

CHECK LIST FOR ALDERMANIC SUBMISSIONS

<input checked="" type="checkbox"/>	Cover Letter
<input checked="" type="checkbox"/>	Resolutions/ Orders/ Ordinances
<input checked="" type="checkbox"/>	Prior Notification Form
<input checked="" type="checkbox"/>	Fiscal Impact Statement - Should include comprehensive budget
<input type="checkbox"/>	Supporting Documentation (if applicable)
<input type="checkbox"/>	Disk or E-mailed Cover letter & Order

IN ADDITION IF A GRANT:

<input type="checkbox"/>	Notice of Intent
<input type="checkbox"/>	Grant Summary
<input type="checkbox"/>	Executive Summary (not longer than 5 pages without an explanation)

Date Submitted: 5/31/2022

Meeting Submitted For: 6/6/2022

Regular or Suspension Agenda: Regular

Submitted By: Fair Rent Commission

Title of Legislation:

Fair Rent Commission and Tenants' Union Proposed Amendments to the City of New Haven Ordinances

Comments: Legistar FILE ID OR- 2022-0017

Coordinator's Signature: 

Controller's Signature (if grant): _____

Mayor's Office Signature: 

Call (203) 946-7670 with any questions.
bmontalvo@newhavenct.gov



NEW HAVEN CITY PLAN DEPARTMENT

165 CHURCH STREET, 5th FL., NEW HAVEN, CT 06510

TEL (203) 946-6378

FAX (203) 946-7815

June 1, 2022

Honorable Tyisha Walker-Myers, President
Board of Alders of the City of New Haven
165 Church Street
New Haven, CT 06510

RE: PETITION FOR AN AMENDMENT TO THE NEW HAVEN PROPOSED BY FAIR RENT
COMMISSION AND TENANTS' UNIONS

Dear President Walker-Myers;

The Fair Rent Commission and Office of the Corporation Counsel are submitting to you and the honorable members of the Board of Alders this Petition to adopt amendments to the ordinances related to the Fair Rent Commission.

This proposed amendment would recognize tenants' unions and identify roles for the unions within the Fair Rent Commission investigation and complaint process.

The proposed amendment specifically contains the following:

1. Definition of "tenants' union" and "tenants' union representative."
2. Codification of the role of tenants' unions in the Fair Rent Commission processes;
3. Addition of three criteria to "Standards pertaining to rental charges" to be considered by the Fair Rent Commission.

Submitted herewith but not for Board of Alders approval are related proposed Regulations to be approved by the Fair Rent Commission to implement the proposed amendment, if passed.

Thank you for your time and consideration,

Very truly yours,

Patricia King

Patricia King
Corporation Counsel

CC: Albert Lucas, Director of Legislative Services

..title

FAIR RENT COMMISSION & TENANTS' UNIONS
PROPOSED AMENDMENTS TO THE CITY OF NEW HAVEN ORDINANCES

..body

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 ¾-1, 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 ¾-8 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 ¾-8 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 ¾-8 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 ¾ of the Ordinances of the City of New Haven be amended as follows [proposed amendments in all caps]:

City Ordinance § 12 ¾-2

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 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.

CITY ORDINANCE § 12 ¾-9

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 ¾-8. 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.

City Ordinance § 12³/₄-8. - 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.

DRAFT

PRIOR NOTIFICATION FORM

NOTICE OF MATTER TO BE SUBMITTED TO THE BOARD OF ALDERS

TO (list applicable alders of): ALL

WARD #

DATE: **5/31/2022**

FROM: Department/Office Fair Rent Comm
Person Wildaliz Bermudez Telephone (203) 946-8157

This is to inform you that the following matter affecting your ward(s) will be submitted to the Board of Alders in the near future:

Title of the Legislation
Fair Rent Commission and Tenants' Union Proposed Amendments to the City of New Haven Ordinances

Check one if this an appointment to a commission

Democrat

Republican

Unaffiliated/Independent/Other _____

INSTRUCTIONS TO DEPARTMENTS

1. Departments are responsible for sending this form to the alder(s) affected by the item.
2. This form must be sent (or delivered) directly to the alder(s) **before** it is submitted to the Legislative Services Office for the Board of Alders agenda.
3. The date entry must be completed with the date this form was sent the alder(s).
4. Copies to: alderperson(s); sponsoring department; attached to submission to Board of Alders.

FISCAL IMPACT STATEMENT

DATE: 5/31/2022
FROM (Dept.): Fair Rent Commission
CONTACT: Wildaliz Bermudez PHONE (203) 946-8157

SUBMISSION ITEM (Title of Legislation):
Fair Rent Commission and Tenants' Union Proposed Amendments to the City of New Haven Ordinances

List Cost: Describe in as much detail as possible both personnel and non-personnel costs; general, capital or special funds; and source of funds currently budgeted for this purpose.

	GENERAL	SPECIAL	BOND	CAPITAL/LINE ITEM/DEPT/ACT/OBJ CODE
A. Personnel				
1. Initial start up	0			
2. One-time	0			
3. Annual	0			
B. Non-personnel				
1. Initial start up	0			
2. One-time	0			
3. Annual	0			

List Revenues: Will this item result in any revenues for the City? If Yes, please list amount and type.

NO	x
YES	

- 1. One-time
- 2. Annual

Other Comments: