

## Chapter 18

### Fair Rent Commission Ordinance

#### **Section 1. Creation of Fair Rent Commission**

(a) Pursuant to and in conformity with C.G.S. §§ 7-148b through 7-148f, 47a-20 and 47a-23c, there is hereby created a Fair Rent Commission (“Commission”) for the purpose of controlling and eliminating excessive rental charges for housing accommodations within the town, and to carry out the purposes, duties, responsibilities and all provisions of the above described sections and any other sections of the statutes, as they may be amended from time to time, pertaining to fair rent commissions.

(b) The Commission shall consist of five (5) members and two (2) alternates, all of whom shall be residents of the Town of Mansfield and who will be appointed by the Town Council. To ensure a commitment to the goal of Fair Rent, the Committee shall be comprised of:

- (1) At least one tenant,
- (2) At least one landlord,
- (3) One member of the Mansfield Human Services Advisory Committee,
- (4) One licensed realtor, and
- (5) One member of the Mansfield Commission on Aging.

Among the alternate members, one (1) shall be a landlord and one (1) shall be a tenant. The members and alternates shall be appointed by the Town Council. A quorum shall consist of four (4) members or seated alternates. Members of the commission shall serve without compensation.

(c) Members of the Commission shall be appointed for staggered terms of two (2) years. Any Commission member appointed as a landlord or tenant shall inform the Commission if her/his status as a landlord or tenant changes, and such Commission member shall be disqualified from sitting on said Commission unless such Commission member reestablishes her/his status as such landlord or tenant during the remainder of her/his term. Vacancies on the Commission shall be filled, within a reasonable time, in the manner of original appointment for the unexpired portion of the term. Any member of the Commission may be reappointed in the manner of original appointment.

(d) The Town shall establish a fund into which it will deposit all rent charges or other funds collected pursuant to Section 5.

#### **Section 2. Powers of the Commission**

(a) The Commission’s powers shall include the power to:

- (1) Receive complaints, inquiries, and other communications concerning alleged excessive rental charges and alleged violations, including retaliation, 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 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. “Seasonal basis” means housing accommodations rented for a period or periods aggregating not more than 120

days in any one calendar year. "Rental charge" includes any fee or charge in addition to rent that is imposed or sought to be imposed upon a tenant by a landlord, and includes any charge that is already in effect;

(2) Conduct hearings on complaints or requests for investigation submitted to it by any person, subject to the terms, limitations and conditions as set forth herein;

(3) 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;

(4) Determine, after a hearing as set forth herein, whether or not the rent for any housing accommodation is so excessive as to be harsh and unconscionable;

(5) Determine, after a hearing as set forth herein, whether there is probable cause that the housing accommodation in question fails to comply with any municipal ordinance or state statute or regulation relating to health and safety. If the Commission so determines, it shall refer the matter to the appropriate town department;

(6) Determine, after a hearing as set forth herein, whether a landlord has engaged in retaliation in violation of Section 6 below and make such orders as are authorized herein;

(7) Order a reduction of any excessive rent to an amount which is fair and equitable, and make such other orders as are authorized herein;

(8) Order the suspension or reduction 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 any municipal ordinance or state statute or regulation relating to health and safety;

(9) Carry out all other provisions of C.G.S. §§ 7-148b to 7-148f, inclusive, C.G.S. § 47a-20, 21-80a and C.G.S. § 47a-23c as now existing and as hereinafter amended, as they apply to fair rent commissions.

### **Section 3. Determination of Excessive Rent**

(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 accommodations in question;

(3) The number of bathtubs or showers, flush waste 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 thereof;
- (8) Whether the accommodations are in compliance with the ordinances of the Town of Mansfield 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 accommodations.

Nothing in this section shall prevent pertinent Town staff from preparing corresponding analysis.

(b) The rent of a tenant protected by C.G.S. § 47a-23c who files a complaint with the Commission pursuant to C.G.S. § 47a-23c(c)(2) may be increased only to the extent that such increase is fair and equitable, based on the criteria set forth in C.G.S. § 7-148c.

#### **Section 4. Procedures and Hearing on Complaints**

(a) To file a complaint, the tenant may contact the Mansfield Department of Human Services (Department) in person or via email, telephone, or first-class mail. The Department, in consultation with the Commission, shall develop and update as necessary an application form to file a complaint to the Commission. The complaint form shall be available on the town's website. The form which will include at a minimum:

- (1) Date complaint received by Department,
- (2) Tenant's name,
- (3) Tenant's address,
- (4) Tenant's phone number,
- (5) Description of Tenant's Fair Rent complaint,
- (6) Landlord's name,
- (7) Landlord's address,
- (8) Landlord's phone number.

(b) Upon receipt of the Complaint, the Department will notify (in writing, including electronic mail) the Commission, the Landlord, and the Tenant. The notice will include at minimum:

- (1) A copy of the Complaint,
- (2) The Department's contact information should either party have questions about the Fair Rent Hearing process,
- (3) Notification that a hearing will be held within thirty days of the date the Department received the Complaint,

- (4) Notification that the Landlord is prohibited from retaliation against the Tenant due to the complaint,
- (5) Notification that until a decision is issued in writing by the Commission, the Tenant must pay the last agreed upon rent,
- (6) Notification that should the Commission issue a decision with the finding that the rent in question is fair, the Tenant will be immediately responsible for back payment for rent to the Landlord without charges for late payment.
- (7) Notification that until the Commission issues its written decision, while the Tenant continues to pay the last agreed upon rent, an eviction based on non-payment of rent cannot be initiated against the Tenant by the Landlord.

(c) If a complaint alleges housing conditions that violate a housing, health, building or other code or statute, the Commission shall notify the appropriate municipal office or 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.

(d) If two or more complaints are filed against the same landlord by tenants occupying different rental units in the same building, complex, or mobile home park that appear to raise the same or similar issues, the Commission may consolidate such claims for hearing.

(e) 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.

(f) A hearing on the complaint shall be scheduled no later than thirty (30) days after the filing of the complaint, unless impracticable. Written notice of the date, time, and place of the hearing shall be given to the parties to the complaint at least ten (10) days prior to the hearing by first class and certified mail and, if practicable, by electronic mail.

(g) All parties to a hearing shall have the right to be represented, to cross-examine witnesses, to examine documents introduced into evidence, and to call witnesses and introduce evidence. The testimony taken at a hearing shall be made under oath. Hearings shall be recorded.

(h) In the event that there is insufficient time to complete a hearing or for other cause, the Commission shall have the power to adjourn the hearing to another time and date.

(i) No sale, assignment, transfer of the housing accommodation in question or attempt to evict the tenant shall be cause for discontinuing any pending proceeding nor shall it affect the rights, duties and obligations of the Commission or the parties.

(j) Commission may submit their decision to the Town Attorney for legal review.

## **Section 5. Rent Reduction Order and Repairs**

(a) The Commission shall render its written decision (Written Decision) within fourteen (14) days of the hearing, 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 tenant's liability 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.

(b) 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 3, 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 tenant filed the complaint. A Commission's orders may include, but are not limited to, a reduction in a rental charge or proposed rent increase; a delay in an increased rental charge until specified conditions, such as compliance with municipal code enforcement orders, have been satisfied; or 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. Commission orders shall be effective for at least one (1) year from the date of issuance, unless the Commission otherwise orders.

(c) If the Commission determines after a hearing that there is probable cause 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 tenant 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 or that the appropriate town department determines that there is no such violation. If the Commission's order constitutes a complete suspension of all rent, the rent during such period shall be paid to the Commission to be held in a fund 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 fund, the Commission shall determine after hearing such distribution of funds as it deems appropriate.

## **Section 6. Retaliation**

(a) No landlord shall engage in retaliatory actions. 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 months after any event listed in such statutes, including but not limited to within six months after the tenant has filed a complaint with the Commission;

(2) Refusing to renew the lease or other rental agreement of any tenant; bringing or maintaining an action or proceeding against the tenant to recover possession of the dwelling unit; demanding an increase in rent from the tenant; decreasing the services to which the tenant has previously been entitled; or verbally, physically or sexually harassing a tenant because a tenant has filed a complaint with the fair rent commission;

(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).

(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 landlords and tenants that retaliatory actions against tenants are prohibited.

(c) Any tenant who claims that the action of his or her landlord constitutes retaliatory action may file a notice of such claim with the Commission. If the Commission determines, after a hearing, which hearing shall be expedited, 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 and order the landlord to withdraw or remediate such conduct as has already occurred.

### **Section 7. Appeals**

Any person aggrieved by any order or decision of the Commission may appeal to the Superior Court within thirty (30) days of the issuance of the written notice of the decision to the parties. Such notice shall include notice of the right to appeal, the court to which an appeal may be taken, and the time in which an appeal must be filed. Unless otherwise directed by the Commission or the court, the filing of an appeal shall not stay any order issued by the Commission.

### **Section 8. Failure to Comply with Commission Orders**

(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 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.

(b) The Commission may recommend to the Town Manager a civil action to any court of competent jurisdiction or recommend any other action in such a court to enforce any order of the Commission made pursuant to this subchapter, or to enjoin a violation or threatened violation of any order of the Commission.