

TOWN OF BRANFORD REPRESENTATIVE TOWN MEETING
RULES & ORDINANCES COMMITTEE REGULAR MEETING.

TUESDAY, JUNE 20TH 7:30PM

The Rules and Ordinances Committee of the Representative Town Meeting of Branford will hold a regular meeting on Tuesday, June 20, 2023 at half-past seven o clock p.m. at the Branford Community House, 46 Church Street, Branford. The following items will be discussed and acted upon, with possible recommendations to the full RTM:

1. Establishment of a Fair Rent Commission, as required by state statute. Draft ordinance from Town Attorney to be reviewed.
2. Establishment of a Harbor Management Commission.
3. Revisions to the Solid Waste ordinance to align it with new contract going into effect July 1, 2023. Draft ordinance from Sustainability Manager to be reviewed.

Peter Black, Chair

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BRANFORD TOWN CLERK

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Town of Branford
Proposed Fair Rent Commission Ordinance
May 16, 2023

Jessie D. Arpin
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 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.
- B. Members shall serve without compensation.
- C. 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.
- 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, 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.

§ __-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, 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 at least 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.

Item #3

SOLID WASTE MANAGEMENT COMMISSION

POST OFFICE BOX 150 / BRANFORD, CONNECTICUT 06405

www.branford-ct.gov

(203) 315-0622

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PAUL MUNIZ
Chairman

Lisa Arpin
BRANFORD TOWN CLERK

To: Dennis Flanigan, RTM Moderator, Donna Laich, Clerk, Lisa Arpin,
Town Clerk
From: Solid Waste Management Commission (SWMC)
Date: 6/7/23
Subject: Solid Waste Ordinance Change

At the SWMC special meeting on June 05, 2023, the SWMC voted unanimously to approve a recommendation to the RTM to review and approve the necessary changes made to the Solid Waste ordinance to accommodate the new collection process and containers. Changes to the ordinance will be submitted with this letter.

Please refer this matter to the Rules and Ordinance Committee at your earliest convenience. Thank you for your consideration.

Tyler Bowne

Tyler Bowne

Sustainability and Compliance Manager

§ 213-11 Compliance with other regulations.

Transportation and handling of solid waste shall be carried out in accordance with all federal and state laws and regulations, including but not limited to the Public Health Code of the State of Connecticut, as it shall be amended from time to time. No newspaper or other solid waste, clean or otherwise, shall be set out, stored or transported in such a fashion as to cause it to blow away, become a hazard to public travel or safety or otherwise create a public nuisance.

§ 213-13 Duration of contract.

No contract or contracts for the purposes outlined in § 213-6G(1) shall be for more than five years.

§ 213-14 Recycling mandated.

A.

The following materials must be recycled as further set forth in this chapter:

(1)

Paper.

(a)

Cardboard and boxboard

(b)

Food and beverage cartons

(c)

Junk mail

(d)

Magazines and newspaper inserts

(e)

Newsprint

(f)

Office paper

(g)

Pizza boxes

(2)

Glass.

(a)

Beverage bottles and jars

(b)

Food bottles and jars.

(3)

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Metal.

(a)

Cans and bottles

(b)

Foil containers

(c)

Metal lids from cans and bottles

(d)

Aerosol containers (food grade only)

(4)

Plastic.

(a)

Plastic bottles (with caps attached)

(b)

Plastic containers, tubs and lids

(c)

Plastic one-use cups (no lids, no straws)

(5)

Leaves.

(6)

Scrap metal.

(7)

Storage batteries.

(8)

Waste oil.

B.

All recyclables as defined in § **213-14A** above, shall be recycled by all private homes in the manner set forth in this chapter. Private homes shall not mix any such recyclables with refuse or mix refuse with any such recyclables.

(1)

Paper, glass, metal and plastic recyclable material as defined in § **213-14A** above shall be placed in recycling carts as specified below.

(2)

Leaves from private homes may be picked up through a Town contract on special leaf collection days.

(a)

Such leaves placed for collection must be placed in brown paper (kraft) bags which are not sealed by tape, staples, twine or similar closures.

(b)

Leaves in plastic bags will not be collected.

(c)

Leaves may not be raked into the street or left piled at the curb.

(3)

Scrap metal, storage batteries and waste oil from private homes are not collected by the Town at the curb.

C.

All recyclables as defined in § 213-14A above shall be recycled by all RCIC's in the manner set forth in this chapter. RCIC's shall not mix any such recyclables with refuse or mix refuse with any such recyclables.

(1)

Paper, Glass, Metal and Plastic recyclable material as defined in § 213-14A above shall be placed in recycling carts as specified below. RCIC's must provide for the collection of these recyclables from their property.

(2)

Cardboard from RCIC's shall be recycled in accordance with rules set up by RCIC..

(3)

RCIC's need not provide special collections of leaves, scrap metal, storage batteries or waste oil from RCIC residents, but RCIC's are responsible for ensuring that these recyclables are not mixed with other solid waste and that they are handled in an environmentally acceptable manner.

D.

All other properties shall recycle all recyclables as designated in § 213-14A.. No property shall mix any such recyclable with refuse or mix refuse with any such recyclable. The Town will assist wherever possible in establishing small generators' networks, providing a transfer location for some materials and assisting in the overall education and publicity effort concerning recycling.

(1)

All residential properties other than RCIC's and private homes must provide for the collection of paper, glass, metal and plastic recyclable materials designated in § **213-14A** from said properties. These properties include but are not limited to apartment buildings and mobile home parks.

(a)

Residents of said properties shall separate from other solid waste all recyclables as designated in § **213-14A**.

(b)

The owners of such residential properties shall provide for the collection of paper, glass, metal and plastic recyclable materials designated in designated in § **213-14A** at such property in a manner that is as convenient to the residents as their system for refuse collection.

§ 213-15Optional recyclables.

A.

The following items are designated as "optional recyclables" subject to voluntary recycling and mandatory pilot programs. Such items shall be considered recyclables for the purposes of proper use of recycling boxes, collection and transportation of recyclables and depositing or recyclable material at the recycling center, when a program has been established through regulations pursuant to this chapter to handle these materials, and the materials are to be handled in accordance with said regulations.

(1)

Bulky waste.

(2)

Drycell batteries.

(3)

Grass clippings.

(4)

H.D.P.E. plastic containers.

(5)

Scrap tires.

(6)

Yard waste.

§ 213-16Containers for private homes.

A.

The Town shall provide one free recycling cart and one free trash cart to each private home.

(1)

The owner or occupant of such private home shall be allowed to label the recycling cart and trash cart with the address where the cart shall be used.

(a) The name of owner or occupant cannot be labeled on either cart.

(2)

Said carts shall remain the property of the Town.

(3)

The policy for replacement of carts or the supplying or purchase of additional carts by residents shall be recommended by the Solid Waste Management Commission to the Board of Selectmen.

B.

All paper, glass, metal and plastic recyclable materials designated in § 213-14A set out for collection by private homes shall be placed in recycling carts.

(1)

No other solid waste, even if it is a designated recyclable per § 213-14A, shall be placed in said cart unless it is under the provisions of § 213-15A. Recycling carts used for purposes other than recycling may be reclaimed by the Town.

C.

All refuse set out for collection shall be placed in suitable containers so as to conform to § 213-12 above.

D.

No containers for trash or recyclables shall be used that are not a town approved cart.

§ 213-17 Placement of containers by private homes.

A.

All trash and recycling carts shall be placed for collection purposes at the edge of owner or resident property, along the street, with the wheels of said cart facing the property and placed so that said cart lid opening faces the street. Carts shall be placed with sufficient room (3 feet) on either side of each cart for collection by automated means. It is the responsibility of the homeowner or resident to determine the most efficient collection location with the contracted hauler.

§ 213-18 Containers for RCIC's.

A.

All refuse set out for collection shall be placed in suitable containers so as to conform to § 213-12 above.

B.

Upon request by any association of unit owners, the Town shall provide one free recycling box for each unit.

(1)

Said boxes shall remain the property of the Town.

(2)

The policy for replacement of boxes or the supplying or purchase of additional boxes by unit owners or unit owners' associations shall be recommended by the Solid Waste Management Commission to the Board of Selectmen.

C.

Recyclables generated by RCIC's not collected under the Town contract need not be placed at curbside in recycling boxes nor in any particular type of dumpster mandated by the Town, but recyclables must be separated from refuse.

(1)

Associations of unit owners and their solid waste collectors are encouraged to develop a collection/drop-off system whereby residents themselves separate recyclables from refuse.

(2)

To promote participation in recycling, the recycling collection/drop-off system for RCIC's must be as convenient for their residents, subject to space limitations, as their system for refuse collection.

§ 213-19 Additional services.

Additional collection services beyond those offered by the Town contract may be rendered by the collector or collectors if requested by individuals or associations within said collector's or collectors' collection area, and a reasonable additional collection fee, subject to approval by the Board of Selectmen, shall be charged by the collector to said individual or association for the added service.

§ 213-20 Scavenging prohibited; penalty.

A.

Upon the placement of recyclables at the curb in a recycling cart, it shall be a violation of this chapter for any person, partnership, firm or corporation, other than the depositor or authorized agents of the Town acting in the course of their employment, to collect or pick up or cause to be collected or picked up such recyclables.

B.

Each and every such collection or pickup in violation of § 213-20A, 213-21E, 213-22C, 213-23C or 213-24C from one or more locations shall constitute a separate and distinct offense.

C.

Any person, partnership, firm or corporation violating this section or § 213-21E, 213-22C, 213-23C or 213-24C shall be fined not more than \$100 for each offense.

D.

In addition to any fine per § 213-20C, the offender, at the option of the Board of Selectmen, may be required to make restitution to the Town of Branford for the value of any materials illegally removed.

E.

Nothing in this chapter shall abridge the right of any person, partnership, firm or corporation to give or sell their recyclables, including deposit beverage containers, to any person, partnership, firm, corporation or recycling program lawfully operated for profit, nonprofit or charitable purposes, provided that such materials shall not have been set out on the curb or at any designated collection or pickup site authorized by the Town or its designated agent.