R-39 Rev. 02/2012
(Title page)

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State of Connecticut
REGULATION
of

NAME OF AGENCY
Department of Social Services

Concerning

SUBJECT MATTER OF REGULATION
Security Deposit Guarantee and Security Deposit Grant Programs

Section 1. Sections 17b-802-1 to 17b-802-12, inclusive, of the Regulations of Connecticut State Agencies are amended to read as follows:

Sec. 17b-802-1. Definitions

As used in sections 17b-802-1 **[**through**]** to 17b-802-12, inclusive, of the Regulations of Connecticut State Agencies:

(1) "Applicant" means a person aged eighteen or older who has completed, signed and submitted an application to the department or to any entity so designated under section 17b-802-5 of the Regulations of Connecticut State Agencies to obtain a security deposit guarantee or security deposit grant that, if approved, will allow the person to move into a dwelling unit; **[.]**

(2) "Application" means **[**the forms**]** a form prescribed by the commissioner to be used by **[**applicants**]** an applicant to apply for a security deposit guarantee or a security deposit grant. **[**The application forms, which may be modified from time to time,**]** Such form shall contain information that the commissioner or the commissioner's designee deems necessary to determine **[**whether the applicant should be granted**]** an applicant's eligibility for a security deposit guarantee or security deposit grant; **[.]**

(3) "Administrative hearing" means a formal review of a decision of the Commissioner of Social Services pursuant to section 17b-60 of the Connecticut General Statutes;

[(3)**]** (4) "Catastrophic event" means a situation that arises due to a natural or manmade disaster that results in destruction or loss of housing, as determined by appropriate local or state officials or by the department; **[.]**

[(4)**]** (5) "Commissioner" means the Commissioner of Social Services; **[.]**

[(5)**]** (6) "Current income status" means the household's gross income for, at a minimum, the **[**thirty (30)**]** 30 days immediately preceding the date of application; **[.]**

[(6)**]** (7) "Department" means the **[**state**]** Department of Social Services; **[.]**

(8) "Departmental review" means a desk review by the department of a reimbursement claim made by a landlord for damages if requested by the tenant in accordance with section 17b-802-7 of the

Regulations of Connecticut State Agencies;

(9) "Designee" means an individual appointed by the commissioner to act on behalf of the commissioner;

[(7)**]** (10) "Dwelling unit" means any house or building, including a mobile manufactured home in a mobile manufactured home park, as such terms are defined in section 21-64 of the Connecticut General Statutes, or portion thereof, **[**which**]** that is occupied, is designed to be occupied, or is rented, leased or hired out to be occupied as a home or residence of one or more persons; **[.]**

[(8)**]** (11) "Emergency housing" means a temporary residential facility, other than an emergency shelter, such as a **[**hotel, motel, hospital,**]** state institution or shelter for victims of domestic violence. Emergency housing **[**also**]** includes, but is not limited to, a hotel, motel or the private residence of a friend or relative **[**which**]** that temporarily houses individuals or families displaced **[**within the past sixty (60) days**]** due to an eviction, catastrophic event or domestic violence; **[.]**

[(9)**]** (12) "Emergency shelter" means a privately or publicly supported structure designed to shelter homeless persons on a temporary basis pending relocation to permanent housing; **[.]**

[(10)**]** (13) "Eviction" means one of the following:

(A) **[**The**]** an applicant is forced to relocate after receiving a legal notice to quit;

(B) **[**The**]** an applicant is **[**a sublessee or is**]** sharing **[**the**]** a dwelling unit with **[**the**]** a lessee and the lessee has received a legal notice to quit or has been evicted through court action;

(C) **[**The**]** an applicant is **[**either**]** an owner or a tenant of a dwelling unit and is being forced to relocate as a result of a foreclosure judgment in a foreclosure action completed in court; or

(D) **[**The**]** an applicant is illegally locked out of **[**the**]** a dwelling unit by the landlord and the applicant has filed a **[**police**]** complaint with the police concerning such lockout; **[.]**

[(11)**]** (14) "Gross monthly income" means the total **[**annual**]** monthly income of all household members, before deductions, derived from earned and unearned income. Earned income includes any compensation payable by an employer to an employee for personal services and includes wages, salaries, tips, commissions, bonuses and earnings from self-employment or contractual agreements. Unearned income includes, but is not limited to: pensions, annuities, dividends, interest, rental income, estate or trust income, royalties, social security or supplemental security income, unemployment compensation, workers' compensation, alimony, child support and cash assistance from federal or state funded assistance programs; **[.]**

[(12)**]** (15) "Household" means one or more individuals living together as a unit; **[.]**

[(13)**]** (16) "HUD" means the **[**federal**]** United States Department of Housing and Urban Development; **[.]**

[(14)**]** (17) "Landlord" means the owner **[**, lessor or sublessor of: the**]** of a dwelling unit. **[**,the building of which the dwelling unit is a part, or the premises on which the dwelling unit is located**]**. "Landlord" includes a licensee, permittee or any person who owns, operates or maintains a mobile manufactured home park, as such term is defined in section 21-64 of the Connecticut General

Statutes. "Landlord" does not include a tenant who is a lessor or sublessor;

(18) "Lessee" means an individual who rents property from another;

(19) "Lessor" means an individual who rents property to another;

[(15)**]** (20) "Recipient" means any individual or household that has received a security deposit guarantee or a security deposit grant by meeting the criteria **[**as**]** set forth in section 17b-802-2 of the Regulations of Connecticut State Agencies; **[.]**

[(16)**]** (21) "Security deposit grant" means a security deposit, as defined in section 47a-21 of the Connecticut General Statutes, that is paid by the department on behalf of an eligible applicant to a landlord pursuant to subsection (e) of section 17b-802 of the Connecticut General Statutes; **[.]**

[(17**]** (22) "Security deposit guarantee" means a written agreement **[**in lieu of paying the security deposit directly to the landlord that is executed between the commissioner or his or her designee or agent and the landlord.**]** between the commissioner, the commissioner's designee or the department's agent and a landlord that provides that the department will pay the landlord for damages up to the amount of the security deposit if the tenant fails to comply with the obligations in section 47a-21 of the Connecticut General Statutes;

(23) "Sublessor" means an individual who rents property from a lessor and leases that property to a third party; and

[(18)**]** (24) "Tenant" means the lessee **[**, sublessee**]** or person entitled under a rental agreement to occupy a dwelling unit or premises to the exclusion of others. **[**, or as is otherwise defined by law.**]**

Sec. 17b-802-2. Eligibility Criteria

[To**]** Before an applicant may participate in the security deposit guarantee or security deposit grant program, an applicant shall satisfy the department that all of the **[**following**]** criteria established in this section are met:

(a) The applicant shall submit to the department a completed application packet that complies with the requirements of section 17b-802-4 of the Regulations of Connecticut State Agencies.

[(a)**]** (b) The applicant **[**meets**]** shall meet one of the following requirements of financial eligibility:

> (1) The applicant is a current recipient of temporary family assistance (TFA), **[**diversion assistance pursuant to section 17b-112g of the Connecticut General Statutes,**]** state-administered general assistance (SAGA), **[**refugee assistance, aid to the aged, blind or disabled (AABD), food stamps, Safety Net services pursuant to section 17b-112e of the Connecticut General Statutes, or Medicaid**]** or state supplement program benefits; or
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> (2) **[**The annual gross**]** the gross annual income of the applicant and **[**his or her**]** the applicant's household **[**, excluding assets,**]** does not exceed 150% of the federal poverty income guidelines **[**(for the household's size)**]** as established by the **[**federal**]** United States Department of Health and Human Services.

[(b)**]** (c) The applicant **[**meets**]** shall meet one of the following requirements of categorical eligibility:

(1) The applicant holds a federal Section 8 housing choice voucher or holds a certificate from the Rental Assistance Program, the Transitionary Rental Assistance Program or any other rental assistance program operated by the department; **[**, that was issued while the applicant was on the waiting list of any of the aforementioned rental assistance programs within the six months prior to filing a security deposit guarantee or security deposit application pursuant to section 17b-802-5 of the Regulations of Connecticut State Agencies, or**]**

(2) **[**The**]** the applicant is currently residing in emergency housing or an emergency shelter in Connecticut **[**, or**]**;

(3) the applicant has been served a writ, summons and complaint in a summary process action instituted pursuant to chapter 832 of the Connecticut General Statutes; or

[(3) The**]** (4) the applicant cannot remain in permanent housing **[**because:**]** due to any reason specified in subsection (a) of section 17b-808 of the Connecticut General Statutes.

[(A) The applicant has received a notice to quit, or a judgment has been entered against the applicant in a summary process action instituted pursuant to chapter 832 of the Connecticut General Statutes, provided the action was not based on criminal activity, or a judgment has been entered against the applicant in a foreclosure action pursuant to chapter 846 of the Connecticut General Statutes and the time limit for redemption has passed;

(B) The applicant has left his or her permanent housing to escape domestic violence;

(C) A catastrophic event, such as a fire or flood, has occurred within the 60 days prior to the application date and has made the permanent housing uninhabitable or the applicant has been ordered to vacate the permanent housing by a local code enforcement official within said 60 days;

(D) The applicant has been issued a new federal Section 8 housing choice voucher or a new certificate from the Rental Assistance Program, the Transitionary Rental Assistance Program or any other rental assistance program operated by the department because the applicant resides in a unit assisted under any of the aforementioned rental assistance programs which has failed a housing quality standards inspection when that failure was the responsibility of the owner and the owner refused to correct the conditions causing the failure;

(E) The applicant shares a dwelling unit with a primary tenant who is being evicted or who engages in criminal activity;

(F) The applicant was illegally locked out by the landlord and has filed a police complaint concerning the lockout;

(G) The applicant has been living with a tenant who received a preliminary notice under section 47a-15 of the Connecticut General Statutes or a notice to quit because of termination of a rental agreement for lapse of time; or

(H) The applicant has left the permanent housing because a child in his or her family who resided in the dwelling unit with the applicant has been found to have a level of lead in the blood equal to or greater than twenty micrograms per deciliter of blood or any other abnormal body of lead and the local director of health has determined, after an epidemiological investigation pursuant to section 19a-111 of the Connecticut General Statutes, that the source of the lead poisoning was the dwelling unit in which the child resided with the applicant.

(c) The applicant has found a rental dwelling unit in Connecticut of which the applicant and the landlord conduct an inspection, which the landlord represents to the department to meet local housing code enforcement laws, and which is intended to be occupied as permanent housing.**]**

(d) (1) The dwelling unit shall be located in the state of Connecticut, meet all applicable local, state and federal housing code requirements, and be occupied by the applicant as permanent housing.

(2) Prior to the applicant moving into the dwelling unit, the landlord shall verify compliance with subdivision (1) of this subsection by providing the department with a copy of the certificate of occupancy required in section 47a-5 of the Connecticut General Statutes, and, if available, any Housing Quality Standards report issued by the United States Department of Housing and Urban Development to the landlord for the dwelling unit pursuant to 24 CFR 982.401.

(e) The landlord and the applicant shall conduct an inspection of the dwelling unit together and shall complete a form documenting the condition of the dwelling unit prior to the applicant moving into the dwelling unit. The department may require that a dwelling unit also be inspected by a department designee prior to the applicant moving into the dwelling unit.

[(d)**]** (f) The department **[**determines**]** shall determine that the applicant's household can reasonably be expected to afford the monthly rental charge of the dwelling unit.

[(e)**]** (g) The department shall determine whether the applicant is precluded from occupying the otherwise affordable dwelling unit due to a security deposit requirement **[**which**]** that is beyond the current financial means of the applicant.

(h) If the applicant is applying for a security deposit grant, the commissioner shall determine, at the commissioner's discretion, whether emergency circumstances exist that threaten the health, safety or welfare of a child that lives with the applicant in order for the applicant to be eligible for a security deposit grant.

Sec. 17b-802-3. Verification of Eligibility

(a) **[**Any**]** An applicant seeking eligibility for a security deposit guarantee or a security deposit grant based on financial need pursuant to subdivision (2) of subsection (b) of section **[**17b-802-2(a) (2)**]** 17b-802-2 of the Regulations of Connecticut State Agencies shall verify **[**his or her**]** the household's monthly income in a manner that is acceptable to the department. **[**Forms**]** Acceptable forms of verification include, but are not limited to:

(1) Current wage stubs;

[(2) Federal or state income tax filing forms;**]**

[(3) A**]** (2) a completed department form W-35 for disclosure of gross wages, salary or commission paid; or

[(4) A**]** (3) a copy of a Social Security check or any other benefit check. **[**;

(5) A statement from an employer or other sources of documentation which clearly establish gross income; or

(6) an IRS Form W-2 or W-2p.**]**

(b) **[**The applicant shall provide the following documentation as it is relevant to the applicant:**]** The department may require an applicant seeking a security deposit guarantee or security deposit grant to provide documentation that demonstrates that the applicant meets the eligibility requirements of section 17b-802-2 of the Regulations of Connecticut State Agencies.

[(1) Evidence that the applicant holds a federal Section 8 housing choice voucher or holds a certificate from the Rental Assistance Program, the Transitionary Rental Assistance Program or any other rental assistance program operated by the department, in conformance with section 17b-802-2 of the Regulations of Connecticut State Agencies;

(2) Documentation or other evidence that the applicant is staying at an emergency shelter, which may include verbal or written verification from an appropriate official of an emergency shelter;

(3) Documentation that the applicant occupies emergency housing; or

(4) Documentation of the reason why the applicant cannot remain in permanent housing. Such documentation may include, but is not limited to:

(A) Notice to quit and any other summary process paperwork addressed either to the applicant or the primary tenant with whom he or she lives. A copy of a judgment entered against the applicant in a summary process action instituted pursuant to chapter 846 of the Connecticut General Statutes;

(B) Confirmation of domestic violence, which may include a sworn statement by the victim or any evidence of such violence available to the applicant, which may include: police, government agency or court records; documentation from a shelter worker, legal, medical, clerical or other professionals from whom the applicant has sought assistance in dealing with domestic violence; or a statement from an individual with knowledge of the circumstances which provide the basis for the claim of domestic violence. For purposes of this section, allegations of domestic violence by a victim may be sufficient to establish domestic violence where the department has no independent reasonable basis to find the applicant not credible;

(C) Confirmation, whether verbal or written, from appropriate authorities such as state officials, police, fire or local code enforcement officials regarding a catastrophic event;

(D) Evidence that the applicant was issued a federal Section 8 housing choice voucher or a certificate from the Rental Assistance Program, the Transitionary Rental Assistance Program or any other rental assistance program operated by the department when the applicant resided in a unit assisted under any of the aforementioned rental assistance programs, and that unit failed a housing quality standards inspection when that failure was the responsibility of the owner and the owner refused to correct the conditions causing the failure;

(E) A sworn statement by the applicant that the primary tenant with whom he or she resides engages in criminal activity;

(F) A sworn statement by the applicant that he or she has been illegally locked out of his or her dwelling unit; or

(G) Evidence that a child in the applicant's family resides with the applicant and has a level of lead in the blood equal to or greater than twenty microgram per deciliter of blood or any other abnormal body of lead and the local director of health has determined, after an epidemiological investigation pursuant to section 19a-111 of the Connecticut General Statutes, that the source of the lead poisoning was the dwelling unit in which the child resided with the applicant.**]**

Sec. 17b-802-4. Elements of Application

A completed application requesting the equivalent of up to two **[**(2) month's**]** months' rent as a security deposit guarantee, or the equivalent of up to one **[**(1)**]** month's rent as a security deposit grant and up to one **[**(1)**]** month's rent as a security deposit guarantee **[**, pursuant to section 17b-802-8 of the Regulations of Connecticut State Agencies, includes:**]** shall include:

[(1)**]** (a) A completed **[**security deposit guarantee or security deposit**]** application form signed by the applicant. **[**and the department's worker.**]** The application form shall stipulate that the applicant agrees to notify the department **[**within thirty (30) days of**]** no more than ten days after vacating the dwelling unit for which payment is being requested;

[(2) Any**]** (b) any documents **[**set forth in section 17b-802-3 of the Regulations of Connecticut State Agencies, or any other documents**]** that the department determines are necessary to **[**determine**]** verify eligibility; **[**and**]**

[(3) A**]** (c) a written agreement between the department and the prospective landlord **[**which **]** that shall include one or both of the following:

[(A) A**]** (1) a written security deposit guarantee agreement signed by the prospective landlord. **[**The written guarantee**]** Such agreement shall stipulate that the department shall pay the landlord for any damages suffered by the landlord due to the tenant's failure to comply with **[**such tenant**]** the tenant's obligations, as such term is defined in section 47a-21 of the Connecticut General Statutes, provided the amount of any such payment shall not exceed the amount of the security deposit guarantee; or

[(B) A**]** (2) in the case of a security deposit grant, a waiver form completed and signed by the prospective landlord. The waiver form shall stipulate that if the tenant for

whom a security deposit payment is made vacates the dwelling unit, any return of the security deposit or accrued interest to which the tenant is entitled **[**,**]** shall be paid directly to the department.

Sec. 17b-802-5. Application Filing

[Applications**]** Completed applications for security deposit guarantees or security **[**deposits must**]** deposit grants shall be made in person either to the department at one of its regional offices or to any entity under contract with the department **[**to operate an emergency shelter or other emergency housing facility for individuals or families. An applicant shall have sixty (60) days to complete an application once she or he initiates the application process by filing any part of the application with the department or with any entity under contract with the department to operate an emergency shelter or other emergency housing facility for individuals or families. An applicant may request one or more sixty (60) day extensions to the time limit for completing an application. Such extensions may be granted in writing by department staff or by the staff of any entity under contract with the department to operate an emergency shelter or other emergency housing facility for individuals or families when the applicant has demonstrated a reasonable effort to locate a rental unit.**]** to administer the Security Deposit Guarantee program.

Sec. 17b-802-6. Application Review and Notification

The department shall review the completed application and shall **[**notify the applicant in writing of the approval or denial of his or her eligibility within ten (10)**]** send the applicant written notice of the applicant's eligibility status not more than ten days from the date the department **[**is in receipt of**]** receives the completed security deposit guarantee or security deposit grant application form **[**signed by the applicant and the department's worker, and any documents**]** as set forth in section **[**17b-802-3**]** 17b-802-4 of the Regulations of Connecticut State Agencies. **[**, or any other documents that the department determines are necessary to determine eligibility, provided all documentation necessary to make a determination of eligibility has been submitted.**]** If an application for a security deposit guarantee or security deposit grant is denied at this stage, the **[**applicant shall be notified in writing within the ten-day period noted above**]** department shall include in the written notice an explanation of the reason for the denial and of **[**his or her**]** the applicant's right to request **[**a fair**]** an administrative hearing from the department. **[**Further, once the department is in receipt of a written agreement between the department and the prospective landlord, signed by both parties, the department shall review the written agreement and shall notify the applicant in writing of the approval or denial of his or her application within five (5) days from the date the department is in receipt of the completed application, including a written agreement between the department and the prospective landlord, provided all documentation necessary to make a determination has been submitted. If an application for a security deposit guarantee or security deposit is denied at this stage, the applicant shall be notified in writing within the five-day period noted above of the reason for the denial and of his or her right to request a fair hearing from the department.**]**

[Sec. 17b-802-7. Security Deposit, Claim for Damages and Refund

(a) If the landlord claims the right to withhold any portion of any security deposit that the department has paid directly to the landlord, he or she shall comply with all of the provisions of Connecticut General Statutes section 47a-21, as well as subdivisions (a) (1) and (2) of this section. Any notice

regarding any security deposit that the landlord or his agent sends to the tenant shall also be sent on the same day to the department.

(1) No later than thirty (30) days from the date of the termination of the tenancy, the landlord shall submit to the department the balance of the security deposit paid by the department plus accrued interest, after deduction for any damages suffered by such by reason of the tenant's failure to comply with the tenant's obligations as defined in section 47a-21 of the Connecticut General Statutes. The landlord is also obligated, not later than thirty (30) days after the termination of the tenancy, to submit to the department written documentation supporting any deduction for damages, including evidence of actual costs of required repairs. If such deposit and documentation are not submitted, and if a civil action is necessary to collect the balance of the deposit, the landlord shall pay the costs associated with such civil action and shall be subject to double damages, pursuant to section 47a-21 of the Connecticut General Statutes.

(2) The department may inspect the dwelling unit to determine the extent of any damages.

(b) The rights of the tenant to the refund of the security deposit shall be subrogated to the department.

Sec. 17b-802-8. Assistance Limitations

(a) Security deposit guarantee applications and security deposit grant applications from individuals or households shall be considered in the order in which they are received by the department in completed form in accordance with sections 17b-802-4 and 17b-802-5 of the Regulations of Connecticut State Agencies. The approval of an application is subject to the availability of funds. In the absence of funds, the department may determine that applications should not be accepted until such funds become available.

(b) Security deposit guarantee applications and security deposit applications for recipients aged sixty-two (62) years and older shall be limited to the equivalent of one (1) month's rent pursuant to Connecticut General Statutes section 47a-21(b)(2).

(c) Security deposit guarantees for all recipients under the age of sixty-two (62) shall be limited to the equivalent of two (2) month's rent, except in the circumstance where the commissioner has determined that the health, safety or welfare of a child who resides with the applicant is threatened due to an emergency, in which case the security deposit guarantee shall be limited to the equivalent of one (1) month's rent combined with a security deposit that is limited to the equivalent of one (1) month's rent.

Sec. 17b-802-9 Security Deposit Guarantee and Claim for Damages

(a) No later than thirty (30) days from the date of the termination of the tenancy, the landlord shall submit to the department written documentation supporting the claim for damages, including evidence of actual costs of required repairs for damages suffered by such landlord by reason of the tenant's failure to comply with the tenant's obligations as defined in section 47a-21 of the Connecticut General Statutes.

(b) The department may inspect the dwelling unit to determine the extent of any damages.

(c) When a claim for damages is received by the department, written notice of such claim shall be sent to the tenant not later than five (5) days from the date of receipt of the claim by DSS. Such notice shall include the opportunity for the tenant to request an administrative review to dispute the claim. A request for an administrative review shall be in writing and received by the department not later than ten (10) days after the damages notice is sent to the tenant. Upon receipt of a timely request, payment of the claim shall be withheld pending the outcome of the review. The review shall be scheduled in a timely manner upon receipt of the request. The reviewer shall issue a written decision of his or her findings and mail a copy of the decision to the tenant (a) and to the landlord.**]**

Sec. 17b-802-7. Security Deposit Guarantee and Claim for Damages

(a) In order for a landlord to be reimbursed for damages pursuant to a security deposit guarantee agreement, the claimed damage shall have been caused by a tenant's failure to comply with a tenant's obligations, as such term is defined in section 47a-21 of the Connecticut General Statutes, and the landlord shall comply with all of the provisions of said section 47a-21 and subsection (b) of this section. Any notice that the landlord or the landlord's agent sends to the department regarding a request for reimbursement pursuant to a security deposit guarantee agreement shall also be sent to the tenant on the same day.

(b) In order to receive reimbursement for a claim for damages, the landlord shall, not later than forty-five days after the date of the termination of the tenancy, submit to the department a written claim that includes receipts for repairs made. The department shall only pay reimbursements for claims that include receipts for repairs made. No reimbursement shall be paid for claimed damages to a dwelling unit that a tenant vacated because substandard conditions made the dwelling unit uninhabitable, as determined by a local, state or federal regulatory agency.

(c) The department reserves the right to refuse payment for a claim for damages to a dwelling unit if any local, state or federal regulatory agency has cited the landlord for any violations of any law, regulation or ordinance pertaining to such dwelling unit and such violations were not timely remediated.

(d) The department may inspect the dwelling unit to determine the extent of any damages.

(e) When the department receives a claim for damages, the department shall send written notice of such claim to the tenant not later than five days after the date the department receives the claim. Such notice shall include the opportunity for the tenant to request a departmental review to dispute the claim.

(f) A request for a departmental review shall be made by the tenant in writing and received by the department not later than fourteen days after the date on the department's notice to the tenant regarding the landlord's claim for damages. Upon receipt of a timely request for departmental review, the department shall withhold payment to the landlord pending such review.

(g) The department shall conduct a departmental review within a reasonable amount of time after receiving the tenant's request and the landlord's submission of the written claim with receipts. The reviewer shall issue a written decision and mail a copy of the decision to the tenant and the landlord.

(h) The decision made by the department reviewer shall be based on all the information presented to the reviewer prior to or at the time of the scheduled review. Such information may include, but is not

limited to, documentation of any post-tenancy inspection done by the tenant and the landlord, and receipts for repairs made. The decision of the reviewer shall be final.

Sec. 17b-802-8. Security Deposit Grants, Claim for Damages and Refund

(a) Not later than thirty days after the date of the termination of a tenancy for which the department has provided a security deposit grant, the landlord shall submit to the department the balance of such security deposit grant, plus accrued interest, after deduction for any damages suffered by the landlord due to the tenant's failure to comply with the tenant's obligations, as such term is defined in section 47a-21 of the Connecticut General Statutes.

(b) If the landlord claims the right to withhold any portion of any security deposit grant that the department has paid directly to the landlord on the recipient's behalf, the landlord shall comply with all of the provisions of section 47a-21 of the Connecticut General Statutes and subsection (b) of section 17b-802-7 of the Regulations of Connecticut State Agencies. Any notice regarding any claim against a security deposit grant that the landlord or the landlord's agent sends to the department shall also be sent to the tenant on the same day.

(c) The department reserves the right to refuse payment for a claim for damages to a dwelling unit if any local, state or federal regulatory agency has cited the landlord for any violations of any law, regulation or ordinance pertaining to such dwelling unit and such violations were not timely remediated.

(d) If the landlord does not return the balance of the security deposit grant within thirty days after the termination of the tenancy, and legal action is necessary to collect the balance, the landlord shall pay the costs associated with such legal action and shall also be liable for twice the amount or value of the security deposit grant pursuant to section 47a-21 of the Connecticut General Statutes.

(e) The department may inspect the dwelling unit to determine the extent of any damages.

(f) The rights of the tenant to the refund of the security deposit grant shall be subrogated to the department.

Sec. 17b-802-9. Assistance Limitations

(a) The department shall consider completed security deposit guarantee applications and security deposit grant applications in the order in which the department receives the applications. The approval of applications is subject to the availability of funds. In the absence of funds, the department may close the program and refuse to accept applications.

(b) For security deposit guarantee and security deposit grant recipients aged sixty-two years of age or older, the department shall limit assistance to the equivalent of one month's rent pursuant to subdivision (2) of subsection (b) of section 47a-21 of the Connecticut General Statutes.

(c) Security deposit guarantees for recipients under the age of sixty-two shall be limited to the equivalent of two months' rent, except if the commissioner has determined that the health, safety or welfare of a child who resides with an applicant is threatened due to an emergency, in which case

the security deposit guarantee shall be limited to the equivalent of one month's rent combined with a security deposit grant that is limited to the equivalent of one month's rent.

(d) The department shall approve and sign the contract with the landlord before the applicant moves into the dwelling unit.

(e) The department may deny eligibility for the security deposit guarantee program to an applicant for whom the department has paid two claims by landlords.

(f) The commissioner may establish priorities based on funding availability for allocating security deposit guarantees between eligible persons described in subsection (b) of section 17b-802-2 of the Regulations of Connecticut State Agencies.

Sec. 17b-802-10. Subsequent Security Deposit [Guarantee or Security Deposit] Guarantees

(a) A person shall be eligible for a second or subsequent security deposit guarantee **[**or security deposit**]** if, at the time of re-application, the person meets the criteria for eligibility as set forth in section 17b-802-2 of the Regulations of Connecticut State Agencies.

(b) A person shall be eligible for a subsequent security deposit guarantee **[**or security deposit**]** only once within an eighteen **[**(18)**]** calendar month period, except for the circumstance identified in subsection (c) of this section.

(c) A person who applies for a second or subsequent security deposit guarantee **[**or security deposit**]** within eighteen **[**(18)**]** calendar months of the date of completion of an application for a previous security deposit guarantee or security deposit grant **[**which**]** that was approved shall obtain authorization from the commissioner for **[**said**]** a second or subsequent security deposit guarantee **[**or security deposit**]**. For a person who applies for a second or subsequent security deposit guarantee **[**or security deposit**]** within eighteen **[**(18)**]** calendar months of the date of any payment to a landlord for damages claimed to have been caused by the person, the amount of the second or subsequent security deposit guarantee **[**or security deposit**]** shall be reduced by:

> (1) **[**Any**]** the amount of **[**the**]** any previous security deposit **[**which**]** grant that has not been returned to the department pursuant to **[**Connecticut General Statutes**]** section 47a-21 of the Connecticut General Statutes; and
>
> (2) **[**The**]** the amount of any **[**payment made**]** payments made under a security deposit guarantee by the department to the landlord for **[**damages**]** a tenant's failure to comply with the tenant's obligations, as defined in subsection (a) of section 47a-21 of the Connecticut General Statutes.

(d) Any person with income exceeding one hundred fifty percent of the federal poverty level, who is eligible to receive a security deposit guarantee and for whom the department has paid a claim by a landlord, shall contribute five per cent of one month's rent to the payment of the security deposit. The commissioner may waive such payment for good cause.

Sec. 17b-802-11. Landlord Participation

(a) A landlord who engages in program fraud, misrepresentation or a violation of any aspect of **[**his or her**]** the landlord's written agreement with the department shall be subject to civil or criminal penalties to the extent authorized by the law.

(b) The commissioner **[**, at his or her discretion,**]** may decline to enter into an agreement with a landlord under the security deposit guarantee or grant program **[**if the commissioner is of the opinion that the landlord has failed to comply with any of the provisions of the security deposit guarantee program.**]** for any reason, including, but not limited to: noncompliance with provisions of the security deposit guarantee or grant program, prior misrepresentation of the extent of damages or costs for repairs, failure to remediate housing code violations, or if the landlord has been cited by any local, state or federal regulatory agency for violating any housing law, regulation or ordinance.

(c) The landlord shall notify the department not later than three days after the lease commencement date if the tenant has not moved into the dwelling unit by such date. Failure to notify the department may result in the termination of the agreement with the landlord and the denial of any subsequent security deposit guarantee or grant applications made by applicants for dwelling units owned by the landlord.

Sec. 17b-802-12. [Fair] Administrative Hearings

[A person**]** The department shall give a person aggrieved by a denial or reduction of a security deposit guarantee **[**or security deposit shall be given**]** an opportunity for **[**a fair**]** an administrative hearing. **[**A person aggrieved by a reduction in the amount of a second or subsequent security deposit guarantee or security deposit shall be given an opportunity for a fair hearing.**]**

Statement of Purpose

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation." Enter the statement here.

The purpose of this regulation is to conform to Public Act 00-2 of the June Special Session, Public Act 01-2 of the June Special Session, Public Act 02-79, Public Act 04-76, Public Act 05-280, Public Act 05-3 of the June Special Session, and Public Act 11-44. The amendments propose a change in the language to include individuals receiving benefits from the state supplement program as individuals who are categorically eligible; to amend categorical eligibility requirements, including replacing the receipt of a notice to quit requirement with a service of a writ, summons and complaint in a summary process action requirement; to add language that permits the commissioner to establish priorities for allocating security deposit guarantees; to add language regarding the provision of security deposit grants; to clarify the timing and procedure for landlords' claims for damages; to add language requiring an eligible person with income over 150% of the federal poverty level to contribute five percent of one month's rent to the payment of the security deposit; to clarify program definitions; and to make technical changes.

R-39 Rev. 02/2012
(Certification page—see Instructions on back)

CERTIFICATION

This certification statement must be completed in full, including items 3 and 4, if they are applicable.

1) I hereby certify that the above *(check one)* ☒ Regulations ☐ Emergency Regulations

2) are *(check all that apply)* ☐ adopted ☒ amended ☐ repealed **by this agency pursuant to the following authority(ies):** *(complete all that apply)*

a. Connecticut General Statutes section(s) 17b-802.

b. Public Act Number(s) _____.
(Provide public act number(s) if the act has not yet been codified in the Connecticut General Statutes.)

3) And I further certify that notice of intent to adopt, amend or repeal said regulations was published in the *Connecticut Law Journal* on September 25, 2012;
(Insert date of notice publication if publication was required by CGS Section 4-168.)

4) And that a public hearing regarding the proposed regulations was held on _____;
(Insert date(s) of public hearing(s) held pursuant to CGS Section 4-168(a)(7), if any, or pursuant to other applicable statute.)

5) And that said regulations are EFFECTIVE *(check one, and complete as applicable)*

☐ When filed with the Secretary of the State

OR ☒ on *(insert date)* October 1, 2012

DATE	**SIGNED** ***(Head of Board, Agency or Commission)***	OFFICIAL TITLE, DULY AUTHORIZED

APPROVED *by the* ***Attorney General*** *as to legal sufficiency in accordance with CGS Section 4-169, as amended*

DATE	SIGNED *(Attorney General or AG's designated representative)*	OFFICIAL TITLE, DULY AUTHORIZED

Proposed regulations are ***DEEMED APPROVED*** *by the Attorney General in accordance with CGS Section 4-169, as amended, if the Attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.*

(For Regulation Review Committee Use ONLY)

☐ Approved ☐ Rejected without prejudice

☐ Approved with technical corrections ☐ Disapproved in part, *(Indicate Section Numbers disapproved only)*

☐ Deemed approved pursuant to CGS Section 4-170(c)

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE	SIGNED *(Administrator, Legislative Regulation Review Committee)*

Two certified copies received and filed and one such copy forwarded to the Commission on Official Legal Publications in accordance with CGS Section 4-172, as amended.

DATE	SIGNED *(Secretary of the State)*	BY

(For Secretary of the State Use ONLY)

GENERAL INSTRUCTIONS

1. All regulations proposed for adoption, amendment or repeal, *except* emergency regulations, must be presented to the Attorney General for his/her determination of legal sufficiency. (See CGS Section 4-169.)

2. After approval by the Attorney General, the original and one electronic copy (in Word format) of all regulations proposed for adoption, amendment or repeal must be presented to the Legislative Regulation Review Committee for its action. (See CGS Sections 4-168 and 4-170 as amended by Public Act 11-150, Sections 18 and 19.)

3. Each proposed regulation section must include the appropriate regulation section number and a section heading. (See CGS Section 4-172.)

4. New language added to an existing regulation must be in underlining or CAPITAL LETTERS, as determined by the Regulation Review Committee. (See CGS 4-170(b).)

5. Existing language to be deleted must be enclosed in brackets [ ]. (See CGS 4-170(b).)

6. A completely new regulation or a new section of an existing regulation must be preceded by the word "(NEW)" in capital letters. (See CGS Section 4-170(b).)

7. The proposed regulation must have a statement of its purpose following the final section of the regulation. (See CGS Section 4-170(b).)

8. The Certification Statement portion of the form must be completed, including all applicable information regarding *Connecticut Law Journal* notice publication date(s) and public hearing(s). (See more specific instructions below.)

9. Additional information regarding rules and procedures of the Legislative Regulation Review Committee can be found on the Committee's web site: http://www.cga.ct.gov/rr/ .

10. A copy of the Legislative Commissioners' Regulations Drafting Manual is located on the LCO website at http://www.cga.ct.gov/lco/pdfs/Regulations_Drafting_Manual.pdf.

CERTIFICATION STATEMENT INSTRUCTIONS
(Numbers below correspond to the numbered sections of the statement)

1. Indicate whether the regulation is a regular or an emergency regulation adopted under the provisions of CGS Section 4-168(f).

2. a) Indicate whether the regulation~~s~~ contains newly adopted sections, amendments to existing sections, and/or repeals existing sections. Check all cases that apply.

   b) Indicate the specific legal authority that authorizes or requires adoption, amendment or repeal of the regulation. If the relevant public act has been codified in the most current biennial edition of the *Connecticut General Statutes*, indicate the relevant statute number(s) instead of the public act number. If the public act has not yet been codified, indicate the relevant public act number.

3. Except for emergency regulations adopted under CGS 4-168(f), and technical amendments to an existing regulation adopted under CGS 4-168(g), an agency must publish notice of its intent to adopt a regulation in the *Connecticut Law Journal*. Enter the date of notice publication.

4. CGS Section 4-168(a)(7) prescribes requirements for the holding of an agency public hearing regarding proposed regulations. Enter the date(s) of the hearing(s) held under that section, if any; also enter the date(s) of any hearing(s) the agency was required to hold under the provisions of any other law.

5. As applicable, enter the effective date of the regulation here, or indicate that it is effective upon filing with the Secretary of the State. Please note the information below.

   Regulations are effective upon filing with the Secretary of the State or at a later specified date. See CGS Section 4-172(b) which provides that each regulation is effective upon filing, or, if a later date is required by statute or specified in the regulation, the later date is the effective date. An effective date may not precede the effective date of the public act requiring or permitting the regulation. Emergency regulations are effective immediately upon filing with the Secretary of the State, or at a stated date less than twenty days thereafter.