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## Security Deposit Program

### Sec. 17b-802-1. Definitions

As used in sections 17b-802-1 through 17b-802-12, inclusive, of the Regulations of Connecticut State Agencies:

(1) “Applicant” means a person who has completed, signed and submitted an application to the department or to any entity so designated under section 17b-802-5 of the Regulations of Connecticut State Agencies to obtain a security deposit guarantee or security deposit that, if approved, will allow the person to move into a dwelling unit.

(2) “Application” means the forms prescribed by the commissioner to be used by applicants to apply for a security deposit guarantee or a security deposit. The application forms, which may be modified from time to time, shall contain information that the commissioner deems necessary to determine whether the applicant should be granted a security deposit guarantee or security deposit.

(3) “Catastrophic event” means a situation that arises due to a natural or man-made disaster that results in destruction or loss of housing, as determined by appropriate local or state officials or by the department.

(4) “Commissioner” means the Commissioner of Social Services.

(5) “Current income status” means the household’s gross income for, at a minimum, the thirty (30) days preceding the date of application.

(6) “Department” means the state Department of Social Services.

(7) “Dwelling unit” means any house or building, including a mobile manufactured home in a mobile manufactured home park as defined in section 21-64 of the Connecticut General Statutes, or portion thereof, which is occupied, is designed to be occupied, or is rented, leased or hired out to be occupied as a home or residence of one or more persons.

(8) “Emergency housing” means a temporary residential facility, other than an emergency shelter, such as a hotel, motel, hospital, state institution or shelter for victims of domestic violence. Emergency housing also includes the private residence of a friend or relative which temporarily houses individuals or families displaced within the past sixty (60) days due to an eviction, catastrophic event or domestic violence.

(9) “Emergency shelter” means a privately or publicly supported structure designed to shelter homeless persons on a temporary basis pending relocation to permanent housing.

(10) “Eviction” means one of the following:

(A) The applicant is forced to relocate after receiving a legal notice to quit;

(B) The applicant is a sublessee or is sharing the dwelling unit with the lessee and the lessee has received a legal notice to quit or has been evicted through court action;

(C) The applicant is either an owner or a tenant of a dwelling unit and is being forced to relocate as a result of a foreclosure judgment in a foreclosure action completed in court; or

(D) The applicant is illegally locked out of the dwelling unit by the landlord and the applicant has filed a police complaint concerning such lockout.

(11) “Gross income” means the total annual income of all household members, before deductions, derived from earned and unearned income. Earned income includes any compensation payable by an employer to an employee for personal services and includes wages, salaries, tips, commissions, bonuses and earnings from

self-employment or contractual agreements. Unearned income includes, but is not limited to: pensions, annuities, dividends, interest, rental income, estate or trust income, royalties, social security or supplemental security income, unemployment compensation, workers' compensation, alimony, child support and cash assistance from federal or state funded assistance programs.

(12) "Household" means one or more individuals living together as a unit.

(13) "HUD" means the federal Department of Housing and Urban Development.

(14) "Landlord" means the owner, lessor or sublessor of: the dwelling unit, the building of which the dwelling unit is a part, or the premises on which the dwelling unit is located. "Landlord" includes a licensee, permittee or any person who owns, operates or maintains a mobile manufactured home park.

(15) "Recipient" means any individual or household that has received a security deposit guarantee or a security deposit by meeting the criteria as set forth in section 17b-802-2 of the Regulations of Connecticut State Agencies.

(16) "Security deposit" means a security deposit as defined in section 47a-21 of the Connecticut General Statutes.

(17) "Security deposit guarantee" means a written agreement in lieu of paying the security deposit directly to the landlord that is executed between the commissioner or his or her designee or agent and the landlord.

(18) "Tenant" means the lessee, sublessee or person entitled under a rental agreement to occupy a dwelling unit or premises to the exclusion of others, or as is otherwise defined by law.

(Adopted effective May 24, 2004)

### **Sec. 17b-802-2. Eligibility criteria**

To participate in the security deposit guarantee or security deposit program an applicant shall satisfy the department that all of the following criteria are met:

(a) The applicant meets one of the following requirements of financial eligibility:

(1) The applicant is a current recipient of temporary family assistance (TFA), diversion assistance pursuant to section 17b-112g of the Connecticut General Statutes, state-administered general assistance (SAGA), refugee assistance, aid to the aged, blind or disabled (AABD), food stamps, Safety Net services pursuant to section 17b-112e of the Connecticut General Statutes, or Medicaid or

(2) The annual gross income of the applicant and his or her household, excluding assets, does not exceed 150% of the federal poverty income guidelines (for the household's size) as established by the federal Department of Health and Human Services.

(b) The applicant meets one of the following requirements of categorical eligibility:

(1) The applicant holds a federal Section 8 housing choice voucher or holds a certificate from the Rental Assistance Program, the Transitional Rental Assistance Program or any other rental assistance program operated by the department, that was issued while the applicant was on the waiting list of any of the aforementioned rental assistance programs within the six months prior to filing a security deposit guarantee or security deposit application pursuant to section 17b-802-5 of the Regulations of Connecticut State Agencies, or

(2) The applicant is currently residing in emergency housing or an emergency shelter in Connecticut, or

(3) The applicant cannot remain in permanent housing because:

(A) The applicant has received a notice to quit, or a judgment has been entered against the applicant in a summary process action instituted pursuant to chapter 832 of the Connecticut General Statutes, provided the action was not based on criminal

activity, or a judgment has been entered against the applicant in a foreclosure action pursuant to chapter 846 of the Connecticut General Statutes and the time limit for redemption has passed;

(B) The applicant has left his or her permanent housing to escape domestic violence;

(C) A catastrophic event, such as a fire or flood, has occurred within the 60 days prior to the application date and has made the permanent housing uninhabitable or the applicant has been ordered to vacate the permanent housing by a local code enforcement official within said 60 days;

(D) The applicant has been issued a new federal Section 8 housing choice voucher or a new certificate from the Rental Assistance Program, the Transitional Rental Assistance Program or any other rental assistance program operated by the department because the applicant resides in a unit assisted under any of the aforementioned rental assistance programs which has failed a housing quality standards inspection when that failure was the responsibility of the owner and the owner refused to correct the conditions causing the failure;

(E) The applicant shares a dwelling unit with a primary tenant who is being evicted or who engages in criminal activity;

(F) The applicant was illegally locked out by the landlord and has filed a police complaint concerning the lockout;

(G) The applicant has been living with a tenant who received a preliminary notice under section 47a-15 of the Connecticut General Statutes or a notice to quit because of termination of a rental agreement for lapse of time; or

(H) The applicant has left the permanent housing because a child in his or her family who resided in the dwelling unit with the applicant has been found to have a level of lead in the blood equal to or greater than twenty micrograms per deciliter of blood or any other abnormal body of lead and the local director of health has determined, after an epidemiological investigation pursuant to section 19a-111 of the Connecticut General Statutes, that the source of the lead poisoning was the dwelling unit in which the child resided with the applicant.

(c) The applicant has found a rental dwelling unit in Connecticut of which the applicant and the landlord conduct an inspection, which the landlord represents to the department to meet local housing code enforcement laws, and which is intended to be occupied as permanent housing.

(d) The department determines that the applicant's household can reasonably be expected to afford the monthly rental charge of the dwelling unit.

(e) The applicant is precluded from occupying the otherwise affordable dwelling unit due to a security deposit requirement which is beyond the current financial means of the applicant.

(Adopted effective May 24, 2004)

### **Sec. 17b-802-3. Verification of eligibility**

(a) Any applicant seeking eligibility based on financial need pursuant to section 17b-802-2(a)(2) of the Regulations of Connecticut State Agencies shall verify his or her household's income in a manner that is acceptable to the department. Forms of verification include, but are not limited to:

(1) Current wage stubs;

(2) Federal or state income tax filing forms;

(3) A department form W-35 for disclosure of gross wages, salary or commission paid;

(4) A copy of a Social Security check or any other benefit check;

(5) A statement from an employer or other sources of documentation which clearly establish gross income; or

(6) An IRS Form W-2 or W-2p.

(b) The applicant shall provide the following documentation as it is relevant to the applicant:

(1) Evidence that the applicant holds a federal Section 8 housing choice voucher or holds a certificate from the Rental Assistance Program, the Transitional Rental Assistance Program or any other rental assistance program operated by the department, in conformance with section 17b-802-2 of the Regulations of Connecticut State Agencies;

(2) Documentation or other evidence that the applicant is staying at an emergency shelter, which may include verbal or written verification from an appropriate official of an emergency shelter;

(3) Documentation that the applicant occupies emergency housing; or

(4) Documentation of the reason why the applicant cannot remain in permanent housing. Such documentation may include, but is not limited to:

(A) Notice to quit and any other summary process paperwork addressed either to the applicant or the primary tenant with whom he or she lives. A copy of a judgment entered against the applicant in a summary process action instituted pursuant to chapter 846 of the Connecticut General Statutes;

(B) Confirmation of domestic violence, which may include a sworn statement by the victim or any evidence of such violence available to the applicant, which may include: police, government agency or court records; documentation from a shelter worker, legal, medical, clerical or other professionals from whom the applicant has sought assistance in dealing with domestic violence; or a statement from an individual with knowledge of the circumstances which provide the basis for the claim of domestic violence. For purposes of this section, allegations of domestic violence by a victim may be sufficient to establish domestic violence where the department has no independent reasonable basis to find the applicant not credible;

(C) Confirmation, whether verbal or written, from appropriate authorities such as state officials, police, fire or local code enforcement officials regarding a catastrophic event;

(D) Evidence that the applicant was issued a federal Section 8 housing choice voucher or a certificate from the Rental Assistance Program, the Transitional Rental Assistance Program or any other rental assistance program operated by the department when the applicant resided in a unit assisted under any of the aforementioned rental assistance programs, and that unit failed a housing quality standards inspection when that failure was the responsibility of the owner and the owner refused to correct the conditions causing the failure;

(E) A sworn statement by the applicant that the primary tenant with whom he or she resides engages in criminal activity;

(F) A sworn statement by the applicant that he or she has been illegally locked out of his or her dwelling unit; or

(G) Evidence that a child in the applicant's family resides with the applicant and has a level of lead in the blood equal to or greater than twenty micrograms per deciliter of blood or any other abnormal body of lead and the local director of health has determined, after an epidemiological investigation pursuant to section 19a-111 of the Connecticut General Statutes, that the source of the lead poisoning was the dwelling unit in which the child resided with the applicant.

(Adopted effective May 24, 2004)

**Sec. 17b-802-4. Elements of application**

A completed application requesting the equivalent of up to two (2) month's rent as a security deposit guarantee, or the equivalent of up to one (1) month's rent as a security deposit and up to one (1) month's rent as a security deposit guarantee, pursuant to section 17b-802-8 of the Regulations of Connecticut State Agencies, includes:

(1) A completed security deposit guarantee or security deposit application form signed by the applicant and the department's worker. The application form shall stipulate that the applicant agrees to notify the department within thirty (30) days of vacating the dwelling unit for which payment is being requested;

(2) Any documents set forth in section 17b-802-3 of the Regulations of Connecticut State Agencies, or any other documents that the department determines are necessary to determine eligibility; and

(3) A written agreement between the department and the prospective landlord which shall include one or both of the following:

(A) A written security deposit guarantee signed by the prospective landlord and the department's designee. The written guarantee shall stipulate that the department shall pay the landlord for any damages suffered by the landlord due to the tenant's failure to comply with such tenant obligations as defined in section 47a-21 of the Connecticut General Statutes, provided the amount of any such payment shall not exceed the amount of the security deposit guarantee; or

(B) A waiver form completed and signed by the prospective landlord. The waiver form shall stipulate that if the tenant for whom a security deposit payment is made vacates the dwelling unit, any return of the security deposit or accrued interest to which the tenant is entitled, shall be paid directly to the department.

(Adopted effective May 24, 2004)

**Sec. 17b-802-5. Application filing**

Applications for security deposit guarantees or security deposits may be made either to the department at one of its regional offices or to any entity under contract with the department to operate an emergency shelter or other emergency housing facility for individuals or families. An applicant shall have sixty (60) days to complete an application once she or he initiates the application process by filing any part of the application with the department or with any entity under contract with the department to operate an emergency shelter or other emergency housing facility for individuals or families. An applicant may request one or more sixty (60) day extensions to the time limit for completing an application. Such extensions may be granted in writing by department staff or by the staff of any entity under contract with the department to operate an emergency shelter or other emergency housing facility for individuals or families when the applicant has demonstrated a reasonable effort to locate a rental unit.

(Adopted effective May 24, 2004)

**Sec. 17b-802-6. Application review and notification**

The department shall review the application and shall notify the applicant in writing of the approval or denial of his or her eligibility within ten (10) days from the date the department is in receipt of the completed security deposit guarantee or security deposit application form signed by the applicant and the department's worker, and any documents set forth in section 17b-802-3 of the Regulations of Connecticut State Agencies, or any other documents that the department determines are necessary to determine eligibility, provided all documentation necessary to make

a determination of eligibility has been submitted. If an application for a security deposit guarantee or security deposit is denied at this stage, the applicant shall be notified in writing within the ten-day period noted above of the reason for the denial and of his or her right to request a fair hearing from the department. Further, once the department is in receipt of a written agreement between the department and the prospective landlord, signed by both parties, the department shall review the written agreement and shall notify the applicant in writing of the approval or denial of his or her application within five (5) days from the date the department is in receipt of the completed application, including a written agreement between the department and the prospective landlord, provided all documentation necessary to make a determination has been submitted. If an application for a security deposit guarantee or security deposit is denied at this stage, the applicant shall be notified in writing within the five-day period noted above of the reason for the denial and of his or her right to request a fair hearing from the department.

(Adopted effective May 24, 2004)

### **Sec. 17b-802-7. Security deposit, claim for damages and refund**

(a) If the landlord claims the right to withhold any portion of any security deposit that the department has paid directly to the landlord, he or she shall comply with all of the provisions of Connecticut General Statutes section 47a-21, as well as subdivisions(a) (1) and (2) of this section. Any notice regarding any security deposit that the landlord or his agent sends to the tenant shall also be sent on the same day to the department.

(1) No later than thirty (30) days from the date of the termination of the tenancy, the landlord shall submit to the department the balance of the security deposit paid by the department plus accrued interest, after deduction for any damages suffered by such landlord by reason of the tenant's failure to comply with the tenant's obligations as defined in section 47a-21 of the Connecticut General Statutes. The landlord is also obligated, not later than thirty (30) days after the termination of the tenancy, to submit to the department written documentation supporting any deduction for damages, including evidence of actual costs of required repairs. If such deposit and documentation are not submitted, and if a civil action is necessary to collect the balance of the deposit, the landlord shall pay the costs associated with such civil action and shall be subject to double damages, pursuant to section 47a-21 of the Connecticut General Statutes.

(2) The department may inspect the dwelling unit to determine the extent of any damages.

(b) The rights of the tenant to the refund of the security deposit shall be subrogated to the department.

(Adopted effective May 24, 2004)

### **Sec. 17b-802-8. Assistance limitations**

(a) Security deposit guarantee applications and security deposit applications from individuals or households shall be considered in the order in which they are received by the department in completed form in accordance with sections 17b-802-4 and 17b-802-5 of the Regulations of Connecticut State Agencies. The approval of an application is subject to the availability of funds. In the absence of funds, the department may determine that applications should not be accepted until such funds become available.

(b) Security deposit guarantee applications and security deposit applications for recipients aged sixty-two (62) years and older shall be limited to the equivalent of one (1) month's rent pursuant to Connecticut General Statutes section 47a-21(b)(2).

(c) Security deposit guarantees for all recipients under the age of sixty-two (62) shall be limited to the equivalent of two (2) month's rent, except in the circumstance where the commissioner has determined that the health, safety or welfare of a child who resides with the applicant is threatened due to an emergency, in which case the security deposit guarantee shall be limited to the equivalent of one (1) month's rent combined with a security deposit that is limited to the equivalent of one (1) month's rent.

(Adopted effective May 24, 2004)

### **Sec. 17b-802-9. Security deposit guarantee and claim for damages**

(a) No later than thirty (30) days from the date of the termination of the tenancy, the landlord shall submit to the department written documentation supporting the claim for damages, including evidence of actual costs of required repairs for damages suffered by such landlord by reason of the tenant's failure to comply with the tenant's obligations as defined in section 47a-21 of the Connecticut General Statutes.

(b) The department may inspect the dwelling unit to determine the extent of any damages.

(c) When a claim for damages is received by the department, written notice of such claim shall be sent to the tenant not later than five (5) days from the date of receipt of the claim by DSS. Such notice shall include the opportunity for the tenant to request an administrative review to dispute the claim. A request for an administrative review shall be in writing and received by the department not later than ten (10) days after the notice is sent to the tenant. Upon receipt of a timely request, payment of the claim shall be withheld pending the outcome of the review. The review shall be scheduled in a timely manner upon receipt of the request. The reviewer shall issue a written decision of his or her findings and mail a copy of the decision to the tenant (a) and to the landlord.

(Adopted effective May 24, 2004)

### **Sec. 17b-802-10. Subsequent security deposit guarantee or security deposit**

(a) A person shall be eligible for a second or subsequent security deposit guarantee or security deposit if, at the time of re-application, the person meets the criteria for eligibility as set forth in section 17b-802-2 of the Regulations of Connecticut State Agencies.

(b) A person shall be eligible for a security deposit guarantee or security deposit only once within an eighteen (18) calendar month period, except for the circumstance identified in subsection (c) of this section.

(c) A person who applies for a second or subsequent security deposit guarantee or security deposit within eighteen (18) calendar months of the date of completion of an application for a previous security deposit guarantee or security deposit which was approved shall obtain approval from the commissioner for said second or subsequent security deposit guarantee or security deposit. For a person who applies for a second or subsequent security deposit guarantee or security deposit within eighteen (18) calendar months of the date of any payment to a landlord for damages claimed to have been caused by the person, the amount of a second or subsequent security deposit guarantee or security deposit shall be reduced by:

(1) Any amount of the previous security deposit which has not been returned to the department pursuant to Connecticut General Statutes section 47a-21; and

(2) The amount of any payment made by the department to the landlord for damages.

(Adopted effective May 24, 2004)

**Sec. 17b-802-11. Landlord participation**

A landlord who engages in program fraud, misrepresentation or a violation of any aspect of his or her written agreement with the department shall be subject to civil or criminal penalties to the extent authorized by the law. The commissioner, at his or her discretion, may decline to enter into an agreement with a landlord under the security deposit guarantee program if the commissioner is of the opinion that the landlord has failed to comply with the provisions of the security deposit guarantee program.

(Adopted effective May 24, 2004)

**Sec. 17b-802-12. Fair hearings**

(a) A person aggrieved by a denial of a security deposit guarantee or security deposit shall be given an opportunity for a fair hearing. A person aggrieved by a reduction in the amount of a second or subsequent security deposit guarantee or security deposit shall be given an opportunity for a fair hearing.

(Adopted effective May 24, 2004)