

**Certifications of Compliance with  
PHA Plans and Related Regulations  
(Standard, Troubled, HCV-Only, and  
High Performer PHAs)**

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing  
OMB No. 2577-0226  
Expires 02/29/2016

**PHA Certifications of Compliance with the PHA Plan and Related Regulations including  
Required Civil Rights Certifications**

*Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the \_\_\_ 5-Year and/or  Annual PHA Plan for the PHA fiscal year beginning July 1, 2018, hereinafter referred to as "the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:*

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Resident Advisory Board or Boards in developing the Plan, including any changes or revisions to the policies and programs identified in the Plan before they were implemented, and considered the recommendations of the RAB (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
4. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
5. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
6. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identifying any impediments to fair housing choice within those programs, addressing those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and by maintaining records reflecting these analyses and actions.
7. For PHA Plans that includes a policy for site based waiting lists:
  - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2010-25);
  - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
  - Adoption of a site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
  - The PHA shall take reasonable measures to assure that such a waiting list is consistent with affirmatively furthering fair housing;
  - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
8. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
9. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
10. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
11. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.

12. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
13. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
14. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
15. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
16. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
17. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
18. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
19. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
22. The PHA certifies that it is in compliance with applicable Federal statutory and regulatory requirements, including the Declaration of Trust(s).


State of Connecticut Department of Housing  
PHA Name

CT 901  
PHA Number/HA Code

XX Annual PHA Plan for Fiscal Year 2018

\_\_\_\_\_ 5-Year PHA Plan for Fiscal Years 20\_\_\_\_ - 20\_\_\_\_\_

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).

Name of Authorized Official	Title
EVONNE M. KLEIN	COMMISSIONER
Signature 	Date: APRIL 16, 2018

<b>Streamlined Annual PHA Plan (HCV Only PHAs)</b>	<b>U.S. Department of Housing and Urban Development Office of Public and Indian Housing</b>	<b>OMB No. 2577-0226 Expires 02/29/2016</b>
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**Purpose.** The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families

**Applicability.** Form HUD-50075-HCV is to be completed annually by **HCV-Only PHAs**. PHAs that meet the definition of a Standard PHA, Troubled PHA, High Performer PHA, Small PHA, or Qualified PHA do not need to submit this form. Where applicable, separate Annual PHA Plan forms are available for each of these types of PHAs.

**Definitions.**

- (1) **High-Performer PHA** – A PHA that owns or manages more than 550 combined public housing units and housing choice vouchers, and was designated as a high performer on both of the most recent Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) assessments if administering both programs, or PHAS if only administering public housing.
- (2) **Small PHA** - A PHA that is not designated as PHAS or SEMAP troubled, or at risk of being designated as troubled, that owns or manages less than 250 public housing units and any number of vouchers where the total combined units exceeds 550.
- (3) **Housing Choice Voucher (HCV) Only PHA** - A PHA that administers more than 550 HCVs, was not designated as troubled in its most recent SEMAP assessment, and does not own or manage public housing.
- (4) **Standard PHA** - A PHA that owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceeds 550, and that was designated as a standard performer in the most recent PHAS and SEMAP assessments.
- (5) **Troubled PHA** - A PHA that achieves an overall PHAS or SEMAP score of less than 60 percent.
- (6) **Qualified PHA** - A PHA with 550 or fewer public housing dwelling units and/or housing choice vouchers combined, and is not PHAS or SEMAP troubled.

<b>A.</b>	<b>PHA Information.</b>				
A.1	PHA Name: _____ STATE OF CONNECTICUT DEPARTMENT OF HOUSING _____ PHA Code: _____ CT 901 _____ PHA Plan for Fiscal Year Beginning: (MM/YYYY): 07/2018 _____ PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above) Number of Housing Choice Vouchers (HCVs) 8008 _____ PHA Plan Submission Type: <input checked="" type="checkbox"/> Annual Submission <input type="checkbox"/> Revised Annual Submission				
	<p><b>Availability of Information.</b> In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information of the PHA policies contained in the standard Annual Plan, but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at the main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official website.</p>				
	<input type="checkbox"/> <b>PHA Consortia:</b> (Check box if submitting a joint Plan and complete table below)				
	Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program
	Lead HA:				

<b>B.</b>	<b>Annual Plan.</b>
<b>B.1</b>	<p><b>Revision of PHA Plan Elements.</b></p> <p>(a) Have the following PHA Plan elements been revised by the PHA since its last Annual Plan submission?</p> <p>Y N</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Housing Needs and Strategy for Addressing Housing Needs.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Financial Resources.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Rent Determination.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Operation and Management.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Informal Review and Hearing Procedures.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Homeownership Programs.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Self Sufficiency Programs and Treatment of Income Changes Resulting from Welfare Program Requirements.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Substantial Deviation.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Significant Amendment/Modification.</p> <p>(b) If the PHA answered yes for any element, describe the revisions for each element(s):</p>
<b>B.2</b>	<p><b>New Activities</b></p> <p>(a) Does the PHA intend to undertake any new activities related to the following in the PHA's current Fiscal Year?</p> <p>Y N</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Project Based Vouchers.</p> <p>(b) If this activity is planned for the current Fiscal Year, describe the activities. Provide the projected number of project-based units and general locations, and describe how project-basing would be consistent with the PHA Plan.</p>
<b>B.3</b>	<p><b>Most Recent Fiscal Year Audit.</b></p> <p>(a) Were there any findings in the most recent FY Audit?</p> <p>Y N N/A</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, please describe:</p>
<b>B.4</b>	<p><b>Civil Rights Certification</b></p> <p>Form HUD-50077, <i>PHA Certifications of Compliance with the PHA Plans and Related Regulations</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
<b>B.5</b>	<p><b>Certification by State or Local Officials.</b></p> <p>Form HUD 50077-SL, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
<b>B.6</b>	<p><b>Progress Report.</b></p> <p>Provide a description of the PHA's progress in meeting its Mission and Goals described in its 5-Year PHA Plan.</p>
<b>B.7</b>	<p><b>Resident Advisory Board (RAB) Comments.</b></p> <p>(a) Did the RAB(s) provide comments to the PHA Plan?</p> <p>Y N</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p> <p>(a) If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p>

## **B.1 Revision of PHA Plan Elements**

### **Deconcentration and Other Policies that Govern Eligibility, Selection, and Admission**

The PHA will retain its local preference for the homeless. It is current practice that one out of every three vouchers issued will be prioritized for use by a homeless person or family and an additional one out of every three vouchers issued will be prioritized for young homeless families. Persons transitioning out of Shelter Plus Care, Permanent Supportive Housing Programs, or Rapid Re-Housing programs into permanent housing will be included as a priority group within this preference.

### **Informal Review and Hearing Procedures**

The PHA will modify its informal and hearing procedures to ensure consistency with the State Rental Assistance Program and the recently codified Regulation of Connecticut State Agencies pertaining to § 8-68f of the Connecticut General Statutes for Tenant's Rights and Grievance Procedures.

## **B.6 Progress Report**

Progress the PHA has made in meeting the goals and objectives described in the 5-Year Plan in the first year of the Plan:

- The PHA has increased the number of utilized Section 8 Housing Choice Vouchers to 7478; approximately 98.5% utilization.
- The PHA continues to implement the federal Section 811 PRA consistent with the program requirements.
- Mobility counseling agencies assisted approximately ZZ families by placing them in low poverty neighborhoods as well as in suburban areas.
- Outreach to landlords continues to be successful; fourteen (14) new participating landlords have provided contact information for distribution to voucher holders.
- Three hundred nine (309) **Money Follows the Person** applications were processed successful during this period.
- Chronic veteran's homelessness and veteran's homelessness have effectively been eliminated in the State of Connecticut, and all of the chronically homeless individuals and families in HMIS have been matched to a housing resource. Active placement of these individuals and families is ongoing.

## **B.7 RAB Comments**

The State of Connecticut Department of Housing provides various statewide stakeholders and tenant advocacy organizations with the opportunity to provide comments on behalf of low income residents in accordance with 24 CFR § 903.13(c) and 24 CFR § 903.19. Joint comments were received from of Connecticut Legal Services, Greater Hartford Legal Aid, and New Haven Legal Assistance Association. Copies of those comments are attached.

### **Analysis of Comments:**

Chapter 1.B. comments: Commenter asserts that Chapter 1.B. Local Goals is not expansive enough with respect to its obligations to affirmatively further fair housing, it is the Department's belief that this issue is more than adequately addressed in Chapter 1.H. Fair Housing Policy.

Chapter 1.I. comments: Commenter asserts that the reference to service-directed administration and a requirement to demonstrate a high level of professionalism is "out of place" in this section, and that reasonable accommodation is not special treatment for the disabled. The Department agrees reasonable accommodation is not special treatment for the disabled, but believes that service-directed administration and a demonstration of a high level of professionalism will ensure that all program participants will be treated properly in their interaction with the PHA and its staff, and in particular to be aware of this need with respect to any request for a reasonable accommodation.

Chapter 1.J. comments: Commenter asserts that this section is wholly inadequate, and does not comply with federal law pursuant to E.O. 13166 and Department of Justice and HUD Guidance relative to LEP. The Department disagrees with this assessment in whole. The Department is obligated to make reasonable effort to assist those with limited English proficiency; it is the Department's belief that we make extensive effort, well above and beyond what is reasonable, to assist those with limited English proficiency. The Department has, in the past, conducted the four factor analysis to determine what language services are "appropriate". Despite this analysis, which indicated that the Department had no obligation relative to LEP, as none of the relevant population groups reach sufficient census to qualify, the Department has and continues to provide such assistance on a case-by-case basis. As detailed in this Chapter, the PHA has bilingual staff (Spanish) readily available to assist non-English speaking families, and access to assistance with other local community relevant languages as necessary. All documents are available in Spanish, by PHA choice, and translation into other languages is available upon request.

Chapter 2.B. comments: Commenter believes that the current live-in aide standard is "impermissibly restrictive". In addition, the commenter states that the "applicable standard" for a live-in aide is "to provide necessary supportive services for a family". This interpretation is not supported by the actual language in the applicable regulation and specific guidance for the Section 8 Housing Choice Voucher program provided by HUD ([link](#)). Consistent with this guidance, the Department has determined that, outside of a consideration for a reasonable accommodation, a live-in aide must be essential to the care and well-being of the elderly or disabled person. This in no way affects any request for a reasonable accommodation.

Chapter 3. comments: Commenter believes that the Plan does not adequately explain the rights of VAWA-impacted applicants and participants. In accordance with HUD guidance, the Plan details the PHA's obligations and policies with respect to the implementation of its VAWA obligations, and is not intended to detail the rights of VAWA-impacted applicants and participants.

Chapter 4. comments: Commenter asserts that applicants should not be purged from the wait list until any/all designated persons on HUD Form 92006 have been contacted. The Department provides this form both at the time of original application, and at all annual income recertification. If an alternate is identified by HUD Form 92006, that alternate is contacted as part of the purge process.

Commenter asserts that the Plan should not limit a disability-related extension of time for response to a purge letter to ten days. The Department concurs and a subsequent revision has been made.

Commenter asserts that this section should specifically reference the availability of request for a reasonable accommodation with regard to VASH. The Department does not support repeating the availability of a reasonable accommodation at every opportunity; it is unnecessary, and would increase the volume of the Administrative Plan by 30% needlessly.

Chapter 6-5 comments: Commenter asserts that the federal regulations do not permit the PHA to deny eligibility for a hardship exemption if loss of employment is for willful misconduct or voluntary separation. It is the Department's position that "loss of employment" does not include willful misconduct or voluntary separation, which conditions are both under the direct control of the tenant, and are in accordance with 24 CFR 5.630 (b) (v).

Chapter 6-6 comments: Commenter asserts that the PHA notification to the family regarding hardship exceptions must contain a list of qualifying reasons. The Department believes that to designate a list of qualifying reasons for hardship would be too limiting, and would be harmful to the tenant.

Chapter 6.11 comments: Commenter asserts that the family should be notified in writing as to the method used to calculate rent. It is the Department's position that this section of the Administrative Plan does this. In addition, it identifies other options, should the preferred method, averaging income, cannot be used for a full twelve months.

Chapter 6.14 comments: Commenter asserts that the DOH policy to permit child care expenses for children under the age of 13 is an improper limitation of federal law with regard to deduction of reasonable child care expenses necessary to enable a member of the family to work, attend school or actively seek employment. It is the Department's belief that the federal law does not prohibit determination by the PHA as to what is "reasonable", and the DOH policy is such that child care services over the age of 13, outside of a request for a reasonable accommodation, is reasonable. Further, that is it also within federal law for the Department to determine what a reasonable cost of such expenses is.

Chapter 6-14 comments: Commenter asserts that applicants should be provided a list of HUD-allowed medical expenses at the initial briefing and before their annual recertification. The Department asserts that this information is made available both at the initial briefing and at annual recertification.

Chapter 6-15 comments: Commenter asserts that non-compliance with a work activity requirement is not a basis under federal regulations to deny a rent adjustment for a welfare assistance reduction. The Department believes that the Administrative Plan is consistent with the most recent federal guidance.

Chapter 6-16 comments: Commenter asserts that denial of reduction of rent should not take place until all administrative hearing opportunities at the state level have been completed. The Department believes that the current policy, as implemented, is sufficient to ensure that inappropriate denials of rent reductions are not made.

Chapter 6-16 Q comments: Commenter asserts that families should be notified in writing of their right to request a higher utility allowance if needed as a reasonable accommodation. It is the Department's belief that the availability of a request for reasonable accommodation are provided at all relevant

opportunities, and that there is no need to repeat these provisions in the Administrative Plan in every applicable section.

Chapter 7 A. comments: 7-2 Commenter asserts that DSS should be added. Their absence was a typographical error, and has been corrected.

Chapter 7 A. Self-Certification/Self-Declaration comments: Commenter asserts that the requirement that a self-certification which must be witnessed by a PHA representative is unreasonably restrictive, and would require notary services at each PHA office. The Department does not agree with this position or interpretation. There is no requirement for notary services, and the requirement for the execution to be witnessed by a PHA staff member is minimally impactful, and beneficial to the family.

Chapter 8 comments: Commenter asserts that some Hartford-area families are required to travel to Waterbury for their initial briefing, and that this is a significant hurdle. Also, that the initial briefing should be conducted in both English and Spanish to comply with HUD LEP guidelines. The Department does not believe that it is a significant hurdle to attend one initial briefing at the PHA main office. Further, in accordance with LEP, initial briefings are offered in both English and Spanish.

Chapter 8 D. comments: Commenter asserts that logs of discrimination complaints should be sent to the Connecticut Fair Housing Center and that DOH should ensure that this is done. The Department asserts that this is being done on a regular basis.

Chapter 8-6 comments: Commenter asserts that the Plan improperly states that a family with an expired voucher is not entitled to a hearing and that this amounts to a termination without due process. The Department disagrees with this interpretation. In accordance with HUD guidance, an individual is not considered an active participant until/unless they actually receive assistance, and therefore the Department's policy is consistent with federal guidance. Further, the Department does not support repeating the provisions of a reasonable accommodation in every applicable section of the Plan.

Chapter 8-7 comments: Commenter asserts that the current language is not consistent with federal regulation regarding split households due to domestic violence. The Department agrees, and has made the appropriate modification.

Chapter 8-8 comments: Commenter asserts that there is no federal limitation on household membership with regard to voucher retention. The Department agrees that there is no federal limitation, but believes that it has the flexibility under the federal regulation to establish such a policy.

Chapter 10 comments: Commenter asserts that notice of suspension or abatement of HAP payments sent to the owner should be sent to the family. The Department asserts that this is the current practice.

Chapter 12 comments: Commenter asserts that all families should be notified of their right to complete HUD Form 92006 and that the Plan permits this as a reasonable accommodation. The Department asserts that this form is provided both at the time of application and at annual recertification. Further, that this form is also provided as part of the materials provided relative to a request for a reasonable accommodation.

Chapter 12-4 comments: Commenter asserts that a threshold change of \$100 for processing interim rent changes is improper. The Department does not agree with this interpretation. Federal regulations



allow a threshold amount to report, and it is the Department's policy that this applies to both increases and decreases and is appropriate at \$100.

Chapter 12-5 comments: Comments asserts that there is a need to clarify language for the benefit of PHA staff. In consultation with PHA staff, the Department has not found this to be a problem requiring clarification.

Chapter 15-1 comments: Commenter asserts that the Plan incorrectly mandates termination of assistance after 180 days. The Department agrees with the interpretation, and have made the appropriate modifications. This provision applies to the termination of the contract with the landlord and is appropriately covered in Chapter 14.

Chapter 15-3 comments: Commenter asserts that the Plan improperly expands abusive or violent behavior toward PHA personnel to include the use of expletives that are generally considered insulting. The PHA believes strongly in requiring all program participants and PHA staff to act in a reasonable and professional manner, and that excessive use of expletives is abusive behavior. Further, the Plan allows for termination, but does not mandate termination for such abusive behavior, rather, allows it, after which a program participant is entitled to all hearing procedures.

Chapter 15-6 comments: Commenter asserts that the possession of drug paraphernalia does not constitute a drug-related crime, and should not be a reason to deny an applicant. The Department agrees with this position, and have made the appropriate modification.

Chapter 15-12 comments: Commenter asserts that failure to notify the PHA in a timely fashion (i.e. thirty days) is covered as a family obligation on 15-10, and should not be referenced here. The Department agrees, and this section has been modified accordingly.

Chapter 15-14 comments: Commenter asserts that consideration should be given to providing limited evenings and weekend hours for appointments, as well as other flexible arrangements. Although the Department appreciates the intention, administrative requirements prohibit such recommendations. However, based on individual circumstances, participants are given the opportunity to return documents by mail, and in practice, significant flexibility with regard to circumstances beyond the family's control is exercised. This is further expressed on Chapter 15-16.

Chapter 17 comments: Commenter asserts that the Plan impermissibly sets a 45% of income prepayment standard. The Department disagrees with the interpretation as presented. The language in Notice PIH 2010-19 indicates that the tenant repayment should not exceed 40% of their adjusted monthly income, including rent, however, it also provides the PHA with the ability to set additional thresholds and policies. This guidance does not prohibit repayment standards above 40% of their adjusted monthly income. Similarly, this HUD guidance applies with regard the establishment of the 60 month repayment policy.

Chapter 18-3 comments: Commenter asserts that the plan should provide additional notice of the availability of legal assistance when confronted with a hearing. The Department appreciates the suggestion to provide contact information for accessing legal services, and will make every effort to include such information in the notice of proposed termination and/or the hearing notice. However, the Department does not believe that this level of specificity is appropriate for the Administrative Manual.

Chapter 18-5 comments: Commenter asserts that the language regarding a request for relevant documents at least two days in advance of the hearing is improper. It is the Department's intention with regard to paragraph's 5 and 6 in this section that this time frame is limited to receiving copies of such documents or evidence. An appropriate clarification has been made in the Administrative Manual.

18-8 comments: Commenter asserts that the five business day requirement for the provision of documents by the family may not be reasonable. The Department asserts that the reference to the five day limitation was removed in prior versions, with the exception of the heading; this has been corrected. In practice, relevant documents from the family, even if they are provided at the hearing, are generally accepted. Nothing in the Administrative Plan precludes this practice.

Finally, language in the plan has been modified as to missing a hearing appointment to reflect current practice.

**Certification by State or Local  
Official of PHA Plans Consistency  
with the Consolidated Plan or  
State Consolidated Plan  
(All PHAs)**

U. S Department of Housing and Urban Development  
Office of Public and Indian Housing  
OMB No. 2577-0226  
Expires 2/29/2016

**Certification by State or Local Official of PHA Plans  
Consistency with the Consolidated Plan or State Consolidated Plan**

I, EVONNE M. KLEIN, the COMMISSIONER  
*Official's Name* *Official's Title*

certify that the 5-Year PHA Plan and/or Annual PHA Plan of the

STATE OF CONNECTICUT DEPARTMENT OF HOUSING  
*PHA Name*

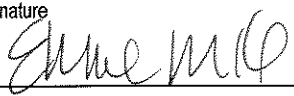
is consistent with the Consolidated Plan or State Consolidated Plan and the Analysis of  
Impediments (AI) to Fair Housing Choice of the

STATE OF CONNECTICUT  
*Local Jurisdiction Name*

pursuant to 24 CFR Part 91.

As the state agency responsible for the development of the AI, the Consolidated Plan and the PHA  
Plan, these documents were all developed to be responsive to the priorities and initiatives cited  
throughout these plans, including but not limited to prioritizing the needs of the homeless, persons  
with disabilities, and extremely low income families.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title
EVONNE M. KLEIN	COMMISSIONER
Signature	Date
	APRIL 16, 2018

**Comments to the Department of Housing's  
2018 Annual Agency Plan for the Administration of the  
U.S. Department of Housing and Urban Development (HUD)  
Section 8 Housing Choice Voucher Program**

**From Connecticut Legal Services, Greater Hartford Legal Aid, and  
New Haven Legal Assistance Association**

**April 3, 2018**

**Chapter 1 - Statement of Policies and Objectives**

**B. Local Goals**

Pursuant to 42 U.S.C. §1436c-1, a PHA must develop a statement of the mission of the public housing agency for serving the needs of low-income and very low-income families in the jurisdiction of the public housing agency . . . and a statement of the goals and objectives of the public housing agency that will enable the public housing agency to serve [those] needs. In response to this statutory mandate, the DOH statement of Local Goals indicates that it is “[t]o provide decent, safe and sanitary housing for very low-income families while maintaining their rent payments at an affordable level.” While such a goal or mission is laudable, it is not expansive enough. The PHA is also responsible for affirmatively furthering fair housing (42 U.S.C. § 1437c-1(d)(15); 24 C.F.R. § 903.7(c)(2)(ii),(o)). Therefore, we urge DOH to add language that specifically reflects this requirement, and to adopt policies throughout its Section 8 Administrative Plan that reflect these important goals.

**I. Reasonable Accommodation Policy (1-5)**

The first sentence of this section advises staff to be service-directed in the administration of our housing programs and to demonstrate a high level of professionalism. This is laudable, but is out of place in the reasonable accommodation section. Reasonable accommodation is not based on good management professionalism, or being service-directed. It is not special treatment for the disabled. The first paragraph should read: People with disabilities have a civil right to reasonable accommodation. Reasonable accommodation is not special treatment for people with disabilities, it is the law. Failure to accommodate a person with disabilities is discrimination.

**J. Translation of Documents (1-7)**

This section is wholly inadequate and must be revised to comply with federal law pursuant to Executive Order 13166 and Department of Justice and HUD Guidance to provide language assistance to those with limited English proficiency (LEP). As a federally assisted agency, DOH is

required to make reasonable efforts to provide language assistance and meaningful access to its programs. DOH must conduct a detailed analysis of its participants and community (known as the four factor analysis) to determine what language services are appropriate. DOH must also develop a Language Access Plan to address the identified needs of the population it serves. DOH must review HUD's guidance on these LEP issues and revise its Plan accordingly. *See Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, Federal Register, Vol. 72, no. 13, page 2732, January 22, 2007.*

## **Chapter 2 - Eligibility for Admission**

### **B. Family Composition (2-2, 2-3)**

The subsection regarding live-in attendants states that a family may include a live-in aide provided that the PHA determines the aide to be essential to the care and well-being of the elderly or disabled person. This standard is impermissibly restrictive. The applicable regulation states that the standard for a live-in aide is to provide necessary supportive services for a family member. 24 C.F.R. § 982.316(a). The additional requirements to qualify as a live-in aide listed at 2-3 go beyond the requirements of the regulations and must also be removed.

## **Chapter 3- Applying for Admission**

The Plan does not adequately explain the rights of VAWA-impacted applicants and participants. This section must include, for example, a Notice of VAWA rights must be given at the time of application, not merely when an applicant is denied admission. The protections for VAWA-impacted applicants and participants should be repeated in Chapter 18.

## **Chapter 4 - Maintaining the Waiting List**

### **H. Removal from Waiting List and Purging (4-8, 4-9)**

The PHA should not purge the waiting list of someone it knows has a disability or is homeless. HUD Form 92006 provides each applicant the opportunity to designate another person or organization to help in delivery of services or to resolve tenancy issues. This form is crucial to applicants with disabilities or those who are homeless, and must be provided to all applicants. If an

applicant designates another person or organization, the PHA should not purge that applicant from the wait list until after the designated person or organization is contacted.

The Plan should not limit a disability-related extension of time to respond to a purge letter to 10 days. Reasonable accommodation requires that this determination be made on an individual basis.

The section on voucher term for HUD VASH should include that extensions of the voucher term may be approved for people with disabilities as an accommodation (4-7).

## **Chapter 6 - Factors Related to Total Tenant Payment and Family Share Determination**

### **C. Minimum Rent (6-5, 6-6, 6-7)**

DOH proposes to deny eligibility for the mandatory hardship exemption by suspending eligibility for 6 months if the loss of employment is for willful misconduct or voluntary separation. (6-5) Federal regulations provide that a family may be exempt from the minimum rent if a qualifying hardship exists. Hardship includes a decrease in income because of change of circumstance, including loss of employment. 24 C.F.R. § 5.630(b)(iii). The regulations do not permit DOH to limit this qualifying event further.

Moreover, willful misconduct and voluntary separation are Department of Labor (DOL) criteria for unemployment compensation and may or may not be challenged by the employee, depending on numerous factors. DOH's improper use of these terms to limit the hardship exemption will force each family to challenge the loss of employment at DOL. Will DOH stay the suspension of the hardship exemption while a DOL decision is pending? Will DOH impose its own standards on the family regardless of DOL requirements? This policy will produce an administrative quagmire for the PHA. Most importantly, this provision is illegal under the federal regulations.

The DOH minimum rent policy requires that a family's request for hardship exemption be made in writing and include a statement of the family circumstances that qualify the family for an exemption. (6-6) If DOH requires the family to list a qualifying hardship in any request for exemption, the PHA notification to the family regarding hardship exceptions must likewise contain a list of qualifying reasons for requesting the exemption.

### **E. Averaging Income (6-11)**

The family should be notified in writing as to the method used by the PHA to calculate rent. For planning purposes, the family should be told in advance if the PHA used an averaged income or

an annualized income. In addition to the other factors listed, the method to be used by the PHA should also depend on the preference of the family.

### **M. Child Care Expenses (6-14, 6-15)**

Federal law permits deduction of any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education. 42 U.S.C. § 437a(5)(A)(iii). By contrast, DOH permits tenants to deduct only child care expenses for children under 13 . . . when child care is necessary to allow an adult member to work, attend school, or actively seek employment. This age cut-off represents an improper limitation on those deductions that are mandated by Congress. Therefore, DOH must eliminate the age limitation on the child care allowance, thus allowing parents to take deductions for any child care expenses necessary to allow them to achieve self-sufficiency.

The DOH policy limits a working parent's ability to take child care deductions by capping the permissible deductible to an amount that is less than the amount earned by the person enabled to work. While some parents may earn more than the cost of their child care, other parents -- particularly those who are just entering the job market and earning minimum wage -- may find that their child care costs exceed their new wages. Some parents may be required to work and may receive state cash assistance to supplement their income. This limitation is in conflict with federal law authorizing a deduction for *any* reasonable child care expenses, and because it directly conflicts with the State of Connecticut's stated goal of assisting parents to achieve self-sufficiency, it should be eliminated.

DOH should not limit the allowance to \$89.00 for childcare providers other than those who are licensed/registered, or otherwise regulated. DOH should instead rely on the reasonable childcare expense standard found in the statute. If DOH insists on capping this allowance, the amount must be increased since it has remained stagnant at \$89.00 for many years.

### **N. Medical Expenses (6-15)**

All families should be given a list of the HUD-allowed medical expenses at the initial briefing and before their annual recertification.

### **Income Changes Resulting from Welfare Program Requirements (6-15)**

Non-compliance with a work activities requirement is not a basis under federal regulations to deny a rent adjustment for a welfare assistance reduction and it should be removed from 6-15 and 6-16.

### **Verification Before Denying Request to Reduce Rent (6-16)**

This section should clearly state that denial of reduction of rent should not take place until all administrative hearing opportunities at the state level have been completed. Without this policy firmly in place, a family could be sanctioned by the Department of Social Services, be later reinstated after an administrative appeal, but have already lost their housing as a result a denial of rent reduction.

### **Q. Utility Allowance and Utility Reimbursement Payments (6-16)**

Families should be notified in writing at the time of their initial briefing and again at their annual recertification of their right to request a higher utility allowance if needed as a reasonable accommodation.

## **Chapter 7 Verification Procedures**

### **A. Methods of Verification and Time Allowed**

#### **Third Party Written Verification (7-2, 7-3)**

The Plan lists the agencies for which hand-carried forms may be delivered directly by the family. The Department of Social Services should be added to this list.

#### **Self-Certification/Self-Declaration (7-4)**

DOH restricts a family member's self-certification to those "witnessed by a representative of the PHA." This is unreasonably restrictive. If the PHA representative must witness all affidavits, then notary services must be made available to families at each PHA office.

## **Chapter 8 - Voucher Issuance and Briefings**

Some Hartford-area families report that they are required to travel to Waterbury for their initial applicant briefing. This is a significant hurdle for low-income families without transportation. Initial briefing should be conducted at the local PHA office and should be offered in both English and Spanish to comply with HUD LEP Guidelines.

### **D. Assistance to Families Who Claim Discrimination (8-5)**



This section requires that each administering agency shall track family reports of housing discrimination and forward logs of discrimination complaints to the Connecticut Fair Housing Center. DOH should ensure that this is in fact done.

#### **F. Term of Voucher (8-6)**

The Plan states improperly that a participant family with an expired voucher is denied assistance and is not entitled to a hearing. In certain cases, this amounts to termination from the program in violation of due process and federal regulations. Participants are entitled to hearings before being terminated from the program, and this sentence must be revised accordingly.

Reference to Special Extensions should include specific language about reasonable accommodations for persons with disabilities. (8-6, 8-7)

#### **G. Voucher Issuance Determination for Split Households (24 CFR § 982.315)**

DOH must amend this section to comply with the federal regulations regarding victims of domestic violence. HUD requires that “[i]f the family break-up results from an occurrence of domestic violence, dating violence, or stalking as provided in 24 CFR part 5, subpart L, the PHA must ensure that the victim retains assistance.” 24 CFR § 982.315(a)(2). This language should be included in #4 on page 8-7. DOH must include this requirement in the Plan to ensure that victims of domestic violence are able to retain their housing assistance.

#### **H. Voucher Retention (8-8)**

There is no requirement under the regulations that a household member must be a member of the household for five years in order to retain a voucher, and this provision should be removed. Household members are entitled to be remaining household members if the Head of Household dies or leaves the household.

### **Chapter 10 - Housing Quality Standards and Inspections**

#### **H. Consequences if Owner is Responsible (Non-Emergency Items)**

Any notice of suspension or abatement of HAP payments sent to the owner should also be sent to the family.

### **Chapter 12 - Re-Examinations**

## **B. Annual Re-Examination**

### **Re-examination Notice to the Family (12-2)**

All families should be notified of their right to complete HUD Form 92006 which provides for notice to a third party or outside organization to be contacted by the PHA to assist in providing any delivery of service or assist with resolving tenancy issues. The DOH plan permits this notification as a reasonable accommodation, but federal law requires this form be given to all applicants and HUD policy requires that the PHA also give the Form to families at their annual recertification. See HUD PIH 2012-22.

### **C. Reporting Interim Changes (12-4)**

This section continues to state improperly that the PHA will process an interim rent change if an increase or decrease of one hundred dollars or more is reported. DOH policy must state that an interim rent change will be processed for a decrease in income of any amount. Federal regulations do not impose a one hundred dollar threshold for decreases. The imposition of a threshold amount to report an increase is permitted, however, and can contribute to administrative efficiency. DOH should change this amount to a minimum of \$200.

### **D. Other Interim Reporting Issues (12-5)**

The voluntary earned income disregard is a great benefit to low-income families and serves to promote self-sufficiency and as an incentive to work. This 6-month disregard of employment income is an important tool to encourage families moving from welfare to work. DOH should, however, clarify the phrases “welfare benefit income” and “employment income” in order to make implementation of the policy easier for PHA staff. Most importantly, DOH should require the PHA to inform families of this important benefit, and should provide written information about the disregard at the initial briefing and at each subsequent annual or interim recertification. PHA should be trained to recognize and implement this income disregard.

## **Chapter 15 - Denial or Termination of Assistance**

### **A. Grounds for Denial or Termination**

#### **Mandatory Denial and Termination (15-1)**

The Plan incorrectly mandates that the PHA terminate assistance for program participants if the family is under contract and 180 days have expired since the last Housing Assistance Payment

was made. This is not within the mandatory grounds for termination listed in either statute or regulation.

The federal regulations clearly state the exclusive list of reasons that a PHA can terminate a family's assistance, and termination of the HAP contract is not included. 24 C.F.R. § 982.552 and § 982.553. DOH must delete this from the Administrative Plan.

### **Grounds for Denial or Termination of Assistance (15-3)**

HUD permits a PHA to deny an applicant or terminate assistance if a family member has engaged in or threatened abusive or violent behavior toward PHA personnel. 24 CFR § 982.552(c)(ix). The DOH plan improperly expands on the HUD language by stating that use of expletives that are generally considered insulting . . . or other language, written or oral, . . . used to insult or intimidate may be cause for termination or denial. (15-3, para. 14) Insulting or intimidating language alone should not be the basis for termination or denial. Who decides what language is insulting or intimidating? A family member is permitted to insult a PHA employee without fear of losing their voucher. The DOH proposed language goes well beyond the exclusive list of reasons for termination permitted by HUD and should be removed.

### **Denial of Assistance to Applicants (15-6)**

HUD authorizes a PHA to deny an applicant who has engaged in drug-related criminal activity. 24 C.F.R. § 982.553(a)(2)(ii)(A)(l). The definition of drug-related criminal activity does not include the possession of drug paraphernalia. 24 C.F.R. § 5.100. Therefore, DOH is prohibited from denying an applicant or terminating a participant for this reason.

### **C. Family Obligations (15-10)**

Notification of Eviction (15-12): this contains an additional "obligation" that the family must notify the PHA of an eviction within 10 days of receiving a notice of lease termination and that a move will be denied if a family fails to do this. This is effectively a termination of assistance and is an impermissible denial of due process. Furthermore, this conflicts with the language at 15-10 that a family has 30 days to give the PHA a copy of any owner eviction notice. While failing to give the PHA a copy of a termination notice can be the basis for termination, the participant must be given proper notice and a right to a hearing. This language should be removed.

### **F. Missed Appointments and Deadlines (15-14)**

DOH should encourage staff to be sensitive to the conflicting and often difficult requirements imposed upon assisted families. DOH should consider requiring their contractor to offer limited evening or weekend hours for appointments or other flexible arrangements and should

ensure that the contractor's offices are located in areas easily accessed by families. Although the DOH contractor, D'Amelia and Associates, has previously committed to opening a Hartford office, they have never done so. DOH should require, for example, that a Hartford office be opened so Hartford residents do not have to travel to Vernon to meet with PHA staff.

Acceptable reasons for missing appointments or failing to provide information by deadlines (15-15) should not be limited to the four stated reasons but should also include reasonable circumstances beyond the family's control.

## **Chapter 17 - Owner or Family Debts to the PHA**

This Chapter must be revised to comply with HUD directives regarding debts owed to the PHA by the family. Applicable guidance is provided by HUD in Notice PIH 2010-19 (extended by PIH 2015-02); Executive Order No. 13520, November 20, 2009 (Reducing Improper Payments). Revisions must include instructions that all repayment agreements must contain specific language informing the family that the repayment agreement can be renegotiated if the family's income changes. Repayment agreement must be affordable and may not require a family to pay more than 40% of their monthly adjusted income, including their current rent amount. The DOH plan impermissibly sets a 45% of income standard. HUD also specifies that repayment agreements are not limited in time to 60 months. The length of the agreement is determined by the monthly payment, and the total amount due.

## **Chapter 18 - Complaints and Appeals**

### **C. Informal Hearing Procedures (18-3)**

The DOH Plan (18-5) provides that the notice of hearing inform the family of their right to bring legal or other representatives to the hearing at the family's expense. At most hearings the hearing officer then asks the tenant to sign a statement verifying that he or she has have been given this information and chose to proceed without representation. This is a wholly ineffective method of ensuring that a tenant has the help needed and is a meaningless waiver since the hearing has already begun.

Similar benefit programs (such as those administered by the Department of Social Services) provide information as to how to get legal assistance on the notice of proposed termination. DOH should not exclude Section 8 participants from this important protection.

DOH should provide meaningful information on the notice of proposed termination (or in the hearing notice) by giving the family the name and number for legal services. This notice could read: **You may also have an attorney speak for you and help you with this proposed termination. Call Statewide Legal Services at 1-800- 453-3320 to ask about free legal help.**

#### **Notification of Hearing (18-5)**

The regulations provide that the family must be given the opportunity to examine, before any hearing, any relevant documents. 24 C.F.R. § 982.555(e)(2). The limitation in the DOH plan requiring a family to request relevant documents no later than two business days before the hearing is an improper restriction and should be removed. (18-6) Due process requires that the family be able to request copies of documents and examine their file at any time before the hearing.

The requirement that the family provide the PHA documents the family intends to use at the hearing at least five business days in advance may not be reasonable in all circumstances. (18-8) The PHA should accept relevant documents from the family even if they are provided at the hearing. If the PHA requires additional time to review the documents, the hearing date can be postponed. Failure to consider documents that do not meet this deadline can lead to an unfair and arbitrary termination of assistance and is a deprivation of the participant's right to due process.

The Plan states that if the family misses an appointment or deadline ordered by the hearing officer, the termination takes effect and another hearing will not be granted. (18-8) This should be amended to permit the PHA or the hearing officer to consider all the circumstances surrounding the missed appointment or deadline before terminating the family.