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S.B. 817 – Judicial review in state rental assistance programs

Human Services Committee public hearing – February 17, 2009

Testimony of Raphael L. Podolsky

Recommended Committee action: APPROVAL OF THE BILL

This bill codifies the right to a hearing in three rental assistance programs administered by the Department of Social Services -- RAP (Rental Assistance Program), T-RAP (Transitory Rental Assistance Program, and the DSS-administered portion of the Section 8 program). It does not affect any Section 8 programs operated independently by housing authorities. The practical effect of the bill is to guarantee the fundamental right to judicial review. This is particularly important, because the termination of a rental assistance certificate has an obviously serious impact on a family's ability to have a place to live. Judicial review is available in numerous other DSS-administered programs (such as TFA, food stamps, and Medicaid), including other housing programs (such as the Security Deposit Guarantee Program and the Eviction Prevention Program). Judicial review is our basic due process check on illegal or arbitrary action by state agencies.

Under existing DSS practice, program participants can get an informal hearing (called an "informal conference" in the DSS regulations), followed by a Central Office desk review. Under the Uniform Administrative Procedure Act, however, they are not eligible for judicial review unless a statute or regulation gives them the right to a "hearing." See C.G.S. 4-166(2).

This bill, by codifying the right to a hearing, assures the availability of judicial review. While it is anticipated that judicial review will be sought in very few cases, the existence of judicial review inherently has a positive effect on the decision-making process within agencies.

Last year, this bill was approved by this committee and passed the House overwhelmingly but reached the Senate late and was never taken up there before adjournment. We hope that the Human Services Committee will again move this bill forward and will see it through to final passage this year.

Requested technical amendment:

The bill is intended to apply only to the three rental assistance programs currently administered for DSS by the same contractor under the same rules and procedures. To make clear that the bill refers only to the portion of the Section 8 program that DSS administers, the underlined language should be inserted in I. 6 of the bill:

"...pursuant to the portion of the federal Section 8 voucher program administered by the department..."