



**Senate Bill No. 891**

**Public Act No. 15-29**

**AN ACT CONCERNING ADMINISTRATIVE HEARINGS  
CONDUCTED BY THE DEPARTMENT OF HOUSING.**

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

Section 1. (NEW) (*Effective October 1, 2015*) An aggrieved person authorized by law to request a fair hearing on a decision of the Commissioner of Housing, or the conservator of any such aggrieved person on his or her behalf, may make application for such hearing in writing over his or her signature to the commissioner and shall state in such application in simple language the reasons why he or she claims to be aggrieved. Such application shall be mailed to the commissioner within sixty days after the rendition of such decision. The commissioner shall thereupon hold a fair hearing within thirty days from receipt thereof and shall, at least ten days prior to the date of such hearing, mail a notice, giving the time and place thereof to such aggrieved person. A reasonable period of continuance may be granted for good cause. The aggrieved person shall appear personally at the hearing, unless such person's physical or mental condition precludes appearing in person, and may be represented by an attorney or other authorized representative. A stenographic or mechanical record shall be made of each hearing, but need not be transcribed except (1) in the event of an appeal from the decision of the hearing officer, or (2) if a copy is requested by the aggrieved person, in either of which cases it

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shall be furnished by the commissioner without charge. The commissioner, and any person authorized by him or her to conduct any hearing under the provisions of this section, shall have power to administer oaths and take testimony under oath relative to the matter of the hearing and may subpoena witnesses and require the production of records, papers and documents pertinent to such hearing. No witness under subpoena authorized to be issued by the provisions of this section shall be excused from testifying or from producing records, papers or documents on the ground that such testimony or the production of such records or other documentary evidence would tend to incriminate him or her, but such evidence or the records or papers so produced shall not be used in any criminal proceeding against him or her. If any person disobeys such process or, having appeared in obedience thereto, refuses to answer any pertinent question requested by the commissioner or the commissioner's authorized agent or to produce any records and papers pursuant thereto, the commissioner or the commissioner's agent may apply to the superior court for the judicial district of Hartford or for the judicial district wherein the person resides, or to any judge of said court if the same is not in session, setting forth such disobedience to process or refusal to answer, and said court or such judge shall cite such person to appear before said court or such judge to answer such question or to produce such records and papers and, upon his refusal to do so, shall commit such person to a community correctional center until he testifies, but not for a longer period than sixty days. Notwithstanding the serving of the term of such commitment by any person, the commissioner or the commissioner's agent may proceed with such inquiry and examination as if the witness had not previously been called upon to testify. Officers who serve subpoenas issued by the commissioner or under the commissioner's authority and witnesses attending hearings conducted by such commissioner hereunder shall receive like fees and compensation as officers and witnesses in the courts of this state to be paid on vouchers of the commissioner on

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order of the Comptroller.

Sec. 2. (NEW) (*Effective October 1, 2015*) (a) Not later than sixty days after such hearing, the Commissioner of Housing, or the commissioner's designated hearing officer, shall render a final decision based upon all the evidence introduced before him or her and applying all pertinent provisions of law, regulations and departmental policy, and such final decision shall supersede the decision made without a hearing, provided final definitive administrative action shall be taken by the commissioner or the commissioner's designee within ninety days after the request of such hearing pursuant to section 1 of this act. Notice of such final decision shall be given to the aggrieved person by mailing him or her a copy thereof within one business day of its rendition. Such decision after hearing shall be final except as provided in subsections (b) and (c) of this section.

(b) The applicant for such hearing, if aggrieved, may appeal therefrom in accordance with section 4-183 of the general statutes. Appeals from decisions of said commissioner shall be privileged cases to be heard by the court as soon after the return day as shall be practicable.

(c) The commissioner may, for good cause shown by an aggrieved person, extend the time for filing an appeal to Superior Court beyond the time limitations of section 4-183 of the general statutes, as set forth below:

(1) Any aggrieved person who is authorized to appeal a decision of the commissioner, pursuant to subsection (b) of this section, but who fails to serve or file a timely appeal to the Superior Court pursuant to section 4-183 of the general statutes, may, as provided in this subsection, petition that the commissioner, for good cause shown, extend the time for filing any such appeal. Such a petition must be filed with the commissioner in writing and contain a complete and

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detailed explanation of the reasons that precluded the petitioner from serving or filing an appeal within the statutory time period. Such petition must also be accompanied by all available documentary evidence that supports or corroborates the reasons advanced for the extension request. In no event shall a petition for extension be considered or approved if filed later than ninety days after the rendition of the final decision. The decision as to whether to grant an extension shall be made consistent with the provisions of subdivision (2) of this subsection and shall be final and not subject to judicial review.

(2) In determining whether to grant a good cause extension, as provided for in this subsection, the commissioner, or the commissioner's authorized designee, shall, without the necessity of further hearing, review and, as necessary, verify the reasons advanced by the petition in justification of the extension request. A determination that good cause prevented the filing of a timely appeal shall be issued in writing and shall enable the petitioner to serve and file an appeal within the time provisions of section 4-183 of the general statutes, from the date of the decision granting an extension. The circumstances that precluded the petitioner from filing a timely appeal, and which may be deemed good cause for purposes of granting an extension petition, include, but are not limited to: (A) Serious illness or incapacity of the petitioner which has been documented as materially affecting the conduct of personal affairs; (B) a death or serious illness in the petitioner's immediate family that has been documented as precluding the petitioner from perfecting a timely appeal; (C) incorrect or misleading information given to the petitioner by the agency, relating to the appeal time period, and shown to have been materially relied on by the petitioner as the basis for failure to file a timely appeal; (D) evidence that the petitioner did not receive notice of the agency decision; and (E) other unforeseen and unavoidable circumstances of an exceptional nature which prevented the filing of a timely appeal.

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Sec. 3. Subsection (h) of section 8-345 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(h) Any person aggrieved by a decision of the commissioner or the commissioner's agent pursuant to the program under this section shall have the right to a hearing in accordance with the provisions of [chapter 54] section 1 of this act.

Sec. 4. Subsection (d) of section 8-346a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(d) Any person aggrieved by a decision of the commissioner or the commissioner's agent pursuant to the program under this section shall have a right to a hearing in accordance with the provisions of [chapter 54] section 1 of this act.

Sec. 5. Subsection (b) of section 4-186 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(b) (1) In the case of conflict between the provisions of this chapter and the provisions of chapter 567 and provisions of the general statutes relating to limitations of periods of time, procedures for filing appeals, or jurisdiction or venue of any court or tribunal governing unemployment compensation, employment security or manpower appeals, the provisions of the law governing unemployment compensation, employment security and manpower appeals shall prevail.

(2) In the case of conflict between the provisions of this chapter and the provisions of sections 8-345, as amended by this act, 8-346a, as amended by this act, and section 1 of this act relating to administrative hearings, the provisions of sections 8-345, as amended by this act, 8-

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346a, as amended by this act, and section 1 of this act shall prevail.

Approved June 4, 2015