

**FINAL
APPROVED BY RTM WITH AMENDMENTS
7-11-23**

CODE OF ORDINANCES, TOWN OF WESTPORT, CONNECTICUT

Chapter 2 - ADMINISTRATION

ARTICLE IV. BOARDS AND COMMISSIONS

Sec 2-90. - Fair Rent Commission

(a) *Established.*

(1) Pursuant to and in conformity with C.G.S. §§ 7-148b through 7-148f, 47a-20 and 47a-23c, there is hereby created a Fair Rent Commission (“Commission”) for the purpose of controlling and eliminating excessive rental charges for housing accommodations within the Town, and 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.

(2) The Commission shall consist of five (5) members, all of whom shall be electors of the Town, and one (1) of whom shall be a residential tenant, one (1) of whom shall be a residential landlord, and three (3) of whom shall be neither a residential tenant nor residential landlord. The Commission shall have two (2) alternates, one (1) of whom shall be a residential tenant, and one (1) of whom shall be a residential landlord. A quorum for any meeting shall be at least 3 members and shall include an equal number of residential tenants and residential landlords. The members shall be appointed by the First Selectman in accordance with Section C4-4 of the Town Charter, and according to the provisions of Chapter 3 of the Town Charter. Members of the Commission shall serve without compensation.

(3) Members of the Commission shall be appointed for staggered terms of four (4) years. Vacancies on the Commission shall be filled in the manner of original appointment for the unexpired portion of the term. Any member of the Commission may be reappointed in the manner of original appointment.

(b) *Powers*

(1) The Commission’s powers shall include the power to:

- a. Receive complaints, inquiries, and other communications concerning alleged excessive rental charges and alleged violations, including retaliation, of C.G.S. §§ 7-148b through

7-148f, C.G.S. § 47a-20, C.G.S. §21-80a, and C.G.S. § 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. “Seasonal basis” means housing accommodations rented for a period or periods aggregating not more than 120 days in any one calendar year. “Rental charge” includes any fee or charge in addition to rent that is imposed or sought to be imposed upon a tenant by a landlord, and includes any charge that is already in effect;

- b. Make such studies and investigations as are appropriate to carry out the duties and responsibilities delegated hereunder, and subject to the terms, limitations and conditions set forth herein;
- c. Conduct hearings and receive complaints relative to rental charges on housing accommodations, subject to the terms, limitations and conditions as set forth herein;
- d. 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;
- e. 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;
- f. 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;
- g. Determine, after a hearing as set forth herein, whether a landlord has engaged in retaliation in violation of subsection (f) below and make such orders as are authorized herein;
- h. Order a reduction of any excessive rent to an amount which is fair and equitable, and make such other orders as are authorized herein;
- i. 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;
- j. 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 subsection (e) below; and
- k. Carry out all other provisions of C.G.S. §§ 7-148b to 7-148f, inclusive, C.G.S. § 47a-20, 21- 80a and C.G.S. § 47a-23c as now existing and as hereinafter amended, as they apply to fair rent commissions.

(c) *Determination of Excessive Rent*

(1) 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:

- a. The rents charged for the same number of rooms in other housing accommodations in the same and in other areas of the municipality;
- b. The sanitary conditions existing in the housing accommodations in question;
- c. The number of bathtubs or showers, flush waste closets, kitchen sinks and lavatory basins available to the occupants thereof;
- d. Services, furniture, furnishings and equipment supplied therein;
- 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, including debt service, thereof;
- h. Whether the accommodations are in compliance with the ordinances of the Town and the General Statutes of the State of Connecticut relating to health and safety;
- i. The income of the petitioner 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; and
- 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.

(2) The rent of a tenant protected by C.G.S. § 47a-23c (certain seniors and persons with disabilities in buildings and complexes with five or more units) who files a complaint with the Commission pursuant to C.G.S. § 47a-23c(c)(2) may be increased only to the extent that such increase is fair and equitable, based on the criteria set forth above.

(d) *Procedures and Hearing on Complaints*

(1) 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.

(2) 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.

(3) 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.

(4) The Commission or municipal staff may, to the extent practicable, encourage the parties to the complaint to reach a mutually satisfactory resolution through informal conciliation. Municipal staff (but not Commission members) may serve as informal conciliators. Any agreement to resolve the complaint shall be in writing and signed by the parties.

(5) 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 and certified mail and, if practicable, by electronic mail.

(6) 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.

(7) In the event that 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.

(8) 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.

(e) *Rent Reduction Order and Repairs*

(1) 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.

(2) 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 subsection (c) above, 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. 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.

(3) 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 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 subject to such ordinances or provisions as may be adopted by the town, city or borough.

(f) *Retaliation*

(1) In the initial notice scheduling a hearing or conciliation on a complaint, and in its notice of decision, the Commission shall include notice to landlords and tenants that retaliatory actions against tenants are prohibited under CGS § 47a-20 and which actions are not deemed retaliatory under CGS § 47a-20a.

(2) Any tenant who claims that a landlord has retaliated in any manner against a tenant because the tenant has complained to the Commission may file a notice of such claim with the Commission. If the Commission determines, after a hearing, 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.

(g) *Appeals*

(1) Any person aggrieved by any order or decision of the Commission may appeal to the Superior Court for the judicial district in which the Town is located 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. Any such appeal shall be considered a privileged matter with respect to the order of trial.

(h) *Failure to Comply with Commission Orders*

(1) 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 C.G.S. §§ 7-148b through 7-148e or C.G.S. § 47a-20, 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. If such offense continues for more than five days, it shall constitute a new offense for each day it continues to exist thereafter.

(2) 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.

(i) *Amendments to State Law.*

(1) Any amendments to the state law referring to fair rent commissions shall be automatically incorporated into this article and made a part hereof. Any provisions and amendments to the Town Charter that apply to appointed commissions shall apply to the Commission.