

SUBTITLE 37ee
FAIR HOUSING REGULATIONS

The Regulations of Connecticut State Agencies are amended by adding sections 8-37ee-1 to 8-37ee-510, inclusive, as follows:

Section 8-37ee-1. Preamble

- (a) The department is legislatively mandated under section 8-37ee of the Connecticut General Statutes and the Connecticut Fair Housing Act, section 46a-64b et seq. of the Connecticut General Statutes to promote fair housing choice and diversity in all housing funded in whole or in part by the department. Entities are responsible for including in their affirmative fair housing marketing plan provisions for the recruitment of an applicant pool that includes applicants who are underrepresented in the community. The goal of the department is to promote integrated housing by means of standards for affirmative fair housing marketing and tenant selection criteria as set forth in Subtitle 8-37ee of the Regulations of Connecticut State Agencies.
- (b) Affirmative fair housing marketing and tenant selection criteria determine both who shall have the opportunity to apply for housing opportunities and who shall ultimately be selected for such housing opportunities. Because the state is providing financing for the provision of decent, safe, and sanitary housing affordable to the occupant, it is incumbent upon all entities to assure that broad based marketing as well as equitable and responsible tenant selection procedures be implemented.
- (c) It is the policy of the department to administer its housing opportunities in such manner as to affirmatively further fair housing, to achieve a condition in which individuals of similar income levels in the same housing market area have a like range of housing choices available to them regardless of their membership in those protected classes identified in sections 46a-64c and 46a-81e of the Connecticut General Statutes. Each entity receiving state financial assistance from the department shall pursue affirmative fair housing marketing policies in soliciting buyers, tenants, applicants, and participants, in determining their eligibility, and in concluding sales and rental transactions.

- (d) While provisions governing waitlists are not explicitly fair housing matters, to the extent the creation and maintenance of waitlists have implications for and impact on fair housing related issues, these Regulations have been included herein to ensure that such waitlists are in conformance with and further the purpose of affirmatively furthering fair housing.

Sec. 8-37ee-2. Definitions

As used in Subtitle 8-37ee of the Regulations of Connecticut State Agencies:

- (1) "Affirmatively further fair housing" means taking actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.
- (2) "Compliance meeting" means a meeting held by the housing agency for those entities who fail to comply with their approved affirmative fair housing marketing plan or with the affirmative fair housing marketing requirements set forth in Subtitle 8-37ee of the Regulations of Connecticut State Agencies.
- (3) "Department" means the State of Connecticut Department of Housing.
- (4) "Entity" means a person, organization or individual who applies for or may receive state financial assistance from a housing agency or contracts with a housing agency to administer a program on behalf of the housing agency.
- (5) "Housing agency" has the same meaning as provided in section 8-37aa of the Connecticut General Statutes.
- (6) "Housing opportunity" means the availability of assistance with housing, either through the provision of a unit of affordable housing for rental or ownership, or a rental subsidy, or both, funded in whole or part by a housing agency.
- (7) "HUD" means the United States Department of Housing and Urban Development or its successor agency.
- (8) "Least likely to apply" means those persons who, in the main, are underrepresented in the area of the housing opportunity and thus need additional outreach to inform them of the housing opportunity.

- (9) "Metropolitan Statistical Area" means such areas as defined by HUD.
- (10) "New housing opportunity" means a housing opportunity arising from the construction of new units or the creation of a new subsidy program.
- (11) "Preference" means identified criteria used to select applicants from the waitlist for a housing opportunity.
- (12) "Primary Metropolitan Statistical Area" means such areas as defined by HUD.
- (13) "Waitlist" means a listing of applicants for a housing opportunity that includes a waitlist number, a control number, and the status of the application, and may also include unit size sought and any preferences established as set forth in Section 8-37ee-407 of the Regulations of Connecticut State Agencies.

Sec. 8-37ee-3. Applicability

- (a) As set forth in section 8-37ee(a) of the Connecticut General Statutes, the fair housing requirements set forth in Subtitle 8-37ee of the Regulations of Connecticut State Agencies shall apply to all entities participating in any program administered by a housing agency.
- (b) Where housing agency funding is used for the development or rehabilitation of housing units, the requirements set forth in Subtitle 8-37ee of the Regulations of Connecticut State Agencies shall apply to the development or rehabilitation of:
 - (1) Subdivisions or multifamily developments of five or more lots or units; or
 - (2) Five or more scattered site dwelling units, whether part of a single or multiple housing opportunities.
- (c) The department may waive any nonstatutory requirements imposed by Subtitle 8-37ee, inclusive, of the Regulations of Connecticut State Agencies. Requests for a waiver shall be in writing, addressed to the department. Such waiver may only be granted with sufficient evidence that:
 - (1) the literal enforcement of such provisions provide for exceptional difficulty or unusual hardship not caused by the entity;

- (2) the benefit to be gained by waiver of the requirements outweighs the detriment which shall result from enforcement, if any;
- (3) the waiver is in harmony with affirmatively furthering fair housing; and
- (4) the waiver is in the best interest of the state.

DRAFT

Part 1
Affirmative Fair Housing Marketing Requirements

Sec. 8-37ee-101. Characteristics of affirmative fair marketing programs

Each entity shall meet the following requirements or, if it contracts marketing responsibility to another party, be responsible for that party's carrying out the following requirements:

- (a) Carry out an affirmative program to attract buyers, tenants, applicants, or participants of underrepresented groups to the housing opportunity for initial or ongoing sale, rental, or participation. An affirmative marketing program shall be in effect for all housing opportunities throughout the term of the affordability restriction, mortgage, assistance agreement or regulatory agreement, whichever term is longer, or administration of the program as applicable. Such program shall include a carefully documented assessment of the groups that are in need of affirmative marketing as set forth in Section 8-37ee-301(a) of the Regulations of Connecticut State Agencies and a clearly articulated affirmative marketing policy and outreach effort to those groups. All marketing and outreach efforts shall include a HUD-approved fair housing logo, slogan or statement and all advertising depicting persons shall depict persons of diverse groups.
- (b) Maintain a policy in compliance with all applicable equal opportunity and non-discrimination legal requirements when recruiting for staff to be engaged in the sale or rental of properties or the administration of housing opportunities.
- (c) Instruct all employees and agents, in writing and orally, of the entity's policy of nondiscrimination and fair housing.
- (d) Consider eligible buyers, tenants, applicants, or participants who have been referred to the entity by the housing agency.
- (e) Prominently display in all offices in which sale, rental, or administrative activity pertaining to housing opportunities occurs, a fair housing poster approved by the Connecticut Commission on Human Rights and Opportunities that includes reference to protected classes under Connecticut law, and include in any printed material used in connection with sales, rentals, and participation the HUD-approved fair housing logo, slogan or statement.

- (f) Entities shall provide translation of affirmative marketing materials into a language other than English, unless the entity reasonably determines and documents that translation is not necessary. The entity shall maintain written documentation of all such determinations, and copies of all translations to the extent they are made.

Sec. 8-37ee-102. The affirmative fair housing marketing plan

Each entity to which Subtitle 8-37ee of the Regulations of Connecticut State Agencies applies shall provide, on a form and in the manner prescribed by the housing agency, information indicating its affirmative fair housing marketing plan to comply with the requirements set forth in Parts 1 through 3 of Subtitle 8-37ee of the Regulations of Connecticut State Agencies. The affirmative fair housing marketing plan, once approved by the housing agency, shall be available for public inspection at the sales or rental office of the entity or the office where any housing opportunity is administered.

DRAFT

Part 2
Affirmative Fair Housing Marketing Compliance

Sec. 8-37ee-201. Procedures

- (a) The purpose of this Part is to establish a process to implement the department's affirmative fair housing marketing requirements set forth in Part 1 of Subtitle 8-37ee of the Regulations of Connecticut State Agencies, by developing a comprehensive procedure which provides all entities subject to these requirements advance information as to housing agency procedures to assure compliance.
- (b) Housing agency compliance procedures consist of: approval of the affirmative fair housing marketing plan and tenant selection plan, approval of any modifications to the plans and procedures, preoccupancy conference if necessary, reports during the application and selection period, and compliance review.

Sec. 8-37ee-202. Requisite approvals, notifications, and reports

- (a) For new housing opportunities, an initial affirmative fair housing marketing plan and tenant selection plan shall be submitted to the respective housing agency for review and approval at least 90 days prior to implementation.
- (b) For new housing opportunities, upon receipt of an initial affirmative fair housing marketing plan and tenant selection plan, the housing agency shall review the respective plan and, if necessary, may schedule a preoccupancy conference.
 - (1) If necessary, such preoccupancy conference shall be held prior to initiation of sales, rental, or other marketing activities. At the preoccupancy conference, the previously approved plan shall be reviewed with the entity to determine if the plan, or its proposed implementation, requires modification prior to initiation of marketing in order to achieve the objectives of Subtitle 8-37ee of the Regulations of Connecticut State Agencies and the plan.
- (c) For existing housing opportunities, any modifications made to plans shall also be submitted to the respective housing agency for review and approval at least 60 days prior to implementation.
- (d) Entities shall be required to collect data from tenants, participants and from persons on waiting lists. The data collected shall be

analyzed and shall be reported to the housing agency annually, consistent with the requirements of and timeframes set forth by Section 8-37bb or Section 8-37qqq(a)(4)(B) of the Connecticut General Statutes as applicable.

Sec. 8-37ee-203. Complaints

Individuals and private and public entities may file complaints alleging violations of Subtitle 8-37ee of the Regulations of Connecticut State Agencies or an approved affirmative fair housing marketing plan with the housing agency. The housing agency will evaluate all complaints and take appropriate action which may include, without limitation, a compliance meeting. The entity's affirmative fair housing marketing plan shall set forth how persons with disabilities may request a reasonable accommodation pursuant to section 46a-64c of the Connecticut General Statutes, to provide such persons with an opportunity to file a complaint.

Sec. 8-37ee-204. Compliance meeting

- (a) If an entity fails to comply with the affirmative fair housing marketing requirements or it appears that the goals of the plan may not be achieved or that the implementation of the plan should be modified, the housing agency may schedule a compliance meeting with the entity.
- (b) The purpose of the compliance meeting is to review the entity's compliance with the affirmative fair housing marketing requirements and the implementation of the plan and to indicate any changes or modifications which may be required in its plan.
- (c) A notice of the compliance meeting shall be sent to the last known address of the entity by electronic or other means. The notice shall advise the entity of the right to respond not more than ten (10) business days after the date of the notice to the matters identified as subjects of the meeting and to submit information and relevant data evidencing compliance with Subtitle 8-37ee of the Regulations of Connecticut State Agencies and the plan.
- (d) The entity shall be requested in writing to provide, prior to or at the compliance meeting, specific documents, records and other information relevant to compliance. Such information shall include, at a minimum:

- (1) copies of all advertising in the relevant geographic areas as appropriate, including newspaper, radio, television, and electronic advertising;
 - (2) photo of the sale or rental sign at the site of construction, if applicable;
 - (3) a copy of the brochures and other printed materials used in connection with sales, rental, or participation;
 - (4) evidence of affirmative outreach to groups which are least likely to apply for the subject housing opportunity;
 - (5) evidence of instructions to employees with respect to the entity's policy of nondiscrimination;
 - (6) description of training conducted with the entity's staff;
 - (7) evidence of nondiscriminatory hiring and recruiting policies for staff engaged in the sale, rental, or administration activities;
 - (8) copies of applications and waiting lists of prospective buyers, renters, and participants maintained by the entity;
 - (9) copies of sign-in lists maintained for prospective buyers and renters that expressed interest in the housing opportunities, if applicable;
 - (10) copies of selection and screening criteria; and
 - (11) copies of relevant sales or lease agreements.
- (e) Based on the information provided pursuant to subsection (d) of this Section, the housing agency shall notify the entity not more than twenty (20) business days after the compliance meeting whether or not the entity is in compliance with Subtitle 8-37ee of the Regulations of Connecticut State Agencies or plan, or if the matters raised at the compliance meeting cannot be resolved.
- (f) The housing agency may conduct a comprehensive compliance review as set forth in Section 8-37ee-205 of the Regulations of Connecticut State Agencies if the matters raised at the compliance meeting cannot be resolved.
- (g) If the entity fails to attend the compliance meeting scheduled, the housing agency shall notify the entity no later than ten (10) business days after the date of the scheduled meeting, in writing by electronic

means or otherwise, and shall advise the entity as to whether a comprehensive compliance review shall be conducted.

Sec. 8-37ee-205. Compliance reviews

- (a) Compliance reviews may be conducted by the housing agency or its agent.
- (b) Even in the absence of a complaint or other information indicating noncompliance, the housing agency may conduct periodic compliance reviews throughout the term of the applicable affordability restriction, mortgage, assistance agreement or regulatory agreement, whichever term is longer, or during the period of program administration.
- (c) The purpose of a compliance review is to determine whether the entity is in compliance with the housing agency's requirements and the approved affirmative fair housing marketing plan. The entity shall be given at least five (5) business days' notice of the time set for any compliance review and the place or places for such review.
- (d) The compliance review shall cover the following areas:
 - (1) sales and rental practices, including practices in soliciting buyers, tenants, applicants, and participants, determining eligibility, selecting and rejecting buyers, renters, and participants and in concluding sales and rental transactions, where applicable;
 - (2) activities to attract diverse buyers, renters, and participants, including the use of advertising media, brochures, pamphlets, and fair housing posters;
 - (3) data relating to the size and location of units, services provided, sales or rental price ranges and other matters relating to the marketing of housing opportunities;
 - (4) the demographic composition of buyers, renters or participants; and
 - (5) the demographic composition of staff engaged in the sale or rental of housing opportunities.
- (e) Following the compliance review, a report shall be prepared by the housing agency or its agent.
- (f) Whenever a finding of noncompliance is made, the report shall list specifically the violations found and shall indicate that the entity

shall have thirty (30) business days to appeal such findings and request a hearing with the housing agency pursuant to Section 8-37ee-206 of the Regulations of Connecticut State Agencies. The entity shall be sent a copy of the report by certified mail, return receipt requested.

Sec. 8-37ee-206. Hearings

- (a) An entity may request a hearing in connection with a finding of noncompliance following a compliance review pursuant to Section 8-37ee-205 of the Regulations of Connecticut State Agencies.
- (b) All hearings pursuant to Part 2 of Subtitle 8-37ee of the Regulations of Connecticut State Agencies shall take place in accordance with the Uniform Administrative Procedures Act, section 4-166 et seq. of the Connecticut General Statutes.

Sec. 8-37ee-207. Annual Monitoring

- (a) The housing agency shall require the entity to submit annual updates on whether the entity's affirmative fair marketing goals have been met and whether the entity has been able to sustain its goals. Upon review of the information the housing agency may require remedial action where it is deemed necessary. Records of all affirmative fair marketing, tenant selection, and waitlists should be retained by the entity for at least five years or as set forth in any applicable agreement with the housing agency.
- (b) Entities may be monitored on a yearly basis for compliance with the fair housing requirements stated herein and may be subject to additional on-site monitoring.

Part 3
Affirmative Fair Housing Marketing

Sec. 8-37ee-301. Affirmative fair housing marketing process

(a) Assessing Affirmative Marketing Needs

Entities' affirmative fair housing marketing plans shall identify the group(s) least likely to apply for the housing opportunity through the submission of relevant demographic data. Data may be derived from the U.S. Census, municipal sources, regional planning agencies, civil rights groups, fair housing officers, social service agencies, federal sources, state planning documents or reports, and like organizations. Source documentation shall be clearly identified.

(b) Affirmative Marketing Outreach

- (1) Mechanisms – Entities' affirmative fair housing marketing plans shall determine and identify the most appropriate outreach mechanisms which may include: newspaper, radio, television, and other electronic and non-electronic media advertisements as well as flyers and announcements to social service agencies and other organizations with the desire and capacity to inform potential applicants of the availability of housing opportunities. These mechanisms or organizations shall represent those most likely to be read, heard, seen by, or in contact with potential applicants least likely to apply.
- (2) Locale – Entities' affirmative fair housing marketing plans shall provide for the dissemination of information at a minimum in (a) the largest city located in the nearest Primary Metropolitan Statistical Area or Areas or Metropolitan Statistical Area or Areas, (b) the Regional Council of Governments planning region in which the entity is located, as defined by section 4-124(i) of the Connecticut General Statutes and (c) any other areas where those least likely to apply may reside.
- (3) Time frame – Entities' affirmative fair housing marketing plans shall identify the time frame, duration, and frequency of the outreach to be undertaken. At a minimum, affirmative fair housing marketing shall begin ten (10) business days prior to general marketing.
- (4) Content – Entities' affirmative fair housing marketing plans shall identify the content of the outreach materials to be used which at a minimum shall: (a) identify the location of the housing opportunity;

(b) describe the housing opportunity; (c) identify when the application process shall begin and end; (d) encourage all potentially eligible applicants to apply; (e) include a contact person and telephone number; (f) display the fair housing logo and clearly state the entity's commitment to fair housing and non-discrimination; (g) where there is any advertising depicting persons, depict persons of diverse groups; (h) include a fair housing policy statement that satisfies the requirements of Section 8-37ee-302 of the Regulations of Connecticut State Agencies; and (i) set forth how persons with disabilities may request a reasonable accommodation pursuant to section 46a-64c of the Connecticut General Statutes.

- (5) Community contacts – Entities' affirmative fair housing marketing plans shall identify community contacts, which contacts shall include individuals and organizations that are well known in the area who can communicate with and assist those least likely to apply. These individuals and organizations may include, without limitation, religious organizations, housing counseling groups, legal services organizations, labor unions, minority and women's organizations, shelters, social service agencies, housing authorities, and town officials. Each of these individuals and organizations shall receive appropriate materials as described in subsection (4) with additional instructions, if necessary.
- (6) Counseling and application assistance – Entities' affirmative fair housing marketing plans shall provide that either the contact person or a housing counseling organization, fair housing officer, or other similar party is trained in fair housing and its requirements and is ready and willing to assist all potential applicants, including those least likely to apply, and those who may need reasonable accommodation, with the application process.
- (7) Follow-up – Entities' affirmative fair housing marketing plans shall provide for follow-up meetings or reports from the various outreach organizations and individuals listed in subsection (5) in order to evaluate the effectiveness of the affirmative fair housing marketing. Where organizations determine that few potential applicants who are among the groups least likely to apply are displaying an interest, alternative approaches should be considered.

Sec. 8-37ee-302. Fair housing policy statement and publication

- (a) Any entity subject to Subtitle 8-37ee of the Regulations of Connecticut State Agencies shall adopt a fair housing policy statement prior to the receipt of housing agency funds, which statement shall include the following:
 - (1) The entity's commitment to promote fair housing choice and not to discriminate against any person as prohibited in sections 46a-64c and 46a-81e of the Connecticut General Statutes. The provisions of sections 46a-64c and 46a-81e of the Connecticut General Statutes should be specifically included in the statement.
 - (2) The entity's commitment to promote diversity in any housing opportunity developed or supported with housing agency funds being sought or the entity's commitment to seek beneficiaries from diverse groups as well as all protected classes identified by Sections 46a-64c and 46a-81e of the Connecticut General Statutes, and to seek a broad range of income eligible beneficiaries, whichever provision is relevant to the kinds of services provided by the entity.
 - (3) The name, title and contact information of the person assigned fair housing responsibilities.
 - (4) A discrimination complaint procedure which complies with the discrimination complaint procedure set forth in Part 3 of Chapter 814C of the Connecticut General Statutes, including a description of how a person with disabilities may request a reasonable accommodation pursuant to section 46a-64c of the Connecticut General Statutes.
- (b) Before dissemination the policy shall be signed by the entity's Board President or other authorized individual and approved by the housing agency.
- (c) The policy shall be prominently posted in the entity's offices in print and made available electronically on the entity's electronic media sites and also on the site where building or rehabilitation is taking place, as applicable.

Sec. 8-37ee-303. Modification of requirements

- (a) In the event that another funding program imposes fair housing requirements on an entity that differ from those set forth in Subtitle 8-37ee of the Regulations of Connecticut State Agencies, and the housing agency determines that those requirements are more

stringent than the requirements set forth in Subtitle 8-37ee of the Regulations of Connecticut State Agencies, the more stringent requirements shall be followed.

- (b) Where federal sources are also funding the housing opportunity, the entity shall also comply with all applicable federal fair housing regulations.
- (c) Where the housing agency is funding minor rehabilitation, as said term is defined in accordance with the relevant housing opportunity, the entity shall consult with the housing agency, which shall determine applicability of these requirements.

Sec. 8-37ee-304. Post-occupancy affirmative marketing.

Following the initial lease-up, sales, or participation period, each entity shall continue to affirmatively market all applicable housing opportunities to those least likely to apply for the term of the affordability restriction, mortgage, assistance agreement or regulatory agreement, whichever is longer. All entities shall make every good faith effort to maintain a diverse housing development.

Part 4 Applications and Waitlists

Application Process

Sec. 8-37ee-401. Application process for Initial Occupancy or Participation

- (a) The application period shall extend for at least ninety (90) days before initial occupancy or participation for a new housing opportunity. An application deadline shall be established which sets forth the date by which all applications shall be completed and returned. Applications received after the deadline shall not be considered unless: (1) there is an insufficient number of initial applicants; or (2) the housing agency determines that more affirmative marketing is necessary.
- (b) Entities shall use a standard application form created by the entity that conforms with all applicable state and federal laws, and make available a copy of such application if requested by the housing agency.
- (c) Anyone seeking to apply shall be given the opportunity to do so.
- (d) Applications shall set forth how persons with disabilities may request a reasonable accommodation pursuant to section 46a-64c of the Connecticut General Statutes to provide such persons with an opportunity to apply.
- (e) Each application received shall be date and time stamped upon receipt. Each applicant shall be given a receipt with the date and time on it upon request.
- (f) Each application shall have a control number assigned.
- (g) A separate record shall be created for each application. The record contents shall be considered confidential.
- (h) An entity may begin application evaluation upon receipt of applications at its discretion consistent with the requirements of Part 5 of Subtitle 8-37ee of the Regulations of Connecticut State Agencies.

Sec. 8-37ee-402. Insufficient number of least likely to apply applicants

- (a) If the housing agency finds, at any time, that there is an insufficient number of least likely to apply applicants due to a lack of evidence of efforts of good faith affirmative fair housing marketing, it shall have the right to require additional outreach by the entity until such time as the housing agency determines that a sufficient effort has been expended or a sufficient number of applicants is available. Such additional outreach may delay the initial creation of a waitlist.
- (b) Where the housing agency determines that sufficient evidence of good faith efforts exists and there is still an insufficient number of eligible applicants who are least likely to apply, entities shall be permitted to rent or sell units or extend participation to other eligible applicants.
- (c) The housing agency's determination of the entity's good faith efforts shall include, without limitation: substantiating that the outreach included in its affirmative fair housing marketing plan was actually completed; that such efforts met time and durational requirements; that the marketing approach was amended or enhanced when found deficient; and that there were particular local, regional, or market reasons for the failure of the affirmative fair housing marketing plan to attract a sufficient pool of applicants who are least likely to apply. The entity shall develop and maintain adequate documentation of its good faith efforts in a manner prescribed by the housing agency.

Waitlist Requirements

Sec. 8-37ee-403. How waitlists are created

- (a) After the application period is closed consistent with Section 8-37ee-401 of the Regulations of Connecticut State Agencies, each entity shall create, maintain and revise a list of applications as hereinafter provided.
- (b) All control numbers assigned to applications as set forth in Section 8-37ee-401(f) of the Regulations of Connecticut State Agencies should be compiled and assigned a numerical position on the waitlist by random selection. The randomly-selected numerical position will constitute an applicant's number on the waitlist. A master list correlating the control number of each application on the waitlist with the underlying application on file shall be maintained.

Sec. 8-37ee-404. Maintenance of waitlists

- (a) Waitlists shall be maintained in the randomly-selected order by which the applicants have been assigned. The waitlist shall include columns for the waitlist number, the control number, and the status of the application and may also include the unit size sought and any preferences established by the entity as set forth below in Section 8-37ee-407 of the Regulations of Connecticut State Agencies.

-SAMPLE ONLY-				
Waitlist In Rank Order				
<u>Rank</u>	<u>Control Number</u>	<u>Application Date</u>	<u>Bedrooms Requested</u>	<u>Current Status</u>
1	A439	3/1/2015	Any	Housed
2	A830	3/1/2015	Any	Ineligible
3	A090	3/1/2015	2 Bedroom	Refused Unit Offered (1)
4	A843	3/1/2015	1 Bedroom	Housed
5	A999	3/1/2015	Any	Withdrew - Applicant
6	A002	3/1/2015	Any	Withdrew - Purge
7	A038	3/1/2015	Any	Housed
8	A227	3/1/2015	2 bedroom	Refused Unit Offered (3) - Purge
9	B624	7/1/2016	2 Bedroom	
10	B111	7/1/2016	1 Bedroom	
11	B090	7/1/2016	1 Bedroom	
12	B783	7/1/2016	2 Bedroom	
13	B892	7/1/2016	1 Bedroom	
14	C323	12/1/2017	1 Bedroom	
15	C112	12/2/2017	2 Bedroom	
16	C060	12/3/2017	3 Bedroom	
17	C743	12/4/2017	Any	
18	C220	12/4/2017	Any	

- (b) Each entity shall keep and maintain all waitlists including revisions of such lists in its custody at its regular office or place of business in an accessible place.

Sec. 8-37ee-405. Opening a new application period

- (a) When the entity elects to commence a new application period, a notice of such action shall be announced in accordance with the advertising and outreach activities described in the latest approved affirmative fair housing marketing plan.
- (b) Entities that elect to market on a continuous basis may in lieu of the notice referenced in Section 8-37ee-405(a) include in such

- continuous marketing materials or in the application, notice of the schedule by which application periods open and close.
- (c) Entities should schedule application periods as frequently as necessary to manage their waitlist with sufficient applicants to ensure timely occupancy of vacant units or participation in available housing opportunities.
 - (d) All application periods shall have clear opening and closing dates. After the closing of any application period, applications received during that period shall be used to generate a waitlist as set forth in Section 8-37ee-403(b) of the Regulations of Connecticut State Agencies. When an application period is closed, the entity shall refuse to take additional applications and shall notify anyone inquiring about occupancy of the closure.
 - (e) A waitlist generated from a new application period shall be added to the bottom of any existing waitlist.
 - (f) The application period may be closed prior to the application deadline for one or more unit sizes when the number of applications received exceeds the number of housing opportunities available by at least three times, and at least twenty (20) percent of applicants are least likely to apply as defined in the entity's affirmative fair housing marketing plan. Notice of the opening of the application period may include notice that the application period may be closed early. Any early closure of the application period shall be publicized in the same manner the notice of the opening of the application period was publicized, in accordance with the entity's affirmative fair housing marketing plan.

Sec. 8-37ee-406. Filling from the waitlist

- (a) Within its area of operation, each entity shall use its waitlist to fill vacant dwelling units or available housing opportunities.
- (b) Once the waitlist sequence is determined, entities shall select applicants from the waitlist in order, matching households to units according to household size and number of bedrooms, other than where preferences are applied as set forth below in Section 8-37ee-407 of the Regulations of Connecticut State Agencies.
- (c) When applicants are selected from the waitlist based on the numerical sequence of the waitlist or the application of preferences as appropriate, the entity then shall determine the eligibility of the

applicant to be housed as set forth in Sections 8-37ee-505 and 8-37ee-506 of the Regulations of Connecticut State Agencies.

Sec. 8-37ee-407. Preferences

- (a) Assigning preferences to applicants who meet certain criteria is a method intended to provide housing opportunities to applicants based upon household characteristics. Entities may identify categories of preference subject to the approval of the housing agency, in accordance with all applicable federal, state, and local fair housing and civil rights laws.
- (b) Entities shall inform all applicants about available preferences and give all applicants an opportunity to show that they qualify for available preferences.
- (c) Entities shall inform all applicants of the way in which persons with disabilities may request a reasonable accommodation pursuant to section 46a-64c of the Connecticut General Statutes to provide such persons with an opportunity to show that they qualify for available preferences.
- (d) Although an entity may establish preferences to admit households with specific characteristics from the waitlist, the entity shall not deny applicant selection or assistance based upon an applicant's membership in a protected class set forth in sections 46a-64c and 46a-81e of the Connecticut General Statutes.
- (e) The application of preferences shall comply with all applicable federal, state and local fair housing and civil rights laws and with all applicable civil rights related program requirements.

Sec. 8-37ee-408. Management of waitlists

- (a) Each entity shall manage and update its waitlist from time to time, not less frequently than every two calendar years, so as to reflect the most current status of applicants.
- (b) Entities should regularly monitor the vacancies in their properties and other housing opportunities in correlation with their waitlists to ensure that there are enough applicants to fill the housing opportunities.

Sec. 8-37ee-409. Access to waitlists

A waitlist shall be a public record as defined by section 1-200 of the Connecticut General Statutes. Every person shall have a right to inspect such lists promptly during regular office or business hours, or to receive a copy of such lists in accordance with the provisions of the state's Freedom of Information Act, section 1-200 et seq. of the Connecticut General Statutes.

Part 5 Tenant Selection

Sec. 8-37ee-501. Tenant selection plan

- (a) Entities shall develop a written tenant selection plan that describes the tenant selection process they intend to use. Such plan shall include, at a minimum, the following:
 - (1) Descriptions of eligibility requirements for admission;
 - (2) A list of any preferences to be applied and the procedures for applying any such preferences;
 - (3) Applicant screening criteria and the grounds on which applicants may be rejected;
 - (4) Procedures for selecting applicants from the waitlist;
 - (5) Policy for opening and closing application periods for the waitlist;
 - (6) Unit transfer policies, including selection of in-place residents versus applicants from the waitlist when vacancies occur and the application of the unit transfer policy where reasonable accommodation is granted;
 - (7) The method for selection of a hearing officer or hearing panel as set forth in Section 37ee-507(b)(1) of the Regulations of Connecticut State Agencies;
 - (8) Fair housing and nondiscrimination requirements; and
 - (9) The procedures through which persons with disabilities can request a reasonable accommodation pursuant to section 46a-64c of the Connecticut General Statutes.
- (b) Entities should review tenant selection plans not less than once every five years from the adoption of the initial tenant selection plan to ensure that they reflect current operating practices and program priorities.

- (c) A tenant selection plan shall be a public record as defined by section 1-200 of the Connecticut General Statutes. Every person shall have a right to inspect such lists promptly during regular office or business hours, or to receive a copy of such lists in accordance with the provisions of the state's Freedom of Information Act, section 1-200 et seq. of the Connecticut General Statutes.

Sec. 8-37ee-502. Occupant Guideline

- (a) Entities shall use the following guideline to determine the minimum applicable bedroom size for the applicant household:

Bedroom Size	Minimum Applicant Household
00 (single room occupancy)	1
0 (efficiency unit)	1
1	1
2	2
3	3
4	5

- (b) Maximum occupancy of a unit shall be governed by the State Building Code.

Sec. 8-37ee-503. Selection from waitlist

- (c) When a housing opportunity becomes available, the entity shall select the next applicant from the waitlist based on the occupant guideline, set forth in Section 8-37ee-502 of the Regulations of Connecticut State Agencies, applicable preferences, if any, income-targeting policies and requirements, and screening policies applied by the entity. The entity will select the first applicant on the waitlist for the appropriate housing opportunity and make a determination of eligibility and suitability for tenancy based on the applicant screening provisions contained in section 8-37ee-509 of the Regulations of Connecticut State Agencies.
- (d) Selection should occur at least thirty (30) days before a housing opportunity is available to prevent vacancies.

Sec. 8-37ee-504. Preferences

- (a) Entities should select applicants in the order of the waitlist, with those with preferences being applied first, in the order they appear on the waitlist and consistent with the occupant guideline set forth in Section 8-37ee-502 of the Regulations of Connecticut State Agencies.
- (b) If an entity elects to adopt more than one preference, a ranking, rating, or combination of preferences shall be identified in the tenant selection plan and consistently applied.
- (c) If an entity determines that there are an insufficient number of applicants eligible to fill all the housing opportunities for which a preference is applicable, the entity shall make such remaining housing opportunities available in accordance with the waitlist to eligible applicants that remain without regard to the preferences established.

Sec. 8-37ee-505. Eligibility

When an applicant is selected from the waitlist, the entity shall determine the applicant's eligibility to ensure the applicant meets all of the criteria for the housing opportunity.

Sec. 8-37ee-506. Ineligible applicants

- (a) Applicants deemed ineligible for a housing opportunity, for whatever reason(s), shall be notified in writing not more than five (5) business days after such determination, of the reason(s) for such determination of ineligibility including sufficient specific and detailed information to allow the applicant to know and understand the reasons for the denial, and of their right to request a hearing and to informally contest the determination. Such written notice shall include the deadline for requesting a hearing and for informally contesting the determination, the process for requesting a hearing and for informally contesting the determination, the right to request all documents and information relied upon in determining ineligibility, and the process for persons with disabilities to request a reasonable accommodation pursuant to section 46a-64c of the Connecticut General Statutes.
- (b) Applicants determined to be ineligible for a housing opportunity who request a hearing shall be entitled to a hearing before the entity's hearing officer or hearing panel, as applicable, as set forth in Sections 8-37ee-507 and 8-37ee-508, below.

- (c) Concurrent with the right to request a hearing, applicants determined to be ineligible for a housing opportunity shall have ten (10) business days from the date of the written determination of ineligibility to informally contest the determination of ineligibility with the entity.
- (d) Applicants shall be informed in the determination of ineligibility that informally contesting the determination shall not extend the time in which applicants may request a hearing pursuant to Section 8-37ee-507(a) of the Regulations of Connecticut State Agencies. Entities should inform applicants that a determination of ineligibility should be contested immediately to assure their return to the applicant pool should they prevail.
- (e) Not more than five (5) business days after the date on which an applicant informally contests a determination of ineligibility, entities shall notify applicants in writing of whether the determination of ineligibility has been upheld. In the event an applicant does not prevail after informally contesting the determination of ineligibility, such written notice shall state the time remaining in which the applicant may request a hearing pursuant to Section 8-37ee-507(a) of the Regulations of Connecticut State Agencies.
- (f) Persons with disabilities may request a reasonable accommodation pursuant to section 46a-64c of the Connecticut General Statutes to provide such persons with an opportunity to informally contest the determination.

Sec. 8-37ee-507. Procedures to Request a Hearing for Ineligible Applicants

- (a) Request for hearing. To be entitled to a hearing, each applicant determined to be ineligible for a housing opportunity shall submit a written request for a hearing to the entity not more than thirty (30) days after the date of the written determination of ineligibility. The written request shall specify the reason for challenging the determination.
- (b) Selection of hearing officer or hearing panel. A hearing shall be conducted by an impartial person or persons, other than a person who made or approved the entity's action under review or a subordinate of such person. An officer or member of the entity's governing body may be considered to be an impartial person, subject to evaluation pursuant to Section 8-37ee-507(b)(2) of the

Regulations of Connecticut State Agencies. The selection of the hearing officer or the hearing panel shall comply with the following:

- (1) The method or methods for appointment of the hearing officer or the members of the hearing panel shall be stated in the tenant selection plan.
 - (2) The hearing officer or the members of the hearing panel shall be selected in the manner required under the tenant selection plan. In the event that the applicant objects to the original appointment of the person or persons selected, the appointment of an alternate hearing officer shall be proposed by the entity.
 - (3) In the event the method for the appointment of a hearing officer or members of the hearing panel in accordance with subdivision (2) of subsection (b) of this section fails to produce a hearing panel or hearing officer, as appropriate, not more than thirty (30) days after the applicant's written request for a hearing, the entity shall be required to procure and pay for the services of a firm or organization that is in the business of providing such hearing officer services, where such firm or organization has no discernable conflict of interest with the entity. Such professional hearing officer shall be deemed to be impartial and will constitute the final selection in such cases.
- (c) Failure to request a hearing. If the applicant does not request a hearing in accordance with subsection (a) of this section, the entity's determination of ineligibility under section 8-37ee-506 of the Regulations of Connecticut State Agencies shall become final, provided, however, the failure to request a hearing shall not constitute a waiver by the applicant of his or her right thereafter to contest the entity's determination of ineligibility in an appropriate judicial proceeding or an appropriate state agency administrative proceeding.
- (d) Scheduling of hearings. Upon the applicant's compliance with subsection (a) of this section, a hearing shall be promptly scheduled by the hearing officer or the hearing panel for a date not more than sixty (60) days after the entity's receipt of the applicant's written request pursuant to subsection (a) of this section, for a time and place reasonably convenient to both the applicant and the entity. A written notice specifying the time, the place and a copy of the procedures governing the hearing consistent with section 8-37ee-

508 of the Regulations of Connecticut State Agencies shall be delivered to the applicant and the appropriate entity representative.

- (e) Persons with disabilities may request a reasonable accommodation pursuant to section 46a-64c of the Connecticut General Statutes to avail such persons with the procedures set forth in this section.

Sec. 8-37ee-508. Procedures Governing the Hearing for Ineligible Applicants.

- (a) The applicant shall be afforded a fair hearing by written policy of the entity, which policy shall provide for:
 - (1) A reasonable opportunity prior to the hearing to examine any documents, records, or regulations directly relevant to the hearing. The applicant shall be allowed to copy any such document at the applicant's expense. At the hearing, the entity shall not discuss any document not made available to the applicant after a request by the applicant;
 - (2) The right to be represented by counsel or other person chosen as his or her representative;
 - (3) The right to a private hearing unless the applicant requests a public hearing;
 - (4) The right to present evidence and arguments in support of the appeal, to contest evidence presented by the entity and to confront and cross-examine all witnesses on whose testimony or information the entity relies; and
 - (5) A decision based solely and exclusively upon the facts, documents, records, regulations and testimony presented at the hearing.
- (b) If the applicant or the entity fails to appear at a scheduled hearing, the hearing officer or the hearing panel may make a determination to postpone the hearing for a period not to exceed five (5) business days or may make a determination that the non-appearing party has waived the right to a hearing. Both the applicant and the entity shall be notified of such determination. If a determination has been made that either the applicant or the entity has waived the right to a hearing, such waiver shall not constitute a waiver of the applicant's right to contest the entity's determination of ineligibility in an appropriate judicial proceeding.

- (c) The hearing shall be conducted informally and oral or documentary evidence pertinent to the facts and issues raised by the applicant may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The hearing officer or the hearing panel, as appropriate, shall require the entity, the applicant, counsel for the respective parties and other participants or spectators, if any, to conduct themselves in an orderly manner. Failure to comply with the direction of the hearing officer or the hearing panel, as appropriate, to obtain order may result in exclusion from the hearing or a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate.
- (d) The entity shall record all hearings and digitally store and maintain all such recordings.
- (e) The applicant or the entity may arrange, at the expense of the party making the request, for a transcript or copy of the recording of the hearing. Any interested party may purchase a copy of such transcript or recording.
- (f) Accommodation of persons with disabilities. Persons with disabilities may request a reasonable accommodation pursuant to section 46a-64c of the Connecticut General Statutes to provide such persons with an opportunity to participate in the hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations or attendants. If the tenant is visually impaired, any required notice to the tenant shall be in an accessible format.
- (g) Applicants still aggrieved shall be informed of their right to appeal the decision of the hearing officer or hearing panel, as appropriate, to the department. Such appeal shall be made in writing, and brought not more than seven (7) business days after the adverse decision. The appeal will be considered based on written information submitted to the department and will not include an additional hearing.
- (h) Entities shall keep the following materials on file for at least three years: (1) application; (2) initial ineligibility notice; (3) any applicant reply; (4) the entity's final determination response; and (5) all verified information on which the ineligibility determination was based.

Sec. 8-37ee-509. Applicant screening

- (a) When an applicant is selected from the waitlist, or upon receipt of an application at the entity's discretion, the entity may elect to screen applicants. Entities may identify screening criteria in accordance with the approved tenant selection plan.
- (b) Entities may consider extenuating circumstances in evaluating information obtained during the screening process to assist in determining the suitability of an applicant for a housing opportunity. An entity may adopt a policy to consider extenuating circumstances that would allow acceptance of an applicant whom the entity would otherwise reject, but an entity shall not have a policy to consider extenuating circumstances to reject an applicant who would otherwise be eligible.
- (c) If screening criteria is used, entities shall apply screening criteria consistently to all applicants.
- (d) Screening shall comply with all applicable federal, state and local fair housing and civil rights laws.

Sec. 8-37ee-510. Nondiscrimination in selection process

An entity, in determining the types of housing, accommodations, facilities, services, financial aid, or other benefits which will be provided under any such program or activity, or the class of persons to whom, or the situations in which, such housing, accommodations, facilities, services, financial aid, or other benefits will be provided under any such program or activity, or the class of persons to be afforded an opportunity to participate in any such program or activity, shall not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of denying any applicant's selection or assistance in violation of Sections 46a-64c and 46a-81e of the Connecticut General Statutes.

Statement of Purpose: