SECTION 2

PROPOSED REGULATIONS WITH STATEMENT OF PURPOSE

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Section 1. The Regulations of Connecticut State Agencies are amended by adding Sections 8-68f-1 to 8-68f-22, inclusive, as follows:

(NEW) Sec. 8-68f-1. Definitions

The following definitions apply to Sections 8-86f-1 to 8-68f-22, inclusive, of the Regulations of Connecticut State Agencies:

(1) "Complainant" means any tenant whose grievance is presented to his or her landlord in accordance with section 8-68f-20 of the Regulations of Connecticut State Agencies;

(2) "Controlled substance" has the same meaning as provided in 21 USC 802;

(3) "Criminal activity" means the intentional commission of an action specifically defined, prohibited, and punishable as a crime, as defined in section 53a-24(a) of the Connecticut General Statutes;

(4) "Department" means the Department of Housing or its successor agency;

(5) "Drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance;

(6) "Dwelling Unit" has the same meaning as provided in section 47a-1 of the Connecticut General Statutes;

(7) "Elderly persons" has the same meaning as provided in section 8-113a of the Connecticut General Statutes;

(8) "Family" has the same meaning as provided in section 8-39(t) of the Connecticut General Statutes;

(9) "Guest" means a person temporarily staying in the dwelling unit with the consent of a tenant or other member of the household who has express or implied authority to consent on behalf of the tenant.

(10) "Grievance" means any dispute of a tenant with respect to a landlord's action or failure to act in accordance with such tenant's lease or the landlord's regulations that adversely affects such tenant's rights, duties, welfare or status;

(11) "Hearing" means a grievance hearing conducted by a hearing officer or hearing panel;

(12) "Hearing Officer" means a person selected in accordance with section 8-68f-20 of the Regulations of Connecticut State Agencies to conduct a hearing and render a decision with respect thereto;

(13) "Hearing Panel" means a panel selected in accordance with section 8-68f-20 of the Regulations of Connecticut State Agencies to hear a grievance and render a decision with respect thereto;

(14) "Household" means the family, any live-in aide and any foster child each of whose tenancy has been approved by the landlord;

(15) "Housing Authority" has the same meaning as provided in section 8-39(b) of the Connecticut General Statutes;

(16) "Landlord" means a housing authority which receives financial assistance under any state housing program and the Connecticut Housing Finance Authority or its subsidiary when said authority or subsidiary is the successor owner of housing previously owned by a housing authority under section 8-69 et seq. or section 8-112a et seq. of the Connecticut General Statutes. A housing authority which receives financial assistance shall include those

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landlords who are subject to ongoing compliance requirements as a result of the receipt of state financial assistance for the construction of affordable housing;

(17) "Live-in Aide" means a person who resides with one or more elderly persons, near-elderly persons or persons with disabilities, and who: (A) Is determined to be essential to the care and well being of such persons; (B) is not obligated for the support of such persons; and (C) would not be living in the dwelling unit except to provide the necessary supportive services;

(18) "Near-elderly person" means a person who is at least 50 years of age but below the age of 62;

(19) "Premises" means the building, complex or development in which the dwelling unit is located, including common areas and grounds, that are owned and operated by a landlord;

(20) "Pre-termination notice" means the notice issued to a tenant specifying the acts or omissions constituting a breach of the lease or rental agreement, such that the lease or rental agreement shall terminate upon a date not less than fifteen days after receipt of such notice, which notice shall be consistent with section 47a-15 of the Connecticut General Statutes;

(21) "Tenant" has the same meaning as provided in section 47a-1(*l*) of the Connecticut General Statutes; and

(22) "Termination notice" means a notice as described in section 47a-23 of the Connecticut General Statutes.

(NEW) Sec. 8-68f-2. General Lease Provisions

(a) Any landlord shall enter into a written lease with each tenant.

(b) The lease between the landlord and each tenant of a dwelling unit shall comply with Title 47a of the Connecticut General Statutes. The lease shall state:

(1) The names of the landlord and the tenant;

(2) The composition of the household, including any live-in aide;

(3) That the tenant shall promptly inform the landlord of the birth, adoption or court-awarded custody of a child;

(4) That the tenant shall request the landlord's written approval to add any other person as a permitted occupant of the dwelling unit;

(5) The dwelling unit rented, including the address, apartment number, and any other information needed to identify the dwelling unit;

(6) The term of the lease and provisions for renewal, if any;

(7) The annual rent to be charged, including the monthly installment thereof, the amount of any security deposit, any utilities, services and equipment to be supplied by the landlord at no additional cost to tenant, and what utilities and appliances are to be paid for by the tenant; and

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(8) That a statement of charges to the tenant for maintenance and repair beyond normal wear and tear will be incorporated by reference into the lease. Revisions to the statement of charges shall be made in accordance with section 8-68f-14 of the Regulations of Connecticut State Agencies.

(NEW) Sec. 8-68f-3. Payments Due Under the Lease

(a) The tenant shall pay the rent in equal monthly installments as set forth in the lease, subject to adjustment in accordance with the department's regulations and policies. The amount of the rent is subject to change in accordance with the department's regulations and policies. Pursuant to section 47a-3a(c) of the Connecticut General Statutes, the landlord shall provide a written receipt for cash payment of rent.

(b) The lease shall specify the initial amount of the rent at the beginning of the initial lease term. The landlord shall give the tenant proper notice stating any change in the amount of rent and when the change is effective. Such notice shall be given in accordance with section 8-68f-11 of the Regulations of Connecticut State Agencies.

(c) The lease may provide for charges to the tenant for maintenance and repair beyond normal wear and tear and for consumption of excess utilities. The lease shall state the basis for the determination of any such charges. The imposition of charges for consumption of excess utilities is permissible only to the extent permitted by state and federal law and only if such charges are consistent with the provisions of 24 CFR 966.4(b)(2).

(d) At the option of the landlord, the lease may provide for payment of reasonable penalties for late payment of rent to the extent any such penalties are permitted under Title 47a of the Connecticut General Statutes.

(e) The lease shall provide that charges assessed under subsections (c) and (d) of this section shall be due and collectible not less than two weeks after the landlord gives written notice of such charges. Such notice shall constitute a notice of adverse action and shall meet the requirements governing a notice of adverse action in accordance with section 8-68f-6(9) and section 8-68f-6(10) of the Regulations of Connecticut State Agencies.

(f) At the option of the landlord, the landlord may require the tenant to pay a security deposit.

(1) The amount of the security deposit, if any, shall not exceed the amounts permitted by section 47a-21(b) of the Connecticut General Statutes.

(2) Any landlord approved to provide housing for senior citizens and disabled persons under the provisions of part VI or VII of chapter 128 of the Connecticut General Statutes shall pay interest on such security deposit in accordance with section 47a-22a of the Connecticut General Statutes.

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(NEW) Sec. 8-68f-4. Redetermination of Rent and Household Composition

The lease shall provide for the redetermination of rent and household composition, and shall include:

(1) The frequency of regular rental redetermination and the basis for interim redetermination;

(2) An agreement by the tenant to furnish such information and certifications regarding household composition and income as may be necessary for the landlord to make determinations with respect to rent, eligibility, and the appropriateness of dwelling unit size;

(3) An agreement by the tenant to transfer to an appropriately-sized dwelling unit based on household composition, upon proper notice by the landlord that such a dwelling unit is available; and

(4) Provisions indicating that when the landlord redetermines the amount of rent payable by the tenant, not including determination of the landlord's schedule of utility allowances, or determines that the tenant shall transfer to another dwelling unit based on household composition, the landlord shall notify the tenant in writing of the basis for the landlord's determination, and indicate that if the tenant does not agree with the determination, the tenant shall have the right to request a hearing under the landlord's grievance procedure.

(NEW) Sec. 8-68f-5. Tenant's Right to Use and Occupancy

(a) The lease shall provide that the tenant shall have the right to the exclusive use and occupancy of the dwelling unit by members of the household authorized to reside in the dwelling unit by the lease, including reasonable accommodation of a tenant's guests in compliance with the landlord's guest policy, if any.

(b) The lease shall provide that the tenant shall use the dwelling unit as a primary residence for the tenant and the tenant's household as identified in the lease, and not to use or permit its use for any other purpose. To the extent permitted by applicable law and with the prior written consent of the landlord, members of the household may engage in legal profit-making activities in the dwelling unit where the landlord has determined that such activities are incidental to the primary use of the dwelling unit as a residence by members of the household.

(c) With the consent of the landlord, a foster child or a live-in aide may reside in the dwelling unit. The landlord may adopt reasonable policies concerning residence by a foster child or a live-in aide, and shall detail the circumstances under which the landlord's consent will be given or denied. Under such policies, factors to be considered by the landlord may include:

(1) Whether the addition of a new occupant may necessitate a transfer of the tenant household to another dwelling unit, and whether any other dwelling units are available; and

(2) The landlord's obligation to make reasonable accommodation for persons with disabilities.

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(NEW) Sec. 8-68f-6. Landlord's Obligations

The lease shall set forth the landlord's obligations under the lease, which obligations are in addition to the landlord's responsibilities in section 47a-7 of the Connecticut General Statutes, and which shall include the following:

(1) To maintain the dwelling unit and the premises in decent, safe and sanitary condition;

(2) To comply with requirements of the applicable building and housing codes materially affecting health and safety;

(3) To make necessary repairs to the dwelling unit;

(4) To keep the premises and facilities, not otherwise assigned to the tenant for maintenance and upkeep pursuant to section 8-68f-7(b) of the Regulations of Connecticut State Agencies, in a clean and safe condition;

(5) To maintain in good and safe working order and condition electrical, plumbing, sanitary, heating, ventilating, and other facilities and appliances, including elevators, supplied or required to be supplied by the landlord;

(6) To provide, maintain and arrange for the removal of appropriate receptacles and facilities, except for indoor containers for the exclusive use of an individual tenant household, for the deposit of ashes, garbage, rubbish and other waste removed from the dwelling unit by the tenant in accordance with section 8-68f-7(a)(6) of the Regulations of Connecticut State Agencies;

(7) To supply running water and reasonable amounts of hot water at all times and reasonable amounts of heat in compliance with section 19a-109 of the Connecticut General Statutes, except where the building that includes the dwelling unit is not required by law to be equipped for that purpose, or where heat or hot water is generated by an installation within the exclusive control of the tenant and supplied by a direct utility connection;

(8) To provide the tenant with a written receipt for cash payment of rent that shall comply with section 47a-3a(c) of the Connecticut General Statutes, provided the landlord's policies permit cash payments;

(9) To provide written notice to the tenant of the specific grounds for any proposed adverse action by the landlord. Such adverse action includes, but is not limited to, a proposed lease termination, the transfer of the tenant to another dwelling unit, the imposition of any charges or assessments as set forth in section 8-68f-3 of the Regulations of Connecticut State Agencies, or the imposition of charges for maintenance and repair, or for excess consumption of utilities.

(10) When the landlord is required to afford the tenant an opportunity for a hearing under the landlord's grievance procedure for a grievance concerning a proposed adverse action:

(A) The notice of proposed adverse action shall inform the tenant of the right to request a hearing. In the case of a proposed lease termination, a notice of lease termination provided in accordance with section 8-68f-11 of the Regulations of Connecticut State Agencies shall constitute adequate notice of proposed adverse action.

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(B) In the case of a proposed adverse action other than a proposed lease termination, the landlord shall not take the proposed adverse action until the time for the tenant to request a hearing has expired, and if a hearing was timely requested by the tenant, the grievance process has been completed.

(NEW) Sec. 8-68f-7. Tenant's Obligations

(a) The lease shall set forth the tenant's obligations under the lease, which obligations are in addition to the tenant's responsibilities in section 47a-11 of the Connecticut General Statutes, and which shall include the following:

(1) Not to assign the lease or to sublease the dwelling unit;

(2) Not to provide accommodations for boarders or lodgers;

(3) To abide by necessary and reasonable rules and regulations promulgated by the landlord from time to time pursuant to section 47a-9 of the Connecticut General Statutes for the benefit and well-being of the premises and its tenants, which rules and regulations shall be posted in the premises' office and incorporated by reference in the lease;

(4) To comply with all obligations primarily imposed upon tenants by applicable provisions of any building, housing, or fire codes materially effecting health and safety;

(5) To keep the dwelling unit and such other areas as may be assigned to the tenant for the tenant's exclusive use as clean and safe as the condition of the premises and the dwelling unit permit;

(6) To dispose of all ashes, garbage, rubbish, and other waste from the dwelling unit in a sanitary and safe manner;

(7) To use only in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appurtenances, including elevators;

(8) To refrain from, and cause household members and guests to refrain from, wilfully or negligently destroying, defacing, damaging, or removing any part of the dwelling unit or the premises;

(9) To pay reasonable charges for the repair of damages, other than for wear and tear, to the dwelling unit, or to the premises, including damages to buildings, facilities or common areas, negligently or wilfully caused by the tenant, a member of the household or a guest;

(10) To act, and cause all household members and guests to act, in a manner which will not disturb other tenants' peaceful enjoyment of their accommodations and will be conducive to maintaining the premises in a decent, safe and sanitary condition;

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(11) To make reasonable efforts to assure that no tenant, member of the household, or guest engages in any activity as set forth in subdivisions (A) or (B) of this subsection. For the purposes of this subsection and subsection (12) of this section, reasonable efforts may include attempting to influence a person's behavior, or if the tenant is unaware of the conduct until after it occurs, getting appropriate help for the person or prohibiting such person from returning to the dwelling unit, or any other action deemed reasonable by the landlord after reviewing the particular circumstances.

(A) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants or employees of the landlord, or

(B) Any drug-related criminal activity on, off or near the premises. Such activity shall be cause for termination of tenancy, and for eviction from the dwelling unit.

(12) To make reasonable efforts to assure that no person under the tenant's control engages in:

(A) Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other tenants, or

(B) Any drug-related criminal activity on the premises.

(b) The lease may provide that the tenant shall perform seasonal maintenance or other maintenance tasks, as specified in the lease, only where the performance of such tasks by tenants of similar dwelling units is customary, provided such provision is included in the lease in good faith and not for the purpose of evading the obligations of the landlord. The landlord shall exempt tenants who are unable to perform such tasks due to age, disability, or upon request for a reasonable accommodation.

(NEW) Sec. 8-68f-8. Hazards to Life, Health or Safety

In the event that the premises are damaged or conditions are created which are hazardous to life, health, or safety of the occupants, the lease shall provide that:

(1) The tenant shall immediately notify the landlord of such damage or condition;

(2) The landlord shall make repairs to the dwelling unit within a reasonable period of time. If the damage was wilfully or negligently caused by the tenant, a member of the household, a guest, or another person under the tenant's control, the reasonable cost of the repairs may be charged to the tenant;

(3) The landlord shall offer adequate replacement housing, if available, in circumstances where necessary repairs cannot be made within a reasonable period of time;

(4) The landlord shall provide for the abatement of rent in proportion to the seriousness of the damage and loss in value of the dwelling unit for periods in which repairs are not made or alternative accommodations not provided in accordance with either subdivision (2) or subdivision (3) of this section, except that no abatement of rent shall occur if the tenant unreasonably rejects the replacement housing or if the damage was negligently or wilfully caused by the tenant, a member of the household, a guest, or another person under the tenant's control; and

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(5) The tenant's remedies for lack of adequate performance by the landlord shall be in accordance with applicable law, including, without limitation, section 47a-14 of the Connecticut General Statutes.

(NEW) Sec. 8-68f-9. Pre-occupancy and Pre-termination Inspections

The lease shall provide that the landlord and the tenant, or their respective representatives, shall inspect the dwelling unit prior to commencement of occupancy. The landlord shall furnish the tenant with a written statement of the condition of the dwelling unit and the appliances and equipment provided in the dwelling unit. The landlord and the tenant shall sign the statement, and the landlord shall retain a copy of the statement in the tenant's file. The landlord shall inspect the dwelling unit at the time the tenant vacates it to determine any damage charges in accordance with section 8-68f-8(2) of the Regulations of Connecticut State Agencies. The tenant shall be afforded the opportunity to be present at the inspection, unless the tenant vacates without notice to the landlord.

(NEW) Sec. 8-68f-10. Entry of Dwelling Unit during Tenancy

The lease shall set forth the circumstances under which the landlord may enter the dwelling unit during the tenant's possession thereof, which shall be in addition to the provisions of sections 47a-16 and 47a-16a of the Connecticut General Statutes, and shall provide:

(1) The landlord may not enter the dwelling unit without the consent of the tenant except where there is reasonable cause to believe that an emergency exists;

(2) The landlord may not enter the dwelling unit without advance notification to the tenant except when there is reasonable cause to believe that an emergency exists or if the tenant has abandoned or surrendered the dwelling unit;

(3) A written statement specifying the purpose of the landlord's entry delivered to the dwelling unit at least forty-eight hours before such entry shall be considered reasonable advance notification; and

(4) If the tenant and all adult members of the household are absent from the dwelling unit at the time of entry, the landlord shall leave in the dwelling unit a written statement specifying the date, time and purpose of entry prior to leaving the dwelling unit.

(NEW) Sec. 8-68f-11. Notice Procedures

The lease shall provide procedures to be followed by the landlord and the tenant in giving notice to each other, which shall require that:

(1) Except as provided in section 8-68f-10 of the Regulations of Connecticut State Agencies, any pre-termination notice or other notice to the tenant shall be in writing and delivered to the tenant's dwelling unit

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or sent by prepaid first-class mail, properly addressed to the tenant. If the tenant is visually impaired, all notices shall be in an accessible format;

(2) Except as otherwise provided in the lease, the tenant shall provide notice to the landlord in writing and deliver it to the premises' office or the landlord's central office or send it by prepaid first-class mail, properly addressed;

(3) A notice of adverse action to the tenant shall state specific grounds for the action or lease termination, and shall inform the tenant of the tenant's right to make such reply as the tenant may wish. The notice shall also inform the tenant of the right to examine the landlord's documents directly relevant to the action. When the landlord is required to give the tenant the opportunity for a hearing, the notice shall also inform the tenant of the right to and the method for requesting a hearing; and

(4) Any proposed changes to the landlord's rules or regulations concerning the tenant's use and occupancy of the premises shall comply with the provisions of section 47a-9 of the Connecticut General Statutes.

(NEW) Sec. 8-68f-12. Termination of the Lease

(a) The lease shall provide procedures to be followed by the landlord and the tenant in terminating the lease, including that the landlord shall not terminate or refuse to renew the lease other than for:

(1) Serious or repeated violations of material terms of the lease;

(2) The failure to make payments for rent or other charges due under the lease;

(3) The failure to fulfill the tenant's obligations, as described in section 8-68f-7 of the Regulations of Connecticut State Agencies;

(4) The tenant's income exceeding an income limit for the applicable housing program; or

(5) Other good cause, which shall include, but not be limited to, the following:

(A) The failure to accept the landlord's offer of a lease within the time period specified in the lease;

(B) The failure to comply with the landlord's rules and regulations adopted in accordance with section 47a-9 of the Connecticut General Statutes and section 8-68f-14 of the Regulations of Connecticut State Agencies;

(C) Conviction of a member of the household for a felony as provided in section 8-68f-12(b)(3) of the Regulations of Connecticut State Agencies;

(D) Discovery after admission of facts that made the tenant ineligible; or

(E) Discovery of a material false statement or fraud by the tenant in connection with an application for assistance with housing or with reexamination of income.

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(b) The landlord shall give written notice of the termination of the lease of not less than fourteen (14) days in the case of the failure to pay rent. In other cases, considering the seriousness of the situation, a reasonable period of time shall be provided, but not to exceed thirty (30) days in any of the following:

(1) If the health or safety of other tenants, the landlord's employees, or persons residing in the immediate vicinity of the dwelling unit or premises is threatened;

(2) If any member of the household has engaged in any drug-related criminal activity or violent criminal activity; or

(3) If any member of the household has been convicted of a felony that threatens the health, safety or right to peaceful enjoyment of the dwelling unit or premises by other tenants or threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises.

(c) The termination notice shall state the reasons for the termination, shall inform the tenant of the tenant's right to examine the landlord's documents directly relevant to the termination and to make such reply as the tenant may wish, and of the tenant's right to request an informal settlement in accordance with the landlord's grievance procedure;

(d) The landlord shall not be required to grant a hearing for any grievance concerning a termination of tenancy or eviction that involves:

(1) Any criminal activity that threatens the health or safety of other tenants, the landlord's employees, or persons residing in the immediate vicinity of the dwelling unit or;

(2) Any criminal activity by a member of the household connected to any violent or drug-related criminal activity on or off the premises; or

(3) Any criminal activity by a member of the household which has resulted in a felony conviction.

(e) If a determination has been made that the complainant's grievance is not eligible for a hearing, such determination shall not constitute a waiver of the complainant's right to contest the landlord's disposition of the grievance in an appropriate judicial proceeding.

(f) A notice to quit, required by section 47a-23 of the Connecticut General Statutes, may be combined with, or run concurrently with, a termination notice.

(g) When the landlord is not required to grant a hearing, the termination notice shall state that the tenant is not entitled to a hearing on the termination and shall state the reason.

(NEW) Sec. 8-68f-13. Provision for Modifications

The lease shall provide that any modification thereto shall be mutually agreed upon, in writing, and incorporated into the original lease, except a waiver of such requirement may be made by mutual agreement or by course of conduct.

(NEW) Sec. 8-68f-14. Posting of Policies, Rules and Regulations

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(a) Schedules of special charges for services, repairs and utilities, and the landlord's rules and regulations that shall be incorporated into the lease by reference, shall be publicly posted in a conspicuous manner in the premises' office, if any, and other central locations within the premises. Copies of such documents shall be provided to the tenants and shall be furnished to prospective tenants upon request. Such schedules, rules and regulations may be modified from time to time by the landlord, provided the landlord shall give at least thirty (30) calendar days written notice to each affected tenant setting forth the proposed modification and the reasons therefore, and provide the tenants with an opportunity to present written comments. A copy of such notice shall be:

(1) Delivered directly or mailed to each tenant; and

(2) Posted in at least three (3) conspicuous places within each structure or building in which the affected dwelling units are located, as well as in a conspicuous place at the premises' office, if any, or posted in a similar central business location within the premises.

(b) Prior to the proposed modification becoming effective, the landlord shall summarize the relevant comments received and provide a response as to why such comments were or were not incorporated. Such summary and response shall be provided to each affected tenant.

(NEW) Sec. 8-68f-15. Prohibited Lease Provisions

The lease shall not contain any provision that is prohibited by section 47a-4 of the Connecticut General Statutes or 24 CFR 966.6. Any such provision shall be unenforceable.

(NEW) Sec. 8-68f-16. Accommodation of Persons with Disabilities

(a) For all aspects of the lease and the grievance procedures, persons with disabilities shall be provided reasonable accommodation to the extent necessary to provide the persons with disabilities with an opportunity to use and occupy the dwelling unit that is equal to a non-disabled person.

(b) The landlord shall provide a notice to each tenant that the tenant may, at any time during tenancy, request reasonable accommodation of a household member with a documented disability, including reasonable accommodation so that the tenant can meet the lease requirements or other requirements of tenancy.

(NEW) Sec. 8-68f-17. Grievance Procedure

The lease shall provide that all disputes concerning the obligations of the tenant or the landlord shall be resolved in accordance with the landlord's grievance procedure. The landlord's grievance procedure shall not be applicable to disputes between tenants not involving the landlord or to grievances brought by one or more tenants on behalf of a group of tenants who purport to have a common or shared claim. The landlord's grievance procedure is not intended as a forum for initiating or negotiating policy changes between a group or groups of tenants and the landlord.

(NEW) Sec. 8-68f-18. Informal Settlement of Grievances

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(a) Any grievance shall be personally presented, either orally or in writing, to the landlord's office or to the office at the premises where the complainant resides so that the grievance may be discussed informally and settled without a hearing.

(b) A written summary of such discussion shall be prepared within thirty (30) days and one copy shall be given to the tenant and one retained in the landlord's tenant file. The summary shall specify the names of the participants, the date of such discussion, the nature of the proposed disposition of the grievance and the specific reasons therefore, and shall specify the procedures by which a hearing under section 8-68f-20 of the Regulations of Connecticut State Agencies may be requested if the complainant is not satisfied with the proposed disposition.

(c) Informal settlement of grievances is encouraged and every effort should be made to minimize administrative costs associated with informal settlements.

(NEW) Sec. 8-68f-19. Right to a Hearing

(a) Upon filing a written request and after complying with all procedures provided in sections 8-68f-1 through 8-68f-18 of the Regulations of Connecticut State Agencies, a complainant shall be entitled to a hearing before a hearing officer or hearing panel, as applicable.

(b) The hearing officer or hearing panel is not required to grant a hearing for any grievance concerning a termination of tenancy or eviction which occurs in connection with one or more of the prohibited activities set forth in section 8-68f-12(d) of the Regulations of Connecticut State Agencies.

(NEW) Sec. 8-68f-20. Procedures to Request a Hearing

(a) **Request for hearing**. The complainant shall submit a written request for a hearing to the landlord at the office at the premises within thirty (30) days after receipt of the written summary of discussion prepared pursuant to section 8-68f-18 of the Regulations of Connecticut State Agencies.

The written request shall specify:

(1) The reasons for the grievance; and

(2) The action or relief sought.

(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 landlord's action under review or a subordinate of such person. An officer or member of the landlord's board of commissioners may be an impartial person. 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 hearing panel shall be stated in the grievance procedures.

(2) The landlord may use either of the following methods to appoint the hearing officer or the hearing panel:

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(A) A method approved by a duly elected and constituted tenant organization or, in the absence of such organization, the majority of tenants in any building, groupof buildings or projects, or group of projects to which the method is applicable, voting in an election or meeting of the tenants held for that purpose; or

(B) Appointment of a person or persons, who may be an officer or member of the landlord's Board of Commissioners, selected in the manner required under the landlord's grievance procedures. In the event that the tenant objects to the original appointment of the person or persons selected, the appointment of an alternate hearing officer may be proposed by the landlord.

(3) In the event the method selected for the appointment of a hearing officer or hearing panel in accordance with either subparagraph (A) or (B) of subdivision (2) of subsection (b) of this section fails to select a hearing panel or hearing officer, as appropriate, within thirty (30) calendar days from the complainant's written request for a hearing, the landlord's disposition of the grievance under section 8-68f-18 of the Regulations of Connecticut State Agencies shall become final, provided the failure to appoint a hearing panel or hearing officer, as appropriate, shall not constitute a waiver by the complainant of his or her right thereafter to contest the landlord's disposition of the grievance in an appropriate judicial proceeding.

(c) **Failure to request a hearing**. If the complainant does not request a hearing in accordance with subsection (a) of this section, the landlord's disposition of the grievance under section 8-68f-18 of the Regulations of Connecticut State Agencies shall become final, provided the failure to request a hearing shall not constitute a waiver by the complainant of his or her right thereafter to contest the landlord's disposition of the grievance in an appropriate judicial proceeding.

(d) **Hearing prerequisite**. All grievances shall be personally presented either orally or in writing pursuant to the informal settlement procedure prescribed in section 8-68f-18 of the Regulations of Connecticut State Agencies as a condition precedent to a hearing under this section, provided if the complainant shows good cause for failure to proceed in accordance with section 8-68f-18 of the Regulations of Connecticut State Agencies to the hearing officer or the hearing panel, the provisions of this subsection may be waived by the hearing officer or the hearing panel.

(e) **Scheduling of hearings**. Upon the complainant's compliance with subsections (a) and (d) of this section, a hearing shall be promptly scheduled by the hearing officer or the hearing panel for a date within ninety (90) days of the landlord's receipt of the tenant's written request, for a time and place reasonably convenient to both the complainant and the landlord. A written notice specifying the time, the place and the procedures governing the hearing shall be delivered to the complainant and the appropriate landlord representative.

(f) **Expedited grievance procedure**. The landlord may establish an expedited grievance procedure for any grievance concerning a termination of tenancy or an eviction based on one or more of the subdivisions of subsection (d) of section 8-68f-12 of the Regulations of Connecticut State Agencies.

(g) Section 8-68f-18 of the Regulations of Connecticut State Agencies shall not apply in the case of a grievance under the expedited grievance procedure permitted by subsection (f) of this section.

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(h) The landlord may adopt special procedures concerning a hearing under the expedited grievance procedure, including provisions for expedited notice or scheduling, or provisions for an expedited decision on the grievance, provided such procedures comply with the requirements of this section.

(NEW) Sec. 8-68f-21. Procedures Governing the Hearing

(a) The complainant shall be afforded a fair hearing by written policy of the landlord, 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 complainant shall be allowed to copy any such document at the complainant's expense. At the hearing, the landlord may not discuss any document not made available to the complainant after a request by the complainant;

(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 complainant requests a public hearing;

(4) The right to present evidence and arguments in support of the grievance, to contest evidence presented by the landlord and to confront and cross-examine all witnesses on whose testimony or information the landlord relies; and

(5) A decision based solely and exclusively upon the facts, documents, records, regulations and testimony presented at the hearing.

(b) If the complainant or the landlord 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 complainant and the landlord shall be notified of such determination. If a determination has been made that either the complainant or the landlord has waived the right to a hearing, such waiver shall not constitute a waiver of the complainant's right to contest the landlord's disposition of the grievance in an appropriate judicial proceeding.

(c) At the hearing, the complainant shall first make a showing of an entitlement to the relief sought and thereafter the landlord shall sustain the burden of justifying the landlord's action or failure to act against which the grievance is directed.

(d) The hearing shall be conducted informally and oral or documentary evidence pertinent to the facts and issues raised by the complainant may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The hearing officer or the hearing panel shall require the landlord, the complainant, counsel and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the direction of the hearing officer or the hearing panel 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.

(e) The complainant or the landlord may arrange, in advance and at the expense of the party making the request, for a transcript of the hearing. Any interested party may purchase a copy of such transcript.

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(f) **Accommodation of persons with disabilities**. The landlord shall provide reasonable accommodation for persons with disabilities 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.

(NEW) Sec. 8-68f-22. Decision of the Hearing Officer or Hearing Panel

(a) The hearing officer or hearing panel shall prepare a written decision, together with the reasons for the decision, not later than sixty (60) days after the hearing. A copy of the decision shall be sent to the complainant and the landlord. The landlord shall retain a copy of the decision in the tenant's file. A copy of such decision, with all names and identifying references deleted, shall also be kept on file by the landlord and made available for inspection by a prospective complainant, his or her representative, or the hearing panel or the hearing officer.

(b) The decision of the hearing officer or the hearing panel shall be binding on the landlord, which shall take all actions, or refrain from any actions, necessary to carry out the decision unless the landlord determines not later than thirty (30) days after the date of such decision, and promptly notifies the complainant of such determination, that:

(1) The grievance does not concern the landlord's action or failure to act in accordance with or involving the complainant's lease or the landlord's rules or regulations which adversely affect the complainant's rights, duties, welfare or status; or

(2) The decision of the hearing officer or the hearing panel is contrary to applicable federal, state or local law, department policy, state regulations, or contractual requirements between the department and the landlord.

(c) A decision by the hearing officer or the hearing panel in favor of the landlord or which denies, in whole or in part, the relief requested by the complainant shall not constitute a waiver of, nor affect in any manner whatever, any rights the complainant may have to a trial or judicial review in any judicial proceedings, which may thereafter be brought in the matter.

STATEMENT OF PURPOSE: These regulations implement the provisions of subsections (1) and (2) of section 8-68f of the Connecticut General Statutes. A key part of the regulation is the identification of the landlords to which this regulation applies. It applies to housing authorities which currently receive state financial assistance as well as those housing authorities who are subject to ongoing compliance requirements as a result of the receipt of state financial assistance for the construction of affordable housing. It also applies to the Connecticut Housing Finance Authority or its subsidiary when said authority or subsidiary is the successor owner of housing previously owned by a housing authority. The regulations set forth the uniform minimum standards concerning written leases, including general lease provisions, payments and rent redetermination by the landlord, the landlord's obligations and the analogous tenant's obligations, lease modification provisions, notice requirements, and causes for lease termination provisions. These requirements are in addition to those set forth in Title 47a of the Connecticut General Statutes. The regulations also create uniform minimum standards for hearing tenant complaints and grievances, including procedures to request a hearing, the selection of a hearing officer or panel, the procedures related to the hearing, and the timing and requirements surrounding the issuance of a written decision. Landlords who operate both state and

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federal assisted housing must use the same procedure to hear tenant grievances for both state and federal assisted housing and the promulgation of these regulations establishes a grievance procedure for state assisted housing. In the absence of the regulation, tenants in state assisted housing had no other avenue to pursue grievances other than judicial proceedings, which can be costly, time consuming, and tax the judicial system. A tenant who is not satisfied with the written decision issued after the hearing may still raise the issue in a judicial proceeding.