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## Description of Organization

### Sec. 8-203-1. Purpose and basic function

This regulation describes the department of community affairs, responsibilities of the commissioner and specific programs of the department. It also sets forth hearing and appeal procedures.

(Effective August 28, 1975)

### Sec. 8-203-2. Definitions

“Commissioner” means the commissioner of community affairs.

“Governing body” means, for towns having a town council, the council; for other towns, the selectmen; for cities the common council or other similar body of officials; and for boroughs, the warden and burgesses.

“Municipality” means town, city or borough.

(Effective August 28, 1975)

### Sec. 8-203-3. Part I—General

(a) **Organization description:** The department of community affairs, which derives its duties and authority primarily from Chapter 133 of the General Statutes, is under the direction and supervision of a commissioner who shall organize the department into such bureaus as may be necessary for the efficient conduct of the department’s business. There is an advisory council on community affairs, established according to the provisions of Section 8-204 of the general statutes, which consists of the commissioner of community affairs as chairman, ex officio, the director of the commission on human rights and opportunities, ex officio, and ten other members, appointed by the governor, who serve without compensation, except for reimbursement for necessary expenses incurred in performance of advisory council duties. The council consults with and advises the commissioner with respect to the affairs and problems of local government and other problems within the jurisdictional concern of the department, and conducts such studies of specific community problems as may be referred to the council by the governor, the general assembly or the commissioner.

(b) **Transfer of certain duties to commissioner:** All powers and duties previously delegated to the public works commissioner under the provisions of chapters 128, 129, and 130, were transferred to the commissioner.

All powers and duties previously delegated to the Connecticut development commission under the provisions of sections 8-124 to 8-154, inclusive, and sections 8-160 to 8-162, inclusive, were transferred to the commissioner.

All powers and duties previously delegated to the state office of economic opportunity were transferred to the commissioner, and the term, “director of the state office of economic opportunity” means the commissioner of community affairs.

(c) **Duties and responsibilities of the commissioner:** The commissioner administers and directs all operations of the department for the purpose of improving the quality of life in Connecticut municipalities. This includes provision of research, survey and planning, financial and technical assistance to municipalities and locally authorized agencies. Contractual agreements between the state and the grantee are mandatory for state financial assistance. Such financial assistance is subject to audit. Technical assistance may be granted upon written request to the commissioner by the chief executive officer of the municipality or of an authorized grantee agency.

The commissioner is responsible for coordinating federal and state assistance in the solution of municipal problems and advising local agencies regarding federal,

state and private assistance available from such sources. Ancillary thereto (Section 8-240) he serves as coordinator of the state interagency model cities committee and reports annually to the governor with regard to intergovernmental cooperation in carrying out the program of improving the quality of urban life.

The commissioner being authorized to accept federal funds made available for any purposes or related activities of Chapter 133, is responsible for insuring that such funds are administered in accordance with federal law and segregated from general funds of the state.

The commissioner is empowered under Section 8-227 to make and enforce regulations to effectuate the purposes for which the department was established and to allocate authorized assistance among municipalities on the basis of need to improve living conditions.

(d) **Public inspection:** Pursuant to Section 4-167 departmental regulations are on file in the offices of the commissioner, and are available for inspection during normal working hours.

Current organizational charts are maintained on file in the commissioner's offices for public inspection.

(Effective August 28, 1975)

#### **Sec. 8-203-4. Part II-Description of grant programs**

(a) Community Development Action Plan (CDAP)

**Program Description:** The CDAP provides an opportunity for Connecticut municipalities to examine needs and problems, and to schedule activities to meet these needs over at least a five-year period. Twelve community functions are studied (education, housing, health, recreation, social services, economic development, public utilities and services, public protection, transportation and circulation, culture, interpersonal communications, and general municipal government) in terms of four aspects: physical, human resource, economic and administrative. The state may pay 75% of the cost of each CDAP, as approved by the commissioner. (Sec. 8-207), (See 8-220 [c]).

**Basic Eligibility:** All municipalities in Connecticut are eligible for the CDAP program.

**Eligible Costs:** May include, but are not limited to: rent and utilities. intra-state travel, consumable supplies, personnel, consultant costs repairs and maintenance, insurance, interest and certain legal aid accounting costs.

Local share may be provided in the form of cash or in-kind contribution, or a combination of the two. Local share may be provided from any source, public or private, organization or individual, except the following which are ineligible for inclusion in local share: (1) federal funds (2) items or services paid for by federal funds (3) funds from other state agencies (4) items or services paid for by other state agencies.

(b) Housing Code Enforcement

**Program Description:** The commissioner may provide a grant-in-aid to the municipality equal to two-thirds of the cost of the program, as approved by the commissioner, for two years after the execution of the assistance agreement, and equal to one-half of the cost of the program as approved by the commissioner for an additional period not to exceed three years. The department may provide a grant-in-aid equal to one-half of the amount by which the cost of a federally assisted housing code enforcement program, as approved by the commissioner, exceeds the federal grant-in-aid thereof, for a period not to exceed five (5) years.

**Basic Eligibility:** The municipality must have a housing code ordinance. If the program is a concentrated housing code enforcement program under the federal housing act of 1949, as amended, the municipality must have an approved contract with the federal department of housing and urban development.

**Eligible Costs:** May include, but are not limited to: rent, utilities, intra-state travel, consumable supplies, and personnel.

State funds may not be used to reduce the level of local expenditures previously made to the program.

(c) Demolition

**Program Description:** The commissioner may provide a grant-in-aid to a municipality equal to two-thirds of the net project cost of the demolition program, as approved by the commissioner. The commissioner may provide a grant-in-aid equal to one-half of the amount by which the net cost of a federally assisted demolition program, as approved by the commissioner, exceeds the federal grant-in-aid thereof, for those projects financed under the federal housing act of 1949, as amended. (Sec. 8-209).

**Basic Eligibility:** Any municipality with structures, that under state or local law, have been determined to be structurally unsound or unfit for human habitation and which the municipality has the authority to demolish, or any municipality that has entered into a demolition contract with the department of housing and urban development, is eligible.

**Eligible Costs:** May include, but are not limited to: administrative costs, demolition of structures and cost of clearing site, breaking up and removal of abandoned street paving, curbs, gutters and sidewalks, rough grading, rodent eradication, and the capping of public utilities.

(d) Urban Beautification:

**Program Description:** The commissioner may provide a grant-in-aid equal to one-half of the amount by which the net cost of a federally assisted program, as approved by the commissioner, exceeds the federal grant-in-aid thereof, for a program to expand community activities in the beautification and improvement of publicly owned and controlled land in urban areas. (Sec. 8-209 (b)).

**Basic Eligibility:** Any municipality with an approved contract with the department of housing and urban development under the housing and urban development act of 1965, as amended, is eligible for this program.

**Eligible Costs:** May include, but are not limited to, upgrading, development and beautification of waterfronts, streets, squares, parks, recreational areas and other public lands are eligible as per department of housing and urban development guidelines.

(e) Child Day Care and Neighborhood Facilities

**Program Description:** The commissioner may provide financial assistance for a project of development of neighborhood facilities and child day care facilities for carrying out programs of health, recreational, social or similar community services. The commissioner may provide a grant-in-aid equal to (1) two-thirds of the net project cost of the project, as approved by the commissioner, or (2) where the project is assisted by the federal department of housing and urban development, under the federal housing and urban development act of 1965, as amended, one-half of the amount by which the net cost of the project, as approved by the commissioner, exceeds the federal grant-in-aid thereof. (Sec. 8-210).

**Basic Eligibility:** The applicant must be a municipality, or a human resource development agency, as defined in Section 8-221 of the Connecticut General Statutes

(P.A. 74-289). Where the project is assisted by the federal department of housing and urban development, the municipality must have an approved contract with that department.

(f)—(r) Repealed, April 21, 1986.

(s) Reserved.

(t) Repealed, see section 8-289-7.

(u) **Purpose:** These regulations describe the state emergency fuel assistance program to low income families not receiving state or local assistance pursuant to Public Act 78-184, 1978 session, Connecticut General Assembly.

1. All state funds allotted to the department of community affairs for the purposes set forth in Public Act 78-184, and these regulations, shall be granted to local human resource development agencies, as defined in section 8-221 CGS, (hereinafter referred to as “grantee(s)”,) by the commissioner of community affairs, and such funds shall be expended by such human resource development agencies in accordance with sections 2 through 9 inclusive, of these regulations.

2. For purposes of this section: a. “Low income family or household” means any person or related group of persons who live together whose income does not exceed 125% of the federal community services administration poverty guidelines for non-farm families, for the preceding twelve month period from date of application. More than one household may reside in a single family dwelling.

b. “Emergency” means any situation in which a low income family or household has an actual or threatened termination of any fuel, or is unable to obtain utility service, or is unable to locate a company willing to provide oil or gas.

c. “Fuel” or “utility service” means any fuel or utility used for heating, hot water, or electricity.

d. “Applicant” means any person inquiring about and/or filling out written application for emergency fuel assistance.

e. “Income” means gross earnings no higher than 125% of the prevailing federal community services administration poverty guidelines for a nonfarm family, except that earnings of minors in the household who are students at least part-time shall be excluded in the calculation of income.

3. State grants are available to all low income families and households except:

a. Households receiving assistance under “aid to families with dependent children.”

b. Households receiving assistance under “aid to families with dependent children—unemployed fathers.”

c. Households receiving assistance through any state or municipal funded general assistance program.

4. State emergency fuel assistance grants to low income families or households shall not exceed the sum of one hundred dollars (\$100.) during the fiscal year ending June 30, 1979, such grants shall be subject to the availability of funds appropriated for this purpose and shall be disbursed in the order the grantee agency receives the application.

5. Grantee distribution of such funds shall be under the following conditions when an emergency exists. a. Eligible applicants will be first referred by the human resources development agency to any other agency conducting an emergency fuel assistance program for which the applicant appears to qualify and which has funds actually available for emergency fuel assistance.

b. Eligible applicants who cannot be referred will be assisted from any other funds available to grantees.

c. When all other possibilities have been exhausted, payments may be made from state appropriated emergency fuel assistance grant funds.

d. The grantee agency shall advise eligible applicants as to the best way to maximize the benefits available to that applicant by providing him/her with information on the amount of the maximum grant and how to obtain it. Grantee agency workers shall assist applicants in completing application forms and in locating translators for applicants who are not fluent in English.

e. The minimum oil delivery financed by state appropriated emergency fuel assistance grant funds will not normally be less than 150 gallons. Grantees may vary this requirement if warranted.

f. Emergency fuel assistance grants shall be by direct vendor payment.

g. In any case where a low income family or household has been found eligible for assistance and has been unable to obtain fuel delivery or reinstatement or provision of utility service or is threatened with a termination of service, the human resources development agency worker shall assist the eligible applicant by directly contacting a fuel company willing to make deliveries or the utility company involved, to notify the company of the vendor payment and to arrange for fuel delivery or reinstatement or provision of service or to avoid a threatened termination. Where appropriate, the worker shall assist the eligible applicant in working out an amortization agreement with the company on that portion of the applicant's bill which will not be covered by the grant.

6. Grantees must establish a separate bank account for each grant. Bank fund agreements are required for each account. Any interim measures available to grantees to finance payments from other sources, pending establishment of said new bank account(s), are authorized.

7. Weekly and cumulative reports from grantees are required during the effective dates of a grant program, and shall contain as a minimum the following information:

a. Number of households served.

b. Total funds expended from the grant fund and from all sources as of the reporting date.

c. Total funds remaining in the grant fund, and from all sources as of the reporting date.

d. Number of applicants found ineligible during the week, and how they were referred or otherwise assisted.

e. Comments including, specifically, information on abuses or gouging by any vendors.

8. At completion of the grant program, each grantee will submit, to the department of community affairs, a final financial report, and a final program report, summarizing all data that have been reported pursuant to the above listed required data.

9. The department of community affairs may develop and issue other administrative and programmatic instructions as required in order to execute this grant program. (Effective December 17, 1981)

(v) Repealed, January 6, 1987.

### **Sec. 8-203-5. Part III—Petitions, grievances, declaratory rulings, judicial review and notices**

#### **(a) Petition for oral hearing on regulations**

1. The commissioner shall grant an informal oral hearing, pertaining to a substantive regulation, to a governmental subdivision or agency, or to an association having not less than 25 interested persons, if the hearing is requested in writing by not less

than 25 persons. The oral hearing must be requested prior to the adoption, amendment or repeal of any substantive regulation.

2. The oral hearing shall afford all interested persons reasonable opportunity to submit data, views or arguments, orally and/or in writing, and the commissioner shall consider fully all written and oral submissions as they pertain to the proposed adoption, amendment or repeal of a substantive regulation.

3. Oral hearings shall be conducted by the commissioner, deputy commissioner, or such other persons as may be designated by the commissioner.

4. Oral hearings shall be informal and shall be held at such time and place as designated by the commissioner, and the time and place will be stated in the written notice of intended action.

5. No regulation may be adopted, amended or repealed by the department until it has been approved by the attorney general and by the standing legislative regulation review committee. The commissioner shall, upon written request of an interested person, issue a concise written statement stating the principal reasons for the action taken on the regulation in question. If, at the oral hearing, considerations were set forth urging the regulation not be adopted, the commissioner shall incorporate into the requested statement, reasons for overruling those considerations.

a. The interested person requesting a statement from the commissioner may submit the request in writing, at any time after the informal oral hearing, but not later than 30 calendar days after adoption of the regulations. The interested person shall identify his specific sphere of interest, and shall identify the specific regulation(s) about which he is requesting a statement.

b. The commissioner shall respond in writing to the request for statement within 60 working days of the adoption of the regulation in question.

**(b) Petition for promulgation of regulations:**

1. Any interested person may petition the department requesting the promulgation, amendment, or repeal of a regulation.

2. The petition may be submitted in the form of a normal business letter, directed to the commissioner and the petition shall be sent by registered or certified mail, return receipt requested.

The petition shall contain a minimum of the following data:

a. the specific Connecticut General Statute, to which the requested action(s) pertain(s).

b. the nature of the action requested; i.e. promulgation of a new regulation, or the amendment of, or repeal of, an existing regulation.

c. the petition shall contain the exact wording of the proposed action.

d. the letter of petition must delineate the specific rationale(s) for the requested action.

3. Upon receipt of a petition for promulgation of, amendment of, or repeal of, a regulation, the commissioner may initiate whatever action he deems necessary within his statutory purview, to investigate the circumstances leading up to such request. He may further request whatever further data and materials as he may require, from any source within his statutory purview, in order to make a judgment on the merits of the petition.

4. The commissioner may, within 30 working days of the receipt of the petition, either deny the petition in writing to the petitioner, or he may initiate regulation making proceedings.

a. If the commissioner denies the petition, he shall do so in writing to the petitioner, in a letter, stating his reasons for such action.

b. If the commissioner concurs with the request, or with any aspect of the request, he may institute whatever action he deems necessary to implement the request.

**(c) Conduct of contested cases:**

1. A hearing in a contested case may be scheduled upon reasonable notice of the time, place and nature of said hearing. The notice shall include the following: (a) legal authority and jurisdiction for the hearing, (b) sections of the statute and uniform regulations involved, and (c) a clear and concise statement of the matters asserted.

2. All parties shall be afforded an opportunity to present evidence and argument.

3. Cases may be settled informally, or by consent, or by default.

4. Contested cases will be conducted in accordance with the requirements of the Uniform Administrative Procedures Act (Chapter 54, Connecticut General Statutes). Procedures set forth in the Connecticut Practice Book, as amended, may be followed but there shall be no obligation upon the department to hold preliminary hearings or proceedings with respect to any matter.

5. Hearings shall be conducted in accordance with the Uniform Procedures Act.

**(d) Petition for reconsideration of final decision in a contested case:**

1. A party aggrieved by a final decision of the department in a contested case may request a re-hearing of said decision, if the request is made within 30 calendar days after date of issuance of the final decision.

2. The petition for re-hearing may be in the form of a normal business letter and shall include a minimum of the following data: (a) the specific agency action which aggrieved the petitioner, (b) the specific manner in which the petitioner alleges to be aggrieved, (c) the specific action, or actions, which the petitioner is requesting the agency to take, to alleviate the grievance, (d) a statement of the social, economic, fiscal and/or other impact on the aggrieved person, if the agency complied with the request of the petitioner, (e) a statement of any new evidence to be introduced by the petitioner for consideration by the commissioner, (f) the petition for re-hearing must be signed by all of the aggrieved principals, or their authorized agents.

3. The commissioner shall either grant or deny a request for re-hearing within 30 calendar days of receipt of the written request. If the commissioner denies the request, he shall so state in writing to the petitioner, along with his reasons for the denial. If the commissioner grants the request for re-hearing he shall issue a notice of hearing in accordance with the regulation on notices.

**(e) Declaratory ruling.** 1. The commissioner may render a declaratory ruling on the validity or applicability of any statutory provision, regulation or order of the department, if the statutory provision or regulation or order, or the threatened application thereof, interferes with or impairs, or threatens to interfere or impair, the legal rights or privileges of a complaining party.

2. Conditions: The commissioner will not render a declaratory ruling upon the complaint of any person: a. unless that person has a legal interest, by reason of danger or loss or uncertainty, under a statutory provision, regulation or order of the department; b. unless there is an actual bona fide and substantial question or issue in dispute, or substantial uncertainty of legal relations which requires settlement between the parties; c. unless all persons having an interest in the subject matter are parties to the request, or have been given reasonable notice thereof. d. where the commissioner shall be of the opinion that the parties should be left to seek redress by some other form of procedure.

3. A person may petition the department to pass on the validity or applicability of any statutory provision or regulation or order of the department which interferes

with or impairs, or threatens to interfere with or impair his legal rights or privileges at any time during which the order or regulation is in effect, or threatens to come into effect.

4. The petition for a declaratory ruling shall be in the form of a pleading required in civil trials and shall include at least the following: a. the statutory provision or regulations or orders of the department which are involved. b. facts sufficient to show that the question is not moot, or hypothetical and that the petitioner is a proper party to raise the issue. c. facts necessary for the determination of the question; d. a clear and concise statement of the matters involved; e. a statement of all persons having an interest in the subject matter of the complaint, and a sworn statement that such persons have been given notice of the petition by registered or certified mail, return receipt requested.

5. Within thirty calendar days after the receipt of a petition for a declaratory ruling, the commissioner shall either grant or deny the request a. if the commissioner denies the request, he shall state so in writing to the interested parties along with his reasons for the denial. b. if the commissioner grants the request and if no parties, with an interest in the matter, request an oral hearing thereon, the commissioner may decide the matter on the basis of the written statements of the parties. In this case, the commissioner shall set a date for receipt of written statements from the parties, such date shall not be more than thirty (30) calendar days from the day after the commissioner grants the request. c. If the commissioner grants the request and if any of the interested parties request an oral hearing within two weeks of the granting of the request, the commissioner shall set a date for a hearing of the matter, such hearing is to be held within thirty (30) days of the granting of the request. The commissioner shall issue a written notice of the hearing to all interested parties at least twenty (20) calendar days prior to such hearing.

6. The commissioner shall issue his decision on any petition for a declaratory ruling within thirty (30) days of the receipt of the written statements of interested parties, or within thirty (30) days after the oral hearing on the matter. However, the commissioner may extend the date of his decision for good cause. The commissioner shall notify, either personally or in writing, all parties of record of his decision or order on a petition for a declaratory ruling. A copy of the decision or order shall be supplied to each party upon written request.

7. Conduct of Hearings on a Request for a Declaratory Ruling: a. All parties shall be afforded an opportunity to present evidence and argument. b. A record shall be made of all hearings for a declaratory ruling. This record shall include: 1. All petitions, motions and intermediary rulings. 2. Evidence received or considered. 3. Matters officially noticed. 4. Questions and offers of proof, objections and rulings thereon. 5. Proposed findings and exceptions. 6. Decision, ruling or report of the Commissioner. c. Oral hearings shall be conducted in accordance with the rules of evidence as applied to non-jury civil cases. 1. When necessary to ascertain facts not reasonably susceptible of proof under the rules of evidence for non-jury civil cases, evidence may be admitted at the discretion of the commissioner. 2. The rules of legal privilege shall be in effect. 3. Where not prejudicial to a party, any part of the evidence may be in written form. 4. Documentary evidence may be received in form of copies or excerpts. 5. A party may conduct cross-examination. 6. The commissioner may take administrative notice of technical and scientific facts within the department's specialized knowledge. d. The decision or order of the commissioner shall be in writing or stated in the record and shall include findings of fact and the reasons for his decision. e. Community Affairs personnel assigned to a case

shall not communicate with any party in connection with the petition except upon notice to all parties involved.

**(f) Judicial review of administrative hearing:**

A person who has exhausted administrative remedies available with the department, and who is aggrieved by a final decision of the commissioner is entitled to judicial review of the decision.

Proceedings for judicial review shall be instituted by filing a petition for review in the County wherein the aggrieved person resides, within thirty (30) days after mailing of notice of final decision. Copies of the petition must be served upon the commissioner and upon all parties of record.

Filing of the petition is not an automatic stay of execution of the department's decision.

Within thirty (30) days after the service of the petition, unless further time is granted by the review court, the department shall transmit to the reviewing court a certified copy of the entire record of the proceeding. The parties may, however, stipulate to a shortened record. The record may contain only such information as the parties may deem necessary, or as may be requested.

**(g) Notices:**

The department shall issue a written notice of intended action at least 20 calendar days prior to the adoption, amendment, or repeal of any regulation, to those persons who have requested the department to provide such advance notice.

The department will issue a written notice of hearing at least 20 calendar days prior to the start of an oral hearing.

The commissioner will notify, in writing, all parties in a contested case, of any scheduled hearing, at least 20 calendar days prior to such hearing.

The commissioner will notify, either personally or in writing, all interested parties, of any decision or order in a contested case upon written request. A copy of the decision or order shall be mailed to each party or his attorney of record.

Parties may be represented by counsel who have been duly admitted to practice and are currently authorized to practice before the Superior Court of the State of Connecticut.

(Effective August 28, 1975)