

**TOWN OF HAMDEN
LEGISLATIVE COUNCIL**

**ORDINANCE AMENDING AND RESTATING SECTIONS 33.70 TO 33.88 OF
HAMDEN CODE OF ORDINANCES
FAIR RENT COMMISSION**

Presented By: Justin Farmer, Laurie Sweet, Abdul Osmanu, Sarah Gallagher

Whereas, Sections 33.70 through 33.88, "Fair Rent Commission" for the Town of Hamden was adopted on November 5, 1979 and subsequently amended from time; and

Whereas, the Town wishes to amend and restate the Fair Rent Commission Ordinance.

Now Therefore Be It Ordained that Sections 33.80 through 33.88 of the Code of Ordinances, "Fair Rent Commission" is amended and restated below.

§ 33.70 CREATION; PURPOSE

The Town of Hamden ("Town") establishes a Fair Rent Commission for the purpose of controlling and eliminating excessive rental charges on residential property within the Town. This subchapter is enacted in recognition of the compelling need to control and eliminate excessive rental charges in the Town. (Ord. 187, passed 11-5-79)

§ 33.71 DEFINITIONS

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"CONSOLIDATED COMPLAINT" A complaint filed, as of right, by tenants of two or more different rental units in the same building, complex or mobile home park units with the same landlord that (1) relate to the same action, occurrence or event; (2) involve the same parties; and, (3) raise a common question of law or fact.

"COMMISSION" The Fair Rent Commission of the Town established in accordance with the provisions of C.G.S. §§ 7-148b through 7-148f, §47a-20 and §47a-23c.

"DAYS" shall have the meaning set forth in the Charter of the Town of Hamden.

"HOUSING ACCOMMODATION." Any building or structure containing living quarters occupied, or intended for occupancy as a place of residence, including any land or building appurtenant thereto, and mobile homes and mobile home park lots, except the following.

(1) A hospital, convent, monastery, asylum, public institution, college or school dormitory, or any institution operated exclusively for charitable or educational purposes.

(2) Any housing accommodations owned and operated by the United States, the State of Connecticut, the Town of Hamden, the Housing Authority of the Town of Hamden, or by any agency or political subdivision of the above.

(3) Accommodations rented on a seasonal basis.

"LANDLORD" The owner, lessor, or sub-lessor of any housing accommodation, including a Person who manages a housing accommodation owned by someone else and including any Person leasing or subleasing any housing accommodation under any order of a state or federal court.

"PARTY" Any landlord or tenant engaged in the complaint process as a Respondent or Complainant.

"PERSON" Any individual, partnership, corporation, association, or other business entity, or other association or group.

"RENTAL AGREEMENT" All agreements, whether written or oral or both, embodying the terms and conditions concerning the use and occupancy of a housing accommodation.

"RENTAL CHARGES" Any consideration, monetary or otherwise, including any bonus, benefit, or gratuity, demanded or received, for the use or occupancy of any housing accommodation, including any fee or charge in addition to rent that is imposed or sought to be imposed upon a tenant by a landlord, including but not limited to late fees, pet fees, parking fees, and utilities.

"SEASONAL BASIS" Housing accommodations rented for a period or periods aggregating not more than one hundred and twenty (120) days in any one calendar year.

"TENANT" An individual who leases or rents or in any other legal way occupies any housing accommodation as a residence for himself or herself or his or her immediate family. (Ord. 187, passed 11-5-79)

"TENANTS UNION" For purposes of this ordinance, a "Tenants Union" shall be defined as two or more tenants of rental properties located in the Town of Hamden, engaged in concerted activities for their mutual aid or protection regarding the terms and conditions of their rental housing.

"TENANTS' UNION REPRESENTATIVE" means the person designated by the members of a tenants' union to represent it in connection with any studies, investigations, and hearings involving that union or its members. Such person is not required to be a tenant or resident of the housing accommodation.

§ 33.72 MEMBERSHIP

- (A) The Commission shall consist of seven (7) members, all of whom shall be Electors of the Town, and shall be composed of two (2) landlord members, two (2) tenant members, and three (3) members who are Electors of the Town but are neither landlords nor tenants. The members shall be appointed as set forth in Charter §7-1.C and the composition of the Commission shall be subject to the provision of Charter §7-1.B(7).
- (B) In addition, the mayor shall appoint three (3) Electors to serve as alternates, who shall be one (1) landlord, one (1) tenant, and one (1) Person other than a landlord or tenant, subject to approval of the Legislative Council. Any alternates shall act in the place of a regular member who is either absent from a meeting or disqualified from serving or when otherwise required by the Commission in the exercise of its duties. Notwithstanding the foregoing, at no time shall more than two landlord or tenant representatives be present on a panel.
- (C) Any regular or alternate member of the Commission who fails to maintain the status (either landlord, tenant, or Elector) that he or she had upon appointment shall cease to be a member of the Commission effective immediately, subject to removal. The mayor, subject to the approval of the Legislative Council, may remove any regular or alternate member of the Commission for good cause, including the failure to attend three consecutive meetings of the Commission. (Ord. 187, passed 11-5-79; Am. Ord. 320, passed 10-7-91)

§ 33.73 TERMS OF OFFICE

Members of the Commission shall be appointed for staggered terms of three (3) years. Vacancies on the Commission shall be filled, within a reasonable time, in the manner of original appointment for the unex-

pired portion of the term. Any member of the Commission may be reappointed in the manner of the original appointment. The term of office of the alternates shall be for a period of three (3) years, or until their successors have been chosen and qualified. Not more than one of the alternate members shall be registered members of the same political party.

(Ord. 187, passed 11-5-79)

Transition Provisions for §33.72 and §33.73

One of the members for a new position shall be appointed to a partial term that concludes on June 30, 2024 and, if reappointed thereafter, to a term of three (3) years commencing on July 1, 2024.

One of the members for a new position shall be appointed to a partial term that concludes on June 30, 2025 and, if reappointed thereafter, to a term of three (3) years commencing on July 1, 2025.

One of the alternates for a new position shall be appointed to a partial term that concludes on June 30, 2023 and, if reappointed thereafter, to a term of three (3) years commencing on July 1, 2023.

Another alternate to fill a current vacancy shall be appointed to a partial term that concludes on June 30, 2023 and, if reappointed thereafter, to a partial term of one (1) year commencing on July 1, 2023; and thereafter to a term of three (3) years commencing on July 1, 2024.

Another alternate to fill a current vacancy shall be appointed to a partial term that concludes on June 30, 2023 and, if reappointed thereafter, to a partial term of two (2) years commencing on July 1, 2023; and thereafter to a term of three (3) years commencing on July 1, 2025.

§ 33.74 POWERS

The Commission shall have the following powers:

- (A) To make such studies and investigations and to conduct hearings into rental charges on housing accommodations within the Town as it deems appropriate in order to carry out the duties and responsibilities delegated under law, and subject to the terms, limitations, and conditions set forth therein.
- (B) To receive complaints, inquiries, and other communications relative to rental charges on housing accommodations, including, but not limited to, alleged excessive rental charges and the statutory considerations and criteria for rendering such determinations as set forth in 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 within the Town.
- (C) To conduct hearings on complaints or requests for investigations submitted to it by any Person or Persons, subject to the terms, limitations, and conditions as set forth herein.
- (D) To 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) To determine, after a hearing as set forth herein, whether or not the Rental Charges for any housing accommodation is so excessive as to be harsh and unconscionable.
- (F) To 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) To determine, after a hearing as set forth herein, whether a landlord has engaged in retaliation in violation of Section 33.83 below and make such orders as are authorized herein.

- (H) To request an inspection of accommodations that are subject of a complaint or investigation to be administered by the appropriate municipal agency.
 - (I) To order a reduction of any excessive Rental Charge (including any excessive fee or charge) to an amount which is fair and equitable.
 - (J) To enact such by-laws and promulgate regulations as are necessary for the conduct of its business, including, but not limited to, the manner and place for the filing and handling of complaints and the procedure to be followed at hearings; provided no by-law or regulation shall be in conflict with any provision of this subchapter as set forth herein. Provided further, however, no by-laws or regulations shall become effective unless published in advance. (Ord. 187, passed 11-5-79).
 - (K) To make such other orders authorized by law and as otherwise set forth in this subchapter.
 - (L) To order the suspension or reduction of further payment of Rental Charges 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.
 - (M) To assess fines against any Person or Persons who violate or refuse to obey an order of the commission pursuant to C.G.S. §7-148f.
 - (N) Carry out all other provisions 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 as now existing and as hereinafter amended, as they apply to fair rent commissions.
- (Ord. 187, passed 11-5-79; Am. Ord. 320, passed 10-7-91)

§ 33.75 ORGANIZATION AND PROCEDURES

- (A) The Commission shall, annually, elect from its own membership, officers as it deems appropriate. In any event, it shall elect a chairperson, who shall preside over its meetings and a vice-chairperson who shall preside in the absence of the chairperson.
- (B) A quorum for any meeting shall consist of at least four (4) members of the Commission or their alternates. The Commission shall not order any rent reduction or make any determination that a rent is too excessive as to be harsh and unconscionable, except on the concurring vote of a majority of the members present at the hearing.
- (C) The Commission shall conduct regular meetings, open to the public, to transact whatever business is properly before the Commission. The Commission shall determine the time, dates, and places of the meetings, and shall announce the same in advance of the meetings.
- (D) In accordance with provisions of the general fund and operating budget, the Commission may be assigned staff as deemed necessary to the administration of this ordinance, to keep its records, to handle its correspondence, to supervise and direct the administration of this subchapter, and generally to perform such other functions as may be assigned by the Commission.
- (E) Upon request by the Commission, for inspection services and assistance from other municipal agencies shall be reasonably available to the Commission.
- (F) The Commission shall report monthly to the Mayor and the Legislative Council on the number of new complaints, the status of complaints, inspections, correction plans, and remediation plan

(Ord. 187, passed 11-5-79; Am. Ord. 320, passed 10-7-91)

§ 33.76 SPECIAL PROCEDURES FOR CONSOLIDATED COMPLAINTS

Two or more tenants may file a Consolidated Complaint, as of right, for the purpose of initiating an investigation and hearing, unless the complaint is severed as set forth below. The Commission shall hear consolidated complaints in the same manner that separate complaints can be consolidated under section 33.77. The Commission shall establish procedures to administer consolidated complaints in accordance with this ordinance. The Commission shall provide forms that facilitate and simplify the filing of such complaints.

- (A) The Commission shall prepare and make available a complaint form for use by Persons desiring to file consolidated complaints. The form for the consolidated complaint shall provide for the following information:
 - (1) The name and contact information for each individual tenant who wishes to be a party to the complaint.
 - (2) The name and contact information for any Person(s) authorized to act as a representative of the complainants.
 - (3) An explanation of the facts and law common to the parties to the complaint.
 - (4) Addenda to explain the facts and law pertaining to individual parties
- (B) Upon the filing of a consolidated complaint, the Commission shall assign separate case numbers to each party and set a date for a consolidated hearing. Each party and authorized representative shall be permitted to testify in accordance with procedures determined by the Commission.
- (C) Following an investigation or hearing for a consolidated complaint, the Commission and/or the Commission's designated staff, on its own motion or the motion any party, shall have the discretion to sever a party from the consolidated complaint for the purpose of issuing orders based on the particular circumstances of individual parties.

§ 33.77 HEARINGS ON A COMPLAINT

- (A) Upon receipt of a complaint that a rent is so excessive as to be harsh and unconscionable, the Commission shall review the complaint and determine whether the complaint presents a matter within its jurisdiction.
- (B) The Commission may, on its own motion or the motion of any party, consolidate multiple complaints for the purposes of investigation and hearing, in the event the complaints (1) relate to the same action, occurrence or event; (2) involve the same parties; and, (3) raise a common question of law or fact.
- (C) The Commission may refer any complaint to the appropriate Town, state, or federal agency. However, if the complaint is within the jurisdiction of the Commission, the Commission shall concurrently exercise its powers under this subchapter. The Commission shall notice the complainant and the respondent of referrals made and the referral agency shall notify the complainant and respondent upon receipt of the referral.

- (D) Upon the filing of a complaint, the Commission shall promptly notify all parties in writing of the receipt of the complaint. Such notice shall be in plain language and include:
- (1) Information that informs all parties that the landlord is prohibited from retaliating against the Party, Parties due to the filing of the complaint;
 - (2) Notice if the complaint is within the jurisdiction of the Commission;
 - (3) If the complaint has been referred to another Town, state, or federal agency, notice of the referral and contact information of the agency to which the complaint was referred;
 - (4) Notice to the parties that, until a decision on the complaint is made by the Commission, the liability of the Party or Parties 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;
 - (5) Notice to the Party or Parties that no eviction can be initiated or prosecuted against such Party or Parties during the pendency of the fair rent commission proceeding except for a ground based upon good cause. An eviction based on non-payment of rent cannot be initiated or maintained against each Party who continues to pay the last prior or last agreed-upon rent during the pendency of the fair rent commission proceeding.;
 - (6) Notice of the informal conciliation period;
 - (7) Notice of the day, time and location of the hearing if it has been scheduled;
 - (8) phone number of who to contact for additional information; and
 - (9) Information on legal services, rental assistance, and other resources.
- (E) If a complaint alleges, or the commission determines, housing conditions that violate a housing, health, building or other code or statute, the Commission shall notify the appropriate state or municipal office or appropriate enforcement 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. In those instances, such referral shall not prevent the Commission from exercising its legal authority regarding such non-compliance.
- (F) 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 may serve as informal conciliators. Any agreement to resolve the complaint shall be in writing and signed by the parties.
- (G) A hearing on the complaint shall be scheduled; subject to delay upon written agreement of the parties to seek conciliation of the complaint. Written notice of the date, time, and place of the hearing shall be given by mailing a notice thereof, by certified return-receipt-requested mail, postage prepaid, and by regular first-class mail and, if practicable, by electronic mail, to the respective complaining and respondent Parties, at least seven (7) days prior to the hearing. The Persons entitled to receive the notice as set forth herein are hereinafter designated as the Party or Parties to the complaint.
- (H) All hearings will be accessible to people with disabilities in accordance to the requirements of the General Statutes, the Charter and Ordinances. The Town, on behalf of the Commission, will provide sign language services for Persons who are deaf or hard-of-hearing, interpretation and translation services for people speaking languages other than English. When necessary, documents can also be provided in braille or large print upon request.
- (I) At the hearing, each party shall have the right to offer such testimony, exhibits, and witnesses as the party deems necessary or appropriate.
- (J) The testimony of all Persons shall be under oath, and any member of the Commission is hereby authorized to administer the oath to a witness.

- (K) The Commission shall have the power to subpoena any Person to appear before the Commission, and shall have the power to compel the production of any books or documents relating to any matter before the Commission.
- (L) Any party shall have the right to be represented by any Person duly authorized by the party at any hearing. In addition, any party shall have the right, either himself or herself, or through his or her representative, to cross examine any witnesses produced at the hearing and to examine all documents offered in evidence.
- (M) The Commission recognizes the right of tenants to organize Tenants Unions consistent with this chapter and the Commission's rules, regulations, and procedures. The Commission shall accept complaints collected and submitted via the appropriate forms from a Tenants Union Representative. At the written request of a Tenants Union Representative, the Commission may study and investigate the housing market, housing accommodations and other housing related factors of the tenants represented by that Tenants Union consistent with the standards pertaining to rental charges in section 33.79. The Commission may rely on such findings when reaching a decision on complaints filed. The Commission may also refer those findings to other Town departments or Commissions responsible for regulating housing accommodations within the Town.
- (N) The Commission shall have the right to request the assistance of any department of the Town government, including any available records, information, or expert witnesses which the department may have in its employ.
- (O) The Commission is empowered to hire or retain any expert real estate appraisers or other competent experts to advise it.
- (P) 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. The Commission may impose costs upon any party found to have caused an adjournment without good cause.
- (Q) No sale, assignment, transfer of the housing accommodation in question or attempt to evict any Party or Parties shall be cause for discontinuing any pending proceeding nor shall it affect the rights, duties and obligations of the Commission or the parties.
- (R) After the completion of the public hearing and the receipt of all evidence, testimony and exhibits to be submitted by the parties to it, the Commission shall make such orders as are authorized herein.
- (S) Hearings shall be recorded, and recordings shall be made available to the parties upon request. Upon request by any party, the Commission may cause the recording to be transcribed at the expense of the requesting party but an exception to transcription cost will be allowed for indigent parties. In the event of an appeal to the superior court, the Commission shall cause the recording to be transcribed and shall certify the transcript to the court as part of the record.

(Ord. 187, passed 11-5-79; Am. Ord. 202, passed 4-6-81; Am. Ord. 320, passed 10-7-91)

§ 33.78 ORDERS OF THE COMMISSION

- A. The Commission shall render its decision at the same meeting at which the hearing on the complaint is completed or within thirty (30) days following such date, unless impracticable. 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 liability of a Party or Parties shall be for the amount of the last

Rental Charge prior to the increase complained of or, if there is no such increase, the last agreed-upon Rental Charge.

- B. Subsequent to the hearing the Commission shall have the power to do the following:
- 1) 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 section 33.79 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, effective the month in which the Party or Parties filed the complaint or, in the discretion of the Commission and consistent with the evidence presented at the hearing, to a date prior to the filing of the complaint. A Commission's orders may include, but are not limited to,
 - i. a reduction in a rental charge or proposed rent increase;
 - ii. a delay in an increased rental charge until specified conditions, such as compliance with municipal code enforcement orders, have been satisfied; or
 - iii. 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.
 - 2) Any order of the Commission shall remain in effect for (1) one year unless the Commission orders a different timeframe. Upon its own motion or the request of any party, the Commission may grant a further hearing and modify the timeframe of such order due to noncompliance or change in circumstances
 - 3) 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 Party or Parties 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. The Commission may order that 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. Upon the landlord's full compliance with such ordinance, statute or regulation for which payments were made into such escrow, the Commission shall, in its sole discretion, determine after hearing such distribution of the escrowed funds.
 - 4) Refer the matter to the appropriate Town agency or the law enforcement authorities for enforcement of the appropriate municipal ordinance, Connecticut General Statute or state regulation, if the Commission determines that the housing accommodation in question fails to comply with any municipal ordinance or Connecticut General Statute or state regulation relating to health and safety.
 - 5) Dismiss the complaint.
 - 6) Continue, review, terminate, or suspend all of its orders and decisions.
 - 7) Continue the complaint for final disposition if it finds that the complaint involves a matter which can be corrected or adjusted between the parties and it finds that such a continuance would be appropriate under the circumstances.
 - 8) Order payments of the rent in escrow to the Commission with the option to order temporary reduction or suspension of the rent until the landlord has corrected the situation.

- 9) Order the posting of a sufficient performance bond by the landlord until such time as the landlord has corrected any health and safety violations which the appropriate authorities have investigated and have certified to the Commission as existing code violations relating to health and safety.
- 10) Enter cease and desist orders to carry out the provisions of section 47a20 and subsection (b) of section 47a-23c of the Connecticut General Statutes.
- 11) At the conclusion of a hearing or investigation into a Consolidated Complaint, the Commission may:
 - a. Issue orders addressing the collective grievances common to the Party or Parties included in the complaint, and
 - b. Issue individual orders tailored to the particular circumstances of individual Parties of a consolidated complaint.
- 12) At the conclusion of the hearing or investigation, the Commission will notify each complainant in writing of the decision of the Commission. Any order and notice of the Commission shall include an advisement to the parties of their right to appeal to the Superior Court.

(Ord. 187, passed 11-5-79; Am. Ord. 202, passed 4-6-81; Am Ord. 320, passed 10-7-91) Penalty, see § 33.999(B)

§ 33.79 EXCESSIVE CHARGE STANDARDS

In determining whether a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable, the Commission shall consider any of the following circumstances as are applicable to the type of accommodation.

- (A) The rents charged for the same number of rooms in other housing accommodations in the same and in other comparable areas of the municipality.
- (B) The sanitary conditions existing in the housing accommodations in question.
- (C) The number of bathtubs or showers, flush water closets, kitchen sinks, and lavatory basins available to the occupants thereof.
- (D) Services, furniture, furnishings, and equipment supplied therein.
- (E) The size and number of bedrooms contained therein.
- (F) Repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein.
- (G) The amount of taxes and overhead expenses thereof.
- (H) Whether the accommodations are in compliance with the ordinances of the municipality and the General Statutes relating to health and safety.
- (I) The income of the complainant and the availability of accommodations.
- (J) The availability of utilities.
- (K) Damages done to the premises by the Tenant, caused by other than ordinary wear and tear.
- (L) The amount and frequency of increases in rental charges.
- (M) Whether, and to the extent to which, the income from an increase in rental charges has been or will be reinvested in improvements to the accommodations.

In addition, the Commission may consider the following factors:

- (N) Increases or decreases in the services provided or in the amount of dwelling space.
- (O) Substantial deterioration of the housing accommodations.
- (P) The length of time that violations of municipal ordinances or state laws have been permitted to exist and the responsiveness of the landlord to complaints by enforcement agencies.
- (Q) Increases or decreases in operating costs and the amortized cost of capital improvements.
- (R) The rate of return of the landlord's investment.
- (S) Retaliation by the landlord against the tenant for complaining to the landlord, the Commission, or to any other governmental agency.
- (T) Damages caused by individuals on the premises with the tenant's permission.
- (U) An increase in the number of occupants of the premises.
- (V) Such other factors as the Commission believes are relevant to a determination as to whether a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable.

(Ord. 187, passed 11-5-79; Am. Ord. 202, passed 4-6-81; Am. Ord. 320, passed 10-7-91)

§ 33.80 AMOUNT OF RENT DUE DURING PENDENCY OF COMPLAINT

Pending a determination by the Commission, the Party or Parties shall continue to pay the amount of the last rent prior to the increase complained of or, if there is no such increase, the last agreed-upon rent to the landlord unless, pursuant to this subchapter, the Commission orders that the amount of the rent be paid into escrow. If a late fee is authorized by Connecticut law, no late fee may be charged in the event the Tenant is paying the last agreed-upon rent.

(Ord. 187, passed 11-5-79; Am. Ord. 202, passed 4-6-81; Am. Ord. 320, passed 10-7-91) Penalty, see § 33.999(B)

§ 33.81 ESCROW ACCOUNT.

The Commission shall establish an escrow savings account with a local bank or financial institution into which it shall deposit all rents or other funds paid to it within five (5) business days of receipt. The funds shall be held in the escrow savings account until such time as the order of the Commission is complied with; or until the Commission acts on the complaint or makes other appropriate orders; or until a further order is made by a court of competent jurisdiction. However, the Commission may provide for the payment of the landlord's mortgage, taxes, and insurance and the cost of heat, water, electricity, and other essential utilities when the expenses become due and payable.

In addition, at its discretion, the Commission may order payment of the full balance to the landlord in cases of unusual hardship or may order payment of all or part of the balance to the Party. Any interest earned may be used as above provided and, upon payment of the balance to the landlord, the interest shall be remitted to the landlord. Any funds or interest unclaimed by the landlord for more than ninety (90) days after their release by the Commission may be returned to the Party or Parties. If unclaimed by a Party for more than ninety (90) days after notice is given, the funds shall become the property of the Town.

(Ord. 187, passed 11-5-79; Am. Ord. 320, passed 10-7-91)

§ 33.82 COMMISSION'S DECISION

The Commission shall render its decision on any complaint filed with it by a Party or Parties no later than sixty (60) days after the date of the filing of the complaint. However, the time limit for deciding any complaint may be extended by the Commission in any case involving unusual hardship or administrative difficulties.

(Ord. 187, passed 11-5-79)

§ 33.83 COMPLAINTS REGARDING RETALIATORY EVICTIONS

The Commission is authorized to carry out the provisions of the General Statutes (§ 47a-20) pertaining to prohibited retaliatory actions by landlords. This section prohibits retaliation for a tenant making a good faith (1) effort to bring the dwelling in compliance with state and local laws and regulations, including filing a complaint; (2) request for reasonable repairs; and (3) effort to require the landlord to meet his legal responsibilities. Retaliation is also prohibited following the notice of a municipal health or safety violation or if the tenant organizes or joins a Tenants Union.

- (A) No landlord shall engage in retaliatory actions.
- (B) In the initial notice scheduling a hearing or conciliation on a complaint, and in its notice of decision, the Commission shall include notice, in plain language, to all complainant and respondent Parties that retaliatory actions against tenants are prohibited.
- (C) Retaliatory actions by a landlord include but are not limited to the following:
 - 1) Engaging in any action prohibited by C.G.S. § 47a-20 or § 21-80a within six (6) months after any event listed in such statutes, including but not limited to within six (6) months after a Party or Parties has or have filed a complaint with the Commission
 - 2) Refusing to renew the lease or other rental agreement of any Party or Parties, bringing an action or proceeding against any Party or Parties to recover possession of the dwelling unit, demanding an increase in rent from the Party or Parties, decreasing the services to which the Party or Parties has or have previously been entitled, verbally, physically or sexually harassing the Party or Parties because of the fielding of a complaint with the Commission or engaging in other protected activity as set forth in section 47a-20 of the Connecticut General Statutes.
 - 3) Engaging in any other action determined by the Commission, after a hearing, to constitute landlord retaliation as set forth in C.G.S. 7-148d(b).
- (D) Any Party or Parties who claims that his or her landlord has engaged in retaliatory action may file a notice of said claim with the Commission.
- (E) It shall be an affirmative defense against a claim of retaliatory action when the landlord seeks to recover possession of the dwelling unit if:
 - 1) The Party is using the dwelling for an illegal purpose.
 - 2) There is non-payment of rent by the Party. Failure to pay a disputed rent increase is not a non-payment of rent.

- 3) The landlord in good faith seeks to recover the dwelling unit for immediate use as his or her own abode.
 - 4) The conditions complained of were caused by the willful actions of the Party or another Person in the Party's household or a Person on the premises with the Party's consent.
 - 5) The landlord seeks to recover possession of the dwelling unit on the basis of a notice to terminate a periodic tenancy previous to the tenant's complaint.
- (F) It shall be an affirmative defense against a claim of retaliatory action when the landlord seeks an increase in rent if:
- 1) The conditions complained of were caused by the lack of due care by the tenant or another person of his or her household or a person on the premises with his or her consent; or
 - 2) The landlord has become liable for a substantial increase in property taxes, or a substantial increase in other maintenance or operating costs not associated with his or her compliance with the complaint, not less than four months prior to the demand for an increase in rent, and the increase in rent does not exceed the prorated portion of the net increase in taxes or costs.
- (G) Upon receipt of notice of a claim of retaliatory action, the Commission shall inform the landlord and shall investigate the claim. Within fifteen (15) days, the Commission shall convene a hearing after due notice to the tenant and the landlord for the purpose of determining whether the landlord has engaged in retaliatory action.
- (H) Pending determination by the Commission, the Commission may order that the landlord maintain no action or proceeding against the Party to recover possession of the dwelling unit, the landlord restore those services decreased by him or her to which the Party was entitled, or the Party continue to pay the rent required prior to the retaliatory action complained of.
- (I) If, after a hearing, the Commission finds that the landlord has engaged in retaliatory action, it shall order the landlord to cease and desist from such actions. This cease-and-desist order may include, but is not limited to, the following provisions:
- 1) That the landlord maintain no action against the Party to recover possession of the dwelling unit or withdraw any action pending.
 - 2) That the landlord not increase the rent.
 - 3) That the rent be decreased or that it be increased in an amount the Commission determines fair and equitable.
 - 4) That the landlord restore the services to which the Party was entitled.
 - 5) That the landlord cease and desist all verbal, physical or sexual harassment of the Party.

(Ord. 320, passed 10-7-91)

§ 33.84 CONTINUATION OF PROCEEDINGS

All proceedings shall continue regardless of the fact that a Party may quit the housing accommodation in question. However, the Commission may consider the complaint abandoned if the tenant, after receiving

notice of a hearing, fails without good cause to appear at the hearing. No sale, assignment, or transfer of the 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.

(Ord. 187, passed 11-5-79; Am. Ord. 320, passed 10-7-91)

§ 33.85 NOTICE

All notices with regard to any complaint shall be served by certified mail, return receipt requested, postage prepaid, and by regular first-class mail, and if practicable, by electronic mail, upon the landlord and the tenant as complainant and respondent Parties. If all notices to a party are returned without having been delivered, the Commission may arrange for service by a deputy sheriff, constable of the Town, or indifferent Person in the same manner as is provided in the Connecticut General Statutes for service of process in an ordinary civil action.

(Ord. 187, passed 11-5-79; Am. Ord. 320, passed 10-7-91)

§ 33.86 ENFORCEMENT

- (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 the maximum amount permitted by the General Statutes for such 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.
- (B) The Commission may request the Town Attorney to institute and the Town Attorney may then institute, an action to any court of competent jurisdiction to enforce any order of the Commission made pursuant to this subchapter, including enforcement of compliance; or, to enjoin a violation or threatened violation of any order of the Commission; or, to seek damages incurred as a result of the violation of any order of the Commission made pursuant to this subchapter. Such direction to the Town Attorney shall be written by the chairperson of the Commission or by his or her designee. (Ord. 187, passed 11-5-79) Penalty, see § 33.99(B)
- (C) The Commission shall develop a standard mechanism for notifying the Housing Division of the Superior Court of fair rent commission orders that prohibit the landlord from filing or maintaining a summary process action and an agreement as to how such orders will be implemented.

§ 33.87 APPEAL

Any Person aggrieved by any order of the Commission may appeal to the Housing Session of the Superior Court for the Judicial District of New Haven, within thirty (30) days after the issuance of written notice of the order of the Commission as provided herein. As provided by the Connecticut General Statutes, the appeal shall be considered as a privileged matter with respect to assignment for trial.

(Ord. 187, passed 11-5-79; Am. Ord. 320, passed 10-7-91)

§ 33.88 OTHER REMEDIES

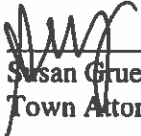
Except as provided in § 33.84 above, the provisions of this subchapter shall not affect or limit the right of the landlord to institute a summary process action as provided by the Connecticut General Statutes, nor

shall this subchapter affect the right of the landlord, tenant, mortgagee, or encumbrancer of record to institute any action authorized by law. (Ord. 187, passed 11-5-79; An. Ord. 320, passed 10-7-91)

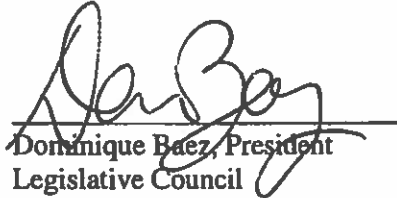
Effective Date: Upon Final Action in accordance with the provisions of §4-7.D(1) of the Charter pertaining to Final Action. Notwithstanding the foregoing, §§33.72 and 33.73 shall be effective on March 1, 2023.

Approved by the Legislative Council at its meeting on January 17, 2023.

APPROVED AS TO FORM:



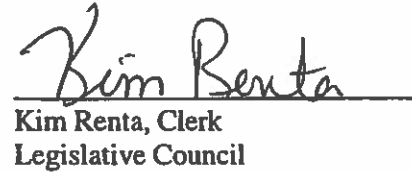
Susan Gruen
Town Attorney



Dominique Baez, President
Legislative Council

APPROVED


Mayor Lauren Gartett



Kim Renta, Clerk
Legislative Council

Date: 1/24/2023

Ordinance Number: 734
Published: January 20, 2023
Newspaper: Hamden Community News
Effective Date: February 10, 2023