

ILLEGAL UNITS AND/OR VACANT BUILDINGS: City of Waterbury Blight Task Force

Presented By: Officer Ryan Bessette
Waterbury Police Department
&
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Waterbury Development Corporation



BROKEN WINDOWS THEORY:

“Consider a building with a few broken windows. If the windows are not repaired, the tendency is for vandals to break a few more windows. Eventually, they may even break into the building, and if it's unoccupied, perhaps become squatters or light fires inside.”



4th AMENDMENT ISSUES

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

CT CRIMINAL STATUTES:

Sec. 53a-107

Criminal Trespass In The First Degree

(Class A Misdemeanor)

(Three situations)

1. Knowing that he is not licensed or privileged to do so,
2. the actor enters or remains in a building or any other premises
3. after an order to leave or not to enter personally communicated to such actor by the owner of the premises or other authorized persons.

Section 53a-104 – Affirmative Defense to Criminal Trespass

“The building involved in the offense was abandoned”

(Looseleaf Law, Eliot B. Spector, Esq. 2016)

LEGAL TENANT OR TRESPASSER?

- Is the property habitable or safe for occupancy?
- Is the property secured or openly accessible?
- Does the property appear to be abandoned?
- Is there contact information available for property manager or owner?
- Written evidence not necessarily required to determine tenancy.
- Occupant, landlord, neighbor, or other occupants statement may be sufficient to determine tenancy.
- Furniture, clothing, mail, driver's license and other identifying personal items may be used to determine whether or not the individual has been residing in the property.
- Can you make a determination if the individual has been residing in the property?
- Potential options may include and not limited to the following: *Arrest, infraction, voluntary compliance, relocation, and eviction.*

CITY OF WATERBURY BLIGHT TASK FORCE

- Initiated by Mayor Neil O’Leary in January 2012.
- BTF is based out of the Police Department and is lead by LT. Daniel Lauer.
- Consists of liaisons from Corporation Counsel, Fire Marshal’s Office, Public Works, Community Relations, Building Department, Health Department, Zoning Department, Waterbury Development Corporation, Neighborhood Housing Services, and Mayor’s Office.
- BTF worked closely with the Housing Division of States Attorney’s office and legislatures to draft a blight ordinance with criminal penalties (not civil).
- During the 2012 Legislative Session, a law was passed that added a criminal penalty to the blight statute under 7-148.
- Adoption of landlord registration ordinance.

BLIGHT TASK FORCE COLLABORATION

- Weekly meetings with liaisons from each agency.
- Streamlined efforts to remediate blighted and abandoned properties.
- Coordination and transparency amongst task force agencies.
- Utilize various statutes and resources of multiple agencies to resolve abandoned and illegally occupied buildings.
- Proactively identify and secure abandoned or hazardous buildings.
- 56 Abandoned properties demolished since 2012
- 9 Abandoned properties secured and boarded in 2016.

NOTICE OF VIOLATION

Waterbury Police Department
Waterbury, Connecticut
Standard Form Number P-82
Revised 10/2013

Waterbury Police Department
Community Relations Division
240 Bank Street Waterbury, Connecticut 06702

Blight Elimination Ordinance Notice of Violation

Date: _____ QAlert #: _____ Case #: _____

Property Owner/Tenant/Occupant: _____

The property located at is in violation of the City of Waterbury Blight Elimination Ordinance § 150.64 (A) for one or more of the following reasons:

Accumulation of garbage or trash 2 or more unregistered or junk motor vehicles on the premises

Grass or weeds in excess of 9 inches Collapsed roof, wall or floor Missing doors or windows

Damaged or absent siding Graffiti *Bulk Items out without an appointment or out too early

**Trash cans, or recycle bins continually left at curb line

Other:

You are hereby notified that these violation(s) must be corrected on or before _____.

Failure to correct these violation(s) within the allotted time may result in you being issued a summons to Housing Court and paying a fine of \$250.00 for each day that the condition(s) noted above continue to exist, or liability for civil penalties.

Emergency Relocation

- Procedures/Steps: A relocation occurs when the a City code enforcement official determines that a property is in such condition as to constitute and “immediate and serious threat to the health or safety of the occupants” and the owner of the premises fails or refuses to make the necessary repairs and/or relocate the occupants, the City is obligated to provide relocation assistance to the occupants.
- The type and amount of relocation assistance varies depending on the circumstances, but generally includes payment for **temporary housing, temporary moving** (\$250-\$500) and storage expenses and rent differential (RHP) (up to \$4,000.00) for permanent housing. In addition, the City/WDC is obligated to assist the relocated persons in finding permanent housing.
- *The Red Cross assists in fires only and provides the displaced person with a two night stay in the motel.

RELOCATIONS

- City of Waterbury and the Waterbury Development Corporation Emergency Relocation Guide
- Overview/History: The City of Waterbury's relocation plan is a direct result of a Court case Diaz v. the City of Waterbury (CVWA-8401-0087). In 1991 a Stipulation was filed with Superior Court stating that the City would immediately implement the Relocation Plan. The plan was signed off on by Connecticut Legal Service and Corporation Counsel of the City of Waterbury. The Plan was adopted pursuant to the provisions of the Uniform Relocation Assistance Act (the URAA), Connecticut General Statutes Section 8-266 et seq. and URAA regulations, and URAA regulations, Connecticut Agencies Regulations Section 8-273-1 through 8-273-41. **Dukes vs Durante**
- Connecticut General Statutes 8-266 states that the purpose of URAA "is to establish a uniform policy for the fair and equitable treatment of persons displaced by code enforcement activities.
- The purpose of the Relocation Plan is to provide assistance to individuals and families displaced by the City's code enforcement activities.

RELOCATION

- **The purpose of the Relocation Plan is to provide assistance to individuals and families displaced by the City's code enforcement activities.**
- Inspection performed on property and deemed unsafe
- Tenants complete application for relocation assistance
- WDC receives call from Health Department
- WDC authorizes stay in motel (initially by phone-especially after hours)
- Tenants asked to go to motel
- WDC receives displacement letter from Health Department
- Tenants contacted to determine need
- WDC issues letter to motel for tenants stay
- WDC sends Certified Letter to owner
- WDC performs Title Search and places priority lien for relocation cost on property
- If tenant cannot return to original unit search begins
- Moving and storage provided at tenants request
- When tenant locates apartment an inspection is performed to determine if dwelling is safe, decent and sanitary. *The Health Department conducts a lead inspection with the XRF gun to determine the apartment is lead safe/free for any unit being occupied by a child under 6.*
- Tenants provides signed lease
- Tenant fills out paperwork including a release to WDC
- If eligible RHP and Fixed moving issued upon signed lease
- WDC issues payment

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- WDC issues payment
- When relocation is complete or when the condemned property is foreclose/sold the buyer requests from WDC a lien payoff amount. When the payment is received a release is issued to the buyer/seller.
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- Every attempt to get the owner to make repairs is made. WDC works closely with Code Enforcement Officials and Housing Court to avoid relocation.

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RELOCATION

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• **April 8, 2016**
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• Joe Smith
• 1 West Street
• Waterbury Ct 06708
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• **Re: NOTICE OF POTENTIAL LIABILITY**
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• This office has received an application for relocation assistance from one or more of the occupants of a property owned by you at **00 Apple Street** Waterbury, Connecticut.
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• Occupants of dwelling units who have been displaced as a result of code enforcement activities are entitled to receive relocation benefits from the City of Waterbury in accordance with Section 8-266 et seq., of the Connecticut General Statutes and the URAA Regulations, Connecticut Agencies Regulations Section 8-273-1 through Section 8-273-41.
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• You are legally responsible for the cost of any relocation assistance provided to the occupants or your property. Such assistance may include compensation for moving expenses and rent up to \$4,000.00 per unit.
•

• You must notify this office if you intend to make the repairs required to return the dwelling units in your property to a decent, safe and sanitary condition. You may be liable for relocation assistance even while you are making these repairs.
•

• Very truly yours,
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• Michael T. Gilmore
• Re-Investment Manager
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RELOCATION

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- CERTIFICATE OF LIEN
- PURSUANT TO THE UNIFORM RELOCATION ASSISTANCE ACT
- INCLUDING A LIEN AGAINST INSURANCE PROCEEDS
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- TO ALL TO WHOM IT MAY CONCERN:
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- Pursuant to the provisions of the Uniform Relocation Assistance Act, Connecticut General Statutes § 8-266, et sec., as may be amended from time to time, the undersigned Revenue Collections Manager, of the City of Waterbury, a municipal corporation of the State of Connecticut, or duly authorized designee, hereby certifies and claims a lien on certain real property of located at **0 Willow Street** in Waterbury, Connecticut, (hereinafter "Premises") said property being more particularly described in Schedule A attached hereto, and being the same property conveyed to **ABC LLC** by a certain deed dated and recorded in **Volume 000 at Page 11** of the Waterbury Land Records, for all reimbursable relocation assistance expenses, including, if any, but not limited to, ongoing expenses for temporary housing (hotel rental fees), moving, storage and insurance of personal property, and replacement housing made by the City of Waterbury to or on the behalf certain tenants displaced from said Premises due to multiple violations of the City of Waterbury **Health/Fire** Code.

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- Said tenants were displaced from **0 Willow Street** the Premises on **April 1, 2016**
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- The undersigned further claims a lien on said Premises pursuant to Connecticut General Statutes § 12-172 and §§49-73a to 49-73i, inclusive, against the proceeds of any policy of insurance providing coverage for loss or damage caused by fire, if a loss or damage has occurred.

RELOCATIONS QUESTIONS

- How long is the City/Town required to keep displaced tenants in Temporary Housing?
- What is the \$4000 Replacement Housing Payment (RHP)?
- Is there a Cap on Relocations expenses?
- How long can the tenants items remain in storage?
- Do you make payments directly to tenants?
- Does the law apply to buildings that had a fire?

QUESTIONS??

PRESENTER CONTACT INFORMATION:

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