

An Ordinance Establishing the;
"Town of Trumbull Fair Rent Commission"

BE IT RESOLVED AND ORDAINED that The Town of Trumbull hereby creates a "Fair Rent Commission" with full powers and authority as set forth in Section 7-148b of the Connecticut General Statutes (CGS).

Sec. 1: Membership.

- a. The Commission shall be composed of five (5) members and two (2) alternate members appointed by the Town Council upon the recommendation of the First Selectman. The alternate members shall not belong to the same political party.
- b. The terms of the regular members shall be staggered. The first appointments shall be one member each for one, two, three, four and five years. Thereafter, all appointments shall be for a term of five (5) years.
- c. The terms of the alternate members shall be two (2) years each.
- d. At its first meeting the Commission shall elect a Chair and a Vice-Chair.

Sec. 2. Powers CGS sec. 7-148b-7-148e and CGS sec. 47a-20

The Commission may, in order to control excessive rental charges, conduct studies and investigations, hold hearings, receive complaints, require people to appear at hearings under oath, issue subpoenas and issue orders regarding rent increases. The Commission is also authorized to carry out the provisions of the Landlord/Tenant statute (CGS Sec.47a-20). Prohibiting retaliation for tenants filing complaints in good faith to; bring a dwelling into compliance with state and local laws, requesting reasonable repairs and requiring the landlord to meet their legal responsibilities. Commissioners may also carry out any subsection of the eviction statute, CGS sec. 47a-23c(b).

Sec. 3. Procedures and Hearing on Complaints

- a. Upon the filing of a complaint, the Commission shall, within 10 (ten) business days notify all parties in writing of the receipt of the complaint. Such notice shall also inform the parties that the landlord is prohibited from retaliating against the tenant due to the filing of the complaint. 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 Commission proceeding.

- b. If a complaint alleges housing conditions that violate a housing, health, building or other code or statute, the Commission shall notify the appropriate municipal office 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.
- c. A hearing on the 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) calendar days prior to the hearing by first class and certified mail and, if practicable, by electronic mail.
- d. All parties to a hearing shall have the right to be represented by an attorney, to cross-examine witnesses, to examine documents introduced into evidence, and to call witnesses and introduce evidence. The testimony taken at a hearing shall be made under oath. Hearings shall be recorded.
- e. 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.

Sec. 4. Determining Excessive Rent - CGS sec. 7-148c

Commissioners may consider the following in determining excessive rents with due regard to all the circumstances, as to be harsh and unconscionable:

- a. rents for comparable units; amount and frequency of rent increases;
- b. sanitary conditions; services provided; repairs needed;
- c. taxes;
- d. overhead expenses;
- e. compliance with State/Local health and safety laws and regulations;
- f. the degree to which income from rent increase will be reinvested in property improvements;
- g. any other factors set forth in CGS sec. 7-148c.

Sec 5. Orders by the Commission – CGS sec. 7-148d

After a hearing on a complaint the Commission shall either:

- a. determine that a rent increase is so excessive based on the standards and criteria set forth in section 3 of this ordinance, as to be harsh and

unconscionable, and order the "rent to be limited to such an amount as it determines to be fair and equitable." If such a determination is made the rent reduction shall be retroactive to the date upon which the tenant filed the complaint with the Commission and landlord shall credit tenant for the additional rent paid toward the next due rental payments, after any appeal is final.

- b. determine that a rent increase is fair and equitable;
- c. determine that the housing in question fails to meet State/Local health and safety requirements, and order the suspension of rent payments until the standards are met; or
- d. determine, after holding a hearing, that a landlord has retaliated in any way against a tenant who has complained to it, and order the landlord to cease the retaliation.

Sec. 6. Penalties and Violations — CGS sec. 7-148f

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 is pending, or violates any other provision of sections 7-148b to 7-148e, inclusive, or section 47a-20, or who refuses to obey any subpoena, order or decision of the commission pursuant thereto, shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense. If such offense continues for more than five days, it shall constitute a new offense for each day it continues to exist thereafter.

Sec. 7 Appeal – CGS sec. 7-148e.

Any person aggrieved by any order of the Commission may appeal to the Superior Court for the Judicial District of Fairfield. Any appeal must be filed within ten (10) days after the notice of the decision has been sent to the parties.

Sec. 8 Effect of amendments to state law.

Any additions to the state law referring to Fair Rent Commissions shall be automatically incorporated into this ordinance.