

ARTICLE VII. - FAIR RENT COMMISSION

Sec. 2-96. - Establishment and purpose of fair rent commission.

Pursuant to and in accordance with § 7-148b, *et seq.* and § 47a-23c of the Connecticut General Statutes (“C.G.S.”), a Fair Rent Commission (hereinafter, “Commission”) is hereby established.

The purpose of the Commission is to regulate and eliminate excessive rental charges for residential properties within the Town of East Haven.

Sec. 2-97. - Authority of fair rent commission.

The Commission shall make studies and investigations, receive complaints, and conduct hearings relative to excessive rental charges on housing accommodations, except those accommodations rented on a seasonal basis, within the Town of East Haven, in order to control and eliminate excessive rental charges on such accommodations and to carry out the provisions of C.G.S. §§ 7-148b to 7-148f, inclusive, C.G.S. § 47a-20, and Subsection (b) of C.G.S. § 47a-23c, as now existing and may be amended from time to time, as they apply to fair rent commissions. 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’s authority shall be over excessive rental charges – rental charges found to be harsh and unconscionable – not over market rental rates. The Commission does not have any jurisdiction to award a complainant or respondent with monetary damages.

For the purposes of this section, “seasonal basis” means housing accommodations rented for a period or periods aggregating to not more than one hundred twenty (120) 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.

Sec. 2-98. – Membership of fair rent commission.

The Commission shall be composed of five (5) resident electors of the Town, to be appointed by the Town Council. At least one (1) member of the Commission shall be a licensed realtor or licensed real estate appraiser in Connecticut, at least one (1) member shall be a tenant, and at least one (1) member shall be a landlord. No more than four (4) members shall be of the same political party. All of said members shall serve two-year terms. Any vacancy shall be filled by the Council to complete the unexpired term of the vacating member.

Members of the Commission may be suspended or removed by the Town Council in accordance with the provisions of the Town Charter.

Members of the Commission shall elect a chair, vice-chair, and such other officers as may be necessary at its biennial organizational meeting.

Members of the Commission shall serve without compensation.

Sec. 2-99. – Complaints and hearings; informal resolution.

- (a) Any tenant residing in the Town of East Haven shall be eligible to file a complaint with the Commission.
- (b) A complaint shall be made in writing and filed with the Commission on the complaint form provided. A hearing on the complaint shall be scheduled within (30) thirty calendar days of the filing of the complaint, unless impracticable. Written notice of the date, time, and place of the hearing shall be given by mailing a notice thereof, by certified mail and first-class mail to the landlord and the tenant at least ten (10) calendar days prior to said hearing. Such notice shall also inform the parties that the landlord is prohibited from retaliating against the tenant due to the filing of the complaint. In the event that the complaint involves a matter within the jurisdiction of a town 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.
- (c) 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.
- (d) If 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.
- (e) The Commission will be unable to accept excessive rent complaints if a landlord has already commenced a summary process eviction action against the specified tenant.
- (f) The Commission or town staff may, to the extent practicable, encourage the parties to the complaint to reach a mutually satisfactory resolution through informal conciliation. Any agreement to resolve the complaint shall be in writing and signed by the parties.

Sec. 2-100. - 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.

- (3) The number of bathtubs or showers, toilets, 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 of East Haven 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) Damage 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.

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

- (b) The Commission has the power to dismiss a complaint if it is determined that the tenant who is bringing the complaint is doing so for the purpose of harassing, annoying, or embarrassing the landlord.

Sec. 2-100. – Time for decision; rent reduction orders, suspension of rent payments for repairs, and cease and desist orders for retaliatory actions.

- (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. 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 Sec. 2-99(a) above, 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.
- (c) If the Commission determines, after a hearing, that the housing accommodation in question fails to comply with any ordinance of the Town of East Haven 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 by said Commission. Upon the landlord's full compliance with such ordinance, statute, or regulation for which payments were made into escrow, the Commission shall determine after a hearing, the distribution of the escrowed funds as it deems appropriate.
- (d) No landlord shall engage in retaliatory actions, including refusing to renew a lease or other rental agreement of any tenant; decreasing the services to which the tenant has previously been entitled; verbally, physically, or sexually harassing a tenant because a tenant has filed a complaint with the Commission; or engaging in any other action determined by the Commission to constitute landlord 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 and to remediate such conduct as has already occurred.

Sec. 2-101. – Appeals.

- (a) Any person aggrieved by any order of the Commission may appeal to the Superior Court for the Judicial District of New Haven within thirty (30) days of the issuance of the written notice of the Commission's decision to the parties. Unless otherwise ordered by the court, the filing of an appeal shall not stay any order issued by the Commission. Any such appeal shall be considered a privileged matter with respect to the order of trial as provided in C.G.S. § 7-148e.

Sec. 2-102. - Penalties for offenses.

- (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 Sec. 2-101 is pending, or who violates any other provision

of this Article or C.G.S. § 47a-20, or who refuses to obey any subpoena, order, or decision of the Commission pursuant thereto, shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) for each offense.

- (b) If such offense continues for more than five (5) days, it shall constitute a new offense for each day it continues to exist thereafter.
- (c) The Commission, in its own name or through the municipality, may bring a civil action or take any other court action to enforce any order of the Commission made pursuant to this Article or to enjoin a violation or threatened violation of any order of the Commission.

Sec. 2-103. – Effective date.

This ordinance will become effective September 15, 2023.

DRAFT FOR 8/1/23 MEETING