



City of Bristol  
Bristol, Connecticut

### **MEETING OF THE FAIR RENT TASK FORCE**

There will be a special meeting of the Fair Rent Task Force on Tuesday, December 6, 2022 at 6:00 PM, at the Bristol Public Library, 5 High Street, Bristol, Connecticut.

### **AGENDA**

1. Call to order.
2. Introduction of commissioners.
3. Discuss and approve the minutes of the meeting held on November 22, 2022 and take any action as necessary.
4. Presentation of the agenda and take any action as necessary.
5. Public participation regarding the provisions to include in an ordinance establishing a fair rent commission.
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.
7. Discussion by task force members of the number of members of a fair rent commission, and to take any action as necessary.
8. Discussion by task force members of the appointment process for members to a fair rent commission, and to take any action as necessary.
9. Discussion by task force members of the composition of the members of a fair rent commission, and to take any action as necessary.
10. Discussion by task force members of the length of terms for members to a fair rent commission, and to take any action as necessary.

11. Discussion by task force members of the process for filling a vacancy on the fair rent commission, and to take any action as necessary.
12. Discussion by task force members of the process of the designation of officers to a fair rent commission, and to take any action as necessary.
13. Discussion by task force members of the reappointment process for members of a fair rent commission, and to take any action as necessary.
14. 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.
15. Discussion by task force members of the compensation of members to a fair rent commission, and to take any action as necessary.
16. Discussion by task force members of the powers of a fair rent commission, and to take any action as necessary.
17. 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.
18. Discussion by task force members of possible other terms to a fair rent commission ordinance, and to take any action as necessary.
19. Discussion by task force members of the imposition of penalties for violations of decisions made by a fair rent commission, and to take any action as necessary.
20. Discussion by task force members of the investigation of complaints made to a fair rent commission, and to take any action as necessary.
21. Discussion by task force members of a mediation process for complaints made to the fair rent commission, and to take any action as necessary.
22. Discussion by task force members of the fair rent commission's hearing procedure, and to take any action as necessary.
23. Discussion by task force members of fair rent commission ordinances of other towns, and to take any action as necessary.
24. Discussion by task force members regarding the fair rent commission toolkit developed by HOMEConnecticut, and to take any action as necessary.

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

26. Adjourn.

**Fair Rent Task Force**  
**Per Jon P. FitzGerald, Chairperson**  
**DATED this 29<sup>th</sup> day of November, 2022.**

Corporation Counsel's Office is inviting you to a scheduled Zoom meeting.

Topic: Fair Rent Commission Task Force

Time: Dec 6, 2022 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://bristolct-gov.zoom.us/j/81862583784?pwd=aFd0dHNMWHhPMDNoczcwVUwM1R6dz09>

Meeting ID: 818 6258 3784

Passcode: 997856

One tap mobile

+13017158592,,81862583784# US (Washington DC)

+13052241968,,81862583784# US

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 931 3860 US

+1 929 205 6099 US (New York)

+1 669 900 6833 US (San Jose)

+1 689 278 1000 US

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 669 444 9171 US

Meeting ID: 818 6258 3784

Find your local number: <https://bristolct-gov.zoom.us/j/kdTGFpn4ge>





# OLR RESEARCH REPORT

March 13, 2007

2007-R-0267

---

## FAIR RENT COMMISSIONS

By: Joseph Holstead, Associate Analyst

You asked how a town would establish a fair rent commission and would it have jurisdiction over an assisted living facility.

The Office of Legislative Research is not authorized to give legal opinions and this should not be considered one.

### SUMMARY

The law allows a municipal legislative body to create a fair rent commission. It requires municipalities with more than 5,000 rental units to consider creating such a commission.

The only statutory limit on a commission's jurisdiction to investigate fair rent is on seasonal rentals (seasonal rentals of 120 days or less are exempt). Thus, it appears residents of an assisted living facility could seek relief from a fair rent commission.

By law, a municipality with more than 5,000 rental units that did not have a fair rent commission as of October 1, 1989 must conduct a public hearing on creating one. The municipality's legislative body must decide by majority vote whether to create the commission. The municipality must use the most recent decennial census to determine the number of rental units.

---

Mary M. Janicki, Director  
Phone (860) 240-8400  
FAX (860) 240-8881  
<http://www.cga.ct.gov/olr>

**Connecticut General Assembly**  
Office of Legislative Research

Room 5300  
Legislative Office Building  
Hartford, CT 06106-1591  
[Olr@cga.ct.gov](mailto:Olr@cga.ct.gov)

The balance of this report explains the purpose and powers of commissions, and the complaint process.

2

### **COMMISSION PURPOSE AND POWERS (§ 7-148b)**

A fair rent commission's purpose is to "control and eliminate excessive rental charges." Fair rent commissions can receive and investigate rent complaints, issue subpoenas, hold hearings, and order landlords to reduce rents for specific reasons. The law also states that anyone who violates a commission order or subpoena is subject to a fine of between \$25 and \$100.

In order to control excessive rental charges, state statute authorizes municipal commissions to (1) to conduct studies and investigations, (2) hold hearings, (3) receive rent complaints (except on units rented on a seasonal basis), (4) require people to appear at hearings under oath, (5) issue subpoenas, and (6) issue orders regarding rent increases. A commission can alter or terminate any of its decisions. The law defines "seasonal basis" for such commissions' purposes as housing rented for not more than 120 days per calendar year.

Commissions are also authorized to carry out the provisions of a landlord tenant statute (§ 47a-20) regarding prohibited retaliatory actions by landlords. This section prohibits retaliation for a tenant making a good faith (1) effort to bring the dwelling in compliance with state and local laws and regulations, including filing a complaint; (2) request for reasonable repairs; and (3) effort to require the landlord to meet his legal responsibilities. Retaliation is also prohibited following the notice of a municipal health or safety violation or if the tenant organizes or joins a tenants union. Commissions can also carry out a subsection of the eviction statute (§ 47a-23c (b)).

### **CONSIDERATIONS IN DETERMINING EXCESSIVE RENT (§ 7-148c)**

Commissions must consider a number of factors when determining whether a rental charge is excessive to the point of being "harsh and unconscionable." The factors include: (1) rents for comparable units; (2) amount and frequency of rent increases; (3) sanitary conditions; (4) number of bathtubs or showers, toilets, and sinks; (5) services, furniture, and furnishings; (6) bedroom size and number; (7) repairs necessary to make the accommodations livable; (8) amount of taxes and overhead expenses, including debt service; (9) compliance with state and local



health and safety laws and regulations; (10) renter's income and housing availability; (11) utility availability; (12) tenant damage to the premises, other than ordinary wear; and (13) the degree to which income from the rent increase will be reinvested in property improvements. 3

### **ORDERS BY COMMISSIONS (§ 7-148d)**

After holding a hearing on a complaint, a commission can determine that a rent increase is excessive and order "rent be limited to such an amount as it determines to be fair and equitable." This appears to mean the commission can set the rent at the rate it believes is fair.

If the housing in question fails to meet local or state health and safety requirements, then the commission can order the suspension of rent payments until the unit meets standards. During the time the rent is not paid to the landlord, it is paid to the commission to hold in escrow and is subject to any provisions adopted by the municipality.

If the commission determines, after holding a hearing, that a landlord has retaliated in any way against a tenant who has complained to it, the commission can order the landlord to cease the retaliation.

### **PENALTIES AND VIOLATIONS (§ 7-148f)**

A landlord violates a rent reduction order or suspension if he or she accepts, receives, or demands an amount in excess of the order while it is in effect and no appeal is pending. Refusing to obey a commission order, subpoena, or decision is also a violation.

Violators may be fined between \$25 and \$100. If the offense continues for more than five days, it constitutes a new offense for each additional day beyond five.

### **APPEAL (7-148e)**

Any landlord under any order by a commission may appeal to the Superior Court for the judicial district where the rental property is located.

JH:ro

## Tenant Protections Against Excessive Rent Increases

By: Shaun McGann, Legislative Analyst II  
October 20, 2020 | 2020-R-0255

### Issue

How does state law protect tenants against excessive rent increases? Are there additional protections specifically for tenants who are senior citizens or have a disability?

The Office of Legislative Research is not authorized to provide legal opinions and this report should not be considered one.

### *Related OLR Reports:*

**Fair Rent Commissions**  
(2007-R-0267) – describes how a municipality establishes a fair rent commission, the powers of commissions, and the process by which commissions determine and ameliorate excessive rent.

**States Authorizing Rent Control** (2018-R-0081) – identifies states with laws authorizing local governments to adopt rent control ordinances and describes the parameters these laws place on local governments.

### Summary

Connecticut state law does not currently permit municipalities to adopt rent control ordinances. However, the law authorizes municipalities to establish fair rent commissions to "control and eliminate excessive rental charges" (CGS §§ 7-148b to -148g) and empowers these commissions to enforce provisions of a landlord-tenant statute generally prohibiting landlords from increasing rent as a retaliatory action against tenants (CGS §§ 47a-20 and 47a-20a). Though not all municipalities have established fair rent commissions, any tenant residing in a building or complex consisting of five or more separate dwelling units who is (1) age 62 or older or (2) an individual with a physical or mental disability may bring action in Superior Court to contest an excessive rent increase or proposed rent increase (CGS § 47a-23c(c)).



# Fair Rent Commissions

## *Overview*

The law allows the legislative body of any town, city, or borough (or certain combinations thereof) to create a fair rent commission in order to (1) control and eliminate excessive rental charges and (2) carry out certain landlord-tenant statutes (CGS § 7-148b). Specifically, commissions have the power to:

1. conduct studies or investigations;
2. hold hearings;
3. receive rent complaints;
4. require people to appear at hearings;
5. issue subpoenas and administer oaths; and
6. issue, continue, review, amend, terminate, or suspend its orders and decisions.

The law required towns, cities, and boroughs without a fair rent commission on October 1, 1989, but with more than 5,000 renter-occupied dwelling units based on the 1980 decennial census, to hold a public hearing on or before June 1, 1990, and decide by a majority vote of the municipal legislative body whether to create a fair rent commission. Affected towns, cities, and boroughs that failed to meet these requirements were required to create a fair rent commission by June 1, 1991.

## *Existing Commissions*

According to the Connecticut Judicial Branch, the following 21 municipalities have established fair rent commissions as of January 2020:

- |                      |                     |                        |
|----------------------|---------------------|------------------------|
| • <u>Bloomfield</u>  | • <u>Groton</u>     | • <u>Rocky Hill</u>    |
| • <u>Bridgeport</u>  | • <u>Hamden</u>     | • <u>Simsbury</u>      |
| • <u>Clinton</u>     | • <u>Hartford</u>   | • <u>Stamford</u>      |
| • <u>Colchester</u>  | • <u>Manchester</u> | • <u>Wethersfield</u>  |
| • <u>Enfield</u>     | • <u>New Haven</u>  | • <u>Westbrook</u>     |
| • <u>Farmington</u>  | • <u>Newington</u>  | • <u>West Hartford</u> |
| • <u>Glastonbury</u> | • <u>Norwalk</u>    | • <u>Windsor</u>       |

## *Retaliatory Action by Landlords*

Fair rent commissions are also authorized to carry out the provisions of a landlord-tenant statute prohibiting landlords from retaliating against a tenant after the tenant makes a good faith (1) effort to bring the dwelling in compliance with state and local laws and regulations, including filing a



complaint; (2) request for repairs; and (3) effort to require the landlord to meet his or her legal responsibilities (CGS § 47a-20).

The law specifically prohibits landlords from demanding an increase in rent within six months after a tenant files a complaint with a fair rent commission; however, there are two exceptions, as follows:

1. the tenant's complaint is regarding an issue caused by lack of due care from the tenant, a member of his or her household, or a guest on the premises with his or her consent; or
2. the landlord experiences a substantial increase in property taxes, maintenance costs, or operating costs not associated with the tenant's complaint at least four months prior to requesting a rent increase (which cannot exceed the prorated portion of the net increase in taxes or costs) (CGS § 47a-20a).

### ***Considerations in Determining Excessive Rent***

Commissions must consider certain factors when determining whether a rental charge or proposed rent increase is excessive to the point of being "harsh and unconscionable." The factors include the following:

1. rents for comparable units;
2. amount and frequency of rent increases;
3. sanitary conditions;
4. number of bathtubs or showers, toilets, and sinks;
5. services, furniture, and furnishings;
6. bedroom size and number;
7. repairs necessary to make the accommodations livable;
8. amount of taxes and overhead expenses, including debt service;
9. compliance with state and local health and safety laws and regulations;
10. renter's income and housing availability;
11. utility availability;
12. tenant damage to the premises, other than ordinary wear; and
13. the degree to which income from the rent increase will be reinvested in property improvements (CGS § 7-148c).

### **Senior Citizens and Tenants with a Disability**

There is an additional protection under state law against excessive (i.e., not fair and equitable) rent increases for any tenant residing in a building or complex consisting of five or more separate dwelling units or a mobile manufactured home park who is (1) age 62 or older or (2) an individual

7

with a physical or mental disability; tenants that meet these criteria and are aggrieved by a rent increase or proposed rent increase may bring action in Superior Court to contest the increase (CGS § 47a-23c(c)). In addition, a tenant qualifies for this protection if he or she permanently resides with a child, spouse, sibling, parent, or grandparent that is at least 62-years-old or has a qualifying disability. In the case of the latter, the law requires that the disability be expected to result in death or last continuously for at least 12 months. The law permits landlords to request proof of protected status and requires tenants to provide such proof within 30 days.

In a court proceeding initiated by an aggrieved tenant, the court determines whether the rent increase is fair and equitable based on the same considerations that fair rent commissions are required to use in determining whether rent or a proposed rent increase is excessive (see above) (CGS § 7-148c).

## Resources

- 2-1-1 of Connecticut. "Fair Rent Commissions: Connecticut." March 2020.
- CTLawHelp.org. "Security Deposits and Rent Increases." July 2020.
- Connecticut Legal Services. "Tenants' Rights: Fair Rent Commission." December 2001.
- National Multifamily Housing Council. "Rent Control Laws by State." September 2, 2020.
- State of Connecticut Judicial Branch. "Rights and Responsibilities of Landlords and Tenants in Connecticut." January 2020. (See pages 9 to 11.)

SM:kc



# Toolkit:

## Fair Rent Commissions in Connecticut

---

### Table of Contents

|                                                                     |    |
|---------------------------------------------------------------------|----|
| Introduction to Toolkit: Fair Rent Commissions in Connecticut ..... | 2  |
| Fair Rent Commission Act .....                                      | 3  |
| Fair Rent Commission Model Ordinance .....                          | 7  |
| Annotations to Fair Rent Commission Model Ordinance .....           | 14 |
| Fair Rent Commission Factsheet .....                                | 22 |
| Fair Rent Commission FAQs .....                                     | 24 |

Developed in collaboration with:





# Introduction to Toolkit: Fair Rent Commissions in Connecticut



August 15, 2022

During the past year, residential rents have dramatically increased across the state. For more than 50 years, Connecticut towns have been authorized by state law to create fair rent commissions to address these very issues. Twenty-four towns already have such ordinances, many of them in place for decades. Such commissions are empowered to stop or delay an unconscionable rent increase and also to limit rent to a fair level when there are health or safety violations. Fair rent commissions have been proven to be an important municipal tool to prevent unreasonable rent increases and to buttress housing code enforcement.

In 2022, the Connecticut legislature passed Public Act 22-30, which requires each town with a population greater than 25,000 to adopt a fair rent commission ordinance in accordance with the Fair Rent Commission Act (C.G.S. 7-148b through 7-148f). While covered towns must adopt an ordinance by July 1, 2023, towns are free to act sooner, since existing law already encourages such commissions. The current spate of rent increases, many by out-of-state investors, illustrates the desirability of acting without delay. This toolkit was developed as a resource for those towns looking for guidance and best practices for adopting a fair rent commission ordinance. We anticipate this toolkit will be reviewed and updated periodically to provide the most up-to-date guidance regarding fair rent commissions in Connecticut.

The authors of this toolkit are available for consultation and technical assistance in the drafting, adoption, and implementation of your town's fair rent commission ordinance. Please feel free to reach out with questions regarding these matters.

This toolkit was developed by HOMEConnecticut<sup>1</sup>, with input provided by the Connecticut Conference of Municipalities. The following members of the Drafting Committee are available for consultation:

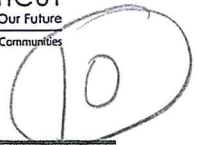
- Raphael Podolsky, *Connecticut Legal Services*, [rpodolsky@ctlegal.org](mailto:rpodolsky@ctlegal.org)
- Sarah White, *Connecticut Fair Housing Center*, [swhite@ctfairhousing.org](mailto:swhite@ctfairhousing.org)
- Melissa Marichal Zayas, *Connecticut Fair Housing Center*, [mmarichal@ctfairhousing.org](mailto:mmarichal@ctfairhousing.org)

If you have questions about the toolkit, please reach out to Kayleigh Pratt at [Kayleigh@pschousing.org](mailto:Kayleigh@pschousing.org).

<sup>1</sup> HOMEConnecticut, which is a campaign of the Partnership for Strong Communities, works to address Connecticut's affordable housing shortage with the goal to **ensure that all Connecticut residents have access to a range of affordable housing choices in all communities in the state.**

# Fair Rent Commission Act

## P.A. 22-30



Last updated: 08.10.22

### FAIR RENT COMMISSION ACT

As amended through October 1, 2022  
(Subsection headings added by editor)

---

#### Sec. 7-148b. Creation of fair rent commission. Powers.

(a) **Definitions.** For purposes of this section and sections 7-148c to 7-148f, inclusive, “seasonal basis” means housing accommodations rented for a period or periods aggregating not more than one hundred twenty days in any one calendar year and “rental charge” includes any fee or charge in addition to rent that is imposed or sought to be imposed upon a tenant by a landlord.

(b) **Powers.** Any town, city or borough may, and any town, city or borough with a population of twenty-five thousand or more, as determined by the most recent decennial census, shall, through its legislative body, adopt an ordinance that creates a fair rent commission. Any such commission shall make studies and investigations, conduct hearings and receive complaints relative to rental charges on housing accommodations, except those accommodations rented on a seasonal basis, within its jurisdiction, which term shall include mobile manufactured homes and mobile manufactured home park lots, in order to control and eliminate excessive rental charges on such accommodations, and to carry out the provisions of sections 7-148b to 7-148f, inclusive, section 47a-20 and subsection (b) of section 47a-23c. The commission, for such purposes, may compel the attendance of persons at hearings, issue subpoenas and administer oaths, issue orders and continue, review, amend, terminate or suspend any of its orders and decisions. The commission may be empowered to retain legal counsel to advise it.

(c) **Report of adoption of ordinance.** Any town, city or borough required to create a fair rent commission pursuant to subsection (b) of this section shall adopt an ordinance creating such commission on or before July 1, 2023. Not later than thirty days after the adoption of such ordinance, the chief executive officer of such town, city or borough shall (1) notify the Commissioner of Housing that such commission has been created, and (2) transmit a copy of the ordinance adopted by the town, city or borough to the commissioner.

(d) **Joint fair rent commissions.** Any two or more towns, cities or boroughs not subject to the requirements of subsection (b) of this section may, through their legislative bodies, create a joint fair rent commission.

**Sec. 7-148c. Considerations in determining rental charge to be excessive.** In determining whether a rental charge or a proposed increase in a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable, a fair rent commission shall consider such of the following circumstances as are applicable to the type of accommodation:



(1) **Rents of comparable dwelling units.** The rents charged for the same number of rooms in other housing accommodations in the same and in other areas of the municipality;

(2) **Sanitary conditions.** The sanitary conditions existing in the housing accommodations in question;

(3) **Plumbing facilities.** The number of bathtubs or showers, flush water closets, kitchen sinks and lavatory basins available to the occupants thereof;

(4) **Services supplied.** Services, furniture, furnishings and equipment supplied therein;

(5) **Bedrooms.** The size and number of bedrooms contained therein;

(6) **Condition of the premises.** Repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein;

(7) **Landlord's costs.** The amount of taxes and overhead expenses, including debt service, thereof;

(8) **Health and safety compliance.** Whether the accommodations are in compliance with the ordinances of the municipality and the general statutes relating to health and safety;

(9) **Income of tenant.** The income of the petitioner and the availability of accommodations;

(10) **Utilities.** The availability of utilities;

(11) **Tenant-caused damage.** Damages done to the premises by the tenant, caused by other than ordinary wear and tear;

(12) **Size and frequency of rent increase.** The amount and frequency of increases in rental charges;

(13) **Reinvestment in property.** Whether, and the extent to which, the income from an increase in rental charges has been or will be reinvested in improvements to the accommodations.

**Sec. 7-148d. Order for limitation on amount of rent. Suspension of rent payments. Cease and desist orders for retaliatory actions.**

(a) **Commission orders after hearing.** If a commission determines, after a hearing, that the rental charge or proposed increase in the rental charge for any housing accommodation is so excessive, based on the standards and criteria set forth in section 7-148c, as to be harsh and unconscionable, it may order that the rent be limited to such an amount as it determines to be fair and equitable. If a commission determines, after a hearing, that the housing accommodation in question fails to comply with any municipal ordinance or state statute or regulation relating to health and safety, it may order the suspension of further payment of rent by the tenant until such time as the landlord makes the necessary changes, repairs or installations so as to bring such housing accommodation into compliance with such ordinance, statute or regulation. The rent during said period shall be paid to the commission to be held in escrow subject to ordinances or provisions adopted by the town, city or borough.

12

(b) **Retaliation.** If the commission determines, after a hearing, that a landlord has retaliated in any manner against a tenant because the tenant has complained to the commission, the commission may order the landlord to cease and desist from such conduct.

**Sec. 7-148e. Appeal.** Any person aggrieved by any order of the commission may appeal to the superior court for the judicial district in which the town, city or borough is located. Any such appeal shall be considered a privileged matter with respect to the order of trial.

**Sec. 7-148f. Penalty for violations.** Any person who violates any order of rent reduction or rent suspension by demanding, accepting or receiving an amount in excess thereof while such order remains in effect, and no appeal pursuant to section 7-148e is pending, or violates any other provision of sections 7-148b to 7-148e, inclusive, and section 47a-20, or who refuses to obey any subpoena, order or decision of a commission pursuant thereto, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense. If such offense continues for more than five days, it shall constitute a new offense for each day it continues to exist thereafter.



# Fair Rent Commission Model Ordinance

13

Last updated: 08.10.22

## Fair Rent Commission Model Ordinance

### Section 1. Creation of Fair Rent Commission

- (a) Pursuant to and in conformity with C.G.S. §§ 7-148b through 7-148f, 47a-20 and 47a-23c, there is hereby created a Fair Rent Commission ("Commission") for the purpose of controlling and eliminating excessive rental charges for housing accommodations within the town, and to carry out the purposes, duties, responsibilities and all provisions of the above described sections and any other sections of the statutes, as they may be amended from time to time, pertaining to fair rent commissions.
- (b) The Commission shall consist of seven (7) members and three (3) alternates, all of whom shall be residents of the [Town/City of \_\_\_\_\_]. Of the seven (7) regular members, at least two (2) shall be landlords and two (2) shall be tenants. Among the alternate members, at least one (1) shall be a landlord and one (1) shall be a tenant.

The members and alternates shall be appointed by the [Town Council/Mayor]. A quorum shall consist of four (4) members or seated alternates. Members of the commission shall serve without compensation.

- (c) Members of the Commission shall be appointed for staggered terms of four (4) years. Vacancies on the Commission shall be filled, within a reasonable time, in the manner of original appointment for the unexpired portion of the term. Any member of the Commission may be reappointed in the manner of original appointment.

### Section 2. Powers of the Commission

- (a) The Commission's powers shall include the power to:
- (1) Receive complaints, inquiries, and other communications concerning alleged excessive rental charges and alleged violations, including retaliation, of C.G.S. §§ 7-148b to 7-148f, inclusive, C.G.S. § 47a-20, C.G.S. 21-80a and C.G.S. § 47a-23c in housing accommodations, except those accommodations rented on a seasonal basis, within its jurisdiction, which jurisdiction shall include mobile manufactured homes and mobile manufactured home park lots. "Seasonal basis" means housing accommodations rented for a period or periods aggregating not more than 120 days in any one calendar year. "Rental charge" includes any fee or charge in addition to rent that is imposed or sought to be imposed upon a tenant by a landlord, and includes any charge that is already in effect;

- 14
- (2) Make such studies and investigations regarding rental housing within the [town/city] as are appropriate to carry out the duties and responsibilities delegated hereunder, and subject to the terms, limitations and conditions set forth herein;
  - (3) Conduct hearings on complaints or requests for investigation submitted to it by any person, subject to the terms, limitations and conditions as set forth herein;
  - (4) Compel the attendance of persons at hearings, issue subpoenas and administer oaths, issue orders and continue, review, amend, terminate or suspend any of its orders and decisions;
  - (5) Determine, after a hearing as set forth herein, whether or not the rent for any housing accommodation is so excessive as to be harsh and unconscionable;
  - (6) Determine, after a hearing as set forth herein, whether the housing accommodation in question fails to comply with any municipal ordinance or state statute or regulation relating to health and safety;
  - (7) Determine, after a hearing as set forth herein, whether a landlord has engaged in retaliation in violation of Section 6 below and make such orders as are authorized herein;
  - (8) Order a reduction of any excessive rent to an amount which is fair and equitable, and make such other orders as are authorized herein;
  - (9) Order the suspension or reduction of further payment of rent by the tenant until such time as the landlord makes the necessary changes, repairs or installations so as to bring such housing accommodation into compliance with any municipal ordinance or state statute or regulation relating to health and safety;
  - (10) Establish an escrow account with a local bank or financial institution into which it shall deposit all rent charges or other funds paid to it pursuant to Section 5 herein; and
  - (11) Carry out all other provisions of C.G.S. §§ 7-148b to 7-148f, inclusive, C.G.S. § 47a-20, 21-80a and C.G.S. § 47a-23c as now existing and as hereinafter amended, as they apply to fair rent commissions.

### **Section 3. Determination of Excessive Rent**

- (a) In determining whether a rental charge or a proposed increase in a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable, the Commission shall consider such of the following circumstances as are applicable to the type of accommodation:
  - (1) The rents charged for the same number of rooms in other housing accommodations in the same and in other areas of the municipality;
  - (2) The sanitary conditions existing in the housing accommodations in question;

15

- (3) The number of bathtubs or showers, flush waste closets, kitchen sinks and lavatory basins available to the occupants thereof;
- (4) Services, furniture, furnishings and equipment supplied therein;
- (5) The size and number of bedrooms contained therein;
- (6) Repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein;
- (7) The amount of taxes and overhead expenses thereof;
- (8) Whether the accommodations are in compliance with the ordinances of the [town/city] and the General Statutes of the State of Connecticut relating to health and safety;
- (9) The income of the petitioner and the availability of accommodations;
- (10) The availability of utilities;
- (11) Damages done to the premises by the tenant, caused by other than ordinary wear and tear;
- (12) The amount and frequency of increases in rental charges; and
- (13) Whether, and the extent to which, the income from an increase in rental charges has been or will be reinvested in improvements to the accommodations.

Nothing in this section shall preclude the Commission from considering other relevant circumstances.

- (b) The rent of a tenant protected by C.G.S. § 47a-23c who files a complaint with the Commission pursuant to C.G.S. § 47a-23c(c)(2) may be increased only to the extent that such increase is fair and equitable, based on the criteria set forth in C.G.S. § 7-148c.

#### **Section 4. Procedures and Hearing on Complaints**

- (a) Upon the filing of a complaint, the Commission shall promptly notify all parties in writing of the receipt of the complaint. Such notice shall also inform the parties that the landlord is prohibited from retaliating against the tenant due to the filing of the complaint. It shall also inform the parties that, until a decision on the complaint is made by the Commission, the tenant's liability shall be for the amount of the last rent prior to the increase complained of or, if there is no such increase, the last agreed-upon rent, and that an eviction based upon non-payment of rent cannot be initiated against a tenant who continues to pay the last agreed-upon rent during the pendency of the fair rent commission proceeding.



- 16
- (b) If a complaint alleges housing conditions that violate a housing, health, building or other code or statute, the Commission shall notify the appropriate municipal office or agency, which may then concurrently exercise its own powers. In addition, the Commission may request that the appropriate municipal official or agency promptly investigate and provide a report to the Commission.
  - (c) If two or more complaints are filed against the same landlord by tenants occupying different rental units in the same building, complex, or mobile home park that appear to raise the same or similar issues, the Commission may consolidate such claims for hearing.
  - (d) The Commission or municipal staff may, to the extent practicable, encourage the parties to the complaint to reach a mutually satisfactory resolution through informal conciliation. Municipal staff may serve as informal conciliators. Any agreement to resolve the complaint shall be in writing and signed by the parties.
  - (e) A hearing on the complaint shall be scheduled no later than thirty (30) days after the filing of the complaint, unless impracticable. Written notice of the date, time, and place of the hearing shall be given to the parties to the complaint at least ten (10) days prior to the hearing by first class and certified mail and, if practicable, by electronic mail.
  - (f) All parties to a hearing shall have the right to be represented, to cross-examine witnesses, to examine documents introduced into evidence, and to call witnesses and introduce evidence. The testimony taken at a hearing shall be made under oath. Hearings shall be recorded.
  - (g) In the event that there is insufficient time to complete a hearing or for other cause, the Commission shall have the power to adjourn the hearing to another time and date.
  - (h) No sale, assignment, transfer of the housing accommodation in question or attempt to evict the tenant shall be cause for discontinuing any pending proceeding nor shall it affect the rights, duties and obligations of the Commission or the parties.

## Section 5. Rent Reduction Order and Repairs

- (a) The Commission shall render its decision at the same meeting at which the hearing on the complaint is completed or within thirty (30) days following such date, unless impracticable. In accordance with the state Freedom of Information Act, both the hearing itself and the deliberation by the Commission shall be open to observation by the public. Until a decision on the complaint is made by the Commission, the tenant's liability shall be for the amount of the last rent prior to the increase complained of or, if there is no such increase, the last agreed-upon rent.
- (b) If the Commission determines after a hearing that the rental charge or proposed increase in the rental charge for any housing accommodation is so excessive, based on the standards and criteria set forth in Section 3, as to be harsh and unconscionable, it may order that the rent be limited to such an amount as it determines to be fair and equitable, effective the month in which the tenant filed the complaint. A Commission's orders may include, but are not limited to, a reduction in a rental charge or proposed rent increase; a delay in an increased rental charge



until specified conditions, such as compliance with municipal code enforcement orders, have been satisfied; or a phase-in of an increase in a rental charge, not to exceed a fair and equitable rent, in stages over a period of time. Commission orders shall be effective for at least one (1) year from the date of issuance, unless the Commission otherwise orders.

17

- (c) If the Commission determines after a hearing that a housing accommodation fails to comply with any municipal ordinance or state statute or regulation relating to health and safety, the Commission may order the suspension or reduction of further payment of rent by the tenant until such time as the landlord makes the necessary changes, repairs or installations so as to bring the housing accommodation into compliance with such laws, statutes, or regulations. If the Commission's order constitutes a complete suspension of all rent, the rent during such period shall be paid to the Commission to be held in escrow subject to such ordinances or provisions as may be adopted by the town, city or borough. Upon the landlord's full compliance with such ordinance, statute or regulation for which payments were made into such escrow, the Commission shall determine after hearing such distribution of the escrowed funds as it deems appropriate.

## Section 6. Retaliation

- (a) No landlord shall engage in retaliatory actions. Retaliatory actions by a landlord include but are not limited to the following:
  - (1) Engaging in any action prohibited by C.G.S. § 47a-20 or § 21-80a within six months after any event listed in such statutes, including but not limited to within six months after the tenant has filed a complaint with the Commission;
  - (2) Refusing to renew the lease or other rental agreement of any tenant; bringing or maintaining an action or proceeding against the tenant to recover possession of the dwelling unit; demanding an increase in rent from the tenant; decreasing the services to which the tenant has previously been entitled; or verbally, physically or sexually harassing a tenant because a tenant has filed a complaint with the fair rent commission;
  - (3) Engaging in any other action determined by the Commission, after a hearing, to constitute landlord retaliation as set forth in C.G.S. 7-148d(b).
- (b) In the initial notice scheduling a hearing or conciliation on a complaint, and in its notice of decision, the Commission shall include notice, in plain language, to landlords and tenants that retaliatory actions against tenants are prohibited.
- (c) Any tenant who claims that the action of his or her landlord constitutes retaliatory action may file a notice of such claim with the Commission. If the Commission determines, after a hearing, which hearing shall be expedited, that a landlord has retaliated in any manner against a tenant because the tenant has complained to the Commission, the Commission may order the landlord to cease and desist from such conduct and order the landlord to withdraw or remediate such conduct as has already occurred.

18

## Section 7. Appeals

Any person aggrieved by any order or decision of the Commission may appeal to the Superior Court within thirty (30) days of the issuance of the written notice of the decision to the parties. Such notice shall include notice of the right to appeal, the court to which an appeal may be taken, and the time in which an appeal must be filed. Unless otherwise directed by the Commission or the court, the filing of an appeal shall not stay any order issued by the Commission.

## Section 8. Failure to Comply with Commission Orders

- (a) Any person who violates any order of rent reduction or rent suspension by demanding, accepting or receiving an amount in excess thereof while such order remains in effect, and no appeal pursuant to § 7-148e is pending, or who violates any other provision of this chapter or C.G.S. § 47a-20 or 21-80a or who refuses to obey any subpoena, order or decision of the Commission pursuant thereto shall be fined not less than \$25 nor more than \$100 for each offense. If such offense continues for more than five days, it shall constitute a new offense for each day it continues to exist thereafter.
- (b) The Commission, in its own name or through the municipality, may bring a civil action to any court of competent jurisdiction or take any other action in such a court to enforce any order of the Commission made pursuant to this subchapter, or to enjoin a violation or threatened violation of any order of the Commission.



# Annotations to Fair Rent Commission Model Ordinance

19

Last updated: 08.10.22

The Fair Rent Commission Model Ordinance is intended to be a “best practices” guide for towns adopting their own ordinances. All fair rent commission ordinances must comply with the requirements of the Fair Rent Commission Act (C.G.S. §§ 7-148b through 7-148f), but that act leaves room for procedural variations among the towns. For example, it does not designate the number of members a fair rent commission is to have.

Based on our knowledge and experience with fair rent commission ordinances and practices, the Model Ordinance incorporates both statutory requirements and supplementary provisions we believe are beneficial for a fair rent commission carrying out its duties under the act. This Annotation explains why particular provisions are required or recommended. The Annotation follows the section numbers in the Model Ordinance and should be read in conjunction with that document.

## Section 1. Creation of Fair Rent Commission

- Statute: C.G.S. § 7-148b(b)
- Subsection (a): This subsection enacts the ordinance and broadly states the purpose of the commission. The phrase “to control and eliminate excessive rental charges” comes from C.G.S. § 7-148b(b). The definitions in C.G.S. § 7-148b(a) can be found in Section 2(a)(1) of the Model Ordinance. The statute leaves membership, terms, appointing authority, and similar matters to the municipality to determine. Those can be found in Subsection (b) of this section.
- Subsection (b):
  - Number of members and alternates: With one exception, all existing commissions have either five (12 commissions), seven (7 commissions), or nine (4 commissions) members. The Model is written for seven members and three alternates as the best size for a commission. It may be easier for a town to fill all slots in a smaller commission, but a seven-member commission makes it easier to deal with member absences. As is common, the Model requires that all commission members be residents of the municipality and that they serve without compensation.
  - Landlord/tenant distribution: The Model recommends that a seven-member commission include at least two landlords and two tenants and that alternates include at least one landlord and one tenant. The remaining members of the commission could be landlords, tenants, or others, meaning a person who is neither a landlord nor a tenant, i.e., a single-family homeowner who is not a landlord. For a five-member commission, a minimum of at least one landlord and one tenant is recommended.

The existing ordinances vary widely in how – or whether – membership among landlords, tenants, and others is explicitly balanced. The Model is intended to provide towns with flexibility but also to ensure that some members will bring their perspective as either a landlord or a tenant. The requirements for membership adopted by existing ordinances include:



20

- Equal number of landlords and tenants: This could be a specific number of each or simply a requirement that the number be equal. Since all commissions have an odd number of members, this approach effectively results in at least one member of the commission being neither a landlord nor a tenant.
  - Minimum number of landlords and tenants: This approach assures that some minimum number of members will be either a landlord or a tenant. It does not require exact equality of membership between landlords and tenants and does not preclude all commission members being landlords, tenants, or others.
  - No minimum: This alternative has no minimum requirements for either participation or balance, i.e., the members of the commission, without restriction, may be landlords, tenants, or others.
  - One commission (New Haven) requires a minimum number of tenants with no minimum requirement for landlords.
- 
- Appointing authority: The appointing authority is ordinarily the Mayor or the municipality's legislative body. The Model expresses no preference as to this choice.
  - Model Subsection (c) – Terms: The Model recommends four-year terms, with initial appointments staggered. The most common terms under existing ordinances are two, three, or four years. The Model recommends four-year terms for greater stability.

## Section 2. Powers of the Commission

- Statute: C.G.S. §§ 7-148b, 7-148c, and 7-148d
- Summary: The Model identifies eleven categories of powers based on the statute and various existing ordinances. The list is not exclusive, and commissions have other powers ancillary to their functions, similar to other municipal boards.
- Subpart (1) – Range of powers:
  - Commission jurisdiction: The Model Ordinance follows C.G.S. § 7-148b in excluding only what the statute calls “seasonal” rentals of 120 days or less. Based on the statutory definition, this exclusion is not really “seasonal” but rather “short-term,” i.e., units that are rented out for no more than 120 days per year. These are the only rentals that the Fair Rent Commission Act authorizes an ordinance to exclude from commission jurisdiction, and that is in fact the rule followed by most existing ordinances. Commission jurisdiction regarding C.G.S. §§ 47a-20 (retaliatory conduct) and 47a-23c (seniors and persons with disabilities in buildings and complexes with five or more units) is specifically referenced in C.G.S. § 7-148b(b). C.G.S. § 21-80a is the companion retaliation statute to § 47a-20 in mobile home parks. Mobile home parks are explicitly included in the Fair Rent Commission Act under C.G.S. § 7-148b.
  - Definitions: The definitions of “seasonal basis” and “rental charge” are taken from C.G.S. § 7-148b(a), which makes clear that a “rental charge” does not have to be a new or increased rental payment and that complaints can be based on a reduction in services or substandard conditions.
  - Subparts (2) through (11) – Explicit powers: This is a listing of powers commonly exercised by fair rent commissions.

## Section 3. Determination of Excessive Rent

- Statute: C.G.S. §§ 7-148c and 47a-23c

- 21
- Subsection (a) – Statutory factors: This subsection lists the statutory “circumstances” (i.e., factors or criteria) the commission must consider if they “are applicable to the type of accommodation.” The Model makes explicit that other applicable circumstances can be considered if relevant.
    - Interpretation of factors: The Model Ordinance recites the exact statutory language of the factors. Not all factors are necessarily of equal importance, and the significance of various factors depends on the individual case. The statute was written in 1969 and some factors may feel dated, but commissions commonly apply a common sense meaning. The factors are often interrelated, and it may be helpful to group them as follows:
      - Size and history of rent increases (Item #12);
      - Landlord operating costs (Item #7);
      - Condition of the premises, including whether it is substandard (Items #2, #6, #8, #11, and #13);
      - Comparable rents in the neighborhood and municipality (Item #1);
      - Facilities and services included in the rent (#3, #4, #5, and #10);
      - The tenant’s income and the availability of alternative housing (Item #9).
    - Relationship to C.G.S. § 7-148d: Under C.G.S. § 7-148d(a), these same factors are used by the commission to set a fair and equitable rent.
    - Relationship to commission decision-making: Section 5(b) of this Annotation identifies common commission decisions and orders that arise from the application of these factors.
  - Subsection (b) – Complaints under § 47a-23c: This subsection makes explicit that these same 13 factors are applied in complaints originating under C.G.S. § 47a-23c, which protects elderly and disabled tenants in buildings with five or more units and allows their rents to be increased “only to the extent that such increase is fair and equitable, based on the criteria set forth in section 7-148c.” It also specifically authorizes such tenants to bring a complaint to their local fair rent commission.

#### Section 4. Procedures and Hearing on Complaints

- Subsection (a) – Immediate notice: The Model requires that the initial notice upon the filing of the complaint inform the parties that retaliation is prohibited. It also states that the tenant can continue to pay the last agreed-upon rent (or the last rent before a disputed rent increase) and that a landlord cannot initiate or maintain eviction proceedings against a tenant for non-payment of rent or lapse of time who continues to pay this rent while the complaint is pending. This is an important requirement that addresses the problem of landlords attempting to avoid commission jurisdiction or discourage tenant complaints by trying to evict tenants. The commission has the power to prevent retaliatory conduct, and notice is critical to deter retaliation. While the statute is silent as to what rent is to be paid, substantive law is clear that “rent” cannot be set unilaterally but only through an agreed-upon contract. The filing of the complaint inherently demonstrates the absence of agreement.
- Subsection (b) – Housing code violations: This subsection incorporates the common practice of commissions requesting code inspections and reports by the municipality’s relevant agency if the tenant’s complaint claims code-related violations or problems with conditions as a reason for objecting to the rental charge. The code agency will typically conduct an inspection; issue corrective orders to the landlord under the agency’s own authority, if appropriate; and notify



22

the commission of the result of the inspection, of any orders that have been issued, and of compliance with such orders if it occurs.

- Subsection (c) – Consolidation of complaints for hearing: This subsection incorporates the common practice of consolidating complaints for a hearing when multiple tenants in the same complex file complaints that appear to raise similar issues (e.g., the same rent increase demanded from many units or shared problems with conditions). The commission may continue to treat complaints individually even if the hearings are consolidated. This practice encourages a more efficient presentation of evidence to the commission and minimizes redundancy.
- Subsection (d) – Conciliation: This subsection incorporates the common practice of attempting to resolve complaints by the agreement of the parties prior to a hearing through informal conciliation. The Model makes explicit that conciliation is appropriate and encouraged, including through participation of municipal staff.
- Subsection (e) – Timing of hearings: This subsection requires that a hearing on the complaint be scheduled within 30 days of the filing of the complaint unless impracticable. This benefits both the tenant and the landlord by minimizing the pendency period. It also encourages the code agency to promptly carry out its inspection and produce at least an initial report, and for the parties to at least begin informal conciliation. Nothing precludes a hearing from being continued or rescheduled if sufficient information is not yet available. The Model also requires ten days' notice of the hearing, using both first-class and certified mail as well as email, if practicable. The use of multiple methods of notice increases the likelihood that the parties receive the notice.
- Subsection (f) – Hearing procedure: The procedures in this subsection are common practice among existing commissions. Hearings do not have the formality or rigidity of a court hearing, but it is important that they be orderly, that all parties are heard, and that an adequate record is retained.
- Subsection (g) – Continuances: The ability to continue the hearing is necessary when information is incomplete or more time is needed for a decision.
- Subsection (h) – Transfer of the property: The Model makes explicit that a landlord cannot avoid commission jurisdiction by transferring title. The commission's decision concerning the complainant will apply to the new owner. The landlord also cannot avoid commission jurisdiction by attempting to evict the tenant. The filing of an eviction action does not deprive the commission of jurisdiction or prevent the commission from asserting jurisdiction.

## Section 5. Rent Reduction Order and Repairs

- Statute: C.G.S. § 7-148d(a)
- Subsection (a) – Determination that rent is excessive
  - Time to render decision: This section clarifies that a commission can, but is not required to, render its decision at the same commission meeting as the hearing. Commissions commonly do this if the hearing provides all information needed to decide. The memories of commission members are fresh, and all members who have heard the evidence are present. The commission otherwise has 30 days to decide. The time is measured from the date of the completion of the hearing. If the commission is waiting for additional information, it should continue the hearing, and the 30 days will not begin to run until the continued hearing is completed.



23

- Open meetings: The state Freedom of Information Act (C.G.S. § 1-200 et seq.) applies to municipal agencies. Both the hearing portion of the meeting and the commission's deliberations must be open to the public.
- Rent liability: The Model limits tenant liability to the last rent prior to the increase complained of or, if the excessive rental charge is not an increase, to the last agreed-upon rent. Holding the tenant liable for a larger amount that was not agreed upon creates a difficult situation for the tenant and discourages complaints. If the tenant loses, the tenant will be liable for the increase going forward. If the tenant wins, the decision is effective retroactive to the month in which the tenant filed the complaint.
- Subsection (b) – Reduction of rent orders
  - Effective date of rent reduction order: Upon a finding of harsh and unconscionable rent, the statute directs the commission to set a rent that is fair and equitable. The Model makes the order retroactive to the month in which the tenant filed the complaint.
  - Common decisions and orders: To help commissioners understand the kind of orders that can be issued other than a denial of the complaint, the Model identifies some of the most common ones as examples: a reduction in the rental charge, a delay of a rental increase pending correction of defective conditions, or a phase-in of a rental increase. Note that under the statute (and therefore under the Model ordinance), the commission's jurisdiction is not limited to rent increases but rather to any "rental charge." There are at least two types of situations in which the commission may find a rental charge unconscionable, even though it is not a rental increase. One is a reduction in services, such as when a service previously paid by the landlord (e.g., electricity) is transferred to the tenant. The second is when the landlord's failure to repair defective conditions or adequately maintain the property devalues the rental so as to make the existing rental unconscionable. Other situations may arise as well.
  - Duration of commission orders: The Model adopts the best practice of specifying a duration for commission orders, which the commission can modify in particular cases. The Model recommends one year, which is the most commonly set duration. This means that a rent reduction will last for one year. Nothing precludes the landlord from seeking a modification sooner, but, after one year, the landlord need not return to the commission to propose a rent increase. A tenant who objects to an increase would have to file a new complaint with the commission.
  - Written decisions: Although a commission decision may initially be made orally on motion, it should always be reduced to a written decision, with at least a brief statement of the reasons.
- Subsection (c) – Correction of code violations and escrow payments
  - Suspension or reduction of rent payments: If the commission finds after hearing that the property fails to comply with state or local health and safety codes, statutes, or regulations, it can reduce or suspend the rent until the landlord complies. Such an order can be part of an interim or a final decision. A commission order can be based on an order of a code enforcement agency, but a code enforcement agency order is not required. A commission order can also be based on evidence it receives at its own hearing.
  - Escrowing of payments: The Fair Rent Commission Act, and therefore the Model Ordinance, requires the escrow of rent payments to the municipality only in limited circumstances. Escrow payments are required only if the commission orders the suspension of any further payment of rent. Escrow is not required if the rent is reduced rather than suspended while the landlord brings the property into compliance with

codes. If the rent is reduced, the amount should be what the commission determines is fair and equitable. In practice, most commissions have been reluctant to assume responsibility for the receipt and management of escrow payments and are more likely to reduce rather than suspend rent. A rent reduction avoids the statute's escrow requirement, however, since escrow is only required if the obligation to pay the landlord is also suspended. If escrowing is not ordered, the tenant pays the amount ordered to the landlord rather than to the commission.

- Payout of escrowed payments: If payments are escrowed, the commission should order the distribution of the escrowed funds once the landlord fully brings the property into compliance with codes as ordered by the commission. Escrowed funds can be released to the landlord, the tenant, or divided between them as the commission determines is equitable in light of the circumstances.

## Section 6. Retaliation

- Statute: C.G.S. §§ 7-148b(b), 7-148d(b), 7-148f, 47a-20, and 21-80a
- Subsection (a) – Retaliatory actions: The Fair Rent Commission Act explicitly gives the commission authority to act on complaints of retaliation because of the filing of a complaint to the commission or under C.G.S. § 47a-20. C.G.S. § 21-80a is the equivalent of § 47a-20 for residents in mobile home parks, which are covered by the Fair Rent Commission Act pursuant to C.G.S. § 7-148b(b). The Model ordinance spells out retaliation in more detail:
  - Engaging in any action prohibited by C.G.S. §§ 47a-20 or 21-80a: These statutes do not require retaliatory motive but instead bar certain actions for six months after the occurrence of one of five trigger events:
    - A good faith attempt by the tenant to remedy any condition violating health or safety codes or violation of any other state statute, explicitly including the filing of a complaint with a fair rent commission;
    - The filing by a municipal agency or official of any notice, complaint, or order regarding a violation;
    - A good faith request by the tenant to the landlord to make repairs;
    - A good faith institution by the tenant of a Housing Code Enforcement Act action under C.G.S. § 47a-14h; or
    - The tenant's organizing or joining a tenants' union.

Under the wording of C.G.S. §§ 47a-20 and 21-80a, these statutes apply to any good faith complaint to a fair rent commission, and it is not necessary for the complaint to be related to code violations.

- Refusing to renew the lease, bringing an eviction, raising the rent, reducing services, or harassing the tenant because the tenant filed a complaint with the commission.
- Engaging in any other action determined by the commission, after a hearing, to violate C.G.S. § 7-148d.
- Subsection (b) – Notice concerning retaliation: The Model Ordinance requires both the notice of a hearing or conciliation and the notice of the decision to include the prohibition against retaliation.
- Subsection (c) – Commission jurisdiction: The Model Ordinance explicitly authorizes the tenant to notify the commission of retaliation and to request relief. The tenant does not need to initiate a new proceeding but can raise the issue during the complaint process or, as part of the case, after the commission's order on the original fair rent complaint has been issued. The



25

commission can also act to prevent retaliation, even if the tenant has not prevailed in the action before the commission. A cease-and-desist order issued by the commission can include the landlord's withdrawing or remediating the challenged retaliatory conduct.

## Section 7. Appeals

- Statute: C.G.S. § 7-148e
- Time for appeal: The statute authorizes appeals to the Superior Court but does not impose a time limit on taking an appeal, leaving unclear what the time limit is. The Model Ordinance provides a limit of 30 days, measured from the date of the written notice. While many commission decisions will initially be made orally at the hearing, the parties will not necessarily be present, nor will the reasons for the decision be stated. Parties cannot be expected to take an appeal without a formal notice. The Model requires that the notice of decision also include information about the right to appeal.
- Rental liability during an appeal: The issuance of a decision by the commission, as a practical matter, changes the presumption as to what amount of rent the tenant should be paying during further proceedings. The Model Ordinance incorporates the rule that the commission's decision is effective during an appeal, unless the commission itself or the court to which the decision has appealed issues a contrary order.

## Section 8. Failure to Comply with Commission Orders

- Statute: C.G.S. § 7-148f
- Subsection (a) – Criminal penalties: This subsection is taken directly from C.G.S. § 7-148f. For consistency with C.G.S. § 47a-20, C.G.S. § 21-80a is added.
- Subsection (b) – Civil remedies: This subsection makes clear that the commission, in its own name or through the municipality, can seek to enforce its orders civilly.





26

# Fair Rent Commission Factsheet

Last updated: 08.10.22

## What is a Fair Rent Commission (FRC)?

It is a municipal board with the primary power to restrict rental charges in residential housing that are "so excessive as to be harsh and unconscionable." It holds hearings and makes decisions in response to tenant complaints in the same way as other municipal boards.

## What does P.A. 22-30 do?

It requires each town with a population greater than 25,000 to adopt a fair rent commission ordinance in accordance with the Fair Rent Commission Act (C.G.S. 7-148b through 7-148f).

## What standards does a FRC apply?

C.G.S. 7-148c lists 13 standards that must be considered if applicable. The most important are size of the rent increase, the landlord's operating costs, the condition of the premises, and the rents for comparable housing in the town.

## What are the most common FRC decisions?

- A rent increase is reduced or denied.
- The landlord is required to phase in a rent increase.
- A rent increase is delayed until the landlord has complied with health and safety requirements or has made necessary repairs.
- The tenant's claim is denied.

## Are complaints worked out without a hearing?

They often are. In addition, many FRC decisions are themselves compromises. When rent complaints are driven by the landlord's failure to maintain the property, the commission will often reinforce the town's code enforcement agencies by preventing a rent increase while awaiting compliance with code orders. When a fair rent complaint is generated by poor housing conditions, commissions will often request a code agency to make an inspection.

## How expensive is a commission to the town?

Most towns that have fair rent commissions currently use existing staff to support a commission.

## Why can't tenants just go to court?

With certain exceptions, Connecticut tenants have no right to challenge a rent increase except in a town with a fair rent commission. In the absence of a fair rent commission, a tenant who refuses to accept an increase can either move or risk eviction by refusing to pay the higher rent. Connecticut courts have no general authority to decide whether a rent increase is unconscionable or unfair.

## Is this rent control?

No, it is completely different. It does not restrict rents generally and landlords remain free to charge whatever they want. It is triggered only by a tenant complaint and only by a showing by the tenant that the rental charge is "so excessive as to be harsh and unconscionable."

### How Many Towns Already Have Such Ordinances?

The FRC Act was adopted as an enabling act in 1969. FRC ordinances exist in 24 towns, of which 18 have populations greater than 25,000. FRC towns include:

**Large cities (4):** Hartford, New Haven, Stamford, Bridgeport

**Mid-size cities (6):** Norwalk, Danbury, New Britain, Manchester, Groton, Enfield

**Suburbs (11):** West Hartford, Hamden, Glastonbury, Newington, West Haven, Windsor, Wethersfield, Farmington, Simsbury, Rocky Hill, Bloomfield

**Smaller towns (3):** Colchester, Clinton, Westbrook





# Fair Rent Commission FAQs

Last updated: 08.10.22

## What is a fair rent commission?

A fair rent commission is a municipal board with the primary power to prevent rental charges in residential housing that are “so excessive, with due regard to all the circumstances, as to be harsh and unconscionable,” Connecticut General Statutes (C.G.S.) 7-148c. It holds hearings and makes decisions in response to tenant complaints in the same way as other municipal boards. Under C.G.S. 7-148b through 7-148f, Connecticut law has, since 1969, authorized towns to adopt such boards by ordinance. P.A. 22-30 requires that every town with a population of 25,000 or more as of the last decennial census create such a commission.

## How many towns presently have fair rent commission ordinances?

Twenty-four Connecticut towns already have fair rent commission ordinances, most going back at least 30 years. Eighteen of those towns have populations above 25,000 (six towns with commissions have fewer than 25,000 people). Twenty-seven towns with a population above 25,000 do not presently have an ordinance and are therefore directly affected by P.A. 22-30.

## Which towns have fair rent commission ordinances?

|                      |                                                                                                                                |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Large cities (4):    | Hartford, New Haven, Stamford, Bridgeport                                                                                      |
| Mid-size cities (6): | Norwalk, Danbury, New Britain, Manchester, Groton, Enfield                                                                     |
| Suburbs (11):        | West Hartford, Hamden, Glastonbury, Newington, West Haven, Windsor, Wethersfield, Farmington, Simsbury, Rocky Hill, Bloomfield |
| Smaller towns (3):   | Colchester, Clinton, Westbrook                                                                                                 |

## Which additional towns are required to create a fair rent commission under P.A. 22-30?

|               |         |             |        |             |        |
|---------------|---------|-------------|--------|-------------|--------|
| Waterbury     | 114,403 | Wallingford | 44,396 | Branford    | 28,273 |
| Greenwich     | 63,518  | Southington | 43,501 | New Milford | 28,115 |
| Fairfield     | 61,512  | Shelton     | 40,869 | East Haven  | 27,923 |
| Meriden       | 60,850  | Norwich     | 40,125 | New London  | 27,367 |
| Bristol       | 60,833  | Trumbull    | 36,827 | Newtown     | 27,173 |
| Stratford     | 52,355  | Torrington  | 35,515 | Westport    | 27,141 |
| Milford       | 52,044  | Naugatuck   | 31,519 | So. Windsor | 26,918 |
| East Hartford | 51,045  | Vernon      | 30,215 | Mansfield   | 25,892 |
| Middletown    | 47,717  | Cheshire    | 28,733 | Ridgefield  | 25,033 |

## To what extent do these 45 towns cover Connecticut’s residential renters?

The 45 covered towns (about 27% of the state’s 169 towns) have about 80% of all residential rental units in Connecticut.

## By when must towns adopt their ordinances?

P.A. 22-30 requires that covered towns have their ordinances in place no later than July 1, 2023. There is, however, no need for towns to wait until 2023 to adopt an ordinance, since existing law has

28

long authorized towns to do so. P.A. 22-30 requires towns to notify the Commissioner of Housing within 30 days of adoption of its ordinance and provide the Commissioner with a copy of the ordinance.

#### **Why can't tenants just go to court if they object to a rent increase?**

Courts in Connecticut have no general power to adjudicate the fairness of rents or rent increases. With certain limited exceptions, tenants have a right to challenge the fairness of a rent increase only in a town that has a fair rent commission. In towns without fair rent commissions, the tenant can accept the rent increase or move. Tenants who refuse to pay the increase will face eviction.

#### **What about tenants protected by "just cause eviction"?**

In theory, elderly and disabled tenants who live in apartment buildings of five or more units are allowed to take a rent dispute to court. In practice, however, this almost never happens, because initiating a judicial proceeding is not practical for tenants, and especially not for tenants who are elderly or disabled. It is expensive and would be very difficult to do without an attorney. It is also not realistic for such tenants – many of whom are long-term renters with little capacity to move – to risk their tenancy by refusing to pay a rent increase and gambling that they can win an eviction. The risk of loss is extremely high. If the court doesn't agree with the tenant, the tenant is evicted. At that point, it is too late to save the tenancy by agreeing to pay the rent increase. Just the filing of a summary process action may also negatively impact the tenant's record, hindering their ability to secure future housing or credit.

#### **How expensive are fair rent commissions?**

Fair rent commissioners, like commissioners of most other local boards, are not paid. In most locations, towns use existing staff to provide whatever support for fair rent commissions is needed. While particularly large towns might consider adding an employee if large numbers of complaints are received, it is anticipated that medium-sized towns would not.

#### **What are the necessary elements of a fair rent commission ordinance?**

The primary necessity is that the ordinance should adopt the state Fair Rent Commission Act. Some towns do this by reference to the state statute (C.G.S. 7-148b through 7-148f). Some do it by copying the text of the state statute into the ordinance. Other than that, the only necessary elements are to identify (1) who appoints the members and (2) the number and terms of the commissioners.

#### **How detailed are most ordinances?**

The degree of detail varies widely. The practical difference is in how much is left to the commission to decide and how much is to be controlled by the ordinance. There appear to be two types of ordinances:

- **Minimum ordinance:** The ordinance contains only the necessary elements referred to above, i.e., adoption of the state statute by cross-reference or by copying the language of the state statute into the ordinance, identification of the appointing authority, and establish the number and terms of commission members.
- **Detailed ordinance:** The ordinance includes a more comprehensive framework for their fair rent commission. Such ordinances may include complaint-filing and hearing procedures, time deadlines, staffing (if any), appeal procedures, and other matters.

#### **How large are fair rent commissions?**

Existing fair rent commissions vary from 3 to 9 members. Most have either 5 or 7.



### **Who names the members of the commission?**

The appointing authority is usually the municipal executive, particularly in the larger towns (sometimes with confirmation by the legislative body required) or the legislative body.

### **Do commission ordinances balance landlords and tenants?**

The Fair Rent Commission Act leaves it to each town to decide on how to balance a fair rent commission. About half of the existing ordinances are silent on the question of balancing, leaving the matter to the appointing authority as to the balance of landlords, tenants, and neither (i.e., a homeowner who is not a landlord). Any mixture is acceptable. The other half of the ordinances require some degree of balance, usually in one of two ways:

- **An equal number of landlords and tenants:** This number might or might not be specified in the ordinance. Since all existing commissions have an odd number of members, this approach means that at least one member will have to be neither a landlord nor a tenant.
- **A minimum number of landlords and tenants:** Some ordinances include a specific number. For example, a five-member commission could be required to have at least two landlords and two tenants. In that case, the fifth member could be a landlord, a tenant, or a non-landlord homeowner.

Unless the ordinance requires a specific or a minimum number of landlords and tenants, it is possible for a commission to be made up entirely of non-landlord homeowners.

### **Are commission members required to have special expertise?**

No. The background of members is left to the municipal appointing authority. It is expected that it will be possible to obtain member training if it is desired.

### **Is there a required political party distribution?**

Yes, fair rent commissions are government agencies subject to the Minority Party Representation statute (C.G.S. 9-167a), which limits the maximum number of members of a board who can be registered in the same political party.

### **Are fair rent commissions advisory only?**

No, they have the power to make binding decisions, in the same manner that other municipal boards can make binding decisions. Most fair rent commissions, however, encourage conciliation of disputes, and most fair rent complaints are resolved without the need for a formal hearing. The very existence of a fair rent commission often generates a bargaining process that results in agreements between the landlord and the tenant.

### **What is the legal standard that fair rent commissions apply?**

Under C.G.S. 7-148c, a rental charge must be “so excessive, with due regard to all the circumstances, as to be harsh and unconscionable.” That statute also requires the commission to consider 13 “circumstances” “as are applicable.” Under C.G.S. 47a-23c, a rental increase involving a tenant who resides in a building with five or more units and who is either sixty-two years of age or older or disabled must be “fair and equitable.”

### **What are those standards?**

Fair rent commissions do not treat all 13 numbered circumstances as equally important. The literal wording of some of the circumstances, as originally written in 1969, may at times seem a bit

30

dated. In practice, the primary circumstances are usually the size of the rent increase, the landlord's costs, and the condition of the premises. The 13 circumstances can be grouped into these six categories. The numbers in the parentheses are the numbers they are given in the statute.

- Size and history of rent increases
  - The amount and frequency of increases in rental charges (#12).
- Landlord operating costs
  - The amount of taxes and overhead expenses (#7).
- Condition of the premises, including whether the premises are substandard:
  - Whether the accommodations are in compliance with the ordinances of the municipality and general statutes relating to health and safety (#8);
  - The sanitary conditions existing in the housing accommodations in question (#2);
  - Repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein (#6);
  - Whether, and the extent to which, the income from an increase in rental charges has been or will be reinvested in improvements to the accommodations (#13);
  - Damages done to the premises by the tenant, caused by other than ordinary wear and tear (#11).
- Comparable rents in the neighborhood and municipality:
  - The rents charged for the same number of rooms in other housing accommodations in the same and in other areas of the municipality (#1).
- Facilities and services included in the rent
  - The size and number of bedrooms contained therein (#5);
  - The availability of utilities (#10);
  - The numbers of bathtubs or showers, flush water closets, kitchen sinks and lavatory basins available to the occupants thereof (#3);
  - Services, furniture, furnishings and equipment supplied therein (#4).
- Income of the tenant and the availability of places to which the tenant can move
  - The income of the petitioner and the availability of accommodations (#9).

**Can a commission consider other circumstances?**

Yes. The statute does not preclude consideration of other circumstances if they are relevant to the statutory standard of harsh and unconscionable.

**Can a town make up its own standard?**

No. The statutory standard is mandatory.

**Is there a formula for weighing the factors?**

No, it is within the discretion and judgment of the commission.

**How are these circumstances proven to the commission?**

It is usually up to the parties to provide the commission with evidence upon which it can base a decision. If, however, a tenant objects to a rental charge based on the condition of the premises, it is common for a commission to request that a town health or safety inspector (e.g., a housing, building, or fire code official) inspect the premises in the same manner as if a complaint had been made with the agency by the tenant.



31

**If the commission finds that rental charges are harsh and unconscionable, what can it do?**

It can limit the rent to an amount that is “fair and equitable.” In setting that amount, C.G.S. 7-148d requires that the same 13 circumstances be applied.

**What commission orders are most common?**

Commissions have considerable discretion to fashion a result that is fair and equitable. For example, a commission can:

- Reduce the rent increase or rental charge to an amount that is fair and equitable.
- Phase in a rent increase over time.
- Condition a rent increase or lower a rental charge until the landlord complies with housing code orders or other property maintenance standards. In this way, when health and safety issues are raised, commissions can buttress health and safety code enforcement.

A commission can also deny relief to the tenant (i.e., by holding that the rental charge is not harsh and unconscionable).

**Can a complaint be filed about charges other than the monthly rent?**

Yes. C.G.S. 7-148b(a) explicitly provides that “rental charge” includes “any fee or charge in addition to rent.”

**Can a tenant file a complaint when there is no rent increase?**

Yes. The requirement for fair rent commission jurisdiction is that the rental “charge” must be “so excessive” as to be “harsh and unconscionable.” There are at least two types of circumstances where this may apply in the absence of a rent increase. One is when the services provided by the landlord have been reduced. For example, the landlord could provide that utilities once paid by the landlord will in the future be switched to the tenant with no adjustment of the rent. This is functionally a rent increase. The other is that the building has been allowed to deteriorate because of lack of landlord maintenance to the point that the rent has become significantly out of balance with what the tenant is receiving.

**Who bears the burden of proof?**

The tenant bears the burden of proof that the rental charge is harsh and unconscionable. On other issues, it will depend on who has access to the information.

**Can’t a tenant go to the housing court to resolve a fair rent complaint?**

No. Courts can enforce rights, but, with narrow exceptions (see just cause eviction below), the right to challenge rent increases exists only for tenants in towns with fair rent commissions.

**Can the parties be represented by attorneys?**

They can be, but often they are not. As with other administrative agencies, a certain amount of structure and formality is required at hearings, but hearings are ordinarily much less formal than court hearings. Testimony, however, is under oath.

**Can the commission group cases complaining about the same rent increase?**

Yes. For purposes of the hearing, if multiple dwelling units in the same building or complex complain about the same rent increase, the commission can group them for hearing. It will, however, have to decide each case individually.



32

**What rent do tenants pay while the complaint is pending?**

The Fair Rent Commission Act is silent on this question, and different commissions have different practices. We believe that the only proper answer is that the tenant should pay the last agreed-upon rent or the amount of the last rent prior to the increase complained of.

**The Fair Rent Commission Act speaks of rent being paid into escrow. Do most tenants pay rent to the commission in escrow?**

No. Rent escrows are rare. The Fair Rent Commission Act mandates the use of a municipal escrow account only if the commission suspends the payment of all rent while waiting for the landlord to comply with orders to make repairs required by the code agency. The tenant instead would continue to pay the landlord either the last agreed-upon rent, the last rent before a disputed rent increase, or some other interim rent set by the commission.

**Are the commission hearings public?**

Yes, commissions are municipal agencies and are subject to the state Freedom of Information Act. Both the hearing itself and the commission deliberation are open to the public to observe. Members of the public cannot speak, however, unless they are called as witnesses.

**When does a commission make its decision?**

It depends, and different commissions may have different practices. Once the hearing is completed, commissions often move directly into the decision portion of the meeting so as to be able to decide the case the same day. Sometimes, however, a decision may have to wait for a subsequent event (e.g., a housing code inspection), if it was not arranged before the hearing.

**Who gets to testify at a fair rent commission hearing?**

Each commission sets its own procedures. Fair rent commission hearings are usually run like other administrative hearings. They are less formal than court hearings but must still be orderly and structured. The parties can each testify and can call witnesses. Anyone testifying can be questioned by commission members or by the parties themselves (or by their representative, if they have one). The tenant (who is the complainant) and the tenants' witnesses usually go first, after which the landlord and the landlord's witnesses would usually testify. Testimony is ordinarily under oath. The commission can also hear testimony from other witnesses with relevant information (such as a municipal housing code inspector who has inspected the property), even if not called by a party. Members of the public do not have a right to testify at their own initiative.

**Are expert witnesses required?**

No. The parties, or other individual witnesses, can testify as to matters within their own knowledge. For example, the tenant or the landlord can testify as to the condition of the premises, the history of past rent increases, or other rents in the neighborhood. If testimony is in conflict, it is up to commission members to decide whom to believe. On some objective matters, however, evidence may be needed. For example, a landlord who claims to be losing money without a large rent increase may be expected to present documentary evidence of income and expenditures.

**Do fair rent commissions need an appraiser?**

No. Commissions deal with rentals, not home purchases. More important, if comparative rents are an issue, it is up to the parties to bring such comparables to the attention of the commission.

33

**Do the parties have to testify?**

As a practical matter, the tenant must testify or otherwise provide evidence, since the tenant must show that the rental charge is harsh and unconscionable. The commission's decision must be based on the evidence before it. If the landlord does not appear at the hearing or otherwise provide testimony, the commission must make its decision based on what the tenant or other witnesses provide.

**Does evidence have to be documented in writing?**

Not necessarily. The testimony of the parties themselves is evidence.

**What if a party refuses to produce written evidence of something important, like the property's revenue and costs, or the tenant's income?**

To some extent, it depends on the relevance of the evidence. For example, if a landlord claims that a rent increase is necessary to cover increased costs but refuses to provide the commission with a breakout of income and expenditures, the commission could assume that the increase is not necessary to cover costs. It would, however, still need to consider other factors affecting the fairness of the increase. Similarly, if a tenant claims to have insufficient income to pay a rent increase but refuses to disclose income, the commission could assume that the tenant could afford the increase but would still have to consider other reasons why the increase might be unconscionable. The commission also has the power to subpoena information if it chooses to do so.

**Should commission hearings be recorded?**

Yes. There is no need for a stenographer or a transcript, but a recording can be necessary if a decision is appealed to the courts.

**Can the parties appeal?**

Yes, either party can appeal to the courts. In more than 50 years of fair rent commissions, however, only a small number of appeals have ever been taken.

**Can a fair rent commission protect a tenant against retaliation?**

Yes. C.G.S. 7-148d(b) explicitly authorizes the issuance by the commissioner of a cease and desist order to prevent retaliation. C.G.S. 7-148f explicitly authorizes fines for violating orders of a commission.

**Can a landlord proceed with an eviction against a tenant who has filed a complaint with a commission?**

A commission can issue a cease and desist order to stop retaliatory behavior by a landlord. If, however, the landlord disobeys such an order, only a court can stop further proceedings in the court. If properly presented, it is expected that a court would do so.

**Can new tenants get a rent reduction by claiming that the rent is too high?**

No. Fair rent commissions apply only to tenants, not applicants. A person must already be living in the dwelling unit to be able to complain about an unconscionable rent. In practice, fair rent commissions provide a mechanism that can protect existing tenants. In that sense, they have the capacity to help "stabilize" the rent for tenants who are already in place.

**How do fair rent commissions differ from rent control?**

They are entirely different. Fair rent commissions respond to cases from individual renters and apply an equitable unconscionability standard to address particularly unfair situations. Rent control, in



34

contrast, regulates the rents in the entire housing market. Rent control systems usually authorize an annual inflation adjustment (e.g., 3%) by which landlords can raise the rent without need for approval, but they require a showing of justification and permission for rent increases above that level. The market impact of rent control is quite substantial. Fair rent commissions do not have the same impact on the housing market.

**How is a fair rent commission different from a housing authority?**

A housing authority manages or builds government-owned public housing. A fair rent commission is a local board that responds to complaints from renters about excessive rental charges.

**What is the connection between fair rent commissions and housing code enforcement?**

For some towns, the impact of a fair rent commission on code enforcement is at least as important as addressing the fairness of rent increases. It is not unusual for a fair rent commission to delay a proposed rent increase, or even lower an existing rent, until the landlord brings the apartment into compliance with the enforcement orders issued by the town's housing or health code agency. In this way, fair rent commissions often support municipal code enforcement and avoid the need for the town to go to court to enforce code orders.

**Are any types of housing excluded from fair rent commissions?**

The only exclusion explicitly permitted by the Fair Rent Commission Act is for "seasonal" rentals, which are defined as short-term rentals cumulating less than 120 days per year. However, there are some other arrangements that may be excluded by other laws. For example, arrangements that are not subject to the Landlord-Tenant Act under C.G.S. 47a-2 are ordinarily not covered (e.g., nursing homes or transient occupancy in a hotel or motel).

**Can towns choose to exclude additional categories of rentals?**

No. Exclusions are limited to those contained in the Fair Rent Commission statute itself unless preempted by other laws.

**Are college dormitories covered?**

No. They are excluded from the Landlord-Tenant Act by C.G.S. 47a-2(a)(1). Student-occupied apartments, however, are covered.

**Are mobile home parks covered by fair rent commissions?**

Yes, they are explicitly covered by C.G.S. 7-148b(b). In mobile home parks, most residents own their home but rent the lot. They are therefore renters and are covered by all of the landlord-tenant laws, including the Fair Rent Commission Act. In fact, residents of mobile home parks have often been the driving force behind the creation of fair rent commissions in smaller towns. That was the case in Westbrook, Colchester, and Clinton.

**Can two or more towns create a regional fair rent commission?**

Yes. This is explicitly permitted by C.G.S. 7-148b(d).



| Terms<br>Members           | Rocky Hill<br>5 / 3 alternates                | Danbury<br>9 / 2 alternates                                                                                                                                                        | Glastonbury<br>7                                                                                                                                                                                                                                                                                      | Enfield<br>7                                                                                                                                                                                                                                                                                                                           | New Haven<br>9                                                                                                                                                                                                                                                                                              |
|----------------------------|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Appointment                | Appointed by Town Council                     | Appointed by Mayor, confirmed by Council                                                                                                                                           | Appointed by Town Council                                                                                                                                                                                                                                                                             | Appointed by Town Manager, confirmed by Council                                                                                                                                                                                                                                                                                        | Appointed by Mayor, approved by alderman                                                                                                                                                                                                                                                                    |
| Composition                | Silent                                        | resident electors                                                                                                                                                                  | Equal number of landlord and tenants (at least 2 each) and an ex officio town staff member                                                                                                                                                                                                            | 2 Tenants / 2 Landlords / 3 Neither                                                                                                                                                                                                                                                                                                    | At least 5 tenants                                                                                                                                                                                                                                                                                          |
| Terms                      | 2 years starting 1/1 after each muni election | 3 years                                                                                                                                                                            | 4 years, initial appointments created a staggered board                                                                                                                                                                                                                                               | 2 years                                                                                                                                                                                                                                                                                                                                | 3 years                                                                                                                                                                                                                                                                                                     |
| Vacancy                    | Silent                                        | Silent                                                                                                                                                                             | Council appoints person to finish term                                                                                                                                                                                                                                                                | In manner of original appointment to complete term                                                                                                                                                                                                                                                                                     | Silent                                                                                                                                                                                                                                                                                                      |
| Chair                      | Silent                                        | Appointed by Commission                                                                                                                                                            | Silent                                                                                                                                                                                                                                                                                                | Appointed annually by commission                                                                                                                                                                                                                                                                                                       | Appointed by Mayor                                                                                                                                                                                                                                                                                          |
| Reappointment              | Silent                                        | Silent                                                                                                                                                                             | Silent                                                                                                                                                                                                                                                                                                | Allows without limitation                                                                                                                                                                                                                                                                                                              | Silent                                                                                                                                                                                                                                                                                                      |
| Quorum                     | Silent                                        | 4 for meetings / 5 for hearings                                                                                                                                                    | 4                                                                                                                                                                                                                                                                                                     | 4                                                                                                                                                                                                                                                                                                                                      | 5 (3 needed for hearing)                                                                                                                                                                                                                                                                                    |
| Compensation               | None                                          | None                                                                                                                                                                               | None, but expense reimbursement                                                                                                                                                                                                                                                                       | None                                                                                                                                                                                                                                                                                                                                   | Executive Director and Legal Counsel                                                                                                                                                                                                                                                                        |
| Powers                     | Those enumerated in statute                   | Those enumerated in statute, may reduce rent to something fair and equitable                                                                                                       | Those enumerated in statute                                                                                                                                                                                                                                                                           | Those enumerated in statute                                                                                                                                                                                                                                                                                                            | Statutory +                                                                                                                                                                                                                                                                                                 |
| Complaint<br>Investigators | None                                          | None                                                                                                                                                                               | None                                                                                                                                                                                                                                                                                                  | 3 investigators appointed by Town Manager to serve 1 year terms and can be reappointed. Investigate claim and report to hearing officers in writing before hearing or orally during hearing.                                                                                                                                           | Executive Director and possibly building officials                                                                                                                                                                                                                                                          |
| Procedure                  | Silent                                        | 1) Complaint, 2) 7 days prior notice of hearing, 3) can close hearing if no objection from public for a mediation, 4) recorded or stenographer, 60 days from complaint to decide   | 1) Complaint in writing and filed with Housing Authority; 2) Special form provided by Commission; 3) Hearing within 30 days; 4) notice of hearing mailed 10 days prior to L and T, certified mail, 5) requires referrals to other departments if other issues implicated, but concurrent jurisdiction | 1) Complaint to any commission member; 2) Order investigator to investigate; 3) investigation within 30 days of receipt; 4) hearing within 45 days of receipt of complaint; 5) memo of decision within 21 days of hearing; 6) if no memo of decision in 21 days, complaint fails; Memo of decision adopted or rejected at next meeting | Executive Director investigate and determine reasonable cause and attempt to settle. Date for a hearing not be more than sixty days from the date the complaint except not be more than thirty days in the case where a tenant claims harassment or retaliatory action. Decision within 10 days of hearing. |
| Appeals                    | Silent                                        | Silent<br>May hold escrow, establishes defense of delinquent rent (if not excessive rent), damage, adverse conditions, or harassing, embarrassing or annoying landlord as defenses | Superior Court                                                                                                                                                                                                                                                                                        | Superior Court                                                                                                                                                                                                                                                                                                                         | Superior Court                                                                                                                                                                                                                                                                                              |
| Other                      | None                                          |                                                                                                                                                                                    | Annual report to Council / if status as L or T changes then disqualified / meeting can be called by chair or 3 members                                                                                                                                                                                | May hold rents in escrow pending compliance with health and safety statute or regulation                                                                                                                                                                                                                                               | Escrow, separate hearing process for claims of retaliation                                                                                                                                                                                                                                                  |
| Mediation                  | None                                          | if consented and no objection 2 members of the commission may mediate                                                                                                              | 2 members + Town official                                                                                                                                                                                                                                                                             | None                                                                                                                                                                                                                                                                                                                                   | Executive Director may attempt                                                                                                                                                                                                                                                                              |

35

Fines

Silent

\$25-\$100 / day if more than 5 days violating order of reduction, subpoena or other decision and not appealed.

\$25-\$100 / day if more than 5 days violating order of reduction, subpoena or other decision and not appealed.

Silent

Up to \$100 / day for retaliation

36

|                         | WORKSHEET |
|-------------------------|-----------|
|                         |           |
| Number of members       |           |
| Method of appointment   |           |
| Composition             |           |
| Length of terms         |           |
| Filling vacancies       |           |
| Designation of chair    |           |
| Reappointment process   |           |
| Quorum                  |           |
| Compensation            |           |
| Powers                  |           |
| Complaint investigation |           |
| Procedures              |           |
| Appeals                 |           |
| Other                   |           |
| Mediation               |           |
| Fines                   |           |
|                         |           |
|                         |           |



38

[illegible]

39

## Manchester

A Housing Commission is hereby established to promote and encourage the development and continued availability of affordable housing for the people of Manchester, by bringing together public and private resources, developing recommendations for comprehensive housing policies and goals, and facilitating the accomplishment of those goals, and to act as the Town's Fair Rent Commission by hearing and acting upon written complaints regarding rental charges on housing accommodations pursuant to Connecticut General Statutes Sections 7-148b through 7-148f.

### § 28-34 Membership; terms; vacancies.

The Commission shall have nine members, residents and electors of the Town of Manchester, who shall be appointed by the Board of Directors. All appointments shall be for three-year terms, which shall expire on the first Monday of November, three in each year. Of the three members appointed to each three-year term, one shall be nominated by the Democratic Party, one by the Republican Party, and one shall be nominated jointly by local nonprofit agencies with particular interest in housing, such as MISAC Corporation, the Manchester Congregations Housing Corporation (MCHC), Co-Op Initiatives, Inc., the Manchester Interfaith Corporation (MIC), Housing Advocates, and Manchester Community Services Council. If any member of the Commission should die or resign, a successor shall be appointed by the Board of Directors to serve the unexpired portion of such member's term. The appointment shall reflect the above-designated three-three-three composition of the Commission. The Board of Directors may remove any member for cause and thereafter fill the resulting vacancy. In addition to the nine regular members of the Commission, the Director of Planning or his/her designee, the Director of Human Services or his/her designee, and the Executive Director of the Housing Authority of the Town of Manchester or his/her designee shall be nonvoting ex officio members of the Commission.

### § 28-35 Organization.

The Commission shall elect a Chairperson from its members and may organize itself in such manner as the members may determine is best suited to carry out the Commission's duties.

### § 28-36 Duties.

The duties of the Commission shall be:

A. To study and analyze continuously the housing needs of the Town.

B. To recommend to the Board of Directors and to the Planning and Zoning Commission housing policies and practices calculated to encourage development and continued availability of affordable housing for the people of Manchester.

C. To establish housing priorities and recommend immediate and long-range housing goals to the Board of Directors.



40

D. To act as a clearinghouse for information concerning federal, state, municipal and private sources of funding and programs for housing; to make such information available to potential developers (profitmaking and nonprofit) of new, converted or rehabilitated housing; and to cooperate with such developers to further the Town's housing goals.

E. To provide a forum for discussion of housing issues.

F. To hear fair rent complaints as follows:

(1) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

HOUSING ACCOMMODATION

Any building or structure, in whole or in part, containing living quarters occupied or intended for occupancy as a place of residence, including mobile homes and mobile home park lots, except the following:

(a)

A hospital, convent, monastery, asylum, public institution, college or school living quarters, or any institution operated exclusively for charitable or educational purposes;

(b)

Any housing accommodation owned and operated by the United States, the State of Connecticut, the Town of Manchester, the Housing Authority of the Town of Manchester, or any agency or political subdivision of the above.

LANDLORD

The person who leases, subleases, or rents any housing accommodation.

RENT OR RENTAL CHARGE

Periodic payments to be made to the landlord under a rental agreement.

RENTAL AGREEMENT

An agreement, written or oral, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a housing accommodation.

SEASONAL BASIS

Housing accommodations rented for a period or periods aggregating not more than 120 days in any one calendar year.

TENANT

The person who leases or rents any housing accommodation as his or her residence.

(2) Hearings; complaints. Any tenant residing in the Town shall be eligible to file a complaint with the Commission relative to rental charges on housing accommodations, except those accommodations rented on a seasonal basis, which term shall include mobile home and mobile home park lots, in order to control and eliminate excessive rental charges on housing accommodations, and to carry out the provisions of Connecticut General Statutes Sections 7-148b to 7-148f, inclusive, Section 47a-20 and



(41)

Subsection (b) of Section 47a-23c. The Commission may compel the attendance of persons at hearings, issue subpoenas and administer oaths, issue orders and continue, review, amend, terminate or suspend any of its orders and decisions. A complaint shall be filed with the Town Attorney's office on forms provided. Prior to scheduling a hearing on a complaint, the complaint shall be referred to an attorney in the Town Attorney's office to contact both parties to attempt to reconcile differences between the parties prior to initiating the formal hearing process. Any agreement between the parties shall be in writing, signed by the parties and witnessed by the attorney from the Town Attorney's office. If the complaint is not resolved, then a hearing will be scheduled. A hearing on the complaint shall be scheduled within 30 days of the filing of a complaint. Written notice of the date, time and place of the hearing shall be given by mailing a notice thereof, by certified mail, to the landlord and the tenant at least 10 days prior to said hearing. If the complaint involves a matter within the jurisdiction of the Health Department or any other public agency, the matter may be referred to the appropriate agency for action and the Commission may concurrently exercise its powers hereunder.

(3) Consideration in determining fair rental charge.

(a) In determining whether a rental charge or a proposed increase in a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable, the Commission shall consider such of the following circumstances as are applicable to the type of accommodation:

[1] The rents charged for the same number of rooms in other housing accommodations in the same and in other areas of the municipality;

[2] The sanitary conditions existing in the housing accommodation in question;

[3] The number of bathtubs or showers, flush water closets, kitchen sinks and lavatory basins available to the occupants thereof;

[4] Services, furniture, furnishings and equipment supplied therein;

[5] The size and number of bedrooms contained therein;

[6] Repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein;

[7] The amount of taxes and overhead expenses, including debt service, thereof;

[8] Whether the accommodations are in compliance with the ordinances of the municipality and the General Statutes relating to health and safety;

[9] The income of the petitioner and the availability of accommodations;

[10] The availability of utilities;

42

[11] Damages done to the premises by the tenant, caused by other than ordinary wear and tear;

[12] The amount and frequency of increases in rental charges;

[13] Whether, and the extent to which, the income from an increase in rental charges has been or will be reinvested in improvements to the accommodations. If the Commission determines, after hearing, that the rental charge or proposed increase in the rental charge for the housing accommodation is so excessive, based on the standards and criteria set forth herein, as to be harsh and unconscionable, it may order that the rent be limited to such an amount as it determines to be fair and equitable. Any such order shall not become effective sooner than the first day of the next rental payment period following the filing of the complaint.

(b)

If the Commission determines after a hearing that a landlord has retaliated in any manner against a tenant because the tenant has complained to the Commission, the Commission may order the landlord to cease and desist from such conduct.

(4)

Rent paid to Commission.

(a) If the Commission determines after a hearing that the housing accommodation in question fails to comply with state statute or regulations or Town regulations or ordinances relating to health and safety, the Commission may order the tenant to pay the fair and equitable rent, as determined by the Commission, to the Commission.

(b) The Commission shall hold such rent in an escrow account, as hereinafter provided, until the landlord makes the necessary changes, repairs or installations so as to bring the housing accommodation in compliance with such statute, regulation and ordinance.

(c) If the landlord shall have corrected such violations after an order reducing the rent, and if the rent had been reduced solely because of such violations, the landlord may petition the Commission for reinstatement of the original rent and for the payment to him of the rent held in escrow.

(d) If the landlord shall have corrected such violations after the order reducing the rent, but the rent had not been reduced solely because of such violations, the landlord may petition the Commission for an order fixing a fair and equitable rent for such housing accommodation in light of its condition at the time of the landlord's petition, and for the payment to him of the rent held in the escrow account.

(e) In any case arising under this section, upon reasonable determination of the Commission, the original rent or such fair and equitable rent as determined by the Commission may be ordered into effect retroactively, at the discretion of the Commission, to the date of the petition for reinstatement. No such reinstatement shall



43

be effective until after a hearing is held by the Commission in accordance with the provisions of Subsection F(2) herein.

(5) Escrow account.

(a) The Commission shall establish an escrow account with a local bank into which it shall deposit all rents or other funds paid to it pursuant to this article. Such funds shall be released to the landlord if:

[1] The landlord shall be successful in an appeal to the court; or

[2] The Commission shall order such release after a petition in accordance with this article.

[3] The Commission shall deposit into the escrow account rent paid to the Commission by tenants whose landlord has refused to accept the rent after the tenant has filed a complaint. The rent shall be withdrawn from the escrow account and paid to the landlord upon written request from the landlord.

[4] The Commission shall deposit into the escrow account rent paid to the Commission by tenants when the landlord requests in writing that the Commission hold the rent until the complaint can be resolved either by conciliation or hearing. The rent shall be withdrawn from the escrow account and paid to the landlord upon written request from the landlord.

(b) The Commission may provide for the payment of the landlord's mortgage, taxes, and insurance and the cost of heat, water, electricity and essential utilities as such expenses become due and payable pending the resolution of a complaint.

(6) Appeal. Any person aggrieved by any order of the Commission may appeal to the Superior Court within 20 days following the mailing of such order by certified mail. Any such appeal shall be considered a privileged matter with respect to the order of trial as provided in Section 7-148e of the General Statutes.

(7) Penalties for offenses. Any person who violates any order of rent reduction or rent suspension by demanding, accepting or receiving an amount in excess thereof while such ordinance remains in effect, no appeal pursuant to Subsection F(6) is pending or violates any other provisions of this article, or General Statutes, Section 47a-20, or who refuses to obey any subpoena, order or decision of the Commission pursuant thereto shall be fined not less than \$25 nor more than \$100 for each offense. If such offense continues for more than five days, it shall constitute a new offense for each day it continues to exist thereafter.

§ 28-37 Cooperation by other municipal agencies. The Commission shall have available to it the services of all other Town departments and agencies for assistance in discharge of the Commission's duties.



44

§ 28-38 Compensation; expenses. The members of the Commission shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties shall be paid within the limits of any appropriation made for that purpose.

§ 28-39 Required reports. The Commission shall submit a report of its activities to the Board of Directors annually, on or before Oct

---

Chapter 12¾ - FAIR RENT PRACTICES[75\_1]

New  
Haven  
45

Footnotes:

--- (75\_1) ---

Editor's note— An ordinance adopted Dec. 13, 1984, provided that former Ch. 12¾, fair rent practices, §§ 12¾-1—12¾-10, be deleted, and that new provisions be set out in lieu thereof to read as set forth in §§ 12¾-1—12¾-11. Formerly, Ch. 12¾ was derived from ordinances adopted on the following dates: Dec. 23, 1969, §§ 1—9; Dec. 7, 1970, §§ 1—10; July 6, 1981, § 17.

Ch. 12¾ was not affected by the selected chapter review and re-enactment project begun in 2006 and derives unchanged from the Code of 1962, reprinted in 1985, as amended.

---

Cross reference— Commission on equal opportunities, § 12½-3 et seq.; rent discrimination against families or single parents with children, § 12½-41 et seq.; housing code, Title V.

Sec. 12¾-1. - Purpose.

Pursuant to and in conformity with Public Act No. 274 of the 1969 General Assembly, there is hereby created a commission known as the fair rent commission for the purpose of controlling and eliminating excessive rental charges on residential property within the City of New Haven. This chapter is enacted in recognition of the compelling need for rent stabilization for the duration of a severe housing shortage in New Haven.

(Ord. of 12-13-84)

Sec. 12¾-2. - Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

Commission shall mean the fair rent commission of the City of New Haven, Connecticut.

Housing accommodation shall mean any building or structure, wholly or in part, containing living quarters occupied or fairly intended for occupancy as a place of residence, with any land or buildings appurtenant thereto and any services, furniture and facilities supplied in connection therewith except: A hospital, convent, monastery, asylum, public institution or college or school dormitory or any such accommodation which is operated or used exclusively for charitable or educational purposes.

Landlord shall mean any person who leases, subleases, rents, permits or suffers the occupancy of any housing accommodation, including a person who manages a housing accommodation owned by someone else.

Person shall mean any individual, firm, company, association, corporation or group.

Rent or rental charges shall mean any consideration, monetary or otherwise, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of any housing accommodation.

Tenant shall mean any person who leases or rents, whether by written or oral lease who in any other legal may occupies any housing accommodation, as a residence for himself and/or his immediate family.

4/6

(Ord. of 12-13-84)

Sec. 12 $\frac{3}{4}$ -2.1. - Commission—membership and term of office.

The commission shall consist of nine (9) members, all of whom shall be residents of the City of New Haven. At least five (5) members of the commission shall be residential tenants at the time of appointment. The members shall be appointed by the mayor for a term of three (3) years and approved by the board of aldermen. The mayor shall appoint a chairman and vice-chairman. Each member shall serve for the term for which he is appointed and qualified. A member may be reappointed at the expiration of his term.

(Ord. of 12-13-84)

Sec. 12 $\frac{3}{4}$ -3. - Same—Staff.

The commission shall employ an executive director and legal counsel to keep its records, to handle its correspondence, to supervise and direct the investigations, negotiations, and administration of this chapter and generally to perform such other functions as may be assigned by the commission. However, the inspection services related to the work of the fair rent commission may also be provided by the staff of the office of building inspection and enforcement. The commission may employ such additional employees as it deems necessary. Upon request, assistance from other municipal agencies shall be reasonably available to the commission.

(Ord. of 12-13-84)

Sec. 12 $\frac{3}{4}$ -4. - Powers of commission.

The commission shall have the following powers:

(1)To make studies and investigations into rentals charged for housing accommodations within the City of New Haven as it deems appropriate to carry out its responsibilities hereunder.(2)To receive complaints, inquiries, and other communications concerning alleged excessive rental charges in housing accommodations within said city.(3)To conduct hearings, either on its own motion or on complaints or requests for investigation submitted to it by any interested person.(4)To administer oaths.(5)To subpoena witnesses and compel their attendance at said hearings and to compel production of any books and documents relating to any matter under investigation or question.(6)To determine, after a hearing, whether or not the rent for any housing accommodation is so excessive based on the standards and criteria of this chapter, as to be harsh and unconscionable.(7)To order a reduction of any excessive rent to an amount the commission considers fair and equitable retroactive to the date of filing of the complaint. Such order shall be effective for one (1) year from its date, except as provided under subsection (9) of this section, or if the commission shall, pursuant to a subsequent petition by the landlord or the tenant order that the rent be changed.(8)To determine, after a hearing, whether or not a housing accommodation fails to comply with state statutes, municipal ordinances and regulations relating to health and safety.(9)To order the suspension of further payment of rent by the tenant to the landlord and order the deposit of said rent in an escrow account to be administered by the commission, as hereinafter described, until such time as the landlord makes necessary changes, repairs, alterations or installations so as to bring the housing accommodation into compliance with state statutes, municipal ordinances or regulations relating to health and safety, if the commission finds that the housing accommodation in question fails to comply with said statutes, ordinances or regulations.(10)To refer, in those instances which it deems appropriate, those housing accommodations which fail to comply with



state statutes, municipal ordinances or regulations relating to health and safety to the appropriate enforcement agency or office of the state or local government.(11)To do all things now or hereinafter authorized by Public Act 274 of the 1969 General Assembly or Public Act 83-425 as the same now read(s) or may be amended from time to time.(12)To adopt rules and regulations for the carrying on of its functions, including rules and regulations for the conduct of its hearings.(13)To continue, review, modify, terminate or suspend all its orders and decisions.(14)To attempt, through the process of informal conciliation and negotiation between a complaining tenant and a landlord, to arrive at a rental agreement which is mutually acceptable to said tenant and landlord before initiating the formal hearing process.(15)To deposit into the escrow account rent paid to the commission by tenants whose landlord has refused to accept the rent after a tenant has filed a complaint or claim of retaliation. Said rent shall be withdrawn from the escrow account and paid to the landlord upon written request from the landlord.

(Ord. of 12-13-84)

Sec. 12<sup>3</sup>/<sub>4</sub>-5. - Complaints concerning unfair practices.

(a)The commission shall prepare and make available complaint forms for use by persons desiring to file complaints. The complaint forms shall provide for the following information:(1)The name and address of the party making the complaint;(2)The name and address of the landlord;(3)The name and address of the tenant;(4)Whether it is the belief of the party making the complaint that the occupied premises comply with state statutes, municipal ordinances, and regulations relating to health and safety;(5)A statement signed by the complaining party listing the specific reasons for the filing of the complaint.(b)Upon the filing of a complaint by a complainant, the executive director shall set a date for a hearing on the complaint which shall not be more than sixty (60) days from the date the complaint was filed except that said date shall not be more than thirty (30) days in the case where a tenant claims harassment or retaliatory action. During the period of time between the filing of a complaint and the date of the hearing, the executive director shall promptly conduct an investigation to determine if reasonable cause exists for the complaint, and shall attempt to resolve such complaint by conference, conciliation, or persuasion. The hearing shall take place as scheduled on all complaints which are not resolved to the satisfaction of the parties prior to the date of the hearing. The hearing shall be open to the public. A hearing may be continued by agreement by all parties or for good cause shown.(c)The commission shall render a decision within ten (10) days following a hearing on the complaint.(d)The executive director shall ensure that the tenant and the landlord are fully informed of all their rights and responsibilities, procedures and other information relevant to filing a complaint, both orally and in written form, at the time of the complaint, at any informal hearing, and in the public hearing. These materials and oral instructions shall be available in Spanish and English.(e)Pending a determination by the fair rent commission, the tenant shall pay to the landlord the last agreed upon rent for the housing accommodation in question.

(Ord. of 12-13-84)

Sec. 12<sup>3</sup>/<sub>4</sub>-6. - Notice of hearing.

The notice of hearing given by the commission shall:

(1)Be in writing and signed by one (1) of the members of the commission or a designated representative;(2)Be served on the landlord personally or by registered mail, return receipt requested, at least ten (10) days prior to the scheduled date of hearing;(3)Be given to all tenants of the housing accommodation in question.

(Ord. of 12-13-84)



48

Sec. 12 $\frac{3}{4}$ -7. - Hearings and procedures.

(a) Five (5) members of the commission shall constitute a quorum in the exercise of any of the commission's powers and duties, but three (3) or more members of the commission may be appointed by the chairman to serve as a hearing tribunal to conduct hearings in accordance with provisions of this chapter. Any decision, finding, order, determination or other action by a hearing tribunal shall be deemed to be the decision, finding, order, determination or action of the commission. (b) The proceedings of the commission in the conduct of its hearings shall be informal. (c) All parties to a hearing shall have the right to be represented by counsel, to cross-examine witnesses and to call witnesses and introduce evidence in his own behalf. The testimony taken at such hearing shall be made under oath and a recording thereof shall be made upon request of either party. (d) All proceedings shall continue regardless of the fact that a tenant may quit the housing accommodation in question and notwithstanding any attempt, successful or otherwise, to evict said tenant. No sale, assignment or transfer of the housing accommodation in question shall be cause for discontinuing any pending proceeding nor shall it affect the rights, duties and obligations of the commission or the parties thereto. (e) Any person who violates any order of rent reduction or rent suspension by demanding, accepting or receiving an amount in excess thereof while said order remains in effect, or who violates the provisions of this chapter prohibiting retaliatory action, or any person who violates any other provision of this chapter or refuses to obey any subpoena, order, or direction of this commission pursuant thereto, shall be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than thirty (30) days, or both, for each such offense. Such offense, should it continue more than one (1) day, shall constitute a new offense for every day it continues to exist. No action shall be taken on any such violation by the prosecuting authorities of the city or the state, except upon written complaint of the commission. (f) Any person aggrieved by any decision of the commission may appeal to the Court of Common Pleas for the County of New Haven, such appeal to be taken within ten (10) days after the rendering of the decision in question. Any such appeal shall be considered a privileged matter with respect to the order of trial. Such appeal shall be limited to the question of whether the commission acted arbitrarily, illegally or in abuse of its discretion. Unless otherwise directed by the commission or the court, the filing of an appeal shall not stay any order issued by the commission.

(Ord. of 12-13-84; Ord. of 1-3-89, §§ 1,2)

Sec. 12 $\frac{3}{4}$ -8. - Standards pertaining to rental charges.

In making determinations as to whether a rental charge is excessive, the commission shall give due consideration to the following:

(1) Rents charged for the same number of rooms in other housing accommodations within the city; (2) The sanitary conditions in the housing accommodations in question; (3) The number of bathtubs, or showers, flush water closets, kitchen sinks, and lavatory basins available to the occupant thereof; (4) Services, furniture, furnishings and equipment supplied within said housing accommodations by the landlord; (5) Size and number of bedrooms and number of whole bathroom accommodations; (6) Repairs, including the cost of same, necessary to make such housing accommodation comply with the minimum standards required by the Code of the City of New Haven; (7) Compliance of the housing accommodation with the ordinances of the City of New Haven and the General Statutes and regulations of the State of Connecticut relating to health and safety; (8) Amount of taxes and overhead expenses of the landlord; (9) Income of the tenant and availability of other accommodations for him and his immediate family.

(Ord. of 12-13-84)

Sec. 12 $\frac{3}{4}$ -9. - Reserved.

49

Sec. 12 $\frac{3}{4}$ -10. - Retaliatory eviction.

(a) In any action for summary process, it shall be an affirmative defense pursuant to Connecticut Public Act 315 of the 1969 General Assembly that the plaintiff brought such action against the tenant solely because of a complaint which was filed with the commission or because the tenant or complainant has taken any other action with reference to the matter covered by this chapter. (b) Pursuant to Public Act 83-425 of the Connecticut General Assembly, any tenant who claims that the action of his or her landlord constitutes retaliatory action may file a notice of said claim with the fair rent commission. (c) It shall be retaliatory action for a landlord to refuse to renew the lease or other rental agreement of any tenant, to bring an action or proceeding against the tenant to recover possession of the dwelling unit, to demand an increase in rent from the tenant, to decrease the services to which the tenant has previously been entitled or to verbally, physically or sexually harass a tenant because a tenant has filed a complaint with the fair rent commission. (d) It shall be an affirmative defense against a claim of retaliatory action when the landlord seeks to recover possession of the dwelling unit if: (1) The tenant is using the dwelling unit for an illegal purpose; (2) There is nonpayment of rent by the tenant; (3) The landlord in good faith seeks to recover the dwelling unit for immediate use as his or her own abode; (4) The conditions complained of were caused by the willful actions of the tenant or another person in the tenant's household or a person on the premises with the tenant's consent; (5) The landlord seeks to recover possession of the dwelling unit on the basis of a notice to terminate a periodic tenancy previous to the tenant's complaint.

(Ord. of 12-13-84)

Sec. 12 $\frac{3}{4}$ -11. - Filing of claim.

(a) Upon receipt of notice of claim of retaliatory action, the fair rent commission shall inform the landlord and shall investigate the claim. Within fifteen (15) days the commission shall convene a hearing after due notice to the tenant and the landlord for the purpose of determining whether the landlord has engaged in retaliatory action. (b) If after such a hearing the fair rent commission finds that the landlord has engaged in retaliatory action in violation of the provisions of section 12 $\frac{3}{4}$ -10(a), the commission pursuant to its powers under Section 148 (b) through (f) of the Connecticut General Statutes and the fair rent ordinance of the City of New Haven shall order the landlord to cease and desist from such actions. This cease and desist order may include the following provisions: (1) That the landlord maintain no action against the tenant to recover possession of the dwelling unit; (2) That the landlord shall not increase the rent; (3) That the landlord restore the services to which the tenant was entitled; (4) That the landlord cease and desist all verbal, physical and sexual harassment of the tenant.

(Ord. of 12-13-84)



Chapter 12¾ - FAIR RENT PRACTICES[75\_1]

Footnotes:

--- (75\_1) ---

Editor's note— An ordinance adopted Dec. 13, 1984, provided that former Ch. 12¾, fair rent practices, §§ 12¾-1—12¾-10, be deleted, and that new provisions be set out in lieu thereof to read as set forth in §§ 12¾-1—12¾-11. Formerly, Ch. 12¾ was derived from ordinances adopted on the following dates: Dec. 23, 1969, §§ 1—9; Dec. 7, 1970, §§ 1—10; July 6, 1981, § 17.

Ch. 12¾ was not affected by the selected chapter review and re-enactment project begun in 2006 and derives unchanged from the Code of 1962, reprinted in 1985, as amended.

---

Cross reference— Commission on equal opportunities, § 12½-3 et seq.; rent discrimination against families or single parents with children, § 12½-41 et seq.; housing code, Title V.

Sec. 12¾-1. - Purpose.

Pursuant to and in conformity with Public Act No. 274 of the 1969 General Assembly, there is hereby created a commission known as the fair rent commission for the purpose of controlling and eliminating excessive rental charges on residential property within the City of New Haven. This chapter is enacted in recognition of the compelling need for rent stabilization for the duration of a severe housing shortage in New Haven.

(Ord. of 12-13-84)

Sec. 12¾-2. - Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

Commission shall mean the fair rent commission of the City of New Haven, Connecticut.

Housing accommodation shall mean any building or structure, wholly or in part, containing living quarters occupied or fairly intended for occupancy as a place of residence, with any land or buildings appurtenant thereto and any services, furniture and facilities supplied in connection therewith except: A hospital, convent, monastery, asylum, public institution or college or school dormitory or any such accommodation which is operated or used exclusively for charitable or educational purposes.

Landlord shall mean any person who leases, subleases, rents, permits or suffers the occupancy of any housing accommodation, including a person who manages a housing accommodation owned by someone else.

Person shall mean any individual, firm, company, association, corporation or group.

Rent or rental charges shall mean any consideration, monetary or otherwise, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of any housing accommodation.

Tenant shall mean any person who leases or rents, whether by written or oral lease who in any other legal may occupies any housing accommodation, as a residence for himself and/or his immediate family.