



Criminal Enforcement of Fire Safety Laws










DCJ HOUSING PROSECUTORS (9/09)

Judith R. Dicine, Supervisory Assistant State's Attorney
Office of the Chief State's Attorney, Housing Matters
Bantam, Danbury, Derby, Norwalk

Mary Card, Senior Assistant State's Attorney
Bridgeport

Robyn S. Johnson, Senior Assistant State's Attorney
Hartford, New Britain and Middletown

Patrice K. Palombo, Senior Assistant State's Attorney
New Haven and Waterbury

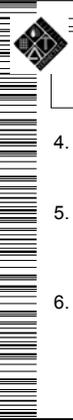
Rafael I. Bustamante, Deputy Assistant State's Attorney
New London, Rockville, Danielson and Norwich



Performance Objectives

Students will be able to:

1. Know and understand Connecticut Statutes/Regulations concerning code compliant fire inspections and procedure for abating violations.
2. Review code official's right of entry onto the premises and the application procedure for an administrative search warrant.
3. Define the procedures to follow when ordering the abatement of a fire hazard.



Performance Objectives

4. Describe the preparation of arrest warrant application and affidavit.
5. Explain the procedure for referring a case for criminal and what occurs during criminal prosecution.
6. Define the difference between civil and criminal enforcement processes.



HOW ARE WE GOING TO MEET THE OBJECTIVES?

WHAT WE ARE GOING TO COVER:

- GOALS
- AUTHORITY
- RIGHT OF ENTRY/DENIAL OF ENTRY
- INSPECTION
- ABATEMENT PROCEDURE
- REINSPECTION
- REFERRAL FOR CRIMINAL PROSECUTION
- PENDANCY OF CRIMINAL CASE
- CIVIL AND CRIMINAL COURT



GOALS OF ENFORCEMENT

1. **COMPLIANCE**
Using the abatement process.
2. **CORRECT HUMAN BEHAVIOR**
Introduce the importance of fire safety to landlords, tenants and the surrounding community.



GAINING COMPLIANCE

- ◆ Communication

“The single biggest problem in communication is the illusion that it has taken place.”
George Bernard Shaw



WHERE DOES YOUR AUTHORITY COME FROM?

- ◆ Connecticut General Statutes §29-297 and §29-298
- ◆ Other Connecticut General Statutes as applicable.
- ◆ Connecticut State Fire Code and Fire Prevention Code
- ◆ Office of the State Fire Marshal
- ◆ DPS Directives and Addendums



CT GENERAL STATUTES

- ◆ Connecticut General Statutes (CGS) that you should be familiar with include, but are not limited to, those sections located in Title 29, Chapter 541: Building, Fire and Demolition Codes. Fire Marshals and Fire Hazards. Safety of Public and Other Structures.
- ◆ It includes Part II Fire Marshals and Fire Hazards, Fire Safety and Fire Prevention Code.
- ◆ CGS §29-291- §29-370.

 **CGS § 29-298(c)**

- ♦ (c) "Each certified deputy marshal, fire inspector, other inspector or investigator shall act under the direction of and supervision of the local fire marshal while enforcing the Fire Safety Code and the provisions of this chapter. The local fire marshal may authorize, in writing, such deputy fire marshal or fire inspector to issue any permit or order under the provisions of this part or to certify compliance with the provisions of the Fire Safety Code, on his behalf."

 **CGS § 29-305 REVISED**

- ♦ "Inspections by local fire marshals. Reports. Schedule of inspections ."

 **Inspections**

- ♦ CGS 29-305
 - (a) allows inspection by each local fire marshal and the State Fire Marshal in the interest of public safety on anything Fire Safety or Fire Prevention code regulated .
 - (b) requires local marshal conduct inspection once per year or as often as prescribed by the State Fire Marshal as set forth in subsection (e).

 **Inspections, cont.**

- ◆ CGS 29-305, cont.
 - (c) requires the State Fire Marshal to inspect a building or facility within the SFM's jurisdiction, reported by an authentic source to have a hazard to life safety from fire.

 **Inspections, cont.**

- ◆ CGS 29-305, cont.
 - (d) requires the local fire marshal to inspect a building or facility within the LFM's jurisdiction, reported by an authentic source to have a hazard to life safety from fire. Further requires on each case where the LFM conducts an inspection, the LFM shall be satisfied that all pertinent statutes and regulations are complied with. The LFM must keep a record of such investigations.

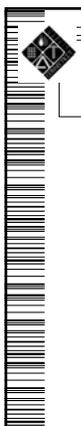
 **Inspections, cont.**

- ◆ CGS 29-305, cont.
 - (d) further allows a right of entry for the LFM or a designee at all reasonable hours into or upon any premises under the LFM's jurisdiction
 - 9 a.m. – 5 p.m. inspections allowed on occupied dwellings and habitations unless it is an emergency. No limit on inspection in common use passageways, rooms in tenement houses, hotels and rooming houses.



Inspections, cont.

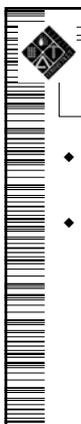
- ◆ CGS 29-305, cont.
 - (e) Allows the State Fire Marshal to adopt amendments to the State Fire and Prevention Codes regarding frequency of inspection requirements on all but three or more family occupancies if the interest of public safety can be met by less frequent inspections.



Before you get there...

Two fundamental questions must be answered:

- a. Do I have jurisdiction?
- b. Does the code apply?



What does this mean?

- ◆ Jurisdiction: Do I have authority here?
- ◆ Code Application: Is this the type of structure that is covered by code?

 **INSPECTION PROCESS ENFORCEMENT**

Legal Aspects Of Entry by Code Officials:

Before entering the property to conduct a code compliance inspection:

- Public official must have authority to inspect &
- Have permission of the proper person to enter private property unless otherwise allowed by law.

 **INSPECTION PROCESS ENFORCEMENT**

◆ THE LAW states you can inspect but what else is needed?

- 1. CONSENT**
 - *By person with authority.*
- 2. LEGAL AUTHORITY**

 **INSPECTION PROCESS ENFORCEMENT**

SEARCH WARRANTS :
AUTHORITY CGS 53-33a:

When cooperation ceases and access to the property is denied, an administrative search warrant is required before entry and inspection can be accomplished.

 **INSPECTION PROCESS ENFORCEMENT**

♦ State v. Burke (1990, CT App. Court)
Admin. search warrant upheld for fire inspection. Cites Camara v. Municipal Court, (1967, U.S. Supreme Court):

"Probable cause to issue a warrant to inspect for safety code violation exists if reasonable legislative or administrative standards for conducting an area inspection are satisfied."

 **INSPECTION PROCESS ENFORCEMENT**

An administrative search warrant is similar to a search and seizure warrant except no seizure takes place and there is no requirement to show probable cause that a violation exists. All that there is to be demonstrated to a judge is that the official has a lawful right to inspect and that the premises is within your jurisdiction.

 **INSPECTION PROCESS ENFORCEMENT**

The administrative warrant affidavit and application is a simple form to complete and must be signed by two co-affiants and sworn to before a judge of the superior court.

Preparation of the affidavit is not complex, nor should it be.

INSPECTION PROCESS ENFORCEMENT

The following elements are to be written into every affidavit:

1. Your credentials and credibility.
2. Your authority to inspect.
3. The locations to be inspected.
4. What the inspection is intended to determine.
5. Why are you requesting the warrant.

Review of warrant

- ◆ Prosecutor must review all administrative search warrants before submitted to a judge.



When the application is complete,

- ◆ You will submit for review to the prosecutor.
- ◆ If the application is approved by a prosecutor, it must be taken to the judge for review.
 - Remember, both affiants must go together to apply for the warrant and to swear or affirm before the reviewing judge.

 **INSPECTION PROCESS ENFORCEMENT**

Once the administrative search warrant is secured, have the warrant served by a police officer.
Execution and should be no later than 10 days after the warrant is issued.

 **CGS § 29-306 REVISED**

♦ **“Abatement of fire hazards: Penalties. Notification. Order to vacate. .”**

 **INSPECTION PROCESS ENFORCEMENT**

THE ABATEMENT PROCESS:

- ♦ Definition of abatement from Black’s Law Dictionary: *A reduction, decrease, or the removal of a nuisance.*
- ♦ Authority to abate is derived from Connecticut General Statute 29-306. The statute can be best understood when broken down into its elements:

 **Abatement of fire hazards and penalty.**

- ◆ CGS 29-306
 - (a) requires the LFM to order the remedy of enumerated fire hazards found in *any* building or premises. Further allows a penalty of one hundred dollars, three months incarceration or both against any person who violates the order. Also allows a fifty dollar a day civil penalty.

 **Notification**

- ◆ CGS 29-306, cont.
 - (b) requires the LFM notify the prosecuting attorney if the owner or occupant fail to abate a hazard as reasonably ordered by the LFM.
 - (b) further requires the SFM be notified of the referral to the prosecutor.
 - (c) allows civil injunction to close or restrict use

 **Order to vacate**

- ◆ CGS 29-306, cont.
 - (c) allows local fire marshal or police officer to order any building vacated, where one or more of the *enumerated violations* exist, *and* the LFM or PO determine that there exists in the building a *risk of death or injury*. They are known as the “five deadly sins”, and include:



Order to vacate, cont.

- ◆ CGS 29-306(c), cont.
 - Blocked, insufficient or impeded egress
 - Required fire protection or warning system shut off or maintenance failure
 - Un-permitted flammable or explosive material or in excess of permitted quantities
 - Un-permitted fireworks or pyrotechnics
 - Exceeding occupancy limit established by FM



Relocation

- ◆ CGS 8-266, et seq.
 - Uniform Relocation Act applies in circumstances involving removal of persons from use or occupancy of buildings.
 - Affixes to shut down of a premises under CGS 29-306.
 - Requires referral to Uniform Relocation Act administrator for your town, city or district for assistance to affected occupants.



Notice to State Fire Marshal

- ◆ CGS 29-306(c), cont.
 - requires notification to the State Fire Marshal if (any of the 5) conditions ordered abated cannot be abated in 4 hours or less.

 **Directive 10**

- ◆ Policy Directive 10
 - Effective May 1, 2009
 - Restricting use of a building
 - Immediate hazard
 - 5 deadly sins
 - Correction > 4 hours
 - SFM to:
 - Uphold
 - Modify
 - Reverse
 - After hours CSP MS 1-800-842-0200

 **Policy Directive 10 cont'd**

- ◆ Name of Establishment
- ◆ Address
- ◆ Name of official issuing the order
- ◆ Circumstances
- ◆ If an incident occurred
- ◆ Injuries/fatalities

 **Penalty**

- ◆ CGS 29-306(c), cont.
 - any person who violates an order under this subsection faces a penalty of up to one thousand dollars, six months incarceration or both per CGS 29-295.

 **Fire watch**

- ◆ CGS 29-143a
 - Local fire marshal determines the amount of protection needed.
 - Local fire chief furnishes the fire watch.
 - Authorized use of firemen by the local chief.
 - Applies to and is paid for by the operator of the public amusement, sport contest, or other exhibition or contest.
(OFSM General Information Notice 96-02).

 **Fire emergency**

- ◆ CGS 7-313b
 - authorizes the officer of a fire company or department in charge of a fire or other emergency to order any person to leave a building for purpose of protecting such person from injury.
 - allows a penalty of fifty dollars, seven days incarceration or both for wilfull refusal.

 **Fire Officer authority**

- ◆ CGS 7-313e
 - authorizes the Fire Officer in charge broad authority to control a fire or emergency scene.



INSPECTION PROCESS ENFORCEMENT

Section 29-306 fails to provide any clear guidelines for uniform and consistent application. It was challenged in court:
State of Connecticut v Richard Bucciarelli



INSPECTION PROCESS ENFORCEMENT

The court held:

- "... The specific language of Section 29-306 and the general structure of chapter 541 support an interpretation which vests substantial discretion in the enforcing official and, in particular, permit the enforcement officer to determine both if and when a purported violation will subject the responsible party to the penalties of criminal prosecution ..." and
- Chapter 541 encourages the tailoring of fire safety requirements to fit individual circumstances. The court does not quarrel with this approach, but nonetheless finds that the criminal provisions of the statute cannot constitutionally be maintained because it allows for so much flexibility and unguided direction ...
- ... The lack of definition in the statute makes it unconstitutionally vague because it encourages arbitrary and discriminatory enforcement ..."



Discretion

- ◆ Given to a fire marshal by law as needed to protect the public safety.
- ◆ Must be used in reason.
- ◆ Does not permit arbitrary or illegal action.
- ◆ Should be based on all reasonably available information at the time of enforcement.
- ◆ Must be used on a case by case basis.

 **INSPECTION PROCESS ENFORCEMENT**

The decision of the superior court judge caused the Office of State Fire Marshal to:

- Establish Directive #3
- Directive 3 Addendum #1
- Directive 3 Addendum #2
- An optional case management form.

 **DIRECTIVE # 3**

- ♦ Revised July 1, 2001 (MAKE SURE YOU HAVE THE RIGHT FORM)
- ♦ Provides a uniform procedure for abatement of violations.
- ♦ Includes sample forms for notification to the owners, referral for criminal prosecution, inspection report form and requests for modification and extension.

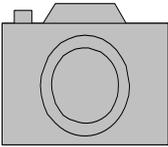
 **Initial Phase**

- Inspection / Documentation
- Notification of Violations / Abatement Order (Send Inspection Report)
- Plan for Compliance
 1. Correction
 2. Time Extensions
 3. Modifications
- Appeal decision of FM

 **About your files:**

- ◆ Discovery:
 - Procedure that allows the defense to have copies of information in our file.
 - Therefore, ***EVERYTHING*** may be seen by the defense.
- ◆ Consider creating a system so that anyone in your office can access the needed information.
- ◆ Maintain your files with the assumption that you and your file may have to go to court.

 **PHOTOS**

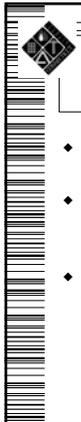


- ◆ OSFM guidelines.
- ◆ Remember to take notes, who took the photos, what they depict and the address that you are taking the photos of.

 **INSPECTION PROCESS ENFORCEMENT**

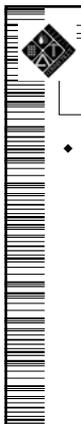
THE ABATEMENT PROCESS:

- ◆ The ***initial inspection*** is conducted.
- ◆ A ***notice*** of fire and life safety hazards is issued to the owner or occupant.



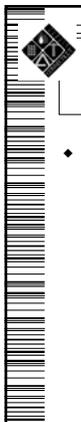
INSPECTION:

- ◆ Must be completed by a duly authorized code official.
- ◆ Your notes should indicate date, time and who was present when the inspection was completed.
- ◆ Your notes should be specific regarding the type of violations, where the violation occurs and include any special conditions that are present.



ABATEMENT:

- ◆ NOTICE – USE AS PROVIDED BY OSFM
 - MUST IDENTIFY THE VIOLATIONS WITH CODE SECTIONS AND LOCATION OF VIOLATION.
 - DATE AND TIME OF THE INSPECTION.
 - MUST CITE THE PROPERTY OWNER/OCCUPANT.
 - MUST STATE THE TIME FRAME OF ABATEMENT.
 - LAW, AUTHORITY AND PENALTY.
 - REMEDY.
 - RIGHT OF APPEAL.



ABATEMENT:

- ◆ **CITING THE OWNER:**
 - The identity of the owner should be found on the municipal land records **NOT** the assessor's card.
 - Get a certified copy of the deed for you file as proof ownership.
 - Owners should be listed with full name on order.
 - Please be aware that if the owner is a business, estate, corporation or partnership different information is required.



Landlord Registration CGS 47a-6a

- ◆ Recently passed by the Legislature and if your town has an local ordinance, a landlord of a two family non-owner occupied building can be required to maintain his address on file with the town clerk.
- ◆ Mailing notice to this address shall be considered notice of violations.



ABATEMENT:

POSSIBLE OWNERS OF PROPERTY:

- Persons – cite all of record.
 - DBAs (“doing business as”) – check Town Clerk
- Estates – check Probate Court
- Corporations – check CT Secty. of State
- Partnerships (General) – check CT Secty. of State
- Trusts



ADDRESSING THE ORDER Mirror the deed...

- ◆ **PERSONS:** example - If deed states the grantees (owners) are John Owner and Lilly Owner, order should have both full names.

John Owner
Lilly Owner
123 Owner's Court
No Name, CT 06000*

*One order is generally sufficient for multiple owners only if owners live at same address. Check with your local prosecutor for housing matters.



ADDRESSING THE ORDER

Mirror the deed...

- ◆ ESTATES:
 - The deed may contain the name of a person who is deceased, or their estate.
 - Check with the Probate Court to determine the person responsible for the estate of the deceased owner. (i.e. Executor or an heir).
 - Get certified copy of appointment document.
 - Cite responsible person for the estate.



CORPORATE AND PARTNERSHIP OWNERS

- ◆ CORPORATIONS (Corp.s and Inc.s)
- ◆ LIMITED LIABILITY CORPORATIONS (LLCs)
- ◆ PARTNERSHIPS
- ◆ LIMITED LIABILITY PARTNERSHIPS (LLPs)
 - DOMESTIC (Registered in CT)
 - FOREIGN (Registered outside of CT)

ALL CORPORATIONS DOING BUSINESS IN CT
MUST BE REGISTERED WITH THE STATE OF
CT SECRETARY OF STATE.



ABATING CORPORATIONS

CGS 53a-11

- ◆ **Sec. 53a-11. Criminal liability of an individual for conduct in name or behalf of corporation or limited liability company.** A person shall be criminally liable for conduct constituting an offense which such person performs or causes to be performed in the name of or in behalf of a corporation or limited liability company to the same extent as if such conduct were performed in such person's own name or behalf.



ADDRESSING THE ORDER
Mirror the deed...

- ◆ First obtain the owner name from the deed for the property.
- ◆ If a corporation, LLC or general partnership, check the exact name with the CT Secretary of State – CONCORD SEARCH

www.concord-sots/ct.gov



ADDRESSING THE ORDER
Mirror the deed...

- ◆ CORPORATE OWNER (Ex.)
 - Deed says XYZ, Inc. is the owner.
 - Enter XYZ, Inc. in CONCORD search.
 - Identify the principal of the corporation = the PRESIDENT of the corporation.
 - Obtain residence address for service.
 - Print copy of CONCORD page for your file.



ADDRESSING THE ORDER
Mirror the deed...

- ◆ LIMITED LIABILITY CORPORATIONS
 - Deed says XYZ, LLC.
 - Enter XYZ, LLC in CONCORD search.
 - Identify the principal of the LLC = the MEMBER or Managing Member of the LLC.
 - Obtain residence address for service.
 - Print copy of CONCORD page for your file.



ADDRESSING THE ORDER

Mirror the deed...

<ul style="list-style-type: none"> ◆ CORPORATION (ex.) <p>I. V. League, Pres. XYZ, Corp. 123 Corporate Ave. No Name, CT 06000</p>	<ul style="list-style-type: none"> ◆ LLC (ex.) <p>I.V. League, Member XYZ, LLC 123 Corporate Ave. No Name, CT 06000</p>
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Proof of Service:

- ◆ Service is an *essential element* that we must prove in a criminal prosecution. It must be proved with documentation.
- ◆ Service can be proven through certified mail return receipt requested or other provable methods.
- ◆ Service can also be completed by hiring a Marshal to serve the owner/agent. Be sure to get the Marshal's service information, that is written proof who the marshal served.
- ◆ Pick a service method which gets the order to the responsible party as quickly as necessary to abate the fire hazards.



REQUESTS FOR MODIFICATION AND/OR EXTENSION

- ◆ Only the property owner or authorized person may request a modification/extension of time regarding the abatement.
- ◆ If compliance has not been reached by the date of the re-inspection it is important to know whether these requests have been made.



FOLLOW-UP PHASE:

- ◆ After the appropriate time frame has passed, you must conduct a ***re-inspection*** of the premises to determine compliance. Keep in mind, the rules of entry still apply.
- ◆ If violations not corrected, no extension of time is filed, or no modifications are filed, ***refer to court.***



Notice of Referral For Criminal Prosecution:

- ◆ Per Directive #3.
- ◆ Prepare and Send the Notice of Referral for Criminal Prosecution to the owner certified mail return receipt requested.
- ◆ Attach notice of fire and life safety code.
- ◆ Attach latest inspection report.
- ◆ Prepare and submit an Arrest Warrant Application to the appropriate Assistant State's Attorney having jurisdiction.
- ◆ We will review and either sign it or request corrections. If signed, it will be sent to the judge for review .



ARREST AND CRIMINAL PROSECUTION

*Referral should be made when:
(but not limited to)*

- ◆ Violation contributes to a fire.
- ◆ Violations cause an delay in emergency response.
- ◆ Reckless conduct due to code violation.
- ◆ Lack of Abatement (most common).

 **INSPECTION PROCESS ENFORCEMENT**

◆ **ARREST AND CRIMINAL PROSECUTION:**

UNDER WHAT AUTHORITY IS ARREST MADE ?

 **INSPECTION PROCESS ENFORCEMENT**

a. Custodial by Police
Offender taken into physical custody, later released with written promise to appear in court or posts bond.

b. Summons by Police or Prosecutor
Ticket or notice is issued for the offender to appear at court on a different date.

 **INSPECTION PROCESS ENFORCEMENT**

c. Arrest by Warrant
Requires application to judge which includes:

- Your name, capacity, responsibilities and your jurisdiction.
- Authority to inspect, inspection dates, and findings.
- Identification of the proper person and how that person was determined, i.e. proof of ownership.
- Notice and order issues, to whom and how the orders were issued.

 **ARREST BY WARRANT, cont.:**

- Proof that the orders were received by the responsible person via marshal, certified mail return receipt requested or other provable method.
- Re-inspection date and findings.
- List of the violations and the code sections that are violated.
- Summary/Concluding paragraph.
- *Must be signed and sworn under penalty of perjury and submitted to the Housing Court Prosecutor or to Office of the State's Attorney of your district.*

 **Arrest**

- ♦ Submitting an application for the arrest of an individual is very serious. Make sure this is the appropriate action to take.
You are asking for the initiation of a criminal case that may result in the deprivation of the rights of another individual.

 **Remember,**

- ♦ Referral of a case to the Office of the State's Attorney does not mean that compliance will be immediate.
- ♦ The property owner can choose take the case trial therefore, violations may not be corrected immediately.
- ♦ You should evaluate also referring the case to corporation counsel for civil options pursuant to §29-306.

What happens at court?

- ◆ Property owner will come to court.
- ◆ Remember, just because the owner comes to court, it does not mean compliance will be immediate.



CRIMINAL PROSECUTION:

- ◆ FIRST COURT DATE:
 - RIGHT TO COUNSEL.
 - REVIEW CHARGES AND PENALITIES.
 - REFER THEM TO YOU FOR A PLAN FOR COMPLIANCE.
 - IDENTIFY A TIME FRAME FOR COMPLIANCE AND WITH THE COURT'S PERMISSION GIVE A CONTINUANCE DATE FOR THAT COMPLIANCE.

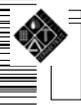
NEXT...

- ◆ While the case is pending we will ask for inspections to be completed.
- ◆ Sometimes, we will ask for written updates so that we have current information in our files.
- ◆ If ADDITIONAL violations are found on a re-inspection, abate the additional violations and notify the State's Attorney IMMEDIATELY!!!!!!



Disposition:

- ◆ This is a fancy way of saying how we end the case.
- ◆ Cases generally will not be disposed of until there is full compliance or a plan for compliance.



How do we end the case?

- ◆ NOLLE
- ◆ ACCELERATED REHABILITATION
- ◆ SUSPENDED SENTENCE
 - CONDITIONAL DISCHARGE
 - PROBATION
- ◆ JAIL



Factors in creating the Disposition

- ◆ Seriousness of the violations.
- ◆ Number of the violations.
- ◆ Owner/Occupants' criminal history and other safety code violations.
- ◆ Number of people present in the property.
- ◆ Time frame in which compliance has been reached.



**SPECIAL CONDITIONS OF
PROBATION OR ACCELERATED
REHABILITATION**

- ◆ Plan for abatement.
- ◆ Cooperate with code officials.
- ◆ All properties must be code compliant.
- ◆ Attending appropriate classes depending on the types of violations.
- ◆ Community Service.
- ◆ Charitable Contribution.



**ADDITIONAL CRIMINAL
PENALTIES**

Fire Code 29-295 \$200-100 and/or 6 mo.s

Oil Burners 29-317(e) \$100 and/or 6 mo.s

Flam & Comb Liquids 29-324 1st off: \$500 and/or 6 mo.s, 2nd off+ \$1000 and/or 1 yr, if death or injury \$10,000 and/or 10 yrs



**ADDITIONAL CRIMINAL
PENALTIES**

Gas Equip & Piping 29-329(e) \$100 and/or 6 mo.s

LP-Gas 29-335 (Transport 20-35(a)) 1st off: \$500, 2nd off+ \$500-1000, if death or injury \$10,000

Space Heaters 29-318 \$100

 CIVIL AND CRIMINAL COURT

WHAT IS THE DIFFERENCE?

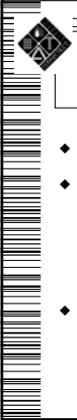
 **Civil:** **Criminal:**

- ◆ Town Attorney/ Corporation counsel of town.
- ◆ Method may have more immediate compliance from the property owners.
- ◆ Different requirements.

- ◆ Cases handled by prosecutors.
- ◆ WILL NOT have immediate compliance.
- ◆ Requires time for the owners to be brought to court.

 **What is Civil Enforcement?**

- ◆ RELOCATION
- ◆ INJUNCTIONS
- ◆ LIENS
- ◆ CONDEMNATION



Injunctions:

- ◆ Town Attorney/Corporation Counsel.
- ◆ This process will bring the property owners to court, for you and the town to ask the court to order the property owners to abate a violation.
- ◆ Be aware the Judge may not rule in your favor.



CONDEMNATION:

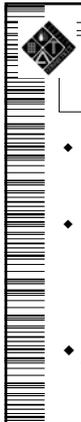
- ◆ When it has been determined the building is no longer safe to occupy a condemnation order is issued and the occupants must be relocated at the cost to the town.
- ◆ The town **MAY** recoup those costs but nothing is guaranteed.



LIENS: CGS 49-73b

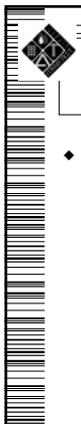


- ◆ If the town spends money to fix a problem a lien **MAY** recoup the cost.
- ◆ Corporation counsel attaches a priority lien on the property.
- ◆ **IF AND WHEN** the property is sold the town recoups its costs.



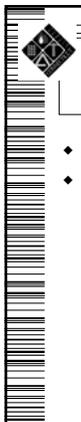
Remember...

- ◆ Code issues do not arise just between 9:00 – 5:00, when everyone who could help you are in their offices.
- ◆ You need to have a plan for ***when*** this circumstance happens, who to contact, their emergency numbers, what the chain of supervision shall be and who makes the final determination.
- ◆ ***WHY? BECAUSE IT WILL HAPPEN!!!!***



Referrals:

- ◆ Everyone is busy, become familiar with and utilize the other agencies in your town to accomplish the goal.
 - Building ▪ Police
 - Health ▪ Housing
 - Planning and Zoning ▪ Animal control



Other concerns:

- ◆ Always be mindful of where you are.
- ◆ Various conditions/violations that you find may not be a result of purposeful disregard of your order. For example, there are mental health conditions that are a factor in some of the conditions you will find. For example, CGS 29-306a applies to excessive combustibles which may be a result of hoarding, a mental health disorder.



Never, never, never...

- ◆ Tell anyone you will have them arrested.
- ◆ Tell anyone you will get an arrest warrant.
- ◆ Tell anyone you will get a search warrant.
- ◆ Tell anyone that you must be allowed on the property.
- ◆ Tell anyone what the prosecutor may or may not do with the case.
- ◆ Excuse someone from a court date.
- ◆ Tell them that you will get their case dropped.



How to reach the Housing Prosecutors? (as of 9/09)

- ◆ Judith R. Dicine, Supervisor
judith.dicine@po.state.ct.us
203-773-6755 Fax 203 789-6459
- ◆ Patrice K. Palombo 203-773-6755
- ◆ Mary Card 203-579-7237
- ◆ Robyn S. Johnson 860-756-7810
- ◆ Rafael Bustamante 860-870-3267
