

CITY OF NEW HAVEN FAIR RENT COMMISSION ORDINANCE

- **Chapter 12¾ - FAIR RENT PRACTICES^[1]**

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Footnotes:

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Editor's note— An ordinance adopted Dec. 13, 1984, provided that former Ch. 12¾, fair rent practices, §§ 12¾-1—12¾-10, be deleted, and that new provisions be set out in lieu thereof to read as set forth in §§ 12¾-1—12¾-11. Formerly, Ch. 12¾ was derived from ordinances adopted on the following dates: Dec. 23, 1969, §§ 1—9; Dec. 7, 1970, §§ 1—10; July 6, 1981, § 17.

Ch. 12¾ was not affected by the selected chapter review and re-enactment project begun in 2006 and derives unchanged from the Code of 1962, reprinted in 1985, as amended.

Cross reference— Commission on equal opportunities, § 12½-3 et seq.; rent discrimination against families or single parents with children, § 12½-41 et seq.; housing code, Title V.

- **Sec. 12¾-1. - Purpose.**

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Pursuant to and in conformity with Public Act No. 274 of the 1969 General Assembly, there is hereby created a commission known as the fair rent commission for the purpose of controlling and eliminating excessive rental charges on residential property within the City of New Haven. This chapter is enacted in recognition of the compelling need for rent stabilization for the duration of a severe housing shortage in New Haven.

(Ord. of 12-13-84)

- **Sec. 12¾-2. - Definitions.**

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Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

Commission shall mean the fair rent commission of the City of New Haven, Connecticut.

Housing accommodation shall mean any building or structure, wholly or in part, containing living quarters occupied or fairly intended for occupancy as a place of residence, with any land or buildings appurtenant thereto and any services, furniture and facilities supplied in connection therewith except: A hospital, convent, monastery, asylum, public institution or college or school dormitory or any such accommodation which is operated or used exclusively for charitable or educational purposes.

Landlord shall mean any person who leases, subleases, rents, permits or suffers the occupancy of any housing accommodation, including a person who manages a housing accommodation owned by someone else.

Person shall mean any individual, firm, company, association, corporation or group.

Rent or rental charges shall mean any consideration, monetary or otherwise, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of any housing accommodation.

Tenant shall mean any person who leases or rents, whether by written or oral lease who in any other legal may occupies any housing accommodation, as a residence for himself and/or his immediate family.

Tenants' union shall mean an organization whose membership is comprised of the tenants living in a housing accommodation containing ten (10) or more separate rental units sharing common ownership and located on the same parcel or adjoining parcels of land, and that has been created by agreement of a majority of the tenants listed as lessees within the housing accommodation. such organization must be registered with the commission to participate in any studies, investigations, and hearings. tenants living in an owner-occupied housing accommodation may not organize a tenants' union.

Tenants' union representative shall mean 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.

(Ord. of 12-13-84; [Ord. No. 1941](#), 9-6-22)

- **Sec. 12³/₄-2.1. - Commission—membership and term of office.**

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The commission shall consist of nine (9) members, all of whom shall be residents of the City of New Haven. At least five (5) members of the commission shall be residential tenants at the time of appointment. The members shall be appointed by the mayor for a term of three (3) years and approved by the board of aldermen. The mayor shall appoint a chairman and vice-chairman. Each member shall serve for the term for which he is appointed and qualified. A member may be reappointed at the expiration of his term.

(Ord. of 12-13-84)

- **Sec. 12³/₄-3. - Same—Staff.**

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The commission shall employ an executive director and legal counsel to keep its records, to handle its correspondence, to supervise and direct the investigations, negotiations, and administration of this chapter and generally to perform such other functions as may be assigned by the commission. However, the inspection services related to the work of the fair rent commission may also be provided by the staff of the office of building inspection and enforcement. The commission may employ such additional employees as it deems necessary. Upon request, assistance from other municipal agencies shall be reasonably available to the commission.

(Ord. of 12-13-84)

- **Sec. 12³/₄-4. - Powers of commission.**

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The commission shall have the following powers:

(1)

To make studies and investigations into rentals charged for housing accommodations within the City of New Haven as it deems appropriate to carry out its responsibilities hereunder.

(2)

To receive complaints, inquiries, and other communications concerning alleged excessive rental charges in housing accommodations within said city.

(3)

To conduct hearings, either on its own motion or on complaints or requests for investigation submitted to it by any interested person.

(4)

To administer oaths.

(5)

To subpoena witnesses and compel their attendance at said hearings and to compel production of any books and documents relating to any matter under investigation or question.

(6)

To determine, after a hearing, whether or not the rent for any housing accommodation is so excessive based on the standards and criteria of this chapter, as to be harsh and unconscionable.

(7)

To order a reduction of any excessive rent to an amount the commission considers fair and equitable retroactive to the date of filing of the complaint. Such order shall be effective for one (1) year from its date, except as provided under subsection (9) of this section, or if the commission shall, pursuant to a subsequent petition by the landlord or the tenant order that the rent be changed.

(8)

To determine, after a hearing, whether or not a housing accommodation fails to comply with state statutes, municipal ordinances and regulations relating to health and safety.

(9)

To order the suspension of further payment of rent by the tenant to the landlord and order the deposit of said rent in an escrow account to be administered by

the commission, as hereinafter described, until such time as the landlord makes necessary changes, repairs, alterations or installations so as to bring the housing accommodation into compliance with state statutes, municipal ordinances or regulations relating to health and safety, if the commission finds that the housing accommodation in question fails to comply with said statutes, ordinances or regulations.

(10)

To refer, in those instances which it deems appropriate, those housing accommodations which fail to comply with state statutes, municipal ordinances or regulations relating to health and safety to the appropriate enforcement agency or office of the state or local government.

(11)

To do all things now or hereinafter authorized by Public Act 274 of the 1969 General Assembly or Public Act 83-425 as the same now read(s) or may be amended from time to time.

(12)

To adopt rules and regulations for the carrying on of its functions, including rules and regulations for the conduct of its hearings.

(13)

To continue, review, modify, terminate or suspend all its orders and decisions.

(14)

To attempt, through the process of informal conciliation and negotiation between a complaining tenant and a landlord, to arrive at a rental agreement which is mutually acceptable to said tenant and landlord before initiating the formal hearing process.

(15)

To deposit into the escrow account rent paid to the commission by tenants whose landlord has refused to accept the rent after a tenant has filed a complaint or claim of retaliation. Said rent shall be withdrawn from the escrow account and paid to the landlord upon written request from the landlord.

(Ord. of 12-13-84)

- **Sec. 12³/₄-5. - Complaints concerning unfair practices.**

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(a)

The commission shall prepare and make available complaint forms for use by persons desiring to file complaints. The complaint forms shall provide for the following information:

(1)

The name and address of the party making the complaint;

(2)

The name and address of the landlord;

(3)

The name and address of the tenant;

(4)

Whether it is the belief of the party making the complaint that the occupied premises comply with state statutes, municipal ordinances, and regulations relating to health and safety;

(5)

A statement signed by the complaining party listing the specific reasons for the filing of the complaint.

(b)

Upon the filing of a complaint by a complainant, the executive director shall set a date for a hearing on the complaint which shall not be more than sixty (60) days from the date the complaint was filed except that said date shall not be more than thirty (30) days in the case where a tenant claims harassment or retaliatory action. During the period of time between the filing of a complaint and the date of the hearing, the executive director shall promptly conduct an investigation to determine if reasonable cause exists for the complaint, and shall attempt to resolve such complaint by conference, conciliation, or persuasion. The hearing shall take place as scheduled on all complaints which

are not resolved to the satisfaction of the parties prior to the date of the hearing. The hearing shall be open to the public. A hearing may be continued by agreement by all parties or for good cause shown.

(c)

The commission shall render a decision within ten (10) days following a hearing on the complaint.

(d)

The executive director shall ensure that the tenant and the landlord are fully informed of all their rights and responsibilities, procedures and other information relevant to filing a complaint, both orally and in written form, at the time of the complaint, at any informal hearing, and in the public hearing. These materials and oral instructions shall be available in Spanish and English.

(e)

Pending a determination by the fair rent commission, the tenant shall pay to the landlord the last agreed upon rent for the housing accommodation in question.

(Ord. of 12-13-84)

- **Sec. 12³/₄-6. - Notice of hearing.**

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The notice of hearing given by the commission shall:

(1)

Be in writing and signed by one (1) of the members of the commission or a designated representative;

(2)

Be served on the landlord personally or by registered mail, return receipt requested, at least ten (10) days prior to the scheduled date of hearing;

(3)

Be given to all tenants of the housing accommodation in question.

(Ord. of 12-13-84)

- **Sec. 12³/₄-7. - Hearings and procedures.**

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(a)

Five (5) members of the commission shall constitute a quorum in the exercise of any of the commission's powers and duties, but three (3) or more members of the commission may be appointed by the chairman to serve as a hearing tribunal to conduct hearings in accordance with provisions of this chapter. Any decision, finding, order, determination or other action by a hearing tribunal shall be deemed to be the decision, finding, order, determination or action of the commission.

(b)

The proceedings of the commission in the conduct of its hearings shall be informal.

(c)

All parties to a hearing shall have the right to be represented by counsel, to cross-examine witnesses and to call witnesses and introduce evidence in his own behalf. The testimony taken at such hearing shall be made under oath and a recording thereof shall be made upon request of either party.

(d)

All proceedings shall continue regardless of the fact that a tenant may quit the housing accommodation in question and notwithstanding any attempt, successful or otherwise, to evict said tenant. 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.

(e)

Any person who violates any order of rent reduction or rent suspension by demanding, accepting or receiving an amount in excess thereof while said order remains in effect, or who violates the provisions of this chapter prohibiting retaliatory action, or any person who violates any other provision of this chapter or refuses to obey any subpoena, order, or direction of this commission

pursuant thereto, shall be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than thirty (30) days, or both, for each such offense. Such offense, should it continue more than one (1) day, shall constitute a new offense for every day it continues to exist. No action shall be taken on any such violation by the prosecuting authorities of the city or the state, except upon written complaint of the commission.

(f)

Any person aggrieved by any decision of the commission may appeal to the Court of Common Pleas for the County of New Haven, such appeal to be taken within ten (10) days after the rendering of the decision in question. Any such appeal shall be considered a privileged matter with respect to the order of trial. Such appeal shall be limited to the question of whether the commission acted arbitrarily, illegally or in abuse of its discretion. Unless otherwise directed by the commission or the court, the filing of an appeal shall not stay any order issued by the commission.

(Ord. of 12-13-84; Ord. of 1-3-89, §§ 1,2)

- **Sec. 12³/₄-8. - Standards pertaining to rental charges.**

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In making determinations as to whether a rental charge is excessive, the commission shall give due consideration to the following:

(1)

Rents charged for the same number of rooms in other housing accommodations within the city;

(2)

The sanitary conditions in the housing accommodations in question;

(3)

The number of bathtubs, or showers, flush water closets, kitchen sinks, and lavatory basins available to the occupant thereof;

(4)

Services, furniture, furnishings and equipment supplied within said housing accommodations by the landlord;

(5)

Size and number of bedrooms and number of whole bathroom accommodations;

(6)

Repairs, including the cost of same, necessary to make such housing accommodation comply with the minimum standards required by the Code of the City of New Haven;

(7)

Compliance of the housing accommodation with the ordinances of the City of New Haven and the General Statutes and regulations of the State of Connecticut relating to health and safety;

(8)

Amount of taxes and overhead expenses of the landlord;

(9)

Income of the tenant and availability of other accommodations for him and his immediate family.

(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 12-13-84; [Ord. No. 1941](#), 9-6-22)

- **Sec. 12³/₄-9. - Tenants' unions.**

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The commission recognizes the right of tenants to organize tenants' unions consistent with this chapter and the commission's rules, regulations, and procedures. At the written request of a tenants' union representative, the commission may, after study and investigation, make findings regarding the housing accommodation of that tenants' union, consistent with any of the standards pertaining to rental charges in section 12³/₄-8. The commission may rely on such findings when reaching a decision on a complaint filed by a member of that tenants' union. The commission may also refer those findings to other city departments or commissions responsible for regulating housing accommodations within the city. The commission shall promulgate rules and regulations governing the activities of tenants' unions before the commission.

([Ord. No. 1941](#), 9-6-22)

- **Sec. 12³/₄-10. - Retaliatory eviction.**

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(a)

In any action for summary process, it shall be an affirmative defense pursuant to Connecticut Public Act 315 of the 1969 General Assembly that the plaintiff brought such action against the tenant solely because of a complaint which was filed with the commission or because the tenant or complainant has taken any other action with reference to the matter covered by this chapter.

(b)

Pursuant to Public Act 83-425 of the Connecticut General Assembly, any tenant who claims that the action of his or her landlord constitutes retaliatory action may file a notice of said claim with the fair rent commission.

(c)

It shall be retaliatory action for a landlord to refuse to renew the lease or other rental agreement of any tenant, to bring an action or proceeding against the

tenant to recover possession of the dwelling unit, to demand an increase in rent from the tenant, to decrease the services to which the tenant has previously been entitled or to verbally, physically or sexually harass a tenant because a tenant has filed a complaint with the fair rent commission.

(d)

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 tenant is using the dwelling unit for an illegal purpose;

(2)

There is nonpayment of rent by the tenant;

(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 tenant or another person in the tenant's household or a person on the premises with the tenant'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.

(Ord. of 12-13-84)

- **Sec. 12³/₄-11. - Filing of claim.**

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(a)

Upon receipt of notice of claim of retaliatory action, the fair rent 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.

(b)

If after such a hearing the fair rent commission finds that the landlord has engaged in retaliatory action in violation of the provisions of section 12³/₄-10(a), the commission pursuant to its powers under [Section 148](#) (b) through (f) of the Connecticut General Statutes and the fair rent ordinance of the City of New Haven shall order the landlord to cease and desist from such actions. This cease and desist order may include the following provisions:

(1)

That the landlord maintain no action against the tenant to recover possession of the dwelling unit;

(2)

That the landlord shall not increase the rent;

(3)

That the landlord restore the services to which the tenant was entitled;

(4)

That the landlord cease and desist all verbal, physical and sexual harassment of the tenant.

(Ord. of 12-13-84)