agent fails to file an address under this section, the address to which the municipality mails property tax bills for the rental real property shall be deemed to be the nonresident owner or agent's current address. Such address may be used for compliance with the provisions of Subsection D of this section.

C. Each nonresident owner of occupied rental real property shall also provide a telephone number where said owner or a property manager authorized to act for said owner can be reached by City of Middletown emergency services personnel at any time.

D. Service of state or municipal orders relating to maintenance of such rental real property or compliance with state law and local codes concerning such real property directed to the nonresident owner or agent at the address on file, or deemed to be on file in accordance with the provisions of this section, shall be sufficient proof of service of notice of such orders in any subsequent criminal or civil action against the owner or agent for failure to comply with the orders, provided a copy is also mailed to any post office box address on file. The provisions of this section shall not be construed to limit the validity of any other means of giving notice of such orders that may be used by the state or the City of Middletown.

E. Any nonresident owner or agent who violates the provisions of Subsection B of this section shall have committed an infraction punishable by a fine of \$250 for the first violation. The Housing Division of the City Health Department shall enforce the provisions of this section. Should the nonresident owner or agent fail to file the residential address report within 60 days of the citation for the first violation, a subsequent violation of this section shall occur and a fine of \$1,000 shall be imposed.

F. The requirements of this section shall be in addition to and not in place of any other provisions of the Municipal Code.

ARTICLE II. Enforcement; Fines for Housing Code Violations

[Adopted 6-2-2008 by Ord. No. 08-08]

§ 178-20. Definitions and word usage.

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

CITATION

A written statement of the relevant conditions and facts giving rise to the Housing Code violation, including a reference to the specific section(s) of the Housing Code which has been violated.

PERSON

Any individual, firm, partnership, corporation, limited liability company, association or any other entity.

B. Masculine terms include the feminine.

§ 178-21. Director of Health authorized to issue citations; penalties for offenses.

Pursuant to C.G.S. § 7-148, as amended by Public Act No. 99-129, and in addition to remedies provided in the General Statutes and state regulations, State Public Health Code or City ordinances, the Director of Health or his/her designee is hereby authorized to issue citations for violations of the Connecticut Public Health Code, Middletown health ordinances or the Middletown Housing Code in accordance with this article. The fine for each such violation shall be \$100 for each day that such violation continues, payable to the City of Middletown. All payments received for such violations shall be deposited in the City's general fund.

§ 178-22. Service of citation.

Any citation issued hereunder shall be served upon the person(s) named in such citation by either in-hand service made by the Director of Health or his designated agent, or any state marshal or constable having authority to serve civil process in the State of Connecticut, or by mailing such citation to the person(s) named therein at his last known home address or other address provided by him to the Director of Health, by certified mail, return receipt requested, postage prepaid. If the citation is refused, it may be sent by regular mail to such address. The Director of Health shall retain a true and attested duplicate original of such citation.

§ 178-23. Enforcement; notice and hearing.

- A. The Mayor shall appoint, subject to confirmation by the Common Council, a Citation Hearing Officer to conduct the hearings authorized by this article. The Citation Hearing Officer may not be an employee of the City of Middletown and shall serve without compensation. The Citation Hearing Officer shall serve for a term of two years, unless removed for cause.
- B. If the person cited fails to pay the fine within a thirty-day period, the Director of Health, pursuant to C.G.S. § 7-152c, as amended, is authorized, at any time within 12 months from the expiration of said thirty-day period, to enforce said citation by sending said person a notice informing him:
  - (1) Of the allegations against him and the amount of the fine due;
  - (2) That he may contest the citation in a hearing by delivering in person or by mail written notice within 10 days of the date thereof;
  - (3) That if he does not demand a hearing, an assessment of fine and judgment shall be entered against him; and
  - (4) That such judgment may issue without further notice.
- C. If the person sent the notice required by Subsection B above does not make full payment of the fine and does not make written demand for a hearing before the Citation Hearing Officer within 10 days of the notice provided for in Subsection B above, he shall be deemed to have admitted liability, and the Director of Health shall certify such person's failure to respond to the Citation Hearing Officer. The Citation Hearing Officer shall thereupon enter and assess the fine provided for by this article.
- D. If a hearing is requested, it shall be conducted in accordance with the provisions of C.G.S. § 7-152c(e), as amended.
- E. The failure to pay the assessment of any fine(s) made by the Citation Hearing Officer can result in a Superior Court judgment as provided by C.G.S. § 7-152c(f), as amended, subject to judicial review as provided in C.G.S. § 7-152c(g), as amended.

**§ 272-1. Tax abatement on low- and moderate-income housing.**

[Amended 10-2-1978]

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

**LOW- AND MODERATE-INCOME HOUSING**

Housing, the construction or rehabilitation of which is aided or assisted in any way by any federal or state statute, which housing is subject to regulation or supervision of rents, charges or sale prices and methods of operation by a governmental agency under a regulatory agreement or other instrument which restricts occupancy of such housing to persons or families whose incomes do not exceed prescribed limits.

**OWNER**

A person or persons, partnership, joint venture or corporation who or which has executed, or will execute, a regulatory agreement or other instrument with a governmental agency, either federal, state or local, which limits occupancy of the low- and moderate-income housing owned or to be owned by such person or persons, partnership, joint venture or corporation to persons or families whose incomes do not exceed prescribed limits.

B. Contracts for abatement.

- (1) The Mayor may enter into contracts for the City with owners of low- and moderate-income housing granting abatement, in whole or in part, of the taxes on the real estate used for such low- and moderate-income housing.
- (2) The amount of such abatement shall be established in each such contract, giving due consideration to the purpose or purposes to which the money equivalent of the taxes so abated is to be applied. Each such contract shall require that the owner apply the money equivalent of the taxes so abated to one or more of the following specified purposes:
  - (a) To reduce rents below the levels which would be achieved in the absence of abatement;
  - (b) To improve housing quality and design;
  - (c) To effect occupancy by persons and families of varying income levels, within prescribed limits; or
  - (d) To provide necessary related facilities or services.

C. Effective date; duration of abatement. The abatement shall become effective on the date specified in the contract between the City and an owner of low- and moderate-income housing. The term of abatement shall extend for the remainder of the fiscal year in which abatement becomes effective and may continue for a period not to exceed 39 consecutive fiscal years thereafter, provided that such abatement shall terminate at any time when the property for which tax abatement had been granted is not used solely for low- and moderate-income housing, and provided further that the continuation of such abatement may be conditioned upon the continuation of state reimbursement to the City for such abatement. The abatement authorized herein shall be granted only for low- and moderate-income housing upon which construction or rehabilitation commenced after July 1, 1967.

D. State assistance. The Mayor shall, with the approval of the Common Council, execute on behalf of the City contracts with the state for financial assistance by the state in the form of reimbursement for the tax abatement granted to an owner of low- and moderate-income housing in accordance with this section.

§ 272-7. Deferred increased assessment.

[Added 4-1-1991]

A. Purpose. Certain areas within the City of Middletown are in need of rehabilitation. Sections 12-65c through 12-65f of the Connecticut General Statutes, as amended, provide a method for the municipality to encourage property owners to rehabilitate their properties situated in those areas in need of rehabilitation by allowing the municipality to defer the increase to the property assessment due to such rehabilitation.

B. Designated rehabilitation area. The area within the City of Middletown to which the provisions of this section apply is described as follows:

- (1) The Middletown North End/CBD Project Area is a parcel of land containing approximately 70+ acres, situated in the City of Middletown, Middlesex County, State of Connecticut. In general, the project is bordered to the south by Court Street, to the east by Connecticut Route 9, to the north by Connecticut Route 66/Route 17 and to the west by the rear property lines of the lots on the west side of Main Street. The project boundary is defined by the inside edge of the heavily dashed line as shown on the map titled "Project Boundary Map, North End/CBD Project Area, Urban Renewal Plan, City of Middletown, CT" by DeCarlo & Doll, Inc., scale one inch equals 100 feet, dated November 10, 1989 (Map Number 1).
- (2) The southeastern corner of the project is a point projected to the intersection of the south street line of Court Street and the west street line of Connecticut Route 9 (Acheson Drive). From this point the project boundary runs approximately 3,000+ feet northward along the west street line of Connecticut Route 9 to the northeastern corner of the project. The northeastern corner of the project is located on that point which is the intersection of the west street line of Connecticut Route 9 and the northern street line of Route 17.
- (3) From this point the project boundary runs westward along the northern street line of Connecticut Route 66/Route 17, along the north side of the off-ramp from the Arrigoni Bridge and projects across Spring Street. From this point the project boundary jogs southward along the property lines of the lots abutting the west side of Main Street ending at Court Street.
- (4) The project boundary runs along the west property line of Lot 19 in Block 17-19, crosses the railroad tracks, to Block 17-272 and runs along the north property line of Lot 5 to Clinton Avenue, then south along the east street line of Clinton Avenue and then east along the south property line of Lot 5. The project boundary continues along the rear property lines of Lot 4 and Lot 3, then north, west and south property lines of Lot 2, to the rear property line of Lot 1, and projects across Grand Street to Block 17-35. In Block 17-35, the project boundary continues along the rear property line of

Lot 7-6, the north, west and south property lines of Lot 5, the rear property lines of Lots 3A, 3B, 2 and 1 and projects across Liberty Street to Block 17-46. In Block 17-46, the project boundary runs westward along the south street line of Liberty Street to northeast corner of Mortimer Cemetery, then runs southward along the entire east property line of Mortimer Cemetery to the rear property lines of Lots 5, 4, and 3, along the rear and west property line of Lot 57 and then projects across Washington Street (Route 66) to Block 17-51. In Block 17-51, the project boundary runs southward along the rear (west) property lines of Lots 21, 22, 23 and 24A, along the north, west and south property line of Lot 25, along the rear property lines of Lots 26, 272 and 29, along the south property line of Lot 29, southward along the rear property lines of Lots 30 and 32 and projects across Court Street to the southeastern corner of the project. The southeastern corner of the project is located on the south street line of Court Street at a point approximately 90+ feet west of the west street line of Main Street. From this point, the project boundary runs eastward along the south street line of Court Street, approximately 980+ feet to the southeast corner of the project.

(5) The provisions of this section shall also apply to such areas within the City of Middletown which the Common Council shall from time to time designate as rehabilitation areas in accordance with the provisions of C.G.S. §§ 12-65c through 12-65f, as amended.

C. Criteria for eligibility. To be eligible for the benefits provided by this section, an owner of property situated in the designated rehabilitation area must be willing to enter into a written agreement with the City of Middletown whereby the owner of such property agrees to rehabilitate the property in accordance with the standards set forth by the Design Review and Preservation Board for the rehabilitation of structures in established historic neighborhoods. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

D. Application procedure.

(1) Any owner of property situated within the designated rehabilitation area who seeks to take advantage of the benefits conferred by this section shall submit his application to the Redevelopment Agency of the City of Middletown on forms to be supplied by said Agency. Such application shall include a detailed presentation of the proposed rehabilitation and the owner's estimate as to time for completion of such rehabilitation. Said Redevelopment Agency shall review the application to make the following determinations:

(a) The property to be rehabilitated is situated in the designated rehabilitation area.

(b) The property to be rehabilitated is in need of rehabilitation.

(c) The plans for rehabilitation as submitted meet the eligibility criteria as set forth in Subsection C of this section.

(2) If the application satisfies all three requirements, the Redevelopment Agency shall certify to the Common Council of the City of Middletown that such application qualifies for the benefits conferred by this section and shall also set a date for the completion of the rehabilitation work. If the application fails to satisfy any or all of the requirements set forth above, the Redevelopment Agency shall forward the application to the Common Council without certification setting forth the reasons for such denial of certification.

(3) Following the review by the Redevelopment Agency, the application shall be forwarded to the Common Council, which shall either approve or reject the application; provided, however, that it shall take a simple majority of those members of the Common Council present and voting to overrule the certification or denial of certification of such application by the Redevelopment Agency.

(4) In the event of approval, the Common Council shall pass a resolution authorizing the Mayor of the City of Middletown to enter into the rehabilitation agreement with the owner of the property to be rehabilitated.

(5) Any person aggrieved by the action of the Common Council may appeal said action in accordance with C.G.S. § 12-65f, as amended.

E. Rehabilitation agreement.

(1) The rehabilitation agreement to be signed by the property owner and the Mayor on behalf of the City shall include a detailed plan of the rehabilitation work to be performed and shall fix the assessment of the property during the rehabilitation period as of the date of the agreement, but in no event shall the rehabilitation period exceed the period of three years.

(2) The rehabilitation agreement shall provide that upon completion of the rehabilitation in accordance with the terms of the agreement and upon certification by the Assistant Building Official as hereinafter set forth, the increase in the assessment of the property due to such rehabilitation shall be deferred in accordance with the following schedule:

(a) During the first two tax years following completion of said rehabilitation, the entire increase shall be deferred.

(b) During each tax year thereafter, 10% of the increase shall be added to the assessment until 100% of the increase shall be assessed.

(3) The rehabilitation agreement shall further provide that in the event a general revaluation of property is made by the City of Middletown in the year in which the rehabilitation is completed which results in any increase in the assessment of the rehabilitated property, only that portion of the increase attributable to such rehabilitation shall be deferred, and in the event that such a general revaluation of property is made in any year after the year in which the rehabilitation is completed, the deferred assessment shall be increased or decreased in proportion to the increase or decrease in the total assessment on such property as a result of such general revaluation.

(4) The rehabilitation agreement shall provide that such rehabilitation shall be completed by the date fixed by the Redevelopment Agency, and in the event that on the date so fixed for completion the Assistant Building Official has denied certification that the rehabilitation has been performed in accordance with the criteria as set forth in Subsection C and in accordance with the terms of the rehabilitation agreement, the agreement shall terminate, and further the owner of the property shall be liable for any increase in taxes since the date of the agreement for which he would have been liable in the absence of such agreement. The agreement shall further provide that a property owner may apply to the Redevelopment Agency for an extension of time in which to complete the rehabilitation, which, for good cause shown, the Redevelopment Agency may approve, but in no event shall such extension of time exceed the period of one year.

(5) The rehabilitation agreement shall further provide that the agreement is contingent upon the following conditions:

(a) In addition to the certification requirements of Subsection E(4), the property shall be subject to inspection and certification by the Assistant Building Official as being in conformance with such provisions of the State Building and Health Codes and local housing codes as may apply. Editor's Note: See Ch. 178, Housing Standards.

(b) The deferral of assessment shall continue only so long as the property remains in the state of rehabilitation as set forth in the agreement.

(c) The deferral of assessment shall cease upon the sale or transfer of the property unless the new owner of said property has given written assurance to the Common Council that he will abide by the terms of the rehabilitation agreement.

F. Miscellaneous provisions.

(1) Any certification by the Assistant Building Official required to be made by the provisions of this section shall be made to the Redevelopment Agency, and in the event the Assistant Building Official denies such certification he shall notify said Agency of such denial.

(2) The Assessor of the City of Middletown shall be notified of any agreement entered into under the provisions of this section and shall adjust his records accordingly.

(3) The Assistant Building Official shall forward a copy of his certification that the rehabilitation has been performed in accordance with the rehabilitation agreement to the Middletown Tax Assessor. In the event that the Assistant Building Official denies such certification, he shall send a copy of his denial to the Tax Assessor, who, after consulting with the Redevelopment Agency to determine that an extension of time to complete the rehabilitation has not been granted, shall readjust his tax records in accordance with the provisions of this section.

(4) Any agreement entered into under the provisions of this section shall be filed with the Middletown City/Town Clerk for recording in the land records of the City of Middletown.

**§ 272-12. Additional exemption for persons who are blind.**

[Added 8-5-1985; amended 6-2-1997]

A. Any person entitled to the exemption from property tax applicable to the assessed value of property up to the amount of \$3,000, as provided under Subsection (17) of C.G.S. § 12-81, shall be entitled to an additional exemption from such tax in an amount up to \$2,000 of such assessed value, provided the total of such person's adjusted gross income as determined for purposes of the federal income tax plus any other income of such person not included in such adjusted gross income individually, if unmarried, or jointly, if married, in the calendar year ending immediately preceding the assessment date with respect to which such additional exemption is allowed is not more than the amounts which the State Office of Policy and Management sets out as the maximum and minimum income levels each fiscal year, a copy of which is on file in the office of the Tax Assessor.

B. Any person submitting a claim for the additional exemption as provided under Subsection A of this section shall be required to file an application, on a form prepared for such purpose by the Assessor, not later than the date of the assessment list with respect to which such additional exemption is claimed. Each such application shall include a copy of such person's federal income tax return or, in the event a return is not filed, such evidence related to income as may be required by the Assessor for the tax year of such person ending immediately prior to the approval of a claim for such additional exemption.

C. This section shall be applicable to the assessment year commencing October 1, 1985, and each assessment year thereafter.

**§ 272-13. Additional exemption for persons permanently and totally disabled.**

[Added 8-5-1985; amended 6-2-1997]

A. Any person entitled to the exemption from property tax applicable to the assessed value of property up to the amount of \$1,000, as provided under Subsection (55) of C.G.S. § 12-81, shall be entitled to an additional exemption from such tax in an amount up to \$1,000 of such assessed value, provided the total of such person's adjusted gross income as determined for purposes of the federal income tax plus any other income of such person not included in such adjusted gross income individually, if unmarried, or jointly, if married, in the calendar year ending immediately preceding the assessment date with respect to which such additional exemption is allowed is not more than the amounts which the State Office of Policy and Management sets out as the maximum and minimum income levels each fiscal year, a copy of which is on file in the office of the Tax Assessor.

B. Any person submitting a claim for the additional exemption as provided under Subsection A of this section shall be required to file an application, on a form prepared for such purpose by the Assessor, not later than the date of the assessment list with respect to which such additional exemption is claimed. Each such application shall include a copy of such person's federal income tax return or, in the event a return is not filed, such evidence related to income as may be required by the Assessor for the tax year of such person ending immediately prior to the approval of a claim for such additional exemption.

C. This section shall be applicable to the assessment year commencing October 1, 1985, and each assessment year thereafter.

**§ 272-16. Urban Rehabilitation Homeownership Program tax deferral.**

[Added 8-6-2001]

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

**PARTICIPANT**

A resident property owner participating in the program and residing in, or purchasing a primary residence in, Census Tract 5411, 5415, 5416 or 5417.

**PROGRAM**

The Urban Rehabilitation Homeownership Program of the Connecticut Housing Finance Authority.

B. Pursuant to Connecticut Public Act No. 01-9, Section 81, a participant may enter into an agreement with the City of Middletown to receive a deferral on any increase in real property assessment attributable to rehabilitation completed through the program, for up to five years from the date of such completion.

C. Any such assessment increase deferral agreement shall provide for:

(1) The completion of such rehabilitation by a date fixed;

(2) The inspection and certification by the Building Department that the completed rehabilitation is in conformance with such provisions of the State Building and Health Codes and the local housing code Editor's Note: See Ch. 178, Housing Standards. as may apply; and

(3) The continued residence of the applicant in such property during the period of the deferral.

D. In the event of a general revaluation in the year in which such rehabilitation is completed resulting in any increase in the assessment of such real property, only that portion of the increase resulting from such rehabilitation shall be deferred, and in the event of a general revaluation in any year after the year in which such rehabilitation is completed, such deferred assessment shall be increased or decreased in proportion to the increase or decrease in the total assessment on such property as a result of such general revaluation.

E. The Mayor shall be authorized to sign all documents to effectuate the agreement.

F. In the event the program is discontinued by the State of Connecticut, no new applications for tax abatements shall be processed by the City.