

Special Meeting of the Fair Rent Commission Task Force

Nov 22, 2022 from 7 – 8p

Library Room 2

Members Present: Jon FitzGerald, Esq., Timothy Gamache, David Haberfeld, and Sue Pyzynski

Member Absent: Ronald Petosa, Esq.

Minutes:

1. **Call to order.** Chairman FitzGerald called the meeting to order.
2. **Introduction of commissioners.** Members Pyzynski, Gamache, Haberfeld and Chairman FitzGerald introduced themselves.
3. **Discuss and approve the minutes of the meeting held on November 1, 2022 and take any action as necessary.** Unanimous approval.
4. **Presentation of the agenda and take any action as necessary.** Chairman FitzGerald reminded the public that this body is a taskforce and not the actual Fair Rent Commission and reviewed the scope of the taskforce's charge.
5. **Public participation regarding the provisions to include in an ordinance establishing a fair rent commission.** There was no public participation.
6. **Discussion by task force members regarding research reports done by the state legislature's Office of Legislative Research, and to take any action as necessary.** Member Gamache inquired as to whether fines were per day. Attorney Welch provided his understanding that after 5 days additional fines may be levied each day.
7. **Discussion by task force members regarding the fair rent commission toolkit developed by HOMEConnecticut, and to take any action as necessary.**
 - Member Gamache asked about which court would take an appeal. Chairman FitzGerald clarified that the New Britain Superior Court would likely take appeals.
 - Member Gamache discussed that 7 members seems to be an appropriate size for the Commission.
 - Member Pyzynski discussed the need for alternates.
 - Member Gamache asked about whether minority representation rules applied to the Commission. Chairman FitzGerald opined that the Commission will be required to comply with minority representation laws.
 - Member Gamache asked about whether meetings will need to be recorded. Discussion ensued about how the Commission will be supported and staffed. Attorney Welch reviewed

how other Towns support their Commissions. Attorney FitzGerald discussed the importance and need for a recorded record so appeals can be taken.

- Member Gamache inquired whether there could be a conflict of interest if one sat on the Fair Rent Commission and the Fair Housing Commission. Chairman FitzGerald and Attorney Welch did not think that would be a conflict of interest.

8. Discussion by task force members of fair rent commission ordinances of other towns, and to take any action as necessary.

- Attorney Welch responded to Chairman FitzGerald's question about the volume of claims other towns have experienced. The City of Manchester had no claims the previous seven years, but 15 claims in 2022. From a review of the docket, it appears that Hamden has had 22 cases in 2022. Attorney Welch discussed the scope of some of those claims.
- Member Gamache pointed to the statutory items that a commission can consider while determining fair rent.

9. Discussion by task force members of the number of members of a fair rent commission, and to take any action as necessary.

- Discussion ensued and the taskforce agreed on 7 members with 3 alternates. A discussion of quorum and use of alternates ensued.

10. Discussion by task force members of the appointment process for members to a fair rent commission, and to take any action as necessary.

- The taskforce determined that the Mayor should appoint and council should approve.

11. Discussion by task force members of the composition of the members of a fair rent commission, and to take any action as necessary

- Chairman FitzGerald discussed the scope of this question and the recommendation from the model rules. Member Habersfeld suggested 2 landlords and 2 tenants. Discussion ensued. The taskforce determined that 2 members must be landlords and 2 members must be tenants. 1 alternate must be a landlord and 1 alternate must be a tenant. No requirement that a landlord commissioner and a tenant commissioner be present for a quorum.

12. Discussion by task force members of the length of terms for members to a fair rent commission, and to take any action as necessary.

- Discussion ensued. 3 year terms with staggered starts was agreed. Initial appointments of 3 members for three years, 2 members for two years, 2 members for one year. The chairperson shall select the alternate to serve as a commission member and then mayor and council shall replace the alternate.
- Member Gamache noted that the landlord / tenant balance must be maintained.

13. Discussion by task force members of the process for filling a vacancy on the fair rent commission, and to take any action as necessary.

- Discussion ensued and it was determined that in event of a vacancy, an alternate shall be chosen to fill the vacancy.

14. **Discussion by task force members of the process of the designation of a chair person to a fair rent commission, and to take any action as necessary.**
 - Commission shall choose its own chair.
15. **Discussion by task force members of the reappointment process for members of a fair rent commission, and to take any action as necessary.**
 - Discussion ensued and the taskforce agreed that the same process as appointment process subject to a 2 consecutive 3-year terms and may be reappointed thereafter after 1 year of not serving.
16. **Discussion by task force members of the number of members of a fair rent commission necessary to constitute a quorum, and to take any action as necessary.**
 - Discussion ensued and the taskforce determined that 4 persons should be required for action and that there would be no smaller groups with different quorums for hearings.
17. **Discussion by task force members of the compensation of members to a fair rent commission, and to take any action as necessary.**
 - Chairman FitzGerald noted that this is a volunteer board.
18. **Discussion by task force members of the powers of a fair rent commission, and to take any action as necessary.**
 - Agreement that the statutory powers should be enumerated in the ordinance.
19. **Discussion by task force members of the investigation of complaints to a fair rent commission, and to take any action as necessary.**
 - Chairman FitzGerald discussed that Enfield and New Haven have investigators to investigate complaints. He further suggested that if an investigation is needed it should be referred to the appropriate municipal agency, and recommended the language used by Manchester. Other members agreed.
20. **Discussion by task force members of the fair rent commission's hearing procedure, and to take any action as necessary.**
 - Chairman FitzGerald suggested returning to this topic next meeting.
21. **Discussion by task force members of the appeal process of a decision made by a fair rent commission, and to take any action as necessary.**
 - Chairman FitzGerald discussed the appeal process and how other towns handle and recommended using the model language. Other members agreed.
22. **Discussion by task force members of possible other terms to a fair rent commission ordinance, and to take any action as necessary.**
 - Chairman FitzGerald suggested returning to this topic next week.
23. **Discussion by task force members of a mediation process for complaints made to the fair rent commission, and to take any action as necessary.**

- Chairman FitzGerald reviewed other towns' processes. Member Gamache asked about how a mediation could work. Discussion ensued. Chairman FitzGerald suggested that when parties agree it is best as the landlord – tenant relationship is long-term. Chairman FitzGerald suggested that any commissioner mediating ought not to then rule on the matter. Member Pyzynski noted that Glastonbury used town officials in mediation as well. Chairman FitzGerald suggested that mediation ought not to be obligatory.

24. Discussion by task force members of the imposition of fines for violations of decisions made by a fair rent commission, and to take any action as necessary.

- Discussion regarding whether a fine in an ordinance can be different than a fine in statute.

25. Discussion by task force members of meeting dates and agendas and take any action as necessary.

- Next meeting Tuesday, December 6 at 6pm.

26. Adjourn.