

Secretary of the State File Number

**6427**

Regulation of the  
**Department of Housing**  
Concerning

**Fair Housing Regulations**

Regulations adopted after July 1, 2013, become effective upon posting to the Connecticut eRegulations System, or at a later date if specified within the regulation.

Posted to the Connecticut eRegulations System on **February 4, 2025**

EFFECTIVE DATE

**February 4, 2025**

Approved by the Attorney General on

**November 27, 2024**

Approved by the Legislation Regulation Review Committee on

**January 28, 2025**

Electronic copy with agency head certification statement electronically submitted to and received by the Office of the Secretary of the State on

**January 31, 2025**

Form ICM-ECOPY (NEW 6/2015)

State of Connecticut  
Secretary of the State



**IMPORTANT NOTICE FOR CONNECTICUT STATE AGENCIES**

This form should be used only for regulations first noticed *on and after March 23, 2015*.

## Electronic Copy Certification Statement

*(Submitted in accordance with the provisions of section 4-172 of the Connecticut General Statutes)*

Regulation of the  
**Department of Housing**  
Concerning  
**Fair Housing Regulations**

Approved by the Legislative Regulation Review Committee: **January 28, 2025**

eRegulations System Tracking Number: **PR2-22-033**

**I hereby certify** that the electronic copy of the above-referenced regulation submitted herewith to the Secretary of the State is a true and accurate copy of the regulation approved in accordance with sections 4-169 and 4-170 of the *Connecticut General Statutes*.

**And I further certify** that in accordance with the approval of Legislative Regulation Review Committee, all required technical corrections, page substitutions and deletions, if any, have been incorporated into said regulation.

**In testimony whereof**, I have hereunto  
set my hand on **January 30, 2025**.

*Seila Mosquera-Bruno*

Seila Mosquera-Bruno

Commissioner

Department of Housing

State of Connecticut  
Regulation of  
Department of Housing  
Concerning  
Fair Housing Regulations

Sec. 1. The Regulations of Connecticut State Agencies are amended by adding sections 8-37ee-401 to 8-37ee-910, inclusive, as follows:

**(NEW) Sec. 8-37ee-401. Definitions**

As used in subtitle 8-37ee of the Regulations of Connecticut State Agencies:

- (1) "Affirmative fair housing marketing plan" means the information provided by an entity, in a form and manner prescribed by the housing agency, setting forth its plan to comply with the requirements set forth in Parts 1 to 3, inclusive, of subtitle 8-37ee of the Regulations of Connecticut State Agencies, as required by section 8-37ee-502 of the Regulations of Connecticut State Agencies.
- (2) "Applicant" means an individual who submits an application to a housing agency in connection with a housing opportunity.
- (3) "Affirmatively further fair housing" means taking actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.
- (4) "Department" means the Department of Housing.
- (5) "Entity" means an organization that applies for or receives state financial assistance from a housing agency or contracts with a housing agency to administer a program on behalf of the housing agency.
- (6) "Housing agency" has the same meaning as provided in section 8-37aa of the Connecticut General Statutes.
- (7) "Housing opportunity" means the availability of assistance with housing, either through the provision of a unit of housing for rental or ownership, or a rental subsidy, or both, funded in whole or part by a housing agency.

- (8) "HUD" means the United States Department of Housing and Urban Development or its successor agency.
- (9) "Least likely to apply" means those persons who, in the main, are members of a demographic group that is numerically in a minority in the geographic area of the housing opportunity, as reviewed and approved by the housing agency with respect to each housing opportunity, and thus need additional dissemination of information to inform them of the housing opportunity.
- (10) "Metropolitan Statistical Area" means such areas as defined by HUD.
- (11) "New housing opportunity" means a housing opportunity arising from the construction of new housing units funded in whole or part by a housing agency, or the creation of a new subsidy program to benefit individual renters or homeowners.
- (12) "Preference" means identified criteria used to select applicants from the waitlist for a housing opportunity.
- (13) "Primary Metropolitan Statistical Area" means such areas as defined by HUD.
- (14) "Waitlist" means a listing of applicants for a housing opportunity that includes a waitlist number, a control number, and the status of the application, and may also include unit size sought and any preferences established as set forth in section 8-37ee-807 of the Regulations of Connecticut State Agencies.

**(NEW) Sec. 8-37ee-402. Applicability**

- (a) As set forth in section 8-37ee(a) of the Connecticut General Statutes, the fair housing requirements set forth in subtitle 8-37ee of the Regulations of Connecticut State Agencies shall apply to all entities participating in any program administered by a housing agency.
- (b) Where a housing agency uses funding for the development or rehabilitation of housing units, the requirements set forth in subtitle 8-37ee of the Regulations of Connecticut State Agencies shall apply to the development or rehabilitation of:
  - (1) A subdivision, as defined in section 8-18 of the Connecticut General Statutes, or multifamily developments of five (5) or more lots or units; or

- (2) Five (5) or more scattered site dwelling units, whether part of a single housing opportunity or multiple housing opportunities.
- (c) The department may waive any nonstatutory requirements imposed by subtitle 8-37ee of the Regulations of Connecticut State Agencies. Requests for a waiver shall be in writing and addressed to the department. The department shall only grant such waiver with sufficient evidence that:
  - (1) The strict enforcement of such requirements results in exceptional difficulty or unusual hardship not caused by the entity;
  - (2) The benefit to be gained by waiver of the requirements outweighs the detriment which shall result from enforcement, if any;
  - (3) The waiver is in harmony with affirmatively furthering fair housing with respect to all applicable state, federal and local fair housing laws and regulations; and
  - (4) The waiver is in the best interest of the state.

**(NEW) Secs. 8-37ee-403 – 8-37ee-500. Reserved.**

## Part 1

### Affirmative Fair Housing Marketing Requirements

**(NEW) Sec. 8-37ee-501. Characteristics of affirmative fair marketing programs**

Each entity shall meet the following requirements or, if it contracts marketing responsibility to another party, be responsible for that party's carrying out the following requirements:

- (1) Create and implement an affirmative fair housing marketing plan to attract buyers, tenants, applicants, or participants that are least likely to apply to the housing opportunity for initial or ongoing sale, rental, or participation in programs administered by the entity. An entity shall have an affirmative fair housing marketing plan in effect for all housing opportunities throughout the term of the use restriction concerning such housing opportunity recorded on the municipal land records, assistance agreement or regulatory agreement for an entity receiving state financial assistance from a housing agency, or at any time during the period an entity is subject to the terms of a contract with a housing agency to administer a program on behalf of a housing agency, as applicable. An entity shall include in its affirmative fair housing marketing plan a carefully documented assessment of the groups that are least likely to apply and a clearly articulated affirmative marketing policy and effort to disseminate information to those groups, including a determination of whether translation of materials into language or languages other than English is necessary. An entity's marketing efforts shall include a HUD-approved fair housing logo, slogan or statement and all advertising depicting persons shall depict persons of diverse demographic groups.
- (2) Maintain a policy in compliance with all applicable equal opportunity and nondiscrimination legal requirements when recruiting for staff to be engaged in the sale or rental of properties or the administration of housing opportunities.
- (3) Instruct all employees and agents of the entity, in writing and orally, of the entity's policy of nondiscrimination and fair housing with respect to all applicable state, federal and local fair housing laws and regulations.

- (4) Consider the application of any eligible buyers, tenants, applicants, or participants who the housing agency has referred to the entity.
- (5) Prominently display, in all offices in which sale, rental, or administrative activity pertaining to housing opportunities occurs, a fair housing poster approved by the Commission on Human Rights and Opportunities that includes reference to protected classes under Connecticut law, and include the HUD-approved fair housing logo, slogan or statement in any printed material the entity uses in connection with sales, rentals, and participation in programs administered by the entity.

**(NEW) Sec. 8-37ee-502. The affirmative fair housing marketing plan**

Each entity to which subtitle 8-37ee of the Regulations of Connecticut State Agencies applies shall provide, on a form and in the manner prescribed by the housing agency, information stating that its affirmative fair housing marketing plan complies with the requirements set forth in Parts 1 to 3, inclusive, of subtitle 8-37ee of the Regulations of Connecticut State Agencies. The entity shall make the affirmative fair housing marketing plan, once approved by the housing agency, available for public inspection at the sales or rental office of the entity or the office where the specific housing opportunity is administered.

**(NEW) Secs. 8-37ee-503 – 8-37ee-600. Reserved.**

## **Part 2**

### **Affirmative Fair Housing Marketing**

**(NEW) Sec. 8-37ee-601. Affirmative fair housing marketing process**

**(a) Assessing affirmative marketing needs**

Affirmative fair housing marketing plans shall identify the group or groups least likely to apply for the housing opportunity through the submission of relevant demographic data. Entities may derive data from the U.S. Census, municipal sources, regional planning agencies, civil rights groups, fair housing officers, social service agencies, federal sources, state planning documents or reports, and like organizations and sources. Entities shall clearly identify the documentation of any sources for such data.

**(b) Affirmative marketing outreach**

- (1) Mechanisms – Affirmative fair housing marketing plans shall determine and identify the most appropriate ways in which the entity shall disseminate information to potential applicants, which may include: newspaper, radio, television, and other electronic and non-electronic media advertisements as well as flyers and announcements to social service agencies and other organizations with the desire and capacity to inform potential applicants of the availability of housing opportunities. These mechanisms or organizations shall represent those most likely to be read, heard, seen by, or in contact with potential applicants least likely to apply.
- (2) Locale – Affirmative fair housing marketing plans shall provide for the dissemination of information at a minimum in (A) the largest city located in the nearest Primary Metropolitan Statistical Area or Areas or Metropolitan Statistical Area or Areas, (B) the Regional Council of Governments planning region in which the entity is located, as defined by section 4-124i of the Connecticut General Statutes, and (C) any other areas where those least likely to apply may reside.
- (3) Time frame – Affirmative fair housing marketing plans shall identify the time frame, duration, and frequency of the mechanisms for the dissemination of information set forth in subdivision (1) of this subsection. At a minimum, affirmative fair housing marketing shall begin ten (10) business days prior to general marketing of the housing opportunity.



- (4) Content – Affirmative fair housing marketing plans shall identify the content of the materials to be disseminated to potential applicants which at a minimum shall: (A) identify the location of the housing opportunity; (B) describe the housing opportunity; (C) identify when the application process shall begin and end; (D) encourage all potentially eligible applicants to apply; (E) include a contact person and telephone number; (F) display the fair housing logo and clearly state the entity's commitment to fair housing and non-discrimination in accordance with all applicable state, federal and local fair housing laws and regulations; (G) where there is any advertising depicting persons, depict persons of diverse demographic groups; (H) include a fair housing policy statement that satisfies the requirements of section 8-37ee-602 of the Regulations of Connecticut State Agencies; and (I) set forth how persons with disabilities may request a reasonable accommodation pursuant to section 46a-64c of the Connecticut General Statutes.
- (5) Community contacts – Affirmative fair housing marketing plans shall identify community contacts, which contacts shall include individuals and organizations that are well known in the area and that can communicate with and assist those least likely to apply. These individuals and organizations may include, without limitation, religious organizations, housing counseling groups, legal services organizations, labor unions, minority and women's organizations, shelters, social service agencies, housing authorities, or town officials. Entities shall provide each community contact appropriate materials, as described in subdivision (4) of this subsection, with additional instructions, if necessary.
- (6) Counseling and application assistance – Affirmative fair housing marketing plans shall provide that either the contact person or a housing counseling organization, fair housing officer or other similar party is trained in all applicable state, federal and local fair housing laws and regulations and the requirements of any such law or regulation and is ready and willing to assist all potential applicants, including those least likely to apply, and those who may need reasonable accommodation, with the application process.
- (7) Follow-up – Affirmative fair housing marketing plans shall provide for follow-up meetings or reports from the various organizations and individuals listed in subdivision (5) of this subsection in order to evaluate the effectiveness of the affirmative fair housing marketing.

Where organizations determine that few potential applicants who are among the groups least likely to apply are displaying an interest, the entity, in coordination with the organizations and individuals shall consider alternative approaches set forth in subdivision (1) of this subsection.

**(NEW) Sec. 8-37ee-602. Fair housing policy statement and publication**

- (a) Any entity subject to subtitle 8-37ee of the Regulations of Connecticut State Agencies shall adopt a fair housing policy statement prior to the receipt of housing agency funds, which statement shall include the following:
  - (1) The entity's commitment to promote fair housing choice and not to discriminate against any person as prohibited in sections 46a-64c, 46a-80c and 46a-81e of the Connecticut General Statutes. The entity shall specifically include the provisions of sections 46a-64c, 46a-80c and 46a-81e of the Connecticut General Statutes in the statement.
  - (2) The entity's commitment to promote demographic diversity in any housing opportunity developed or supported with housing agency funds the entity seeks or the entity's commitment to seek beneficiaries from diverse demographic groups as well as all protected classes identified by sections 46a-64c, 46a-80c and 46a-81e of the Connecticut General Statutes, and to seek a broad range of income eligible beneficiaries, whichever provision is relevant to the kinds of services provided by the entity.
  - (3) The name, title and contact information of the person assigned to ensure compliance with fair housing requirements.
  - (4) A discrimination complaint procedure which complies with the discrimination complaint procedure set forth in Part 3 of Chapter 814c of the Connecticut General Statutes, including a description of how a person with disabilities may request a reasonable accommodation pursuant to section 46a-64c of the Connecticut General Statutes.
- (b) Before dissemination, the entity's Board President or other authorized individual shall sign the fair housing policy statement and

the entity shall obtain the approval of the housing agency of the statement.

- (c) The entity shall prominently post the fair housing policy statement in the entity's offices in print and shall make the statement available electronically on the entity's social media sites or Internet web sites and also on the property where building or rehabilitation is taking place, as applicable.

**(NEW) Sec. 8-37ee-603. Modification of requirements**

- (a) In the event that another funding program imposes fair housing requirements on an entity that differ from those set forth in subtitle 8-37ee of the Regulations of Connecticut State Agencies, and the housing agency determines that those requirements impose additional obligations on the entity to the requirements set forth in subtitle 8-37ee of the Regulations of Connecticut State Agencies, the entity shall follow the more stringent requirements.
- (b) Where federal sources are also funding the housing opportunity, the entity shall also comply with all applicable federal fair housing regulations.
- (c) Where the housing agency is funding minor rehabilitation, as such term is defined in accordance with the relevant housing opportunity, the entity shall consult with the housing agency, which shall determine applicability of these requirements.

**(NEW) Sec. 8-37ee-604. Post-occupancy affirmative marketing**

Following the initial period of lease-up, each entity shall continue to affirmatively market all applicable housing opportunities to those least likely to apply for the term of the use restriction concerning such housing opportunity recorded on the municipal land records, assistance agreement or regulatory agreement. All entities shall make every good faith effort to maintain a demographically diverse housing development.

**(NEW) Secs. 8-37ee-605 – 8-37ee-700. Reserved.**

### **Part 3**

#### **Affirmative Fair Housing Marketing Compliance**

**(NEW) Sec. 8-37ee-701. Requisite approvals, notifications, and reports**

- (a) For new housing opportunities, the entity shall submit an initial affirmative fair housing marketing plan and tenant selection plan as required by section 8-37ee-901 of the Regulations of Connecticut State Agencies at least ninety (90) days prior to implementation of such plans.
- (b) For new housing opportunities, upon receipt of an initial affirmative fair housing marketing plan and tenant selection plan from the entity, the housing agency shall review each plan and, if the housing agency deems necessary, may schedule a preoccupancy conference. If necessary, the housing agency shall hold such preoccupancy conference prior to initiation of sales, rental, or other marketing activities. At the preoccupancy conference, the housing agency shall review the most recent previously approved plans with the entity to determine if the entity is required to modify the plans or their proposed implementation prior to initiation of marketing in order to achieve the objectives of subtitle 8-37ee of the Regulations of Connecticut State Agencies and the plans.
- (c) For existing housing opportunities, the entity shall submit any modifications made to plans to the respective housing agency for review and approval at least sixty (60) days prior to implementation.
- (d) Entities shall be required to collect data as identified in section 8-37bb of the Connecticut General Statutes from tenants, participants and persons on waitlists. The entity shall analyze the data collected as required by section 8-37bb of the Connecticut General Statutes and shall report such data to the housing agency annually, consistent with the requirements of and timeframes set forth by section 8-37bb or section 8-37qqq(a)(4)(B) of the Connecticut General Statutes, as applicable.

**(NEW) Sec. 8-37ee-702. Complaints**

Any person may file a complaint or complaints alleging violations of subtitle 8-37ee of the Regulations of Connecticut State Agencies or an approved affirmative fair housing marketing plan with the housing agency. The housing agency shall evaluate all complaints and take appropriate action

which may include, without limitation, a compliance meeting. The entity's affirmative fair housing marketing plan shall set forth how persons with disabilities may request a reasonable accommodation pursuant to section 46a-64c of the Connecticut General Statutes, to provide such persons with an opportunity to file a complaint under this section.

**(NEW) Sec. 8-37ee-703. Compliance meeting**

- (a) If an entity fails to comply with the affirmative fair housing marketing plan requirements or it appears to the housing agency that the entity may not achieve the goals of the plan or that the implementation of the plan should be modified, the housing agency may schedule a compliance meeting with the entity.
- (b) The purpose of the compliance meeting is to review the entity's compliance with the affirmative fair housing marketing plan requirements and the implementation of the plan and to indicate any changes or modifications which may be required in the entity's plan.
- (c) The housing agency shall send a notice of the compliance meeting to the last known address of the entity by electronic or other means. The notice shall advise the entity of the right to respond not more than ten (10) business days after the date of the notice to the matters identified as subjects of the meeting and to submit information and relevant data evidencing compliance with subtitle 8-37ee of the Regulations of Connecticut State Agencies and the affirmative fair housing marketing plan.
- (d) The entity shall provide, prior to or at the compliance meeting, specific documents, records and other information relevant to compliance. Such information shall include, at a minimum:
  - (1) Copies of all advertising in the relevant geographic areas as appropriate, including newspaper, radio, television, and electronic advertising;
  - (2) A photograph of the sale or rental sign at the site of construction, if applicable;
  - (3) A copy of the brochures and other printed materials used in connection with sales, rental, or participation in programs administered by the entity;
  - (4) Evidence of affirmative marketing to groups which are least likely to apply for the subject housing opportunity;

(5) Evidence of instructions to the entity's employees with respect to the entity's policy of nondiscrimination;

(6) A description of training conducted with the entity's staff;

(7) Evidence of nondiscriminatory hiring and recruiting policies for the entity's staff engaged in the sale, rental, or administration activities;

(8) Copies of applications and waiting lists of prospective buyers, renters, and participants maintained by the entity;

(9) Copies of sign-in lists maintained for prospective buyers and renters that expressed interest in the housing opportunities, if applicable;

(10) Copies of selection and screening criteria; and

(11) Copies of relevant sales or lease agreements.

- (e) Based on the information provided pursuant to subsection (d) of this section, the housing agency shall notify the entity not more than twenty (20) business days after the compliance meeting whether the entity is in compliance with subtitle 8-37ee of the Regulations of Connecticut State Agencies or affirmative fair housing marketing plan, or if the matters raised at the compliance meeting cannot be resolved.
- (f) If the entity cannot resolve the matters raised at the compliance meeting, the housing agency may conduct a comprehensive compliance review as set forth in section 8-37ee-704 of the Regulations of Connecticut State Agencies.
- (g) If the entity fails to attend the scheduled compliance meeting, the housing agency shall notify the entity no later than ten (10) business days after the date of the scheduled meeting, in writing, by electronic means or otherwise, and shall advise the entity as to whether a comprehensive compliance review shall be conducted.

**(NEW) Sec. 8-37ee-704. Compliance reviews**

- (a) The housing agency or its agent may conduct compliance reviews.
- (b) Even in the absence of a complaint or other information indicating noncompliance, the housing agency may conduct periodic compliance reviews throughout the term of the applicable use restriction concerning such housing opportunity recorded on the

municipal land records, assistance agreement, or regulatory agreement for an entity receiving state financial assistance from a housing agency, or at any time during the period an entity is subject to the terms of a contract with a housing agency to administer a program on behalf of a housing agency.

- (c) The purpose of a compliance review is to determine whether the entity is in compliance with the housing agency's requirements and the approved affirmative fair housing marketing plan. The housing agency shall give the entity at least five (5) business days' notice of the time set for any compliance review and the place or places for such review.
- (d) The compliance review shall cover the following areas:
  - (1) Sales and rental practices, including practices in soliciting buyers, tenants, applicants, and participants, determining eligibility, selecting and rejecting buyers, renters, and participants and concluding sales and rental transactions, where applicable;
  - (2) Activities to attract demographically diverse buyers, renters, and participants, including the use of advertising media, brochures, pamphlets, and fair housing posters;
  - (3) Data relating to the size and location of units, services provided, sales or rental price ranges and other matters relating to the marketing of housing opportunities;
  - (4) The demographic composition of buyers, renters or participants; and
  - (5) The demographic composition of staff engaged in the sale or rental of housing opportunities.
- (e) If, as of the time of the compliance review, the entity has not submitted the materials identified in section 8-37ee-703(d) of the Regulations of Connecticut State Agencies, the housing agency may request that the entity provide such materials at the time of the compliance review.
- (f) Following the compliance review, the housing agency or its agent shall prepare a report and provide a copy of such report to the entity.
- (g) Whenever a finding of noncompliance is made, the report prepared by the housing agency or its agent shall list specifically the violations

found and shall indicate that the entity shall have thirty (30) business days to appeal such findings and request a hearing with the housing agency pursuant to section 8-37ee-705 of the Regulations of Connecticut State Agencies.

- (h) If the entity does not appeal a finding of noncompliance, the housing agency shall coordinate with the entity to achieve compliance and may invoke the terms of default set forth in the specific financial agreement between the entity and the housing agency governing the applicable financial assistance or program.

**(NEW) Sec. 8-37ee-705. Hearings**

- (a) An entity may request a hearing in connection with a finding of noncompliance following a compliance review pursuant to section 8-37ee-704 of the Regulations of Connecticut State Agencies.
- (b) The housing agency shall hold all hearings pursuant to Part 3 of subtitle 8-37ee of the Regulations of Connecticut State Agencies in accordance with the Uniform Administrative Procedure Act, section 4-166 et seq. of the Connecticut General Statutes.

**(NEW) Sec. 8-37ee-706. Annual monitoring**

- (a) Each entity shall submit annual updates on whether the entity's goals as set forth in its affirmative fair marketing plan have been met and whether each entity has been able to sustain its goals. The entity shall submit such annual update not later than March 1, annually.
- (b) Upon review of the information submitted under subsection (a) of this section, the housing agency may schedule a compliance meeting or compliance review and may require remedial action as the housing agency deems necessary.
- (c) Each entity shall retain all records of all affirmative fair marketing, tenant selection, and waitlists for at least five (5) years or the time period set forth in any applicable agreement with the housing agency.
- (d) The housing agency may monitor entities on a yearly basis for compliance with the provisions of subtitle 8-37ee of the Regulations of Connecticut State Agencies and may be subject to additional on-site monitoring.



**(NEW) Secs. 8-37ee-707 – 8-37ee-800. Reserved.**

## Part 4 Applications and Waitlists

### Application Process

**(NEW) Sec. 8-37ee-801. Application process for initial occupancy or participation**

- (a) Entities shall provide an application period for any housing opportunity that extends for at least ninety (90) days before initial occupancy or participation in a program administered by the entity for a new housing opportunity. The entity shall establish an application deadline which sets forth the date by which all applications shall be completed and returned. The entity shall not consider applications received after the deadline unless: (1) there is an insufficient number of initial applicants; or (2) the housing agency determines that more affirmative marketing is necessary.
- (b) Entities shall create and use a standard application form that conforms with all applicable state and federal laws and make available a copy of such application if requested by the housing agency.
- (c) Entities shall provide the opportunity for any person seeking to apply for any housing opportunity during the application period to do so.
- (d) Applications shall set forth how persons with disabilities may request a reasonable accommodation pursuant to section 46a-64c of the Connecticut General Statutes to provide such persons with an opportunity to apply.
- (e) Entities shall date and time stamp each application received upon receipt. Entities shall give each applicant a receipt with the date and time on it upon request.
- (f) Entities shall assign a control number to each application received.
- (g) Entities shall create a separate record for each application. The record contents shall be considered confidential.
- (h) An entity may begin application evaluation upon receipt of applications at its discretion consistent with the requirements of Part 5 of subtitle 8-37ee of the Regulations of Connecticut State Agencies.

**(NEW) Sec. 8-37ee-802. Insufficient number of least likely to apply applicants**

- (a) If the housing agency finds, at any time, that there is an insufficient number of least likely to apply applicants due to a lack of evidence of efforts of good faith affirmative fair housing marketing, it shall have the right to require additional marketing by the entity until such time as the housing agency determines that a sufficient effort has been expended or a sufficient number of applicants is available. Such additional marketing may delay the initial creation of a waitlist.
- (b) Where the housing agency determines that sufficient evidence of good faith efforts exists and there is still an insufficient number of eligible applicants who are least likely to apply, the housing agency may permit the entity to rent or sell units or extend participation in the program administered by the entity to other eligible applicants.
- (c) The housing agency's determination of the entity's good faith efforts shall include, without limitation, substantiating: that the dissemination of information to potential applicants included in its affirmative fair housing marketing plan was actually completed; that such efforts met time and durational requirements; that the marketing approach was amended or enhanced when found deficient; and that there were particular local, regional, or market reasons for the failure of the affirmative fair housing marketing plan to attract a sufficient pool of applicants who are least likely to apply. The entity shall develop and maintain adequate documentation of its good faith efforts in a manner prescribed by the housing agency.

**Waitlist Requirements**

**(NEW) Sec. 8-37ee-803. How waitlists are created**

- (a) After the tenant application period is closed consistent with section 8-37ee-801(a) of the Regulations of Connecticut State Agencies, each entity shall create, maintain and revise a list of applications as set forth in Part 4 of subtitle 8-37ee of the Regulations of Connecticut State Agencies.
- (b) The entity shall compile all control numbers assigned to applications as set forth in section 8-37ee-801(f) of the Regulations of Connecticut State Agencies and shall assign a numerical position to each application on the waitlist by random selection. The randomly-selected numerical position shall constitute an applicant's number on

the waitlist. The entity shall maintain a master list correlating the control number of each application on the waitlist with the underlying application.

**(NEW) Sec. 8-37ee-804. Maintenance of waitlists**

- (a) Entities shall maintain waitlists in the randomly-selected order by which the applicants have been assigned. The waitlist shall include columns for the waitlist number, the control number, and the status of the application and may also include the unit size sought and any preferences established by the entity, as set forth in section 8-37ee-807 of the Regulations of Connecticut State Agencies.
- (b) Sample waitlist

| <b>-SAMPLE ONLY-</b>                 |                       |                         |                           |                                  |
|--------------------------------------|-----------------------|-------------------------|---------------------------|----------------------------------|
| <b><u>Waitlist In Rank Order</u></b> |                       |                         |                           |                                  |
| <u>Rank</u>                          | <u>Control Number</u> | <u>Application Date</u> | <u>Bedrooms Requested</u> | <u>Current Status</u>            |
| 1                                    | A439                  | 3/1/2015                | Any                       | Housed                           |
| 2                                    | A830                  | 3/1/2015                | Any                       | Ineligible                       |
| 3                                    | A090                  | 3/1/2015                | 2 Bedroom                 | Refused Unit Offered (1)         |
| 4                                    | A843                  | 3/1/2015                | 1 Bedroom                 | Housed                           |
| 5                                    | A999                  | 3/1/2015                | Any                       | Withdrew – Applicant             |
| 6                                    | A002                  | 3/1/2015                | Any                       | Withdrew – Purge                 |
| 7                                    | A038                  | 3/1/2015                | Any                       | Housed                           |
| 8                                    | A227                  | 3/1/2015                | 2 bedroom                 | Refused Unit Offered (3) – Purge |
| 9                                    | B624                  | 7/1/2016                | 2 Bedroom                 |                                  |
| 10                                   | B111                  | 7/1/2016                | 1 Bedroom                 |                                  |
| 11                                   | B090                  | 7/1/2016                | 1 Bedroom                 |                                  |
| 12                                   | B783                  | 7/1/2016                | 2 Bedroom                 |                                  |
| 13                                   | B892                  | 7/1/2016                | 1 Bedroom                 |                                  |
| 14                                   | C323                  | 12/1/2017               | 1 Bedroom                 |                                  |
| 15                                   | C112                  | 12/2/2017               | 2 Bedroom                 |                                  |
| 16                                   | C060                  | 12/3/2017               | 3 Bedroom                 |                                  |
| 17                                   | C743                  | 12/4/2017               | Any                       |                                  |
| 18                                   | C220                  | 12/4/2017               | Any                       |                                  |

- (c) Each entity shall keep and maintain all waitlists, including revisions of such lists, in its custody at its regular office or place of business in a location that can be accessed by the public during regular business hours.

**(NEW) Sec. 8-37ee-805. Opening a new tenant application period**

- (a) When the entity elects to commence a new tenant applicant application period, the entity shall announce notice of such action in accordance with the advertising and marketing activities described in the latest approved affirmative fair housing marketing plan.
- (b) Entities that elect to market on a continuous basis may, in lieu of the notice referenced in subsection (a) of this section, include in such continuous marketing materials or in the application, notice of the schedule by which application periods open and close.
- (c) Entities shall schedule application periods as frequently as necessary to manage their waitlist with sufficient applicants to ensure timely occupancy of vacant units or participation in the program administered by the entity in available housing opportunities.
- (d) All application periods shall have clear opening and closing dates. After the closing of any application period, entities shall use applications received during that period to generate a waitlist as set forth in section 8-37ee-803(b) of the Regulations of Connecticut State Agencies. When an application period is closed, the entity shall not take additional applications and shall notify anyone inquiring about occupancy of the closure.
- (e) Entities shall append a waitlist generated from a new application period after the last applicant in the existing waitlist with applicants from the new application period to follow, in numerical order, after previously existing entries.
- (f) An entity may close the application period prior to the application deadline for one (1) or more unit sizes when the number of applications received exceeds the number of housing opportunities available by at least three (3) times, and at least twenty (20) percent of applicants are least likely to apply, as defined in the entity's affirmative fair housing marketing plan. The entity may include in the notice of the opening of the application period that the application period may be closed early. The entity shall publicize any early closure of the application period in the same manner the notice of the opening of the application period was publicized, in accordance with the entity's affirmative fair housing marketing plan.

**(NEW) Sec. 8-37ee-806. Filling from the waitlist**

- (a) Within its area of operation, each entity shall use its waitlist to fill vacant dwelling units or available housing opportunities.

- (b) Once the waitlist sequence is determined, entities shall select applicants from the waitlist in order, matching households to units according to household size and number of bedrooms, other than where preferences are applied, as set forth in section 8-37ee-807 of the Regulations of Connecticut State Agencies.
- (c) When an entity selects applicants from the waitlist based on the numerical sequence of the waitlist or the application of preferences, as appropriate, the entity shall determine the eligibility of the applicant to be housed, as set forth in sections 8-37ee-905 and 8-37ee-906 of the Regulations of Connecticut State Agencies.

**(NEW) Sec. 8-37ee-807. Assigning preferences**

- (a) Assigning preferences to applicants who meet certain criteria is a method intended to provide housing opportunities to applicants based upon household characteristics. Entities may identify categories of preference for the selection of tenants subject to the approval of the housing agency, in accordance with all applicable federal, state, and local fair housing and civil rights laws.
- (b) Entities shall inform all applicants about available preferences and give all applicants an opportunity to show that they qualify for available preferences.
- (c) If an entity identifies a category or categories of preferences for the selection of tenants approved by the housing agency, the entity shall denote such preferences on the waitlist entry for applicants who qualify for such preference or preferences at the time of their application. The entity shall re-evaluate an applicant's qualification for such preference or preferences at the time of tenant selection, pursuant to section 8-37ee-904(a) of the Regulations of Connecticut State Agencies.
- (d) Entities shall inform all applicants of the way in which persons with disabilities may request a reasonable accommodation pursuant to section 46a-64c of the Connecticut General Statutes to provide such persons with an opportunity to show that they qualify for available preferences.
- (e) Although an entity may establish preferences to admit households with specific characteristics from the waitlist, the entity shall not deny applicant selection or assistance based upon an applicant's

membership in a protected class set forth in section 46a-64c, 46a-80c or 46a-81e of the Connecticut General Statutes.

- (f) The entity's application of preferences shall comply with all applicable federal, state and local fair housing and civil rights laws and with all applicable civil rights related program requirements.

**(NEW) Sec. 8-37ee-808. Management of waitlists**

- (a) Each entity shall manage and update its waitlist from time to time, not less frequently than every two (2) calendar years, so as to reflect the most current status of applicants.
- (b) Entities shall regularly monitor the vacancies in their properties and other housing opportunities in correlation with their waitlists to ensure that there are enough applicants to fill the housing opportunities.

**(NEW) Sec. 8-37ee-809. Access to waitlists**

Entities shall allow any person to inspect waitlists promptly during regular office or business hours, or to receive a copy of such lists, subject to any limitations set forth in section 8-345d of the Connecticut General Statutes.

**(NEW) Secs. 8-37ee-810 – 8-37ee-900. Reserved.**

## Part 5 Tenant Selection

### (NEW) **Sec. 8-37ee-901. Tenant selection plan**

- (a) Entities shall develop a written tenant selection plan that describes the tenant selection process the entity intends to use. An entity shall include in such plan, at a minimum, the following:
  - (1) Descriptions of eligibility requirements for selection;
  - (2) A list of any preferences the entity shall apply and the procedures for applying any such preferences;
  - (3) Applicant screening criteria and the grounds on which the entity may reject applicants;
  - (4) Procedures for the entity's selection of applicants from the waitlist;
  - (5) A policy for opening and closing application periods for the waitlist;
  - (6) Unit transfer policies, including selection of in-place residents versus applicants from the waitlist when vacancies occur and the application of the unit transfer policy where reasonable accommodation is granted;
  - (7) The method for selection of a hearing officer or hearing panel as set forth in section 8-37ee-907(b)(1) of the Regulations of Connecticut State Agencies;
  - (8) Applicable state, federal and local fair housing laws and regulations and nondiscrimination requirements; and
  - (9) The procedures through which persons with disabilities can request a reasonable accommodation pursuant to section 46a-64c of the Connecticut General Statutes.
- (b) Entities shall review tenant selection plans not less than once every five (5) years from the adoption of the most recent tenant selection



plan to ensure that they reflect current operating practices and program priorities.

- (c) Entities shall allow any person to inspect a tenant selection plan promptly during regular office or business hours, or to receive a copy of such lists, subject to any limitations set forth in section 8-345d of the Connecticut General Statutes.

**(NEW) Sec. 8-37ee-902. Occupant guideline**

- (a) Entities shall use the following guideline to determine the minimum applicable bedroom size for the applicant household:

| Bedroom Size               | Minimum<br>Applicant Household |
|----------------------------|--------------------------------|
| 00 (single room occupancy) | 1                              |
| 0 (efficiency unit)        | 1                              |
| 1                          | 1                              |
| 2                          | 2                              |
| 3                          | 3                              |
| 4                          | 5                              |

- (b) The State Building Code shall govern maximum occupancy of a unit.

**(NEW) Sec. 8-37ee-903. Selection from waitlist**

- (a) When a housing opportunity becomes available, the entity shall select the next applicant from the waitlist based on the occupant guideline, set forth in section 8-37ee-902 of the Regulations of Connecticut State Agencies, applicable preferences, if any, income-targeting policies and requirements, and screening policies applied by the entity. The entity shall select the first applicant on the waitlist for the appropriate housing opportunity and make a determination of eligibility and suitability for tenancy based on the applicant screening provisions contained in section 8-37ee-909 of the Regulations of Connecticut State Agencies.
- (b) The entity shall select an applicant from the waitlist at least thirty (30) days before a housing opportunity is available to prevent vacancies.

**(NEW) Sec. 8-37ee-904. Applying preferences to tenant selection**

- (a) Entities shall select applicants in the order of the waitlist, applying those with preferences first in the order they appear on the waitlist, and consistent with the occupant guideline set forth in section 8-37ee-902 of the Regulations of Connecticut State Agencies.
- (b) If an entity elects to adopt more than one preference, a ranking, rating, or combination of preferences shall be identified in the tenant selection plan and consistently applied.
- (c) If an entity determines that there are an insufficient number of applicants eligible to fill all the housing opportunities for which a preference is applicable, the entity shall make such remaining housing opportunities available in accordance with the waitlist to eligible applicants that remain without regard to the preferences established.

**(NEW) Sec. 8-37ee-905. Eligibility**

When an applicant is selected from the waitlist, the entity shall determine the applicant's eligibility to ensure the applicant meets all of the criteria for the housing opportunity.

**(NEW) Sec. 8-37ee-906. Ineligible applicants**

- (a) The entity shall notify applicants deemed ineligible for a housing opportunity, for whatever reason or reasons, in writing not more than five (5) business days after such determination, except as otherwise set forth in section 17b-812-14 of the Regulations of Connecticut State Agencies, of the reason or reasons for such determination of ineligibility, including sufficient specific and detailed information concerning the reasons for the denial, and of their right to request a hearing and to informally contest the determination. Such written notice shall include the deadline for requesting a hearing and for informally contesting the determination, the process for requesting a hearing and for informally contesting the determination, the right to request all documents and information relied upon in determining ineligibility, and the process for persons with disabilities to request a reasonable accommodation pursuant to section 46a-64c of the Connecticut General Statutes.
- (b) Applicants determined to be ineligible for a housing opportunity who request a hearing shall be entitled to a hearing before the entity's hearing officer or hearing panel, as applicable, as set forth in sections 8-37ee-907 and 8-37ee-908 of the Regulations of

Connecticut State Agencies, except as otherwise set forth in section 17b-812-14 of the Regulations of Connecticut State Agencies.

- (c) Concurrent with the right to request a hearing, applicants determined to be ineligible for a housing opportunity shall have ten (10) business days from the date of the written determination of ineligibility to informally contest the determination of ineligibility with the entity. An applicant may informally contest a determination of ineligibility by contacting the entity in writing, by electronic communication, or orally, to explain the reason the applicant believes the determination was in error. The entity shall document the date on which an applicant contacts the entity to informally contest a determination and the applicant's reason for contesting the determination.
- (d) The determination of ineligibility shall state that informally contesting the determination shall not extend the time in which applicants may request a hearing pursuant to section 8-37ee-907(a) of the Regulations of Connecticut State Agencies. Entities shall inform applicants that a determination of ineligibility should be contested immediately to assure their return to the applicant pool should they prevail.
- (e) Not more than five (5) business days after the date on which an applicant informally contests a determination of ineligibility, entities shall notify applicants in writing of whether the determination of ineligibility has been upheld. In the event an applicant does not prevail after informally contesting the determination of ineligibility, such written notice shall state the time remaining in which the applicant may request a hearing pursuant to section 8-37ee-907(a) of the Regulations of Connecticut State Agencies.
- (f) Persons with disabilities may request a reasonable accommodation pursuant to section 46a-64c of the Connecticut General Statutes to provide such persons with an opportunity to informally contest the determination.

**(NEW) Sec. 8-37ee-907. Procedures to request a hearing for ineligible applicants**

- (a) Request for hearing. To be entitled to a hearing, any applicant determined to be ineligible for a housing opportunity shall submit a written request for a hearing to the entity not more than thirty (30) days after the date of the written determination of ineligibility,

except as otherwise set forth in section 17b-812-14 of the Regulations of Connecticut State Agencies. Such written request shall specify the reason for challenging the determination.

- (b) Selection of hearing officer or hearing panel. An impartial person or persons other than the person who made or approved the entity's action or a subordinate of such person shall conduct a hearing. An officer or member of the entity's governing body may be considered to be an impartial person, subject to evaluation pursuant to subdivision (2) of this subsection. The entity's selection of the hearing officer or the hearing panel shall comply with the following:
  - (1) The entity shall state the method or methods for appointment of the hearing officer or the members of the hearing panel in the tenant selection plan.
  - (2) The entity shall select the hearing officer or the members of the hearing panel in the manner required under the tenant selection plan. In the event that the applicant objects to the original appointment of the person or persons selected, the entity shall propose the appointment of an alternate hearing officer.
  - (3) In the event the method for the appointment of a hearing officer or members of the hearing panel in accordance with subdivision (2) of this subsection fails to produce a hearing panel or hearing officer, as appropriate, not more than thirty (30) days after the applicant's written request for a hearing, the entity shall be required to procure and pay for the services of a firm or organization that is in the business of providing such hearing officer services, where such firm or organization has no discernable conflict of interest with the entity. Such professional hearing officer shall be deemed to be impartial and will constitute the final selection in such cases.
- (c) Failure to request a hearing. If the applicant does not request a hearing in accordance with subsection (a) of this section, the entity's determination of ineligibility under section 8-37ee-906 of the Regulations of Connecticut State Agencies shall become final, provided, however, the failure to request a hearing shall not constitute a waiver by the applicant of his or her right thereafter to contest the entity's determination of ineligibility in an appropriate judicial proceeding or an appropriate state agency administrative proceeding.

- (d) Scheduling of hearings. Upon the applicant's compliance with subsection (a) of this section, the hearing officer or hearing panel shall promptly schedule a hearing for a date not more than sixty (60) days after the entity's receipt of the applicant's written request pursuant to subsection (a) of this section, except as otherwise set forth in section 17b-812-14 of the Regulations of Connecticut State Agencies, for a time and place reasonably convenient to both the applicant and the entity. The hearing officer or hearing panel shall deliver a written notice specifying the time, the place and a copy of the procedures governing the hearing consistent with section 8-37ee-908 of the Regulations of Connecticut State Agencies to the applicant and the appropriate entity representative.
- (e) Persons with disabilities may request a reasonable accommodation pursuant to section 46a-64c of the Connecticut General Statutes to permit such persons to avail themselves of the procedures set forth in this section.

**(NEW) Sec. 8-37ee-908. Procedures governing the hearing for ineligible applicants**

- (a) Each entity shall afford a fair hearing to any applicant deemed to be ineligible for a housing opportunity administered by the entity and shall adopt a written policy concerning such hearings. The policy shall provide for:
  - (1) A reasonable opportunity prior to the hearing to examine any documents, records, or regulations directly relevant to the hearing. The applicant shall be allowed to copy any such document at the applicant's expense. At the hearing, the entity shall not discuss any document not made available to the applicant after a request by the applicant;
  - (2) The right to be represented by counsel or other person chosen as his or her representative;
  - (3) The right to a private hearing unless the applicant requests a public hearing;
  - (4) The right to present evidence and arguments in support of the appeal, to contest evidence presented by the entity and to confront and cross-examine all witnesses on whose testimony or information the entity relies; and

- (5) A decision based solely and exclusively upon the facts, documents, records, regulations and testimony presented at the hearing.
- (b) If the applicant or the entity fails to appear at a scheduled hearing, the hearing officer or the hearing panel may make a determination to postpone the hearing for a period not to exceed five (5) business days or may make a determination that the non-appearing party has waived the right to a hearing. The hearing officer or hearing panel shall notify both the applicant and the entity. If the hearing officer or hearing panel determines that either the applicant or the entity has waived the right to a hearing, such waiver shall not constitute a waiver of the applicant's right to contest the entity's determination of ineligibility in an appropriate judicial proceeding.
  - (c) The hearing officer or hearing panel shall conduct the hearing informally. The hearing officer or hearing panel may consider oral or documentary evidence relevant to the facts and issues raised by the applicant without regard to admissibility under the rules of evidence applicable to judicial proceedings. The hearing officer or the hearing panel, as appropriate, shall require the entity, the applicant, counsel for the respective parties and other participants or spectators, if any, to conduct themselves in an orderly manner. Failure to comply with the direction of the hearing officer or the hearing panel, as appropriate, to obtain order may result in exclusion from the hearing or a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate.
  - (d) The entity shall audio or video record all hearings and digitally store and maintain all such recordings.
  - (e) The applicant or the entity may arrange, at the expense of the party making the request, for a transcript or copy of the recording of the hearing. Any party to the hearing or legally authorized representative of such person may purchase a copy of such transcript or recording.
  - (f) Persons with disabilities may request a reasonable accommodation pursuant to section 46a-64c of the Connecticut General Statutes to provide such persons with an opportunity to participate in the hearing. Reasonable accommodations may include qualified sign language interpreters, readers, accessible locations or attendants. If

the applicant is visually impaired, any required notice to the applicant shall be in an accessible format.

- (g) The hearing officer or hearing panel, as appropriate, shall issue a final decision to the applicant in writing not more than thirty (30) days after the hearing, except as otherwise set forth in section 17b-812-14 of the Regulations of Connecticut State Agencies. The decision shall include a statement of the reason for the decision, and shall inform the applicant of their right to petition for review of the decision pursuant to subsection (h) of this section.
- (h) Entities shall inform an applicant who does not prevail at the hearing in writing of the final determination of their right to petition for review the decision of the hearing officer or hearing panel, as appropriate, to the department. An applicant shall submit in writing such petition for review. Any such petition shall be faxed, submitted electronically or postmarked not more than seven (7) business days after the adverse decision. The department shall consider the petition for review based on written information submitted to the department and shall not provide an additional hearing.
- (i) Entities shall keep the following materials on file for at least three (3) years: (1) application; (2) initial ineligibility notice; (3) any applicant reply; (4) the entity's final determination response; and (5) all verified information on which the ineligibility determination was based.

**(NEW) Sec. 8-37ee-909. Applicant screening**

- (a) When an entity selects an applicant from the waitlist and determines that the applicant is eligible for the housing opportunity, or upon receipt of an application, at the entity's discretion, the entity may elect to screen applicants. Entities may identify screening criteria in accordance with the approved tenant selection plan.
- (b) Entities may consider extenuating circumstances in evaluating information obtained during the screening process to assist in determining the suitability of an applicant for a housing opportunity. An entity may adopt a policy to consider extenuating circumstances that would allow acceptance of an applicant whom the entity would otherwise reject, but an entity shall not have a policy to consider extenuating circumstances to reject an applicant who would otherwise be eligible.

- (c) If screening criteria is used, entities shall apply screening criteria consistently to all applicants.
- (d) Screening shall comply with all applicable federal, state and local fair housing and civil rights laws.

**(NEW) Sec. 8-37ee-910. Nondiscrimination in selection process**

An entity, in determining the types of housing, accommodations, facilities, services, financial aid, or other benefits which will be provided under any such program or activity, or the class of persons to whom, or the situations in which, such housing, accommodations, facilities, services, financial aid, or other benefits will be provided under any such program or activity, or the class of persons to be afforded an opportunity to participate in any such program or activity, shall not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of denying any applicant's selection or assistance in violation of section 46a-64c, 46a-80c or 46a-81e of the Connecticut General Statutes.



Sec. 2. Section 8-30g-1(1) of the Regulations of Connecticut State Agencies is amended to read as follows:

- (1) ["Affirmative fair housing marketing plan" means a plan to attract, as tenants or purchasers of both market-rate and price-restricted units in an affordable housing development, members of racial and ethnic groups who reside within the metropolitan statistical area or non-metropolitan statistical area within which the affordable housing development is located, but who are least likely to apply, as defined in section 8-37ee of the Regulations of Connecticut State Agencies, for occupancy within such development;] "Affirmative fair housing marketing plan" means the information provided by an entity, in a form and manner prescribed by the housing agency, setting forth its plan to comply with the requirements set forth in Parts 1 to 3, inclusive, of subtitle 8-37ee of the Regulations of Connecticut State Agencies, as set forth in section 8-37ee-502 of the Regulations of Connecticut State Agencies;

Sec. 3. Section 8-30g-7(a)(3) of the Regulations of Connecticut State Agencies is amended to read as follows:

- (3) With respect to an affirmative fair housing marketing plan filed in accordance with an affordable housing development application, the provisions of [sections 8-37ee-1 et seq.] subtitle 8-37ee of the Regulations of Connecticut State Agencies, and particularly [sections 8-37ee-301 and 302] section 8-37ee-501 and section 8-37ee-502 of the Regulations of Connecticut State Agencies, shall serve as the basis for such plan, provided that such regulations, including the procedures therein, shall be guidelines, not requirements. Collection and dissemination of information about available price restricted and market rate dwelling units shall include, at a minimum:
  - (A) Analyzing census and other data to identify racial and ethnic groups least represented in the population;
  - (B) Announcements/advertisements in publications and other media that will reach minority populations;
  - (C) Announcements to social service agencies and other community contacts serving low-income minority families in the region (including churches, civil rights organizations, housing authorities, and legal services organizations);

- (D) Assistance to minority applicants in processing applications;
- (E) Marketing efforts in geographic area of high minority concentrations within the housing market area;
- (F) Beginning marketing efforts prior to general marketing of units, and repeating again during initial marketing, at fifty percent (50%) completion, and thereafter at reasonable period intervals with respect to resales or re-rentals; and
- (G) Collection of basic racial and ethnic information for all residents and persons on the wait list for the development.

Sec. 4. The Regulations of Connecticut State Agencies are amended by adding section 8-45-16 as follows:

**(NEW) Sec. 8-45-16. Waitlists for low rental projects**

The provisions of sections 8-37ee-801 to 8-37ee-809, inclusive, of the Regulations of Connecticut State Agencies shall govern waitlist requirements.

Sec. 5. Section 8-72-3 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Sec. 8-72-3. [Implementation] Waitlists**

[The provisions of Section 8-45-10, through 8-45-15, inclusive, except as otherwise provided, shall govern the implementation of Moderate Rental Waiting lists.] The provisions of sections 8-37ee-801 to 8-37ee-809, inclusive, of the Regulations of Connecticut State Agencies shall govern waitlist requirements.

Sec. 6. Section 8-116a-3 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Sec. 8-116a-3. [Implementation] Waitlists**

[The provisions of Section 8-45-10, through 8-45-15, inclusive, except as otherwise provided, shall govern the implementation of elderly housing waiting lists.] The provisions of sections 8-37ee-801 to 8-37ee-809, inclusive, of the Regulations of Connecticut State Agencies shall govern waitlist requirements.

Sec. 7. Section 8-119g-15 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Sec. 8-119g-15. [Implementation] Waitlists**

[The provisions of Section 8-45-10, through 8-45-15, inclusive, except as otherwise provided, shall govern the implementation of Congregate Housing waiting lists.] The provisions of sections 8-37ee-801 to 8-37ee-809, inclusive, of the Regulations of Connecticut State Agencies shall govern waitlist requirements.

Sec. 8. Section 8-214h-10 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Sec. 8-214h-10. [Waiting list] Waitlists**

[(a) The developer/Board of Directors shall provide a receipt to each applicant to its project(s) stating the time and date of the application and assigning the applicant an identifying number which shall be recorded on the receipt and on the application for admission.

(b) The developer/Board of Directors shall create and maintain a waiting list of such applications and procedures for selecting residents from such list as approved by the Commissioner, which shall include the applicant's identifying number, the time and date the application was received by the developer and the size of the dwelling unit required by the applicant. Such list shall be a public record as defined in Section 1-18a of the Connecticut General Statutes.

(c) The developer/Board of Directors shall, from time to time, but no less than once each calendar year, revise and update the waiting list(s) so as to reflect the most current status of applicants.

(d) The developer/Board of Directors shall maintain a copy of the waiting list(s) and revisions to such list(s) at its office in the State of Connecticut or, if no such office exists, at the office of the town clerk in the municipality in which the project is located. Such list(s) shall be provided to the Commissioner or his representative upon his request.]

The provisions of sections 8-37ee-801 to 8-37ee-809, inclusive, of the Regulations of Connecticut State Agencies shall govern waitlist requirements.

Sec. 9. Section 8-346-9 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Sec. 8-346-9. [Waiting list] Waitlists**

[(a) The developer or owner shall provide a receipt to each applicant stating the time and date of the application and assigning the applicant an identifying number which shall be recorded on the receipt and on the application for admission.

(b) The developer or owner shall create and maintain a list of applications which shall include the applicant's identifying number, the time and date the application was received by the developer or owner and the size of the dwelling unit required by the applicant. Such list shall be a public record as defined in Section 1-18a of the Connecticut General Statutes.

(c) The developer or owner shall, from time to time, but no less than once each calendar year, revise and update this list to create a waiting list which reflects the most current status of applicants.

(d) The developer or owner shall maintain a copy of the waiting list(s) and revisions to such list(s) at its office at the site of the development or, if no such office exists, at the office of the town clerk in the municipality in which the development is located. Such list(s) shall be provided to the Commissioner upon his request.]

The provisions of sections 8-37ee-801 to 8-37ee-809, inclusive, of the Regulations of Connecticut State Agencies shall govern waitlist requirements.

Sec. 10. Sections 8-37ee-1 to 8-37ee-314, inclusive, of the Regulations of Connecticut State Agencies are repealed.

Sec. 11. Sections 8-45-8 to 8-45-15, inclusive, of the Regulations of Connecticut State Agencies are repealed.

Sec. 12. Sections 8-72-1 and 8-72-2 of the Regulations of Connecticut State Agencies are repealed.

Sec.13. Sections 8-116a-1 and 8-116a-2 of the Regulations of Connecticut State Agencies are repealed.

Sec. 14. Sections 8-119g-13 and 8-119g-14 of the Regulations of Connecticut State Agencies are repealed.

**Statement of Purpose:**

- (A) The problems, issues or circumstances that the regulation proposes to address: Based on discussions with the United States Department of Housing and Urban Development (HUD) and stakeholders in the community, the Department of Housing (the Department) sought to modify and update fair housing requirements to be consistent with current law and to eliminate housing practices with potentially discriminatory impact. In addition, a review of the current fair housing regulations reflects that provisions related to how waitlists are created and maintained are scattered throughout the Regulations of Connecticut State Agencies. The proposed regulation seeks to consolidate all regulations relating to affirmatively furthering fair housing, waitlists and tenant selection in one place in order to make it clear and easy to understand the full universe of fair housing-related regulations and to ensure consistency among all housing opportunities.
- (B) Summary of the main provisions of the regulation: The main provisions of the proposed regulation set forth (1) the requirements of an affirmative fair marketing program, plan, and process, (2) compliance procedures in connection with affirmative fair housing marketing, (3) guidelines governing the application process for housing opportunities, (4) the process for creating and maintaining waitlists, including the requirement to generate such waitlists by means of a random lottery method, (5) requirements governing the selection of tenants, including a tenant selection plan, eligibility review, the process for an applicant to challenge an eligibility preference, and the application of preferences to the tenant selection process.
- (C) Legal effects of the regulation: The regulation requires entities to create waitlists based on a random lottery system, eliminating entities' ability to choose between a random lottery and a point system selection method. It further eliminates the ability of entities to adopt a residency preference or a preference for those least likely to apply for a housing opportunity, although it continues to require entities to market housing opportunities to those least likely to apply. The regulations make clear that no housing preference may be in violation of the state laws prohibiting nondiscrimination in housing practices. The proposed regulations will repeal outdated sections 8-37ee-1 through 8-37ee-314, sections 8-45-8 through 8-45-15, sections 8-72-1 through 8-72-2, sections 8-116a-1 through

8-116a-2 and sections 8-119g-13 through 8-119g-14 of the Regulations of Connecticut State Agencies, will add new sections 8-37ee-401 through 8-37ee-910 and Section 8-45-16 of the Regulations of Connecticut State Agencies, and will amend sections 8-72-3, 8-116a-3, 8-119g-15 and 8-214h-10 of the Regulations of Connecticut State Agencies.

**IMPORTANT NOTICE FOR CONNECTICUT STATE AGENCIES**

This form is to be used for proposed permanent and technical amendment regulations only and must be completed in full.

**AGENCY CERTIFICATION**

**Department of Housing**

Proposed Regulation Concerning

**Fair Housing Regulations**

eRegulations System Tracking Number **PR2022-033**

**I hereby certify the following:**

(1) The above-referenced **regulation** is proposed pursuant to the following statutory authority or authorities: **Conn. Gen Stat. § 8-37x(i), Conn. Gen. Stat. § 8-37cc(b)**

*For technical amendment regulations proposed without a comment period, complete #2 below, then skip to #8.*

(2) As permitted by Section 4-168(h) of the *Connecticut General Statutes*, the agency elected to proceed without prior notice or hearing and posted the text of the proposed technical amendment regulation on eRegulations System website on **<<select and enter the date of posting>>**.

*For all other non-emergency proposed regulations, complete #3 - #7 below, then complete #8)*

(3) The agency posted notice of intent with a specified comment period of not less than 30 days to the eRegulations System website on **August 21, 2023**.

(4) (Complete one) ☒ No public hearing held or was required to be held. **OR** ☐ One or more public hearings were held on: **<<select and enter dates>>**.

(5) The agency posted notice of decision to move forward with the proposed regulation to the eRegulations System website on **October 2, 2023**.

(6) (Complete one) ☒ No comments were received. **OR** ☐ Comments were received and the agency posted the statements specified in subdivisions (1) and (2) of CGS Section 4-168(e) to the eRegulations System website on **<<select and enter date>>**.

(7) The final wording of the proposed regulation was posted to the eRegulations System website on **August 29, 2024**.

(8) Subsequent to approval for legal sufficiency by the Attorney General and approval by the Legislative Regulation Review Committee, **the final regulation shall be effective**

*(Check one and complete as applicable)*

☒ When posted to the eRegulations System website by the Secretary of the State.

**OR** ☐ On \_\_\_\_\_

*(Date must be a specific calendar date not less than 11 days after submission to the Secretary of the State)*

*Seila Mosquera-Bruno*  
**SIGNED**  
 (Head of Board, Agency or Commission,  
 or duly authorized deputy)

Commissioner  
 OFFICIAL TITLE

11/11/2024  
 DATE

# OFFICE OF THE ATTORNEY GENERAL REGULATION CERTIFICATION

**Agency:** Department of Housing

**REGULATION NUMBER:** PR2022-033

This Regulation is hereby **APPROVED** by the Attorney General as to legal sufficiency in accordance with Connecticut General Statutes § 4-169.

**DATE:** 11/27/2024

**Signed:** \_\_\_\_\_

  
Sean Kehoe

*Associate Attorney General*

*Chief of the Division of Government Affairs*

*Duly Authorized*



# The Connecticut General Assembly

## Legislative Regulation Review Committee

Senator Sujata Gadkar-Wilcox  
Senate Chair



Representative Christie Carpino  
House Chair

### Official Record of Committee Action

January 28, 2025

|                              |                          |
|------------------------------|--------------------------|
| Agency:                      | Department of Housing    |
| Description:                 | Fair Housing Regulations |
| LRRC Regulation Number:      | 2023-031A                |
| eRegulation Tracking Number: | PR2022-033               |

The above-referenced regulation has been

### Approved with Technical Corrections

by the Legislative Regulation Review Committee in accordance  
with CGS Section 4-170.

Catherine M. Thomas  
Committee Administrator



State of Connecticut  
Office of the Secretary of the State

**Confirmation of Electronic Submission**

Re: Regulation of the Department of Housing concerning Fair Housing  
Regulations  
eRegulations System Tracking Number PR2022-033  
Legislative Regulation Review Committee Docket Number 2023-031A

The above-referenced regulation was electronically submitted to the Office of the Secretary of the State in accordance with Connecticut General Statutes Section 4-172 on January 31, 2025.

Said regulation is assigned Secretary of the State File Number 6427.

The effective date of this regulation is February 4, 2025.

A handwritten signature in blue ink, appearing to read "Stephanie Thomas".

Stephanie Thomas  
Secretary of the State  
February 4, 2025

By:

/s/ Christopher R. Drake  
Christopher R. Drake  
Director, Business Services  
Division