

**Town of Clinton**  
**Fair Rent Commission Hearing/Meeting Minutes**  
**Town Hall Rose Room**  
**January 16, 2019 at 3:00 pm**

Present: Omar Francis, Phillip Sengle and Bethany Knight

Absent: Jane Vece and Peter Mezzetti

Also present: Barbara Perkins & Margaret Carpenter  
Melanie Yanus, Tax Collector  
Christine Goupil, First Selectman  
Ed Smith, Building Inspector (arrived 3:25 PM and left the meeting at 3:41 PM)

Francis called the meeting to order at 3:00 PM. Francis reviewed the duties and obligations of the commission.

Sengle made a motion, seconded by Knight to approve the December 5, 2018 minutes. The motion was unanimously approved.

Continuing Case #2018-02 Colleen Clark/Barbara Perkins vs Margaret Carpenter

Barbara Perkins and Margaret Carpenter were both sworn in by Francis.

Roof

- Perkins stated that the roof no longer leaks. Perkins is satisfied.

Mold

- Perkins said the mold issue has been taken care of and she is satisfied. The commission would like a written report from the CT River Area Health District so they can provide it to the landlord and the tenant.

Painting

- Carpenter has hired a painter to paint the walls and ceilings and repair all of the cracks in the plaster. The painter will be doing the repairs sometime next week.

Furnace

- Pennywise will be delivering oil within the week. Ed Smith, Building Inspector, was sworn in by the commission. Smith reviewed the current building standards of the furnace with the commission. The furnace is an under the floor furnace and according to today's standards the space is not adequate. This type of furnace is usually designed more for cottages. A licensed professional needs to inspect the furnace to make sure it's safe to operate. Smith stated that he was concerned with the condition of the chimney that comes out of the furnace. The building department has no record that a permit was ever taken out to install the furnace. Smith questioned if the installation was done by a licensed professional. The supplier has a

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responsibility to make sure the furnace is safe to operate. Perkins stated that Pennywise will be inspecting the furnace next week when they come to deliver the oil. The commission would like a written report from Pennywise on the condition of the furnace. A copy of the report will be forwarded to the Building Inspector. Smith would need the name of plumber that installed the system in order to determine if they had the proper license to install the furnace. The commission told Carpenter that it's the landlords responsible for the maintenance of the furnace.

**Rent Increase**

- The Fair Rent law prohibits a tenant from being evicted when a complaint is before the commission. The Fair Rent Commission laws were read into the record. The commission determined that the proposed rent increase is well within the guidelines. Carpenter was told that she is not allowed to raise the rent if in the last 6 months a complaint was filed with the Fair Rent Commission. A copy of the laws were attached to the minutes.

The next meeting has been scheduled for February 13, 2019 at 3:00 pm.

Knight made a motion, seconded by Sengle and unanimously adjourned the meeting at 4:00 pm.

Mary Schettino

Recording Secretary

- he or she didn't return your security deposit or give you a list of repairs and costs within thirty (30) days; or
- the landlord returned some or none of your deposit and gave you a list of repairs and costs, but you don't agree with the amounts.

You will have to fill out and file court forms and go to court to explain your case. You do not need a lawyer for Small Claims court. For more information, see our booklet, *Small Claims Court*.

You can file a complaint with the **Banking Department** if

- you gave the landlord your new mailing address using certified mail with a return receipt requested, and
- the landlord does not return your deposit or only returned part of your deposit without giving you the list of repairs.

You can get a rental complaint form at the Connecticut Department of Banking website (<http://www.ct.gov/dob>). Send your complaint and copies of the documents they ask for to:

### Security Deposit Investigator

Connecticut Department of Banking

260 Constitution Plaza

Hartford, CT 06103-1800

**Email:** [dob.sd@ct.gov](mailto:dob.sd@ct.gov)

**Tel:** 860-240-8154, or 800-831-7225, ext. 8154

**Fax:** 860-278-7014

### Special rules for seniors

- People who are 62 years or over cannot be charged more than one (1) month's rent for the security deposit.
- After 1 year of living in public senior housing, the entire security deposit plus interest must be returned to the senior.

## \* Rent Increases: When can the landlord raise my rent?

If you pay rent month-to-month and do not have a written lease, your landlord can raise the rent anytime.

**Exception:** Even if you do not have a written lease, your landlord is **not** allowed to raise your rent (or lower it, or take away services such as utilities) if in the last 6 months you

- 1 - • asked your landlord to make repairs in your apartment;
- 2 - • complained to the health department, housing code office, or the Fair Rent Commission;
- 3 - • filed court papers because your landlord isn't making necessary repairs in your apartment; or

4. • joined a tenants' union.

If you have a written lease that has not expired, your landlord is **not** allowed to raise the rent unless the lease says so.



Even if your apartment needs repairs, you must pay your rent on time or your landlord can evict you. For more information about what to do if your apartment needs repairs, see the legal aid booklet: Tenants' Rights: Repairs.

DO NOT STOP PAYING THE RENT

## Can I do anything about a rent increase?

FAIR RENT COMMISSION may

suspend — circumstances —

Yes. Here are some suggestions:

- Ask the landlord not to raise the rent (or raise it less). If he or she agrees, put your agreement in writing. This will be your new written lease. If he or she does not agree, send the landlord a letter saying you don't agree to the new amount. Continue paying the old rent, or pay an increase that you think is reasonable. Always pay on time and pay by check or money order. Write "Rent in full for the month of \_\_\_" on your check or money order.
- Contact the Fair Rent Commission. If you file a complaint, the Commission will look at your situation and decide if your rent or rent increase is too high or unfair. See below for information about how to file a complaint with the Commission.

## Can I be evicted for not paying the rent increase?

If you and the landlord can't agree on the rent increase, you will have to move. If you don't move, your landlord can start an eviction against you.

## What if I am a senior or I have a disability?

If you are a senior or you have a physical disability and you live in a mobile home or a building with 5 or more units, your landlord must **not** raise the rent unless it is reasonable (or *fair and equitable*).

If the rent increase does not seem reasonable to you, you can

- file a complaint with your local Fair Rent Commission,
- sue your landlord to stop the rent increase, or
- talk to a lawyer.

## Who can file a complaint with the Fair Rent Commission?

You can file a complaint if

- your landlord wants you to pay for utilities that used to be included in your rent;
- the rent increase seems unfair; or

- your rent seems unfair because your apartment is unsafe, has unhealthy conditions, or violates the housing code.

You must have lived there for at least 3 months. You do not need a lawyer or a written lease.

## How to file a complaint with the Fair Rent Commission

- Call **2-1-1** or go to <http://www.211ct.org> to search for Fair Rent Commission office locations. Not all towns have a Commission.
- Ask for a complaint form and fill it out.
- Make two copies of your complaint and keep one for yourself.
- File your complaint at the Commission.
- Take the other copy of your complaint to the Housing Code office and ask them to inspect your apartment as soon as possible.

## What happens after I file a fair rent complaint?

The Commission will investigate your complaint and schedule a hearing. But first, they may meet with you and your landlord to see if you can make an agreement on your own.

You do not have to make an agreement with your landlord, but you can if the agreement seems fair to you. If you can't make an agreement, tell the Commission you want a hearing.

## Can my landlord evict me if I file a fair rent complaint?

No. The law says your landlord cannot evict you just because you filed a complaint. But you **can** be evicted if you don't pay your rent each month.

If your rent is paid and your landlord tries to evict you after you filed a complaint, call Statewide Legal Services at 860-344-0380 or 1-800-453-3320 and contact the Commission right away.

## Do I pay the same rent after I file my fair rent complaint?

Every month until the Commission decides your case, you must pay your landlord

- the old rent amount, or
- a higher rent amount that seems fair to you.

**Warning:** Always pay by check or money order. Do **not** pay cash. Write "Rent in full for the month of \_\_\_\_" on your check.

## How do I get ready for the hearing?

- Before the hearing, tell the Commission if you want

- copies of city or town documents such as code enforcement reports about your property; or
- a witness such as a repair person, a code inspector, or a town employee to speak at the hearing. If you think the witness won't want to go to the hearing, ask the Commission to order (or *subpoena*) the witness to go and to bring the documents you need to help your case.
- Make notes to help you remember what you want to say and practice saying it. If you get nervous, you can read from your notes.
- Describe any unsafe, unhealthy, or unlawful conditions in your apartment such as pests, leaks, or no water. Bring photos that show these problems.
- Make 2 copies of these papers:
  - the Housing Code Office's report;
  - the Health Department report, if there is one;
  - proof of your income (such as paycheck stubs or welfare forms); and
  - copies of your utility bills if you pay utilities and they are high.

You have the right to have a lawyer speak for you at the hearing.

## What happens at the hearing?

- You, the landlord, and any witnesses must take an oath to tell the truth.
- You and your landlord will each get a chance to speak, show important papers and photos, and call witnesses.
- You have the right to ask questions of your landlord and the landlord's witnesses.
- The Commission will record the hearing and decide your case later.

## What happens after the hearing?

The Fair Rent Commission will send you a letter with their decision. They can decide that

- the rent increase is *fair* and order you to pay it. If you do not agree, you can appeal in court. If you want to appeal, contact Statewide Legal Services;
- the rent increase is *unfair*, lower your rent, and order the landlord to accept that amount;
- the landlord must raise your rent over time so you won't have to pay the increased amount right away; or
- rent cannot increase until repairs are made. If this happens, you may have to pay your rent to the Commission for a while. They will not give the rent money to your landlord until repairs are made. The Commission may ask another agency to make sure your landlord makes the repairs.

## How will the Commission decide?

The Commission considers many things, especially

- the rent for similar units in your area,

- your income and your ability to pay the higher rent,
- if your unit is in good condition or if it needs repairs,
- the landlord's costs and how the rent increase will be used,
- the amount of the increase and any other recent rent increases,
- damage to the apartment beyond normal wear and tear, and
- if the unit is furnished or includes utilities.

## Does the landlord have to obey the Commission?

Yes. If the landlord does not obey the Commission or gives you a hard time because of your complaint, the Commission can fine the landlord and order him or her to act appropriately.

Report any problems to the Commission.

This article was produced by [Connecticut Legal Services](#), [Greater Hartford Legal Aid](#), [New Haven Legal Assistance Association](#), and [Statewide Legal Services of Connecticut](#).