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Town of Branford
Proposed Fair Rent Commission Ordinance
Committee Revised – 6/20/23

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BRANFORD TOWN CLERK

§ __-1. Establishment; Authority.

Pursuant to and in conformity with Connecticut General Statutes §§ 7-148b through 7-148f, 47a-20, and 47a-23c, there is hereby created a Town of Branford (the “Town”) Fair Rent Commission (the “Commission”) for the purpose of controlling and eliminating excessive rental charges for housing accommodations of any type within the Town, and to carry out the purposes, duties, responsibilities and all provisions of the Connecticut General Statutes (“C.G.S.”) pertaining to fair rent commissions, as the same may be amended from time to time.

§ __-2. Appointment; Terms; Membership; Vacancies.

- A. The Commission shall consist of seven regular and three alternate members, appointed by the Board of Selectmen, each of whom shall be residents and electors of the Town and who shall serve for a term of (4) four years; provided, however, that three of the initial members shall be appointed to serve a term of four (4) years, three of the initial members shall be appointed to serve a term of three (3) years, and one of the initial members shall be appointed to serve a term of two (2) years. A quorum of the Commission shall be four (4) members.
- B. Members shall serve without compensation.
- C. Of the seven (7) regular members, at least one (1) shall be a landlord, and one (1) shall be a tenant; provided that there shall always be an equal number of landlords and tenants in the regular membership. Among the alternate members, at least one (1) shall be a landlord, and one (1) shall be a tenant.
- D. In the event that a vacancy occurs during the term of any member, the Board of Selectmen shall fill said vacancy. Any member so appointed shall serve until the expiration of such term.
- E. The First Selectman shall serve on the Commission as an ex-officio member, without voting power.
- F. Members of the Commission shall elect a Chairperson, a Vice-Chairperson, and a Secretary for a term to be determined by vote of the Commission. The Commission shall have the power to adopt rules and regulations for its governance and the conduct of its business and shall keep a record of its proceedings.

§ __-3. Powers and duties.

The Commission shall have all such powers and duties within the authority granted in § __-1, including without limitation the following:

- A. 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 of any type, except those accommodations rented on a seasonal basis, within its jurisdiction, which jurisdiction shall include mobile manufactured homes and mobile manufactured home park lots.
 - i. “Seasonal basis” means housing accommodations rented for a period or periods aggregating not more than 120 days in any one calendar year.
 - ii. “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;
- B. Make such studies and investigations regarding rental housing within the Town as are appropriate to carry out the duties and responsibilities delegated hereunder and subject to the terms, limitations, and conditions set forth herein;
- C. 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;
- D. 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;
- E. 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;
- F. 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;
- G. Determine, after a hearing as set forth herein, whether a landlord has engaged in retaliation in violation of this ordinance and make such orders as are authorized herein;
- H. Order a reduction of any excessive rent to an amount that is fair and equitable, and make such other orders as are authorized herein;
- I. 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;
- J. 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 the exercise of its powers as set forth herein; and

- K. 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.

§ __-4. Determination of Excessive Rent.

- A. In determining whether a rental charge or a proposed increase in a rental charge is so excessive as to be harsh and unconscionable, with due regard to all the circumstances, the Commission shall consider any and all relevant information, including without limitation:
- i. the rents charged for the same number of rooms in other housing accommodations in the same and in other areas of the municipality
 - ii. the sanitary conditions existing in the housing accommodations in question
 - iii. the number of bathtubs or showers, flush waste closets, kitchen sinks, and lavatory basins available to the occupants thereof
 - iv. services, furniture, furnishings, and equipment supplied therein
 - v. the size and number of bedrooms contained therein
 - vi. repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein
 - vii. the amount of taxes and overhead expenses thereof
 - viii. whether the accommodations are in compliance with the ordinances of the Town and/or state laws and regulations relating to health and safety
 - ix. the income of the petitioner and the availability of accommodations
 - x. the availability of utilities
 - xi. damages done to the premises by the tenant, caused by other than ordinary wear and tear
 - xii. the amount and frequency of increases in rental charges
 - xiii. 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
- 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.
- C. Nothing in this section shall preclude the Commission from considering other relevant circumstances.”

§ __-5. Complaint Procedures.

- 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.

- B. If a complaint alleges housing conditions that violate a housing, health, building, or other code or state law or regulation, 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 or town counsel 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 receipt of the written complaint by the Commission, unless impracticable, in the reasonable opinion of the Commission Chair. 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.
- F. All parties to a hearing shall have the right to be represented by counsel or other person of their choosing, 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, the Commission shall have the power to adjourn the hearing to another time and date, provided, however, that no such continuation shall last longer than 60 days from the date of the original hearing date. The Commission shall have thirty (30) days from the date that it closes a hearing on a complaint to render its decision.
- 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.

§ __-6. Rent Reduction; Repair Orders.

- A. 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 as to be harsh and unconscionable, based on the standards and criteria set forth in § __-4, 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 one (1) year from the date of issuance unless the Commission otherwise orders.

- 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.

§ __-7. Retaliatory conduct of landlord.

No landlord shall engage in retaliatory actions, as defined in C.G.S. 7-148d(b). If the Commission determines after a hearing that a landlord has retaliated in any manner against a tenant, the Commission may order the landlord to cease and desist from such conduct and/or order the landlord to withdraw or remediate such retaliation as has already occurred.

§ __-8. 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.

§ __-9. Enforcement of 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 Chapter or to enjoin a violation or threatened violation of any order of the Commission.

§ __-10. Severability; Effective Date.

The invalidity of any word, clause, section or provision of this article shall not affect the validity of any other part which can be given effect without such invalid part or parts. This article shall take effect upon passage and publication in accordance with the Branford Charter.