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ORDINANCE TEXT AMENDMENT OF THE NEW HAVEN BOARD OF ALDERS
AMENDING THE NEW HAVEN CODE OF ORDINANCES REGARDING THE FAIR
RENT COMMISSION CHAPTER 12³/₄ - FAIR RENT PRACTICES.

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WHEREAS, pursuant to the City of New Haven Ordinances Section 12³/₄-1, 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 City of New Haven became the first municipality in Connecticut to approve the recognition of tenants' unions by its Fair Rent Commission, on September 13, 2022; and,

WHEREAS, to date the Fair Rent Commission has recognized seven (7) tenants' unions in New Haven; and,

WHEREAS, the City of New Haven continues to see an expansion of tenants' unions being formed by residents in the City of New Haven, and an amendment, adding additional criteria to ordinance Section 12³/₄ regarding the definition of a tenants' union, would allow for recognition of additional tenants' unions, who are actively organizing, and for updates to be provided to the Commission regarding tenants' unions membership; and,

WHEREAS, an amendment to Chapter 12³/₄ would allow the Fair Rent Commission to update language to conform with Connecticut General Statutes Section 47a-20; and,

WHEREAS, an amendment to Chapter 12³/₄, Sections 7, 10, and 11, adding additional criteria would improve the Fair Rent Commission process in allowing for more efficiency as the Commission receives an exponential influx of complaints; and,

WHEREAS, the amendments help to provide additional clarity for all parties involved in Fair Rent Commission cases.

NOW, THEREFORE, BE IT ORDAINED by the New Haven Board of Alders that Chapter 12³/₄ of the Code of Ordinances of the City of New Haven be amended as follows:

TITLE III - CODE OF GENERAL ORDINANCES

Chapter 12³/₄ FAIR RENT PRACTICES

Sec. 12³/₄-1. Purpose.

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. 12³/₄-2. Definitions.

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, 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, or who in any other legal way occupies any housing accommodation, as a residence for themselves or their immediate family.

Tenants' Union shall mean an organization whose membership is comprised of the tenants living in a housing accommodation containing five (5) 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, or 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 tenants' 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.

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 Alders. The chair and vice chair shall be elected by the members of the commission by a majority vote. Each member shall serve for the term for which the member is appointed and qualified. A member may be reappointed at the expiration of the member's term.

(Ord. of 12-13-84)

Sec. 12³/₄-3. Same—Staff.

The Commission shall employ an executive director and legal counsel to keep records, handle correspondence, to supervise and direct investigations, negotiations, administrate this chapter, and 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.

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 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 a housing accommodation fails to comply with state statutes, municipal ordinances, municipal landlord licensing requirements, and other 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, municipal landlord licensing requirements, or other 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, and landlord licensing requirements, or other 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.

- (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 other regulations relating to health and safety; and
 - (5) A statement signed by the complaining party listing the specific reasons for filing 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 between the filing of the complaint and the date of the hearing, the executive director shall promptly investigate 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 of 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 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.

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 the 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.

(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 chair to serve as a hearing tribunal to conduct hearings in accordance with the 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. The Commission shall have the right to control scheduling of its hearings consistent with the time limitations set out in this chapter.

(c) All parties to a hearing shall have the right to be represented by counsel, cross-examine witnesses, call witnesses, and introduce evidence on their own behalf. The testimony taken at such hearing shall be made under oath.

(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 of the proceedings.

(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 Superior Court Housing Session for the Judicial District of New Haven within ten (10) days from the date of the decision. 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.

(g) The Commission shall cause to be filed on the land records a copy of any decision reducing or suspending rental payments or any proof of registration of a tenants' union relative to the property.

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

Sec. 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, showers, toilets, bathroom sinks, and kitchen sinks available to the occupant thereof;
- (4) Services, furniture, furnishings, and equipment supplied within said housing accommodation by the landlord;
- (5) Size and number of bedrooms and number of whole bathrooms in the accommodation;
- (6) Repairs, including the cost necessary to make such housing accommodation comply with the minimum standards required by the Housing or Building Code of the City of New Haven;
- (7) Compliance of the housing accommodation with the ordinances of the City of New Haven municipal landlord licensing requirements 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 them and their 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 accommodation.

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

Sec. 12³/₄-9. 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 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 committees responsible for regulating housing accommodations within the city. The Commission shall promulgate rules and regulations governing the activities of tenants' unions before the Commission.

Tenants' Union Membership Roster- The tenants' union representative(s) shall submit an updated membership roster to Fair Rent Commission staff on a yearly basis following the recognition of the tenants' union by the Fair Rent Commission.

(Ord. No. 1941, 9-6-22)

Sec. 12³/₄-10. Retaliatory action prohibited.

(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 their 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 revoke an offer to renew a tenant's lease, bring an action or proceeding against the tenant to recover possession of the dwelling unit, demand an increase in rent from the tenant, decrease the services to which the tenant has previously been entitled or verbally, physically, or sexually harass a tenant because the tenant has filed a complaint with the Fair Rent Commission, the Livable City Initiative (LCI), the Health, Building or Fire departments, relating to the conditions of the tenant's housing unit, within six (6) months after the filing of such complaint or while an order from any city agency against the landlord regarding the property in question remains open.

The Commission may administratively dismiss any complaint made by a tenant who fails to comply with three (3) attempts to permit inspections by relevant municipal departments.

(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;

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- (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 their 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 notice to terminate a periodic tenancy previous to the tenant's complaint.

(Ord. of 12-13-84)

Sec. 12³/₄-11. Filing of claim of retaliatory action.

- (a) Upon receipt of a claim of retaliatory action, the Commission staff shall investigate to determine whether the claim meets the criteria for retaliation. If after the investigation the claim is found to meet the retaliation criteria, the Commission shall conduct a hearing on the merits.
- (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 Connecticut General Statutes Section 7-148(b) through (f) and this 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 shall restore the services to which the tenant was entitled;
 - (4) That the landlord shall cease and desist from all verbal, physical, and sexual harassment of the tenant.
- (c) The filing of a complaint with the Commission or any other city department does not relieve the tenant from paying the last agreed upon rent, absent proof of a prior decision from a governing authority permitting the tenant to withhold rent.

(Ord. of 12-13-84)