

(c) Appropriations will be required from the reserve to acquire land or development rights in accordance with Sections 313 and 610 of the Town Charter. (Ord. of 6-28-88, § 6)

Sec. 2-291. Minimum balance of reserve.

A minimum balance of fifteen thousand dollars (\$15,000.00) shall be maintained in the reserve at all times. If the balance of the reserve falls below fifteen thousand dollars (\$15,000.00), the reserve shall automatically terminate in accordance with section 2-292 below. (Ord. of 6-28-88, § 7)

Sec. 2-292. Dissolution of reserve.

If the reserve is terminated for any reason, the balance remaining in the reserve at the time of such termination shall be used exclusively for the benefit of the town's parks and recreation department. (Ord. of 6-28-88, § 8)

Secs. 2-293—2-300. Reserved.

ARTICLE XVII. FAIR RENT COMMISSION*

Sec. 2-301. Created; membership.

Pursuant to Section 7-148b through 7-148f of the General Statutes of Connecticut, and Section 802 of the Town Charter, there is hereby created a fair rent commission which shall consist of seven (7) electors and residents of the town who shall be appointed by town council. All members of the commission shall be appointed by the town council in the manner provided in Section 802 of the Town Charter. The members shall be appointed to serve a term of four (4) years, except for initial terms, which may run for two (2) or four (4) years, with three (3) members' terms expiring after four (4) years. The commission shall include an equal number of landlords and tenants with a minimum of two (2) each. The members of the commission shall serve without compensation but may be

*Editor's note—Ord. No. 243, §§ 1—12, adopted Jan. 24, 1989, did not specifically amend the Code; hence, inclusion herein as Art. XVII, §§ 2-301—2-312, was at the discretion of the editor.

Cross reference—Housing, Ch. 9.

reimbursed for necessary and actual expenses incurred in the performance of their official duties. The town staff member assigned to the commission shall serve without vote as an ex officio member of the commission. (Ord. of 1-24-89, § 1)

Sec. 2-302. Organization and vacancies.

The commission shall choose a chairperson and vice-chairperson from among its members by ballot, shall keep records of its meetings and activities, and shall report annually to the town council in the same manner as other agencies and commissions of the town. Any vacancy on the fair rent commission, from whatever cause occurring, shall be filled by appointment of town council for the unexpired portion of the term, within the guidelines of Section 802 of the Town Charter. The town council may remove any member for cause in accordance with a code of conduct ordinance, and thereafter fill such vacancy. If, during the term of a commission appointment, a member's status changes with respect to whether he/she is a tenant or a landlord, the member shall be disqualified from the commission and the position shall be deemed vacant. (Ord. of 1-24-89, § 2)

Sec. 2-303. Meetings; rules and regulations.

In addition to any schedule for regular meetings, the commission may establish, the chairperson or any three (3) members of the fair rent commission may call a meeting, provided at least three (3) days' advance notice of the meeting is given. A quorum at any meeting shall consist of four (4) members and the affirmative vote of four (4) members be required for any action to be taken. The commission shall, with the assistance of town staff and approval of the town attorney, adopt rules and regulations for placing in effect the provisions of this article. The rules and regulations shall not be inconsistent with the provisions hereof. (Ord. of 1-24-89, § 3)

Sec. 2-304. Powers and duties.

(a) The fair rent commission may make studies and investigations, conduct hearings and receive complaints relative to rental charges on housing accommodations, except those accommodations rented on a seasonal basis, within its jurisdiction, which

term shall include mobile home and mobile home park lots, in order to control and eliminate excessive rental charges on housing accommodations, and to carry out the provisions of Sections 7-148b to 7-148f inclusive, Section 47a-20 and subsection (b) of Section 47a-23c of the Connecticut General Statutes. The commission for such purposes, may compel the attendance of persons at hearings, issue subpoenas and administer oaths, issue orders and continue, review, amend, terminate or suspend any of its orders and decisions.

(b) For purposes of this article, "seasonal basis" means housing accommodations rented for a period or periods aggregating not more than one hundred twenty (120) days in any one (1) calendar year. (Ord. of 1-24-89, § 4)

Sec. 2-305. Hearings; complaints.

Any tenant residing in the Town of Glastonbury shall be eligible to file a complaint with the commission. A complaint must be made in writing and filed with the Glastonbury Housing Authority on the complaint form provided. A hearing on the complaint shall be scheduled within thirty (30) calendar days of the filing of a complaint. Written notice of the date, time and place of the hearing shall be given by mailing a notice thereof, by certified mail to the landlord and the tenant at least ten (10) calendar days prior to said hearing. In the event that the complaint involves a matter within the jurisdiction of a town department or any other public agency, the matter may be referred to the appropriate agency for action and the commission may concurrently exercise its powers hereunder. (Ord. of 1-24-89, § 5)

Sec. 2-306. Conciliation.

The chairperson of the fair rent commission may request that two (2) members of the commission and the town staff member assigned to the commission meet with the parties, if the parties consent, to attempt to reconcile the differences between the parties prior to initiating the formal hearing process. The meeting shall be closed to the public and any agreement between the parties as a result of such meeting must be signed by the parties and witnessed by the commission members, and shall be fully enforceable as if it were an order of the commission. (Ord. of 1-24-89, § 6)

Sec. 2-307. Consideration in determining fair rental charge.

In determining whether a rental charge or a proposed increase in a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable, the fair rent commission shall consider such of the following circumstances as are applicable to the type of accommodation:

- (1) The rents charged for the same number of rooms in other housing accommodations in the same and in other areas of the municipality;
- (2) The sanitary conditions existing in the housing accommodation in question;
- (3) The number of bathtubs or showers, flush water closets, kitchen sinks and lavatory basins available to the occupants thereof;
- (4) Services, furniture, furnishings and equipment supplied therein;
- (5) The size and number of bedrooms contained therein;
- (6) Repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein;
- (7) The amount of taxes and overhead expenses, including debt service, thereof;
- (8) Whether the accommodations are in compliance with the ordinances of the municipality and the general statutes relating to health and safety;
- (9) The income of the petitioner and the availability of accommodations;
- (10) The availability of utilities;
- (11) Damages done to the premises by the tenant, caused by other than ordinary wear and tear;
- (12) The amount and frequency of increases in rental charges;
- (13) Whether, and the extent to which, the income from an increase in rental charges has been or will be reinvested in improvements to the accommodations. (Ord. of 1-24-89, § 7)

Sec. 2-308. Authority to order rent reductions, repairs and other orders.

(a) If the commission determines, after a hearing, that the rental charge or proposed increase in the rental charge for any housing accommodation is so excessive, based on the standards and criteria set forth in this article, as to be harsh and unconscionable, it may order a reduction in rent to such an amount as it determines to be fair and equitable.

(b) If the commission determines, after hearing, that the housing accommodation in question fails to comply with any town ordinance or state statute or regulation relating to health and safety, it may order the suspension of further payment of rent by the tenant until such time as the landlord makes the necessary changes, repairs or installations so as to bring such housing accommodation into compliance with such ordinance, statute or regulation. The rent during said period shall be paid to the commission to be held in an escrow account established with the town treasurer.

(c) If the commission determines, after hearing, that a landlord has retaliated in any manner against a tenant because the tenant has complained to the commission, the commission may order the landlord to cease and desist from such conduct. (Ord. of 1-24-89, § 8)

Sec. 2-309. Appeal.

Any person aggrieved by any order of the commission may appeal to the superior court. Any such appeal shall be considered a privileged matter with respect to the order of trial as provided in Section 7-148e of the Connecticut General Statutes. (Ord. of 1-24-89, § 9)

Sec. 2-310. Penalty for violation.

Any person who violates any order of rent reduction or rent suspension by demanding, accepting or receiving an amount in excess thereof while such ordinance remains in effect, no appeal pursuant to section 2-309 of this article is pending, or violates any other provisions of this article, or Connecticut General Statutes, Section 47a-20, or who refuses to obey any subpoena, order or decision of the commission pursuant thereto, shall be fined

twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense. If such offense continues for more than five (5) days, it shall constitute a new offense for each day it continues to exist thereafter. (Ord. of 1-24-89, § 10)

Sec. 2-311. Amendments to state law or Municipal Charter.

Any amendments to the state law referring to fair rent commissions or the town charter referring to council appointed commissions, shall be automatically incorporated into this article and made a part thereof. (Ord. of 1-24-89, § 11)

Sec. 2-312. Reserved.

Editor's note—Ord. No. 253, adopted March 12, 1991, repealed § 2-312, which pertained to the sunset provisions and derived from Ord. of Jan. 24, 1989, § 1.

TOWN OF GLASTONBURY
FAIR RENT COMMISSION
ADDENDUM TO TOWN ORDINANCE

Section 13. General: Rules and Regulations.

- a) Purpose: To afford a course of appeal to those residents who feel that their rental charge is so excessive as to be considered harsh and unconscionable.
- b) The Commission shall conduct regular meetings, open to the public, to transact whatever business is properly before said Commission. The Commission shall determine the time, dates and places of said meetings.
- c) A schedule of regular meetings shall be filed with the Town Clerk. In addition to any schedule for regular meetings which the Commission may establish, the Chairperson or any three members of the Commission may at any time request, in writing, that the the Chairperson call a special meeting, whereupon, the Chairperson shall, within three days after receipt of such request, call a special meeting for a time within seven days after the date of the receipt of request of such meeting. An affirmative vote of four members shall be required for any action to be taken. (see Section 3. Meetings; Rules and Regulations)
- d) The bylaws, procedures, and guidelines may be altered by presenting a written proposal at a schedule meeting, which may be enacted at the next scheduled meeting by four affirmative votes.
- e) These bylaws, procedures guidelines and amendments thereto shall take effect at the meeting following the meeting at which they are enacted.
- f) On an annual basis an election for the offices of Chairperson, Vice-Chairperson shall take place. The Chairperson or in his/her absence the Vice Chairperson will preside at and conduct all meetings in accordance with "Robert's Rules of Order". The Secretary shall be the Executive Director of the Glastonbury Housing Authority assigned to the Commission as an ex-officio member. (see Section 1. Created; Membership.)
- g) Eligibility to File a Complaint: Any Glastonbury tenant who is aggrieved by a rent currently in effect or by notice of an increase in rent which he/she feels is so excessive and unreasonable shall be eligible to file a complaint with the Commission. (see Section 5. Hearings; Complaints.)

Continued page 2 of 5 pages:

h) Screening of Complaint: Upon receipt of a complaint that a rental is so excessive as to be harsh and unconscionable, the Commission shall investigate the complaint and determine whether the complaint presents an appropriate matter for consideration by the Commission. In the event that the Commission finds that a complaint does not involve a fair rent matter, it shall refer the matter to the appropriate agency for action, in one is available. (see Section 5. Hearings; Complaints.)

i) Setting of Hearings: (see Section 5. Hearings; Complaints.)

j) Witnesses, Testimony, Exhibits: At the hearing, each party shall have the right to offer such testimony, witnesses and exhibits as the party deems necessary or appropriate.

k) Subpoena Power: (see Section 4. Powers and Duties.).

l) Hearing Representation: Any party shall have the right to be represented by an attorney and/or any other representative at any hearing. In addition, any party shall have the right either himself/herself or through his/her attorney, to cross-examine any witnesses produced at the hearing and to examine all documents offered in evidence.

m) Support Services: The Commission shall have the right to request the assistance of any department of Town government, including and available records, information or expert witnesses which the agency may have in its employ.

o) Experts: The Commission is empowered with the approval of the Town Council to hire or retain any expert real estate appraiser, attorney, or other competent expert to advise it.

P) Adjournment: In the event that there is insufficient time to complete a hearing, the Commission shall have the power to adjourn the hearing to another time and date. The Commission shall not adjourn until a date and/or place is determined. Notice of adjournment to another date and/or place shall be posted on or near the door of the hearing room within twenty-four(24) hours of the adjournment.

q) Sold, Assigned, Transferred Rental Unit: If a rental unit which is the subject of a petition is sold, assigned or transferred following the filing of a complaint, the Commission may issue a decision relative to any amount actually collected by the original owner which is found to be harsh and unconscionable. Such a decision shall be valid only as to the period between the date of filing and the date of

Continued page 3 of 5 pages:

transfer. In the case of a petition concerning a proposed increase, the new landlord must be notified and the hearing rescheduled as if the complaint were new. As to any rental charge existing after transfer, the usual petition method shall be followed.

r) Recordings of Meetings: The Commission shall provide for the permanent record the evidence, minutes and proceeding of the Commission on any complaint. Recording equipment will be the normal vehicle used to record the above.

s) Serving of Notices: If any notice is returned without having been delivered, the Secretary may arrange for service by a deputy sheriff, constable of the Town of Glastonbury or indifferent person as is provided in the Connecticut General Statutes for service of process in an ordinary civil action. (see Section 5. Hearings; Complaints.)

t) Time of Decision: If a decision is not to be rendered on the date of said hearing, the Commission shall provide at least one week's notice to each party to the complaint as to the date, time, and place at which such decision is to be rendered; however, the Commission shall render its decision no later than sixty(60) days after the date of filing of said complaint barring unusual hardship or administrative difficulties as determined by the Commissioners.

u) Conciliation: (see Section 6. Conciliation.).

v) Dismissal of Complaint: Failure of the tenant to attend said hearing may result in the dismissal of the complaint by the Commission. In the case of dismissal of any properly filed complaint, a notice of such dismissal, specifying the reason(s) therefore, shall be mailed to both the landlord and the tenant within one week of such dismissal date.

w) Rent Reduction: Any order of rent reduction shall become effective on the first due date of the rent on or after the date of filing of the complaint or other date of relief as established by the Commission after the hearing. After a rent reduction is ordered, the cumulative overpayments by the tenant, if any, from the date the complaint is filed, or other date of relief established by the Commission after the hearing, may be deducted from the tenant's first payment following said decision. A notice of such order of rent reduction, specifying the dollar amount of such reduction and the beginning and ending dates of such reduction, shall be mailed by registered or certified mail to both landlord and tenant within one week of such decision.

Continued page 4 of 5 pages:

Section 14. Orders of the Commission

After the hearing, the Commission shall have the power to:

- a) Order a reduction of the rental charge for any housing accommodation where the rental charge is so excessive as to be harsh and unconscionable, to an amount which is fair and equitable, according to the standards set forth in Section 7. Consideration in Determining Fair Rental Charges.
- b) Refer the matter to an appropriate town agency or law enforcement authorities for enforcement of the appropriate municipal ordinance, Connecticut General Statute or state regulation if the Commission determines that the housing accommodation in question fails to comply with any town ordinance or Connecticut General Statute or state regulation regarding to health and safety.
- c) Dismiss the complaint
- d) Continue, review, terminate or suspend all its orders and decisions.
- e) Continue the complaint: For final disposition, if the Commission finds that the complaint involves a matter which can be corrected or adjusted between the parties and it finds that such a continuance would be appropriate under the circumstances.
- f) Order the suspension of rent payments: If the Commission determines after a hearing that the housing in question fails to comply with any ordinance or State Statutes or regulations relating to health and safety, it may order the suspension of further rent payments by the tenant until such time as the landlord makes the necessary changes, repairs or installations to bring such housing accommodations into compliance with such ordinance, statute, or regulation. The rent during said period shall be paid into an escrow account established with the town treasurer.
- g) Duration of rent reduction order: The rent reduction order will remain in effect as follows:

In the case of an existing written lease: For six months from the effective date of the order, or until the end of the lease if it is for a period longer than six months.

Continued page 5 of 5 pages:

In the absence of an existing written lease: For six months from the effective date of the order.

For purpose of definition, an "existing written lease" shall be deemed to be a written lease which is in legal effect at the time the complaint is filed.

- h) Enforcement: (see Section 10. Penalty Violation.)
- i) Appeal: (see Section 9. Appeal.)
- j) Other Remedies Preserved: (see Section 4. Powers and Duties.)
- k) Retaliatory Action by Landlords: No landlord shall maintain any action or proceedings against a tenant to recover possession of a dwelling unit, demand an increase in rent from the tenant or decrease the services to which the tenant has been entitled within six months after a tenant had filed a complaint with the Fair Rent Commission. The protection would not apply if the tenant is using the dwelling illegally, has not paid his/her rent, is in violation of the leasing agreement, or any other provision of Subsection b, or c of Section 47a-20, of the Connecticut General Statutes.

Sec. 7-148b. Creation of fair rent commission. Powers. (a) Except as provided in subsection (c), any town, city or borough may, through its legislative body, create a fair rent commission to make studies and investigations, conduct hearings and receive complaints relative to rental charges on housing accommodations, except those accommodations rented on a seasonal basis, within its jurisdiction, which term shall include mobile manufactured homes and mobile manufactured home park lots, in order to control and eliminate excessive rental charges on such accommodations, and to carry out the provisions of sections 7-148b to 7-148f, inclusive, section 47a-20 and subsection (b) of section 47a-23c. The commission, for such purposes, may compel the attendance of persons at hearings, issue subpoenas and administer oaths, issue orders and continue, review, amend, terminate or suspend any of its orders and decisions. The commission may be empowered to retain legal counsel to advise it.

(b) For purposes of subsection (a), "seasonal basis" means housing accommodations rented for a period or periods aggregating not more than one hundred twenty days in any one calendar year.

(c) Any town, city or borough in which the number of renter-occupied dwelling units is greater than five thousand, as determined by the most recent decennial census, and which does not have a fair rent commission on October 1, 1989, shall, on or before June 1, 1990, conduct a public hearing or public hearings and decide by majority vote of its legislative body whether to create a fair rent commission as provided in subsection (a) of this section. Any such town, city or borough which fails to act pursuant to the requirements of this subsection shall, not later than June 1, 1991, create such fair rent commission.

(d) Any two or more towns, cities or boroughs not subject to the requirements of subsection (c) may, through their legislative bodies, create a joint fair rent commission.

Sec. 7-148c. Considerations in determining rental charge to be excessive. In determining whether a rental charge or a proposed increase in a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable, a fair rent commission shall consider such of the following circumstances as are applicable to the type of accommodation: (1) The rents

charged for the same number of rooms in other housing accommodations in the same and in other areas of the municipality; (2) the sanitary conditions existing in the housing accommodations in question; (3) the number of bathtubs or showers, flush water closets, kitchen sinks and lavatory basins available to the occupants thereof; (4) services, furniture, furnishings and equipment supplied therein; (5) the size and number of bedrooms contained therein; (6) repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein; (7) the amount of taxes and overhead expenses, including debt service, thereof; (8) whether the accommodations are in compliance with the ordinances of the municipality and the general statutes relating to health and safety; (9) the income of the petitioner and the availability of accommodations; (10) the availability of utilities; (11) damages done to the premises by the tenant, caused by other than ordinary wear and tear; (12) the amount and frequency of increases in rental charges; (13) whether, and the extent to which, the income from an increase in rental charges has been or will be reinvested in improvements to the accommodations.

Sec. 7-148d. Order for limitation on amount of rent. Suspension of rent payments. Cease and desist orders for retaliatory actions. (a) If a commission determines, after a hearing, that the rental charge or proposed increase in the rental charge for any housing accommodation is so excessive, based on the standards and criteria set forth in section 7-148c, as to be harsh and unconscionable, it may order that the rent be limited to such an amount as it determines to be fair and equitable. If a commission determines, after a hearing, that the housing accommodation in question fails to comply with any municipal ordinance or state statute or regulation relating to health and safety, it may order the suspension of further payment of rent by the tenant until such time as the landlord makes the necessary changes, repairs or installations so as to bring such housing accommodation into compliance with such ordinance, statute or regulation. The rent during said period shall be paid to the commission to be held in escrow subject to ordinances or provisions adopted by the town, city or borough.

(b) If the commission determines, after a hearing, that a landlord has retaliated in any manner against a tenant because the tenant has complained to the commission, the commission may order the landlord to cease and desist from such

conduct.

Sec. 7-148e. Appeal. Any person aggrieved by any order of the commission may appeal to the superior court for the judicial district in which the town, city or borough is located. Any such appeal shall be considered a privileged matter with respect to the order of trial.

Sec. 7-148f. Penalty for violations. Any person who violates any order of rent reduction or rent suspension by demanding, accepting or receiving an amount in excess thereof while such order remains in effect, and no appeal pursuant to section 7-148e is pending, or violates any other provision of sections 7-148b to 7-148e, inclusive, and section 47a-20, or who refuses to obey any subpoena, order or decision of a commission pursuant thereto, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense. If such offense continues for more than five days, it shall constitute a new offense for each day it continues to exist thereafter.

Other Relevant Statutes

Sec. 47a-20. (Formerly Sec. 19-375a). Retaliatory action by landlord prohibited. A landlord shall not maintain an action or proceeding against a tenant to recover possession of a dwelling unit, demand an increase in rent from the tenant, or decrease the services to which the tenant has been entitled within six months after: (1) The tenant has in good faith attempted to remedy by any lawful means, including contacting officials of the state or of any town, city or borough or public agency or filing a complaint with a fair rent commission, any condition constituting a violation of any provisions of chapter 368o, or of chapter 412, or of any other state statute or regulation, or of the housing and health ordinances of the municipality wherein the premises which are the subject of the complaint lie; (2) any municipal agency or official has filed a notice, complaint or order regarding such a violation; (3) the tenant has in good faith requested the landlord to make repairs; (4) the tenant has in good faith instituted an action under subsections (a) to (i), inclusive, of section 47a-14h; or (5) the tenant has organized or become a member of a tenants' union.

Sec. 47a-20a. Actions deemed not retaliatory. (a) Notwithstanding the provisions of section 47a-20, the landlord may maintain an action to recover possession of the

dwelling unit if: (1) The tenant is using the dwelling unit for an illegal purpose or for a purpose which is in violation of the rental agreement or for nonpayment of rent; (2) the landlord seeks in good faith to recover possession of the dwelling unit for immediate use as his own abode; (3) the condition complained of was caused by the wilful actions of the tenant or another person in his household or a person on the premises with his consent; or (4) the landlord seeks to recover possession on the basis of a notice to terminate a periodic tenancy, which notice was given to the tenant before the tenant's complaint.

(b) Notwithstanding the provisions of section 47a-20, a landlord may increase the rent of a tenant if: (1) The condition complained of was caused by the lack of due care by the tenant or another person of his household or a person on the premises with his consent or (2) the landlord has become liable for a substantial increase in property taxes, or a substantial increase in other maintenance or operating costs not associated with his complying with the complaint, not less than four months before the demand for an increase in rent, and the increase in rent does not exceed the prorated portion of the net increase in taxes or costs.

(c) Nothing in this section or section 47a-20 shall be construed to in any way limit the defense provided in section 47a-33.

Sec. 47a-23c. Prohibition on eviction of certain tenants except for good cause. (a) (1) Except as provided in subdivision (2) of this subsection, this section applies to any tenant who resides in a building or complex consisting of five or more separate dwelling units or who resides in a mobile manufactured home park and who is either: (A) Sixty-two years of age or older, or whose spouse, sibling, parent or grandparent is sixty-two years of age or older and permanently resides with that tenant; (B) blind, as defined in section 1-1f; or (C) physically disabled, as defined in section 1-1f, but only if such disability can be expected to result in death or to last for a continuous period of at least twelve months.

(2) With respect to tenants in common interest communities, this section applies only to (A) a conversion tenant, as defined in subsection (3) of section 47-283, who (i) is described in subdivision (1) of this subsection, or (ii) is not described in subdivision (1) of this subsection but, during a transition period, as defined in subsection (4) of section 47-283, is residing in a conversion condominium created

after May 6, 1980, or in any other conversion common interest community created after December 31, 1982, or (iii) is not described in subdivision (1) of this subsection but is otherwise protected as a conversion tenant by public act 80-370*, and (B) a tenant who is not a conversion tenant but who is described in subdivision (1) of this subsection if his landlord owns five or more dwelling units in the common interest community in which the dwelling unit is located.

(3) As used in this section, "tenant" includes each resident of a mobile manufactured home park, as defined in section 21-64, including a resident who owns his own home, "landlord" includes a "licensee" and an "owner" of a mobile manufactured home park, as defined in section 21-64, "complex" means two or more buildings on the same or contiguous parcels of real property under the same ownership, and "mobile manufactured home park" means a parcel of real property, or contiguous parcels of real property under the same ownership, upon which five or more mobile manufactured homes occupied for residential purposes are located.

(b) (1) No landlord may bring an action of summary process or other action to dispossess a tenant described in subsection (a) of this section except for one or more of the following reasons: (A) Nonpayment of rent; (B) refusal to agree to a fair and equitable rent increase, as defined in subsection (c) of this section; (C) material noncompliance with section 47a-11 or subsection (b) of section 21-82, which materially affects the health and safety of the other tenants or which materially affects the physical condition of the premises; (D) voiding of the rental agreement pursuant to section 47a-31, or material noncompliance with the rental agreement; (E) material noncompliance with the rules and regulations of the landlord adopted in accordance with section 47a-9 or 21-70; (F) permanent removal by the landlord of the dwelling unit of such tenant from the housing market; or (G) bona fide intention by the landlord to use such dwelling unit as his principal residence.

(2) The ground stated in subparagraph (G) of subdivision (1) of this subsection is not available to the owner of a dwelling unit in a common interest community occupied by a conversion tenant.

(3) A tenant may not be dispossessed for a reason described in subparagraph (B), (F) or (G) of subdivision (1) of this subsection during the term of any existing rental agreement.

(c) (1) The rent of a tenant protected by this section may be increased only to the extent that such increase is fair and equitable, based on the criteria set forth in section 7-148c.

(2) Any such tenant aggrieved by a rent increase or proposed rent increase may file a complaint with the fair rent commission, if any, for the town, city or borough where his dwelling unit or mobile manufactured home park lot is located; or, if no such fair rent commission exists, may bring an action in the Superior Court to contest the increase. In any such court proceeding, the court shall determine whether the rent increase is fair and equitable, based on the criteria set forth in section 7-148c.

(d) A landlord, to determine whether a tenant is a protected tenant, may request proof of such protected status. On such request, any tenant claiming protection shall provide proof of the protected status within thirty days. The proof shall include a statement of a physician in the case of alleged blindness or other physical disability.