

BRANFORD FAIR RENT COMMISSION
TOWN OF BRANFORD
1019 MAIN STREET, P.O. BOX 150, BRANFORD, CONNECTICUT 06405

Peter Black, Chairman
Robert Imperato, Vice-Chairman
Peter Cimino
Josh Marshall
Marcus DeVito
James McPartland
Joseph Perdue
Carolyn Sires



Ex-Officio
James Cosgrove, First Selectman
Renee Arenas, Clerk

FAIR RENT COMMISSION

Establishment of Fair Rent Commission:

The Town of Branford Fair Rent Commission (the "Commission") was established as required by the State of Connecticut, Public Act No 22-30 which requires all towns with a population of 25,000 or more to adopt a Fair Rent Commission ordinance in accordance with the Fair Rent Commission Act (C.G.S. 7-148b- 7- 148f). As adopted by the Town of Branford's Representative Town Meeting {RTM}, the Commission consists of seven (7) members and three (3) alternates appointed by the Board of Selectmen, see 40-2A. The members and alternates shall be residents and electors of the Town of Branford. The members shall consist of one (1) tenant, one (1) landlord. The alternates shall consist of one (1) tenant, one (1) landlord and one (1) which is neither landlord nor tenant.

Purpose of Fair Rent Commission:

The Commission is responsible for controlling and eliminating excessive rental charges for housing accommodations within the Town of Branford and for receiving rental charge complaints, conducting hearings and reviewing presented information to ensure that rental charges are not so excessive as to be harsh and unconscionable, thus creating a fair and equal process for the tenant and landlord.

Rules:

The following are rules established by the Commission:

Quorum - for the Commission to vote there must be a quorum which means four (4), see Sec. 40-2A, members or seated alternates must be in attendance and able to vote.

Meetings -Meetings of the Commission shall be on demand and will be scheduled within thirty (30) days of receipt of a complaint.

Response Time-To best serve all parties during the process, the Commission has established response times as follows:

Notice of Complaint- A letter acknowledging receipt will be sent to both the complainant and landlord within ten (10) days of receipt.

Notice of a Hearing – A hearing notice will be sent to the tenant and landlord at least ten (10) days prior to hearing.

Documents may also be submitted during the hearing. Any party submitting documents at the hearing must provide 8 copies, 6 for the Commission and 2 for the opposing party. Either party has a right to be represented by an attorney and/or provide witnesses. The hearing is a meeting with the Commission. All Commission meetings are public. The hearing will be recorded. Members of the public may attend, and the minutes and recording of the meeting are available to the public. In the event there is insufficient time to complete the hearing, or for other reasons the hearing should be continued, the Commission may adjourn the hearing to another date and time.

Tenant Presentation:

The Commission will first hear from the tenant's side. During this time the landlord must hold all comments and questions. A Commission member will swear in the tenant or tenant representative, and witnesses for the tenant. The tenant and witnesses can then state their case and provide any supporting documentation. The Commission may ask questions that will help provide information to be used in making their decision. The Commission will then ask the landlord or landlord representative if they have any questions regarding what was presented. Questions must be addressed to the Commission.

Landlord Presentation:

The Commission will next hear from the landlord's side. During this time the tenant must hold all the comments and questions. A Commission member will swear in the landlord or landlord representative, and witnesses for the landlord. The landlord and witnesses can then state their case and provide any supporting documentation. The Commission may ask questions that will help provide information to be used in making their decision. The Commission will then ask the tenant or tenant representative if they have any questions regarding what was presented. Questions must be addressed to the Commission.

Deliberation and Decision:

Upon completion of all the testimony, the Chair will announce that the hearing is closed. During deliberation, the parties and members of the public can observe but are not allowed to speak. The Commission will then review the information presented. When the Commission has come to a decision, a Commission member will make a motion which will be seconded by another member and voted on.

Hearing- If a hearing is required, it must commence no later than thirty (30) days following receipt of a complaint. If there is insufficient time to complete the hearing, or for other reason the hearing should be continued, the Commission may adjourn the hearing to another date and time.

Notice of Decision -A written Notice of Decision will be sent to the tenant and landlord within thirty (30) days of completion of the hearing.

Appeal - Appeals must be made within thirty (30) days of the date of the written Notice of Decision.

Process:

The Commission encourages the tenant to discuss concerns with the landlord and try to negotiate before filing a complaint.

Step 1 - Submitting a Complaint:

Rental complaints can be submitted by completing the Town of Branford Fair Rent Commission Complaint form and submitting the form using one of the following methods:

- a. Email the completed form to: Fairrent@branford-ct.gov
- b. Mail the completed form to:
Town of Branford
Attention: Fair Rent Commission
1019 Main Street
Branford, CT 06405
- c. Hand deliver the completed form to:
Fair Rent Commission
c/o Town Clerk's Office Attn: Renee Arenas
1019 Main Street
Branford, CT 06405

Note: The Commission cannot accept complaints about seasonal or short-term rentals, which are defined as rentals cumulating less than 120 days per year.

Step 2 -Notice of Complaint:

Once the Commission has received the complaint, a *Notice of Complaint* letter will be sent to both the tenant and the landlord with the submitted complaint form attached.

Step 3 - Hearing:

If the tenant and landlord are unable to reach an agreement, the Commission will schedule a hearing, within thirty (30) days of receipt of a complaint, in which both the tenant and landlord will have the opportunity to present their side. The tenant and landlord may submit written items/documentation no later than three (3) business days prior to the hearing if they so choose. Documents submitted will be shared with all parties involved prior to the hearing.

Step 4 - Making a Decision:

When deciding, the Commission considers the 13 circumstances listed below as documented in C.G.S. 7-148c:

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

Documents:

While parties are not required to submit documents, they can be useful in bolstering oral testimony. The tenant and landlord may submit written documentation no later than five (5) business days prior to the hearing if they so choose. Documents submitted will be shared with all parties involved prior to the hearing. Documents may also be submitted during the hearing. Any party submitting documents at the hearing must provide 8 copies, 6 for the commission and 2 for the opposing party. Any forms submitted should have taxpayer identification numbers (employer identification numbers, EINs) and social security numbers (SSNs) redacted/blacked out.

Useful documents may include:

1. Advertisements for similar dwellings in the neighborhood, and records of rents charged other tenants for similar accommodations.
2. Tax assessor records regarding square footage, bedroom size, etc.
3. Photographs of the subject dwelling.
4. Copies of past, current and proposed leases.
5. Copies of correspondence, including texts, e-mails, etc. regarding rent or repairs.
6. Landlord's property tax bills, debt service records, IRS schedule E (for individuals), Form 8825 (for partnerships, LLC's, S Corporations), or other business records showing landlord's expenses and income.
7. Copies of recent health and building inspector reports on the dwelling or complex
8. Pay stubs, IRS forms, W- 2/1099R, and/or 1040, 1065, 1120S and 1120 for tenants to substantiate their income.
9. Invoices for past and contracts for planned repairs, renovations and other improvements to the dwelling and common elements of the complex.

Either party has a right to be represented by an attorney or tenants' union representative. They may also provide witnesses. The hearing is a meeting with the Commission. All Commission meetings are public. The hearing will be recorded. Members of the public may attend, and the minutes and recording of the meeting are available to the public. In the event there is insufficient time to complete the hearing, or for another reason the hearing should be continued, the Commission may adjourn the hearing to another date.

Basis for Commission decision and Possible Outcomes

If the Commission determines, after a hearing, 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 the 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 installation 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 the town.

Step 5 - Final Decisions:

When the Commission has rendered a decision, the details of the decision are documented in the Commission meeting minutes which are available to the public on the Town of Branford website, and in the *Notice of Decision* that will be mailed and/or emailed to both the tenant and landlord.

Step 6 - Appeal:

Both the tenant and the landlord have the right to appeal. The appeal must be made within thirty (30) days of the date of the *Notice of Decision*.

Contact:

Town of Branford Fair Rent Commission
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Fairrent@branford-ct.gov