

Fair Rent Commission

Section 1. Establishment of the Commission

A Fair Rent Commission is established in accordance with General Statutes § 7-148b for the purpose of controlling and eliminating excessive rental charges on housing accommodations within the Town of Wallingford and to carry out the provisions of § 7-148b to § 7-148f, inclusive, § 47a-20, § 21-80a and § 47a-23c, as amended.

The Commission members shall consist of five (5) regular members and two (2) alternates. Members shall be resident electors of the Town of Wallingford and there shall be one landlord and one tenant appointed as regular members:

The Town Council shall appoint the members of the Commission and not more than three (3) of the regular members shall be registered members of the same political party. The two (2) alternates shall not be registered members of the same political party.

Each member and alternate shall serve a four (4) year term. The initial appointments shall be as follows:

- Two (2) members shall serve a two (2) year term;
- Two (2) members shall serve a three (3) year term;
- One (1) member shall serve a four (4) year term;
- One (1) alternate shall serve a two (2) year term; and
- One (1) alternate shall serve a three (3) year term.

Thereafter, each member and alternate shall be appointed to a four (4) year term.

All members shall serve without compensation. The Commission shall elect from its own membership a chairperson and vice-chairperson.

Section 2. Definitions

Housing Accommodations means a place of residence, including any land or building appurtenant thereto, living quarters occupied as a place of residence, including mobile manufactured homes and mobile manufactured home park lots. The following are not included:

- a. Seasonal accommodations as defined by § 7-148b;
- b. Any housing owned and operated by local, state or federal government or the Wallingford Housing Authority.

Tenant shall mean any person who leases or rents, whether by written or oral lease, any housing accommodation, as a residence for themselves and/or their immediate family.

Rent or rental charges include any charge for use or occupancy of any housing accommodation and any fee or charge in addition to rent that is imposed or sought to be imposed upon a tenant by the landlord.

Section 3. Powers of the Commission

The Commission's powers shall include the power to:

- (1) Receive complaints concerning alleged excessive rental charges and alleged violations, including retaliation, of §§ 7-148b to 7-148f, inclusive, § 47a-20, § 21-80a and § 47a-23c in housing accommodations;
- (2) Make such studies and investigations regarding rental housing within the Town of Wallingford as are appropriate to carry out the duties and responsibilities delegated hereunder;
- (3) Conduct hearings on complaints within its jurisdiction;
- (4) Conduct hearings on complaints from tenants in protected status under § 47a-23c concerning rent increases or proposed rent increases that are alleged not to be fair and equitable, using the criteria set forth in Section 4.
- (5) Compel the attendance of persons at hearings, issue subpoenas and administer oaths, issue orders and continue, review, amend, terminate or suspend any of its orders and decisions;
- (6) Determine, after a hearing as set forth herein, whether or not the rent for any housing accommodation is so excessive as to be harsh and unconscionable;
- (7) Determine, after a hearing as set forth herein, whether the housing accommodation in question fails to comply with any municipal ordinance or state statute or regulation relating to health and safety;
- (8) Order the suspension or reduction of further payment of rent by the tenant until such time as the landlord makes the necessary changes, repairs or installations so as to bring such housing accommodation into compliance with any municipal ordinance or state statute or regulation relating to health and safety;
- (9) Determine, after a hearing as set forth herein, whether a landlord has engaged in retaliation and make such orders as are authorized herein;
- (10) Order a reduction of any harsh and unconscionable rent to an amount which is fair and equitable, and make such other orders as are authorized herein;

- (11) Establish an escrow account through the Comptroller's Office into which it shall deposit all rent charges or other funds paid to it pursuant to Section 6 herein; and
- (12) Carry out all other provisions of §§ 7-148b to 7-148f, inclusive, § 47a-20, § 21- 80a and § 47a-23c as now existing and as hereinafter amended, as they apply to fair rent commissions.

Section 4. Determination of Excessive Rent

- (a) In determining whether a rental charge or a proposed increase in a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable, the Commission shall consider such of the following circumstances as are applicable to the type of accommodation:
 - (1) The rents charged for the same number of rooms in other housing accommodations in the same and in other areas of the Town of Wallingford and other evidence of market rents;
 - (2) The sanitary conditions existing in the housing accommodations in question;
 - (3) The number of bathtubs or showers, flush waste closets, kitchen sinks and lavatory basins available to the occupants thereof;
 - (4) Services, furniture, furnishings and equipment supplied therein;
 - (5) The size and number of bedrooms contained therein;
 - (6) The availability of utilities;
 - (7) Repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein;
 - (8) The amount of taxes and overhead expenses, including debt services thereof for the subject property;
 - (9) Whether the accommodations are in compliance with the ordinances of the Town of Wallingford and state law relating to health and safety;
 - (10) The income of the petitioner and all listed tenants on the lease and the availability of accommodations;
 - (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; and
 - (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.

- (b) The rent of a tenant protected by § 47a-23c who files a complaint with the Commission pursuant to § 47a-23c(c)(2) may be increased only to the extent that such increase is fair and equitable, based on the criteria set forth in § 7-148c.

Section 5. Procedures and Hearing on Complaints

- (a) Upon the filing of a complaint, the Commission shall promptly 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 fair rent 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 department, which may then concurrently exercise its own powers. In addition, the Commission may request that the appropriate municipal department promptly investigate and provide a report to the Commission.
- (c) If two or more complaints are filed against the same landlord by tenants occupying different rental units in the same building, complex, or mobile home park that appear to raise the same or similar issues, the Commission may consolidate such claims for hearing.
- (d) If the Commission determines that a complaint is not within its jurisdiction, it shall dismiss the complaint.
- (e) If both parties consent, Town staff, designated by the Mayor, may mediate the dispute in an attempt to resolve the complaint. Any agreement to resolve the complaint shall be in writing and signed by the parties. The written agreement shall be submitted to the Commission and the complaint shall be withdrawn by the Complainant or dismissed by the Commission.
- (f) A hearing on the complaint shall be scheduled no later than thirty (30) days after the filing of the complaint, unless extended by the Chairperson. Written notice of the date, time, and place of the hearing shall be given to the parties to the complaint at least ten (10) days prior to the hearing by first class and certified mail and, if practicable, by electronic mail. Each party may consent, in writing, to receive notices by electronic mail only. The parties may consent to an extension of time for any part of the hearing process. In the event of any extension, the stay of any rent increase, as provided in Section 5(a) shall remain in effect.

- (g) All parties to a hearing shall have the right to be represented, 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.
- (h) In the event that there is insufficient time to complete a hearing or for other cause, the Commission shall have the power to continue the hearing to another time and date.
- (i) No sale, assignment, transfer of the housing accommodation in question or attempt to evict the tenant shall be cause for discontinuing any pending proceeding nor shall it affect the rights, duties and obligations of the Commission or the parties.

Section 6. Rent Reduction Order and Repairs

- (a) The Commission shall render its decision within thirty (30) days following the close of the hearing, unless extended by the Chairperson. 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.
- (b) If the Commission determines, after a hearing that the rental charge or proposed increase in the rental charge for any housing accommodation is so excessive, based on the standards and criteria set forth herein, as to be harsh and unconscionable, it may order that the rent be limited to such an amount as it determines to be fair and equitable, effective the month in which the tenant filed the complaint. A Commission's orders may include, but are not limited to, a reduction in a rental charge or proposed rent increase; a delay in an increased rental charge until specified conditions, such as compliance with municipal code enforcement orders, have been satisfied; or a phase-in of an increase in a rental charge, not to exceed a fair and equitable rent, in stages over a period of time. Commission orders shall specify the date after which its order is no longer in effect. An order reducing or freezing a rental charge shall not exceed one (1) year unless the Commission orders a phase in of an increase in the rental charges.
- (c) In § 47a-23 cases, the Commission shall allow a rent increase only to the extent that the increase is fair and equitable, based upon the criteria in Section 4.
- (d) If the Commission determines after a hearing that a housing accommodation fails to comply with any municipal ordinance or state statute or regulation relating to health and safety, the Commission may order the suspension or reduction of further payment of rent by the tenant until such time as the landlord makes the necessary changes, repairs or installations so as to bring the housing accommodation into compliance with such laws, statutes, or regulations. If the Commission's order constitutes a complete suspension of all rent, the rent during such period shall be paid to the Commission to be held in escrow as directed by

the Town's Comptroller. Upon the landlord's full compliance with such ordinance, statute or regulation for which payments were made into such escrow, the Commission shall determine after hearing such distribution of the escrowed funds as it deems appropriate.

Section 7. Retaliation

- (a) No landlord shall engage in retaliatory actions. Retaliatory actions by a landlord include but are not limited to the following:
- (1) Engaging in any action prohibited by § 47a-20 or § 21-80a within six months after any event listed in such statutes, including but not limited to within six months after the tenant has filed a complaint with the Commission;
 - (2) Refusing to renew the lease or other rental agreement of any tenant; bringing or maintaining an action or proceeding against the tenant to recover possession of the dwelling unit; demanding an increase in rent from the tenant; decreasing the services to which the tenant has previously been entitled; because a tenant has filed a complaint with the Fair Rent Commission;
 - (3) Engaging in any other action determined by the Commission, after a hearing, to constitute landlord retaliation as set forth in § 7-148d(b).
- (b) In the initial notice to the parties regarding the complaint, and in its notice of decision, the Commission shall include notice, in plain language, to landlords and tenants that retaliatory actions against tenants are prohibited.
- (c) Any tenant who claims that the action of his or her landlord constitutes retaliatory action may file a notice of such claim with the Commission. If the Commission determines, after a hearing, which hearing shall be expedited, that a landlord has retaliated in any manner against a tenant because the tenant has complained to the Commission, the Commission may order the landlord to cease and desist from such conduct and order the landlord to withdraw or remediate such conduct as has already occurred.

Section 8. Appeals

Any person aggrieved by any order or decision of the Commission may appeal to the Superior Court within thirty (30) days of the issuance of the written notice of the decision to the parties. Such notice shall include notice of the right to appeal, the court to which an appeal may be taken, and the time in which an appeal must be filed. Unless otherwise directed by the Commission or the court, the filing of an appeal shall not stay any order issued by the Commission.

Section 9. Failure to Comply with Commission Orders

- (a) 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 pursuant to § 7-148e is pending, or who violates any other provision of this chapter or § 47a-20 or 21-80a or who refuses to obey any subpoena, order or decision of the Commission pursuant thereto shall be fined not less than \$25 nor more than \$100 for each offense. In determining the amount of the fine, the Commission shall consider the particular facts of the case, the gravity of the violation and whether the violation is willful. If such offense continues for more than five days, it shall constitute a new offense for each day it continues to exist thereafter.
- (b) The Commission, through the Town's Law Department, may pursue any legal remedy to enforce any order of the Commission made pursuant to this ordinance, including to enjoin a violation of any order of the Commission.

I HEREBY CERTIFY that this Ordinance was enacted by the Town Council of the Town of Wallingford this ~~10~~ day of ~~October~~, 2023, in accordance with the provisions of the Charter of the Town of Wallingford.

Kristen Panzo
Kristen Panzo
Town Clerk

APPROVED: William W. Dickinson, Jr.
William W. Dickinson, Jr., Mayor

DATE: 10/11/23

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