

ORDINANCE 72 REPEALED BY RESOLUTION R-92-4-45

72. ORDINANCE CREATING FAIR RENT COMMISSION OF THE CITY OF GROTON

(JULY 17, 1989)

Section 1.00 CREATION; PURPOSE:

Pursuant to and in conformity with Connecticut General Statute 7-148b through 7-148f there is hereby created a Commission known as the Fair Rent Commission for the purpose of controlling and eliminating excessive rental charges on residential property within the City. This Ordinance is enacted in recognition of the compelling need to control and eliminate excessive rental charges in the City.

Section 2.00 DEFINITIONS:

For the purpose of this Ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Commission: The Fair Rent Commission of the City.

Housing Accommodation: Any building or structure containing four or more living quarters occupied, or intended for occupancy as places of residence, including any land or building appurtenant thereto, and mobile homes and mobile home park lots, except the following:

1. A hospital, convent, monastery, asylum, public institution, college or school dormitory, or any institution operated exclusively for charitable or educational purposes.
2. Any housing accommodations owned and operated by the United States, the State of Connecticut, the City of Groton, the Housing Authority of the Town of Groton, or by any agency or political subdivision of the above.
3. Accommodations rented on a seasonal basis.

Landlord: The owner, lessor or sub-lessor of any housing accommodation, including a person who manages a housing accommodation owned by someone else, and including any person leasing or subleasing any housing accommodation under any order of a state or federal court.

Person: Any individual, partnership, corporation, association, or other business entity, or other association or group, which provides housing accommodations as defined herein.

Rental Agreement: All agreements, whether written or oral or both, embodying the terms and conditions concerning the use and occupancy of a housing accommodation.

Rental Charges: Any consideration, monetary or otherwise, including any bonus, benefit, or gratuity, demanded or received, for the use or occupancy of any housing accommodation.

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Seasonal Basis: Housing accommodations rented for a period or periods aggregating not more than 120 days in any one calendar year.

Tenant: A natural person who leases or rents or in any other legal way occupies any housing accommodation as a resident for himself or herself or his or her immediate family.

Section 3.00 MEMBERSHIP:

(A) The Fair Rent Commission shall consist of five members, all of whom shall be resident electors of the City, and shall be composed of one landlord member, one tenant member, and three citizen members. Not more than three of the members shall be registered members of the same political party. All of the members shall be appointed by the Mayor and subject to the approval of the Council. Citizen member means as resident elector of the City who is neither a tenant or a landlord.

(B) In addition, the Mayor shall appoint two resident electors to serve as alternates, who shall be one landlord and one tenant, subject to approval of the Council. Either of the alternates shall act in the place of a regular member who is either absent or disqualified from serving. The term of office of the alternates shall be for a period of three years, or until their successors have been chosen and qualified. Not more than one of the alternate members shall be registered members of the same political party.

Section 4.00 TERMS OF OFFICE:

The initial members of the Fair Rent Commission shall be appointed for terms which shall commence as of the date of their appointment and end on the dates set forth below:

TERM	MEMBERS
Ending July 1, 1990	1
Ending July 1, 1991	2
Ending July 1, 1992	2

All such appointments thereafter shall be for a tem of three years.

Section 5.00 POWERS:

The Fair Rent Commission shall have the following powers, consistent with budgetary limitations imposed by the Council and Freemen of the City.

(A) To make such studies and investigations in conjunction with complaints and conduct hearings into rental charged for house accommodations within the City as are appropriate to carry out the duties and responsibilities delegated hereunder, and subject to the terms, limitations and conditions set forth herein.

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(B) To receive complaints, inquiries and other communications concerning alleged excessive rental charges in housing accommodations within the City.

(C) To conduct hearings on complaints or requests for investigations submitted to it by any person, subject to the terms, limitations and conditions as set forth herein.

(D) To 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.

(E) To order a reduction of any excessive rent to an amount which is fair and equitable, and to make such other orders as are authorized herein.

Section 6.00 ORGANIZATION; PROCEDURES:

(A) At its initial meeting, the Fair Rent Commission shall elect from its own membership, officers as it deems appropriate. In any event, it shall elect a chairman, who shall preside over its meetings, a vice-chairman who shall preside in the absence of the chairman, and a secretary who shall maintain records of the doing of the Commission.

(B) A quorum for any meeting shall consist of at least three members of the Commission. The Commission shall not order any rent reduction or make any determination that a rent is too excessive as to be harsh and unconscionable, except on the vote of a majority of the members who were either present at the hearing or who reviewed the transcript or listened to the tape and reviewed the evidence of same.

(C) The Commission shall conduct regular meetings, open to the public, to transact whatever business is properly before the Commission. The Commission shall determine the time, dates and places of the meetings, and shall announce the same in advance of the meetings.

Section 7.00 BY-LAWS:

The Fair Rent Commission shall be empowered to enact such by-laws and regulations as are necessary for the conduct of its business, provided no by-laws or regulation shall be in conflict with any provision of this Ordinance as set forth herein.

Section 8.00 HEARINGS ON A COMPLAINT:

(A) Upon receipt of a complaint that a rental is excessive to the point of being harsh and unconscionable, the Fair Rent Commission shall review the complaint and determine whether the complaint presents an appropriate matter for consideration by the Commission.

(B) If the complaint is considered by the Commission, the Commission shall first encourage the parties to the complaint to meet privately in an attempt to reach a mutually satisfactory resolution to the complaint.

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(C) A hearing on the complaint shall be scheduled if the Commission determines, after receipt of the complaint, that a hearing is justified. Written notice of the date, time and place of the hearing shall be given by mailing a notice thereof, by certified return receipt requested mail, postage prepaid, to the landlord and the tenant, at least seven days prior to the hearing. The persons entitled to receive the notice as set forth hereinafter designated as the parties to the complaint.

(D) At the hearing, each party shall have the right to offer such testimony, exhibits and witnesses as the party deems necessary or appropriate.

(E) The testimony of all persons shall be under oath, and any member of the Commission is hereby authorized to administer the oath to a witness.

(F) The Commission shall have the power to subpoena any person to appear before the Commission, and shall have the power to compel the production of any books or documents relating to any matter before the Commission.

(G) Any party shall have the right to be represented by any person duly authorized by the party at any hearing. In addition, any party shall have the right, either himself or herself, or through his or her representative, to cross-examine any witnesses produced at the hearing and to examine all documents offered in evidence.

(H) The Commission shall have the right to request the assistance of any department of the city government, including any available records, information or expert witnesses which the agency may have in its employ.

(I) The Commission is empowered to hire or retain any expert real estate appraisers or other competent experts to advise it.

(J) In the event that there is insufficient time to complete a hearing, the Commission shall have the power to adjourn the hearing to another time and date.

(K) After the completion of the public hearing and the receipt of all evidence, testimony and exhibits to be submitted by the parties to it, the Commission shall make such orders as are authorized herein.

(L) The secretary of the Commission shall record minutes of all Commission meetings. All hearings of the Commission shall be tape-recorded or a public stenographer shall be retained by the Commission to record evidence and proceedings of public hearings.

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Section 9.00 ORDER OF THE COMMISSION:

Subsequent to the hearing the Fair Rent Commission shall have the power to do the following:

(A) Order a reduction for any housing accommodation, where the rental charge is so excessive as to be harsh and unconscionable, to an amount which is fair and equitable, subject to the standards set forth in this Ordinance.

(B) Refer the matter to the appropriate City or Town agency or the law enforcement authorities for enforcement of the appropriate municipal ordinance, Connecticut General Statute or state regulation, if the Commission determines that the housing accommodation in question fails to comply with any municipal ordinance or Connecticut General Statute or state regulation relating to health and safety.

(C) Dismiss the complaint.

(D) Continue, review, terminate or suspend all of its orders and decision.

(E) Continue the complaint for final disposition if it finds that the complaint involves a matter which can be corrected or adjusted between the parties and it finds that such a continuance would be appropriate under the circumstances.

(F) Order payments of the rent in escrow to the Commission with the option to order temporary reduction in the rent until the landlord has corrected the situation, or, in lieu thereof, order the posting of a sufficient performance bond by the landlord until such time as the landlord has corrected any health and safety violations which the appropriate authorities have investigated and have certified to the Commission as existing code violations relating to health or safety.

Section 10.00 EXCESSIVE CHARGE STANDARDS:

In determining whether a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable, the Fair Rent Commission shall consider any of the following circumstances as are applicable to the type of accommodation.

(A) The rents charged for the same number of rooms in other housing accommodations is the same and in other comparable areas of the municipality.

(B) The sanitary conditions existing in the housing accommodations in question.

(C) The number of bathtubs or showers, toilets, kitchen sinks and lavatory basins available to the occupants thereof.

(D) Services, furniture, furnishings and equipment supplied therein.

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- (E) The size and number of bedrooms contained therein.
- (F) Repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein.
- (G) The amount of taxes and overhead expenses thereof.
- (H) Whether the accommodations are in compliance with the ordinances of the municipality and the General Statutes relating to health and safety.
- (I) The income of the complaintant and the availability of accommodations.
- (J) The availability of utilities.
- (K) Damages done to the premises by the tenant, caused by other than ordinary wear and tear.
- (L) The amount and frequency of increases in rental charges.
- (M) 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.

Section 11.00 RENT REDUCTION NOT RETROACTIVE:

The Fair Rent Commission shall not have the authority to make any order of rent reduction retroactive. Any order of rent reduction shall become effective on the next due date of the rent after the filing of the complaint. The existing rent and any increase which becomes due and payable during the course of the proceedings before the Commission shall continue to be paid to the landlord, unless the housing accommodation in question fails to comply with any municipal ordinance or Connecticut General Statute or state regulation relating to health and safety whereby the rent shall be paid to the Commission in escrow. The amount of any increase in rent shall likewise be paid to the Commission in escrow and not to the landlord.

Section 12.00 ESCROW ACCOUNT:

The Fair Rent Commission shall establish an escrow savings account with a local bank or financial institution into which it shall deposit all rents or other funds paid to it within five business days of receipt. The funds shall be held in the escrow savings account until such time as the order of the Commission is complied with; or until the Commission acts on the complaint, or makes other appropriate order; or until a further order is made by a court of competent jurisdiction. However, the Commission may provide for the payment of the landlord's mortgage, taxes and insurance and cost of heat, water, electricity and other essential utilities when the expenses become due and payable. In addition, at it discretion, the Commission may order payment of other necessary expenses which are due and payable, or may order payment of the full balance to the landlord in

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cases of unusual hardship. Any interest earned may be used as above provided, and upon payment of the balance to the landlord, the interest shall be remitted to the landlord.

Section 13.00 COMMISSION'S DECISION:

The Fair Rent Commission shall render its decision on any complaint filed with it by a tenant no later than 60 days after the date of the filing of the complaint. However, the time limit for deciding any complaint may be extended by the Commission in any case involving unusual hardship or administrative difficulties.

Section 14.00 ELIGIBILITY; DEFENSES:

(A) Any tenant shall be eligible to file a complaint with the Fair Rent Commission. It shall be an affirmative defense to any complaint that the tenant is delinquent in the payment of rent, or is responsible for damage or other adverse conditions existing within the leasehold premises. If the Commission, after investigation or hearing, finds that the tenant is delinquent in his or her rent, or is responsible for damages within the leasehold premises, its shall not act upon the complaint until such time as the tenant has paid into escrow with the Commission, an amount sufficient to pay for the damages, or has paid the delinquency in rent.

(B) If the Commission finds that the reason for the tenant's delinquency was a harsh and unconscionable rent, or if the Commission finds that the delinquency is the result of exceptional hardship, then it shall consider the complaint, notwithstanding the provisions of this section. The exception shall not be construed to give the Commission the power to waive any amount of part rent which is due, or to make any retroactive order.

(C) The Commission shall not conduct a hearing on any complaint of any tenant who it finds is bringing the complaint for the purpose of harassing, annoying or embarrassing the landlord, or upon the complaint of any tenant who it finds is using the procedures of the Commission in an attempt to defeat a summary process action.

Section 15.00 CONTINUATION OF PROCEEDINGS:

All proceedings shall continue regardless of the fact that a tenant may quit the housing accommodation in question. No sale, assignment or transfer of the housing accommodation in question shall be cause for discontinuing any pending proceeding, nor shall it affect the rights, duties and obligations of the Commission or the parties thereto.

Section 16.00 NOTICE:

All notices with regard to any complaint shall be served by certified mail, return receipt requested, postage prepaid, on the landlord and the tenant. If any notice is returned without having been delivered, the Fair Rent Commission may arrange for service by a deputy sheriff, constable of the

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City, or indifferent person in the same manner as is provided in the Connecticut General Statutes for service of process in any ordinary civil action.

Section 17.00 ENFORCEMENT:

The Fair Rent Commission is empowered to bring a civil action to any court of competent jurisdiction to enforce any order of the Commission made pursuant to this Ordinance, or to enjoin a violation or threatened violation of any order of the Commission, or to seek damages incurred as a result of the violation of any order of the Commission made pursuant to this Ordinance.

Section 18.00 PENALTY:

Any person who shall violate any order of rent reduction or rent suspension by demanding, accepting or receiving an amount in excess thereof which the order remains in effect, and no appeal is pending, or violates any other provision of the Ordinance, or any person who shall refuse to obey any subpoena, order or decision of the Fair Rent Commission pursuant thereto, shall be fined not less than \$50.00 nor more than \$100.00 for each such offense. If the offense continues for more than five days, it shall constitute a new offense for each day it continues to exist thereafter. No action shall be taken on any such violation by the prosecuting authorities of the City except upon written complaint of the chairman of the Commission or his or her designee.

Section 19.00 APPEAL:

Any person aggrieved by an order of the Fair Rent Commission may appeal to the Superior Court for the Judicial District of New London, within 30 days after service of notice of the order of the Commission. As provided by the Connecticut General Statutes, the appeal shall be considered as a privileged matter with respect to assignment for trial.

Section 20.00 EFFECTIVE DATE:

This Ordinance shall become effective 20 days after approval by qualified electors of the City of Groton or, if adopted by the Council, 20 days after final council approval.

WHEREAS, an Ordinance Creating a Fair Rent Commission of the City of Groton was initially approved on June 5, 1989,

THEREFORE BE IT RESOLVED that “An Ordinance Creating a Fair Rent Commission of the City of Groton” effective August 15, 1989, be finally approved.

Initially approved: June 5, 1989

Finally approved: July 17, 1989