



**Town of Mansfield  
Agenda Item Summary**

**To:** Town Council  
**From:** Matt Hart, Town Manager *MWH*  
**CC:** Maria Capriola, Assistant Town Manager; Michael Nintean, Director of Building and Housing Inspection  
**Date:** August 25, 2014  
**Re:** Mansfield Housing Code, Expansion of Rental Certification Zone

---

**Subject Matter/Background**

As you will recall, staff has presented a proposal to expand the rental certification zone under the Mansfield Housing Code to include all rental dwelling units within the entire town. If the Town Council were to take this action, it would eliminate the need to have a separate rental certification zone.

At the July 28, 2014 meeting, staff provided Council with a briefing regarding the potential expansion of the rental certification requirements. At this time, we also reported on the need for a technical fix to remove ambiguity within the code concerning the expiration of the biennial rental certificates.

**Financial Impact**

*Revenue* - Funds would be generated by two sources if the rental certification requirements are extended town-wide. The program would require staff to administer the both Housing Code and the Residential Off Street Parking ordinance in the expanded area, adding 366 units requiring housing certificates and 103 units requiring compliance with the off street parking requirement. The housing certificates would generate \$27,450 annually and the parking ordinance would generate \$3,605 as a one-time sum payable over a two-year period.

*Expenses* - In 2013, the Director of Building and Housing Inspection Mike Nintean audited the department's quarterly reports to estimate the expense of expansion. We currently inspect approximately 1,250 units within the two-year cycle stipulated by the code. Taking into account other departmental duties such as the Landlord Registry, parking enforcement, nuisance enforcement against landlords, blight inspections, complaint investigation, training and duties related to the Mansfield Community Campus Partnership, Mr. Nintean estimates the department could inspect approximately 50 more units with the current inspection staff. This would leave 316 units requiring additional staff to inspect.

Consequently, the department would require approximately eight hours per week of inspection time and an additional four hours per week to handle the associated administrative duties typically provided by inspection staff. If we hire a part-time employee at an hourly rate of \$29.96 the cost would be \$18,695 per year.

I anticipate the cost of any professional development would be absorbed within the department's current budgeted amount.

**Legal Analysis**

The Town Attorney has prepared the proposed amendments to §130-35, Chapter 9, Rental Certification and Inspection, of the Mansfield Housing Code and it is his opinion that the changes can be legally implemented.

**Recommendation**

Staff recommends that the Town Council schedule a public hearing to solicit public comment regarding the proposed amendments to the housing code.

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

*Move, to schedule a public hearing for 7:30 PM at the Town Council's regular meeting on September 8, 2014, to solicit public comment regarding the proposed amendments to §130-35, Chapter 9, Rental Certification and Inspection, of the Mansfield Housing Code.*

**Attachments**

- 1) M. Nintean Memo July 9, 2014
- 2) M. Nintean Memo July 18, 2014
- 3) Proposed Amendments to Mansfield Housing Code, Chapter 9 (black-line & clean copies)

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

---

Michael E. Nintean, CBO MCP, Director

AUDREY P. BECK BUILDING  
FOUR SOUTH EAGLEVILLE ROAD  
MANSFIELD, CONNECTICUT 06268-2599  
(860) 429-3324 TELEPHONE  
(860) 429-3388 FACSIMILE

July 9, 2014

To: Matt Hart, Town Manager

From: Mike Nintean, Director of Building & Housing Inspection

RE: Housing Inspection Zone Expansion

Pursuant to your request I have studied the impact of extending the current Housing inspection zone to encompass additional rental units within the Town of Mansfield. This is an update of the March 20, 2013 document.

**Reason for Proposal**

The Housing program instituted in August of 2006 has been extremely successful to date. We are currently well within the fourth 2 year cycle and it is my belief the quality of the housing stock has improved and is safer than prior to the program. It is also my belief that we have made positive improvements regarding behavioral aspect within the rental community as a result of other regulations adopted in concert with the Housing code.

As you may recall we initially started with a small zone situated around the UConn campus. After initial implementation it was determined staff could enforce the code over a larger district allowing the benefits of the program to aid in quality of life for additional residents both renter and neighbors alike.

I am in agreement the time has come to investigate the positives and potential negatives of expanding again. When expanding the zone previously no additional staff was required because we had built in a buffer to allow for appeals and unforeseen issues that might have arisen as we proceeded with code implementation. Those issues did not materialize nor have they to date. Based on this I offer the following information and recommendations for your use and consideration.

## Approach

I took a similar approach to the last expansion, first quantifying the number of units within the program and then looking at the most appropriate geographical areas in which to explore. Last time I presented a plan A and B. This made sense at that time because we were only inspecting approximately 25% of the geographical area in Mansfield. This time however once my initial research was completed I noted Plan A would cover approximately 96% of the units in Town so I determined it would make sense to present a plan to cover the entire Town if expansion is deemed warranted.

## Dwelling Units

The department currently inspects approximately 1250 units within the Implementation Zone. That constitutes about 75% of the rental dwelling units in Town.

I quantified the remaining rental dwelling units within the Town. The following table depicts the results of that research.

<b>Dwelling Units</b>	Single	2 Family	3 Family	4-6 Family	Multi-Family	Condominium	Total
<b>Current</b>	290	122	21	34	713	68	1249
<b>Expansion</b>	101	2	0	10	208	45	366
<b>Total</b>	391	124	21	44	921	113	1615
<b>*Estimated</b>	7/2014						

## Revenue

Revenue will be generated by 2 sources if expansion is adopted. The program will require staff to administer the Housing Code and Residential Off Street Parking ordinance in the expanded area. There will be an additional 366 units requiring Housing certificates and 103 units requiring compliance for off street parking. The Housing certificates will generate \$27,450 annually and the parking \$3,605 as a one-time sum payable over a 2 year period.

## **Expenses**

In 2013 I audited the department's quarterly reports to estimate the expense of expansion. We currently inspect approximately 1250 units within the 2 year cycle stipulated by the code. Taking into account other departmental duties such as the Landlord Registry, parking enforcement, nuisance enforcement against landlords, blight inspections, complaint investigation, training and duties related to the M CCP I estimate the department could inspect approximately 50 more units with current inspection staff. This would leave 316 units requiring additional staff to inspect.

The department would require approximately 8 hours per week of inspection time and an additional 4 hours to handle the associated administrative duties. If we hire a part-time employee at an hourly rate of \$29.96 the cost would be \$18,695 per year.

I anticipate the cost of any professional development would be absorbed within the department's current budgeted amount.

## **Possible Issues**

If we do expand the zone additional staff will be required. We are short on office space at this time so we will need to determine where the new employee would work from.

The Town is short on vehicles and while we would try to coordinate field and office work of inspectors I believe the new inspector would be required to use their own vehicle at times and paid a mileage reimbursement pursuant to Town policy. This cost should be minimal and I anticipate the cost could be absorbed by the current travel budget.

With the construction of the Storrs Center project several units will come into the program on a regular basis starting in August of 2017. This will undoubtedly require more inspection and administrative staff to implement properly.

## **Conclusion**

It is my recommendation that we propose a Town wide expansion of the Housing Certificate Zone. This will provide health and safety benefits for all tenants within Mansfield. It will also level the playing field among the landlord community by equalizing the cost of doing business with regard to Town regulation.

Based on my revenue versus expense calculations I estimate positive annual revenue of approximately \$8,485. I suggest using the parking revenue to help cover any one time expenses such as office supplies, business cards, ICC certification and additional administrative staff overtime related to expansion.

TOWN OF MANSFIELD  
OFFICE OF BUILDING AND HOUSING INSPECTION

---

Michael E. Ninteau, CBO MCP, Director

AUDREY P. BECK BUILDING  
FOUR SOUTH EAGLEVILLE ROAD  
MANSFIELD, CONNECTICUT 06268-2599  
(860) 429-3324 TELEPHONE  
(860) 429-3388 FACSIMILE

July 18, 2014

To: Matt Hart, Town Manager

From: Mike Ninteau, Director of Building & Housing Inspection

RE: Housing Code Certificate Expiration Language Modification

As you are aware we are trying to obtain search warrants for the 32 units at Woodsedge apartments for the purpose of Housing inspection. The State Housing prosecutor, Judith Dicine, while doing her due diligence noticed that there is conflicting language within Section 901 of our code. The "Implementation Schedule" provision requires a valid permit within the period of time specified by the schedule. The "Term of Certificate" states that it expires 2 years after the date of issuance. Therefore in Judy's opinion we must go by the "Term of Certificate" language. I agree with her finding and for that reason we will be unable to apply for search warrants until after the current certificates expire in August, even though they are expired pursuant to the implementation schedule. The reason this occurred is because as the 2 year cycle repeats, due to scheduling, waiver pending correction or late fee payment certificates were being issued after the implementation schedule required date. While unaware of the complete ramifications, we did identify this issue and adjusted policy accordingly some time ago. We now require the date of implementation be used and not the date of issue for certificate renewal.

Also, regarding this particular matter staff has question whether or not fines should begin to accrue now. It is my opinion based on the ambiguity that the fines should be delayed as well.

Going forward I propose we ask Council to amend the ordinance language to state:

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

CHAPTER 9, RENTAL CERTIFICATION AND INSPECTIONS:

SECTION 901 CERTIFICATION

Findings. The Town Council of the Town of Mansfield finds that inadequate maintenance of some residential rental property within the community is especially prevalent and concentrated in certain areas of the Town, and that since the Town of Mansfield has limited resources to regulate and control such inadequate maintenance Town wide, it is necessary to concentrate deployment of said limited resources in areas of the Town in which the is a detriment to the public welfare, health and safety caused by inadequate maintenance of residential rental property is more prevalent and concentrated.

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

Rental Certification Zone: The provisions of this chapter shall apply only to those residential rental housing units located within the Rental Certification Zone, hereinafter referred to as the "Certification Zone," or to any residential rental dwelling or dwelling unit whose owner requests such status and treatment by the Town of Mansfield. A map of the Certification Zone is attached as an appendix to this code.[1]

{Amended 3-26-2007, effective 4-20-2007}

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

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

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

fails to obtain a valid certificate of compliance within the period of time specified by the implementation schedule.

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

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

901.3 Reinspections. If said dwelling or dwelling unit does not comply with the code standards, the Code Official shall furnish the applicant with a written list of the specific violations, which would have to be corrected before a certificate of compliance could be issued for the dwelling or dwelling unit. Upon the representation of the applicant that the listed violations have been corrected, the Code Official shall reinspect said dwelling or dwelling unit and issue a certificate of compliance or a list of violations, as above provided.

901.4 Waiver pending correction. Any applicant who is delayed in correcting violations necessary to entitle him/her to a certificate of compliance and who has a valid contract in writing with a person for the performance of the work may petition the Code Official in writing for a temporary waiver of compliance. The petition shall contain the information therein which is reasonably necessary for a decision and shall include a written and signed statement by the person under contract to correct the violation, specifying the date of beginning and completion of the work. If the Code Official shall find that the delay in the correction of the violation is reasonable, taking into consideration the availability of persons to do the work and the current work load, and that the work can reasonably be undertaken and completed while the premises are occupied or that appropriate provision has been made for housing the tenant elsewhere during the necessary period when the dwelling or dwelling unit will not be habitable because of the work of correcting the code violation, the Code Official shall issue a temporary waiver of compliance expiring on the date when the corrective work should be completed. The applicant shall, on or before that date, request a reinspection. The Code Official shall reinspect the dwelling or dwelling unit and issue the certificate of compliance or list any remaining violations as above provided.

901.5 Appeals. Any applicant aggrieved by the decision of the Code Official to issue a certificate of compliance may appeal to the Housing Code Board of Appeals as set forth in Section 111, above.

901.6 Violations and penalties. Any owner, agent or other authorized persons who lets for occupancy any dwelling or dwelling unit in the Town of Mansfield and who does not hold a valid certificate of compliance from the Code Official shall be given written notice by said official of said violation by personal service or by certified mail, addressed to said owner, agent or other authorized person in control of the subject property at his/her last known address. Any such person or entity who or which fails to cure such violation within 15 days after the date of such written notice may be assessed a fine of not more than \$100 per day for each and every day that such violation continues, as each day of such continued violation shall be considered a separate violation of this chapter.

#### SECTION 902 INSPECTIONS

902.1 Scope. The Code Official is hereby authorized and directed to make periodic inspections within the purview of this chapter and such inspections as are required by a code compliance program of the Town of Mansfield, by and with the consent of the owner, occupant or person in charge, to determine the condition of dwellings, dwelling units, rooming units and premises within this Town for the purpose of determining compliance with the provisions of this chapter or this code. Occupants may also request inspections under this chapter or this code.

A. For the purpose of making such inspections, the Code Official, with the consent of the owner, occupant or person in charge, is hereby authorized to enter, examine and survey all dwellings, dwelling units, rooming units and premises at such time mutually satisfactory to and agreed upon by the Code Official and the owner or occupant of a dwelling, dwelling unit or rooming unit or the person in charge thereof. Such inspection, examination or survey shall not have for its purpose the undue harassment of the owner or occupant, and such inspection, examination or survey shall be made so as to cause the least amount of inconvenience to said owner or occupant, consistent with an efficient performance of the duties of the Code Official. To further ensure that the policy of this chapter, which is to achieve compliance through cooperation of owners and occupants, shall be successfully maintained, it shall be the practice of the Code Official, whenever practicable, to provide reasonable advance notice to owners and/or occupants of projected special inspections or inspections of a routine nature. Ultimately, no owner or occupant of a residential rental housing unit or rooming unit may unreasonably withhold from the Code Official consent to access the premises for the purpose of performing any inspection authorized by this code.

B. The occupant of each dwelling, dwelling unit, rooming unit or premises, or the person in charge thereof, upon presentation by the Code Official of his/her proper credentials, may give the Code Official entry to the dwelling, dwelling unit, rooming unit or premises and free access to every part thereof.

C. Whenever an owner, occupant or person in charge of a dwelling, dwelling unit, rooming unit or premises shall deny the Code Official right of entry for the purpose of inspection, examination or survey, the Code Official shall not enter until he/she presents a duly issued search warrant or other written authorization describing the dwelling, dwelling unit, rooming unit or premises to the owner, occupant or person in charge thereof.

D. Nothing in this section shall be construed to preclude the entry of the Code Official at any time when, in his/her judgment, an emergency tending to create an immediate danger to the public welfare or safety exists, or when such entry is requested by the owner, occupant or person in charge of the

dwelling, dwelling unit, rooming unit or premises, or when the Code Official presents a duly issued search warrant to said owner or occupant or person in charge thereof.

902.2 Access to remedy. Per Connecticut General Statutes Section 47a-16, every occupant of a residential rental housing unit or rooming unit shall not unreasonably withhold from the owner thereof, or his/her agent or employee, consent to access any part of such dwelling, dwelling unit or rooming unit, or its premises, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this chapter.

[1]:

Editor's Note: A copy of the Certification Zone Map is included at the end of this chapter.

## CHAPTER 9, RENTAL CERTIFICATION AND INSPECTIONS:

### SECTION 901 CERTIFICATION

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

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

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

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

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

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

901.2 Conditions for issuance of certificates. Upon request of the owner, agent or other person authorized to rent a dwelling unit (hereinafter referred to as the "applicant"), the Code Official will be available at an appointed time, within a reasonable amount of time, agreed upon by the Code Official and the applicant, or later if the applicant requests, to inspect such dwelling or dwelling unit. If such