

## **ARTICLE XVII. FAIR RENT COMMISSION<sup>1</sup>**

### **Sec. 2-301. Created; membership.**

Pursuant to G.S. §§ 7-148b through 7-148f, and Section 802 of the Town Charter, there is hereby created a fair rent commission which shall consist of seven (7) electors and residents of the town who shall be appointed by town council. All members of the commission shall be appointed by the town council in the manner provided in Section 802 of the Town Charter. The members shall be appointed to serve a term of four (4) years, except for initial terms, which may run for two (2) or four (4) years, with three (3) members' terms expiring after four (4) years. The commission shall include an equal number of landlords and tenants with a minimum of two (2) each. The members of the commission shall serve without compensation but may be reimbursed for necessary and actual expenses incurred in the performance of their official duties. The town staff member assigned to the commission shall serve without vote as an ex officio member of the commission.

(Ord. of 1-24-89, § 1)

### **Sec. 2-302. Organization and vacancies.**

The commission shall choose a chairperson and vice-chairperson from among its members by ballot, shall keep records of its meetings and activities, and shall report annually to the town council in the same manner as other agencies and commissions of the town. Any vacancy on the fair rent commission, from whatever cause occurring, shall be filled by appointment of town council for the unexpired portion of the term, within the guidelines of Section 802 of the Town Charter. The town council may remove any member for cause in accordance with a code of conduct ordinance, and thereafter fill such vacancy. If, during the term of a commission appointment, a member's status changes with respect to whether he/she is a tenant or a landlord, the member shall be disqualified from the commission and the position shall be deemed vacant.

(Ord. of 1-24-89, § 2)

### **Sec. 2-303. Meetings; rules and regulations.**

In addition to any schedule for regular meetings, the commission may establish, the chairperson or any three (3) members of the fair rent commission may call a meeting, provided at least three (3) days' advance notice of the meeting is given. A quorum at any meeting shall consist of four (4) members and the affirmative vote of four (4) members be required for any action to be taken. The commission shall, with the assistance of town staff and approval of the town attorney, adopt rules and regulations for placing in effect the provisions of this article. The rules and regulations shall not be inconsistent with the provisions hereof.

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<sup>1</sup>Editor's note(s)—Ord. No. 243, §§ 1—12, adopted Jan. 24, 1989, did not specifically amend the code; hence, inclusion herein as Art. XVII, §§ 2-301—2-312, was at the discretion of the editor.

Cross reference(s)—Housing, Ch. 9.

State law reference(s)—Fair rent commission, G.S. § 7-148b et seq.

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(Ord. of 1-24-89, § 3)

**Sec. 2-304. Powers and duties.**

- (a) The fair rent commission may make studies and investigations, conduct hearings and receive complaints relative to rental charges on housing accommodations, except those accommodations rented on a seasonal basis, within its jurisdiction, which term shall include mobile home and mobile home park lots, in order to control and eliminate excessive rental charges on housing accommodations, and to carry out the provisions of G.S. §§ 7-148b to 7-148f inclusive, G.S. § 47a-20 and G.S. subsection (b) 47a-23c(b). 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.
- (b) For purposes of this article, "seasonal basis" means housing accommodations rented for a period or periods aggregating not more than one hundred twenty (120) days in any one (1) calendar year.

(Ord. of 1-24-89, § 4)

**Sec. 2-305. Hearings; complaints.**

Any tenant residing in the Town of Glastonbury shall be eligible to file a complaint with the commission. A complaint must be made in writing and filed with the Glastonbury Housing Authority on the complaint form provided. A hearing on the complaint shall be scheduled within thirty (30) calendar days of the filing of a complaint. Written notice of the date, time and place of the hearing shall be given by mailing a notice thereof, by certified mail to the landlord and the tenant at least ten (10) calendar days prior to said hearing. 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.

(Ord. of 1-24-89, § 5)

**Sec. 2-306. Conciliation.**

The chairperson of the fair rent commission may request that two (2) members of the commission and the town staff member assigned to the commission meet with the parties, if the parties consent, to attempt to reconcile the differences between the parties prior to initiating the formal hearing process. The meeting shall be closed to the public and any agreement between the parties as a result of such meeting must be signed by the parties and witnessed by the commission members, and shall be fully enforceable as if it were an order of the commission.

(Ord. of 1-24-89, § 6)

**Sec. 2-307. Consideration in determining fair rental charge.**

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 fair rent 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 accommodation in question;

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- (3) The number of bathtubs or showers, flush water closets, 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, including debt service, thereof;
  - (8) Whether the accommodations are in compliance with the ordinances of the municipality and the general statutes 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;
  - (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.

(Ord. of 1-24-89, § 7)

### **Sec. 2-308. Authority to order rent reductions, repairs and other orders.**

- (a) 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 this article, as to be harsh and unconscionable, it may order a reduction in rent to such an amount as it determines to be fair and equitable.
- (b) If the commission determines, after hearing, that the housing accommodation in question fails to comply with any town 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 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 an escrow account established with the town treasurer.
- (c) If the commission determines, after 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.

(Ord. of 1-24-89, § 8)

### **Sec. 2-309. Appeal.**

Any person aggrieved by any order of the commission may appeal to the superior court. Any such appeal shall be considered a privileged matter with respect to the order of trial as provided in G.S. § 7-148e.

(Ord. of 1-24-89, § 9)

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**Sec. 2-310. Penalty for violation.**

Any person who violates any order of rent reduction or rent suspension by demanding, accepting or receiving an amount in excess thereof while such ordinance remains in effect, no appeal pursuant to section 2-309 of this article is pending, or violates any other provisions of this article, or G.S. § 47a-20, or who refuses to obey any subpoena, order or decision of the commission pursuant thereto, shall be fined twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense. If such offense continues for more than five (5) days, it shall constitute a new offense for each day it continues to exist thereafter.

(Ord. of 1-24-89, § 10)

State law reference(s)—Authorized penalties, G.S. § 7-148(c)(10)(a).

**Sec. 2-311. Amendments to state law or Municipal Charter.**

Any amendments to the state law referring to fair rent commissions or the Town Charter referring to council appointed commissions shall be automatically incorporated into this article and made a part thereof.

(Ord. of 1-24-89, § 11)

**Sec. 2-312. Reserved.**

Editor's note(s)—Ord. No. 253, adopted Mar. 12, 1991, repealed § 2-312, which pertained to the sunset provisions derived from Ord. of Jan. 24, 1989, § 1.

**Secs. 2-313—2-320. Reserved.**