

*Regulations of Connecticut State Agencies*  
TITLE 17a. Social & Human Services & Resources

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*Agency*  
**Department of Mental Retardation**  
*Subject*  
**Community Based Housing Subsidy Program for Eligible Clients of the Department  
of Mental Retardation**  
*Inclusive Sections*  
**§§ 17a-218-1—17a-218-23**

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**Community Based Housing Subsidy Program for Eligible Clients of the Department of Mental Retardation**

**Sec. 17a-218-1. Definitions**

As used in Sections 17a-218-1 to 17a-218-7 inclusive:

(a) “Assistant Regional Director” (A.R.D.) means the Assistant Regional Director for Residential Services for the Department of Mental Retardation region which serves the eligible client.

(b) “Capacity” means a level of intellectual functioning, understanding, memory and judgment sufficient to enable a person to understand the nature and effects of his acts relative to a particular transaction.

(c) “Client” means a person admitted to, or authorized by, the Department of Mental Retardation to receive residential services funded or partially funded by the Department of Mental Retardation.

(d) “Commissioner” means the Commissioner of Mental Retardation.

(e) “Department” means the Department of Mental Retardation.

(f) “Housing Costs” means those costs normally attributable to the acquisition, retention, use, and occupancy of a subsidized community based residence including, but not limited to:

- (1) rent or other periodic payments for use and occupancy;
- (2) security deposits;
- (3) utilities;
- (4) insurance; and
- (5) costs relating to routine maintenance and repair.

(g) “Program Participant” means a client who is certified to participate in the community-based housing subsidy program.

(h) “Regional Director” means the regional director for the department of mental retardation region which serves the eligible client.

(i) “Rent” means the periodic payment for use and occupancy of residential property.

(j) “Subsidized Community-Based Residence” means any residential structure in which clients who are certified pursuant to Section 17a-218-4 of these regulations reside and for which they receive a subsidy to assist in meeting their housing costs pursuant to these regulations.

(Effective August 24, 1994)

**Sec. 17a-218-2. Eligibility**

(a) Any client authorized for residential services of the department may be eligible for a community-based housing subsidy if the regional director has determined that the residential needs of the client could be adequately met by placement in a subsidized community-based residence.

(b) No client whose income and assets are sufficient to pay for his total housing costs

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may be considered eligible for a housing subsidy pursuant to these regulations.

(Effective August 24, 1994)

**Sec. 17a-218-3. Referral**

(a) Any client may be considered for placement in a subsidized community-based residence. The assistant regional director shall evaluate community residential resources to determine if an eligible client could be adequately served by the community-based housing subsidy program.

(b) Any client considered for placement in a subsidized community-based residence will have at least one (1) opportunity to visit the residence prior to the placement decision. A proposed placement in a subsidized community-based residence must be reviewed and approved by the regional director.

(c) No community-based residence may be considered for a placement of eligible clients if the housing costs attributable to rent or other periodic payments for use and occupancy are in excess of 130% of the Fair Market Rents published by the Secretary of the United States Department of Housing and Urban Development pursuant to Section 8 (c) (1) of the United States Housing Act of 1937.

(d) The commissioner may make exceptions to the limitations contained in subsection (c) of this section if the regional director makes a written request for an exception based on:

(1) demonstrated higher housing costs for the area of the state where the proposed subsidized community-based residence is located; or

(2) demonstrated inability to meet the specialized residential needs of the program participant within the limitations set forth in subsection (c) of this section.

(3) No request for an exception shall be approved if the total housing costs for the unit or residence attributable to rent or other periodic payments for use and occupancy exceed fair market value based on review of at least two (2) comparable properties.

(e) Upon approval of a placement in a subsidized community-based residence, the assistant regional director shall evaluate and determine, or cause to be evaluated and determined;

(1) the current gross income available to the client for payment of housing costs as provided in an Income Verification Form provided by the department;

(2) the projected income available to the client for payment of housing costs;

(3) all costs attributable to housing costs;

(4) the type and amount of supervision required;

(5) whether the proposed placement meets the clients needs particularly with regard to health and safety;

(6) the current and projected monthly subsidy necessary to assist the client to meet his housing costs; and

(7) the current and projected share of housing costs to be paid by other income available

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to the program participant.

(Effective August 24, 1994)

**Sec. 17a-218-4. Certificate of program participation**

(a) The A.R.D. may approve the client for participation in the community-based housing subsidy program if there are sufficient resources available to provide the subsidy and appropriate supervision and the requirements of Section 17a-218-3 of these regulations are satisfied.

(b) If the A.R.D. approves a client for program participation, a certificate of program participation will be issued to the client with one (1) copy maintained in the individual client record, one (1) copy provided to the commissioner, one (1) copy provided to the client and one (1) copy provided to the landlord. The certificate of program participation shall include, but not be limited to:

- (1) a statement that the client is certified to participate in the community-based housing subsidy program;
- (2) a description of the community-based housing subsidy program;
- (3) reference to the statutory and regulatory authority for the program;
- (4) the name of the program participant;
- (5) a statement that neither the department, the State of Connecticut nor any of its employees have responsibilities as lessees or any other interest in the property which is the subject of the subsidy, and that the subsidy payments made to a program participant may be adjusted or terminated without prior notice to the lessor;
- (6) the signature of the regional director.

(Effective August 24, 1994)

**Sec. 17a-218-5. Leasing capacity**

If placement in a subsidized community residence requires the execution of a lease, the following issues must be addressed:

- (a) The regional director must make an initial assessment of the client's capacity to execute a lease. If the regional director determines that the client has the capacity to execute a lease, the client may execute the lease on his own behalf.
- (b) If the regional director makes an initial determination that the client lacks capacity to execute a lease, or a guardian or conservator has been appointed, arrangements must be made for the lease to be executed by a guardian or a conservator, or by another party who is not an employee of the department or the State of Connecticut.

(Effective August 24, 1994)

**Sec. 17a-218-6. Method of payment**

(a) The subsidy payment shall be made monthly to the client or his representative payee to cover housing costs for the following month. An initial subsidy payment, which may include a security deposit, may be made prior to use and occupancy of the subsidized

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community residence to cover housing costs for a reasonable transition period not to exceed forty-five (45) days.

(b) At least quarterly the A.R.D. shall reevaluate, or cause to be reevaluated, an updated Income Verification Form for each program participant for purposes of determining changes in income available to pay for housing costs. The amount of the subsidy payment may be adjusted at any time to reflect any change in a program participant's other sources of income and may be terminated if the other sources of income are determined sufficient to pay for the program participant's total housing costs.

(c) Prior to approval of any subsidy payment pursuant to these regulations the commissioner or his designee shall determine that the program participant has a right to use and occupancy of the premises, as evidenced by a written lease or otherwise.

(d) Each regional director shall submit reports containing information relative to various aspects of the housing subsidy program to the commissioner upon his request.

(Effective August 24, 1994)

**Sec. 17a-218-7. Miscellaneous**

(a) All statutes and regulations pertaining to transfers of clients shall be adhered to for clients placed, or to be placed, in subsidized community residences.

(b) If it becomes necessary for a client to cease use and occupancy of a subsidized community-based residence, the department will provide assistance relating but not limited to:

- (1) termination of the lease;
- (2) substitution of other clients certified to participate pursuant to these regulations; and
- (3) other negotiations with the landlord as needed to assist in relieving the client of any legal liability resulting from his cessation of occupancy.

(c) Notwithstanding the provisions of subsection (c) of Section 17a-218-3 of these regulations, any program participant residing in a subsidized community residence and receiving a subsidy payment for housing costs on or before the effective date of these regulations shall continue to be eligible for such assistance, provided such participant continues to reside in his current residence and is otherwise eligible pursuant to these regulations.

(Effective August 24, 1994)

**Respite Programs**

**Sec. 17a-218-8. Definitions (Repealed)**

Repealed June 11, 2014.

(Effective August 24, 1994; Repealed June 11, 2014)

*Notes:* For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

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**Sec. 17a-218-9. Applications for contracts (Repealed)**

Repealed June 11, 2014.

(Effective August 24, 1994; Repealed June 11, 2014)

*Notes:* For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

**Sec. 17a-218-10. Contracting procedure (Repealed)**

Repealed June 11, 2014.

(Effective August 24, 1994; Repealed June 11, 2014)

*Notes:* For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

**Sec. 17a-218-11. Applications for certification (Repealed)**

Repealed June 11, 2014.

(Effective August 24, 1994; Repealed June 11, 2014)

*Notes:* For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

**Sec. 17a-218-12. Certification process (Repealed)**

Repealed June 11, 2014.

(Effective August 24, 1994; Repealed June 11, 2014)

*Notes:* For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

**Sec. 17a-218-13. Renewal (Repealed)**

Repealed June 11, 2014.

(Effective August 24, 1994; Repealed June 11, 2014)

*Notes:* For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

**Sec. 17a-218-14. Revocation, compliance orders, sanctions (Repealed)**

Repealed June 11, 2014.

(Effective August 24, 1994; Repealed June 11, 2014)

*Notes:* For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

**Sec. 17a-218-15. Hearings (Repealed)**

Repealed June 11, 2014.

(Effective August 24, 1994; Repealed June 11, 2014)

*Notes:* For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

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**Sec. 17a-218-16. Initial standards (Repealed)**

Repealed June 11, 2014.

(Effective August 24, 1994; Repealed June 11, 2014)

*Notes:* For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

**Sec. 17a-218-17. Operating standards (Repealed)**

Repealed June 11, 2014.

(Effective August 24, 1994; Repealed June 11, 2014)

*Notes:* For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

**Bidding Procedures for the Construction, Renovation or Rehabilitation of  
Community-Based Residential Facilities**

**Sec. 17a-218-18. Definitions**

For the purposes of Sections 17a-218-18 to 17a-218-23, inclusive of these regulations, the following definitions shall apply:

(1) “Bid” means an offer, submitted in response to an invitation to bid for the construction, renovation or rehabilitation of a community-based residential facility including those to be leased with a purchase option by the department.

(2) “Bidder” means any person, firm or corporation submitting a bid on an invitation to bid issued by the Commissioner.

(3) “Commissioner” means the commissioner of the department of mental retardation or his designee.

(4) “Contract” means the agreement reached when the commissioner accepts the offer of a bidder for the construction, renovation or rehabilitation of a community-based residential facility including those to be leased with a purchase option by the department, subject to all legally required consents and approvals.

(5) “Contractor” means the person, firm or corporation to whom a contract is awarded against a bid submitted.

(6) “Department” means the department of mental retardation.

(7) “Invitation to bid” means the communication which states the terms and conditions under which a specified procurement will be made in a particular instance.

(8) “Lowest responsible qualified bidder” means the bidder whose bid is the lowest of those bidders possessing the skill, ability and integrity necessary to faithfully perform the work based upon objective criteria addressing past performance and financial responsibility.

(Effective July 2, 1997)

**Sec. 17a-218-19. Bidding for contracts**

(a) On and after January 1, 1997, every contract for the construction, renovation or rehabilitation of a community-based residential facility, including those for lease with a



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purchase option shall be awarded to the lowest responsible qualified bidder on the basis of competitive bids.

(Effective July 2, 1997)

**Sec. 17a-218-20. Bidding procedure**

(a) Whenever the department finds it necessary to construct, renovate or rehabilitate a community-based residential facility including those for lease with a purchase option by the department and when the department is authorized to be the agent of the state for such projects an invitation to bid shall be issued.

(b) All bids submitted in response to the invitation to bid shall be submitted on and in accordance with the forms supplied by the commissioner. Telegraphic bids, telephone bids or bids transmitted by facsimile equipment shall not be accepted.

(c) The time and date that bids are to be opened shall be outlined in the invitation to bid. Bids received after the specified time and date of bid opening shall not be considered. Bids submitted in pencil shall be rejected. Unsigned bids shall be rejected. All signatures shall be original signatures unless there is specific authorization from the commissioner for the use of non-manual forms of signature. Erasures, alterations or corrections on both the original and copy of the proposal shall be returned shall be initialed by the person signing the bid or proposal or his authorized designee.

(d) Multiple bids shall not be considered from the same bidder.

(e) All bids shall be opened and read publicly and thereafter are subject to public inspection during normal business hours of the department. Bidders may be present or be represented at all openings.

(f) The commissioner shall have the right to amend or cancel an invitation to bid prior to the date of bid opening.

(Effective July 2, 1997)

**Sec. 17a-218-21. Award**

(a) Award shall be made to the lowest responsible qualified bidder. Essential information in regard to such qualifications shall be submitted with the bid in such form as the commissioner may require by specification in the bid documents and on the bid form.

(b) The commissioner reserves the right to make awards within thirty calendar days from the date bids are opened, unless otherwise specified in the invitation to bid.

(c) Should award, in whole or in part, be delayed beyond the thirty day or an earlier date specified by a bidder in his bid, such awards shall be conditioned upon bidder's acceptance.

(d) The bidder, if requested by the commissioner, shall be prepared to present evidence of experience, ability, and financial standing necessary to meet satisfactorily the requirements set forth or implied in the invitation to bid.

(e) The commissioner reserves the right to correct inaccurate awards resulting from his clerical or administrative errors.

(Effective July 2, 1997)



**Sec. 17a-218-22. Rejection of bids**

(a) In inviting bids, the commissioner shall reserve the right to reject any or all such general bids, if:

(1) the commissioner determines that the general bidder or bidders involved are not competent to perform the work as specified, based on objective criteria established for making such determinations, including past performance and financial responsibility;

(2) the low bid price exceeds the amount of money available for the project;

(3) the commissioner determined that the project shall not go forward; or

(4) the commissioner finds cause to reject such bids.

(b) If the commissioner rejects any or all bids pursuant to this section, it shall notify each affected bidder, in writing, of the reasons of such rejection.

(Effective July 2, 1997)

**Sec. 17a-218-23. Objective criteria for determining the lowest responsible qualified bidder**

(a) The invitation to bid shall state the evaluation factors, including price, and their relative importance. Past performance and financial responsibility shall always be factors in making this determination.

(b) The evaluation shall be based on the evaluation factors in the invitation to bid. Numerical rating systems may be used but are not required. Factors not specified in the invitation to bid shall not be considered.

(c) Proposals shall be classified as acceptable; potentially acceptable, that is reasonably susceptible of being made acceptable; or unacceptable.

(d) Bidders whose proposals are unacceptable shall be so notified promptly.

(Effective July 2, 1997)