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Underscored text is proposed to be added. [Bracketed] text is proposed for deletion.

ARTICLE XII. FAIR RENT COMMISSION

Sec. 12-180. Fair Rent Commission Creation; membership

(a) Pursuant to and in conformity with General Statutes §§ 7-148b through 7-148f, 47a-20 and 47a-23c, there is hereby created a Fair Rent Commission to carry out the purposes, duties, responsibilities and all provisions of the above-described sections and any other sections of the statutes, as they may be amended from time to time, pertaining to fair rent commissions.

(b) The Commission shall consist of seven (7) members and three (3) alternates, all of whom shall be residents of the City of Bristol. Of the seven (7) members, two (2) shall have been landlords for at least one year prior to appointment (“landlord member”); two (2) shall have been tenants for at least one year prior to appointment (“tenant member”); and three (3) shall be electors who were not a landlord or a tenant at the time of appointment nor have been a landlord or a tenant for at least one year prior to their appointment (“elector member”). Among the alternate members, one (1) shall be a landlord, one (1) shall be a tenant, and one (1) shall be an elector who is neither a landlord nor a tenant. Each alternate member shall have the same qualifications as above.

(c) The members and alternates shall be nominated by the mayor and appointed by the city council.

(d) Members of the Commission shall be appointed for staggered terms of three (3) years. One (1) landlord member, one (1) tenant member, and one (1) elector member shall be appointed for a three (3) year term. One (1) landlord member, and one (1) elector member shall be appointed for an initial term of two (2) years. One (1) tenant member and one (1) elector member shall be appointed for an initial term of one (1) year. Thereafter, members shall be appointed for terms of three (3) years.

(e) Alternates of the Commission shall have the same requirements as in paragraph (d) above and shall be appointed for staggered terms of three (3) years. The elector who is not a landlord nor a tenant shall be appointed for a three-year term. The landlord alternate shall be appointed for an initial term of two (2) years. The tenant alternate shall be appointed for an initial term of one year. Thereafter, alternates shall be appointed for terms of three (3) years.

(f) Reappointment of members and alternates shall be by nomination of the mayor and appointment by the city council, provided that a member or alternate who has served two successive three-year terms is not eligible for reappointment until at least one year has elapsed.

(g) The vacancy of a member shall be filled by the chair of the Commission for the balance of the term with the landlord alternate selected to fill a landlord vacancy, the tenant alternate selected to fill a tenant vacancy, and the elector who is neither a landlord nor a tenant selected to fill the elector who is neither a landlord nor a tenant vacancy. A vacancy of an alternate shall be filled by nomination of the mayor and appointment by the city council. A vacancy is created if (1) a member or alternate ceases to be a resident in the City of Bristol (2) the elector member or elector alternate becomes a landlord or tenant during their appointed term, or (3) a landlord member or landlord alternate ceases to be a landlord in the City of Bristol, or (4) a tenant member or tenant alternate ceases to be a tenant in the City of Bristol.

(h) A quorum shall consist of four (4) members or seated alternates.

(i) The Commission shall elect a chair, vice-chair and secretary annually.

(j) Members and alternates shall serve without compensation.

Sec. 12-181. Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (a) Commission shall mean the Fair Rent Commission of the City of Bristol, Connecticut.
- (b) 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, government owned property, or college or school dormitory or any such accommodation which is operated or used exclusively for charitable or educational purposes.

- (c) 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.
- (d) Person shall mean any individual, firm, company, association, corporation or group.
- (e) Rent shall mean periodic payments to be made to the landlord under a rental agreement.
- (f) Rental agreement shall mean an agreement, written or oral, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a housing accommodation.
- (g) Rental charge includes any fee or charge in addition to rent that is imposed or sought to be imposed on a tenant by a landlord, and includes any charge that is already in effect;
- (h) Seasonal basis shall mean housing accommodations rented for a period or periods aggregating not more than 120 days in any one calendar year.
- (i) Tenant shall mean any person who leases or rents, whether by written or oral lease who in any other legal way occupies any housing accommodation, as a residence for said person and/or said person's immediate family.

Sec. 12-182. Powers of the Commission

- (a) The Commission's powers shall include the power to:
 - (1) Receive complaints, inquiries, and other communications concerning alleged excessive rental charges and alleged violations, including retaliation, of General Statutes §§ 7-148b to 7-148f, inclusive, General Statutes § 47a-20, General Statutes 21-80a and General Statutes § 47a-23c in housing accommodations, except those accommodations rented on a seasonal basis, within its jurisdiction, which jurisdiction shall include mobile manufactured homes and mobile manufactured home park lots.
 - (2) Make such studies and investigations regarding rental housing within the City of Bristol as are appropriate to carry out the duties and responsibilities delegated hereunder, and subject to the terms, limitations and conditions set forth herein;
 - (3) Conduct hearings on complaints or requests for investigation submitted to it by any person, subject to the terms, limitations and conditions as set forth herein;

- (4) 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;
- (5) 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;
- (6) 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;
- (7) Determine, after a hearing as set forth herein, whether a landlord has engaged in retaliation in violation of Section 12-186 below and make such orders as are authorized herein;
- (8) Order a reduction of any excessive rent to an amount which is fair and equitable, and make such other orders as are authorized herein;
- (9) 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;
- (10) Establish an escrow account with a local bank or financial institution into which it shall deposit all rent charges or other funds paid to it pursuant to Section 12-185 herein; and
- (11) Carry out all other provisions of General Statutes §§ 7-148b to 7-148f, inclusive, General Statutes § 47a-20, 21- 80a and General Statutes § 47a-23c as now existing and as hereinafter amended, as they apply to fair rent commissions.

(b) The Commission may adopt rules for the transaction of business subject to the approval of the city council.

Sec. 12-183. 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 municipality;
- (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) Repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein;
- (7) The amount of taxes and overhead expenses thereof;
- (8) Whether the accommodations are in compliance with the ordinances of the City of Bristol and the General Statutes of the State of Connecticut relating to health and safety;
- (9) The income of the petitioner and the availability of accommodations;
- (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; 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) Nothing in this section shall preclude the Commission from considering other relevant circumstances.

(c) The rent of a tenant protected by General Statutes, § 47a-23c who files a complaint with the Commission pursuant to General Statutes, § 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 General Statutes § 7-148c.

Sec. 12-184. Procedures and Hearing on Complaints

- (a) Complaint forms may be obtained from the town clerk. Completed complaint forms shall be filed with the town clerk. Upon receipt of a complaint, the town clerk shall forward the complaint by electronic mail to the members and alternates.
- (b) 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.
- (c) 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.
- (d) Members and alternates may conduct an inspection of the rental unit.
- (e) 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.
- (f) Members, alternates, and municipal staff as designated by the mayor may, to the extent practicable, serve as informal conciliators and encourage the parties to the complaint to reach a mutually satisfactory resolution through informal conciliation. Members and alternates who serve as conciliators shall not participate in the hearing on the complaint. Any agreement to resolve the complaint shall be in writing and signed by the parties.
- (g) 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) days prior to the hearing by first class, certified mail, or electronic mail.
- (h) 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.

- (i) If there is insufficient time to complete a hearing or for other cause, the Commission shall have the power to adjourn the hearing to another time and date.
- (j) 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.
- (k) The tenant shall either file a copy of any written lease with the complaint or bring a copy to the hearing.

Sec. 12-185. Rent Reduction Order and Repairs

(a) 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. In accordance with the state Freedom of Information Act, both the hearing itself and the deliberation by the Commission shall be open to observation by the public. 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) Decisions are effective when issued in writing and sent to the landlord and tenant by first class mail, certified mail, certified mail with return receipt, or electronic mail.

(c) 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 in Section 12-183, 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 be effective for at least one (1) year from the date of issuance, unless the Commission otherwise orders.

(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 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 subject to such ordinances or provisions as may be adopted by the City of Bristol. 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.

(e) During the pendency of a complaint, the Commission may have a tenant pay all or part of any proposed increase in rent charge to the Commission to be placed in an escrow. The amounts collected will be refunded to the tenant if the tenant prevails on the complaint or will be forwarded to the landlord if the complaint is dismissed.

Sec. 12-186. 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 General Statutes § 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; or verbally, physically or sexually harassing a tenant 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 General Statutes § 7-148d (b).

(b) In the initial notice scheduling a hearing or conciliation on a 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.

Sec. 12-187. 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.

Sec. 12-188. 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 General Statutes § 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 or such other penalties and fines as permitted by law. 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, in its own name or through the municipality, may bring a civil action to any court of competent jurisdiction or take any other action in such a court to enforce any order of the Commission made pursuant to this subchapter, or to enjoin a violation or threatened violation of any order of the Commission.

Sec. 12-189. Landlord request for reconsideration

A landlord may request that the Commission reconsider a decision:

- (a) Within sixty days of the issuance of the decision if the landlord claims that notice of the hearing and decision were not received.
- (b) If the landlord shall have corrected violations after an order reducing the rent, and if the rent has been reduced solely because of such violations, the landlord may petition the Commission for reinstatement of the original rent and for payment to him of the rent held in escrow.
- (c) If the landlord shall have corrected such violations after the order reducing the rent, but the rent had not been reduced solely because of such violations, the landlord may petition the Commission for an order fixing a fair and equitable rent for such housing accommodation in light of its condition at the time of the landlord's petition, and for the payment to the landlord of the rent held in the escrow account.