

ARTICLE V. FAIR RENT COMMISSION*

***Editor's note:** Ord. No. 88-1, adopted March 7, 1988, enacted provisions designated as Chapter 17, Article I. For purposes of classification and in order to maintain the alphabetical sequence of chapters, §§ 1--9 of said ordinance have been codified as Article V, §§ 2-41--2-49, at the discretion of the editor.

Cross references: Housing code, § 3-50 et seq.

Sec. 2-41. Establishment.

Pursuant to the provisions of sections 7-148b to 7-148f of the Connecticut General Statutes, there is hereby established a fair rent commission for the purpose of regulating and eliminating excessive rental charges for residential property within the Town of Windsor.

(Ord. No. 88-1, § 1, 3-7-88)

Sec. 2-42. Membership.

The fair rent commission shall consist of seven (7) members and three (3) alternates, all of whom shall be electors of the Town of Windsor. Of the seven (7) regular members, two (2) shall be landlords and two (2) shall be tenants and three (3) shall be neither landlords nor tenants. Among the alternate members, at least one (1) shall be a landlord and one (1) shall be a tenant and one (1) shall be neither.

In addition, not more than four (4) of said regular members and not more than two (2) of said alternates shall be registered members of the same political party. The members and alternates shall be appointed by the town council. At least five (5) members or seated alternates shall constitute a quorum.

(Ord. No. 88-1, § 2, 3-7-88)

Sec. 2-43. Definitions.

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

- (a) *Commission:* The fair rent commission of the town.
- (b) *Housing accommodation:* Any building or structure wholly or in part containing living quarters occupied or fairly intended for occupancy as a place of residence, and including any land or building appurtenant thereto, except the following:
 - (1) A hospital, convent, monastery, asylum, public institution operated exclusively for charitable or educational purposes.

(2) Any housing accommodations owned and operated by the United States, the State of Connecticut, the housing authority of the Town of Windsor, the Town of Windsor or any agency or political subdivision of said governmental entities.

(3) Housing accommodations exempted by section 7-148b of the Connecticut General Statutes, as amended.

(4) Any building or structure which contains three (3) units or less at least one (1) of which is occupied by the owner of said building or structure.

(c) *Landlord*: Any person who leases, subleases, rents or permits the occupancy of any housing accommodation, including a person who manages a housing accommodation owned by someone else.

(d) *Tenant*: Any person who leases or rents, whether by written or oral lease, any housing accommodation, as a residence for himself/herself and/or his or her immediate family.

(e) *Rent or rental charges*: Any consideration, monetary or otherwise, including any bonus, benefit or gratuity, demanded or received for the use or occupancy of any housing accommodations.

(Ord. No. 88-1, § 3, 3-7-88)

Sec. 2-44. Terms of members.

The initial members of the fair rent commission shall serve for terms as follows:

- (a) Two (2) members for a term of one (1) year from the enactment of this article;
- (b) Two (2) members for a term of two (2) years from the enactment of this article; and
- (c) Three (3) members for a term of three (3) years from the enactment of this article.

Alternate members shall serve a term of three (3) years. Following the completion of the terms of the initial members, all regular members shall serve terms of three (3) years.

(Ord. No. 88-1, § 4, 3-7-88)

Sec. 2-45. Filling vacancies, removing members.

The town council shall fill all vacancies in the membership of the commission in the same manner as provided for in section 6-1 of the Town Charter for the filling of vacancies and may remove any member in the manner provided in section 6-3 of the Town Charter.

(Ord. No. 88-1, § 5, 3-7-88)

Sec. 2-46. Powers and duties.

Pursuant to 7-148b through 7-148e, General Statutes, the commission shall have the following

powers:

- (1) To make such studies and investigations into rentals charged for housing accommodation within the town 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 the town.
- (3) To conduct hearings on complaints or requests for investigations submitted to it by any tenant or any landlord. One (1) week notice by registered or certified mail, postage prepaid, shall be given to the parties involved in such complaint. If any notice is returned without having been delivered, the commission may arrange for service by a deputy sheriff, constable of the town, or indifferent person in the same manner as is provided in the General Statutes of the state for service of process in a civil action.
- (4) To request the assistance of any department of the town government, including any available records, information or expert witness which the department may have in its employ.
- (5) To administer oaths.
- (6) To subpoena witnesses and compel their attendance at said hearings and to compel the production of any books or documents relating to any matter before the commission.
- (7) To determine, after a hearing, whether the rent for any housing accommodation is so excessive as to be harsh and unconscionable.
- (8) To order a reduction of any excessive rent which is deemed to be harsh and unconscionable (as determined according to standards described in section 2-47) to an amount the commission considers fair and equitable. However, the commission shall not have the power to waive any rent which has become due prior to the filing date of the complaint. In its discretion, the commission may make the order retroactive to the date of the tenant's complaint. Such order shall be in effect for a period of one (1) year from its effective date, except if the commission shall pursuant to a subsequent petition by the landlord or tenant at any time, order that the rent be changed.
- (9) To dismiss a complaint.
- (10) To continue, review, amend, terminate or suspend all its orders and decisions.
- (11)
 - (a) If the commission determines after a hearing that a housing accommodation fails to comply with the town's housing code laws or any state or municipal statute or regulation relating to health and safety, the commission may order the tenant to pay the fair and equitable rent, as determined by the commission, to the commission.
 - (b) The commission shall hold such rent in an escrow account, as hereinafter provided, until the landlord makes such repairs as are required to bring the housing accommodation into compliance with such laws, statutes, or regulations.
 - (c) If the landlord shall have corrected such violations after the order reducing the rent, and

if the rent had been reduced solely because of such violations, the landlord may petition the commission for the reinstatement of the original rent and for the payment to him/her of the rent held in the escrow account.

(d) If the landlord shall have corrected such violations after the order for 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 him of the rent held in escrow account.

(e) In any case arising under this subsection, upon reasonable determination of the commission, the original rent or such fair and equitable rent as determined by the commission, may be ordered into effect retroactive, at the discretion of the commission, to the date of the petition for reinstatement. No such reinstatement shall be effective until after a hearing is held by the commission in accordance with the provisions of subsection (3) hereof.

(12) To deposit into escrow account rent paid to the commission by tenants when their landlord refuses to accept it or the landlord requests in writing that the commission hold the rent until the complaint or claim can be resolved either through mediation or hearing.

(13) To establish an escrow account with a local bank or financial institution into which it shall deposit all rents or other funds paid to it pursuant to subsection (11), (12), and (13) hereof. If rent is deposited into the escrow account pursuant to subsection (11), such funds shall be released to the landlord if (a) he shall be successful in an appeal to the court or (b) if the commission shall order such release after petition in accordance with subsection (12) hereof. If rent is deposited into the escrow account pursuant to subsection (13) or (14), such funds shall be withdrawn from the escrow account and paid to the landlord upon written request from the landlord.

(14) Interest earned on said escrow account shall be awarded to the landlord.

(15) To require the town attorney to institute, and the town attorney shall then institute, an action in any court of equity for either a temporary or final injunction, restraining violation of or directing compliance with any order made pursuant to any provision of this article. Such direction to the town attorney shall be written by the chairman of the commission or by his designee upon the majority vote of the commission.

(16) Attempt through the process of conciliation and negotiation between a tenant and a landlord, to arrive at a rental agreement which is mutually acceptable to said tenant and landlord initiating the formal hearing process.

(17) To exercise all the powers given a fair rent commission under Connecticut General Statutes section 7-148b to 7-148f and section 47a-23c(b) as they may be amended from time to time.

(Ord. No. 88-1, § 6, 3-7-88; Ord. No. 88-2, § 1, 5-16-88)

Sec. 2-47. Standards.

In determining whether a rental charge is so excessive, with due regard to all the

circumstances, as to be harsh and unconscionable, a fair rent commission shall consider all factors set forth in section 7-148c of the Connecticut General Statutes, as amended.

(Ord. No. 88-1, § 7, 3-7-88)

Sec. 2-48. Eligibility to file complaint.

Any tenant, except those who live in a building or structure exempt under section 2-43(b) of this article, shall be eligible to file a complaint with the commission.

(Ord. No. 88-1, § 8, 3-7-88)

Sec. 2-49. Penalties.

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 Connecticut General Statutes section 7-148e is pending, or violates any other provision of Connecticut General Statutes sections 7-148b to 7-148e, inclusive, and Connecticut General Statutes section 47a-20, or who refuses to obey any subpoena, order or decision of a commission pursuant thereto, shall be fined not less than twenty-five dollars (\$25.00) not more than one hundred dollars (\$100.00) for each offense. If such offense continues for more than five (5) days, it shall constitute a new offense for each day it continues to exist thereafter.

(Ord. No. 88-1, § 9, 3-7-88)