

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by FINAL DECISION

Brian T. Lynch,

Complainant

against

Docket #FIC 85-265

Chairman and Housing
Authority of the Town
of Trumbull,

Respondents

July 23, 1986

The above-captioned matter was heard as a contested case on May 30, 1986, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. The respondents are public agencies within the meaning of §1-18a(a), G.S.

2. By letter dated November 27, 1985 the complainant made a request of the respondent chairman for a certified copy of the respondent authority's list of applications for senior citizen housing.

3. By letter dated December 17, 1985 the respondents stated that they had on file a list of approximately 500 applications, but that the list did not have the name or address of applicants, merely a number for reference purposes. The respondents offered access to inspect the list at their offices, but indicated that the complainant would not be permitted to remove the list from the offices, "to protect the privacy of our applicants."

4. By letter of complaint filed with the Commission on December 30, 1985 the complainant appealed the denial of his request.

5. At hearing, the Commissioner of the State of Connecticut Department of Housing was granted intervenor status to participate at the hearing level only.

6. Section 8-116a, G.S. provides, regarding housing for elderly persons, that each housing authority shall provide a

receipt to each applicant for admission to its housing projects stating the time and date of application and shall maintain a list of such applications, which shall be a public record as defined in section 1-18a, G.S. and which shall be created, maintained and revised in a manner which the commissioner of housing shall, by regulation, provide.

7. It is found that the respondents maintain a list which includes the name of each applicant and the date of application. Such list is available in both chronological and alphabetical orders.

8. The respondent authority claims that it has refused to allow copies of the list to leave its offices because persons on the list would not want their landlords to know that they were seeking apartments elsewhere.

9. Section 8-45-11 of the Regulations of Connecticut State Agencies provides that waiting lists for low rental projects shall be created "by giving the applicants a number and subdividing the list in accordance with the number of bedrooms needed by the applicant." The provisions of such regulation govern the implementation of moderate rental and elderly housing waiting lists.

10. The commissioner of the department of housing claims that pursuant to the above-cited regulation the only information which is available to the complainant is a list of numbers representing the coded names of applicants.

11. The above-cited regulation did not become effective until January 21, 1986. The terms of such regulation would therefore not apply to a list created and a request made and denied prior to January 21, 1986.

12. It is further noted that the regulation concerns the manner in which lists are to be created and does not explicitly or implicitly concern disclosure of lists created in a non-conforming manner.

13. It is found that the requested list is a public record within the meaning of §1-18a(d), G.S. The respondents failed to prove that the list of names of persons and dates of applications for elderly housing is exempted from disclosure by any provision of the Freedom of Information Act, other state statute or federal law.

14. It is concluded that the respondents violated §1-15, G.S. when they denied the complainant's request for a certified copy of the waiting list for elderly housing, including the names of applicants and dates of application.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint.

1. The respondents shall forthwith provide the complainant with a certified copy of all its waiting lists for elderly housing, including the names of applicants and dates of application, in existence on November 27, 1985.

Approved by order of the Freedom of Information Commission at its regular meeting of July 23, 1986.



Karen J. Haggett
Clerk of the Commission