

Regulations of Connecticut State Agencies

TITLE 8. Zoning, Planning, Housing, Economic and Community Development and Human Resources

Agency

Department of Housing

Subject

Congregate Housing for the Elderly

Inclusive Sections

§§ 8-119g-1—8-119g-18

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Congregate Housing for the Elderly

Sec. 8-119g-1. Program description

The State Congregate Housing program provides a grant or loan for the development of a housing facility for the frail elderly who have low incomes as well as subsidy funds to assist in the provision of Congregate support services which are necessary to enable semi-independent living in a residential setting.

(Effective June 19, 1985)

Sec. 8-119g-2. Definitions

- (a) “Commissioner” means the Commissioner of Housing.
- (b) “Department” means the Connecticut Department of Housing.
- (c) “SDA” means the Connecticut State Department on Aging.
- (d) “HUD” means the United States Department of Housing and Urban Development.
- (e) “The Participating Municipality” means a municipality in which a Congregate Housing Project is located.
- (f) Eligible developers shall be:
 - (1) “A community housing development corporation” incorporated pursuant to Chapter 600 of the Connecticut General Statutes, having as one of its purposes the construction, rehabilitation, ownership, or operation of housing, and having articles of incorporation approved by the Commissioner of Housing in accordance with Section 8-217 of Chapter 128 of the C.G.S.,
 - (2) “Any Authority” or “Housing Authority” created by Section 8-40 and the Commissioner of Housing, when exercising the powers of a Housing Authority pursuant to Chapter 129 or,
 - (3) “Other corporations” defined by the Commissioner on Aging using the following criteria:
 - (A) It should be organized for purposes other than to make a profit or gain for itself and shall not be controlled or directed by persons or firms seeking to derive profit or gain from the project.
 - (B) It may be organized for purposes of providing one or more social and supportive services to elderly persons living in their own homes and communities.
 - (C) It may be organized for purposes of providing varied combinations of shelter and supportive services to elderly persons.
 - (D) It should be organized, at least for purposes of Congregate housing activities, to ensure that elderly persons contribute substantially to policy and operations as members of its governing body and/or an advisory body it may establish for such purposes.
- (g) “Congregate Housing” means a form of residential environment consisting of independent living assisted by Congregate meals, housekeeping and personal services, for persons sixty-two years old or older, who have temporary or periodic difficulties with one or more essential activities of daily living such as feeding, bathing, grooming, dressing or transferring.

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(h) “Congregate Housing Project” means the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements or all other work performed in connection with a congregate housing program.

(Effective June 19, 1985)

Sec. 8-119g-3. Congregate services

(a) **Congregate services shall include:**

- (1) Individual apartment accommodations without shared kitchen or bath facilities.
- (2) One main meal a day in the facility’s main dining area.
- (3) Housekeeping services as required.
- (4) Personal care services to assist in the delivery of services for daily living activities.
- (5) A 24 hour emergency security.

(b) **Congregate services which may be included are:**

- (1) Transportation arrangements.
- (2) Assistance in contacting existing community services.

(c) **Congregate Services do not include:**

- (1) Rehabilitation services.
- (2) Nursing services or supervision for any purpose including but not limited to administration and monitoring of medications.

(Effective June 19, 1985)

Sec. 8-119g-4. Eligibility conditions of residents

- (a) 62 years of age or older.
- (b) Meet established criteria of local selection committee approved by the Commissioner.

Criteria includes, but is not limited to:

- (1) Physical and functional assessment of frailty.
 - (2) Housing conditions and living arrangements.
 - (3) Income and assets.
 - (4) Daily living needs.
- (c) Meet income limits for admission and continued occupancy approved by the Commissioner. Annual reverification of income will be required of all tenants.

(d) The maximum income limits for admission will be an average of the published federal low income public housing limits for Connecticut.

(Effective June 19, 1985)

Sec. 8-119g-5. Income

(a) The income from all sources, such as, social security, pensions, interest, dividends, annuities, wages and any W-4 forms received by the tenant, rent on owned property, shall be counted toward the total income for the purpose of determining eligibility for admission to and continued occupancy in Congregate Housing projects.

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(b) Projects operated pursuant to contracts with HUD, shall be subject to its regulations concerning income.

(c) Adjusted gross income shall be determined based on deductions as approved by the Commissioner. The deductions include but are not limited to such allowances as food, personal use costs and flat income adjustment.

(Effective June 19, 1985)

Sec. 8-119g-6. Authority of the commissioner

(a) No housing project or projects for elderly persons shall be developed until the commissioner of housing has approved the site, the plans and specifications, the estimated development cost, including administrative or other cost or expense to be incurred by the state in connection therewith as determined by said commissioner, and an operation or management plan for such project or projects which shall provide an income, including contributions expected from any source, which shall be adequate for debt service on any notes or bonds issued by the developer to finance such development cost, administration, including a state service charge, other operating costs and establishment of reasonable reserves for repairs, maintenance and replacements, vacancy and collection losses. Said service charge shall be sufficient to provide for administrative or other cost and expense incurred by the state as determined by said commissioner in regulating or supervising the operation of such project or projects from and after the date of completion of construction thereof as determined by the commissioner. During the period of operation of such project or projects, the authority shall submit to the commissioner for his approval its rent schedules and its standards of tenant eligibility and continued occupancy and any changes therein, and its proposed budget for each fiscal year, together with such reports and financial and operating statements as the commissioner finds necessary.

(b) The commissioner shall have the right of inspection of any such project at any time.

(c) The commissioner is authorized to make orders and regulations with respect to the development and the operation and management of such project or projects by housing developers, and to determine the allocation of funds to meet the development costs of such project or projects, including administrative or other costs or expenses to be incurred by the state.

(Effective June 19, 1985)

Sec. 8-119g-7. Program review criteria

(a) The Department's review will be based upon the need for housing in the community as documented by applications on file or a needs survey, the suitability of the proposed site for congregate housing, the capability of the developer to successfully complete and manage the project and the quality of its application.

(Effective June 19, 1985)

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Sec. 8-119g-8. Application and approval procedure

- (a) Submission of an application.
- (b) Evidence of control of a proposed site.
- (c) Approval of Application as defined in Section 8-119g-9 below.
- (d) Recommendation of a funding allocation request to State Bond Commission by the Commissioner.
- (e) Approval by State Bond Commission.
- (f) Execution of Contract between State and Applicant.
- (g) Submission, review and approval of preliminary, basic and final architectural plans and drawings by the Commissioner.
- (h) Authorization from Commissioner to award contract.

(Effective June 19, 1985)

Sec. 8-119g-9. Application contents and review

- (a) Certified Resolution of Developer.
- (b) Statement of Need.
- (c) Proposed Site Information.
- (d) Evidence of funds to meet planning costs.
- (e) Proposed Development budget and costs.
- (f) Proposed Management budget.
- (g) If Developer is a community housing development corporation evidence of its designation by the governing body municipality.
- (h) If Developer is an “other corporation” evidence that it has been approved by the Commissioner on Aging.
- (i) Affirmative fair housing market plan.

(Effective June 19, 1985)

Sec. 8-119g-10. Management

(a) The Developer of a congregate housing project shall manage the project in an efficient manner so that the rental charges and congregate service costs shall be fixed at the lowest possible levels consistent with the provision of decent, safe, and sanitary dwelling units and the congregate services will be delivered to the tenant, in the most beneficial and efficient manner.

(1) All tenants will be required to pay a minimum rental charge, in accordance with a management plan approved by the Commissioner. The rental charges together with any available income shall generate sufficient income to meet the costs of the project operation, including but not limited to:

- (A) Payment-in-lieu of taxes where applicable.
- (B) The cost of state service charge.
- (C) The cost of operating and maintaining the project, including its administrative cost and provision of reasonable reserves for repairs, maintenance, and vacancy and collection

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losses.

(2) All tenants will be required to pay the congregate services costs, based on their net income after allowances, in accordance with a formula approved by the Commissioner. Congregate services charges together with any available State subsidy or other available income shall generate sufficient income to meet the costs of the congregate services, including but not limited to those defined in 8-119g-3 (A) of these regulations.

(3) Rental Charge Increase: The following procedures shall be followed by all developers for any proposed rental charge increase. These procedures do not apply to adjustments based on circumstances such as family income or composition.

(A) A 30 day written notice to all tenants that a change in the rental charge will be considered by the developer at its next meeting, (include date and time of the meeting) and may result in an increase.

(B) Advise tenants that they may submit written comments to the developer within the 30 day period, and that they may review any documents supporting the proposed increase which will be on file at the office of the developer and at the congregate housing site. Also, tenants may attend the meeting and make comments at that time.

(C) At the end of a 30 day period, the developer shall submit within 15 days to the Commissioner, its recommended management plan plus all tenants comments.

(D) Within 30 days after receipt of the developer's recommendation, the Commissioner approves, disapproves, or requests modification of the increase or any portion thereof.

(E) If the increase is approved by the Commissioner, the developer must then give the tenants at least 30 days written notice prior to the effective date of the increase.

(4) Congregate Services Increases: The following procedures shall be followed by all developers for any proposed congregate services increase. These procedures do not apply to adjustments based on circumstances such as family income or composition.

(A) Within 60 days of the proposed increase, the developer shall submit its recommended Management Plan to the Commissioner.

(B) Within 30 days after receipt of the developer's recommendation, the Commissioner approves, disapproves or requests modification of the increase or any portion hereof.

(C) If the increase is approved by the Commissioner, the developer must then give the tenants at least 30 day written notice prior to the effective date of the increase.

(5) Proper notice and an opportunity to be heard prior to the imposition of rental charge increases and congregate services increases shall be deemed matters of Procedural Due Process of Law. Accordingly, all time frames for notice requirement and comments are jurisdictional. Any person aggrieved by the manner or method of the imposition of rent as congregate services increases or decreases may appeal any such grievance to the Commissioner of Housing within six (6) months of the occurrence of such incident.

(Effective June 19, 1985)

Sec. 8-119g-11. Fiscal policy

(a) Costs during development phase:

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(1) Financial Assistance: The Commissioner may enter into a contract with a housing authority, a community housing development corporation as defined in Section 8-217 of the General Statutes or other corporations approved by the Commissioner on Aging for State financial assistance for a Congregate housing project for elderly persons in the form of a capital grant for application to the development cost of the project, or in the form of a loan rather than a capital grant where the funding from an agency of the U.S. Government is available to repay the loan.

(2) Payments: The Commissioner, in accordance with such contract, may make temporary advances to such authority or such community housing development corporation or other corporation approved by the Commissioner on Aging for preliminary planning expense or other development cost of project or projects.

(3) Reporting: The housing authority, community housing development corporation or other corporations approved by the Commissioner on Aging, as the case may be, are required to submit quarterly schedules of development costs upon receipt of first advance of funds from the State. A development Fund Release Sheet is also required on a quarterly basis.

(b) Costs during management phase:

(1) Financial Assistance: The Commissioner may enter into an annual contract to provide a subsidy for the cost of Congregate Services for the eligible tenants of the Congregate Facility.

(2) Payments: The Commissioner, in accordance with such contract, may make payments to such developers who are required to submit quarterly financial statements to verify the need for the subsidy payment. Such payments shall not exceed the total cost of the program or the total amount of the annual grant.

(3) Reporting: The developer is required to submit quarterly financial statements and annual Management Plans and other reports as required by the Commissioner.

(Effective June 19, 1985)

Sec. 8-119g-12. Audits

(a) The housing authority, community housing development corporation or other corporations approved by the Commissioner on Aging will be subject to audits of all books and records. Audits will be performed by independent public accountants registered to practice in the State of Connecticut or by qualified Department of Housing's personnel and shall be in accordance with procedures established by the Department of Housing. An audit is to be completed as soon as practical, following completion of the development of the project and at the end of an operating period when project is under management. An audit will also be required of each annual subsidy agreement and for the administration periodically as deemed necessary by the Commissioner.

(Effective June 19, 1985)

Waiting Lists

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Sec. 8-119g-13. Applicability

Pursuant to Section 8-116a and 8-119g of the Connecticut General Statutes, these criteria and procedures are applicable to each housing authority, housing partnership or non-profit corporation administering elderly housing projects under Chapter 128 of the Connecticut General Statutes, to the Commissioner of Housing acting as a housing authority and any agent, servant or independent contractor acting on behalf of a housing authority, the Commissioner of Housing in the role of a housing authority, housing partnership, or any non-profit corporation.

(Effective January 22, 1986)

Sec. 8-119g-14. Definitions

(a) Incorporation of definitions: The provisions of Section 8-45-9 (a) (b) (c) (d)(e) and (f) inclusive of of this regulation except as otherwise provided herein and subsection (a) of Section 17-137 of the Connecticut General Statutes, shall govern the implementation of Congregate Housing waiting lists.

(b) “Nonprofit corporation” means a nonprofit corporation incorporated pursuant to chapter 600, having as one of its purposes the construction, rehabilitation, ownership or operation of housing and having articles of incorporation approved by the commissioner of housing in accordance with regulations adopted pursuant to section 8-79a or 8-84.

(Effective January 22, 1986)

Sec. 8-119g-15. Implementation

The provisions of Section 8-45-10 through 8-45-15: inclusive of of this regulation, except as otherwise provided, shall govern the implementation of Congregate Housing waiting lists.

(Effective January 22, 1986)

Congregate Housing for the Elderly

Sec. 8-119g-16. Definitions

(a) “Developers’ Fee” means a bonus earned by developers that have successfully completed key events in the development process.

(b) “Key Events” means the four main phases in the development process: (1) Preliminary Application Approval, (2) Final Application Approval, (3) Construction Start; and (4) Construction Completion.

(c) “Successfully Completed” means completion of key events in a timely manner.

(Effective December 27, 1990)

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Sec. 8-119g-17. Terms and conditions

(a) A developer's fee may be established at up to 10% of the total development cost, less the cost of land, or \$100,000, whichever is less.

(b) The fee schedule shall be determined as follows:

<u>Percent of Fee</u>	<u>Key Event</u>
10%	Preliminary Application
15%	Final Application
25%	Construction Start
50%	Construction Completion

(c) Developer's fees are earned based on the schedule established for completing key events in the development process, as approved by the Commissioner.

(d) Developers shall only earn a fee for those key events that are completed according to the established schedule. Developers may not be entitled to earn a fee for key events completed after the established schedule. Developers shall earn, but not receive, any fee, until completion of the housing development.

(Effective December 27, 1990)

Sec. 8-119g-18. Implementation

The provisions of Section 8-68g-1, except as otherwise provided, shall govern the implementation of the Congregate Housing for the Elderly Program developers' fee.

(Effective December 27, 1990)