

Chapter 39

FAIR RENT

§ 39-1.	Purpose; establishment of Commission.	§ 39-13.	Retaliation.
§ 39-2.	Definitions.	§ 39-14.	Eligibility to file complaint.
§ 39-3.	Membership of Commission.	§ 39-15.	Bylaws and rules of procedure.
§ 39-4.	Term of office.	§ 39-16.	Continuation of proceedings.
§ 39-5.	Powers.	§ 39-17.	Service of notice.
§ 39-6.	Organization and procedures.	§ 39-18.	Enforcement.
§ 39-7.	Hearings on a complaint.	§ 39-19.	Appeal.
§ 39-8.	Orders of Commission.	§ 39-20.	Violations and penalties.
§ 39-9.	Standards.	§ 39-21.	Other remedies preserved.
§ 39-10.	Effective date of rent reduction order.	§ 39-22.	Additions to state law.
§ 39-11.	Escrow.	§ 39-23.	Severability.
§ 39-12.	Time of decision.	§ 39-24.	When effective.

[HISTORY: Adopted City of Norwalk Common Council 4-14-1970, effective 5-1-1970; amended in its entirety 6-13-2000. Subsequent amendments noted where applicable.]

§ 39-1. Purpose; establishment of Commission.

Pursuant to the authority extended to the City of Norwalk by 1969 Public Act 274, as amended, there is hereby created a Fair Rent Commission for the purpose of controlling and eliminating excessive rental charges on residential property within the City of Norwalk and to carry out the provisions of Sections 7-148b to 7-148f, inclusive, Section 47a-20 and Subsection (b) of Section 47a-23c of the Connecticut General Statutes.

§ 39-2. Definitions.

Except in those situations where the context specifically indicates otherwise, the meaning of the terms used in this chapter shall be as follows:

COMMISSION — The Fair Rent Commission of the City of Norwalk, Connecticut.

HOUSING ACCOMMODATIONS — Any building or structure containing living quarters occupied or intended for occupancy as a place of residence, including any land or buildings appurtenant thereto, except the following:

- A. A hospital, convent, monastery, asylum, public institution, college or school dormitory, or any institution operated exclusively for charitable or educational purposes.
- B. Any housing accommodations owned and operated by the United States, the State of Connecticut, the City of Norwalk, the Housing Authority of the City of Norwalk, or by any

agency or political subdivision of the above, unless they are not being maintained to the standards of the State of Connecticut and the Code of the City of Norwalk.

C. Any housing accommodations rented on a seasonal basis.

LANDLORD — Any person who leases, subleases, rents or permits the occupancy of any housing accommodations for a rental charge.

PERSON — Any individual, partnership, corporation, association or other business entity or other association or group which provides housing accommodations as defined herein.

RENTAL CHARGES — Any consideration, money, or otherwise, demanded or received for the use and occupancy of any housing accommodation.

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

TENANT — Any person who rents or leases any housing accommodation as a residence for himself and/or his immediate family, whether by written or oral lease.

§ 39-3. Membership of Commission.

The Commission shall consist of seven members, each of whom shall be electors of the City of Norwalk. The Commission members shall be appointed by the Mayor with the approval of the Common Council and shall serve without compensation. No more than four members of the Commission shall be members of the same political party. In addition to the seven members of the Commission, the Mayor, with the approval of the Common Council, shall appoint seven alternates, no more than four of whom shall be members of the same political party.

§ 39-4. Term of office.

- A. The initial members of the Commission shall be appointed for terms which shall commence as of the date of their appointment and end on the dates set forth below:
- B. Thereafter, each member shall serve for a term of three years. In the event of the death, resignation or inability to serve on the part of any members of the Commission or alternate, a successor shall be appointed to fill the unexpired term of the member or alternate as set forth in § 39-3. Unless a member resigns, each member shall continue to serve until his successor shall have been appointed and qualified.

§ 39-5. Powers.

Pursuant to 1969 Public Act 274, as amended, the Commission shall have the following powers:

- A. To make such studies and investigations into rentals charged for housing accommodations within the City of Norwalk as are appropriate to carry out the duties and responsibilities delegated hereunder, and subject to the terms, limitations and conditions set forth herein.
- B. To receive complaints, inquiries and other communications concerning alleged excessive rental charges in housing accommodations within the city.
- C. To conduct hearings on complaints or requests for investigation submitted to it by any person, subject to the terms, limitations and conditions set forth herein.
- D. To 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.

- E. To order a reduction of any excessive rent to an amount which is fair and equitable, and to make such other orders as are authorized herein.
- F. To, upon the approval of the Mayor and the Common Council, accept outside funds, gifts or bequests, public and private.

§ 39-6. Organization and procedures.

- A. At its initial meeting, the Commission shall elect from its own membership such officers as it deems appropriate. In any event, it shall elect a Chairman, who shall preside over its meetings.
- B. A quorum for any meeting shall consist of at least four members of the Commission, or their alternates; provided, however, in any hearing on a complaint concerning an excessive rental charge, the Commission shall not conduct the hearing unless there are at least five members or their alternates present, and the Commission shall not order any rent reduction or make any determination that a rent is so excessive as to be harsh and unconscionable, except on the concurring vote of four of the members present at said hearing.
- C. The Commission shall conduct regular meetings, open to the public, to transact whatever business is properly before said Commission. The Commission shall determine the time, dates and places of said meetings and shall announce the same.

§ 39-7. Hearings on a complaint.

- A. Upon a receipt of a complaint that a rental is so excessive as to be harsh and unconscionable, the Commission and/or Commission staff shall investigate the complaint, and the Commission shall determine whether the complaint presents an appropriate matter for consideration by the Commission. In the event that the Commission finds that the complaint also involves a matter within the jurisdiction of the Health or Fire Departments of the City of Norwalk or of any other public agency, it shall refer the matter to the appropriate board or agency for action while concurrently exercising its own powers hereunder.
- B. A hearing on said complaint shall be scheduled if the Commission determines, after receipt of the complaint, that a hearing is justified. Written notice of the date, time and place of the hearing shall be given by mailing notice thereof, by certified mail, return receipt requested, postage prepaid, to the landlord and the tenant, at least seven days prior to said hearing. The persons entitled to receive said notice as set forth herein are hereinafter designated as the parties to the complaint.
- C. At the hearing, each party shall have the right to offer such testimony, exhibits and witnesses as the party deems necessary or appropriate.
- D. 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.
- E. 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.

- F. Any party shall have the right to be represented by an attorney at any hearing. In addition, any party shall have the right, either himself or through his attorney, to cross-examine any witnesses produced at the hearing and to examine all documents offered in evidence.
- G. The Commission shall have the right to request the assistance of any department of the city government, including any available records, information or expert witnesses which the agency may have in its employ.
- H. The Commission is empowered to hire or retain any expert real estate appraisers or other competent experts to advise it.
- I. 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.
- J. 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 meet and shall make such orders as are authorized herein.
- K. The Commission shall retain a competent stenographer to record the evidence, minutes and proceedings of the Commission on any complaint. Also, an electronic recording by a qualified court reporter shall be made of each hearing.
- L. The Commission shall have the power to delegate to the Commission staff the ability to investigate and meet with the parties to a complaint on an informal basis in an attempt to reconcile their differences. Any agreement reached between the parties as a result of said informal conference must be in writing and must be submitted to the Commission for approval, and said agreement shall include a waiver of appearance of the parties.

§ 39-8. Orders of Commission.

Subsequent to the hearing, the Commission shall have the power to:

- A. Order a reduction or freeze of the rental charge for any housing accommodation where the rental charge is so excessive as to be harsh and unconscionable, to an amount which is fair and equitable, subject to the standards set forth in § 39-9 of this chapter.
- B. Refer the matter to the appropriate city 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.
- C. Dismiss the complaint.
- D. Continue, review, terminate or suspend all its orders and decisions.
- E. 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 if finds that such a continuance would be appropriate under the circumstances.
- F. Order payment of the rent in escrow to the Commission or, in lieu thereof, 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 have been found to exist and which the

Health Department of the City of Norwalk or other public agency has investigated and has certified to the Commission as existing Code violations relating to health or safety.

§ 39-9. Standards.

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 set forth in Connecticut General Statutes Section 7-148c 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 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, including debt service, 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 the extent to which, the income from an increase in rental charges has been or will be reinvested in improvements to the accommodations.

§ 39-10. Effective date of rent reduction order.

The Commission shall not have the authority to make any order of rent reduction retroactive to a date prior to the date of the filing of the complaint. Any order of rent reduction shall become effective on the next due date of the rent after the filing of the complaint. Implementation of any rental increase shall be suspended until the Commission acts on the increase. The disputed difference shall be saved aside by the tenant. Any rent which becomes due and payable during the course of the proceedings before the Commission shall be paid in escrow to the Commission. Written notice of any order of the Commission shall be sent to both the landlord and the tenant.

§ 39-11. Escrow.

The Commission shall establish an escrow account through the City of Norwalk into which it

shall deposit all rents or other funds paid to it. Said funds shall be held in the escrow 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 order, or until a further order is made by a court of competent jurisdiction; provided, however, the Commission may, at its discretion, provide for the payment of the landlord's mortgage, taxes and insurance and his cost of heat, water, electricity and other essential utilities when said expenses become due and payable. In addition, at its discretion, the Commission may order payment of other necessary expenses which are due and payable or may order payment of the full balance to the landlord in cases of unusual hardship.

§ 39-12. Time of decision.

The Commission shall review any complaint filed by a tenant no later than 30 days after the date of the filing of said complaint; provided, however, the time limit for deciding the disposition of any such complaint may be extended by the Commission in any case involving unusual hardship or administrative difficulties. Decisions after a hearing shall be rendered within 15 days of the completion of the hearing.

§ 39-13. Retaliation.

- A. In any action for summary process, it shall be an affirmative defense pursuant to Section 47a-33 of the Connecticut General Statutes that the plaintiff brought such action against the tenant solely because a complaint was filed with the Commission or because the tenant or complainant has taken any other action with reference to a matter covered by this chapter.
- 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 or because the tenant had in good faith requested the landlord to make repairs, the Commission may order the landlord to cease and desist from such conduct.

§ 39-14. Eligibility to file complaint.

Any tenant residing in the City of Norwalk shall be eligible to file a complaint with the Commission. It shall be an affirmative defense to any complaint that the tenant is delinquent in the payment of rent or is responsible for damage or other adverse conditions existing within the leasehold premises. If the Commission, after investigation or hearing, finds that the tenant is delinquent in his rent or is responsible for damages within the leasehold premises, it shall not act upon the complaint until such time as the tenant has paid into escrow with the Commission an amount sufficient to pay for the damages or has paid the delinquency in rent; provided, if the Commission finds that the reason for the tenant's delinquency was a harsh and unconscionable rent or if the Commission finds that the delinquency is the result of exceptional hardship, then it shall consider the complaint notwithstanding the provisions of this section. This exception shall not be construed to give the Commission the power to waive any amount of past rent which is due nor to make any retroactive order. The Commission shall not conduct a hearing on any complaint of any tenant who it finds is bringing the complaint for the purpose of harassing, annoying or embarrassing the landlord, or upon the complaint of any tenant who it finds is using the procedures of the Commission in an attempt to defeat a summary process action.

§ 39-15. Bylaws and rules of procedure.

The Commission shall be empowered to enact such bylaws and regulations as are necessary for

the conduct of its business; provided, however, no bylaws or regulation shall become effective unless published in advance.

§ 39-16. Continuation of proceedings.

All proceedings shall continue regardless of the fact that a tenant may quit the housing accommodation in question. 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.

§ 39-17. Service of notice.

All notices with regard to any complaint shall be by certified mail, return receipt requested, postage prepaid, upon the landlord and the tenant. If any notice is returned without having been delivered, the Commission may arrange for service by a deputy sheriff, Constable of the City of Norwalk or indifferent person in the same manner as is provided in the Connecticut General Statutes for service of process in an ordinary civil action.

§ 39-18. Enforcement.

The Commission is empowered to bring a civil action to any court of competent jurisdiction to enforce any order of the Commission made pursuant to this chapter, 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 chapter.

§ 39-19. Appeal.

Any person aggrieved by any order of the Commission may appeal to the Superior Court for the Judicial District for the City of Norwalk within 30 days after service of notice of the order of the Commission as provided in § 39-17. As provided by the Connecticut General Statutes, such appeal shall be considered as a privileged matter with respect to assignment for trial.

§ 39-20. Violations and penalties.

Pursuant to Connecticut General Statutes Section 7-148(f), as amended, 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 § 39-19 above is pending, or violates any other provision of this chapter or of Connecticut General Statutes § 47a-20 concerning retaliation, 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.

§ 39-21. Other remedies preserved.

The provisions of this chapter 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 chapter affect the right of the landlord, tenant, mortgagee or encumbrancer of record to institute any action authorized by law.

§ 39-22. Additions to state law.

Any addition to the state law referring to Fair Rent Commissions will be automatically incorporated into this chapter.

§ 39-23. Severability.

The provisions of this chapter are severable, and if any provision of this chapter or the application of such provision to any persons or circumstance shall be held to be unconstitutional or invalid, the remainder of the chapter or application of such provision to persons or circumstances other than those to which it is held invalid or unconstitutional shall not be affected thereby.

§ 39-24. When effective.

This chapter shall take effect on the first day of the next month after its enactment and due compliance with the provisions of § 1-193 of the Charter of the City of Norwalk (1956), as amended.