



EMERGENCY VACATES

CT Code Standards, Legal Entry, and
Enforcement Protocols

Judith H. Rothschild, J.D.

Deputy Director | Department of Development Services
City of Hartford, CT



4th Annual Joint Conference of CAHCEO, Inc., CFMA and CBOA
St. Clements Castle & Marina | May 21, 2026

Primary Goals of Enforcement of Imminent Safety Hazards

Compliance & Safety

Obtaining code compliance through emergency vacate provisions to reduce the risk of injury, illness, or death from hazardous premises.

Due Diligence & Risk Management

Ensures the Code Official operates within their delegated authority. Establishes a record of due diligence to protect the jurisdiction from legal claims.

The Ultimate Outcome: Healthier communities and a reduction in the public costs associated with preventable casualties.

CT Code Enforcement Select Laws Re: Imminent Safety Hazards

Authority to Order Emergency Vacates

FIRE

Local Fire Marshals

- "Five Deadly Sins":
Blocked egress, system shutdowns, explosives, pyrotechnics, overcrowding

BUILDING

Local Building Official

- Unsafe structures: inadequate egress, constitute a fire hazard, or are otherwise dangerous to human life
- Imminent Danger: Building Official shall post notice and order occupants to vacate forthwith

HEALTH

Local Directors of Health

- Authority to examine all nuisances and sources of filth injurious to public health
- Mandated to cause abatement of conditions that endanger inhabitants

Local Fire Marshal



13

Local Building Official



13



Fire Safety: CGS 29-306

IMMEDIATE AUTHORITY

Local Fire Marshals may order any building vacated **immediately** if "hazardous conditions" exist under Section 29-306(c).

This authority is comprehensive. The order applies forthwith to ANY building where the Fire Marshal finds hazardous conditions exist. There is NO exception for one- and two-family residential structures.

The "Five Deadly Sins"

If any of these occur, a **police officer or fire marshal is authorized** to take action:

-  Blocked Egress
-  Fire Protection Systems shut off
-  Unpermitted Explosives
-  Unpermitted Pyrotechnics
-  Exceeding Occupancy Limits



Policy Directive #10

Subject: Restricting the Use of a Building - Immediate Hazard |

Pursuant to the requirements of CGS §29-306 (c) (Public Act 08-65), if a local fire marshal or police officer determines that there exists in a building a risk of death or injury from:

The "Five Deadly Sins"

- 1) Blocked, insufficient or impeded egress
- 2) Failure to maintain or shutting off any fire protection or warning systems
- 3) The storage of any flammable or explosive material in excess of allowed limits
- 4) Use of any fireworks or pyrotechnic device without a permit
- 5) Exceeding the occupancy limit established by the Fire Marshal

Such fire marshal or police officer may issue a verbal or written order to immediately vacate the building.

CSP Fire & Explosion Investigation Unit

Policy Directive #10 Collected Data

January 1, 2017 – October 13, 2020



Total Directive #10 Calls: 125

73 Related to Hoarding Conditions

(Confirmed)

19 Fires

13 Injuries

10 Fatalities



Building Official Duties: CGS § 29-393

Statutory Inspection & Order Authority

Upon receipt of information from a fire marshal or authentic source that a building is a **hazard** due to:

- Lack of exit facilities or fire damage
- Deterioration or catastrophe
- Any other cause endangering persons

The Building Official **shall immediately**:

- Conduct a personal inspection (or via assistant)
- Order repairs, alterations, or additional exits
- Order removal/demolition if necessary for safety



NON-EMERGENCY RIGHT OF ENTRY: Authorized between 9:00 a.m. and 5:00 p.m. in the interest of public safety.

State Building Code: SBC § 116 & 117

SBC §116: Unsafe Structures

Conditions for Condemnation:

- Structures dangerous to human life or public welfare
- Deficient ventilation, light, or exit facilities
- Illegal or improper occupancy
- Unsafe equipment or hazardous conditions

Mandated Actions:

- Issuance of a formal "Notice of Unsafe Structure"
- Order for corrective action, repair, or demolition

SBC §117: Emergency Measures

When failure or collapse is **imminent**, the Building Official (BO) **shall**:

- Post a notice of **"Unsafe Occupancy"**
- Order occupants to vacate **forthwith**
- Employ labor/materials for temporary safeguards
- Temporarily close adjacent streets or sidewalks

The BO's decision is final in emergency safety matters.

Building Official: Imminent Danger & Emergency Vacate



Imminent Danger Protocols

When unsafe for occupancy due to structural failure, imminent collapse, or otherwise dangerous to human life (SBC § 116 & 117), the Building Official **shall**:

- Post a notice of **"Unsafe Occupancy"**
- Order occupants to vacate **forthwith**
- Issue additional orders to correct the unsafe structure as needed up to and including **demolition**
- The BO's decision is **final** in emergency safety matters
- Prioritize immediate public safety over standard procedural timelines

Local Directors of Health



Authority of Local Directors of Health

CGS § 19a-206: Public Health

- Examine all nuisances and sources of filth injurious to public health
- Issue written orders for abatement or remediation
- Remove filth that may endanger the health of inhabitants
- **Broad power to abate nuisances in any structure**

CGS § 47a-52 & 54: Rented Dwellings

- Abate conditions constituting a danger to life or health
- Identify dwellings unfit for human habitation
- Issue orders to vacate in cases of communicable disease or unfitness



CASE STUDY: UNINHABITABLE SANITARY CONDITIONS

CONDITIONS FOUND:

- **STRUCTURALLY SOUND:** No structural violations reported.
- **ADEQUATE EGRESS:** Multiple, clear exits present. No fire safety hazards.
- **EXTREME SANITARY NEGLECT:**
 - Accumulated refuse and garbage (human and animal waste).
 - Severe rodent and insect infestation throughout.
 - Lack of running water and working sewage system for an extended period.
 - Uncontrolled growth of toxic mold on walls.

CONCLUSION:

While the fire and building official found no egress or structural violation, the Director of Health condemned due to endangerment to the inhabitants.



Statutory Penalties for Non-Compliance

CGS § 19a-206

HEALTH

Failure to comply with an order of a Director of Health is subject to CGS 19a-230: Class C Misdemeanor.

CGS § 29-306(c)

FIRE

Violation of vacate order subject to CGS § 29-291c: up to 6 months imprisonment and/or \$200–\$1,000 fine.

CGS § 29-393

BUILDING

Failure to comply with Building Official order is subject to CGS § 29-394: up to 6 months imprisonment and/or \$200–\$1,000 fine.

CGS § 47a-52

HEALTH

Violation or failure to comply with health department orders is a Class C misdemeanor.

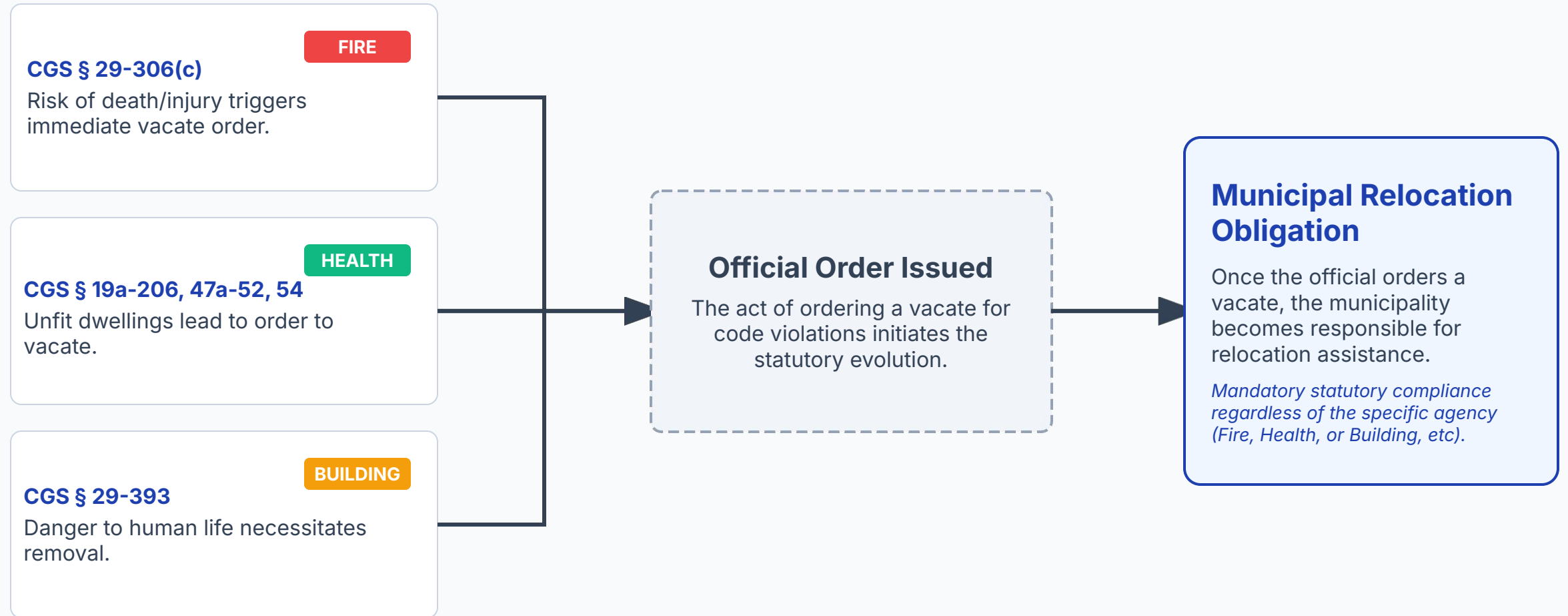
CGS § 47a-54

HEALTH

Failure to vacate unfit dwellings is subject to CGS § 47a-55: up to 6 months incarceration and/or up to \$1000 fine



From Vacate Order to Municipal Relocation Obligation



Constitutional Requirements for Entry

The 4th Amendment protects against "unreasonable searches and seizures." Code inspections are legally equivalent to police searches.

1. Voluntary Consent

Seeking permission from the person in control of the property. This is the preferred method.

2. Exigent Circumstances

Entry without consent/warrant is only allowed if a true emergency threatens life or safety.

3. Administrative Warrant / Court Order

Required when consent is refused and no immediate emergency (exigency) exists.

Administrative Search Warrants

The Legal Standard

Camara v. Municipal Court (U.S. Supreme Court, 1967).

Upheld by the CT Supreme Court in *State v. Saturno* (2016): Probable cause for an administrative warrant is satisfied if reasonable legislative or administrative standards for an inspection are met.

Does not require evidence of a specific violation at that location.

Application Checklist

-  Identify the statutory authority.
-  Specific description of premises.
-  Documented refusal of entry.
-  Clearly stated purpose of search.

Warrant applications should be prepared by code officials and presented to their local Housing Prosecutor or State's Attorney's Office.

Thank You



Questions?



Judith H. Rothschild, J.D.

Deputy Director | Department of Development Services
City of Hartford

judith.rothschild@hartford.gov

(860) 757-9086