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Rental Assistance Program

Sec. 17b-812-1. Definitions

As used in sections 17b-812-1 to 17b-812-14, inclusive, of the Regulations of Connecticut State Agencies:

(1) “Adjusted gross income” means the gross income of all adults residing in a dwelling unit less the allowable deductions listed in subsection (d) of section 17b-812-6 of the Regulations of Connecticut State Agencies;

(2) “Agent” means any entity designated by the department to operate the rental assistance program;

(3) “Commissioner” means the Commissioner of Social Services;

(4) “Contract rent” means the total monthly rent payable to the owner for the dwelling unit;

(5) “Department” means the Department of Social Services;

(6) “Dependent” means a member of a family, other than a head of household, spouse or foster child, who is under eighteen years of age or is disabled or is a full-time student eighteen years of age or older;

(7) “Disabled person” means a person who has a disability as defined in the Americans with Disabilities Act, 42 USC 12102;

(8) “Dwelling unit” means a house, building or mobile manufactured home in a mobile manufactured home park, as such terms are defined in section 21-64 of the Connecticut General Statutes, or any portion of a house, building or mobile manufactured home in a mobile manufactured home park, that is occupied, designed to be occupied or rented, leased or hired out to be occupied as a home or residence of one or more persons;

(9) “Elderly person” means a person sixty-two years of age or older;

(10) “Eligible family” means a household consisting of one or more persons, with income that does not exceed fifty per cent (50%) of the median family income for the area of the state where the family lives, as determined by the commissioner. An eligible family shall include at least one citizen or eligible non-citizen;

(11) “Eligible housing” means privately owned rental housing, located in any municipality in the state, that meets federal housing quality standards as cited in 24 CFR 982.401, and local and state health, housing, building and safety codes;

(12) “Eligible non-citizen” means a person who meets the qualification requirements established in subsection (a) of 42 USC 1436a;

(13) “Gross rent” means the sum of the contract rent and any utility allowance established by the commissioner;

(14) “Income” means gross income from whatever sources derived;

(15) “Maximum allowable rent” means the maximum amount of monthly rent that is payable under the rental assistance program, as determined by the commissioner;

(16) “Mixed family” means a household consisting of one or more persons who are citizens or eligible non-citizens and one or more persons who are ineligible non-citizens or who elect not to state that they have eligibility status;

(17) “Occupancy policy” means the standards established by the commissioner for determining the appropriate number of bedrooms for families of different sizes;

(18) “Owner” means a person or entity having the legal right to lease or sublease housing;

(19) “Pre-application” means the form disseminated by the department or its agent by which an applicant submits his or her name into a lottery for establishing the waiting list for the Rental Assistance Program;

(20) “Project-based rental assistance” means rental assistance that is attached to a specific dwelling unit and is non-transferable;

(21) “Rental agreement” means all agreements, written or oral, and valid rules and regulations adopted under section 47a-9 of the Connecticut General Statutes, embodying the terms and conditions concerning the use and occupancy of a dwelling unit and premises between the owner and the tenant;

(22) “Rental assistance certificate” means the document issued by the department or its agent to the tenant that defines the terms, conditions and eligibility requirements for participation in the Rental Assistance Program;

(23) “Rental assistance contract” means a written agreement between the department or its agent and the owner or the owner’s designated representative that contains the terms and conditions under which the owner or the owner’s designated representative will rent the dwelling unit to an eligible family, and the amount of rental assistance payments to be made by the department or its agent to the owner or the owner’s designated representative on behalf of such eligible family;

(24) “Rental assistance payment” means the amount paid by the department on behalf of the tenant to the owner of the dwelling unit toward the contract rent;

(25) “Request for tenancy approval” means the document submitted by an eligible family to the department or its agent requesting approval of a dwelling unit for tenancy by the family;

(26) “Supportive housing” means rental housing, funded by tenant-based rental assistance or project-based rental assistance, that also provides support services to individuals and families experiencing, or at significant risk of, long-term homelessness;

(27) “Tenant” means an eligible family that is leasing a dwelling unit from an owner;

(28) “Tenant-based rental assistance” means rental assistance payments provided to eligible families that are retained by the eligible family even if they subsequently move to another dwelling unit;

(29) “Tenant contribution” means the amount of the monthly contract rent payable by the eligible family to the owner;

(30) “Tenant selection plan” means a plan submitted to the department by a supportive housing provider that specifies the uniform methodology the provider shall use to select tenants for its supportive housing units including, but not limited to, specific eligibility factors, occupancy policy, and application and tenant screening procedures; and

(31) “Utility allowance” means the estimated monthly cost, as determined by the commissioner, for an eligible family for heat and other utilities, excluding telephone, that are not supplied or paid for by the owner of the dwelling unit rented by the family. The utility allowance is added to the contract rent to calculate the gross rent.

(Effective March 21, 1996; amended February 9, 2000, May 31, 2007, December 28, 2012)

Sec. 17b-812-2. Program administration

(a) The commissioner shall implement and administer a non-entitlement program that provides rental assistance for low-income families living in privately owned rental housing, allowing eligible families to afford decent, safe and sanitary housing.

(b) The commissioner or the commissioner’s agent shall limit the issuance of rental assistance certificates to eligible families based upon the availability of funds. A certificate does not guarantee a family the right to participate in the program. The commissioner or the commissioner’s agent may suspend or cancel an issued

certificate if a change in an applicant's circumstances results in ineligibility prior to execution of the rental assistance contract. The commissioner may suspend or cancel issued certificates based on lack of funds.

(c) The department shall administer and oversee the rental assistance program. The department may directly administer the financial assistance provided or may designate one or more agents to administer the program.

(d) Administrative responsibilities for this program, whether undertaken by the department or its agent, shall include: Tenant selection, tenant and landlord briefings, landlord and tenant outreach, mobility counseling, promotion of housing choice, encouragement of racial and economic integration, annual unit inspection for compliance with housing and health codes, initial and annual re-examination of tenant income and rent adjustments, maintenance of records, and other duties as required by the commissioner.

(e) The commissioner may designate a portion of available rental assistance funding under the rental assistance program for supportive housing units. To the extent practicable, rental assistance for supportive housing shall adhere to the requirements of the federal Housing Choice Voucher program, set forth in subsection (o) of 42 USC 1437f, relative to the tenant's share of the rent to be paid. Selection for tenant-based and project-based rental assistance shall be in accordance with subsection (a) of section 17b-812-5 of the Regulations of Connecticut State Agencies or subject to a tenant selection plan approved by the commissioner that designates rental assistance to eligible families who are homeless, or at risk of homelessness, and who would benefit from the support services provided. Such services are provided by programs other than the rental assistance program and include those intended to address mental health disorders, substance use disorders, AIDS and AIDS related disorders and other factors contributing to homelessness. The availability of support services shall be a factor considered by the commissioner for the purposes of tenant selection and site location.

(Effective March 21, 1996; amended February 9, 2000, May 31, 2007, December 28, 2012)

Sec. 17b-812-3.

Repealed, December 28, 2012.

Sec. 17b-812-4. Supportive housing; eligibility and selection of owner participants

(a) The commissioner may select municipalities, housing authorities, private organizations or nonprofit organizations to participate in the supportive housing program based on criteria that shall include, but not be limited to, the following:

(1) Demonstration of the need for housing for low income families in the geographic area served by the municipality, housing authorities, private organization or nonprofit organization;

(2) demonstration of the availability of rental units in the geographic area served by the municipality, housing authorities, private organization or nonprofit organization; and

(3) availability of other public or private funds.

(b) Eligible municipalities, housing authorities, private organizations and nonprofit organizations may participate in other municipal, state or federal housing repair, rehabilitation or financing programs, including the programs of the Connecticut Housing Finance Authority.

(c) Criteria for selecting municipalities, housing authorities, private organizations or nonprofit organizations for the supportive housing portion of the rental assistance program shall include:

- (1) Any needs outlined in the five year housing advisory plan;
- (2) local housing assistance plans, if in existence;
- (3) any statistical data on housing need and marketability;
- (4) suitability of the proposed site and project;
- (5) the apparent capability of the municipality, housing authority, private organization or nonprofit organization to manage the project;
- (6) the availability of funds from sources other than the rental assistance program; and
- (7) the availability of funding for support services from other programs.

(d) Any rental assistance payments provided under the supportive housing portion of the rental assistance program shall be provided to the municipality, housing authority, private organization or nonprofit organization through a contract with the department to make one or more dwelling units affordable to low-income families. These dwelling units shall continue to be made available to eligible families for the term of the contract entered into between the department and the municipality, housing authority, private organization or nonprofit organization, so long as funds are available for such purposes.

(e) Rental assistance provided to an eligible family under the supportive housing portion of the rental assistance program is non-transferable and shall remain with the dwelling unit.

(Effective March 21, 1996; amended February 9, 2000, May 31, 2007, December 28, 2012)

Sec. 17b-812-5. Notice, application process, selection of eligible families and issuance of rental assistance certificates; special considerations

(4) protecting witnesses to a crime;

(a) The department shall provide notice to the public in newspapers of general circulation when the waiting list for the rental assistance program will be opened. The notice shall include information regarding where pre-applications can be obtained and submitted, and the dates when the department will be accepting pre-applications. After the period for accepting pre-applications has concluded, the department or its agent shall conduct a lottery using all pre-application forms received. The department or its agent shall place a predetermined number of applicants on the waiting list for the rental assistance program in the order in which they were randomly selected by the lottery.

(b) If selected from the lottery, an eligible family shall complete a rental certificate application form that shall include, but not be limited to, information on family size and composition and the amount and sources of all income. The commissioner or the commissioner's agent shall verify the family's income.

(c) When the department or its agent determines that a family is eligible for rental assistance, the department or its agent shall issue the family a rental assistance certificate. The department or its agent shall inform the family of the family's obligations under the program as well as the responsibilities of the owner of the dwelling unit, and shall provide the family with applicable forms and information that may assist the family in finding a suitable dwelling unit.

(d) The rental assistance certificate shall be used within ninety days of issuance. The department or its agent may extend the expiration date of the certificate in one or more increments, such extensions not to exceed a total of ninety days. The certificate holder shall have a maximum of one hundred eighty days to locate a

suitable dwelling unit unless the department or its agent finds good cause to extend the maximum period.

(e) The ninety day time limit stops running on the day the department or its agent receives a request for tenancy approval. If for any reason the dwelling unit cannot be approved, then the certificate holder shall be notified and the time limit shall resume running on the date notice is mailed.

(f) If it is determined that an applicant is ineligible to participate in the rental assistance program, the department or its agent shall notify the applicant, in writing, of the reason why he or she was determined to be ineligible. The applicant shall have the right to appeal this decision in accordance with section 17b-812-14 of the Regulations of Connecticut State Agencies.

(g) The commissioner shall have discretion to grant rental assistance payments, within available funding, to individuals who may or may not be on the waiting list but who are otherwise eligible, and are homeless, have been displaced by governmental action, whose dwelling unit has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to federal disaster relief laws, or are participants in programs approved by the commissioner. Programs approved by the commissioner may include, but are not limited to, programs for:

- (1) Assisting individuals residing in nursing facilities or public institutions to leave such facilities or institutions;
- (2) preventing individuals from becoming institutionalized;
- (3) providing housing for children with severe disabilities and their families;
- (4) protecting witnesses to a crime; or
- (5) addressing the housing needs of individuals and families where lack of housing results in a significant threat to the health or safety of such persons.

(Effective March 21, 1996; amended February 9, 2000, May 31, 2007, December 28, 2012)

Sec. 17b-812-6. Computation of rental assistance payments

(a) The amount of rental assistance paid by the department on behalf of eligible families shall be the difference between the tenant contribution and the contract rent. The tenant contribution shall be ten per cent (10%) of the family's monthly income or forty per cent (40%) of the family's monthly adjusted gross income less a utility allowance, whichever is greater.

(b) The contract rent plus utility allowance for the unit shall not exceed the maximum allowable rent, as determined by the commissioner.

(c) Notwithstanding the basic formula under subsection (a) of this section, the tenant contribution for elderly or disabled persons shall be ten per cent (10%) of the family's monthly income or thirty per cent (30%) of the family's monthly adjusted gross income less a utility allowance, whichever is greater.

(d) The commissioner shall determine the amount of the following allowable deductions, which shall be deducted from a family's income to determine adjusted gross income:

- (1) Each dependent;
- (2) unreimbursed child care costs that enable all adults in the household to work, to attend school or to actively seek employment. The department or its agent may make exceptions for one or more adults in the household who are precluded by disability from working, attending school or actively seeking employment;
- (3) for households with a head of household or spouse who is an elderly or disabled person, annual unreimbursed medical expenses that exceed three per cent (3%) of the family's income;

(4) unreimbursed disability assistance expenses for attendant care or auxiliary apparatus for a household family member with disabilities if such expenses are needed to enable the disabled person or an adult household family member to work; and

(5) any other deduction that the commissioner may establish.

(e) An eligible family that receives rental assistance may, during the term of such family's rental agreement, request that the department or its agent conduct a redetermination of its contribution to the gross rent because of changes in its income or household composition.

(f) The department shall offer pro-rated assistance to a mixed family. The department shall calculate pro-rated assistance by determining the amount of assistance payable if all family members were eligible and multiplying such amount by the percent of family members who are eligible.

(Effective March 21, 1996; amended February 9, 2000, May 31, 2007, December 28, 2012)

Sec. 17b-812-7. Eligible housing

(a) Dwelling units contracted for under the rental assistance program shall meet the definition of eligible housing provided in section 17b-812-1 of the Regulations of Connecticut State Agencies.

(b) A family with a rental assistance certificate is responsible for finding a dwelling unit within the state that suits the needs of the family. A family may select the dwelling unit that it already occupies if the dwelling unit meets the department's occupancy policy and the provisions of section 17b-812-8 of the Regulations of Connecticut State Agencies.

(c) The owner of the dwelling unit shall not reside in the same dwelling unit for which a rental assistance payment is being paid to the owner.

(Effective March 21, 1996; amended February 9, 2000, May 31, 2007, December 28, 2012)

Sec. 17b-812-8. Request for tenancy approval

(a) An eligible family that has located an available dwelling unit for rent shall submit a request for tenancy approval to the department or its agent. The request for tenancy approval shall be signed by the owner or the owner's designated representative and the eligible family. The family shall also submit a copy of the proposed rental agreement between the owner and the family.

(1) The department or its agent shall determine whether the proposed contract rent is in accordance with the schedules established by the commissioner.

(2) Before approving tenancy, the department or its agent shall inspect the dwelling unit for compliance with the standards provided in section 17b-812-7 of the Regulations of Connecticut State Agencies. The department or its agent shall notify the owner of any defects that require correction and shall reinspect the dwelling unit after the owner represents that the identified defects have been corrected. The department or its agent shall not approve tenancy until the dwelling unit is in compliance with the department's occupancy policy for eligible housing.

(b) The term of the rental agreement between the tenant and the owner shall be not less than one year.

(c) The department or its agent shall notify the owner or the owner's designated representative and the family if the request for tenancy is approved. The department or its agent shall provide the owner with two copies of a rental assistance contract. The owner or the owner's designated representative shall sign and return both copies of the rental assistance contract to the department or its agent as well as a copy of the rental agreement signed by the owner or the owner's designated representative

and the tenant. The department or its agent shall sign the rental assistance contracts and return one copy to the owner or the owner's designated representative.

(Effective March 21, 1996; amended February 9, 2000, May 31, 2007, December 28, 2012)

Sec. 17b-812-9. Reexamination of family income

(a) The department or its agent shall conduct an annual reexamination of the income and family composition of families participating in the rental assistance program. The department or its agent shall adjust the amount of each family's assistance payment at the time of the annual reexamination to reflect changes in the family's adjusted gross income.

(b) During the term of the eligible family's rental agreement, the eligible family shall report changes in income or any change in family composition to the department or its agent within thirty days.

(Effective March 21, 1996; amended February 9, 2000, May 31, 2007, December 28, 2012)

Sec. 17b-812-10. Disbursement of rental assistance payments

The department or its agent shall pay rental assistance payments directly to the owner or the owner's designated representative. The rental assistance payment shall be the amount stated in the rental assistance contract between the department and the owner.

(Effective March 21, 1996; amended February 9, 2000, May 31, 2007, December 28, 2012)

Sec. 17b-812-11. Reporting requirements and audit

(a) Any agent designated by the department to administer this program shall submit monthly financial and program reports to the department in accordance with the terms specified in its contractual agreement with the department.

(b) An entity that has been designated as an agent of the department to administer this program shall be subject to audit of all books and records related to this program. Audits shall be performed by independent public accountants registered to practice in the state of Connecticut or by qualified department personnel. All audits shall be in accordance with procedures and timetables established by the department.

(Effective March 21, 1996; amended February 9, 2000, May 31, 2007, December 28, 2012)

Sec. 17b-812-12. Family obligations

(a) A family shall comply with subsections (b) and (c) of this section in order to continue participating in the rental assistance program. Failure to comply may result in termination from the program.

(b) A family shall:

(1) Provide information that is true and complete and in compliance with the provisions of the rental assistance certificate;

(2) provide all forms and documents necessary for use in a regularly scheduled reexamination or interim reexamination of family income and composition;

(3) provide the social security numbers of all household members and sign and submit forms that will allow the department or its agent to obtain information to determine eligibility;

(4) not later than thirty days after a request by the department or its agent, provide the department or its agent information to verify that the family is living in the dwelling unit or information related to family absence from the dwelling unit;

(5) notify the department or its agent in writing before any planned absence of thirty days or more, or on or before the thirtieth consecutive day of any unplanned absence. If the entire family is absent from the unit for more than ninety consecutive days, the department shall consider the unit vacated and shall terminate rental

assistance, unless the family has notified the department or its agent on or before the thirtieth day of any absence and can show good cause for the extended absence on or before the ninetieth day of any absence. If the family shows good cause, the department or its agent may permit the family to be absent for up to sixty additional days before considering the unit to be vacated;

(6) notify the department or its agent in writing not later than thirty days before moving out of the dwelling unit or terminating the lease;

(7) use the dwelling unit as the family's sole residence;

(8) notify the department or its agent in writing of the birth, adoption or court-awarded custody of a child, not later than thirty days after such birth, adoption or court-awarded custody;

(9) request written approval from the department or its agent before adding any other adult family member as an occupant of the dwelling unit;

(10) notify the department or its agent in writing if any member no longer lives in the dwelling unit, not later than thirty days after such member leaves;

(11) allow the department or its agent to inspect the dwelling unit at reasonable times and after reasonable notice as part of regularly scheduled reexaminations, interim examinations and on other occasions deemed necessary by the department or its agent;

(12) immediately notify and forward to the department or its agent a copy of any notice to quit received by the tenant; and

(13) pay utility bills and supply appliances that the owner is not required to provide under the rental agreement.

(c) The family, including each family member, shall not:

(1) Own or have any interest in the dwelling unit other than in a cooperative, or as the owner of a mobile manufactured home leasing space in a mobile manufactured home park, as such terms are defined in section 21-64 of the Connecticut General Statutes;

(2) commit any serious or repeated violation of the rental agreement;

(3) commit fraud, bribery or any other corrupt or criminal act in connection with the rental assistance program;

(4) participate in any illegal drug or violent criminal activity leading to the individual's conviction;

(5) sublease the dwelling unit;

(6) receive rental assistance while receiving another housing subsidy for the same dwelling unit or a different dwelling unit under any other state, federal or local housing assistance program; or

(7) willfully damage the dwelling unit or premises or cause serious or repeated damage to the dwelling unit or premises through negligence, or permit any guest to willfully damage the dwelling unit or premises or cause serious or repeated damage to the dwelling unit or premises through negligence.

(Adopted as § 17b-812-11a, effective February 9, 2000; renumbered and amended May 31, 2007; amended December 28, 2012)

Sec. 17b-812-13. Denial or termination of assistance

The department or its agent may deny program assistance to an applicant or terminate assistance to a participant for any of the following reasons:

(1) A household family member fails to comply with the provisions of section 17b-812-12 of the Regulations of Connecticut State Agencies;

(2) a household family member fails to sign or submit required forms;

(3) a family with a rental assistance certificate fails to locate an approved dwelling unit within one hundred eighty days and does not demonstrate good cause for extending the expiration date of the rental assistance certificate;

(4) a household family member has been terminated from a department rental assistance program in the last three years;

(5) a household family member refuses to enter into a repayment agreement for monies owed to the department or its agent as a result of a program violation;

(6) a household family member currently owes rent or other monies to the department or its agent in connection with a rental subsidy program;

(7) a household family member has engaged in or threatened abusive or violent behavior towards the department or its agent's personnel;

(8) a family fails to report income that results in rental assistance overpayment in excess of two thousand five hundred dollars; or

(9) a household family member is subject to a registration requirement under a state or federal sex offender registration program. (Adopted as § 17b-812-12, effective March 21, 1996; amended February 9, 2000; renumbered and amended May 31, 2007; amended December 28, 2012)

Sec. 17b-812-14. Notice, appeals and hearings

(a) The department or its agent shall give program applicants prompt written notice of a decision to deny assistance to an applicant, and shall give program participants written notice of a decision to change the terms of assistance or to discontinue assistance to a participant. Such notice of decision shall: (1) contain a brief statement of the reasons for the decision; (2) state that any person aggrieved by a decision of the commissioner or the commissioner's agent pursuant to the program may request an administrative hearing in accordance with the provisions of section 17b-60 of the Connecticut General Statutes; and (3) describe how to request an administrative hearing. A notice of decision changing the terms of assistance or discontinuing assistance shall be issued not less than thirty days prior to the effective date of the proposed action.

(b) A participant or applicant may make a written request for an administrative hearing to the department's Office of Legal Counsel, Regulations and Administrative Hearings. Such request shall be faxed or postmarked not later than sixty days from the date printed on the notice of decision issued by the department or its agent.

(c) If an aggrieved participant requests an administrative hearing due to a decision to deny assistance, change the terms of assistance or discontinue assistance, the department shall continue to provide rental assistance payments as provided in the participant's rental assistance certificate until a decision has been issued following such hearing, provided: (1) the request for an administrative hearing is faxed or postmarked not later than ten days from the date printed on the notice of decision issued by the department or its agent; (2) the program has sufficient funds to provide such assistance; and (3) the decision under review is not one that affects all program applicants or participants equally. If an aggrieved participant requests an administrative hearing but the participant's grievance is not due to a decision to deny assistance, change the terms of assistance or discontinue assistance, the department shall continue to provide rental assistance payments as provided in the rental assistance certificate until a decision has been issued following such hearing.

(d) An administrative hearing shall be scheduled by the Office of Legal Counsel, Regulations and Administrative Hearings not later than thirty days from the receipt of the request for an administrative hearing. The Office of Legal Counsel, Regulations and Administrative Hearings shall notify the applicant or participant and the depart-

ment or its agent of the administrative hearing by written notice issued not less than ten days in advance of the scheduled hearing. The notice of administrative hearing shall include the date, time and place for the hearing; reference the particular sections of the statutes and regulations involved; make a short and plain statement of the matters asserted; and advise the participant of the right to be represented by counsel. The administrative hearing shall be conducted by a hearing officer designated by the department.

(e) In lieu of holding an administrative hearing, the Office of Legal Counsel, Regulations and Administrative Hearings may take one of the following actions:

(1) Accept a withdrawal of the request by the person who made it. This action shall be voluntary and may be made at any time before the administrative hearing by a written statement of withdrawal addressed to the Office of Legal Counsel, Regulations and Administrative Hearings; or

(2) dismiss the request if:

(A) The applicant or recipient who has requested the administrative hearing fails to appear at the designated time and place without good cause; or

(B) the point at issue is resolved prior to the administrative hearing.

(f) Not later than sixty days from the date of the administrative hearing, the Office of Legal Counsel, Regulations and Administrative Hearings shall issue a written report of its findings which may order a change to the original decision of which review was sought. Factual determinations relating to the individual circumstances of the applicant or recipient who requested the administrative hearing shall be based on information presented at the administrative hearing. A copy of the decision shall be provided promptly to the applicant or recipient who requested the administrative hearing.

(Effective December 28, 2012)