

March 28, 1956

1133

A special meeting of the Board of Representatives of the City of Stamford, Conn. was held on Wednesday, March 28, 1956, in the Cafeteria of the Walter Dolan Jr. High School, Toms Road, Glenbrook, in response to a "Call" by the President, Mr. George V. Connors.

The President called the meeting to order at 8:15 P.M.

Roll Call was taken by the Clerk. There were 36 present and four absent. The absent members were: Robert Lewis, Eugene Barry, Thomas Killeen and Alanson Fredericks.

Mr. George V. Connors, President, read the "Call" as follows:

BOARD OF REPRESENTATIVES
Stamford, Conn.

March 26, 1956

I, George V. Connors, President of the Board of Representatives of the City of Stamford, pursuant to Section 202 of the Charter, hereby call a SPECIAL MEETING of the members of the Board of Representatives on

WEDNESDAY, MARCH 28, 1956

at 8:00 P.M.

in the DOLAN JR. HIGH SCHOOL CAFETERIA,
TOMS ROAD, GLENBROOK

For the purpose of:

- (1) Reconsidering the action taken at meeting of Board held on Tuesday, March 20, 1956, pertaining to Rent Control Ordinance,
- (2) Considering proposed resolution by R. G. Huizinga, pertaining to establishment of a Fair Rent Committee of the Board of Representatives.

George V. Connors,
President
Board of Representatives

STATE OF CONNECTICUT }
COUNTY OF FAIRFIELD } ss

March 26, 1956

Personally appeared ANTHONY SCALISE, THOMAS O'BRIEN, regular members of the Police Department of the City of Stamford, who, being duly sworn, depose and state that they Made service of the attached Call of a Special Meeting of the Board of Representatives on March 26, 1956, by leaving a copy of this Call at the usual place of abode, at least twenty-four (24) hours before the time fixed for such meeting.

1721

(signed) Anthony Scalise
(signed) Thomas O'Brien

March 28, 1956

1134

Subscribed and sworn to this 28th
day of March, 1956, before me.

JOHN M. HANRAHAN, Commissioner of the Superior Court

REGULATION OF RENT AND HOUSING
ACCOMMODATIONS

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

1. FINDING AND DECLARATION OF NECESSITY

It is declared: That as a result of the lack of construction of private rental housing accommodations during the period of World War II and as a result of the construction of the State Throughway, it is hereby found and declared that there exists a shortage of rental housing accommodations, which shortage has and will lead to unreasonable increases in rent to the resulting injury to the public health, safety and welfare of the City.

2. DEFINITIONS

As used in this ordinance, the term "housing accommodation" shall mean any building or part thereof occupied or suitable for occupancy as a place of abode, with any land or buildings appurtenant thereto and any services, furniture and facilities supplied in connection therewith; "rent" shall mean any consideration, including any bonus, benefit or gratuity, demanded or received for the use or occupancy of any housing accommodation.

3. FAIR RENT BOARD

At such time as he deems it necessary, in anticipation of the termination of State rent control, the Mayor shall appoint a Fair Rent Board consisting of six persons, three of whom shall be appointed directly by him and three of whom shall be appointed by him upon the recommendation of the Board of Representatives. The Commissioner of Finance shall furnish such Board with such necessary clerical assistance as they may need for the purpose of maintaining its records.

4. REGULATIONS

Said board may make orders and regulations necessary to carry out its duties under this ordinance and for the purpose of preventing unreasonable increases in rents and the resulting injury to the public health, safety and welfare. Such regulations shall include a determination of the types of housing accommodation to which this ordinance shall apply and provide for the making of individual adjustments in cases in which the maximum rent is substantially higher or lower than generally prevailing rents in the City of Stamford, or in which substantial hardship has resulted from increase in property maintenance, taxes or other costs.

1702 5. ADJUSTMENT OF RENTS

In any case in which the maximum rent in effect on the last effective day of state rent control is substantially lower than the rents generally prevailing in the City of Stamford for comparable housing accommodations, and in any case in which property taxes or operating costs have increased to a degree to make such maximum rent unjust, the Board shall adjust such maximum rent to what it considers an equitable degree.

6. STUDIES AND HEARINGS

The Board may make studies and conduct hearings for the purpose of obtaining any information it considers necessary for the administration and enforcement of this ordinance. For such purpose, it may require any landlord or tenant, or any agent or employee of any landlord or tenant, to furnish under oath any information required by it, and may require the production of any records or other documents and may inspect housing accommodation. Such board may, for such purposes administer oaths and issue subpoenas. The board shall not disclose any information so obtained if a request for confidential treatment is made by the person furnishing such information unless such board determines that the withholding thereof is contrary to the public interest.

7. PROTEST TO BOARD

Any person affected by any order, or regulation of the board may file a protest, setting forth his objections thereto, with written evidence in support of such objections. Statements in support of such order or regulation may be received by the board. As soon as possible after such filing, the Board shall grant or deny such protest, provide for a hearing thereof or provide an opportunity to present further evidence in connection therewith. If the board denies such protest in whole or in part it shall inform the protestant of its reasons therefor. If the board fails to grant or deny such protest within 30 days after such protest is filed, it shall be deemed to be denied.

8. APPEALS

Any person aggrieved by any such decision of the board may, within thirty days, appeal to the court of common pleas or to any judge thereof when said court is not in session and said court or such judge shall review the findings of the Board in such case. Pending any such appeal to the said court, or said judge, the orders or regulations of the board shall be in effect.

9. EVICCTIONS

So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise

March 28, 1956

terminated and regardless of any contract, lease, agreement, or obligation heretofore or hereafter entered into which provides for entry of judgment upon the tenant's confession for breach of the covenants thereof or which otherwise provides contrary hereto, unless:

- (a) The tenant who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year, for a rent not in excess of the maximum rent, but otherwise on the same terms and conditions as the previous lease or agreement, except so far as such terms and conditions are inconsistent with this ordinance; or
- (b) The tenant has unreasonably refused the landlord access to the housing accommodation for the purpose of inspection or of showing the accommodation to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein; provided such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodation is contrary to the provisions of the tenant's lease or other rental agreement; or
- (c) The tenant has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or is committing or permitting a nuisance or is using or permitting a use of the housing accommodations for an immoral or illegal purpose; or
- (d) The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the occupants of the housing accommodations are sub-tenants or other persons who occupied under a rental agreement with the tenant, and no part of the accommodation is used by the tenant as his own dwelling; or
- (e) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodation or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required; or
- (f) The landlord owned, or acquired the right to buy, the housing accommodations prior to October 20, 1942, and has an immediate compelling necessity to recover possession of such accommodation for use and occupancy as a dwelling for himself, or has served during the period of the war emergency in the armed forces of the United States and in good faith seeks possession for his own occupancy; or

- (8) The board certifies, on grounds other than those stated above, that the landlord may pursue his remedies in accordance with the statutes in relation to summary process. The Board may grant such certificate if the landlord establishes that the ground for removal or eviction is not inconsistent with the purpose of this ordinance. The certificate of the board in such case shall set forth the date after which the remedy of summary process may be pursued, which shall not be earlier than three months from the date of the filing of the petition by the landlord. If the petition is based upon a claim of a landlord who has purchased such housing accommodation on or after October 20, 1942, the board shall not issue such certificate unless it finds that such purchase has been made in good faith and not for the purpose of circumventing or evading this ordinance.

10. PENALTY

Any person, who prior to an adjustment of rent under the provisions of section 5, demands or receives rent in excess of the maximum legal rent under applicable state laws or regulations at the termination of state rent control, or who, after any such adjustment as provided in said Section 5, demands or receives rent in excess of the amount so determined, or who violates any regulation or order issued under Section 4, or who removes any tenant from any housing accommodation in violation of Section 9, or because such tenant has taken or proposes to take action authorized by this ordinance or any order or regulation issued thereunder, shall be fined not more than twenty-five dollars or imprisoned not more than thirty days, or both.

11. INJUNCTION

When, after inquiry, the board finds that any person has engaged or is likely to engage in any practice designated in Section 10, it may apply to the court of common pleas, or to the city court, or to any judge thereof when said courts are not in session, for an order enjoining such practice.

12. NEW CONSTRUCTION

The provisions of this ordinance shall not apply to any building the construction of which was not completed to such an extent that the premises were occupied July 7, 1947, and to any building which may be constructed after said date.

13. TERMINATION

This ordinance and all regulations promulgated and orders issued hereunder shall cease to be effective upon the determination by the Board of Representatives of the City of Stamford that the shortage of rental housing emergency is terminated.

14. TIME WHEN OPERATIVE

This ordinance shall become operative upon the termi-

March 28, 1956

nation of state rent controls.

MR. NOLAN: "Mr. President, at this time I would like to bring this Ordinance on the floor in order to make an amendment to the Ordinance. In Section 13. Termination. After the word 'terminated' I would like to substitute a comma for the period and add: 'or until March 31, 1957, at which time this Ordinance shall end'." Seconded by Mr. Georgoulis.

There was some discussion at this point, Mr. Huizinga asking if there was a motion on the floor. It was explained that the "Call" took the place of a motion.

MR. SNYDER: "I wonder if the Clerk would read the other matter which is contained in the call of the meeting."

MR. HUIZINGA: "I would like to add a further substitute motion as an amendment to the proposed Ordinance."

MR. KAMINSKI: "We only vote on the amendment if the mover accepts the amendment."

MR. HUIZINGA: "Is it in order for me to make a substitute motion?"

MR. IACOVO: "You state that a motion is on the floor. What's the motion?"

MR. NOLAN: "I brought the motion up and the amendment. A substitute motion is also in order." After some discussion about the manner of the motion as introduced by Mr. Nolan, he said: "I said I would like the adoption of the Ordinance with the added amendment. I notice that we can waive publication if we desire. I MOVE for adoption of this Ordinance with the added amendment." Seconded by Mr. Raiteri.

MR. HUIZINGA: "I MOVE to amend with a substitute amendment. However, I would like to preface my motion with just a few remarks which I believe are reasons for adopting the substitute motion. In the first place, there is no one in the State of Connecticut who can say that this Ordinance is legal." He read the following resolution which he presented in the form of an amendment to Mr. Nolan's motion. Seconded by Mr. McLaughlin.

A RESOLUTION FOR THE ESTABLISHMENT OF A FAIR RENT
COMMITTEE OF THE BOARD OF REPRESENTATIVES OF THE
CITY OF STAMFORD, CONNECTICUT.

WHEREAS:

Concern has been expressed that certain inequities may arise upon expiration of State Rent controls, and

WHEREAS:

The Board of Representatives is empowered and authorized to act for the welfare and safety of all the inhabitants of the City of Stamford, and for the protection and security of their property, as set forth in Section 204 of the Charter, and

WHEREAS:

Means should be established to determine the existence and extent of such inequities,

BE IT THEREFORE RESOLVED and it is hereby resolved:

That a bipartisan Committee be appointed by the President of the Board of Representatives, known as "The Fair Rent Committee", which committee shall consist of six members of this Board, three of whom shall be designated by the Majority Leader and three of whom shall be designated by the Minority Leader and the Chairman of which shall be elected by the committee members,

and it is further RESOLVED:

That said Committee shall receive all complaints pertaining to rental inequities and shall hear and evaluate the evidence, making such investigations as it deems necessary; and said Committee shall make periodic reports of its findings to this Board, and shall render a final summation of its findings at the regular October 1956 meeting of the Board of Representatives.

MR. HUIZINGA: "There is not a single person in the State of Connecticut who can say this Ordinance is legal - it has first to be tested in the Courts. Another reason why I am opposing Mr. Nolan's motion is that this is not a crisis. I believe that we, as the members of this Board, should have the full responsibility of seeing that this is taken care of. We have had rent control for over 15 years and it has not helped the situation in Stamford. In fact, we are in a worse state today than we were five years ago. It is quite obvious that the principals of State rent controls were basically wrong, or they would have worked. Why should we assume that the landlords are going to raise their rents exorbitantly? In our democratic way of life it has always been assumed that a person is innocent until he is proven guilty. Aren't we a little ahead of time in saying that the landlord is going to be a real problem? I am sure that there will be situations in which some landlords will step out of line. But, I don't believe it is fundamentally sound to nail him down before he has done anything to deserve it. Let's not rush into this thing until we first find out what the facts are going to be. Let the citizens make their complaints and then let us handle them. Let's find out first what we are going to need and what our problems are going to be and then prescribe the remedy." Mr. Baker also seconded Mr. Huizinga's motion.

MR. NOLAN refused to accept the motion as presented by Mr. Huizinga. He said: "What does he expect to happen in October? This is just setting up another Committee to investigate the situation. We need a law that can be enforced - something with teeth in it - not another committee that is helpless to do anything more than make recommendations. Once before we went through a similar experience. We had a Housing Committee who investigated the facts and had piles of information which was never even used. I cannot see where Mr. Huizinga's resolution is going to help the situation any. What happens when October comes and we find the situation is desperate? It will be too late to

March 28, 1956

lock the barn door after the horse is stolen.

We must enact an Ordinance that has teeth in it. Let's stand up and vote on this issue."

MR. RUSSELL: "I have read through the Resolution word by word and I think there is still merit in the Resolution and I think it should be tied in with the Ordinance. I think you should also look at the situation through the landlord's side in the event of inequities so that they could report their case to the Committee. I realize there are bound to be inequities on both sides of the question. I have had several telephone calls during the past week. One man is having his rent raised from \$48 to \$85. Cold water flats are being raised about 40%. Some of these facts we had brought before us at our last meeting. I am sure there are going to be inequities on both sides of the case. However, when you remove controls they may go completely out of hand. By accepting the Ordinance and the resolution also, we will be doing the best thing."

MR. KAMINSKI: "My thinking is in line with the last speaker. I feel that the Ordinance as such will not be acceptable to me. But, I realize that inequities are on both sides. However, I feel this Ordinance can be altered and made acceptable to the whole Board. The resolution neutralizes the Ordinance. I think we can do a little altering to the Ordinance itself to make it acceptable to all of us. I think the term "maximum rent" should be changed to read "agreed rent". It should be defined as the rent agreed upon between the tenant and the landlord. This Fair Rent Board can be set up to consider both rent increases and to find out if it conforms with the rent ceilings. I am prepared to vote against the Ordinance as it presently stands, but I am willing to vote for a Fair Rent Board. I feel that there are cases where a tenant will be willing to accept a rent increase willingly if he feels it is right and just that one be granted. I do think we should have protection against excessive increases and unwarranted evictions."

MR. SNYDER: "I think it should be brought to the attention of the Board that the Committee under Mr. Huizinga's proposed resolution, would receive the complaints." He read from the resolution: "...That said Committee shall receive all complaints pertaining to rental inequities and shall hear and evaluate the evidence, making such investigations as it deems necessary; and said Committee shall make periodic reports of its findings to this Board.....". He said: "I disagree that his Board can take no action until October 1956, and, as Mr. Kaminski has pointed out, there undoubtedly are many tenants who feel that some increases are fair and are in order, and I think the only thing for this Board to do is set up this Fair Rent Committee and evaluate the findings and then recommend legislation that will solve the problems that are presented."

MR. HAITERI: "If the members of this Board will consider Section 5 on Adjustment of Rents, where it states they are using the maximum rent in effect at the termination of rent control, if they are fair minded, they might consider an increase being given the landlord if he can prove the rent is inadequate. By adopting the resolution and not passing an ordinance that can be enforced; we would be letting the horse out of the stall and then we would be trying to counteract it when it was too late. If the members will recall Mr. Leonard Merrell's talk

March 28, 1956

1141

last week, he suggested a 5% profit be allowed a landlord. This seems reasonable enough."

MR. TOPPING: "I would like to speak in support of the substitute motion. We have no assurance that this proposed ordinance is legal and will be recognized in the Courts. Hartford landlords have instituted a suit in the Courts. If we pass this ordinance tonight and then have to wait for a decision by the courts, what have we gained? We have no proof at this time that if we pass this Ordinance it will be legal."

MR. GEORGOULIS: "Speaking in reference to the Ordinance that the Mayor would like to have this Board approve, I think that we, as an elected body, are trying to be fair to both the tenants and the landlords. If the City of Hartford and the City of New Britain sees fit to adopt rent control, I see no reason why we can't. Actually, as an elected body, have we tried our best? I think we should accept the original Ordinance and not a watered down one with a substitute motion."

MR. PLOTKIN MOVED that the motion for adoption of the Ordinance be prefaced with the language of waiving prior publication of the Ordinance.

MR. MACRIDES: "I do not understand the substitute motion or resolution; whatever you want to call it."

MR. HUIZINGA: "In answer to Mr. Macrides' question: Apparently it isn't clear to everyone and to me it is so simple. I am not so sure that we do not need rent control, but let's first find out if we do or not. I am not against a Rent Control Board, if it will do the job. The only thing I am trying to do is to give a committee of this Board, to make a fact-finding study and don't pass the buck out of this Board, as we have done on other occasions. Let's first make a study and see if we can't find out whether it's going to be legal. If the thing that is bothering you people is this six months trial -- if you can find out in 30 days what the problems will be, I am not saying that we have to wait six months -- do it right away, but let's not jump in before we know what the facts are. This resolution appoints a bipartisan committee to find out what the extent of these inequities are going to be, and then to present their findings to this Board."

MR. McLAUGHLIN: "I agree with Mr. Huizinga. My feeling is that we have had this rent control for 15 years, and the problems of the people have not been alleviated. We have not been able to increase the housing units. The only way that we can encourage the landlords and people who are interested in building more apartments in Stamford is to give them an opportunity to make a profit on their holdings." (Loud laughter from the audience)

The President called for order and asked that the spectators refrain from making any comments or disturbing the orderly procedure of the meeting.

MR. KAMINSKI: "As I mentioned before, I think we could come to some agreement. Mr. Huizinga stated he is not against rent control boards and agrees that there will be inequities. There are about 50% of us in favor of the Ordinance and 50% in favor of the Resolution. I think we could work out a solution agreeable to all of us by inserting the

March 28, 1956

recommendations I have made to the amendment. We have investigative powers and would have direct control. I think we should attempt to alter this Ordinance to attempt to correct the inequities that may occur. Three months from now we may find we need to correct parts of it, which we can do at that time if necessary."

MR. WYNN: "In answer to Mr. Huizinga, I would just like to allay his fears about the Board 'Passing the Buck'." He read from Section 13 of the proposed Ordinance:

13. TERMINATION

This ordinance and all regulations promulgated and orders issued hereunder shall cease to be effective upon the determination by the Board of Representatives of the City of Stamford that the shortage of rental housing emergency is terminated.

MR. NOLAN: "I still think we should not act retroactively by passing this resolution. I would like to have months and months to debate and fact find, but unfortunately we cannot do this. Controls are at an end on March 31st."

MR. MACRIDES: "If we wait until it's too late, we will not be able to accomplish anything. In view of Section 5, which Mr. Raiteri pointed out before, I fail to see any argument with this type of provision. We cannot wait until it's too late and then attempt to provide for rent controls."

MR. RAITERI: "I don't think the State did a good job on rent control. I think if the City of Stamford handles it themselves we can do a much better job of it, because we are more familiar with the problems and closer to them. We have an immediate duty to the oldtimers of Stamford; the people that have lived here for years, for they are the ones that will feel the pinch if rent controls go off. The newcomers are renting the rental units that are not under controls, being newly built; and apparently they can afford it, because it was of their own seeking."

MR. RAITERI offered an amendment to Section 5. Adjustment of Rents. He said: "I do not want it misconstrued that I am not in agreement with Section 5 as written. However, if it proves to be unfavorable to the members, it can be amended." He offered the following amendment:

5. ADJUSTMENT OF RENTS

In any case where increases in rent are considered excessive by the tenants, they may apply to the Board for relief. The Board may then subpoena the landlord to present his operating costs and taxes to justify his increase.

MR. RAITERI also offered an addition to Section 6. Studies and Hearings. to be added after the last word, as follows: "In such cases where increases are unjustified, the Board may establish an equitable rent."

17.4

March 28, 1956

1143

DR. LILLIENDAHL: "I feel that Section 9 smells out loud -- the landlord is absolutely unprotected. I think he is entitled to some protection."

MR. MACRIDES: "I would like to suggest a recess in order that we may have a caucus."

MR. NOLAN: "Point of order -- we have to first defeat Mr. Huizinga's substitute resolution."

The President read Mr. Huizinga's resolution, as previously presented by Mr. Huizinga.

A standing vote was taken on Mr. Huizinga's resolution. The vote was as follows:

Those opposed: William Brett, Edward Czupka, Robert Findlay, George Georgoulis, Salvatore Giuliani, William Kaminski, Stephen Kelly, Anthony Kolich, John Lilliendahl, Frank Longo, John Macrides, Joseph Milano, William Murphy, John Nolan, Paul Plotkin, Clement Raiteri, George Russell, Irving Snyder, Vincent Vitti, Clifford Waterbury and Edward Wynn, a total of 21.

Those in favor: Ellis Baker, Mary Bankowski, Charles Bradbury, John DeForest, Charles Gilbert, William Hearing, Rutherford Huizinga, Joseph Iacovo, Alan Ketcham, Jack McLaughlin, Helen Peatt, Norton Rhoades, Thomas Topping and Doris Zuckert, a total of 14.

LOST, by vote of 14 in favor and 21 opposed. (The President does not vote, except by ballot or in case of a tie)

MR. GEORGOULIS MOVED for a recess so that a caucus could be held.

MR. RHOADES: "Is it true that a two-thirds vote is necessary in order to pass? I think it would be impossible to pick up a two-thirds vote tonight in order to waive publication of the Ordinance so that it could be adopted tonight. But, I do think we may be able to work out an Ordinance that would be acceptable to all of us. I think the Steering Committee, with the help of the Corporation Counsel, should meet at this time and attempt to work out a satisfactory Ordinance."

There ensued a great deal of discussion.

MR. TOPPING called for a vote on a caucus. He seconded Mr. Georgoulis' move for a caucus. CARRIED unanimously.

After the caucus of both parties, the Steering Committee went into session and worked out a new Ordinance, with the aid of the Corporation Counsel, Mr. Hanrahan and the Assistant Corporation Counsel, Mr. DiSesa.

The President called the meeting to order at 11:15 P.M.

The Clerk read the Ordinance, as revised:

ORDINANCE NO. 52 SUPPLEMENTAL

REGULATION OF RENT AND HOUSING ACCOMMODATIONS

March 28, 1956

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

1. FINDING AND DECLARATION OF NECESSITY

It is declared: That as a result of the lack of construction of private rental housing accommodations during the period of World War II and as a result of the construction of the State Thoroughway, it is hereby found and declared that there exists a shortage of rental housing accommodations, which shortage has and will lead to unreasonable increases in rent to the resulting injury to the public health, safety and welfare of the city.

2. DEFINITIONS

As used in this Ordinance, the term "housing accommodation" shall mean any building or part thereof, occupied or suitable for occupancy as a place of abode, with any land or buildings appurtenant thereto and any services, furniture and facilities supplied in connection therewith; "rent" shall mean any consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of any housing accommodation.

3. FAIR RENT BOARD

Upon passage of this Ordinance, the Mayor shall appoint a Fair Rent Board, consisting of six persons, three of whom shall be recommended for appointment by the Majority Leader of the Board of Representatives and three of whom shall be recommended for appointment by the Minority Leader of said Board. The Commissioner of Finance shall furnish such Board with such necessary clerical assistance as they may need for the purpose of maintaining its records.

4. REGULATIONS

Said Board may make orders and regulations necessary to carry out its duties under this Ordinance and for the purpose of preventing unreasonable increases in rents and the resulting injury to the public health, safety and welfare. Such regulations shall include a determination of the types of housing accommodation to which this Ordinance shall apply and provide for the making of individual adjustments in cases in which the rent is deemed to be inequitable, having due regard to the investment of the property owner, increases in property maintenance, taxes, or other applicable costs.

5. ADJUSTMENT OF RENTS

In any case where increases in rent are considered excessive by the tenants, they may apply to the Board for relief within thirty (30) days of written notice of said increase. Pending a determination of the Rent Board, the tenant shall continue to pay the rent in existence immediately prior to notice of said increase. The Board may determine the rent effective as of the date of such notice.

6. STUDIES AND HEARINGS

The Board may make studies and conduct hearings for the purpose of obtaining any information it considers necessary for the

administration and enforcement of this Ordinance. For such purpose it may require any landlord or tenant, or any agent or employee of any landlord or tenant, to furnish, under oath, any information required by it and may require the production of any records or other documents and may inspect housing accommodation. Such Board may, for such purposes, administer oaths and issue subpoenas. The Board shall not disclose any information so obtained if a request for confidential treatment is made by the person furnishing such information, unless such Board determines that the withholding thereof is contrary to the public interest.

7. PROTEST TO BOARD

Any person affected by any order or regulation of the Board, may file a protest, setting forth his objections thereto, with written evidence in support of such objections. Statements in support of such order or regulation may be received by the Board. As soon as possible after such filing, the Board shall grant or deny such protest, provide for a hearing thereof, or provide an opportunity to present further evidence in connection therewith. If the Board denies such protest, in whole or in part, it shall inform the protestant of its reasons therefor. If the Board fails to grant or deny such protest within thirty (30) days after such protest is filed, it shall be deemed to be denied.

8. APPEALS

Any person aggrieved by any such decision of the Board may, within thirty (30) days, appeal to the Court of Common Pleas, or to any Judge thereof, when said Court is not in session, and said Court or such Judge shall review the findings of the Board in such case. Pending any such appeal to the said Court, or said Judge, the orders or regulations of the Board shall be in effect.

9. EVICCTIONS

So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations by action to evict or to recover possession, by exclusion from possession or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated and regardless of any contract, lease, agreement or obligation heretofore or hereafter entered into which provides for entry of judgment upon the tenant's confession for breach of the covenants thereof, or which otherwise provided contrary hereto, unless:

- (a) The tenant who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration, but not in excess of one year, for a rent not in excess of the rent as prescribed by Sec. 5, but otherwise on the same terms and conditions as the previous lease or agreement, except so far as such terms and conditions are inconsistent with this Ordinance; or

1733(b) The tenant has unreasonably refused the landlord access to

March 28, 1956

the housing accommodation for the purpose of inspection or of showing the accommodation to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein; provided such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodation is contrary to the provisions of the tenant's lease or other rental agreement; or

- (c) The tenant has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or is committing or permitting a nuisance, or is using or permitting, a use of the housing accommodations for an immoral or illegal purpose; or
- (d) The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the occupants of the housing accommodations are sub-tenants or other persons who occupied under a rental agreement with the tenant, and no part of the accommodation is used by the tenant as his own dwelling; or
- (e) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodation, or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required; or
- (f) The landlord owns or has acquired the right to buy the housing accommodations and has an immediate compelling necessity to recover possession of such accommodation for use or occupancy as a dwelling for himself or for members of his immediate family, or has served during the period of the war emergency in the armed forces of the United States and in good faith seeks possession for his own occupancy; or
- (g) The Board certifies, on grounds other than those stated above, that the landlord may pursue his remedies in accordance with the Statutes in relation to Summary Process. The Board may grant such Certificate if the landlord establishes that the ground for removal or eviction is not inconsistent with the purpose of this Ordinance. The Certificate of the Board in such case shall set forth the date after which the remedy of Summary Process may be pursued, which shall not be earlier than three (3) months from the date of the filing of the Petition by the landlord.

10. RECEIPTS

The landlord shall in every case of payment of rent, give a receipt, setting forth the amount and period for which the rent is paid.

11. PENALTY

Any person, who, after any such adjustment, as provided in Section

March 28, 1956

1147

5, demands or receives rent in excess of the amount so determined, or who violates any regulation or order issued under Section 4, or who removes any tenant from any housing accommodation in violation of Section 9, or because such tenant has taken, or proposes to take action authorized by this Ordinance, or any order or regulation issued thereunder, or shall refuse to give a receipt in violation of Section 10, shall be fined not more than twenty-five (\$25.00) dollars, or imprisoned not more than thirty (30) days, or both.

12. INJUNCTION

When, after inquiry, the Board finds that any person has engaged, or is likely to engage in any practice designated in Section 11, it may apply to the Court of Common Pleas, or to the City Court, or to any Judge thereof, when said Courts are not in session, for an order enjoining such practice.

13. NEW CONSTRUCTION

The provisions of this Ordinance shall not apply to any building, the construction of which was not completed to such an extent that the premises were occupied July 7, 1947, and to any building which may be constructed after said date.

14. TERMINATION

This Ordinance and all regulations promulgated and orders issued hereunder shall cease to be effective upon termination by the Board of Representatives of the City of Stamford, or on March 31, 1957, whichever is sooner.

15. TIME WHEN OPERATIVE

This Ordinance shall become operative upon the termination of State rent controls.

Dated, this _____ day of

April, 1956

MR. GEORGOULIS MOVED for acceptance of the Ordinance as changed. Seconded by Mr. Vittl.

MR. NOLAN withdrew his original amendment, accepting the ordinance as re-written. Mr. Georgoulis also withdrew his seconding of Mr. Nolan's amendment.

MR. GEORGOULIS MOVED the following:

BE IT RESOLVED, that in accordance with Section 204.1 of the Charter, the requirements of prior introduction and publication of the Ordinance be and it is hereby waived because of the determination by this Board that there exists an emergency

1735

March 28, 1956

of rental housing in Stamford.

MR. RHCADES seconded the motion, stating that he agreed with Mr. Georgoulis.

A rising vote was taken and CARRIED, 34 in favor and one opposed, Mrs. Bankowski voting in opposition.

MR. GEORGOULIS MOVED that the Ordinance as re-written be adopted in its entirety. Seconded by Mr. Hearing and CARRIED, 35 in favor and one opposed, Mrs. Bankowski voting in opposition. (Note: Mr. Connors asked that his vote be recorded in the affirmative, using his prerogative of voting as an individual member of the Board.)

MR. GEORGOULIS MOVED for adjournment at 12:05 A.M. Seconded by several members and CARRIED unanimously.

Respectfully submitted,

JOHN C. MACRIDES, Clerk
Board of Representatives