

Town of Manchester, CT  
Monday, October 16, 2023

## Chapter 28. Commissions, Committees and Boards

### Article VI. Housing and Fair Rent Commission

[Adopted as Secs. 2-201 to 2-207 of the 1996 Code; amended in its entirety 1-7-2014<sup>[1]</sup>]

[1] *Editor's Note: This ordinance also amended the title of this article, which was formerly Housing Commission.*

#### § 28-33. Commission established; purpose.

A Housing Commission is hereby established to promote and encourage the development and continued availability of affordable housing for the people of Manchester, by bringing together public and private resources, developing recommendations for comprehensive housing policies and goals, and facilitating the accomplishment of those goals, and to act as the Town's Fair Rent Commission by hearing and acting upon written complaints regarding rental charges on housing accommodations pursuant to Connecticut General Statutes Sections 7-148b through 7-148f.

#### § 28-34. Membership; terms; vacancies.

The Commission shall have nine members, residents and electors of the Town of Manchester, who shall be appointed by the Board of Directors. All appointments shall be for three-year terms, which shall expire on the first Monday of November, three in each year. Of the three members appointed to each three-year term, one shall be nominated by the Democratic Party, one by the Republican Party, and one shall be nominated jointly by local nonprofit agencies with particular interest in housing, such as MISAC Corporation, the Manchester Congregations Housing Corporation (MCHC), Co-Op Initiatives, Inc., the Manchester Interfaith Corporation (MIC), Housing Advocates, and Manchester Community Services Council. If any member of the Commission should die or resign, a successor shall be appointed by the Board of Directors to serve the unexpired portion of such member's term. The appointment shall reflect the above-designated three-three-three composition of the Commission. The Board of Directors may remove any member for cause and thereafter fill the resulting vacancy. In addition to the nine regular members of the Commission, the Director of Planning or his/her designee, the Director of Human Services or his/her designee, and the Executive Director of the Housing Authority of the Town of Manchester or his/her designee shall be nonvoting ex officio members of the Commission.

#### § 28-35. Organization.

The Commission shall elect a Chairperson from its members and may organize itself in such manner as the members may determine is best suited to carry out the Commission's duties.

#### § 28-36. Duties.

The duties of the Commission shall be:

- A. To study and analyze continuously the housing needs of the Town.
- B. To recommend to the Board of Directors and to the Planning and Zoning Commission housing policies and practices calculated to encourage development and continued availability of affordable housing for the people of Manchester.
- C. To establish housing priorities and recommend immediate and long-range housing goals to the Board of Directors.
- D. To act as a clearinghouse for information concerning federal, state, municipal and private sources of funding and programs for housing; to make such information available to potential developers (profitmaking and nonprofit) of

new, converted or rehabilitated housing; and to cooperate with such developers to further the Town's housing goals.

E. To provide a forum for discussion of housing issues.

F. To hear fair rent complaints as follows:

- (1) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**HOUSING ACCOMMODATION**

Any building or structure, in whole or in part, containing living quarters occupied or intended for occupancy as a place of residence, including mobile homes and mobile home park lots, except the following:

- (a) A hospital, convent, monastery, asylum, public institution, college or school living quarters, or any institution operated exclusively for charitable or educational purposes;
- (b) Any housing accommodation owned and operated by the United States, the State of Connecticut, the Town of Manchester, the Housing Authority of the Town of Manchester, or any agency or political subdivision of the above.

**LANDLORD**

The person who leases, subleases, or rents any housing accommodation.

**RENT OR RENTAL CHARGE**

Periodic payments to be made to the landlord under a rental agreement.

**RENTAL AGREEMENT**

An agreement, written or oral, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a housing accommodation.

**SEASONAL BASIS**

Housing accommodations rented for a period or periods aggregating not more than 120 days in any one calendar year.

**TENANT**

The person who leases or rents any housing accommodation as his or her residence.

- (2) Hearings; complaints. Any tenant residing in the Town shall be eligible to file a complaint with the Commission relative to rental charges on housing accommodations, except those accommodations rented on a seasonal basis, 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 Connecticut General Statutes Sections 7-148b to 7-148f, inclusive, Section 47a-20 and Subsection (b) of Section 47a-23c. The Commission 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. A complaint shall be filed with the Town Attorney's office on forms provided. Prior to scheduling a hearing on a complaint, the complaint shall be referred to an attorney in the Town Attorney's office to contact both parties to attempt to reconcile differences between the parties prior to initiating the formal hearing process. Any agreement between the parties shall be in writing, signed by the parties and witnessed by the attorney from the Town Attorney's office. If the complaint is not resolved, then a hearing will be scheduled. A hearing on the complaint shall be scheduled within 30 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 10 days prior to said hearing. If the complaint involves a matter within the jurisdiction of the Health 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.
- (3) Consideration in determining fair rental charge.
- (a) 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 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;

- [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. If the Commission determines, after hearing, that the rental charge or proposed increase in the rental charge for the housing accommodation is so excessive, based on the standards and criteria set forth herein, 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. Any such order shall not become effective sooner than the first day of the next rental payment period following the filing of the complaint.
- (b) If the Commission determines after a 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.
- (4) Rent paid to Commission.
- (a) If the Commission determines after a hearing that the housing accommodation in question fails to comply with state statute or regulations or Town regulations or ordinances 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.
  - (b) The Commission shall hold such rent in an escrow account, as hereinafter provided, until the landlord makes the necessary changes, repairs or installations so as to bring the housing accommodation in compliance with such statute, regulation and ordinance.
  - (c) If the landlord shall have corrected such violations after an order reducing the rent, and if the rent had been reduced solely because of such violations, the landlord may petition the Commission for reinstatement of the original rent and for the payment to him of the rent held in escrow.
  - (d) If the landlord shall have corrected such violations after the order 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.
  - (e) In any case arising under this section, 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 retroactively, at the discretion of the Commission, to the date of the petition for reinstatement. No such reinstatement shall be effective until after a hearing is held by the Commission in accordance with the provisions of Subsection F(2) herein.
- (5) Escrow account.
- (a) The Commission shall establish an escrow account with a local bank into which it shall deposit all rents or other funds paid to it pursuant to this article. Such funds shall be released to the landlord if:
    - [1] The landlord shall be successful in an appeal to the court; or
    - [2] The Commission shall order such release after a petition in accordance with this article.

- [3] The Commission shall deposit into the escrow account rent paid to the Commission by tenants whose landlord has refused to accept the rent after the tenant has filed a complaint. The rent shall be withdrawn from the escrow account and paid to the landlord upon written request from the landlord.
  - [4] The Commission shall deposit into the escrow account rent paid to the Commission by tenants when the landlord requests in writing that the Commission hold the rent until the complaint can be resolved either by conciliation or hearing. The rent shall be withdrawn from the escrow account and paid to the landlord upon written request from the landlord.
- (b) The Commission may provide for the payment of the landlord's mortgage, taxes, and insurance and the cost of heat, water, electricity and essential utilities as such expenses become due and payable pending the resolution of a complaint.
- (6) Appeal. Any person aggrieved by any order of the Commission may appeal to the Superior Court within 20 days following the mailing of such order by certified mail. Any such appeal shall be considered a privileged matter with respect to the order of trial as provided in Section 7-148e of the General Statutes.
  - (7) Penalties for offenses. 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 Subsection F(6) is pending or violates any other provisions of this article, or General Statutes, Section 47a-20, 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.

## § 28-37. Cooperation by other municipal agencies.

The Commission shall have available to it the services of all other Town departments and agencies for assistance in discharge of the Commission's duties.

## § 28-38. Compensation; expenses.

The members of the Commission shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties shall be paid within the limits of any appropriation made for that purpose.

## § 28-39. Required reports.

The Commission shall submit a report of its activities to the Board of Directors annually, on or before October 1.