

PA13-36

HB5970

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H - 1153

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VOL.56
PART 4
1026 - 1360**

THE CLERK:

Bill Number 5513.

Total Number Voting 143

Necessary for Passage 72

Those voting Yea 143

Those voting Nay 0

Absent and not voting 8

DEPUTY SPEAKER BERGER:

The bill passes.

Will the Clerk please announce House Calendar
151.

THE CLERK:

Mr. Speaker, on Page 17, Calendar Number 151,
Favorable Report of the joint standing Committee on
Housing, House Bill 5970, AN ACT CONCERNING THE POWER
OF MUNICIPAL FAIR RENT COMMISSIONS.

DEPUTY SPEAKER BERGER:

Thank you, Mr. Clerk.

The dais recognizes the esteemed Chair of the
Housing Committee, from the City of Waterbury,
Representative Butler, of the 72th.

REP. BUTLER (72nd):

Thank you, Mr. Speaker. And if I might add, you
look pretty stately there at the dais.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

REP. BUTLER (72nd):

Mr. Speaker, I move for acceptance of the joint committee's Favorable Report and passage of the bill.

DEPUTY SPEAKER BERGER:

The question before the Chamber is the acceptance of the joint committee's Favorable Report and passage of the bill. Will you comment further, Representative?

REP. BUTLER (72nd):

Yes. Thank you, Mr. Speaker.

This bill is intended to clarify any ambiguity in the state's Fair Rental Commission enabling act, which allows local, Fair Rent Commissions to act on complaints relative to rental charges.

The genesis was the Colchester Fair Rent Commission's refusal to consider a complaint from a mobile home park resident about a fee for oil tank insurance demanded by the park owner. Although such an extra fee is not part of the rent, itself, it is related to the rental charge and therefore should have been considered and acted upon by the local commission.

This bill simply makes clear that consideration of any fee or charge in addition to rent is within the jurisdiction of the local Fair Rent Commissions. I urge adoption.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

The question before the Chamber is on adoption.

Will you remark further on the bill? Will you remark further on the bill?

Representative Miller, of the 122nd.

REP. L. MILLER (122nd):

Thank you, Mr. Speaker.

I rise in support of the bill. It does clarify for the Fair Rent Commission the ability to hear any charges that may be affecting their rent.

The Attorney General, I guess, was asked for an opinion, and he held that to be the proper thing to do and it was to give them the permission to address those issues. So I support the bill and ask the Chamber to support the bill as well.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Will you comment further on the bill before us?

Representative Bacchiochi, of the 52nd.

REP. BACCHIOCHI (52nd):

Thank you.

I just want to say that I agree with our esteemed Chair and the Ranking Member that this bill is simply a clarification of what the Fair Rent Commission can currently do. It is not an extension of their powers in any way but to clarify that fees can be considered as well as rent when somebody is asking for an investigation.

Thank you.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Will you comment further on the bill before us?

Will you remark further on the bill before us?

If not, will staff and guests please come to the Well of the House. Will the members please take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please return to the Chamber, immediately.

DEPUTY SPEAKER BERGER:

Have all members voted? Have -- have all members voted? Have all members voted? Will the members

please check the board and determine if their vote is properly cast?

If all members have voted, the machine will be locked. And the Clerk will take a tally.

Will the Clerk please announce the tally.

THE CLERK:

Bill Number 5970.

Total Number Voting 144

Necessary for Passage 73

Those voting Yea 144

Those voting Nay 0

Absent, not voting 7

DEPUTY SPEAKER BERGER:

The bill passes.

Will the Clerk please call House Calendar Number 53.

THE CLERK:

Mr. Speaker, on Page 6, Calendar Number 53,

Substitute of House Bill 6349, AN ACT CONCERNING THE STATE MILITARY RELIEF FUND, Favorable Report of the joint standing Committee on Veterans' Affairs.

DEPUTY SPEAKER BERGER:

Thank you, Mr. Clerk.

Representative Hennessy.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**HOUSING
PART 2
277 – 582**

2013

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February 19, 2013
10:00 A.M.

forward very aggressively with affordable housing in Connecticut.

You know, it's been a major issue for us in Connecticut. I think CBIA, matter of fact, in a survey three years ago identified the lack of affordable housing as a major impediment to business growth in Connecticut. So the more we can give this agency broad representation, the better I think we will be.

SENATOR MCKINNEY: Thank you.

REP. BUTLER: Any other questions?

Thank you. And thank you for your testimony. I'm sure that we will consider how to expand the membership in a meaningful and appropriate way. Thank you, Senator.

SENATOR MEYER: Thank you, Rep.

REP. BUTLER: Next we have Representative Orange followed by Cathy Branch Stebbins. I am ready for you.

REPRESENTATIVE ORANGE: Okay. Good morning, Mr. Chairman, and members of the Committee. For the record, my name is Linda Orange representing the 48th Assembly District, and I have proposed a bill for my friend here, Charlie Jackter, from Colchester. And the purpose of the bill would allow municipal fair rent commissions to examine not just rent but also fees levied by an association with rent agreement or contract. So it would basically be a clarifying piece of legislation for municipalities.

HB5970

Charlie, who I have here with me, and if I may, he can explain it a little better than I, and if I can relinquish my time to him? Okay.

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Thank you.

CHARLES JACKTER: My name is Charles Jackter. I live at Westchester Village Mobile Home Park in Colchester. I am a member of the Westchester Village Residents Association, but I am speaking on my own behalf. I would like to thank the Co-Chairs, Senator Bartolomeo and Representative Butler, for allowing us to make this presentation, and to Representative Orange for introducing H.B. Number 5970.

On July 1, 2011, our landlord instituted a levy which may be unprecedented in Connecticut. It was to insure his property against damaged caused by an oil spill. To this date, we have been unable to obtain one scintilla of information regarding this insurance. Neither the state agencies with jurisdiction nor our fair rent commission feel we have a right to this information or that they had any role to play in this matter.

The impasse stems from the fact our lease describes the insurance payment as a fee and not rent. Since the applicable statute, Section 7-148b says nothing about fees, our fair rent commission does not feel it is empowered to intervene. We offer this succinct definition of the term rent obtained from the Internal Revenue Service, "Rent is any amount you pay for the use of property you do not own".

It has become obvious that the manner in which this law is being interpreted is a miscarriage and its benevolent effects have been seriously attenuated. It has admittedly deteriorated into something it was never meant to be. I for one cannot accept the notion this was indeed the intent of majorities who endorsed this legislation nor of the Chief Executive, the

Honorable John N. Dempsey, who signed it into law. Respectfully, Charles Jackter. Thank you.

REP. BUTLER: Thank you and thank you for your testimony. It's not often we go all the way back to John Dempsey, but, it's always a great name to hear here in the State of Connecticut.

I just have one question up front, the local fair rent commission wouldn't hear this or they just -- I just want --

CHARLES JACKTER: No, sir.

REP. BUTLER: -- clear. They just said that because it wasn't rent related that they would not hear this?

CHARLES JACKTER: That's correct.

REP. BUTLER: So they don't consider fee as --

CHARLES JACKTER: No, they don't.

REP. BUTLER: -- part of their rent and that's what they based their decision on? All right. Thank you.

Senator McKinney.

SENATOR MCKINNEY: Thank you, Mr. Jackter, for coming up and testifying. I did get a chance to read your testimony, it's not something I had been familiar with. And so I understand that we passed a state law that allows for a fair rent commission to take complaints around things that are relative to rental charges. And for your commission to say that fees imposed by a landlord aren't related to rental charges, is actually pretty disturbing to me because it seems that the way around the law is

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just to call everything a fee rather than rent. So this is not something I had heard of before.

I appreciate you bringing it to -- to our attention -- my attention. I think it's something we ought to take a serious look at it because it -- it doesn't seem that the intent was to allow a landlord to increase fee after fee after fee in lieu of increasing the rent so they could get around complaints on increased rent. So I hope it's something we'll take a look at as a committee. And thank you for being here.

REP. BUTLER: Thank you.

Questions?

Representative Wright.

REP. WRIGHT: Thank you. Thank you, Mr. Jackter, for coming up here today. I just have one question, you said that the purpose of this specific fee that you're talking about was for an insurance policy to protect the landlord or to protect the property owner from a possible oil leak?

CHARLES JACKTER: Yes, sir.

REP. WRIGHT: Now and -- and you said you haven't been able to get much information on this. Have you even been able to ascertain as to whether or not a policy even exists? Have you been able to -- to get that much information?

CHARLES JACKTER: No, sir.

REP. WRIGHT: So you don't even know if -- if this money was actually even used to buy a policy?

CHARLES JACKTER: The only information --

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REP. BUTLER: Excuse me. Could you please speak into the microphone so you would be on the record.

CHARLES JACKTER: The -- the only information we received from all I know about the insurance is that he was able to arrange reclamation service in case there's a leak in case there's damage. And he recommended that we contact this, I believe there's a contractor that -- that would be do -- be willing to do the work if -- if there's a environmental damage.

REP. WRIGHT: So the property owner himself wouldn't actually be contacting the person who would do the reclamation work, you would contact them and then it was supposedly paid from this fee that you had been paying?

CHARLES JACKTER: We would -- we would contact the contractor.

REP. WRIGHT: Thank you.

REP. BUTLER: Are there any --
Representative Diminico.

REP. DIMINICO: Thank you, Mr. Chairman. Is this the only fee imposed outside of the rent structure in your complex?

CHARLES JACKTER: I'm sorry -- I'm sorry, I didn't hear.

A VOICE: Is this the only fee that you pay -- the only fee?

CHARLES JACKTER: Yes -- yes, for that service -- for that insurance.

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REP. DIMINICO: Okay. Have you looked into your insurance policy to see if it would cover a spill? I'm just curious if this is a redundant matter, if your insurance on the property would cover a spill.

CHARLES JACKTER: I --

A VOICE: Have you -- have you looked into your own insurance policy to see if indeed it would pay for an oil spill?

CHARLES JACKTER. No. No.

REP. DIMINICO: All right. Thank you.

REP. BUTLER: Any other questions?

Senator McKinney.

SENATOR MCKINNEY: Just one more quick thought slash question, Representative Orange. Has anyone sought an opinion from the attorney general as to whether or not these fees would come under the definition of rental charges broadly? And, if not, do you think that's something we -- we should consider doing?

REP. ORANGE: No, we haven't, but I think that I'll do that this afternoon. Thank you for the suggestion.

SENATOR MCKINNEY: As I'm sure you know, you need a leader to sign off on the request, so I'd be more than happy to do it if you would want.

REP. ORANGE: Well, thank you. Thank you.

SENATOR MCKINNEY: Thanks.

REP. BUTLER: Representative Kupchick.

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REP. KUPCHICK: Thank you, Mr. Chairman, and thank you Mr. Jackter and Representative Orange for coming to testify today. Am I to understand that the fee is for insurance that the landlord is taking out or is it for a possible oil spill or one that already happened?

CHARLES JACKTER: Potential.

REP. KUPCHICK: Potential. Okay. Because typical if there were -- there were an oil spill, if oil was being delivered and the oil company went over and spilled for whatever reason, it does happen, they are mandated to cover that spill, anybody delivering oil. Now if you have a leaky tank, usually that's covered by your insurance policy which is always inspected before you get a policy. They ask you if you have an underground tank, they check the condition of your oil tank to see if there is any leaks.

And if there is, they will tell you that you have to replace it before they will supply insurance to you on your property. So it seems like you're saying not being given information, and it seems a little suspect to me because typically your insurance company would be covering your tank. And if there was a spill done by an oil company, they have insurance to cover that. So I just wanted to bring that up to you. Thank you again for your testimony today.

REP. BUTLER: Are there any other questions?

Well, thank you for bringing this to our attention. And thank you, Representative Orange, for also submitting a bill. This is something that we definitely have interest in.

REP. ORANGE: Thank you, Representative Butler.

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All right. Well, thank you for your testimony and look forward to working with you on the ultimate solution.

MARSHALL COLLINS: Thank you very much.

REP. BUTLER: Next speaker is Raphie Podolsky. He's the last speaker. If there is somebody who wants to speak that hasn't already done so, please see the Housing clerk. All right.

Hello, Raphie.

RAPHAEL PODOLSKY: Hello. Thank you, Mr. Chairman. My name is Raphael Podolsky, I'm with the Legal Assistance Resource Center of Connecticut. We're part of the Legal Aid program. We represent tenants. I'm going to try very quickly to speak to 12 bills. Let me, for the record, I want to just put -- say the numbers which unfortunately takes up other parts of the time. But there are three bills on bed bugs, Number 334, Number 5619, and Number 5521. By the way, these are all in my written testimony.

HB5621

There are three what I would call housing development bills, 442, 5064, and 5135. There are three public housing bills, 336, 337, 5066. There's a fair rent commission bill that you've heard testimony on, 5970, and two other bills, Number 24 and Number 338. Let me just highlight a few brief comments, and I'm certainly welcome to answer -- welcome to answer questions.

In regard to bed bugs, we support the concepts of the bed bug bills, and actually much of what the previous speaker said I agree with. The -- the -- but it's important you understand, we're not without law in this area. Existing law allocates responsibilities between landlords and tenants. I think it's beneficial to be

more specific about it, and that's what these bills propose to do.

But it's also important that in crafting whatever the bills end up saying that we not impose obligations on tenants that realistically they cannot meet. And so -- and one of the difficulties is how you make sure that the job gets done with -- in circumstances where people may not have the resources or the physical capability or the finances to be able to -- to do things.

In regard to the fair rent commission bill which is Number 5970, I just want to clarify something about what an earlier witness said. The fair rent commission enabling act covers not merely rental charges, but what is called relative -- matters that are relative to rental charges. Fees are not rental charges and there are reasons why it's important to word things so those are kept separate. On the other hand, they are relative to rental charges.

I believe that the fair rent commission that they're dealing with was incorrect in refusing to assume jurisdiction over fees because they are relative to rental charges. So that if you put in clarifying language in, I think it's important that you word it very carefully so that you do not turn fees into being part of the rent.

In regard to drug-related evictions, that's House Bill 5066, I would say to you that bill is not necessary. The issues are adequately covered by existing state law and by the ability to put provisions in leases. In addition, it is not desirable. And the questions -- Representative Kupchick asked some questions which I have to tell you the answers were not all correct.



Department of Economic and
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Connecticut
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Catherine H. Smith
Commissioner

**HOUSING COMMITTEE PUBLIC HEARING
TUESDAY, FEBRUARY 19, 2013**

TESTIMONY OF COMMISSIONER CATHERINE H. SMITH - DECD

**RE: SB 24, SB 338, SB 442, HB 5062, HB 5064, HB 5066,
SB 336, SB 337, HB 5135, HB 5970**

**SB 24 & SB 338: AAC THE MEMBERSHIP OF THE INTERAGENCY
COUNCIL ON AFFORDABLE HOUSING**

We oppose this legislation. An expansion of the Interagency Council on Affordable Housing to include additional agencies (i.e. the Departments of Education and Development Services) and the Connecticut National Association of Housing and Redevelopment Officials is already included in the Governor's bill. The addition of the parties identified in these proposed bills would result in the council becoming too large to function efficiently. In addition, the organizations represented on the council were selected to represent the broad interests of a particular stakeholder community rather than any specific individual's interests. The proposed parties would inevitably represent a single individual's interests and their inclusion could result in actual or apparent conflicts of interest. In the context of its deliberations to date, the Council has sought the input of many of the private interests reflected in the proposed legislation and would likely continue to do so on an as-needed basis.

SB 442: AAC THE TERM OF AFFORDABLE HOUSING RESTRICTIONS

We oppose this legislation. Although on the surface this proposal *may* appear to be supportive of the preservation of affordable housing, it would in fact inhibit the private development of affordable housing, in this case set-aside developments where only a portion of a development is subject to affordability restrictions. The requirement that affordable housing constructed by a private developer be subject to permanent affordability restrictions is financially impractical and would actually reduce the number of affordable housing units constructed by private for-profit and non-profit developers. The construction of affordable housing units by private developers, including such units in mixed-income properties, is badly needed to address the statewide shortage of affordable housing opportunities. It is worth noting that DECD currently oversees certain programs that result in the creation and preservation of housing that is affordable in perpetuity, such as the state surplus property program and the Land Bank/Land Trust program so there are circumstances where permanent affordability is appropriate.



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**HB 5135: AA AUTHORIZING MUNICIPALITIES TO IMPOSE IMPACT FEES
ON THE DEVELOPMENT OF AFFORDABLE HOUSING**

We oppose this legislation. It would significantly and needlessly increase the cost to develop affordable housing and ultimately reduce the number of affordable housing units that would be created or preserved statewide. Under section 8-23 of the general statutes, municipalities are obligated to prepare a plan of conservation and development which addresses the long term needs of that municipality relative to public services and plan for addressing those needs. It is unfair and discriminatory to shift the burden of these long-term costs onto those developing housing for our neediest citizens.

HB 5970: AAC THE POWERS OF MUNICIPAL FAIR RENT COMMISSIONS

We oppose this legislation. Title 47a, Chapter 830 of the general statutes clearly defines the rights and responsibilities of landlords and tenants in the State of Connecticut. Specifically, section 47a-9 of said chapter details the methodology under which a landlord may establish such fees and surcharges. Should a tenant be aggrieved by such fee or surcharge, the tenant has existing rights and remedies as provided for in the general statutes. DECD's proposed regulations under section 8-68f of the general statutes will provide clarity and guidance for those tenants who reside in state public housing. To circumvent established legal processes in the twenty-two (22) communities which currently have a Fair Rent Commission places an unfair burden on those twenty-two (22) commissions, provides significant opportunity for disparate and inconsistent application of the law, and creates a disincentive to the creation of additional Fair Rent Commissions in those municipalities that do not currently have one.

Legal Assistance Resource Center of Connecticut, Inc.

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Miscellaneous bills

Housing Committee public hearing – February 19, 2019
Testimony of Raphael L. Podolsky

Elderly/Disabled public housing (S.B. 336, S.B. 337)

OPPOSE

Connecticut's state "elderly" public housing has been, for some 50 years (almost since its very creation), actually housing for persons who are either over age 62 or disabled. These two bills propose to cap the number of disabled persons in state elderly/disabled public housing at 14% of the units. Both the state Fair Housing Act and the state Constitution prohibit discrimination against persons with physical or mental disabilities. The passage of this bill would, as a result, raise serious constitutional questions. In addition, it is not good policy to pit two groups in need of housing assistance against each other. The solution is to create more public housing for both seniors and persons with disabilities, to enhance services in public housing for both groups, and to expand rental assistance opportunities outside of public housing for persons with disabilities.

Drug-related evictions (H.B. 5066)

OPPOSE

There is no need for additional legislation in this area. State law already deals with drug-related behavior, both in public and private housing, as a form of serious nuisance, nuisance, and breach of the tenant's duties, all of which are grounds for eviction. See C.G.S. 47a-11, 47a-15, and 47a-32. In addition, a tenant can be evicted for breach of the lease, and public housing leases routinely include drug-related clauses of this sort. If the underlying purpose of this bill is, however, to go beyond existing so as to prevent a primary tenant from proving that he or she did not know of the conduct or, upon learning of the conduct, took action to remove the occupant from the household, then the proposal is undesirable. The eviction of an entire family because of the misbehavior of one who has been removed from the household – and who may well be in jail and not a threat to return to the unit – is an unnecessarily harsh penalty. Similarly, the eviction of all members of a household because of conduct occurring elsewhere with no relationship at all to the apartment or even to housing authority premises, goes beyond what is necessary and has serious consequences for those who may have had neither knowledge nor participation in the misconduct. This bill is unnecessary and should not be adopted.

HB5910

Interagency Council on Affordable Housing (S.B. 24, S.B. 338)

AMEND

These two bills propose to expand the membership of the Interagency Council on Affordable Housing (ICAH) to include additional stakeholders. The ICAH is the

(continued on reverse side)

entity that prepared the plan for the implementation of the new Department of Housing. The bills make specific mention of housing authorities, developers, bankers, realtors, and property owners and managers.

We support the continuation of the ICAH as an on-going advisory body to the Department of Housing, and we do not object to some expansion of its membership to include more stakeholders. We are concerned, however, that the expansion proposed by these bills seems to be focused entirely on property owner, lender, developer, and management interests without any expansion of representation for other interests. We note in particular that there is no representation on the Council for tenants of private housing or their advocates, nor is there representation for the large number of low-income residents of Connecticut who are living in unaffordable situations and are badly in need of subsidized housing but may not even be able to get on state waiting lists. When the state Section 8 list was last opened, for example, nearly 50,000 households applied but only a fraction of them were placed on the waiting list. If the membership of the Council is expanded, care should be taken to include representatives of the interests of private tenants generally and of those living in unaffordable situations because of the lack of sufficient low-cost housing .

Fair rent commissions (H.B. 5970)

SUPPORT

Connecticut law allows towns to establish fair rent commissions to receive complaints "relative to rental charges on housing accommodations" and to take action if such charges are "so excessive, with due regard to all the circumstances, as to be harsh and unconscionable." See C.G.S. 7-148b through 7-148f. About 25 towns have fair rent commissions, of which the most recent are Clinton and New Britain. There are fair rent commissions in such larger towns as Hartford, New Haven, Bridgeport, Norwalk, and Stamford; in such suburban towns as Glastonbury, Farmington, West Hartford, and Hamden; and in such outlying towns as Westbrook and Colchester

This bill is the apparent result of a fair rent commission which refused to take jurisdiction over complaints claiming that a landlord was imposing unconscionable fees and surcharges. In our opinion, such charges are clearly "relative to rental charges" and are thus within the jurisdiction of fair rent commissions. On the other hand, there is no harm in making clear that the phrase "rental charge" for purposes of fair rent commission jurisdiction includes related fees and surcharges. Such a change would not be an extension of fair rent commission jurisdiction but rather a clarification that such authority already exists.

3 Raven Road
Colchester CT 06411
February 19, 2013.

To the Joint Committee on Housing

My name is Charles Jackter. I live at Westchester Village Mobile Home Trailer Park in Colchester. I am a member of the Westchester Village Residents Association but I am speaking on my own behalf.

I would like to thank the co-chairs, Senator Bartolomeo and Representative Butler for allowing us to make this presentation and to Representative Orange for introducing HB No. 5970.

On 7/1/11, our landlord instituted a levy which may be unprecedented in Connecticut. It was to insure his property against damage caused by an oil spill.

To this date, we have been unable to obtain

one scintilla of information regarding this insurance.

Neither the State agencies with jurisdiction nor our Fair Rent Commission feel we have a right to this evidence or that they have any role to play in this matter.

The impasse stems from the fact our lease describes the insurance payment as a "fee" and not "rent".

Since the applicable statute, Sec. 7-148b says nothing about fees, our FRC does not feel it is empowered to intervene.

We offer this succinct definition of the term "rent", obtained from the Internal Revenue Service:

"Rent is any amount you pay for the use of property you do not own."

p. 3-3

It has become obvious that the manner in which this law is being interpreted is a miscarriage and its benevolent effects have been seriously attenuated.

It has admittedly deteriorated into something it was never meant to be.

I for one can not accept the notion this was indeed the intent of majorities who endorsed this legislation nor of the Chief Executive, the Hon. John W. Dempsey who signed it into law.

Respectfully,

Charles Jucker



State of Connecticut
HOUSE OF REPRESENTATIVES
 STATE CAPITOL
 HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE LINDA A. ORANGE
 FORTY-EIGHTH ASSEMBLY DISTRICT

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DEPUTY SPEAKER OF THE HOUSE

MEMBER
 APPROPRIATIONS COMMITTEE
 HUMAN SERVICES COMMITTEE
 LEGISLATIVE MANAGEMENT COMMITTEE
 PUBLIC SAFETY AND SECURITY COMMITTEE

February 19, 2013

Housing Committee
 Room 2700, Legislative Office Building
 Hartford, CT 06106

To the Co-Chairs and Members,

Thank you for giving me the opportunity to testify on behalf of House Bill 5970, An Act Concerning the Powers of Municipal Fair Rent Commissions.

I am proposing this legislation on behalf of a constituent of mine from Colchester. He and others in his mobile home park have been protesting a monthly levy on their rental agreements, structured as an insurance fee. My constituent sought recourse from the local fair rent commission, asking them to consider his issue. The fair rent commission, in turn, said they were not empowered by statute to consider issues not directly pertaining to rent. They did not have confidence that there was a substantial nexus between the insurance fee and the subject of rent.

This bill proposal would allow municipal fair rent commission to examine not just rent, also fees levied in association with a rent agreement or contract. This legislation clarifies for municipalities what the scope of their commissions' powers may be, so that they may be as effective as possible in dealing with equity issues surrounding rent agreements. I respectfully ask for your support.

Thank you for your work and your consideration.

Sincerely,

Rep. Linda Orange
 Deputy Speaker of the House

S - 659

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2013**

**VOL. 56
PART 8
2153 - 2500**

we've -- we're working it through. The Environment Committee works in a very bipartisan manner. And if there's no objection I ask this bill be put on our Consent Calendar.

THE CHAIR:

Without objection so ordered. Mr. Clerk.

THE CLERK:

On page ten, Calendar 345, House Bill number 5970, AN ACT CONCERNING THE POWER OF MUNICIPAL FAIR RENT COMMISSIONS, favorable report of the Committee on Planning and Development.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO:

Thank you, Mr. President. Mr. President, I move acceptance of the joint committee's joint favorable and I urge passage of this bill.

THE CHAIR:

On acceptance and passage will you remark?

SENATOR BARTOLOMEO:

Yes. Thank you. Thank you, Mr. President. This bill clarifies the fair rent commissions' rights and responsibilities and it ensures that residents of seasonal -- seasonal residencies are able to appeal to fair rent commissions. This -- to give you some background there are 25 towns in Connecticut that have fair rent commissions and they were established since 1969. And Connecticut law allows fair rent commissions to receive complaints that are relative to rental charges on housing accommodations. They have the power to review and to act on rent and rental related charges to determine if they are so excessive as to be harsh and unconscionable.

This came to us because there's a resident of a -- a mobile park actually who tried and attempted to bring an issue before his fair rent commission. The fair rent commission was concerned that they felt they were not empowered by statute to consider his issue because they felt that it was an issue not directly related to rent. What they were asking to do was -- or what he had been asked to do by his landlord was to -- he was being charged on a monthly basis for oil spill insurance even though there wasn't a known oil spill. And it was done as an addendum to his -- his rental agreement. He -- he wrote to us and during the -- during the public hearings it was brought to our attention that there was some question as to whether or not it was under the authority or fair rental commissions, whether this was a fee or whether this was rent.

We did -- and actually I believe it was the good Senator McKinney who -- who did reach out to the Attorney General and we received back a -- an opinion from the Attorney General that concluded that rental charges that the fair -- that a municipal fair rent commission is currently authorized to review include not only charges labeled as rent but also fees that the rental agreement requires the tenant to pay to the landlord for the use or occupancy of the property.

Therefore we have drafted this legislation to reflect changes to the definition of rent and we've also put in another technical change about seasonal properties that they would also have the authority to appeal to their fair rent commissions. So for those reasons and for the reason that it did pass unanimously in the House as well I would urge and ask for support of the Senate on this bill.

THE CHAIR:

Thank you, Senator. Will you remark further on the bill? Will you remark further on the bill? Senator Bartolomeo.

SENATOR BARTOLOMEO:

Thank you, Mr. President. If there's no objection I would ask that this be put on the Consent Calendar.

THE CHAIR:

Without objection, so ordered. Mr. Clerk.

THE CLERK:

On page 16, Calendar 442, substitute for Senate Bill number 978, AN ACT CONCERNING SUBCONTRACTOR PREQUALIFICATION AND CLASSIFICATION THRESHOLDS AND INCREASING THE THRESHOLD FOR REQUIRING COMPETITIVE BIDDING OF PUBLIC WORKS PROJECTS, favorable report of the Committee on Government, Administration and Elections. And there are amendments.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, if that item might be passed temporarily and if the Clerk would then call from Calendar page 18, Calendar 468, House Bill 5388.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 18, Calendar 468, substitute for House Bill number 5388, AN ACT REQUIRING CITIES AND TOWNS TO DESIGNATE A VETERANS' SERVICE CONTACT PERSON, favorable report of the Committee on Veterans' Affairs.

THE CHAIR:

Senator Leone.

SENATOR LEONE:

Thank you, Mr. President. I move acceptance of the joint committee's favorable report and passage of the bill in concurrence with the House of Representatives.

THE CHAIR:

The bill passes in concurrence with the House.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, if would mark all items previously marked go should be marked passed retaining their place on the Calendar. And if the Clerk would call the items on the Consent Calendar so that we might proceed to a vote on the Consent Calendar.

THE CHAIR:

Mr. Clerk. Mr. Clerk.

THE CLERK:

On page five, Calendar 229, Senate Bill 1027, Calendar 232, Senate Bill number 984. On Calendar page nine, Calendar 336, House Bill 6529, Calendar 337, House Bill 5310. Also on page nine Calendar 338, House Bill 6313 and Calendar 339, House Bill 6315. On page ten, Calendar 345, House Bill 5970. And on page 13, Calendar 393, Senate Bill number 872. Page 18, Calendar 468, House Bill 5388. Page 27, Calendar 561, House Bill 6641 and Calendar 565, House Bill 6346. And on page 40, Calendar 302, Senate Bill 1016.

THE CHAIR:

Thank you, Mr. Clerk. The machine will be opened, vote on a Consent Calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate. Senators please return to the Chamber. Immediate roll call on today's Consent Calendar in the Senate.

THE CHAIR:

Have all members voted? Have all members voted?
Please check the board and make sure your vote has
accurately recorded. If all members have voted the
machine will be closed and the Clerk will announce the
tally.

THE CLERK:

On today's Consent Calendar.

Total Number Voting	36
Necessary for Adoption	19
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar 1 passes. Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, before
moving for moving for adjournment for today would like
to announce that we will likely be in -- in session
next week Tuesday, Wednesday and Thursday and also
possibly Friday so members should reserve those four
days next week as -- as possible or probable session
days. At this point, Mr. President, would yield the
floor to members for announcements of committee
meetings or for other points of personal privilege.

THE CHAIR:

Thank you, Senator. Before we do that I would like to
just to take the privilege of -- May is a big birthday
month and we have one of our members who is
celebrating her birthday tomorrow. I would like to
wish Senator Bye a happy birthday tomorrow and I'm
trying to figure out if her birthday wish was granted
as she's not here as she would have liked to have been
here. But happy birthday.

And there is a bipartisan fruit in the caucus room for
Senator Bye because she didn't want a cake so we got
her some fruit that's -- that she requested. So