



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

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**TASK FORCE TO EXAMINE PROCEDURAL PROBLEMS
WITH ADDRESSING BLIGHT AT THE MUNICIPAL LEVEL**

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The Division of Criminal Justice wishes to thank Senator Cassano and Representative Grogins, Co-chairs of the Task Force to Examine Procedural Problems with Addressing Blight at the Municipal Level, for the invitation to present testimony recommending a solution that will allow municipalities to more effectively address blight in their communities.

The Division is fully cognizant of the continued problems of blight and the difficulties it raises for our state and its people. Particularly in areas where blight is visible to the public eye, we find that crime and blight commonly ally, firmly nestling in neglected, deteriorated structures and consuming previously healthy and productive communities like a growing disease, pervasively destructive in nature. Theories such as "Broken Windows" by sociologists Wilson and Kelling have long recognized that in such areas, crime fighting by police is most necessary, yet not enough to combat the spread of blight. Each broken window left uncorrected over time demonstrates that the community does not mind the broken window, thereby making further broken windows acceptable, and even normal.¹ Untended properties become fair game for plunder, leave neighbors in an environment repressed with disorder, marked with criminal behavior and unsafe conditions, and spoiled with financial loss, frustration and fear. Blight exists in every municipality in our state, although the disadvantaged areas and citizens take the brunt of the problem as over time they have lost their community's control of these issues and generally lack the resources to fight blight or influence the neighbors to correct and maintain their properties. In our great state, all persons enjoy a right to an equal opportunity for safe and healthy housing and community, and require our help to achieve it.

We in the Division of Criminal Justice see the elimination of blight as integral to public safety and community well-being. As such, within the Division there is a specialized unit assigned to the prosecution of criminal housing matters statewide. It is the overall policy goal of housing prosecution to promote full and prompt compliance with housing matters, which include violations of state or local building, fire, health and housing safety laws that apply to residential and commercial properties and to assure that criminal landlord-tenant laws such as criminal lockout, illegal termination of essential services and criminal damage to

landlord's property by a tenant are uniformly, fully and effectively enforced. The Division's housing prosecutors are committed to the maintenance of decent, safe and sanitary housing, handling cases from investigation through criminal trial. Housing prosecutors are certified Connecticut police instructors on landlord/tenant criminal disputes. They also provide routine enforcement trainings to fire marshals, building officials, health officials and other public safety officials. State law (Connecticut General Statutes section 51-286b) states that the prosecuting attorney assigned to handle housing matters may initiate prosecutions for violations of any state or municipal housing or health law, code or ordinance either upon the affidavit of an individual complainant or upon complaint from a state or municipal agency responsible for the enforcement of any law, code or ordinance concerning housing matters. The experience of our housing prosecution unit is offered in the following Division recommended solution to blight in our municipalities, as follows:

PROBLEM: MUNICIPAL BLIGHT STEMMING FROM LACK OF MAINTENANCE OF EXISTING STRUCTURES AND PREMISES.

RECOMMENDATION: ADOPTION OF A STATEWIDE PROPERTY MAINTENANCE CODE.

The Division of Criminal Justice recommends the adoption of the International Code Council's Property Maintenance Code as a state property maintenance and blight code. The ICC PMC has already been adopted by other states and many municipalities in Connecticut and elsewhere. The code should be the minimum state standard and apply in all municipalities to ensure full, fair and equal protection, just as the statewide fire, building and health codes provide. The ICC PMC is the preferred code to adopt as it is from the ICC family of codes, just as our State Building Code is, and therefore is fully compatible with our State Building Code.

BACKGROUND: The State of Connecticut lacks a statewide property maintenance code applicable to *existing* structures and premises, which if adopted, would uniformly require compliance with what we may determine are minimal standards of health and safety in our communities. The State of Connecticut has in place three main statewide codes that aim to protect persons and property: the Fire (Safety and Prevention) Code, the State Building Code and the Public Health Code. Although the fire safety code pertains to existing structures, it is only in a specified and limited capacity. The complaint subject matter must constitute a fire violation for it to apply. Although critical to the life safety of building inhabitants and users, as well as first responders, fire codes are not very useful in the fight against general blight conditions. The State Building Code has provisions that can apply to existing structures, but only when the building official has deemed the structure or a portion of it "unsafe," or in danger of failure or collapse; conditions that are usually a result of long-term neglect, which evolved unchecked into a serious and potentially life-threatening emergency that the municipality is responsible to respond to for public safety. Therefore, typical maintenance issues most familiar to blight complaints, such as broken windows, garbage or deteriorated structures, do not generally get addressed in the building code. The Public Health Code sections can address conditions of nuisance at or about dilapidated, deteriorated structures when they rise to the level of affecting the public health, but do so in broad provisions with somewhat insubstantial language that has proved difficult for courts, attorneys, code officials, landlords and tenants to discern and apply uniformly and fairly.

Besides the three statewide fire, building and health codes, municipal housing codes are found in a remarkable percentage of our communities, and are the main tool,

where they exist, for the enforcement of minimal code standards in existing structures. The prevalence of these local housing codes, as well as blight ordinances where they have been enacted pursuant to state law, shows the common need for a legal mechanism to address these heavy concerns. However, in the majority of our municipalities there is no local housing or blight code, which has led to no help at all. Blight and housing violations are akin to each other and can be addressed within a property maintenance code together. In fact, wisely recognizing the effect of substandard housing and blight on their people's health and safety, our larger municipalities not only enforce a local housing code but often staff a distinct housing inspection department to ensure compliance. With adequate staffing and support, these programs are highly effective to combat blight and protect the public safety. Indeed they give people a place to lodge a complaint and receive help on the housing and blight issues that affect their day-to-day quality of life.

In sum, municipal blight is a real and onerous threat to community health, prosperity and safety. Currently, the available municipal assistance on these common complaints varies staggeringly by geographical area resulting in the disparate treatment of people with the same kinds of blight and housing safety complaints. Adoption of a statewide property maintenance code will effectively raise the level of well-being in our state for all of its people by requiring a standard, not currently at law, for a minimum of decent, safe and sanitary community living. However, effective enforcement will require stepped-up efforts to adequately staff and train enforcement department officials, and strong funding to assist or incentivize property owners with their expected property rehabilitation costs.

In conclusion, the Division of Criminal Justice expresses its appreciation for this opportunity to address the Task Force. We would be happy to provide any additional information you might require or to answer any questions you might have.

1 Wilson, James Q. and George I. Kelling, Broken Windows. *The Atlantic Online* (March 1982).