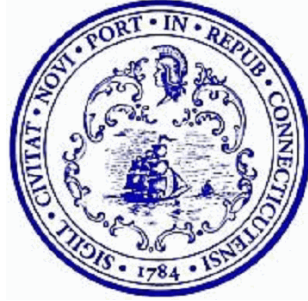


City of New Haven

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Meeting Minutes

Tuesday, November 12, 2024

6:00 PM

Meeting can be viewed on Board of Alders YouTube.

Aldermanic Chambers

Legislation Committee

(Board of Alders Notice New Haven) The Legislation Committee of the Board of Alders will meet “in-person” on Tuesday, November 12, 2024, at 6:00 p.m. in the Board of Alders Chamber located at 165 Church Street, 2nd Floor; New Haven, CT to hear and act on the following items:

- 1) [OR-2024-0020](#) ZONING ORDINANCE TEXT AMENDMENT OF THE NEW HAVEN BOARD OF ALDERS AMENDING NEW HAVEN ZONING ORDINANCE SECTIONS 11(B), 12(B), 12.5(B), 13(B), 19: TABLE 1. SUMMARY SCHEDULE OF PERMITTED USES IN RESIDENCE DISTRICTS, AND 42: TABLE 3. USE TABLE (Q) TO PERMIT BY RIGHT THE USE OF CHILD DAYCARE CENTERS, GROUP DAYCARE HOMES, AND FAMILY DAYCARE HOMES IN THE RS-1, RS-2, RS-3, RM-1, BC AND MU ZONING DISTRICTS.

- 2) [OR-2024-0025](#) ORDINANCE AMENDMENT OF THE NEW HAVEN BOARD OF ALDERS AMENDING THE ZONING ORDINANCE OF THE CITY OF NEW HAVEN SECTION 19: TABLE 1. SUMMARY SCHEDULE OF THE PERMITTED USES IN RESIDENCE DISTRICTS TO INCLUDE THE RS-3 ZONE AND TO PERMIT BY RIGHT THE USE OF CHILD DAYCARE CENTERS, GROUP DAYCARE HOMES, AND FAMILY DAYCARE HOMES IN ALL RESIDENTIAL ZONES AND SECTION 19 TABLE 2: SUMMARY OF DENSITY, BULK, PARKING, AND LOADING REGULATIONS TO INCLUDE THE RS-3 ZONE, REMOVE THE BUSINESS & INDUSTRIAL DISTRICTS, INCORPORATE THE PREVIOUSLY APPROVED REVISIONS TO MINIMUM LOT WIDTH AND MINIMUM LOT AREA IN THE RS-1, RS-2, RM-1, AND RM-2 ZONES AND TO ESTABLISH ARTICLE III. SECTION 20: SUMMARY OF USES & BULK REGULATIONS FOR RESIDENTIAL DISTRICTS WHICH TABLES 1 AND 2 SHALL BE RELOCATED.

- 3) [OR-2024-0033](#) ORDINANCE AMENDMENTS TO THE NEW HAVEN CODE OF ORDINANCES REGARDING THE FAIR RENT COMMISSION CHAPTER 12 ³/₄- FAIR RENT PRACTICES

AND TO HOLD THE FOLLOWING WORKSHOP:

-- WORKSHOP OF THE NEW HAVEN BOARD OF ALDERS WITH THE FAIR RENT COMMISSION TO PROVIDE AN UPDATE REGARDING THE STATUS OF THE TENANTS' UNIONS.

Per Order: Hon. Ellen Cupo, Chair

Attest: Hon. Michael Smart, City/Town Clerk

These items are on file and available in the Office of the City Clerk located at 200 Orange Street, Room 202, New Haven, Connecticut 06510.

For accessibility related accommodations, please call (203) 946 7651 (V) or (203) 946 8582 (TTY/TDD).

Public comment/testimony may also be submitted via email to publictestimony@newhavenct.gov before 2:00 pm on the day of the meeting.

This meeting may be viewed on the New Haven Board of Alders YouTube page.

Minutes

Alder Ellen Cupo, Chair, called the public hearing to order at 6:02 p.m.

Present were Alders Ellen Cupo, Chair; Richard Furlow, Vice-Chair; Jeanette L. Morrison; Adam J. Marchand; E. Rodriguez, Eli Sabin, and Carmen Rodriguez.

Non-committee members in attendance were Alders Amy Marx and Angel Hubbard.

1. ZONING ORDINANCE TEXT AMENDMENT OF THE NEW HAVEN BOARD OF ALDERS AMENDING NEW HAVEN ZONING ORDINANCE SECTIONS 11(B), 12(B), 12.5(B), 13(B), 19: TABLE 1. SUMMARY SCHEDULE OF PERMITTED USES IN RESIDENCE DISTRICTS, AND 42: TABLE 3. USE TABLE (Q) TO PERMIT BY RIGHT THE USE OF CHILD DAYCARE CENTERS, GROUP DAYCARE HOMES, AND FAMILY DAYCARE HOMES IN THE RS 1, RS 2, RS 3, RM 1, BC AND MU ZONING DISTRICTS.

PUBLIC TESTIMONY

Nate Hougrand, Deputy Director of Zoning, 491 Wooster Street, presented this item. Reviewed how this item is in response to recent state statute which requires childcare and group daycare as a matter of right in residential zones. Discussed how the changes would affect each residential zone to make these uses as of right. Spoke about how there are three defined daycare centers in the New Haven Code of Ordinances: family childcare homes (six (6) or less children), child daycare centers, and group daycare homes.

In response to Alder Cupo, Director Hougrand discussed how New Haven is a Special Act community, which means we do not need to follow state statute, but that this makes sense from both economic and development standpoints. Reviewed how they are not changing parking requirements for daycare centers.

In response to Alder Furlow, Director Hougrand reviewed how New Haven's zoning predates the state's zoning laws, which allows New Haven to pass more or less restrictive zoning ordinances. Discussed how as of right does not require any zoning or commission approval. Reviewed how they would have to still follow state licensing requirements, building code regarding if remodeling is required, and site plan review if required. Spoke about how even if daycare centers are as of right, they would still need to pass through the Zoning Department once, if not twice for approval. Reviewed how parking requirements apply to off-street parking only, as on-street parking spaces do apply to parking requirements.

In response to Alder E. Rodriguez, Director Hougrand confirmed the other ordinances and requirements still apply.

In response to Alder Furlow, Director Hougrand reviewed how daycares are required to have so many employees per the number of children. Discussed how based on the number of employees, the daycare owners would be required to present a site plan showing they have the required number of off-street parking requirements.

In response to Alder Marchand, Director Hougrand reviewed the parking how daycare centers are required to have one parking space for every three (3) employees or fraction thereof, and one parking space for loading and unloading children.

COMMITTEE ACTION

Alder Furlow moved item # 1, seconded by Alder Marchand. Alder Furlow moved to amend the item by substitution, seconded by Alder Marchand. The motion was unanimously approved. All the Alders spoke in favor of the item, as amended. The item was unanimously approved, and the item passed, as amended.

2. ZONING ORDINANCE TEXT AMENDMENT OF THE NEW HAVEN BOARD OF ALDERS AMENDING NEW HAVEN ZONING ORDINANCE SECTION 19: TABLE 1. SUMMARY SCHEDULE OF THE PERMITTED USES IN RESIDENCE DISTRICTS TO INCLUDE THE RS 3 ZONE AND TO PERMIT BY RIGHT THE USE OF CHILD DAYCARE CENTERS, GROUP DAYCARE HOMES, AND FAMILY DAYCARE HOMES IN ALL RESIDENTIAL ZONES AND SECTION 19 TABLE 2: SUMMARY OF DENSITY, BULK, PARKING AND LOADING REGULATIONS TO INCLUDE THE RS 3 ZONE, REMOVE THE BUSINESS & INDUSTRIAL DISTRICTS, INCORPORATE THE PREVIOUSLY APPROVED REVISIONS TO MINIMUM LOT WIDTH AND MINIMUM LOT AREA IN THE RS 1, RS 2, RM 1, AND RM 2 ZONES AND TO ESTABLISH ARTICLE III. SECTION 20: SUMMARY OF USES & BULK REGULATIONS FOR RESIDENTIAL DISTRICTS WHICH TABLES 1 AND 2 WILL BE RELOCATED.

PUBLIC TESTIMONY

Nate Hougrand, Deputy Director of Zoning, 491 Wooster Street, presented this item. Reviewed how this change updates the zoning tables to show the daycare centers are as of right, clean up the zoning tables to include the recent ADU changes, and separate the tables to make them easier to use.

COMMITTEE ACTION

Alder Furlow moved item # 2, seconded by Alder Marchand. All the Alders spoke in favor of the item. The motion was unanimously approved, and the item passed.

3. ORDINANCE AMENDMENT TO THE NEW HAVEN CODE OF ORDINANCES REGARDING THE FAIR RENT COMMISSION CHAPTER 12³/₄ - FAIR RENT PRACTICES.

WORKSHOP OF THE NEW HAVEN BOARD OF ALDERS WITH THE FAIR RENT COMMISSION TO PROVIDE AN UPDATE REGARDING THE STATUS OF THE TENANTS' UNIONS.

PUBLIC TESTIMONY

Wildaliz Bermudez, Director of Fair Rent Commission, and Joseph Merly, Assistant Corporation Counsel, presented this item. Reviewed the ordinance amendments and the reasons for the amendments as outlined in the Proposed Amendments handout, which is on file in the Office of Legislative Services. Discussed how this would lower the threshold to form a Tenant's Union from ten (10) units to five (5) units and require tenant's unions to update their rosters with the Fair Rent

Commission annually. Reviewed how the amendments also include documentation filed on New Haven's land records, so if the property is sold, the new owner has a record a complaint has been filed with the Fair Rent Commission. Spoke about how the amendments make it a form of retaliation if a landlord revokes an offer to renew a lease, within six (6) months of filing a complaint with the Fair Rent Commission or having an open order. Finally, reviewed how these amendments update the ordinance to update outdated language, update County of Common Pleas to Superior Court, and make it clear that the tenant is responsible for the last agreed upon rent to the landlord unless there is proof that the tenant shall pay a different amount given a decision from a governing authority.

Discussed how since passing the ordinance allowing tenant's unions in 2022, seven (7) tenant's unions have been formed. Most of the tenant's unions are formed in properties owned by Ocean. Reviewed the percentage of retaliation cases, types of cases received, and the breakout of the type of cases the Fair Rent Commission has received. A copy of the presentation is on file in the Office of Legislative Services.

In response to Alder E. Rodriguez, Director Bermudez reviewed how if there is a fire in an apartment, there is no requirement for them to open a complaint with Fair Rent Commission. Confirmed they do receive referrals from other city departments, primarily the Livable City Initiative. Clarified that city staff do not determine if retaliation has occurred but the commissioners serving on the Fair Rent Commission.

In response to Alder Furlow, Director Bermudez discussed how the ruling of the Fair Rent Commission is for one year.

Corporation Counsel Merly confirmed that the Fair Rent Commission cannot force the landlord to renew a lease. Discussed how landlords can increase rent, but the landlords cannot increase the rent in retaliation of a complaint being filed with the Fair Rent Commission. Reviewed how the commissioners of the Fair Rent Commission sit as judge and jury regarding reviewing the facts presented to the commission.

Director Bermudez reviewed how a fair rent increase varies on a case-by-case basis and depends on several factors including the tenants' income (fixed income?) and if there are unsafe and unhealthy living conditions.

Through the Chair, Alder Furlow requested how many of the 5-unit complexes are owner occupied and how many are LLCs.

In response to Alder Sabin, Director Bermudez discussed how it is rare when a tenant is living with unsafe and unhealthy living conditions not to allow the relevant city departments to inspect the units. However, when there is a significant rent reduction, it gets more difficult for the city to gain access to the units for reinspection.

In response to Alder Marchand, Director Bermudez confirmed based on feedback they determined it would be too burdensome for tenants' unions to update their rosters every six (6) months, so they are requesting it to be changed to annually.

Reviewed how adding language to include open orders from other city departments such as Livable City Initiative in Sec. 12³/₄-10(c) would help stop retaliation from landlords where open orders exists.

Discussed how if this amendment passes, it will allow tenants to file a complaint if their landlord does not have a residential rental license, as required. Corporation Counsel Merly confirmed the city can both fine the landlord for not complying with the residential rental license requirements.

In response to Alder E. Rodriguez, Director Bermudez reviewed how the ordinance as written

does not allow the Fair Rent Commission to take a complaint, if a landlord retaliated because a tenant filed a complaint with Livable City Initiative.

Peter Fousek, CT Tenant's Union, 169 Alden Avenue, spoke in support of the Fair Rent Commission ordinance amendments.

Bridgitte Thao, 2641 Kempston Dr., Woodbury, MN, on behalf of Britni Hunt, 189 Wooster Street, spoke in support of the Fair Rent Commission ordinance amendments. A copy of the written testimony is on file in the Office of Legislative Services.

Garry Monk, 140 Fountain Terrace, Fair Rent Commission commissioner, spoke in support of the Fair Rent Commission ordinance amendments. Discussed how the Fair Rent Commission needs these amendments to bring the ordinance up to date to help them be fair to both tenants and landlords. Reviewed how commissioners must be people of integrity and need the ordinance updated, so they can function better and have an updated tool, as this ordinance is all they have to work with.

Cynthia Vega Viegra, 32 Sunset Ridge, spoke in support of the Fair Rent Commission ordinance amendments. Discussed how her landlord retaliated against her by entering her apartment without her permission. Reviewed how most of the Fair Rent Commission cases are brought by women.

Kat Calhoun, 288 Eastern Street, spoke in support of the Fair Rent Commission ordinance amendments. Reviewed the process with the Fair Rent Commission took six (6) months, and their rent was reduced 75% by the Fair Rent Commission due to lack of heat and unsafe and unhealthy conditions. Discussed how they are thankful for Fair Rent Commission because pursuing the case in Housing Court has been difficult.

Dondre Roberts, 651 Quinnipiac Avenue, spoke in support of the Fair Rent Commission ordinance amendments. A copy of the written testimony is on file in the Office of Legislative Services.

In response to Alder Marchand, Corporation Counsel Merly and Director Bermudez confirmed they are agreeable to clarifying language in Sec. 12 $\frac{3}{4}$ -10(c) to ensure that the time limit of six (6) months does not apply to an open order, only filing a complaint.

Alder Furlow moved item # 3, seconded by Alder Marchand. Alder Furlow moved to amend the item by substitution, seconded by Alder Marchand. The motion was unanimously approved.

Alder Marchand moved to amend Sec. 12 $\frac{3}{4}$ -10(c) to replace "or having an open order" with "or while an order from any city agency against the landlord regarding the property in question remains open," seconded by Alder Furlow.

Alder Furlow moved to amend Sec. 12 $\frac{3}{4}$ -2.1 to change "The mayor shall appoint a chair and vice chair" to "The chair and vice chair shall be elected by the members of the commission by a majority vote," seconded by Alder Marchand.

All Alders spoke in favor of the item, as amended. The item was unanimously approved, and the item passed, as amended.

No committee action was taken on the workshop, as it was not communicated to the full Board of Alders.

Alder Furlow moved to close the public hearing, seconded by Alder C. Rodriguez. The motion

was unanimously approved at 8:17 p.m.

Alder Furlow moved to adjourn, seconded by Alder Marchand. The motion was unanimously approved.

Adjourn: 8:35 p.m.

A recording of this meeting can be viewed on the Board of Alders' YouTube channel here:
<https://youtube.com/@boardofalders8363>.

Respectfully submitted,
Misty Maza, J.D., Legislative Aide II