July 23, 2025

The Honorable Board of Alders

City of New Haven

165 Church Street

New Haven, CT 06510

**Subject: Opposition to the Creation of a Separate Process for Retaliation Claims within LCI Landlord Licensing Program**

Dear Esteemed Members of the Board of Alders,

I am writing to express my strong opposition to the proposed amendment to the landlord license program that would create a separate process for handling retaliation claims through the Livable City Initiative (LCI). While I commend the intent behind strengthening tenant protections and holding landlords accountable, establishing a parallel and potentially conflicting mechanism for addressing retaliation, particularly when a similar and established process already exists, is deeply problematic and could lead to significant harm.

The proposed amendment, as presented by LCI Director Liam Brennan and Assistant Corporation Counsel Sinclair Williams, seeks to empower LCI to revoke a landlord's residential business license if they are found to have retaliated against a tenant for filing a housing complaint. This initiative mirrors the existing power of the Fair Rent Commission (FRC), which currently hears tenant complaints regarding both unfair rent increases and retaliatory actions. This duplication of efforts, particularly with two distinct bodies making adjudications on identical issues, is where the potential for conflict and confusion arises.

A critical distinction between these two processes lies in the decision-making authority. The proposed LCI process would involve city staff investigating and determining whether a landlord's actions were retaliatory. In contrast, the Fair Rent Commission is comprised of "both landlords and tenants," meaning decisions on retaliation are made by a body of fellow residents. This difference in composition is not merely procedural; it speaks to the fundamental nature of the judgment rendered. When city staff, who are employees of the municipality, make a determination on a retaliatory claim, their decision, while undoubtedly intended to be fair, is an administrative one. However, when a group of one's peers, through the Fair Rent Commission, reaches a conclusion on similar facts, it carries a different weight and perhaps a more nuanced understanding of the community's standards and expectations.

The harm created when two governmental bodies reach different opinions on similar facts and circumstances cannot be overstated. Imagine a scenario where LCI investigates a retaliation claim and finds insufficient evidence to revoke a landlord's license, yet the Fair Rent Commission, examining the exact same set of facts, determines that retaliation occurred and orders relief for the tenant. Such conflicting outcomes would undermine public trust in both bodies, sow confusion among tenants and landlords alike, and create an environment ripe for legal challenges and appeals. It creates an impression of an uncoordinated and potentially arbitrary system, where justice might depend on which door a tenant chooses to knock on. This inconsistency could also lead to forum shopping, where parties strategically choose the body they perceive as more favorable to their case, further complicating the administration of justice.

Furthermore, it is imperative to acknowledge that the definition of "retaliation" is consistent across both proposed and existing frameworks. Retaliation, as defined in the proposed LCI ordinance, could include filing an eviction, denying a lease renewal, raising rent, limiting access to previously available ‘services,’ or harassment. This definition is virtually identical to the retaliatory actions that the Fair Rent Commission currently addresses and was intentionally designed that way per Director Brennan speaking at the FRC meeting on July 15. If the definitions are the same, and the underlying intent is to protect tenants from the same harmful behaviors, then creating a separate and distinct adjudicative pathway for these claims is a redundant and potentially counterproductive measure.

While the desire to "add teeth" to the city's landlord license program and provide additional avenues for tenant protection is laudable, the proposed LCI-led retaliation process, as currently envisioned, risks creating more problems than it solves. Instead of establishing a parallel system that could lead to conflicting outcomes and legal complexities, the Board of Alders should focus on strengthening and adequately resourcing the existing Fair Rent Commission. Enhancing the Fair Rent Commission's capacity to investigate and adjudicate these claims efficiently and effectively would achieve the desired outcome of robust tenant protection without fragmenting the city's legal and administrative framework.

I urge the Board of Alders to carefully consider these concerns and to oppose the creation of a separate process for retaliation claims within the LCI landlord licensing program. Let us work towards a unified, consistent, and transparent system that serves the best interests of all New Haven residents.

Thank you for your time and consideration of this critical issue.

Sincerely,

Wendy G. Gamba

145 Lowin Avenue, New Haven

Commissioner, Fair Rent Commission