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MEMORANDUM

To: Individuals Who Commented on DSS Regulation 12-07/CN
Emergency Shelter Services

From: Roderick L. Bremby, Commissioner 
Department of Social Services
25 Sigourney Street
Hartford, CT 06106

Date: April 2, 2013

Re: Response to Comments on DSS Regulation 12-07/CN

The Department of Social Services (“the Department”) responds to public comments received concerning proposed regulation 12-07/CN, Emergency Shelter Services. The Notice of Intent for this regulation was published in the Connecticut Law Journal on November 27, 2012. A copy of the regulation with revisions based on public comments and the Department’s own revisions is attached.

1. Section 17b-800-4. Admissions Policy

Comment: We are concerned with the language in subdivision (1) of subsection (a) that provides: “The shelter . . . shall not reject clients on the basis of past conduct unconnected to the shelter or shelter program.” A shelter operator should have the option of considering the background and history of a potential shelter client to ensure the safe and secure environment that currently exists.

Response: While the Department understands that there are legitimate concerns about providing the safest and most secure possible environment for shelter clients, it should be noted that this is an existing requirement in the regulation. The need to create a safe and secure environment must be balanced with the need to serve as many clients as possible. Other parts of this regulation permit a shelter to screen potential clients for illness, injury, intoxication, and sex offender status, and also allow the shelter to search potential clients. Shelters may also suspend or expel clients for behavior that poses a threat to the health or safety of shelter clients, staff or visitors, or their property, and shelters are permitted to define what constitutes that behavior. The Department believes that the regulation strikes a balance between safety and access and therefore declines to amend the well-established language in the regulation.

2. Section 17b-800-7. Appeal panels

Comment: We do not disagree with the process established in subsection (a) of this section, but the regulation appears to provide for three people who are clearly defined and another person in addition to those three. We are also concerned that a former client might have some discomfort being placed in this situation.

Response: Subsection (a) provides that a decision of a grievance review may be appealed to a panel of three people, or, alternatively, a mutually-agreed upon impartial individual. If the panel of three people is used, the first person must be either a shelter client or a former shelter client. The second person must be a shelter staff person or a member of the shelter's board of directors. The third person must be a person who is not employed by the shelter and is not receiving shelter services.

To the extent that there are concerns about a former client's comfort about sitting on an appeal panel, it should first be noted that a former client is not necessary. A current client could sit on the panel instead, although they may have similar discomfort. Alternatively, a mutually-agreed upon impartial third party could be a panel of one.

In addition to these alternatives, pursuant to subsection (b), the shelter maintains a list of possible former clients who may sit on the panel. The shelter therefore may be able to identify those former clients who would be comfortable serving. Furthermore, to the extent that this service is similar to sitting on a jury, we believe most adults should be able to attain a sufficient level of comfort, particularly after being instructed about the role they would be expected to play as required under subsection (c). Based upon the forgoing, the Department declines to amend the proposed regulation.