

## Tenant Protections Against Excessive Rent Increases

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### Issue

How does state law protect tenants against excessive rent increases? Are there additional protections specifically for tenants who are senior citizens or have a disability?

The Office of Legislative Research is not authorized to provide legal opinions and this report should not be considered one.

### *Related OLR Reports:*

**Fair Rent Commissions**  
([2007-R-0267](#)) – describes how a municipality establishes a fair rent commission, the powers of commissions, and the process by which commissions determine and ameliorate excessive rent.

**States Authorizing Rent Control** ([2018-R-0081](#)) – identifies states with laws authorizing local governments to adopt rent control ordinances and describes the parameters these laws place on local governments.

### Summary

Connecticut state law does not currently permit municipalities to adopt rent control ordinances. However, the law authorizes municipalities to establish fair rent commissions to "control and eliminate excessive rental charges" ([CGS §§ 7-148b to -148g](#)) and empowers these commissions to enforce provisions of a landlord-tenant statute generally prohibiting landlords from increasing rent as a retaliatory action against tenants ([CGS §§ 47a-20 and 47a-20a](#)). Though not all municipalities have established fair rent commissions, any tenant residing in a building or complex consisting of five or more separate dwelling units who is (1) age 62 or older or (2) an individual with a physical or mental disability may bring action in Superior Court to contest an excessive rent increase or proposed rent increase ([CGS § 47a-23c\(c\)](#)).



# Fair Rent Commissions

## *Overview*

The law allows the legislative body of any town, city, or borough (or certain combinations thereof) to create a fair rent commission in order to (1) control and eliminate excessive rental charges and (2) carry out certain landlord-tenant statutes (CGS § 7-148b). Specifically, commissions have the power to:

1. conduct studies or investigations;
2. hold hearings;
3. receive rent complaints;
4. require people to appear at hearings;
5. issue subpoenas and administer oaths; and
6. issue, continue, review, amend, terminate, or suspend its orders and decisions.

The law required towns, cities, and boroughs without a fair rent commission on October 1, 1989, but with more than 5,000 renter-occupied dwelling units based on the 1980 decennial census, to hold a public hearing on or before June 1, 1990, and decide by a majority vote of the municipal legislative body whether to create a fair rent commission. Affected towns, cities, and boroughs that failed to meet these requirements were required to create a fair rent commission by June 1, 1991.

## *Existing Commissions*

According to the Connecticut Judicial Branch, the following 21 municipalities have established fair rent commissions as of January 2020:

- Bloomfield
- Bridgeport
- Clinton
- Colchester
- Enfield
- Farmington
- Glastonbury
- Groton
- Hamden
- Hartford
- Manchester
- New Haven
- Newington
- Norwalk
- Rocky Hill
- Simsbury
- Stamford
- Wethersfield
- Westbrook
- West Hartford
- Windsor

## *Retaliatory Action by Landlords*

Fair rent commissions are also authorized to carry out the provisions of a landlord-tenant statute prohibiting landlords from retaliating against a tenant after the tenant makes a good faith (1) effort to bring the dwelling in compliance with state and local laws and regulations, including filing a

complaint; (2) request for repairs; and (3) effort to require the landlord to meet his or her legal responsibilities (CGS § 47a-20).

The law specifically prohibits landlords from demanding an increase in rent within six months after a tenant files a complaint with a fair rent commission; however, there are two exceptions, as follows:

1. the tenant's complaint is regarding an issue caused by lack of due care from the tenant, a member of his or her household, or a guest on the premises with his or her consent; or
2. the landlord experiences a substantial increase in property taxes, maintenance costs, or operating costs not associated with the tenant's complaint at least four months prior to requesting a rent increase (which cannot exceed the prorated portion of the net increase in taxes or costs) (CGS §47a-20a).

### ***Considerations in Determining Excessive Rent***

Commissions must consider certain factors when determining whether a rental charge or proposed rent increase is excessive to the point of being "harsh and unconscionable." The factors include the following:

1. rents for comparable units;
2. amount and frequency of rent increases;
3. sanitary conditions;
4. number of bathtubs or showers, toilets, and sinks;
5. services, furniture, and furnishings;
6. bedroom size and number;
7. repairs necessary to make the accommodations livable;
8. amount of taxes and overhead expenses, including debt service;
9. compliance with state and local health and safety laws and regulations;
10. renter's income and housing availability;
11. utility availability;
12. tenant damage to the premises, other than ordinary wear; and
13. the degree to which income from the rent increase will be reinvested in property improvements (CGS § 7-148c).

### **Senior Citizens and Tenants with a Disability**

There is an additional protection under state law against excessive (i.e., not fair and equitable) rent increases for any tenant residing in a building or complex consisting of five or more separate dwelling units or a mobile manufactured home park who is (1) age 62 or older or (2) an individual

with a physical or mental disability; tenants that meet these criteria and are aggrieved by a rent increase or proposed rent increase may bring action in Superior Court to contest the increase (CGS § 47a-23c(c)). In addition, a tenant qualifies for this protection if he or she permanently resides with a child, spouse, sibling, parent, or grandparent that is at least 62-years-old or has a qualifying disability. In the case of the latter, the law requires that the disability be expected to result in death or last continuously for at least 12 months. The law permits landlords to request proof of protected status and requires tenants to provide such proof within 30 days.

In a court proceeding initiated by an aggrieved tenant, the court determines whether the rent increase is fair and equitable based on the same considerations that fair rent commissions are required to use in determining whether rent or a proposed rent increase is excessive (see above) (CGS § 7-148c).

## Resources

- 2-1-1 of Connecticut. "Fair Rent Commissions: Connecticut." March 2020.
- CTLawHelp.org. "Security Deposits and Rent Increases." July 2020.
- Connecticut Legal Services. "Tenants' Rights: Fair Rent Commission." December 2001.
- National Multifamily Housing Council. "Rent Control Laws by State." September 2, 2020.
- State of Connecticut Judicial Branch. "Rights and Responsibilities of Landlords and Tenants in Connecticut." January 2020. (See pages 9 to 11.)

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