

Chapter 2.94 FAIR RENT COMMISSION

2.94.010 Purpose.

Pursuant to and in conformity with Sections 7-148b through 7-148f of the Connecticut General Statutes, there is created a commission known as the fair rent commission for the purpose of regulating and eliminating excessive rental charges on residential property within the city. This chapter is enacted in recognition of the compelling need for rent stabilization for the duration of a severe housing shortage in the city.

(Ord. dated 6/5/23 , Exh. A; Ord. dated 10-3-22 , Exh. A; Prior code § 16-131)

2.94.020 Definitions.

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

"Commission" means the fair rent commission of the city.

"Housing accommodation" means any building or structure, wholly or in part, containing living quarters occupied or fairly intended for occupancy as a place of residence, and including any land or building appurtenant thereto, except the following:

1. A hospital, convent, monastery, asylum, public institution operated exclusively for charitable or educational purposes;
2. Any housing accommodations owned and operated by the United States, the state of Connecticut, the housing authority of the city, the city or by any agency or political subdivision of said governmental entities;
3. Housing accommodations exempted by Section 7-148b of the Connecticut General Statutes, as amended;
4. Any building or structure which contains three units or less at least one of which is occupied by the owner of said building or structure.

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

"Rent or rental charges" means any consideration, monetary or otherwise, including any bonus, benefit or gratuity, demanded or received, for the use or occupancy of any housing accommodations.

"Tenant" means any person who leases or rents, whether by written or oral lease, any housing accommodation, as a residence for himself/herself and/or his or her immediate family.

"Liaison of the City Council" means a member of the City Council of the City of Bridgeport, serving as a reporter to and from the City Council of the City of Bridgeport.

(Ord. dated 6/5/23 , Exh. A; Ord. dated 10-3-22 , Exh. A; Prior code § 16-132)

2.94.030 Membership.

- A. The fair rent commission shall consist of seven members all of whom shall be resident electors of the city. Of the seven members, at least one shall be a landlord and one shall be a tenant.
- B. In addition, the members shall be appointed by the mayor and/or the President of the City Council for the City of Bridgeport, subject to approval by the common council. The commission shall elect from its members a chairman and a vice-chairman. The common council may, by two-thirds vote, remove any member of the commission for cause.

(Ord. dated 6/5/23 , Exh. A; Ord. dated 10-3-22 , Exh. A; Prior code § 16-133)

2.94.040 Members' terms.

The initial members of the commission shall be appointed for terms which shall commence as of the date of their appointment and end on the date set forth below:

<u>Term</u>	<u>Members</u>
Ending one year from enactment of ordinance codified in this chapter	Two
Ending two years from enactment of ordinance codified in this chapter	Three
Ending three years from enactment of ordinance codified in this chapter	Two

Thereafter, each appointment shall be for a term of three years. In the event of the death, resignation or inability to serve on the part of any members of the commission, a successor shall be appointed to fill the unexpired term of the member as set forth in Section 2.94.030 of this chapter.

(Ord. dated 6/5/23 , Exh. A; Ord. dated 10-3-22 , Exh. A; Prior code § 16-134)

2.94.050 Staff.

The commission may request that a director be appointed by the mayor/or the President of the City Council for the City of Bridgeport, with the approval of the common council to keep its records, to handle any correspondence, to supervise and direct the administration of this chapter, and generally to perform such other functions as may be assigned by the commission. The commission may petition the budget committee of the city council to allocate funds for the hiring of additional employees to assist the commission. Upon request, assistance from other municipal agencies shall be reasonably available to the commission.

(Ord. dated 6/5/23 , Exh. A; Ord. dated 10-3-22 , Exh. A; Prior code § 16-135)

2.94.060 Quorum and procedures.

A quorum for any hearings or meetings of the commission shall consist of four members, and shall be empowered to conduct said hearings and render orders and decisions pursuant thereto. The commission shall conduct regular meetings to transact whatever business is before said commission. The commission shall determine the time, date and place of said special meetings and shall announce the same at least twenty-four (24) hours in advance of said meetings.

(Ord. dated 6/5/23 , Exh. A; Ord. dated 10-3-22 , Exh. A; Prior code § 16-136)

2.94.070 Powers.

Pursuant to Sections 7-148b through 7-148-e, Connecticut General Statutes, the commission shall have the following powers:

- A. To make such studies and investigations into rentals charged for housing accommodations within the city as it deems appropriate to carry out its responsibilities under this chapter;
- B. To receive complaints, inquiries and other communications concerning alleged excessive rental charges in housing accommodations within the city;
- C. To conduct hearings on complaints or requests for investigations submitted to it by any tenant or any landlord. One week notice by registered or certified mail, postage prepaid shall be given to the parties involved in such complaint. If any notice is returned without having been delivered, the commission may arrange for service by a deputy sheriff, constable of the city or indifferent person in the same manner as is provided in the General Statutes of the state for services of process in a civil action;
- D. To request the assistance of any department of the city government, including any available records, information or expert witness which the department may have in its employ;
- E. To hire or retain any expert real estate appraisers or other competent experts to advise it;
- F. To administer oaths;
- G. To subpoena witnesses and compel their attendance at said hearings and to compel the production of any books or documents relating to any matter before the commission;
- H. To determine, after a hearing, whether the rent for any housing accommodation is so excessive as to be harsh and unconscionable;
- I. To order a reduction of any excessive rent which is deemed to be harsh and unconscionable (as determined according to standards described in Section 2.94.080) to an amount the commission considers fair and equitable. However, the commission shall not have the power to waive any rent which has become due prior to the filing date of the complaint. In its discretion the commission may make the order retroactive to the date of the tenant's complaint. Such order shall be in effect for a period of one year from its effective date, except if the commission shall, pursuant to a subsequent petition by the landlord or tenant at any time, order that the rent be changed;
- J. To dismiss a complaint;
- K. To continue, review, amend, terminate or suspend all its orders and decisions;
- L. 1. If the commission determines after a hearing that a housing accommodation fails to comply with the city's housing code laws or any state or city statute or regulation 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.

-
2. The commission shall hold such rent in an escrow account, as provided in this chapter, until the landlord makes such repairs as are required to bring the housing accommodation into compliance with such laws, statutes or regulations.
 3. If the landlord shall have corrected such violations after the order reducing the rent, and if the rent had been reduced solely because of such violations, the landlord may petition the commission for the reinstatement of the original rent and for the payment to him/her of the rent held in the escrow account.
 4. If the landlord shall have corrected such violations after the order for 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.
 5. In any case arising under this subsection, 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 retroactive at the discretion of the commission, to the date of the petition for reinstatement. No such reinstate shall be effective until after a hearing is held by the commission in accordance with the provisions of subsection C of this section;
- M. To deposit into the escrow account rent paid to the commission by tenants when their landlord refuses to accept it or the landlord requests in writing that the commission hold the rent until the complaint or claim can be resolved either through mediation or hearing;
- N. To establish an escrow account with a local bank or financial institution into which it shall deposit all rents or other funds paid to it pursuant to subsections L, M and N of this section. If rent is deposited into the escrow account pursuant to subsection L, such funds shall be released to the landlord if: (1) he shall be successful in an appeal to the court or (2) if the commission shall order such release after petition in accordance with subsection L of this section. If rent is deposited into the escrow account pursuant to subsection M or N of this section, such funds shall be withdrawn from the escrow account and paid to the landlord upon written request from the landlord;
- O. Interest earned on said escrow account shall be awarded to the landlord;
- P. To require the city attorney to institute, and the city attorney shall then institute, an action in any court of equity for either a temporary or final injunction, restraining violation of or directing compliance with any order made pursuant to any provision of this chapter. Such direction to the city attorney shall be written by the chairman of the commission or by his designee upon the majority vote of the commission;
- Q. Attempt through its director, through the process of conciliation and negotiation between a 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.

(Ord. dated 6/5/23 , Exh. A; Ord. dated 10-3-22 , Exh. A; Prior code § 16-137)

2.94.080 Standards.

In determining whether a rental charge is so excessive, with due regard to all circumstances, as to be harsh and unconscionable, a fair rent commission shall consider such all factors set forth in Section 7-148c of the Connecticut General Statutes, as amended.

(Ord. dated 6/5/23 , Exh. A; Ord. dated 10-3-22 , Exh. A; Prior code § 16-138)

2.94.090 Procedures.

- A. Pending a determination by the fair rent commission, the tenant shall pay to the landlord the last agreed-upon rent prior to the bringing of a complaint to this commission.
- B. All proceedings shall continue regardless of the fact that a tenant may quit housing accommodation in question and notwithstanding any attempt, successful or otherwise, to evict said tenant. No sale, assignment or transfer of 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.
- C. Any person aggrieved by any order of the commission may appeal to the superior court, such appeal to be taken within thirty days after the rendering of the order in question. Any such appeal shall be considered a privileged matter with respect to the order of trial.

(Ord. dated 6/5/23 , Exh. A; Ord. dated 10-3-22 , Exh. A; Prior code § 16-139)

2.94.100 Eligibility to file complaint.

Any tenant, except those who live in a building or structure exempt under the definition of "housing accommodation" in Section 2.94.020 of this chapter, shall be eligible to file a complaint with the commission. It shall be a defense to any complaint before the commission that the tenant is in violation of Section 101-26 of the Bridgeport housing and commercial code entitled "Tenant's responsibilities" or is otherwise responsible for damages to the landlord's premises, other than ordinary wear and tear. If the commission finds, after a hearing, that the tenant is responsible for such damages, other than ordinary wear and tear, it shall not make a determination in regard to such complaint until such time as the tenant has paid into escrow with the commission an amount sufficient to pay for such damages, as determined by the commission.

(Ord. dated 6/5/23 , Exh. A; Ord. dated 10-3-22 , Exh. A; Prior code § 16-140)

2.94.110 Violation—Penalties.

Any person who shall violate any order of rent reduction or rent suspension by demanding, accepting or receiving an amount in excess thereof while such order remains in effect, or any other provision of this chapter or any person who shall refuse to obey any subpoena, order or direction of the commission pursuant thereto shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each such offense. If such offense continues for more than five days, it shall constitute a new offense for each day it continues to exist thereafter. No action shall be taken on any such violation by the prosecuting authorities of the city except upon written complaint of the chairman of the commission or his designee.

(Ord. dated 6/5/23 , Exh. A; Ord. dated 10-3-22 , Exh. A; Prior code § 16-141)