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FAIR RENT COMMISSION & TENANTS' UNIONS

PROPOSED AMENDMENTS TO THE CITY OF NEW HAVEN ORDINANCES

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WHEREAS, membership in a “tenants’ union” may provide a defense against retaliatory evictions under Connecticut General Statutes § 47a-20; and

WHEREAS, “tenants’ union” is mentioned in the plain language of General Statutes § 47a-20, but is not defined or discussed anywhere else in the existing laws of the State of Connecticut or those of the City of New Haven; and

WHEREAS, there are self-declared “tenants’ unions” being formed by residents of the City of New Haven; and

WHEREAS, pursuant to City of New Haven Ordinances § 12 <sup>3</sup>/<sub>4</sub>-1, the Fair Rent Commission exists for the purpose of controlling and eliminating excessive rental charges on residential property within the City of New Haven; and

WHEREAS, the Fair Rent Commission of the City of New Haven has the authority to recognize and regulate tenants’ unions consistent with the powers granted to by Connecticut General Statutes § 7-148b, et seq.; and

WHEREAS, City of New Haven Ordinance § 12 <sup>3</sup>/<sub>4</sub>-8 lists nine criteria to be considered when deciding a complaint before the Commission; and

WHEREAS, Connecticut General Statutes § 7-148c, which is the statute on which Ordinance § 12 <sup>3</sup>/<sub>4</sub>-8 is based, includes the same nine criteria, plus an additional four criteria, which are not included in the ordinance; and

WHEREAS, an amendment adding additional the criteria of General Statutes § 7-148c to Ordinance § 12 <sup>3</sup>/<sub>4</sub>-8 would bring conformity between the City of New Haven Ordinances and Connecticut General Statutes, as well as reflect the current practices of the Commission to consider all of the criteria permissible under the General Statutes when issuing a decision on a complaint before the Commission;

Now, Therefore, Be It Ordained that Chapter 12 <sup>3</sup>/<sub>4</sub> of the Ordinances of the City of New Haven be amended as follows [proposed amendments in all caps]:

City Ordinance § 12 <sup>3</sup>/<sub>4</sub>-2

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 way 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.

CITY ORDINANCE § 12 <sup>3</sup>/<sub>4</sub>-9

TENANTS' UNIONS. 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 § 12 <sup>3</sup>/<sub>4</sub>-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.

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City Ordinance § 12<sup>3</sup>/<sub>4</sub>-8. - Standards pertaining to rental charges.

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.

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