

AN ORDINANCE ESTABLISHING A FAIR RENT COMMISSION

WHEREAS, Public Act No. 22-30 requires that any municipality with a population of 25,000 or more, as determined by the most recent decennial census, must establish a Fair Rent Commission by July 1, 2023 if it does not already have one, and notify and provide a copy of the ordinance to the Commissioner of Housing within thirty days of the adoption of the ordinance; and

WHEREAS, the Council of the City of Norwich, by this ordinance shall establish a Fair Rent Commission to comply with the requirements of Public Act No. 22-30

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH that the following ordinance creating a Fair Rent Commission for the City of Norwich and assigning powers and responsibilities to it in accordance with Connecticut General Statutes sections 7-148a through 7-148f, C.G.S. §47a-20, C.G.S. §21-80a, and C.G.S. §47a-23a, and as they may be amended, be and hereby is adopted to be codified in the Code of Ordinances of the City of Norwich as **Chapter 4 Article III. Fair Rent Commission**, Sections 4-39 to 4-46.

Article III. Fair Rent Commission

Section 4-39. Creation of Fair Rent Commission

- (a) Pursuant to and in conformity with C.G.S. §§ 7-148b through 7-148f, C.G.S. §47a-20, C.G.S. § 21-80a and C.G.S. §47a-23c, there is hereby created a Fair Rent Commission for the City of Norwich which shall have its principal office at 100 Broadway, Norwich, Connecticut or such other place as may be designated for the purpose of controlling and eliminating excessive rental charges for housing accommodations within Norwich, and to carry out the purposes, duties, responsibilities and all provisions of the above-described sections and any other statutory sections, as they may be amended from time to time, pertaining to fair rent commissions.
- (b) The commission shall consist of three (3) members and two (2) alternates, all of whom shall be electors of the City of Norwich. Of the three (3) regular members, at least one (1) shall be a landlord and one (1) shall be a tenant. Among the alternate members, at least one (1) shall be a landlord and one (1) shall be a tenant.
- (c) The members and alternates shall be appointed by the City Council. A quorum shall consist of two (2) members or seated alternates. Members of the commission shall serve without compensation.
- (d) Members of the commission shall be appointed for terms of two (2) years or until their successors shall be duly appointed. 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.
- (e) The commission may appoint a recording secretary.

Section 4-40. Powers of the Commission

The commission's powers shall include the power to:

- (a) Receive complaints, inquiries, and other communications concerning alleged excessive rental charges and alleged violations, including retaliation, of C.G.S. §§ 7-148b through 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 parks and subdivisions and lots therein.

- i. "Seasonal basis" means housing accommodations rented for a period or periods aggregating not more than 120 days in any one calendar year.
 - ii. "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;
- (b) Make such studies and investigations regarding rental housing within the City of Norwich as are appropriate to carrying out the duties and responsibilities delegated hereunder, and subject to the terms, limitations and conditions set forth herein;
 - (c) 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;
 - (d) 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;
 - (e) Determine, after a hearing as set forth herein, whether or not the rent for any housing accommodations is so excessive as to be harsh and unconscionable;
 - (f) Determine, after a hearing as set forth herein, whether a landlord has engaged in retaliation in violation of Section 4-44 herein and make such orders as are authorized herein;
 - (g) Order of 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;
 - (h) Establish an escrow account in a local bank or financial institution into which it shall deposit all rent charges or other funds paid to it pursuant to Section 4-43 herein;
 - (i) Carry out all of the provisions of C.G.S. §§ 7-148b through 7-148f, inclusive, C.G.S. § 47a-20, C.G.S. § 21-80a and C.G.S. § 47a-23c as now existing and as may hereinafter be amended, as they apply to fair rent commissions;

Section 4-41. 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, 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 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.

- (b) Nothing in this section shall preclude the Commission from considering other relevant circumstances.
- (c) The rent of a tenant protected by C.G.S. §47a-23c who timely and properly files a complaint with the commission pursuant to C.G.S. §47a-23(c)(1) may be increased only to the extent that such increase is fair and equitable based on the criteria set forth in §7-148c of the Connecticut General Statute.

Section 4-42. Procedures and Hearing on Complaints

- (a) The commission shall receive complaints from any person alleging a violation of this Article which violation is within the power of the commission to act upon, which complaint must be in writing utilizing forms provided by the commission. The commission shall not be obligated to schedule a hearing for any complaint filed until the complaint complies with the commission's filing requirements. Upon the receipt of a complaint made utilizing the forms provided by the commission, the commission shall promptly notify all parties in writing of the receipt of the complaint.
 - i. Such notice shall also inform the parties that the landlord is prohibited from retaliating against the tenant due to the filing of the complaint.
 - ii. 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) 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.
- (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 official 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) A hearing on a 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. Hearings may be continued to later dates for reasons satisfactory to the commission and stated on the record.
- (f) 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 continue or 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 4-43. 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.
- (b) 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.
- (c) 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, 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.

(d) The 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.

Section 4-44. Retaliation

- (a) No landlord shall engage in retaliatory actions. Retaliatory actions by a landlord include but are not limited to the following:
- i. 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;
 - ii. Engaging in any other action determined by the commission, after a hearing, to constitute landlord retaliation.

Section 4-45. 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 4-46. 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.

- i. If such offense continues for more than five days, it shall constitute a new offense for each day it continues to exist thereafter.

The commission, in its own name or through the municipality, may bring a civil action to any court of competent jurisdiction or take 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.

Mayor Peter Albert Nystrom
President Pro Tem Joseph A. DeLucia
Alderman Stacy Gould
Alderman Swarnjit Singh