

**TOWN OF CHESHIRE TOWN COUNCIL
FAIR RENT COMMISSION ORDINANCE (NEW)**

The Town Council of the Town of Cheshire at their meeting on Tuesday, March 14, 2023 adopted the following Fair Rent Commission Ordinance (new), as follows:

Section 1 **Establishment of Fair Rent Commission**

Pursuant to and in accordance with § 7-148b of the Connecticut General Statutes (“C.G.S.”), a Fair Rent Commission (hereinafter, “Commission”) is hereby established. The purpose of the Commission is to regulate and eliminate excessive rental charges for residential properties within the Town of Cheshire.

Section 2 **Authority of Fair Rent Commission**

The Commission shall make studies and investigations, conduct hearings and receive complaints relative to excessive rental charges on housing accommodations, except those accommodations rented on a seasonal basis, within the Town of Cheshire in order to control and eliminate excessive rental charges on such accommodations and to carry out the provisions of C.G.S. §§ 7-148b to 7-148f, inclusive, C.G.S. § 47a-20 and Subsection (b) of C.G.S. § 47a-23c. The Commission, for such purposes, may 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. The Commission, upon appropriation of funds by the Town Council, may be empowered to retain legal counsel to advise it. The Commission’s authority shall be over excessive rental charges – rental charges found to be harsh and unconscionable – not over market rental rates. The Commission does not have any jurisdiction to award a complainant or respondent with monetary damages.

For the purposes of this section, “seasonal basis” means housing accommodations rented for a period or periods aggregating not more than 120 days in any one calendar year and “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.

Section 3 **Membership**

The Commission shall be composed of five (5) resident electors of the town, to be appointed by the council. At least one (1) member of the Commission shall be a licensed realtor or licensed real estate appraiser in Connecticut, at least one (1) member shall be a tenant and at least one (1) member shall be a landlord. No more than four (4) members shall be of the same political party. All of said members shall serve two-year terms. Any vacancy shall be filled by the council to complete the unexpired term of the vacating member. Members of the Commission may be suspended or removed by the council in accordance with the provisions of the town Charter. Members of the Commission shall elect a chairman and such other officers as may be necessary at its biennial organizational meeting.

Section 4 **Hearings and Complaints**

Any tenant residing in the Town of Cheshire shall be eligible to file a complaint with the Commission. A complaint shall be made in writing and filed with the Commission on the complaint form provided. A hearing on the complaint shall be scheduled within thirty calendar days of the filing of the complaint. Written notice of the date, time and place of the hearing shall be given by mailing a notice thereof, by certified mail to the landlord and the tenant at least ten calendar days prior to said hearing. In the event that the complaint involves a matter within the jurisdiction of a town department or any other public agency, the matter may be referred to the appropriate agency for action and the Commission may concurrently exercise its powers hereunder.

Section 5 **Determination of Excessive Rent**

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, toilets, 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 Town of Cheshire 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.
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.

The Commission will be unable to accept excessive rent complaints if a landlord has already commenced a summary process eviction action against the specified tenant.

In addition, the Commission has the power to dismiss a complaint if it is determined that the tenant who is bringing the complaint is doing so for the purpose of harassing, annoying or embarrassing the landlord.

Section 6 Rent Reduction Order and Repairs

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 5 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. If the Commission determines, after a hearing, that the housing accommodation in question fails to comply with any ordinance of the Town of Cheshire or state statute or regulation relating to health and safety, it 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 such housing accommodation into compliance with such ordinance, statute or regulation. The rent during said period shall be paid to the Commission to be held in escrow by said Commission.

Section 7 Appeals

Any person aggrieved by any order of the Commission may appeal to the Superior Court for the Judicial District of New Haven. Any such appeal shall be considered a privileged matter with respect to the order of trial as provided in C.G.S. § 7-148e.

Section 8 Penalties for Offenses

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 Section 7 is pending, or who violates any other provision of this chapter 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.”

These ordinance will become effective June 30, 2023.

Dated at Cheshire, Connecticut, this 15th day of March 2023.

By: _____
Tim Slocum
Town Council Chairman