



Senate

General Assembly

File No. 642

February Session, 2000

Substitute Senate Bill No. 357

Senate, April 19, 2000

The Committee on Commerce reported through SEN. LEBEAU of the 3rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

An Act Concerning Tenant Rights In State Public Housing.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 8-68f of the general statutes is repealed and the following is
2 substituted in lieu thereof:

3 Not later than July 1, 1990, the Commissioner of Economic and
4 Community Development shall establish, for housing owned or
5 operated by a housing authority which receives financial assistance
6 under any state housing program, uniform minimum standards for (1)
7 housing authority leases, (2) housing authority tenant grievance
8 procedures, which may include all substantive and procedural rights
9 available to tenants in federally-assisted housing, (3) tenant comment
10 on proposed changes in housing authority policies and procedures,
11 and (4) the facilitation of tenant participation in the management of
12 housing projects. The commissioner may adopt, in accordance with the
13 provisions of chapter 54, such minimum standards by January 1, 2001.
14 Each housing authority shall put such minimum standards in place on

15 or before October 1, 2001.

CE **Committee Vote:** Yea 26 Nay 0 JFS

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Potential Minimal Cost

Affected Agencies: Department of Economic and Community Development

Municipal Impact: Minimal Cost (Housing Authorities)

Explanation

State Impact:

This bill allows the Department of Economic and Community Development (DECD) to amend its state assisted public housing grievance procedures to include the same substantive and procedural rights available to tenants in federally assisted public housing. This change may result in minimal additional administrative costs should the department choose to develop these new standards.

Municipal Impact:

Housing Authorities

The requirement that housing authorities extend federal substantive and procedural rights to the tenant grievance procedures will result in additional costs to the authorities. These costs will be administrative in nature, related to the development of the written procedures as well as the possibility of an increased number of tenant-administration

dispute resolution meetings and formal grievance hearings. These increased costs are expected to be minimal. The debts and liabilities of a housing authority are not those of the municipality in which it is located. Therefore, these potential additional costs to the housing authorities are not a cost to the municipalities.

It should be noted that while the housing authorities are required to adopt these new standards by October 1, 2001, the bill leaves the development of the new standards to the discretion of DECD. It is not clear what standards the housing authorities would be required to adopt should DECD choose not to develop the new procedures.

OLR Bill Analysis

sSB 357

AN ACT CONCERNING TENANT RIGHTS IN STATE PUBLIC HOUSING.**SUMMARY:**

This bill allows the economic and community development commissioner to adopt regulations setting uniform minimum standards governing certain aspects of the relationship between public housing authorities and their tenants in state-funded public housing. It gives him until January 1, 2001 to adopt the regulations, but it is not clear if this authorization expires after that date. Existing law required him to set the standards by July 1, 1990 without having to place them in regulations, but he has not done so. The bill retains this deadline despite the new one it imposes.

If the commissioner adopts the regulations by January 1, 2001, the bill requires housing authorities to adopt the standards by October 1, 2001.

The bill also allows the commissioner to include in the regulations standards giving the tenants the same substantive and procedural grievance rights federal law gives tenants in federally funded projects. Current law does not specify that the standards must include the federally prescribed grievance rights.

Besides setting standards for grievance procedures, the existing law required the commissioner to set standards for leases, tenant comment on proposed policy and procedural changes, and tenant management.

EFFECTIVE DATE: October 1, 2000

FEDERAL GRIEVANCE PROCEDURES AND REQUIREMENTS

Federal regulations require housing authorities operating federally funded housing projects to have written procedures giving tenants the

opportunity to air a grievance at a hearing (24 CFR 966.52). The authorities must include the procedure in their leases or cite them by reference. They must also give tenants at least 30 days notice before changing the procedure.

A tenant must first present his grievance in person or in writing to the authority to see if the parties can resolve the dispute without a hearing. The authority must make a written record of the meeting and send the tenant a copy. The tenant can request a hearing by submitting a written request stating the reason for the grievance and the relief he seeks.

The authority appoints a hearing officer in the manner the grievance procedure specifies, and it must comply with his decision. The decision does not block the tenant from taking legal action.

BACKGROUND

Tenant Representation on Public Housing Authority Boards

Current law required the commissioner to set minimum standards by which housing authorities must give tenants the opportunity to comment on policy and procedural changes and become involved in managing their projects. Another law requires the commissions that govern housing authorities to include tenant members. It also requires the local officials who appoint the commissioners to notify tenant organizations before appointing a commissioner if they indicate beforehand that they want to be notified about these matters. In these cases, the appointing authorities must consider the tenant organizations' suggestions (CGS § 8-41b).

Legislative History

The Senate referred the original bill (File 259) to the Commerce Committee on April 5. On April 12, the committee reported out its version, after making several changes. These changes allow, rather than require, the commissioner to adopt regulations setting the standards by January 1, 2001 and allow, rather than require, the standards to give tenants in state-funded public housing the same substantive and procedural grievance rights as tenants in federally

funded public housing. The October 1, 2001 deadline for housing authorities to adopt standards applies only if the commissioner adopts them in regulations.

COMMITTEE ACTION

Housing Committee

Joint Favorable Substitute Change of Reference

Yea 11 Nay 0

Planning and Development Committee

Joint Favorable Report

Yea 16 Nay 0

Commerce Committee

Joint Favorable Substitute

Yea 26 Nay 0