

CITY COUNCIL  
HYBRID MEETING  
JUNE 5, 2023

RECAPITULATIONS & VOTES.

**Present:** 11- Krystle Blake; Dan Brunet; Michael Carabetta; Michael Cardona; Yvette Cortez; Larue Graham; Sonya Jelks; Ray Ouellet; Michael Rohde; Bob Williams, Jr.

**Via TEAMS:** Bruce Fontanella.

**Excused:** Nicole Tomassetti.

**Others in Attendance:**

City Manager Tim Coon; Corporation Counsel Matthew McGoldrick; Robert Peter, Superintendent of Operations for Water and Water Pollution Control; Denise Grandy, City Clerk.

1. Call to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Invocation.
5. Spirit of Meriden Award Winner-Morgan E. Morenz.
6. Maloney Scholarship Winner-Darilyn Rivera.
7. Presentation by Meriden Water Department-Robert Peter, Supt. Of Operations for Water and Water Pollution Control.
8. **Public Comment.**
9. City Manager's Report.
10. Setting of Consent Calendar.
11. Approval of Minutes: May 11, 2023 and May 15, 2023.
12. **PARKS & RECREATION; FINANCE.** Res. re: Budget Transfer of \$35,000 (Parks) to Other Non-Union for the purpose of Summer Playground Program. **PASSED UNANIMOUSLY 11:0.** Consent Calendar.
13. **WITHDRAWN.**
14. **PERSONNEL; FINANCE.** Res. re: Part time bus driver to full time bus driver at Senior Center. **PASSED UNANIMOUSLY 11:0.** Consent Calendar.
15. **ADOPTED.** Res. re: Request by Senior Center Building Review Ad Hoc Committee to amend resolution of September 19, 2022 to present report on siting of the facility to Council from July 1, 2023 to September 1, 2023. **PASSED UNANIMOUSLY 11:0 VIA ROLL CALL VOTE.**
16. **ADOPTED.** American Rescue Plan Committee Report recommending ADOPTION of a proposal from Meriden Police Department for Police Locker Room Renovation Project in the amount of \$500,000. **PASSED UNANIMOUSLY 11:0 VIA ROLL CALL VOTE.**

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PAGE 2. RECAPITULATIONS & VOTES.

17. **ADOPTED.** American Rescue Plan Committee Report recommending ADOPTION of a proposal from Puerto Rican Festival for COVID Sustainability Plan in the amount of \$80,000. **PASSED 9:0 VIA ROLL CALL VOTE.** Abstained: Cardona, Rohde.
18. **ADOPTED.** American Rescue Plan Committee Report recommending ADOPTION of a proposal from High Hill Orchard for Restore, Rebuild, Expand & Education in the amount of \$381,600. **PASSED 11:0 VIA ROLL CALL VOTE.**
19. **ADOPTED.** American Rescue Plan Committee Report recommending ADOPTION of a proposal from New Opportunities for Rental Bank in the amount of \$750,000. **PASSED 7:4 VIA ROLL CALL VOTE.** Nay: Brunet, Carabetta, Ouellet, Williams.
20. **ADOPTED AS AMENDED.** Economic Development, Housing & Zoning Committee Report recommending ADOPTION of a resolution concerning Fair Rent Commission. AMENDED Section 4F by the ADDITION of the words “**by any person of their choice**” after the word “**represented**” and should read: **All parties to a hearing shall have the right to be represented by any person of their choosing....** AMENDED Section 1B, line 2 by adding “**and 2 alternates**” after the word “**members**” and should read: **Of the five (5) regular members and (2) alternates only one (1) shall be a landlord and (1) shall be a tenant.** **PASSED UNANIMOUSLY 11:0 VIA ROLL CALL VOTE.**
21. **ADOPTED.** Finance Committee Report recommending ADOPTION of a resolution concerning Line Item Transfer for the New Weapons Storage Vault in the amount of \$25,000. **PASSED UNANIMOUSLY 11:0 VIA ROLL CALL VOTE.**
22. **ADOPTED.** Finance Committee Report recommending ADOPTION of a resolution concerning 2023/2024 Capital Improvement Program in the amount of \$27,341,539. **PASSED UNANIMOUSLY 11:0 VIA ROLL CALL VOTE.**
23. **ADOPTED.** Finance Committee Report recommending ADOPTION of a budgetary transfer within the 2020/2021 Capital Improvement Plan for a new Ford Utility Vehicle-\$27,631. **PASSED UNANIMOUSLY 11:0 VIA ROLL CALL VOTE.**
24. **ADOPTED.** Finance Committee Report recommending ADOPTION of a budgetary transfer within the 2022/2023 Operating Budget for the Library Relocation-\$36,169. **PASSED UNANIMOUSLY 11:0 VIA ROLL CALL VOTE.**
25. **ADOPTED.** Finance Committee Report recommending ADOPTION of a budgetary transfer from the Cooper Street and Harbor Brook Street Bridge Projects to CMAQ Traffic Signs, West Main Street signal, Coe and Hanover, Broad Street Traffic and City Wide Projects-\$1,030,000. **PASSED UNANIMOUSLY 11:0 VIA ROLL CALL VOTE.**

Item #: 20  
Date: 6/5/23

**COMMITTEE REPORT**

Your Economic Development, Housing & Zoning Committee to whom was referred a resolution on 3/20/2023 concerning establishment of a Fair Rent Ordinance, report they have attended to the matter and recommend the following:

\_\_\_\_\_  
Michael S. Rohde, Chairman

\_\_\_\_\_  
Dan Brunet, Vice-Chairman

\_\_\_\_\_  
Bruce A. Fontanella

\_\_\_\_\_  
Yvette Cortez

\_\_\_\_\_  
Sonya Jelks

Be It Resolved: that the attached ordinance be adopted as amended.

MOTION: Fontanella/Cortez  
PASSED: 3:0  
AYE: Cortez, Fontanella, Rohde  
EXUSED: Brunet, Jelks

Agenda date:	<u>6/5/2023</u>
Action taken:	<u>Adopted as</u>
Mayor's signature:	<u>amended</u>
Legal notice:	
Public hearing:	
Acknowledgment:	
Referred to:	
Copies sent to:	
<u>Lori N. Cunniff</u> <u>Chair of the Council</u>	



Item: \_\_\_\_\_

12

Date: \_\_\_\_\_

3/20/2023

**MERIDEN CITY COUNCIL  
RESOLUTION**

Presented by: \_\_\_\_\_  
Sonya Jelks, by request

WHEREAS, the Connecticut Legislature passed CGS 7-148B requiring in part, that all municipalities over 25,000 in population shall adopt an ordinance that creates a fair rent commission; and

WHEREAS, The City of Meriden is a municipality in the State of Connecticut with a population over 25,000 and therefore subject to CGS 7-148b;

THEREFORE BE IT RESOLVED, that the City of Meriden hereby establish by ordinance (Attachment A) a Fair Rent Commission.

## **Fair Rent Commission Model 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”) 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 City of Meriden. Of the five (5) regular members, at least one (1) shall be a landlord and two (1) shall be a tenant. The members and alternates shall be appointed in accordance with the City Charter. Members of the commission shall serve without compensation.

(c) At the time of first appointment, members of the Commission shall be appointed for staggered terms of four (4) years. 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.

### **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) Make such studies and investigations regarding rental housing within the City of Meriden as are appropriate to carry out the duties and responsibilities delegated hereunder, and subject to the terms, limitations and conditions set forth herein;
- (3) 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;
- (4) 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;
- (5) 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;
- (6) 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;
- (7) 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;

- (8) Order a reduction of any excessive rent to an amount which is fair and equitable, and make such other orders as are authorized herein;
- (9) 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;
- (10) Establish an escrow account with a local bank or financial institution into which it shall deposit all rent charges or other funds paid to it pursuant to Section 5 herein; and
- (11) 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 City of Meriden 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 preclude the Commission from considering other relevant circumstances.

(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) Upon the filing of a complaint, the Commission shall promptly notify all parties in writing of the receipt of the complaint. Such notice shall also inform the parties that the landlord is prohibited from retaliating against the tenant due to the filing of the complaint. It shall also inform the parties that, 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, and that an eviction based upon non-payment of rent cannot be initiated against a tenant who continues to pay the last agreed-upon rent during the pendency of the fair rent commission proceeding.

(b) 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.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

(g) 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.

(h) 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.

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

(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. 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 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. 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 escrow subject to such ordinances or provisions as may be adopted by the town, city or borough. Upon the landlord's full compliance with such ordinance, statute or regulation for which payments were made into such escrow, the Commission shall determine after hearing such distribution of the escrowed 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.