



Acts Affecting Housing and Real Estate

By: Shaun McGann, Legislative Analyst II
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Notice to Readers

This report provides summaries of new laws (public acts and special acts) significantly affecting housing and real estate enacted during the 2021 regular session and June 2021 special session (JSS). OLR's other Acts Affecting reports, including Acts Affecting Municipalities, are, or will soon be, available on OLR's website: <https://www.cga.ct.gov/olr/actsaffecting.asp>.

Each summary indicates the public act (PA) or special act (SA) number. Not all provisions of the acts are included. The report does not include vetoed acts unless the veto was overridden.

Complete summaries of public acts are, or will soon be, available on OLR's website:

<https://www.cga.ct.gov/olr/olrsums.asp>.

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, House Clerk's Office, or General Assembly's website: <http://www.cga.ct.gov>.

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Affordable Housing and Rental Assistance

New Energy Efficiency Retrofit Grant Program

A new law requires the Department of Energy and Environmental Protection (DEEP) to establish an energy efficiency retrofit grant program by September 1, 2021. Generally, it requires that the program award grants for installing energy efficient upgrades to affordable housing, including housing authority property or, at the DEEP commissioner's discretion, other landlord-owned dwelling units ([PA 21-48](#), § 1, effective upon passage).

Open Choice Vouchers Pilot Program

A new law requires the Department of Housing commissioner, in consultation with the State Department of Education commissioner and certain advocates, to establish an Open Choice Voucher pilot program by June 15, 2022. The program must designate 20 rental assistance program (RAP) certificates over a two-year period for families who (1) qualify as low-income under RAP, (2) have participated in the Open Choice program for at least one year in the Hartford region, and (3) want to move to the town where their child attends school through the Open Choice program ([SA 21-26](#), effective upon passage).

Renters' Rebate Program Applications

In practice, some municipalities require applicants for the Renters' Rebate program to provide a notarized landlord verification of property rental on their applications. A new law requires these municipalities to exempt a renter from this requirement if a verification for the same property rental by the same renter was previously notarized. It also prohibits these municipalities from delaying an application's submission to the Office of Policy and Management (OPM) secretary if the renter misses the notarization deadline but is otherwise qualified ([PA 21-2](#), June Special Session (JSS), § 168, effective October 1, 2021).

Residential Clean Energy Program Eligibility Expanded

A new law expands eligibility for the new residential clean energy program that the electric distribution companies (i.e., Eversource and United Illuminating) must make available to certain residential customers beginning January 1, 2022. Specifically, the act makes residential customers living in multifamily dwellings of five or more units eligible if (1) at least 60% of the multifamily dwelling's units are occupied by people and families with income at or below 60% of the area median income or (2) the Public Utilities Regulatory Authority determines the multifamily dwelling is affordable housing ([PA 21-48](#), § 2, effective upon passage).

Building Safety Codes

Exemptions From Safety Code for Boilers and Hot Water Heaters

A new law exempts certain hot water heaters from the state Safety Code for Boilers and Hot Water Heaters. Generally, this code regulates boiler and hot water heater design, construction, installation, repair, use, and operation. Among other things, it requires that applicable boilers and hot water heaters be registered with the Department of Administrative Services and inspected by a boiler inspector. The act's exemption applies to heaters (1) approved by a nationally recognized testing agency and equipped with adequate safety devices, including a temperature and pressure release valve; (2) with a nominal capacity of up to 10 gallons and a heat input of up to 20,000 BTUs (British thermal units) per hour; and (3) installed in any occupancy ([PA 21-165](#), § 14, effective upon passage).

Fire Safety Code Citations, Injunctions, and Penalties

New legislation extends to the Fire Safety Code certain provisions related to fire marshal orders, citations, and penalties under the Fire Prevention Code. These include provisions allowing the state fire marshal or local fire marshals to (1) order a building owner or occupant to remedy conditions that violate the code, (2) file an injunction to close or restrict the use of the property until the condition has been remedied, and (3) issue a citation instead of an order. They also include the following penalties: (1) \$50 per day for each day a violation continues when a fire marshal has ordered a building owner or occupant to remedy a condition and (2) a fine of up to \$250 for anyone issued a citation. By law, a person who violates the Fire Safety Code must be fined up to \$1,000 with a \$200 mandatory minimum, imprisoned for up to six months, or both ([PA 21-165](#), § 4, effective July 1, 2021).

Local Fire Marshal Inspections

Existing law authorizes local fire marshals and the state fire marshal to inspect buildings, facilities, and other areas regulated by the Fire Prevention and Fire Safety Codes. It also allows the state fire marshal to amend either code to establish a schedule for inspections of different building uses regulated under the codes. A new law requires local fire marshals to inspect or cause to be inspected all buildings and facilities of public service and occupancies regulated by the State Fire Prevention Code at least once per calendar year, or as often as the state fire marshal prescribes, as existing law requires for the Fire Safety Code. Existing law and the act exempt residential buildings designed to be occupied by one or two families from this requirement and instead require that they be inspected upon the owner or occupant's complaint and only to determine whether smoke detector requirements have been met ([PA 21-165](#), § 6, effective July 1, 2021).

Smoke Detectors

Under prior law, the Fire Safety Code required smoke detectors in single-family homes for which the building permit for new occupancy was issued on or after October 1, 1978. A new law expands this requirement to single-family homes permitted before October 1, 1978. The act also:

1. modifies the code's requirements regarding smoke detectors' power sources in certain residences;
2. requires the local fire marshal or building official to certify, before issuing a certificate of occupancy, that the smoke and carbon monoxide equipment for certain residential buildings and schools comply with the State Building Code; and
3. eliminates various requirements for smoke detectors and carbon monoxide detectors ([PA 21-165](#), § 1, effective July 1, 2021).

Historic Preservation

Historic Property Working Group

A new law requires the Department of Economic and Community Development commissioner, or his designee, to convene a working group to develop a plan for supporting and facilitating historic preservation efforts, specifically for buildings on the National Register or locally designated as historically significant. The group must submit its findings and recommendations to the Commerce Committee by February 1, 2022 ([SA 21-13](#), effective upon passage).

Renovating Historic Mixed-Use Buildings

The legislature established a 19-member task force to study renovating historic mixed-use buildings. Among other things, the task force must examine financing tools, building safety codes, and whether the state should implement a small real estate developer training program. The task force must submit its findings and recommendations to the Commerce Committee by January 1, 2022 ([SA 21-28](#), § 2, effective upon passage).

Housing Access and Discrimination

Analysis of Housing Funding and Segregation

As part of the FY 22-23 budget implementer act, the legislature required the OPM secretary, within available appropriations, to collect and analyze data on existing state and federal housing programs to determine how they impact economic and racial segregation. Specifically, this analysis must review data on (1) housing development programs, (2) housing affordability initiatives, (3) communities where low-income housing tax credits and rental assistance are spent, and (4)

specific neighborhood racial and economic demographics. The act also requires the OPM secretary to use certain measures of segregation in collecting and measuring this data.

The OPM secretary must submit her findings and recommendations from the analysis to the Housing Committee by January 1, 2022, and then biennially ([PA 21-2](#), JSS, § 62, effective upon passage).

Banning Housing Discrimination Based on Hairstyles

A new law makes it an illegal practice to (1) discriminate based on a person’s hair texture and protective hairstyle in housing, public accommodations, and state agency practices (as well as employment, credit practices, and other areas) or (2) deprive any person of any rights secured or protected by either the state or United States constitution. It does so by specifying that the term “race” includes ethnic traits historically associated with race, including hair texture and protective hairstyles.

Under the law, “protective hairstyles” include wigs, headwraps, and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros, and afro puffs ([PA 21-2](#), effective upon passage).

Commission on the Disparate Impact of COVID-19

A new law establishes a 22-member commission within the legislative department to analyze and identify the cause of any disparate impact of COVID-19 and the federal and state responses to it on different racial, ethnic, gender, and socioeconomic groups. The commission’s powers and duties include, among other things, appointing and convening at least two working groups to analyze the impact of COVID-19, including one on education, housing, and human services needs ([SA 21-37](#), effective July 1, 2021).

Housing Discrimination Based on Erased Criminal History Records

Starting in 2023, a new law prohibits discrimination in various contexts, including housing, based on someone’s erased criminal history record information. The act generally prohibits housing discrimination based on the erased criminal records of (1) a buyer or renter; (2) anyone associated with them; or (3) someone residing in, or intending to reside in, the dwelling after it is sold, rented, or made available.

Among other related provisions, the act also provides that (1) the Connecticut Housing Finance Authority (CHFA) must require that the occupancy of all housing it finances or otherwise assists be open to all people regardless of their erased criminal history record information and (2) municipalities must take all necessary steps to ensure that the occupancy of all housing financed

or assisted under the Municipal Housing Finance Assistance Act is open to all people, regardless of their erased criminal history record information ([PA 21-32](#), §§ 12-14, generally effective January 1, 2023).

Housing Discrimination Complaints

Under a new law, individuals have more time to file a housing discrimination complaint with the Commission on Human Rights and Opportunities (up to 300 days, rather than 180 days, after the alleged discriminatory act, for such acts occurring on or after October 1, 2021) ([PA 21-109](#), § 5, October 1, 2021).

Housing Disparities

A new law declares that racism is a public health crisis in Connecticut and will continue to be a crisis until the state reduces, by at least 70%, racial disparities in specified indicators in four areas, including economic indicators (such as housing insecurity). The act requires the newly established Commission on Racial Equity in Public Health to determine the percentages of racial disparity in the state in these areas.

Among other things, the act requires the commission to develop and periodically update a comprehensive strategic plan to eliminate health disparities and inequities. Among other things, the plan must consider affordable housing. The plan must also address incorporating health and equity into specific policies, programs, and government decision-making processes. This must at least include disparities in, among other things, access to safe housing ([PA 21-35](#), §§ 1-4, effective upon passage).

Unlawful Restrictive Covenants

A new law voids “unlawful restrictive covenants,” which are covenants or provisions in instruments affecting the title to real property that intend to restrict ownership or occupancy based on race. The law similarly provides a process for condominium and common interest community associations to remove provisions in association declarations that restrict ownership or occupancy by race ([PA 21-173](#), effective July 1, 2021).

Landlord and Tenant

Broadband Internet

A new law contains several provisions aimed at expanding access to broadband Internet service throughout the state. Among other things, it requires an occupied building’s owner to allow wiring to provide broadband service in the building if (1) a tenant requests services from the broadband

provider, (2) the provider assumes the entire cost of the wiring, and (3) the provider indemnifies and holds the owner harmless for any damages caused by the wiring ([PA 21-159](#), § 6, effective July 1, 2021).

Lock Changes for Tenants Under Protection Orders

A new law requires landlords to change a dwelling unit's locks, or allow a tenant to do so, upon a tenant's request if:

1. when the tenant makes the request, he or she is named as a protected person in a court-issued civil restraining or protection order; family violence protective order; criminal protective order; foreign order of protection registered in Connecticut; or a protective order issued in cases of stalking, harassment, sexual assault, risk of injury to or impairing morals of a child;
2. the order requires the respondent or defendant to stay away from the tenant's home or stay a minimum distance away from the tenant; and
3. the tenant provides a copy of the order to the landlord.

The new law establishes requirements that apply when either the landlord or the tenant changes the locks. It also prohibits landlords from providing a key or any access to the dwelling unit to any tenant who is required to stay away from the unit as the named respondent or defendant in the court order ([PA 21-78](#), §§ 20-22, effective October 1, 2021).

Tenants and Cannabis

A new law generally prohibits landlords and property managers from (1) requiring a tenant to take a drug test or (2) refusing to rent to, or otherwise discriminating against, an existing or prospective tenant based on certain cannabis possession convictions. For residential properties, it generally prohibits landlords and property managers from banning cannabis possession or use, although they may prohibit smoking or vaping cannabis.

Among other exceptions, these provisions do not apply to (1) people renting a room and not the full dwelling or (2) situations where failing to prohibit cannabis use or possession, or failing to require drug tests, would violate federal law or cause the landlord to lose a federal financial or licensing-related benefit ([PA 21-1](#), JSS, § 90, effective July 1, 2022).

Right to Counsel in Eviction Proceedings

A new law establishes a statewide "right to counsel program" to provide free legal representation to income-eligible tenants, lessees, and occupants of any residential building or land in eviction or

certain administrative proceedings initiated on or after July 1, 2021. The judicial branch must (1) use available federal funds to enter into an agreement with an entity to administer the program and (2) approve a one-page, plain-language notice to inform individuals of their rights under the program. The new law also establishes an 11-member working group to advise on matters and policies affecting the program ([PA 21-34](#), § 1, effective July 1, 2021).

Land Use and Zoning

Land Use Reform and New Commission

A new law addresses varied aspects of municipal land use regulation. Among other things, several provisions address housing opportunities in municipalities that exercise zoning authority under the statutes. The new law prohibits municipal zoning regulations from establishing minimum floor area requirements that exceed those in an applicable safety code and requires regulations to provide for varied housing opportunities and affirmatively further the federal Fair Housing Act's purposes. Unless a municipality opts out, the new law also (1) requires regulations to allow accessory apartments as of right on the same lot as single-family homes and (2) prohibits them from requiring more than one parking space for each studio or one-bedroom dwelling or more than two parking spaces for other dwellings.

The new law also establishes a commission within the Legislative Department to evaluate policies related to land use, conservation, housing affordability, and infrastructure. Among other things, the commission must (1) look at existing law's municipal affordable housing planning requirement and the state's sewer and septic system oversight and (2) develop model design guidelines for buildings and streets ([PA 21-29](#), various effective dates).

More Time to Complete Certain Projects Requiring Local Approval

Two new laws give developers more time to complete certain ongoing projects without seeking reapproval from local land use boards, commissions, or agencies (e.g., planning or zoning commissions or inland wetlands agencies). Generally, under these laws, these approvals are valid for at least 14 years and up to 19 years. The laws apply to approvals and permits that were approved (1) before July 1, 2011, and were unexpired when the law took effect, and (2) on or after July 1, 2011, but before June 10, 2021, and were unexpired on March 10, 2020, ([PA 21-34](#) and [PA 21-163](#), effective upon passage and applicable to approvals granted during specified timeframes).

Liens

Emergency Lien Assistance Program

A new act establishes an emergency lien assistance program within CHFA's existing Emergency Mortgage Assistance Program. The new program will provide loans to homeowners who are facing foreclosure due to liens from (1) municipal water or sewer charges, (2) municipal tax debt, or (3) condominium or common interest association assessments and fines ([PA 21-44](#), effective October 1, 2021).

Limits on Public Assistance Liens

In February, the legislature passed a law prohibiting the state from recovering cash and medical assistance from liens placed on real property, unless required to do so by federal law. In addition, the act requires the state to deem any certificate or lien previously filed on the properties released if the recoveries of the assistance are not required under federal law.

In the budget implementer act, the legislature further expanded these lien restrictions and deemed additional previously filed claims released. Among other things, the act (1) generally limits the state's claim against lawsuit proceeds and inheritances to the amount of the assistance paid that the state is required to recover under federal law and (2) expands the types of previously filed claims that must be deemed released to include any kind of claim filed by or on behalf of the state, including state claims against property interests, estates, or proceeds from a lawsuit or estate, if the recovery is not required by state and federal law ([PA 21-3](#), §§ 2-4, and [PA 21-2](#), JSS, §§ 455-458, both effective July 1, 2021).

Municipal Lien Assignment

The legislature passed a law imposing new restrictions on entities that acquire the right to enforce real property liens securing specified delinquent tax, sewer, and water charges (i.e., lien assignees). These provisions include requiring assignees to provide a payoff statement in the same way as mortgagees in a foreclosure situation. The new law also makes any lien assignment executed on or after July 1, 2022, unenforceable unless it is memorialized in a written contract between the assignee and the municipality or water pollution control, water, or sewer authority, as applicable ([PA 21-143](#), effective October 1, 2021).

Real Estate Professionals

Appraisers and Appraisal Management Companies

By law, real estate appraisers, provisional appraisers, and appraisal management companies (AMCs) must register with DCP. A new law makes several changes to the AMC statutes to comport with the Federal Financial Institutions Examination Council's audit recommendations. Among other things, it revises the definition of AMC to exclude any subsidiary of a federally regulated financial institution and requires AMCs to disclose any owners, not just those owning at least 10% of the company. It also makes the real estate appraiser or provisional appraiser continuing education fee annual, rather than biennial, so that it coincides with the renewal period ([PA 21-37](#), §§ 2-5, effective July 1, 2021).

Commercial Mortgage Loan Originators

A new law excludes from the state's overtime pay requirements (time and one-half after 40 hours a week) commercial mortgage loan originators considered to be highly compensated employees under federal regulations. Commercial loans are those primarily not for personal, family, or household use. The law already excludes highly compensated mortgage loan originators from the requirements ([PA 21-136](#), effective October 1, 2021).

Home Inspection Regulations

Existing law requires the DCP commissioner, with advice and help from the Home Inspection Licensing Board, to adopt regulations on home inspectors. A new law requires the commissioner to establish in these regulations a minimum and uniform standard for home inspections. This standard must require the inspector to report on the presence of a smoke detector, including specifying (1) the equipment's location and total number and (2) if he or she was able to test it and verify that it was less than 10 years old ([PA 21-165](#), § 2, effective July 1, 2021).

Real Estate Broker and Salesperson Licenses

A new law makes several minor changes to the real estate brokers' and salespersons' licensing laws. Among other things, it (1) changes the annual expiration date for brokers' licenses to November 30, rather than March 31, and (2) eliminates a provision making application fees refundable if a broker's or salesperson's license is not issued ([PA 21-37](#), §§ 26-28, effective upon passage).

Real Estate Licensing and Real Estate Teams

A new law increases the minimum prior work experience required to apply for a real estate broker's license by requiring applicants to have a minimum number of hours worked and real estate transactions closed in the prior three years. The law also establishes a registration process for real estate "teams," which are groups of at least two licensed real estate brokers, or salespeople affiliated with the same sponsoring broker, that advertise using a team name ([PA 21-167](#), effective January 1, 2022).

Real Estate Transactions

Disclosure of Dams

A new law adds a question about the presence of dams that have been, or must be, registered with DEEP to the standard written residential condition report that residential property sellers must provide to prospective buyers. Buyers must also be informed that more information on dams is available from DEEP ([PA 21-41](#), effective October 1, 2021).

Land Conveyances and Power of Attorney Signatures

Under a new law, if the party conveying land (i.e., the grantor) is a natural person, the conveyance may be signed by the grantor's agent authorized by a validly executed, acknowledged, and witnessed power of attorney ([PA 21-39](#), § 9, effective October 1, 2021).

Semipublic Wells and Testing Information

Existing law requires owners of residential property, before a property transaction (e.g., sale or rental), to notify the buyer or tenant that the Department of Public Health's website contains educational material on private well testing. A new law extends this requirement to owners of land with semi-public wells (e.g., wells supplying small businesses with under 25 employees). As under existing law, failure to provide the notice does not invalidate the transaction ([PA 21-121](#), § 6, effective October 1, 2021).

Miscellaneous

Commercial Real Estate Receivership

This year, the legislature adopted the Uniform Commercial Real Estate Receivership Act. The act provides rules for these receiverships on a range of matters, many of which were previously not addressed in statute.

The act applies to commercial receiverships for an interest in real property and any personal property related to, or used in, operating the real property. With limited exceptions, it does not apply to residential properties with four or fewer units.

Among various other things, the act establishes rules for (1) appointing a receiver, including when a court may appoint one and when a party is entitled to one; (2) the receiver's powers and duties; and (3) the duties of the owner whose property is in receivership ([PA 21-80](#), effective July 1, 2022).

Common Interest Ownership Act

A new law makes various revisions to the Common Interest Ownership Act (CIOA). It allows unit owner meetings, and votes at these meetings, to be held by telephone, video, or other conferencing process unless the association's declaration or bylaws prohibit it. By contrast, previous statute allowed meetings in this manner only if the declaration or bylaws authorized it. Under existing law, unchanged by the act, unit owner votes conducted without a meeting may occur by electronic or paper ballot.

Additionally, the act:

1. gives associations more time to produce records for examination or copying by unit owners or their agents, and specifically allows the records to be presented electronically; and
2. eliminates the requirement for associations to send hearing and decision notices by certified mail ([PA 21-169](#), effective upon passage).

Crumbling Foundations

A new law addressing the state's crumbling foundations problem makes the Connecticut Foundation Solutions Indemnity Company (CFSIC) permanent by eliminating the June 30, 2022, termination date in prior law. The law also adds two gubernatorial appointees to CFSIC's board of directors and requires it to study the impact of pyrrhotite-related foundation damage in nonresidential buildings. For affected homeowners, the new law also eliminates the five-year cap on reduced property tax assessments for homes with failing foundations and makes certain government-maintained information about crumbling foundations confidential in perpetuity.

To address concerns about similar problems arising in the future, the new law also requires the operator of each quarry that produces concrete aggregate to (1) prepare and quadrennially update a geological source report and submit it to the state and (2) annually provide an operations plan and a report to the state containing the results of a third-party test of the aggregate's sulfur content

and further testing for pyrrhotite, if applicable ([PA 21-120](#) and [PA 21-2](#), JSS, §§ 58-60, both effective July 1, 2021, except the provision on reduced assessments is effective upon passage).

Downpayment Assistance Program

A new law revises CHFA’s homeownership loan program (also called the “Downpayment Assistance Program”). It requires (1) CHFA to establish guidelines for issuing loans under the program that, among other things, provide loans to borrowers with a debt-to-income ratio up to the highest allowed for residential mortgage loans by the Federal Housing Administration (Fannie Mae), and Federal Home Loan Mortgage Corporation (Freddie Mac) and (2) program loans to include customary and reasonable closing costs under certain circumstances. The new law also allows CHFA to establish affordability incentive zones under the program to encourage home purchases in municipalities that are subject to the affordable housing appeals procedure ([PA 21-101](#), §§ 1-4, effective upon passage).

Public Private Partnerships Eligibility Eliminated

The legislature reestablished, through January 1, 2027, the governor’s authority to approve up to five public-private partnerships (P3s). Under prior law, housing facilities were eligible for consideration as P3 projects. The act limits the P3 law to transportation projects only, thus eliminating eligibility for housing facilities ([PA 21-99](#), effective upon passage).

Mobile Manufactured Home Park Licenses

A new law makes several changes to the mobile manufactured home park licensing laws. Among other things, it (1) specifies that the Department of Consumer Protection (DCP) may place conditions on a license following a violation of applicable laws, rather than only revoke, suspend, or refuse to renew it; (2) authorizes DCP to require a licensee to obtain and pay for an independent inspection report assessing the potential public health impact of a park condition; and (3) specifies that a mobile manufactured home park’s license renewal may only be denied for failure to comply with the law if a formal enforcement action has been commenced ([PA 21-37](#), §§ 30 & 31, effective upon passage).

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