

Town of West Hartford

Meeting MINUTES

Special Hybrid Meeting - Fair Rent Commission

June 3rd 2021 - 6:30 PM

West Hartford Town Hall

Legislative Chambers - Room 314

A. Meeting Opening

-Meeting was called to order at approximately 6:35 PM by Chair Dennis Swanton.

-Roll Call Done by Matthew Lampkin (Co-Secretary)

- Board Members Present: Dennis Swanton (Chair), Stuart Mahler (Vice Chair), Alexis Safo-Agyeman (Co-Secretary), Nastajha Ortiz (Board Member), Matthew Lampkin (Co-Secretary)
- Town Officials Present: Cynthia Lauture (West Hartford Corporation Counsel) Lauture (West Hartford Corporation Counsel), Helen Rubino-Turco

-Chair Dennis Swanton requested a motion to approve the minutes of the Fair Rent Commission meeting held virtually on April 29th, 2021.

-Stu Mahler requested clarification on when bylaws for the Fair Rent Commission would be reviewed by previously appointed bylaw subcommittee

-Chair Swanton stated that bylaw review work will happen at a future date; wanted to devote the June 3rd, 2021 meeting to the mock hearing. Mock hearing would allow commission members to get practice before being called to listen to a real hearing.

-No other questions or comments were presented on the April 29th, 2021 meeting minutes. Chair Swanton asked for a motion to approve the April 29th, 2021 minutes. Stu Mahler motioned to approve. Nastajha Ortiz, seconded the motion.

Meeting minutes were approved unanimously by the Fair Rent Commission board.

B. New Business

-Mock hearing proceedings began. Cynthia Lauture (West Hartford Corporation Counsel) shared a case from 2009 where a complaint was adjudicated by the Fair Rent Commission.

-The following exhibits, from the hearing in 2009, were shared with the current Fair Rent Commission to review during the mock hearing: Attorney statement for the landlord, landlord statement, a letter tenant received from property manager, tenant affidavit, and a floorplan of where the tenant resided.

-Chair Swanton read into record the tenant's 2009 complaint affidavit.

-Cynthia Lauture (West Hartford Corporation Counsel) advised on swearing in procedure for future hearings. After the tenant affidavit is read into the record, one of the resident lawyers of the Fair Rent Commission, would need to swear in the tenant (complainant). Attorneys for the landlord would not need to be sworn in.

-Standard swearing in affidavit will be provided to the Commission by West Hartford Corporation Counsel before any future hearings

-For future hearings, Cynthia Lauture (West Hartford Corporation Counsel) advised that any questions, which the Commission has for the tenant, should be asked through the Commission Chair.

-Cynthia Lauture (West Hartford Corporation Counsel) advised that any exhibits presented in a hearing should be presented as a full exhibit to the Chair and then marked as an Exhibit by one of the Commission secretaries

-For future hearings, the Fair Rent Commission members will be provided with a fair market rent chart for apartments in Hartford County, CT; to be used as a guideline

-Cynthia Lauture (West Hartford Corporation Counsel) advised that the Commission would receive documents relevant to a scheduled case at least 2 weeks in advance. Would allow for board members time to review before hearing.

-In future hearings, the Fair Rent Commission will allow for the attorney of the landlord, if present, to cross examine the tenant.

-Attorney of the landlord must ask questions of the tenant through the Commission Chair.

-Chair has the ability to not allow a question if deemed outrageous, grandstanding, or out of line.

-This will be discussed for addition into bylaws and voted on

-Cynthia Lauture (West Hartford Corporation Counsel) advised that during scheduled future hearings a court stenographer will be available to capture hearing proceedings; secretary will not be responsible for capturing proceedings.

-A discussion was held around if parties should be allowed to ask for a continuance in future hearings. A continuance potentially would be seen as an unfavorable decision by the board. Could give more of an advantage to one side over the other.

-Suggested that time limits on presenting a case will be applied to hearings. This will be discussed at a bylaw subcommittee meeting in future.

-Will be a discussion around using continuances at a bylaw subcommittee meeting in future.

-In the 2009 case used for the mock hearing, the attorney for the LLC property owner did ask for a continuance. To mimic the mock hearing continuance request, the Commission also chose to potentially continue the mock hearing until the next meeting.

-Discussions were had by the Fair Rent Commission regarding the process the board would follow in order to reach a decision in a fair rent hearing.

-Cynthia Lauture (West Hartford Corporation Counsel) advised that since rent complaints are public hearings, decisions would have to be discussed and made in public.

-The Commission could not hold sessions or discussions outside public view based on the Freedom Of Information Act (FOIA).

-The Commission is not under obligation to come to a decision on a fair rent hearing on the same day the case was heard by the Commission.

-Chair Swanton expressed how beneficial this mock hearing was and thanked Cynthia Lauture (West Hartford Corporation Counsel) for her help

-For future discussions the Fair Rent Commission will decide if they will allow the tenant to cross examine the landlord. The Fair Rent Commission will decide if they will allow the testimony of witnesses to be subject to cross examination.

-Potential suggestion for the bylaws, was if the Secretary will keep time during fair rent hearings.

Potential suggestion for the bylaws was around limiting the amount of time we want to allow for parties to present their case during a hearing.

-Chair Swanton stated there will be a future meeting held for the bylaw subcommittee to discuss current bylaws and potential updates.

-Tentatively scheduled for within the next month. Chair Swanton will send email

-Subcommittee members are Joe Cassidy, Stu Mahler, Nastajha Ortiz, and Chair Swanton

-Cynthia Lauture (West Hartford Corporation Counsel) will provide the subcommittee with statutory laws mentioned in the current bylaws ahead of time. Will allow subcommittee to review the statutes and make sure they are still appropriate for the bylaws and have not changed.

-Subcommittee meetings will need to be a public meeting. The Commission Secretary would need to provide an agenda at least 48 hours beforehand to the West Hartford town secretary. Minutes would need to be taken.

-Potential that a subcommittee meeting can be held over WebEx.

-After the bylaw subcommittee meeting has been held, any suggestions for items to be added or removed from the bylaws will be voted on at our next full Fair Rent Commission board meeting.

-There is currently nothing around closing statement time limits in the bylaws. This will need to be added in. Requested by Chair

-Cynthia Lauture (West Hartford Corporation Counsel) advised the bylaws should document how the Commission will accomplish the following tasks: making a final decision on a hearing, who will write the final decision on a hearing, who will be responsible for signing the final decision on a hearing.

-All documents, evidence, transcripts, recordings will be provided to the West Hartford Corporate Council in the event an appeal is requested after the final hearing.

-Minutes of any hearing would need to be provided by the Secretary to the West Hartford Town Clerk within 7 days of the hearing.

C. Adjournment

-Chair asked for a motion to adjourn the meeting.

-Before adjournment, Matthew Lampkin and Chair Swanton stated they will not be available to meet on the 24th of June.

-Chair Swanton will send out proposed dates for the next Fair Rent Commission board meeting.

-No other questions or comments were made. Motion to adjourn requested by Chair Swanton. First motion to adjourn presented by Matthew Lampkin. Motion was seconded by Nastajha Ortiz.

-Unanimous vote to adjourn meeting at approximately 7:20 PM EST.