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## **ARTICLE IV Landlord Registration [Adopted July 15, 2008, effective August 15, 2008]**

### **§ 6-158. Title.**

This article shall be known and may be cited as the "Ordinance Regarding Landlord Registration" or "Landlord Registration Ordinance."

### **§ 6-159. Legislative authority.**

This article is enacted pursuant to the provisions of Connecticut General Statutes §§ 47a-6a, 47a-6b, 7-148 and the Town of Windham Charter

### **§ 6-160. Findings and purpose.**

The Board of Selectmen of the Town of Windham finds that there have occurred numerous incidents of when persons renting residential dwelling have had difficulty with their premises and the use thereof, or that the use by the persons renting the property has been maintained so as to create a public nuisance, disturbance or hazard, and the Town has been unable to quickly identify and contact the nonresident owner of the property or the agent in charge. The Board of Selectmen also finds that the identification and knowledge of the whereabouts of nonresident owners of residential rental housing units in the Town of Windham is in the best interests of the community and will promote the public welfare, health and safety of the people of Windham. Accordingly, pursuant to the authority granted to municipalities by Connecticut General Statutes §§ 47a-6a, 47a-6b, and 7-148, and of that authority granted the Board of Selectmen by the Town of Windham Charter, the Town of Windham seeks to better protect, preserve and promote the health, safety, welfare and quality of life of its people by requiring nonresident owners of residential rental housing units to comply with this article. Following its adoption by the Board of Selectmen, this Ordinance shall become effective on the twenty-first day (August 15, 2008) after publication in a newspaper having circulation in this town.

### **§ 6-161. Definitions.**

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

**ADDRESS** — A location as described by the full street number, if any, the street name, the city or town, and the state, and not a mailing address such as a post office box.

**AGENT IN CHARGE** — One who manages real estate, including, but not limited to, the collection of rents and supervision of property, who may be reached or contacted at any time in the event of an emergency affecting the premises or any unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make or cause to be made emergency decisions concerning the building and any repair thereto or expenditure in connection therewith and who shall, at all times, have a current list of all building tenants which shall be made available to emergency personnel as required in the event of an emergency.

**NONRESIDENT OWNER** — Any owner of a dwelling unit who does not reside in such unit nor within the building of which the dwelling unit is a part.

**CONTACT INFORMATION**-The name, address and phone number of the nonresident owner

and the agent in charge, if any.

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 an exclusive or a common right in the halls, stairways or yards.

### **§ 6-162. Applicability.**

This article shall apply to all dwelling units in the Town of Windham, except that dwelling units that are owned by the State of Connecticut shall be exempt. This exemption shall not include dwelling units leased from the State of Connecticut.

### **§ 6-163. Registration required; fees.**

- A. Within thirty (30) days following the effective date, any nonresident owner of one or more dwelling unit shall be required to file and maintain on file in the Office of Code Enforcement of the Town of Windham the current address and contact information of the nonresident owner of such property, if the owner is an individual. If a nonresident owner is a corporation, partnership, trust or other legal recognized entity, then names of all general partners and the current address and contact information of the agent in charge of the building shall be filed in the Office of Code Enforcement. Multi Property owners will register once, not for each property. Landlords will only register one time unless contact information changes. All contact information shall be posted at each dwelling in a conspicuous place.
- B. If such residential address or contact information changes, notice of the new address and contact information shall be provided by such nonresident owner or agent in charge of the building to the Office of Code Enforcement of the Town of Windham not more than 21 days after the date that the address or contact information change occurred.
- C. Any Landlord who registers within the first 30 days of ownership will not have to pay the initial fee. Each such nonresident owner or agent shall pay a fee of \$10 for each initial registration and a fee of \$5 for each notice of residential address or contact information change. Any owner or agent who fails to pay any such fee at the required time of registration or notice shall pay a surcharge of \$90.
- D. If any such nonresident owner or agent fails to maintain on file an address or contact information as required by this section, the address to which the Town mails property tax bills or Public water/sewer bills, for the residential rental housing unit shall be deemed to be the nonresident owner's or agent's current address. Such address may be used for compliance with the provisions of Subsection E of this section.
- E. Service of state or municipal orders relating to maintenance of any such dwelling unit 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 nonresident owner or agent for failure to comply with the orders.

F. Any person who violates any provision of this section shall have committed an infraction.

**§ 6-164. Penalties for offenses; notice of assessment; appeals.**

- A. As provided in Connecticut General Statutes §§ 47a-6a and 47a-6b, and notwithstanding any provision of the Windham Code of Ordinances to the contrary, any nonresident owner or agent who shall violate any provisions of this article shall be assessed a civil penalty of not more than \$250 for the first violation and not more than \$1,000 for any subsequent violation.
- B. The Office of Code Enforcement of the Town of Windham shall send notice of the assessment to the nonresident owner or agent of the property that is the subject of the violation.
- C. Any person who is assessed a civil penalty pursuant to this section may appeal therefrom to the Superior Court. An appeal shall be instituted not later than 30 days after the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to § 52-259 of the Connecticut General Statutes, at the Superior Court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.