

**COMMISSIONERS  
APPROVED ON:  
9/19/23**

**PROCEDURES FOR THE CITY OF NEW HAVEN**  
**FAIR RENT COMMISSION HEARINGS**

Pursuant to the Code of General Ordinances of the City of New Haven, Section 12-3/4-4 (12), the Fair Rent Commission (“the Commission”, or “FRC”) is empowered:

“To adopt rules and regulations for the carrying on of its functions, including rules and regulations for the conduct of its hearings.”

The Chair proposes the following draft of rules for conducting hearings of the Fair Rent Commission. This draft should be fully discussed, debated if necessary, amended where needed and, ultimately, adopted. After full discussion, and debate and amendments if necessary, a majority vote of the Commissioners shall constitute adoption of these rules and regulations for the conduct of hearings of the Fair Rent Commission.

WHEREAS, as it is the intent of the Fair Rent Commission to conduct hearings in a manner which is legally and procedurally equitable for all parties involved and to enable efficient operations of the Commission, the Commission hereby sets forth the following hearing procedures:

1. **NOTICE OF HEARING:** The hearings will be noticed in accordance with the City of New Haven administrative requirements.
2. **OPENING THE HEARING:** The Chair (or chair pro tem) shall open each hearing by announcing: "The hearing of the Fair Rent Commission of (date) is hereby called to order. Commissioners present are (state the names of Commissioners present)". If a quorum (5 Commissioners) is not present, the Chair (or acting chair) will announce that the members present have been appointed by the Chair to act as a tribunal (minimum of 3 Commissioners) to consider the cases on the agenda for the hearing.
3. **CALL OF CASES:** The Executive Director shall determine the order of the cases. The order shall be set forth in the agenda published with the Notice of Meeting. At the discretion of the Executive Director and/or Chair, adjustments to the order of cases may be permitted at the start of the hearing provided that no participants are unable to be heard due to the order that their case was called.
4. **PRELIMINARIES FOR EACH CASE:**
  - a. **ANNOUNCING CASE:** The Chair will announce the case to be heard and ask all parties to come forward.
  - b. **SWEARING IN AND IDENTIFICATION OF WITNESSES:** The Chair will swear in all parties to the case in issue and will ask each person to give his or her name and address for the record.

- i. Attorneys for the parties are not witnesses. Attorneys cannot testify at the hearing and will not be sworn in.
- c. STAFF REPORT: The Chair will then ask the Executive Director to give his or her report, which may be followed by field reports of FRC staff.

The format of the staff reports is not constrained by this procedure. The Executive Director's report generally will include a timeline of the activity in the matter and may include details of other City agencies (eg., Livable Cities Initiative, or, "LCI") and administrative or legal proceedings, including any Housing Court orders.

Field reports will be provided to the Commissioners and the parties if a FRC representative visited the subject property and may include photos. The intent of the site visit is to document the condition of the unit. Site visits may be conducted on any subject property with or without a complaint of unsafe or unhealthy living conditions. The site visit documentation should include photos of the kitchen and bathrooms irrespective of whether such rooms are not indicated in the complaint. If any conditions included in the Executive Director's report or field reports are known to have been corrected, these facts must be included in the reports.

- d. QUESTIONS TO STAFF: Each Commissioner present (in order of seniority on the Commission, if necessary) will have the opportunity to ask questions of the staff members concerning their reports. No Commissioner may address any questions to either Landlord or Tenant at this point in the hearing.

## 5. STATEMENTS BY LANDLORD AND TENANT:

- a. OPENING STATEMENTS: Each party will be permitted 5 minutes to make an opening statement, which will be timed by the Executive Director and/or the Chair. During this portion of the hearing, the parties may present testimony and any exhibits. The Tenant who has initiated the action in a Fair Rent complaint will make his or her presentation first. The Landlord will make his or her presentation following that of the tenant. No Commissioner or opposing party may interrupt either Tenant or Landlord to ask questions or make statements during that party's statement and/or testimony.
- b. INTERPRETERS: In cases where either a Tenant or Landlord needs an interpreter, the time allowed to provide an opening statement will be expanded to up to 10 minutes. If a landlord or tenant needs an interpreter, upon appropriate motion and a majority vote of the Commissioners present, the Executive Director and/or the Chair may expand the time

allowed for a landlord or tenant's statement to beyond 10 minutes if reasonably deemed necessary under all the circumstances present. The interpreter will be asked to explain to the Landlord or Tenant that a statement is being requested.

Commissioners may not ask the interpreter to pose questions to the witness at this stage in the hearing.

- c. WITNESSES: In cases where family, friends or attorneys accompany witnesses, they may make statements or ask questions of the persons they are accompanying, but the overall time limit will remain the same as specified above.
  - d. REBUTTAL: Tenant and then Landlord will each be allowed two minutes to make a final statement, not to be interrupted by Commissioners.
6. QUESTIONS BY COMMISSIONERS: Following any rebuttal presented by the Tenant and/or Landlord, each Commissioner has the right to request time to pose questions to the Tenant and/or Landlord. The Commissioner then will be allowed up to 4 minutes of questioning. A majority vote by the Commissioners present will be required if any Commissioner wishes to expand questioning beyond the 4-minute limit. The Chair will observe the same rules as all other Commissioners.
7. POINTS OF ORDER: The Chair will enforce the agreed upon rules and regulations at each hearing.
- a. QUESTIONS OF PROCEDURE: In any case where a Commissioner wishes to either, 1., question whether proper procedure is being followed or, 2., request an exception to regular procedure, a majority vote by the Commissioners present will decide the point of order.
  - b. RAISING OBJECTIONS: The Commissioner making such objection or request will say, "Point of Order", to then be recognized by the Chair. The Commissioner will then state his or her objection or request. The other Commissioners will then have an opportunity to reply. A vote will then be taken to decide the issue.
  - c. FURTHER DISCUSSION: Any further discussion of such issue during the hearing will be deemed out of order. Questions concerning procedure can be raised in executive session following a hearing.

## 8. POWERS OF THE COMMISSION:

Pursuant to Section 12-3/4-4 of the Code of General Ordinances of the City of New Haven, the Commission is empowered:

- a. To make studies and investigations into rentals charged for housing accommodations within the City of New Haven as it deems appropriate to carry out its responsibilities hereunder.
- b. To receive complaints, inquiries, and other communications concerning alleged excessive rental charges in housing accommodations within said city.
- c. To conduct hearings, either on its own motion or on complaints or requests for investigation submitted to it by any interested person.
- d. To administer oaths.
- e. To subpoena witnesses and compel their attendance at said hearings and to compel production of any books and documents relating to any matter under investigation or question.
- f. To determine, after a hearing, whether or not the rent for any housing accommodation is so excessive based on the standards and criteria found in the Code of General Ordinances of the City of New Haven, as to be harsh and unconscionable.
- g. To order a reduction of any excessive rent to an amount the commission considers fair and equitable retroactive to the date of filing of the complaint. Such order shall be effective for one (1) year from its date, except as provided under subsection (9) of this section, or if the commission shall, pursuant to a subsequent petition by the landlord or the tenant, order that the rent be changed.
- h. To determine, after a hearing, whether or not a housing accommodation fails to comply with state statutes, municipal ordinances and regulations relating to health and safety.
- i. To order the suspension of further payment of rent by the tenant to the landlord and order the deposit of said rent in an escrow account to be administered by the commission, as hereinafter described, until such time as the landlord makes necessary changes, repairs, alterations or installations so as to bring the housing accommodation into compliance with state statutes, municipal ordinances or regulations relating to health and safety, if the commission finds that the housing accommodation in question fails to comply with said statutes, ordinances or regulations.

- j. To refer, in those instances which it deems appropriate, those housing accommodations which fail to comply with state statutes, municipal ordinances or regulations relating to health and safety to the appropriate enforcement agency or office of the state or local government.
  - k. To do all things now or hereinafter authorized by Public Act 274 of the 1969 General Assembly or Public Act 83-425 as the same now read(s) or may be amended from time to time.
  - l. To adopt rules and regulations for the carrying on of its functions, including rules and regulations for the conduct of its hearings.
  - m. To continue, review, modify, terminate or suspend all its orders and decisions.
  - n. To attempt, through the process of informal conciliation and negotiation between a complaining tenant and a landlord, to arrive at a rental agreement which is mutually acceptable to said tenant and landlord before initiating the formal hearing process.
  - o. To deposit into the escrow account rent paid to the commission by tenants whose landlord has refused to accept the rent after a tenant has filed a complaint or claim of retaliation. Said rent shall be withdrawn from the escrow account and paid to the landlord upon written request from the landlord.
9. POWER TO HEAR CASES: "All proceedings shall continue regardless of the fact that a tenant may quit the housing accommodation in question and notwithstanding any attempt, successful or otherwise, to evict said tenant. 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." (Code of General Ordinances of the City of New Haven 12-3/4-7(d))
10. STAFF: "The Commission may employ such additional employees as it deems necessary. Upon request, assistance from other municipal agencies shall be reasonably available to the Commission." (Code of General Ordinances of the City of New Haven 12-3/4-3)
11. PROOF: The burden of proof is on the person who is making a request or complaint (for FRC hearings, generally the Tenant but also the Landlord shall submit proof as is requested by the Commission). Each Commissioner may assign the weight and/or credit to each witness's testimony and/or evidence, or part thereof, as he or she deems appropriate.

12. DECIDING A CASE: The FRC will deliberate on all cases and make its decision on a case immediately following the hearing of all cases at its public hearing. The Fair Rent Commissioners present may, however, by majority vote, decide to continue the case to their next regular hearing to obtain a legal opinion or more information bearing on the case.
13. NOTIFICATION OF DECISION: All parties will be notified of the decision of the Commission within ten (10) days of the public hearing. Official notification will be made by certified mail to the parties. Electronic and verbal notification may also be made for the purpose of expediency but will not constitute official notification. Attorneys for the parties may also be notified as a courtesy but such notification will not constitute official notification.
14. METHOD OF MEETING: In accordance with Connecticut state law, the meetings and hearings of the Commission may be held remotely, in-person or in a hybrid format. When meetings or hearings are held virtually, the FRC must provide members of the public, upon written request, with a physical location and any electronic equipment necessary to attend the remote meeting in real time, and the same opportunities to provide comment or testimony and otherwise participate in the meeting that individuals would be accorded if the meeting were held in person, subject to certain exceptions.