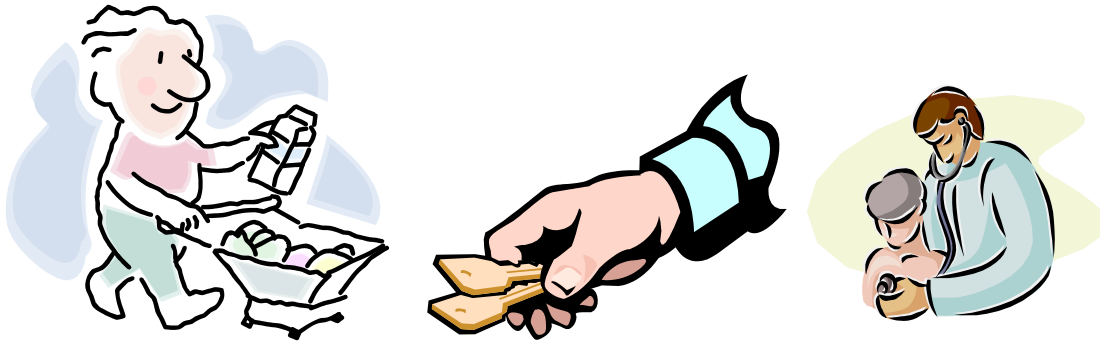


Connecticut Legal Services, Inc.



Resources for People With Low Incomes **MANUAL**

December, 2009

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BENEFIT PROGRAMS & RESOURCES

The benefits and resources identified in this outline are available statewide. There may be other types of assistance available locally. Additionally, emergency assistance may be available through local churches and private organizations. INFOLINE 211 is the best source of information tracking down such assistance.

Note regarding appeals: Never accept an oral denial of benefits as this cannot be appealed. Most benefit programs have very short periods in which to appeal agency decisions. For example, most Department of Social Services (DSS) benefit programs require that an appeal be filed within 10 days of a DSS notice to maintain benefits during the appeal, although the final appeal deadline is 60 days in most programs and 90 days for SNAP. It is important to *immediately* refer cases to legal services where an appeal is possible. Where a deadline may be missed before a referral can be made, a household can file an appeal and then withdraw it after it has been analyzed with no negative consequences. Missed appeal deadlines in meritorious situations mean the household is likely to lose benefits.

I. CASH AND SIMILAR ASSISTANCE

A. HOUSEHOLDS WITH MINOR CHILDREN OR PREGNANT WOMEN

1. Cash benefits for families with children (aka Temporary Family Assistance or TFA):

a) **Where to apply:** CT Department of Social Services (DSS) offices (see section XV.C. for site listings)

b) **Who is eligible:** Families with children, pregnant women and children living with nonparent adults (and nonparents may also get benefits if they are low income). Households are either “exempt” from work requirements and time limits (if all adults in household are exempt, typically because the adult is disabled for more than 30 days, caring for a child under 1 year, or is a teen parent attending high school, or only the children are receiving TFA and the adult is not their parent), or they are subject to strict job search and work related requirements with harsh penalties for noncompliance. During time limits on benefits, a family can keep earnings up to 100% of the federal poverty level (see section XIV. for income chart). See below for more on time limits and extensions for households that are not “exempt” from time limits.

(Who is eligible cont.)

Households with a pregnant woman; or

Minor children and parent(s) or another caretaker adult who is also receiving TFA,

may or may not be exempt, depending on whether the parent or caretaker adult is disabled for at least 30 days, or the caretaker adult cannot work because someone in the household is disabled and needs care, or there is an infant under age one year and the child was not conceived while the family received assistance.

Income chart hints: Only look at gross income of the parents and their children, and only count parents and their children when determining household size, even if there are others residing in the household. Refer for TFA if gross monthly income is less than the amount in the chart plus: \$50 if household receives child support and/or \$90 if a parent works.

Households with children living with an adult caretaker who is not the parent and the adult is not receiving TFA – (the parent cannot reside in the household) -- is exempt and can receive benefits throughout the eligible child's minority.

Income chart hints: Only look at gross income of the children, and only count the children when determining household size. Refer for TFA if gross monthly income is less than the amount in the chart.

Domestic violence (DV) victims: If a woman is in a shelter because of current DV, or has a protective or restraining order, she is likely to be eligible for TFA. If she fled DV and is now able to work, she is probably eligible for unemployment compensation. If she is an undocumented immigrant and a victim of certain violent crimes or DV, she may be eligible for benefits, including immigrant protections.

TFA Income and Benefit Chart			
Household Size	DSS Region A	DSS Region B	DSS Region C
1	\$427	\$354	\$354
2	544	470	470
3	674	576	568
4	786	677	660
5	886	775	751
6	992	877	854
Towns in each DSS region	Bethel, Bridgewater, Brookfield, Danbury, Darien, Greenwich, New Canaan, New Fairfield, New Milford, Newtown, Norwalk, Redding, Ridgefield, Roxbury, Sherman, Stamford, Washington, Weston, Westport, Wilton	All towns not listed for Regions A & C	Ansonia, Barkhamsted, Beacon Falls, Bethlehem, Canaan, Cheshire, Colebrook, Cornwall, Derby, Goshen, Hartland, Harwinton, Kent, Litchfield, Middlebury, Morris, Naugatuck, New Hartford, Norfolk, North Canaan, Oxford, Prospect, Salisbury, Seymour, Sharon, Southbury, Thomaston, Torrington, Warren, Waterbury, Watertown, Winchester, Wolcott, Woodbury

c) **Benefits:** Cash assistance paid on a monthly basis, typically the monthly amount listed above in the chart by region and household size, but benefits may be reduced if the family has other unearned income or lives in subsidized housing, or a child in the household was conceived while the mother was receiving TFA.

d) **Extra benefits:** Available in limited circumstances:

- (1) emergency housing, moving and storage expenses, security deposits,
- (2) phone installation (emergency phone access needed),
- (3) Meals on Wheels (no cooking facilities or disability),
- (4) restaurant meals (living in a shelter and meals not available),
- (5) replacement of essential clothing and repair/replacement of essential household items damaged/lost when housing is lost,
- (6) heating service security deposit,
- (7) required course and equipment and materials fees for high school student,
- (8) funeral and burial expenses,
- (9) out-of-state or country transportation for moves to another location,
- (10) property repairs (for home owners -- needed to allow household to safely remain in home).

e) **Other potential benefits:** TFA recipients are eligible for Medicaid (HUSKY A); extended medical coverage if adult is employed at the time of or within 6 months of when household stops receiving cash assistance. Recipients are eligible for child care assistance (Care 4 Kids: 1-888-214-KIDS) if working or in approved educational program; child care assistance continues to be available to households if adult is employed at time of or within 6 months of when household stops receiving cash assistance.

f) **Time limits for households which are not “exempt:”** TFA is limited to 21 months, with two extensions of up to 6 months each if the household meets income limits and has made “good faith” efforts in work related requirements. To qualify for a third (or more) extension, the household must pass a “barriers” test (e.g., health or addiction issues, lack of child care or transportation, domestic violence, learning disability or low literacy, child with serious health or behavioral needs). To receive benefits beyond sixty months, a family must qualify for an exemption or domestic violence prevents or limits work. A family may alternate between being “exempt” and non-“exempt”, depending on its circumstances (e.g., time-limited benefits are exhausted and parent becomes disabled or has a child under age one year who was not conceived while the mother was receiving TFA). The following table summarizes time limits.

Category	Time Limit on Receipt of Cash Assistance	Notes
<p>“EXEMPT”: All adults in the household must meet an exemption for family to be exempt:</p> <ul style="list-style-type: none"> • adult is incapacitated (unable to work for at least 30 days) • family member is incapacitated and needs care which prevent work • over 60 years of age • child is under 1 year and is not a family cap child (conceived while parent is on assistance) • parent is under 18 years of age • caretaker is not the parent and only children receive TFA 	<p>No time limit</p>	<p>Some families are exempt long-term. However, families can be exempt for as little as 30 days. Any period of at least 30 days that a family is exempt does not count against the family’s time limit on receipt of TFA cash assistance.</p> <p>Exempt families are not subject to work related requirements.</p>
<p>SUBJECT TO TIME-LIMITED TFA:</p>		<p>Notes (for all time-limited categories)</p>
<p>• All Families which are not “exempt”</p>	<p>3 blocks of assistance:</p> <ul style="list-style-type: none"> • 21 month block plus • 2 grants of 6-month extensions <p><i>No additional cash assistance is available unless the family becomes exempt, has barriers allowing the grant of more extensions, or domestic violence prevents the adult(s) from working.</i></p>	<p>To qualify for extensions families must maintain “good faith effort” by complying with employment services (except where they have “good cause” for not complying. “Good faith effort” can be restored during the first 21 months of assistance by successfully performing an IPC through DOL. However, during an extension, a violation of an employment services requirement without “good cause” ends access to cash assistance for life (unless family becomes exempt).</p>
<p>• Families with the following barriers:</p> <ul style="list-style-type: none"> • domestic violence or another reason beyond the adult’s control precludes obtaining or maintaining employment, or working additional hours; <p>or</p> <ul style="list-style-type: none"> • the family has two barriers to employment, including but not limited to: <ol style="list-style-type: none"> (1) domestic violence (though not precluding work), (2) lack of available child care, (3) substance abuse or addiction, (4) serious mental or physical health problems, (5) a learning disability, (6) low English literacy - score of less than 235; (7) a child with a <i>serious</i> physical or behavioral health problem; (8) lack of transportation; (9) DCF plan requirements for family or court orders requiring parental involvement that interfere with work related requirements; or (10) other circumstances reasonably interfering with ability to obtain or maintain work <p>or</p> <ul style="list-style-type: none"> • the adult in the family: <ol style="list-style-type: none"> (1) works at least 35 hours/week earning at least minimum wage but less than the TFA payment standard (plus \$90/month if working); or (2) works less than 35 hours/week due to either a documented medical impairment limiting work or the need to care for a disabled member of the household, provided the adult works the maximum number of hours the impairment or care needs permit. 	<ul style="list-style-type: none"> • 21 month block plus • 6-month extensions up to a total of 60 months of cash assistance <p><i>No additional cash assistance is available unless the family becomes exempt or domestic violence prevents the adult(s) from working.</i></p>	<p>The first 21 months of assistance can be broken up into shorter periods of receipt of benefits and the family can still get the full 21 months of assistance.</p> <p>6-month extensions are actually “up to” 6 months. If a family only receives benefits for part of an extension, it counts as though the family received the full extension.</p> <p>To qualify for cash assistance, at the beginning of each block (21 months or each extension), family income must be less than the TFA payment standard (+ \$90 if the family has earnings).</p> <p>During any block of assistance, the family can earn up to 100% of the federal poverty level and keep the TFA cash assistance. Unearned income (except for \$50 of child support) reduces the TFA benefits dollar-for-dollar.</p>
<p>• Families where domestic violence reasonably prevents or limits hours of employment</p>	<ul style="list-style-type: none"> • 21 month block plus • 6-month extensions as needed with no time limit 	

2. **Diversion Assistance:** Apply at the Department of Social Services (see section XV.C. for site listings). Provides up to 3 months equivalent to TFA grant, depending on need, to TFA eligible households. Benefits counts as receipt of 3 months of TFA, regardless of actual benefit provided, reducing months for which family may receive TFA. It often is NOT a good deal for a family as they would get the same or more benefits in the regular TFA program. It is available once per year, up to 3 times total. The theory is to prevent need for regular TFA. Most diversion recipients will have access to Medicaid, child care assistance and SNAP (food stamps), and certain types of emergency benefits available to TFA recipients, though they may need to specifically request this assistance.
3. **Safety-Net:** Call 1-800-505-9000 to ask for this assistance. Provides social work case management supports for families with income below the TFA payment standard that have lost or exhausted 21 months of TFA cash assistance or are ineligible for an extension based on sanctions or finding of lack of "good faith effort". No cash assistance, though some emergency vendor payment assistance may be available. Family should have access to Medicaid and SNAP (food stamps).
4. **DCF "crisis fund" petty cash program:** Apply at the CT Department of Children and Families. Payments of up to \$1000 for emergency services to prevent removal of a child are available when there is an open DCF case. Funds may be used for food, clothing, shelter, rent, and other basic needs. Benefits must be approved by the DCF social worker's supervisor and more may be available with higher level approval. Policy manual provisions describing the program: www.state.ct.us/dcf/Policy/Trmt36/36-100.htm
5. **Subsidized Guardianship:** Apply at the CT Department of Children and Families. Assistance is available to support children living with a nonparent relative, where the children are in DCF care or custody and have been in foster care for at least 18 months. This is a significantly higher benefit than TFA. Program regulations: www.state.ct.us/dcf/RegsLaws/REGULATIONS/REGS17a-126-1.htm#Section17a-126-1
6. **Earned Income Tax Credit (EITC) Program and Child Care Credit:** These are tax credits paid to the household. The household must file for income tax and the credits can be claimed when the family's income is so low that they are not required to file a tax return. EITC provides money for low-income households with a dependent child where a parent worked at least part of the year; child care credit is for families with child care expenses. IRS: 800-TAX-1040, website with forms: www.irs.gov/publications/p596/index.html. Free help completing income tax forms is available through VITA volunteer; Infoline 211 can identify local assistance: <http://www.infoline.org/InformationLibrary/Documents/Tax%20Assistance%20pt.asp>
7. **Child Support Enforcement:** Apply at the CT Department of Social Services: 1-800-228-KIDS. Provides assistance locating absent parent, establishing paternity and support obligations, and enforcing support orders, including use of tax intercepts. Note: does *not* include assistance with custody orders. Free for TFA recipients and other low-income households, \$25 for all others.
8. **Assistance for Developmentally Disabled Children:** Family Support Grant Program provides a monthly subsidy of up to \$250 (\$3,000 annually) to a parent or other family member with primary responsibility for a child age 5 through 18 years with a developmental disability other than mental retardation, to meet the extraordinary expenses of that child, including medical expenses, special equipment, medical transportation, special clothing. Gross income cannot be greater than 140% of the previous year's median family income for CT. Apply at the CT Department of Social Services (DSS) offices (see section XV.C. for site listings) or contact DSS' Social Work Services at 860-424-5388, and complete the Waiting List Request Form.

B. ADULT ONLY HOUSEHOLDS (with some limited exceptions) AND HOUSEHOLDS PENDING OTHER DSS ASSISTANCE PROGRAMS

1. State Administered General Assistance (SAGA):

a) **Where to apply:** CT Department of Social Services (DSS) offices (see section XV.C. for site listings)

b) **Who is eligible:** These include the following:

(1) persons pending another DSS program such as TFA or AABD, or the Social Security Administration has awarded benefits but not yet paid them;

(2) "unemployable" persons -- disabled for at least 6 prospective months, documented to and approved by DSS' privatized medical reviewer;

(3) "transitional" persons (disabled for 2 to 6 future months with either a connection to the work force or excuse for not working, or disabled for more than 6 months and awaiting approval for "unemployable" status); and

(4) some other limited categories such as minors living on their own.

In most cases SAGA cash assistance is *not* available for people who are expected to be disabled for less than 2 future months or are able to work, or whose inability to work is based solely on an addiction. SAGA cash assistance recipients are usually eligible for SAGA medical coverage, and in some cases eligible for Medicaid. Coverage is available for residential drug treatment programs.

c) **Benefits Summary:** Cash assistance of \$212/month if the person is either "unemployable" or pays rent, and \$53 if they do not pay rent or are in a shelter for the homeless. New applicants for SAGA get emergency food assistance on the day of application and their application for cash assistance is processed within four days if the applicant has no food and cannot get food from relatives, friends, soup kitchens or pantries or other sources or has emergency medical needs. Otherwise benefits are provided within ten days.

d) **Extra benefits:** Available in limited circumstances:

(1) emergency housing, moving and storage expenses,

(2) security deposits,

(3) Meals on Wheels (no cooking facilities or disability),

(4) replacement of essential clothing and repair/replacement of essential household items damaged/lost when housing is lost,

(5) heating service security deposit,

(6) funeral and burial expenses,

(7) out-of-state or country transportation for moves,

(8) property repairs (for home owners – needed to allow household to safely remain in home),

(9) health and hospital insurance premiums paid.

2. Basic Needs Program (BNP – for persons receiving mental health and drug treatment):

a) **Where to apply:** Department of Mental Health and Addiction Services (DMHAS) funded treatment providers - to locate participating mental health providers: 860-418-6884; for information on BNP benefits: United Way at 1-800-505-8000 and <http://www.ct.gov/dmhas/lib/dmhas/gabhp/resourceguide.eng.pdf>. All applications are processed through Advanced Behavioral Health (1-800-658-4472; fax: 1-866-249-8766).

b) **Who is eligible:** Typically persons with substance use issues who have been determined to be eligible for SAGA medical coverage by DSS, but do not qualify for SAGA cash (above), usually because their disability is based solely on substance use. They must be actively participating in treatment.

c) **Benefits:** Limited vouchers for a range of needs which can include rent, but which vary considerably in what is covered around the state. They are unlikely to meet basic needs and can be difficult to access.

C. ELDERLY OR DISABLED (including some disabled children) For comprehensive information regarding benefits for elders: www.CTelderlaw.org; <http://www.socialsecurity.gov/onlineservices/>

1. Social Security Disability, Retirement and Survivors Benefits: Apply at the Social Security Administration (see section XV.D. for site listings). This is the income program for insured workers who become disabled or retire (62+ years old), or survivors of insured workers, and assets or other unearned income will not affect benefits. If disabled, disability must be expected to last for at least 12 months or to result in death. Applications can be filed online: <https://s044a90.ssa.gov/apps6z/ISBA/main.html>

2. Supplemental Security Income (SSI -- elderly or disabled): Apply at the Social Security Administration (see section XV.D. for site listings). This is the income program for elderly and disabled people with low Social Security benefits or no income. Eligibility and benefits depend on household income and assets. Applications can be filed online: <http://www.socialsecurity.gov/applyfordisability/>

3. State Supplement (Aid to the Aged Blind and Disabled or AABD):

a) **Where to apply:** CT Department of Social Services local offices (see section XV.C. for site listings)

b) **Who is eligible:** Low income Social Security or SSI recipients (and sometimes other limited sources of income). Rental costs often are determinative of eligibility, with many households in subsidized housing not qualifying.

c) **Benefits:** A cash supplement paid to the household each month. Recipients are eligible for Medicaid, an additional monthly benefit if they have special dietary needs, and usually are eligible for SNAP (food stamps).

d) **Extra benefits:** Available in limited circumstances:

- (1) emergency housing, moving and storage expenses,
- (2) security deposits,
- (3) phone installation (emergency phone access needed),
- (4) Meals on Wheels (no cooking facilities or disability),
- (5) restaurant and congregate meals (no cooking facilities or disability),
- (6) essential clothing (if needed at time of application, medical conditions causes sudden weight change, or items are lost or stolen),
- (7) purchase/repair/replacement of essential household items needed/damaged/lost (housing is lost, individual was institutionalized, catastrophic event causes loss, major appliance is damaged or needed),
- (8) heating service security deposit,
- (9) refuse collection, funeral and burial expenses,
- (10) out-of-state or country transportation for moves,
- (11) property repairs (for home owners -- needed to allow household to safely remain in home).

D. VETERANS AND DEPENDENTS

1. **Veterans Benefits:** There are a variety of benefits including cash and medical assistance, available to veterans, particularly those who are elderly or disabled. Assistance with legal problems is also available.

a) Assistance accessing benefits and services:

- (1) CT Department of Veterans Affairs: 860-721-5892 and <http://www.ct.gov/ctva/site/default.asp>; Veterans Info Line: 1-866-928-8387;
- (2) U.S. Department of Veterans Affairs: 1-800-550-0000 or www.va.gov;
- (3) Veterans advocacy network accessible through Infoline (211) for persons having difficulty obtaining benefits.

b) **Assistance with legal problems:** CT Attorney General's office: 860-808-5318 connects veterans with lawyers to help with legal, benefit, consumer protection and employment concerns.

2. Soldiers, Sailors & Marines' Fund: Every town has an application site (see section XV.E. for site listings). Emergency short-term assistance, typically payments for bills, available to some honorably discharged veterans and dependents, depending on dates of service (must have some service during a time of war). For more information: 1-800-491-4941 and <http://www.ct.gov/ssmf/site/default.asp>.

E. MISCELLANEOUS WORKER RELATED RESOURCES

1. Unemployment Compensation: Apply at the CT Department of Labor (see section XV. F. for listings to file claims). Unemployment compensation provides funds to replace lost wages when a worker has lost his/her job. For more information: <http://www.ctdol.state.ct.us/progsupt/unemplt/unemployment.htm>

2. Workers Compensation: Apply at the CT Workers Compensation Commission. If a worker has been injured on the job, even if a worker was paid “under the table”, cash payments may be available. Worker will need to report wages to IRS and pay appropriate taxes to protect him/herself. For more information: 1-800-223-9675; <http://wcc.state.ct.us/>; office locations - <http://wcc.state.ct.us/wcc/wcc-offices.htm>.

3. Unpaid Wages: Contact the CT Department of Labor, Unpaid Wages Division: 860-263-6790. It is a criminal violation of law not to pay wages, even if a worker was paid “under the table.” Worker will need to report wages to IRS and pay appropriate taxes to protect him/herself.

4. Green Jobs and Training: Free training and job placement are available funded by federal stimulus (see section XV.G. for application sites).

II. FOOD ASSISTANCE

A. Supplemental Nutrition Assistance Program (SNAP – formerly “food stamps”):

1. **Where to apply:** CT Department of Social Services (see section XV. C. for site listings)

2. **Who is eligible:** Benefits are available to households with income up to 185% FPL (see section XIV. for income chart), although elderly (60+) and disabled may have higher incomes. Eligible households include homeless persons and immigrants (exceptions include visitors and undocumented persons), and those entering the US after 4/1/98 may have a 6 month CT residency to get benefits. There is no asset limit for a household under 185% FPL.

Income chart: All persons residing in the household who buy, cook and eat food together are counted as part of the household and their income is counted.

3. **Benefits summary:** SNAP provides assistance using electronic benefit card with funds for purchasing food. End Hunger has a toll-free line for accessing information: 1-866-974-SNAP and an online screening tool: www.ctfoodstamps.org.

4. **Benefits must be expedited – provided within 7 days -- for the following households:**

- a) rent and utility costs exceed the household’s total monthly gross income and liquid assets;
- b) total monthly gross income is less than \$150, and total liquid assets are less than \$100;
- c) applicant is a destitute migrant or seasonal farm worker whose total assets are less than \$100.

B. Programs for the Elderly and Persons with Disabilities

1. State Supplement (AABD) Therapeutic Diet: Apply at the CT Department of Social Services as a "special need" for elderly and disabled recipients of DSS' State Supplement (AABD) cash assistance program (see above description under "Cash Assistance". For individuals whose physicians have prescribed a therapeutic diet, the income limit for State Supplement eligibility and the amount of benefits are increased.

2. Meals-on-Wheels and Congregate Meals: Meals are delivered to homebound persons or served at various locations, typically senior/disabled centers or housing. The following are agencies administering these programs locally:

(1) TVCCA, 860-886-1720, 81 Stockhouse Road, **Bozrah**

(2) CRT, 860-347-4465, P.O. Box 821, **Middletown**

(3) Estuary Council of Seniors, 860-388-1611, 220 Main Street
Old Saybrook

(4) CRT, 860-560-5828, 555 Windsor Street, **Hartford**

(5) Town of Enfield Department of Social Services, 860-763-7584, **Enfield** (Weekend café meals only)

(6) Manna Senior Community Café, 860-247-4080, 60 Gold Street, **Hartford** (Weekends Only)

(7) Services for the Elderly, 860-482-4151, 140 Main Street
Torrington

(8) NHCAA, 203-387-4793 x 254, 781 Whalley Avenue
New Haven

(9) TEAM Project Manna, 203-736-5420, 30 Elizabeth Street
Derby

(10) Catholic Charities of Fairfield County, 203-324-6175 x 11, 30 Myano Lane, Suite 14, **Stamford**

(11) Salvation Army, 203-367-0605, 1115 Main Street, Room 508, **Bridgeport** (Café meals only)

(12) Family Services of Woodfield, 203-368-5522, 475 Clinton Ave., **Bridgeport** (Delivered meals only)

(13) New Opportunities, 203-757-7738, 232 North Elm Street
Waterbury

3. State Administered General Assistance (SAGA) Emergency Food: Apply at the CT Department of Social Services. New applicants for SAGA cash assistance (see description of program in cash assistance section) get emergency food assistance on the day of application and their application for cash assistance is processed within four days if the applicant has no food and cannot get food from relatives, friends, soup kitchens or pantries or other sources.

C. Women, Infants and Children (WIC): Provided at a local site (see section XV.H. for site listings). Eligible households must have gross income under 185% FPL (see section XIV. for income chart) and must include a pregnant or post-partum woman (regardless of pregnancy outcome) or a child under five years. WIC provides food checks for formula and certain nutritious foods.

Income chart: Only look at the gross income of the parent(s) and children, and only count the parent(s) and children when determining household size.

D. School Breakfast and Lunch Programs: Some -- but not all -- low income children receiving TFA or SNAP benefits are automatically enrolled through an information exchange program with the Department of Social Services. If a child is not enrolled, apply at the child's school. Some schools do not have breakfast programs and some private schools may not provide meals. Free meals are available for children in households with gross income less than 130% FPL and low cost meals are available where gross income is below 185% FPL (see section XIV. for income chart). Summer lunch programs available in some locations.

Income chart: Only look at the gross income of the parent(s) and children, and only count the parent(s) and children when determining household size.

E. Farmers' Market Coupons: Available to WIC recipients and residents of participating elderly housing projects; provides coupons for fresh produce from farmers' markets.

F. Soup Kitchens: Administered by a local site. Free meals.

G. Pantries: Administered by a local site. Free food.

II. MEDICAL ASSISTANCE

A. **SAGA Medical Coverage:** Medical insurance for low income individuals who are not eligible for Medicaid or who are waiting for DSS to decide if they are eligible for Medicaid.

1. **Where to apply:** CT Department of Social Services (DSS) offices (see section XV.C. for site listings).

2. **Eligible Households:** There are two categories of typically eligible households:

a) **SAGA cash assistance recipients** (some are on Medicaid – a better program -- if DSS' medical review team has determined that the individual is disabled and the disability is expected to last at least 12 months or end in death);

b) **Destitute individuals not receiving cash assistance:** These individuals may have a "spend-down" (medical bills they must incur, calculated by DSS for six month periods) before SAGA medical assistance is available.

3. **Benefits Summary:**

a) **general medical care** is provided through the CT Community Health Network clinics: 866-361-7242; for more information: <http://www.chnct.org/members.aspx>.

b) **vision care:** 1-800-879-6901.

c) **dental care** provided through CT Dental Health Partnership: 1-866-420-2924.

d) **emergency medical transportation** is available, but non-emergency medical transportation is not.

e) **new SAGA cash assistance applicants** get emergency medical assistance on the day of application and their application for cash assistance is processed within four days if the absence of immediate medical treatment may seriously jeopardize the individual's health.

B. **HUSKY:** HUSKY provides medical insurance coverage through managed care organizations for children up to age 19 of all income levels and some parents or others caring for children who are low income, and pregnant women.

1. **There are two categories of HUSKY, with different eligibility requirements:**

a) **HUSKY A** is Medicaid with no premiums or co-pays required, and some parents -- or other adults who are caring for a child where the parent is not in the household -- of HUSKY A eligible children also qualify for coverage. To be eligible, household income must be less than 185% FPL (see section XIV. for income chart).

(1) **Where to apply:** An application can be filed by contacting 1-877-CT-HUSKY or <http://www.huskyhealth.com/hh/site/default.asp>, or by applying directly with the CT Department of Social Services (see section XV.C. for site listings). If the family needs other DSS benefits (cash assistance and/or SNAP (food stamps)), refer to DSS as a single application covers all benefits, including HUSKY A.

b) **HUSKY B** has a sliding scale for premiums from \$0 up and may have copayment requirements at higher income levels, but no coverage is available for parents or other adult caretakers of children.

(1) **Where to apply:** Apply by contacting 1-877-CT-HUSKY or <http://www.huskyhealth.com/hh/site/default.asp>.

2. Mental Health care: To locate medical providers who participate in the program, go to <http://www.ctbhp.com/>.

3. Dental care: To locate medical providers who participate in the program, contact the CT Dental Health Partnership at 1-866-420-2924.

C. Medicaid (Title 19): Medical insurance coverage. Medical expenses for the three month period prior to application can be covered if the person was eligible during that period.

1. **Where to apply:** CT Department of Social Services (DSS) offices (see section XV.C. for site listings).

2. Who is eligible:

a) low-income children and their parents, and some caretakers who are not parents (see HUSKY A above)

b) low income persons with disabilities

c) some disabled persons who are working, even if only part-time (can have much higher income than others on Medicaid)

d) low income elderly persons (65+ years)

e) Households receiving TFA or State Supplement (cash assistance from DSS), or SSI, are automatically eligible for Medicaid.

3. **Summary of benefits:** Covers medical expenses (e.g., medical, mental health and dental care, drugs, hospitalizations) going back 3 months before application and on an ongoing basis. Payment can be made for health and hospital insurance premiums for eligible persons who have other insurance, including Medicare. If an individual is over-income, they will have a “spend-down” amount - medical bills they must incur, calculated by DSS for six month periods - before Medicaid medical assistance is available. The below chart has the income amounts that the individual must spend down to, in order for Medicaid to begin coverage.

Monthly Medically Needy Income Limit			
Household Size	DSS Region A	SS Region B	DSS Region C
1	\$611	\$506	\$506
2	778	672	672
3	964	824	812
4	1,124	968	944
5	1,267	1,108	1,074
6	1,419	1,254	1,221
Towns in each DSS region	Bethel, Bridgewater, Brookfield, Danbury, Darien, Greenwich, New Canaan, New Fairfield, New Milford, Newtown, Norwalk, Redding, Ridgefield, Roxbury, Sherman, Stamford, Washington, Weston, Westport, Wilton	All towns not listed for Regions A & C	Ansonia, Barkhamsted, Beacon Falls, Bethlehem, Canaan, Cheshire, Colebrook, Cornwall, Derby, Goshen, Hartland, Harwinton, Kent, Litchfield, Middlebury, Morris, Naugatuck, New Hartford, Norfolk, North Canaan, Oxford, Prospect, Salisbury, Seymour, Sharon, Southbury, Thomaston, Torrington, Warren, Waterbury, Watertown, Winchester, Wolcott, Woodbury

4. **Finding a Medicaid provider:** If there is difficulty locating a doctor or other medical provider, go to the following website to find one:
<https://www.ctdssmap.com/CTPortal/Provider/ProviderSearch/tabid/50/Default.aspx>.

D. Medicare: Apply at the Social Security Administration (see section XV.D. for site listings). This is the medical insurance program for insured workers at age 65 years, and insured workers who have been on Social Security disability benefits for at least two years. For more information: 1-800-633-4227 or www.medicare.gov. Medicare Part D is prescription drug coverage and there is a premium subsidy for low income individuals – anyone on QMB, SLMB or ALMB (see below) is eligible for the subsidy. For assistance choosing a plan contact Choices at 1-800-994-9422 or www.ct.gov/agingservices.

1. **Medicaid Subsidy for Medicare Programs for low-income elderly or persons with disabilities above the regular Medicaid income/asset limits:** Apply at the CT Department of Social Services (DSS) offices (see section XV.C. for site listings). Programs include: Qualified Medicare Beneficiary (QMB), Special Low-Income Medicare Beneficiary (SLMB) and Additional Low-Income Medicare Beneficiary (ALMB). QMB covers Medicare Part A and B premiums, co-payments and deductibles; SLMB or ALMB covers Medicare Part B premiums.

2. **Assistance appealing Medicare denials:** Contact the Center for Medicare Advocacy at 1-800-262-4414.

E. Connecticut Medicare Assignment Program (ConnMAP): Apply by contacting the CT Department of Social Services at 1-800-634-8852 or go to: <https://www.ctdssmap.com/ctportal/Default.aspx>. DSS issues a card to low-income Medicare recipients -- if a medical practitioner or supplier accepts the card, s/he must accept Medicare rates and may not bill the individual for amounts above this.

F. Connecticut Pharmaceutical Assistance Contract to the Elderly and Disabled (ConnPACE): Apply by contacting the CT Department of Social Services at 1-800-423-5026 or go to: <http://www.connpace.com/>. This program assists low-income elderly (65+ years) and persons with disabilities (18+ years) in meeting prescription costs. Application fee and co-pay required. ConnPACE payments count toward Medicaid spend-down.

G. Charter Oak Insurance: Provides medical insurance regardless of income level.

1. **Where to apply:** 1-877-772-8625 or www.charteroakhealthplan.com.

2. **Who is eligible:** Persons who have been uninsured for six months at any income level between 19 through 64 years can qualify for health insurance coverage through the Charter Oak program. Exceptions to the six month waiting period may be requested for such factors as job loss, financial hardship or loss of HUSKY eligibility due to age or income.

3. **Benefits summary:** Charter Oak members choose between the following insurers: Aetna Better Health, AmeriChoice by United Healthcare, and Community Health Network of Connecticut. Monthly premiums and annual deductibles depend on household income. Premiums range from \$75 to \$259/mo., and annual deductibles range from \$150 to \$1750. Pre-existing conditions are covered. Behavioral health services are provided through Charter Oak Behavioral Health with a \$25 - \$35 copay per visit (1-877-286-2524 or www.charteroakbehavioralhealth.com).

H. Connecticut AIDS Drug Assistance Program and Insurance Premium Program:

1. **The drug assistance program** provides assistance with HIV/AIDS drugs for persons with income under 400% FPL. To apply, apply first for Medicaid at the CT Department of Social Services (DSS) offices (see section XV.C. for site listings). If ineligible for Medicaid, a follow-up application for these benefits will be provided. For more information call DSS at 1-800-233-2503.

2. **The insurance premium program** pays for the cost of employer group insurance premiums for low income HIV/AIDS positive persons who are unable to continue working. For more information and an application, call DSS at 1-800-842-1508.

I. Prescription Drug Patient Assistance Programs: These programs often require that the individual's physician applies on behalf of the patient to pharmaceutical manufacturers. To access help, try the following:

- www.helpingpatients.org
- www.RXAssist.org
- <http://www.themedicineprogram.com/>
- <http://www.pparx.org/> or 1-888-477-2669

- J. Veterans' Health Benefits:** There are a variety of medical programs available to veterans. For information, contact the CT Department of Veterans Affairs: 860-721-589 or the U.S. Department of Veterans Affairs: 1-800-827-1000.
- K. Help with Hospital Bills:** There are two potential sources of assistance for hospital bills when an individual does not have full medical insurance coverage for these expenses. Individuals can apply at the hospital for this assistance before, during and after treatment, even if there is a collection action pending. Typically these are applied to individuals with income below 250% FPL with no other insurance coverage. The hospital may require a DSS denial of Medicaid or SAGA medical coverage:
1. **Hill-Burton:** Many hospitals have an obligation to provide no cost and reduced cost services as a result of "Hill-Burton" funding for their construction.
 2. **Hospital Bed Trust Funds:** Many hospitals have privately donated funds that cover the cost of services to low-income persons.
- L. Clinics:** Local clinics may have funding to allow them to provide reduced cost care for low income individuals who cannot afford medical care and do not have a source of medical coverage.
- M. Assistance with insurance company issues:** The Office of the Health Care Advocate provides assistance resolving problems with medical insurance companies and programs, including Medicaid, SAGA and Charter Oak. Contact them at 1-866-HMO-4446, PO Box 1543, Hartford CT. 06144, or go to <http://www.ct.gov/oha/site/default.asp>.

IV. ENERGY AND WEATHERIZATION ASSISTANCE

A. **Connecticut Energy Assistance Program (CEAP):** This program helps pay winter heating bills.

1. **Where to apply: Local Community Action Agencies (CAA** - see section XV.I. for site listings) or volunteer sites throughout the state. To find volunteer sites, call 1-800-842-1132 (DSS) or Infoline (211). DSS website: www.ct.gov/staywarm.
2. **When to apply:** Applications are taken once per year for benefits beginning November 1. The deadlines for applications for winter 2009-10 are 5/3/10, extended to 5/17/10 for utility heated households with a shut-off notice.
3. **Who is eligible:**
 - a) **Households who directly pay their own heating bills:** total income for all members of the household must be less than 60% SMI (see section XIV. for income chart). Benefits are paid directly to the utility or deliverable fuel (e.g., oil, propane, coal, wood, kerosene) company.
 - b) **Households whose heat is included in their rent payments and rent is more than 30% of gross income:** total income for all members of the household must be less than 150% FPL (see section XIV. for income chart). Benefits are paid to the household.
4. **Benefits Summary:** Benefits begin November 1.
 - a) **Utility heated households:** Utility companies are paid a fixed benefit for an eligible heating customer.
 - b) **Fuel deliveries (e.g., oil, propane, coal, wood, kerosene)** can be authorized and paid by the CAA from 11/1/09 to 3/15/10 and if needed before 3/15/10, additional deliveries are available through “crisis” and “safety-net” benefits, with the amount dependent on household income and whether there is a child under 6 years or someone at least 60 years old. If fuel deliveries are ordered directly by the customer, fuel bills must be submitted to the CAA by 5/31/10. Furnace tune-ups are available without the cost being deducted from benefits; furnace start-ups are available but cost is deducted from benefits; furnace repair or replacement may be available for households below 200% FPL (see section XIV. for income chart).

c) **Benefit amounts:** To determine the amount of benefits a household should receive for winter 2009-10 using the chart below:

- (1) determine the household's gross income;
- (2) use the income chart in section XIV. to figure out the range of FPL or SMI the household fits in and find the correct line on the left of the chart;
- (3) if the household pays directly for its heat, determine if there is a household member who is under 6 years or above 60 years, then move to the right "Basic Heat Benefit," or
- (4) if heat is included in the rent, make sure rent is more than 30% of gross income, then move to the correct column under "Renter" Benefits."

Income (as % of FPL or SMI)	Basic Heat Benefit (primary heat only; benefit paid to vendor)		"Renter" Benefits (heat included in rent)	
	Vulnerable (household includes member who is disabled, 60+ or under 6 years)	Non-vulnerable	rent exceeds 30% of gross income; benefit paid to household	rent less than 30% of gross income; DSS automatically provides benefit without application through SNAP (food stamps)
0%-100% FPL	\$ 880	\$ 840	\$ 410	\$1
101%-125% FPL	\$ 785	\$ 740	\$ 395	
126%-150% FPL	\$ 690	\$ 640	\$ 380	
150%-200% FPL	\$ 605		(No "renter" benefit)	
150% FPL - 60% SMI	\$ 580			

Note this chart does not include the additional "crisis" or "safety-net" benefits that may be available to households using a deliverable fuel for heat.

B. Fuel Banks: Operation Fuel fuel banks and others provide assistance with energy and utility bills (see section XV.J. for Operation Fuel listings), contact INFOLINE at 211 for local sites or go to http://www.operationfuel.org/getting_help.html.

C. Soldiers, Sailors & Marines' Fund: Every town has an application site (see section XV.E. for site listings). Emergency short-term assistance, typically payments for bills, including utility and energy bills, available to some honorably discharged veterans and dependents, depending on dates of service (must have some service during a time of war). For more information: 1-800-491-4941 and <http://www.ct.gov/ssmf/site/default.asp>.

D. Weatherization/Conservation programs:

- 1. CAA program for households with income less than 60% SMI** (see section XIV. for income chart; www.ct.gov/staywarm - click on link to weatherization program). A CEAP energy assistance application is also application for weatherization, although a household may need to complete a follow-up request sent by the CAA to the applicant.
- 2. CL&P customers** contact CL&P's WRAP program at 1-800-388-9727; UI customers contact UI HELPS at 1-877-947-3873. Gas company customer programs are coordinated through WRAP and UI HELPS.
- 3. Municipal utilities have programs for their customers:** Bozrah - 860-889-7388; Groton - 860-446-4000; Jewett City - 860-376-2955; Norwich - 860-887-2555; S. Norwalk - 203-866-3366; Norwalk Third Taxing District - 203-866-9271; Wallingford - 203-294-2263.
- 4. TFA, State Supplement (AABD) and SAGA recipient homeowners:** DSS funding available for repairs needed to allow them to remain in their homes, and could cover furnace repairs or replacements. Apply at DSS - see section XV.C. for site listings).
- 6. Emergency Heating System Repair/Replacement:** Available where a heating system is unsafe or inoperable, repair or replacement is available to CEAP eligible homeowners in single family homes with income up to 200% FPL (see section XIV. for income chart). Apply at CAA (see section XV.I. for site listings) handling energy assistance application.
- 7. Home Solutions Program for homeowners** provides: five year loans for conservation improvements; loans and grants for emergency repairs to owner occupied one or two family properties owned by persons 62+ years; loans for septic system repairs to owner occupied one or two family properties; and loans and grants for lead and asbestos abatement for owner occupied and rental property with one to six units. CRT: 1-800-798-3805 and <http://www.crtct.org/Programs/HomeSolns.htm>.
- 8. Interest subsidized loans** available through CHIF for owner-occupied buildings with up to four apartments; call 860-233-5165.
- 9. Furnace replacement rebate program through OPM:** 1-866-940-4676 and http://www.ct.gov/opm/cwp/view.asp?a=2994&q=420476&opmNav_GID=1808.
- 10. The SmartLiving Center** (297 Boston Post Road (Rt. 1), Orange, CT; 1-866-762-7899), starting Nov. 2 provides free weatherization kits to customers who take a tour.

E. Utility Shut-off Protection:

1. **Life-threatening loss of utility service:** Gas and electric utilities may not refuse to provide service at any time during the year where lack of service is life-threatening. The utility company has a form which must be completed by a physician for this protection.

2. **Winter shut-off protection:**

a) **Electric utility service:** Each fall electric utility customers can apply with their electric utility for “hardship” status. This protects them from an electric utility shut-off between Nov. 1 and May 1, regardless of their debt to utility, even if they make no payment during this period. Households which are shut-off must be reinstated during this period.

b) **Gas utility heating service:** Each fall only gas customers who rely on gas for heat can apply for “hardship” protection from winter shut-off. If a gas customer had gas service provided the prior winter based on hardship status, they must have paid at least \$100 since the prior Nov. 1, or make a payment agreement to avoid termination or be reinstated. Non-heat gas customers do not have winter shut-off protection.

F. Affordable Utility Payment Programs: These programs are the best way to resolve utility payment issues and the risk of shut-offs.

1. **Debt forgiveness programs for energy assistance recipients:** Each winter CL&P, UI, CNG, SCG and Yankee Gas operate programs where their customers who receive energy assistance are asked to make monthly budget payments toward their utility bill. If the customer can't afford the budget payment amount requested by the utility, the customer can ask to be referred to a social service agency to determine if a lower payment will be allowed – the monthly payment can go as low as \$50. If all payments are received on time, the utility matches all customer and energy assistance payments, including summer payments, down to a \$0 debt and the customer is protected from a utility shut-off year around, regardless of the debt to the utility.

2. **UI and CL&P have another debt forgiveness programs for low-income customers,** including nonheat customers, where customer payments are matched by the utility.

V. CHILD CARE ASSISTANCE: Provides assistance in paying for child care to allow a parent to work or attend job training.

A. Where to apply: Care 4 Kids Program at 1-888-214-5437 or go to DSS website for more information: www.ct.gov/dss/cwp/view.asp?a=2353&q=305178.

B. Who is eligible:

1. **The child needing care must be younger than thirteen years old or between 13 and 19 years if the child has special needs.**

2. **Temporary Family Assistance recipients** (cash assistance through DSS) to allow the parent to work or participate in an approved job training program.

3. **A teen parent for child care** to allow the parent to attend high school.

4. **Households with income up to 50% SMI** (see section XIV. for income chart) to allow the adult(s) to work.

5. **Until DSS announces otherwise, households with income up to 75% SMI** (see section XIV. for income chart) to allow the adult(s) to work.

C. Accessing benefits: DSS has the authority to set and modify priorities regarding who may participate in the program, open and close applications and maintain a waiting list.

D. Benefits summary: A portion of the cost of child care is paid to the child care provider, determined by the household income.

E. Locating Licensed Child Care: Child Care INFOLINE: 1-800-505-1000 or www.infoline.org/ provides listings of local licensed child care providers and centers, ages of children accepted and available openings.

VI. ELDERLY AND DISABLED ADULTS: ASSISTANCE TO REMAIN IN COMMUNITY: There are a variety of services to assist elderly and disabled person remain in the community. They often have waiting lists to access benefits.

A. Connecticut Home Care Program for Elders helps persons who 65+ years and at risk of nursing home placement continue to live at home rather than going to a nursing home. Applicants must need assistance with critical needs such as bathing, dressing, eating, taking medications and toileting. A broad range of services are available including case management, homemaker services, meals, personal care assistance and assistance with chores. To apply, contact DSS at 1-800-445-5394.

B. Connecticut Statewide Respite Care Program provides up to \$3,500/year in respite care services and up to 30 days of out of home respite care per year for persons with dementia, to provide relief for their caretakers. To apply, call 1-800-994-9422.

C. National Family Caregiver Support Program provides family caregivers of older adults aged 60+ years, and grandparents and relative caregivers, aged 55+ caring for children under age 19 with respite care to provide temporary breaks in caregiving responsibilities and supplemental services including items or services designed to help “fill the gap” when there is a need or there are no other ways to obtain the services or item. To apply, call 1-800-994-9422.

D. Acquired Brain Injury (ABI) Waiver Program provides services to help Medicaid eligible persons with brain injuries between the ages of 18 and 64 avoid institutionalization. Apply at the CT Department of Social Services (DSS) offices (see section XV.C. for site listings).

E. Community Based Services Program provides non-medical home care services to allow low income persons with physical or mental disabilities between the ages of 18 and 64 avoid institutionalization. If the disabled person is an adult caring for children, services can include assistance in meeting the children’s needs. A broad range of services are available including case management, adult day care, homemaker services, meals and temporary foster care. Apply at the CT Department of Social Services (DSS) offices (see section XV.C. for site listings).

F. Personal Care Assistant (PCA) Waiver Program provides personal care assistance services to allow Medicaid eligible adults between the ages of 18 and 64 with chronic, severe, and permanent disabilities to remain in the community. The individual must have significant need for assistance with at least two activities of daily living (eating, bathing, dressing, transferring and toileting), and no family and community supports to meet the need. They must be able to direct their own care and supervise private household employees, or have someone available to do so. Apply at the CT Department of Social Services (DSS) offices (see section XV.C. for site listings).

VII. WHY PEOPLE ARE LOSING THEIR HOUSING

A. RENTERS – Tenant Problems

- 1 Job Loss/Pay Cuts/Unemployment Compensation Runs Out
- 2 Increase in Rent
- 3 Loss of Child Care
- 4 Domestic Violence
- 5 Divorce
- 6 Rent Money Going Somewhere Else
 - i. Medical bills
 - ii. Energy and utility bills
 - iii. Transportation costs and insurance
 - iv. Food bills
- 7 Condemnation of Rental Unit/Unfit for Habitation
- 8 Absence from Rental Unit - Hospitalization/Imprisonment
- 9 Loss of Rental Subsidy
- 10 Landlord's Property is in Foreclosure
 - i. Eviction
 - ii. Ejectment
 - iii. Cash for Keys
 - iv. Intimidation/Fear
 - v. New Owner Strategies
 - vi. Raising the Rent
 - vii. Termination of Lease
- 11 Landlord Decides Not to Renew Lease
 - i. Landlord Taking Over Property for Himself
 - ii. Landlord Selling Property
 - iii. Landlord Abandoning Property

B. HOMEOWNERS – Foreclosure

- 1 Job Loss/Pay Cuts/Unemployment Compensation Runs Out
- 2 Resetting of Mortgage Interest Rate
- 3 Loss of Child Care
- 4 Domestic Violence
- 5 Divorce
- 6 Mortgage Payments Being Used to Pay Other Bills
- 7 Condemnation
- 8 Absence from Home – Hospitalization/Imprisonment
- 9 Loss of Subsidized Mortgage Program

VIII. PREVENTING LOSS OF HOUSING

While hundreds of thousands of families will lose their housing this year, there are ways to prevent loss of housing. The primary ways to prevent loss of housing include: (1) informing people of their rights and choices; (2) using the law to ensure that those rights and choices are made available and those laws upheld; and (3) finding resources for families.

Legal Services counsels tenants in situations to educate them on the law and to help them make choices to avoid or minimize the risk of losing their housing. In many instances Legal Services represents clients in court.

A. EVICTION PREVENTION- Everyday methods to avoid an eviction.

Landlords begin eviction/summary process cases when tenants don't follow the rules, or don't pay the rent. Tenants should read their leases carefully and know what is expected of them.

- 1 Tenant should give notice of intent to renew lease before lease ends;
- 2 Tenant should pay rent on time;
- 3 If tenant does not pay rent on time and landlord charges late fees, tenant must pay reasonable late fees;
- 4 Tenant must comply with terms of the lease unless they are illegal;
- 5 Tenant must pay his/her utilities not included in the lease;
- 6 Tenant must keep his/her apartment in reasonably clean and safe condition;
- 7 Tenant must not allow persons not on the lease to live in apartment;
- 8 Tenant must not violate the rights of others/neighbors;
- 9 Tenant must handle condition problems correctly;
- 10 Tenant should not withhold payment of rent.

SOMETIMES AN EVICTION MAY NOT BE PREVENTABLE

Legal Ways a Tenant May Lose Her Housing

1. Lapse of time (lease has ended);
2. Nonpayment of rent;
3. Late payment of rent;
4. Other violation of the terms of the lease;
5. When a landlord wants the apartment for his own use;
6. Unpaid utilities;
7. Foreclosure of property in which a tenant is living.

But - Some Reasons a Landlord May Not be Able to Evict

1. Landlord sells building (written lease);
2. Landlord tries to raise rent during lease;
3. Tenant complains about condition problems to authority;
4. Landlord changes other terms of the lease;
5. Disabled tenant acquires or has a companion animal;

Elderly and Disabled Get More Protection from Evictions

Under State law elderly (62+), physically disabled and blind persons living in a mobile home park or in a housing complex consisting of five or more units cannot be evicted for anything except good cause. Good cause means a violation of their lease such as nonpayment of rent. So, for example, if there is a lapse of the lease, these tenants cannot be evicted.

HOW TO PREVENT AN EVICTION FROM HAPPENING, WHEN THE TENANT HAS VIOLATED HER LEASE

Unless a tenant voluntarily agrees to leave his/her apartment, the landlord must file an eviction action in court (known as a summary process case) and get an order from the court in order to force a tenant to leave. Even if a landlord threatens to file a summary process/eviction action in court or actually does so, this does not automatically mean that a tenant will lose his/her case or have to leave his/her apartment. There are several ways a summary process/eviction case can be resolved either before the landlord starts the legal process or even after a summary process/eviction case is filed in court.

Some tenants come to an agreement with their landlords on their own. Legal Services also assists tenants by providing advice, helping to negotiate a settlement with the landlord, representing the tenant in court and, if necessary representing the tenant in a summary process trial.

- 1. Coming to an Agreement Outside of Court**
- 2. Challenging the Eviction in Court at a Trial**
- 3. Making a Settlement (Stipulated Agreement in Court)**

Settlement or Stipulated Agreements can include such things as:

1. An agreement not to violate the lease in the future;
2. An agreement to pay a rental arrearage over time;
3. Immediately paying back rent; getting help from rent bank;
4. Paying rent and late fee charges;
5. Correcting a lease violation within ___ days;
6. Obtaining an agreement with landlord not to have him/her take over apartment for his/her own use.
7. Getting help paying utilities/apply for energy assistance/matching payment plans;
8. Signing a new lease with the new owner of a building;
9. Having the landlord make repairs;
10. Agreeing to leave by a date certain in the future;
11. Having landlord agree to withdraw the summary process court.

B. FORECLOSURE PREVENTION

If a homeowner is facing foreclosure she should:

1. Talk to her lender immediately – it only gets more expensive if the homeowner waits for a court foreclosure case to begin;
2. Try to see whether the lender will work out a payment plan;
3. Try to see whether the lender will do a modification of the mortgage;
4. Call the CT Dept. of Mortgage Foreclosure Assistance Hotline 1-877-472-8313;

5. Call INFO line 211 to get a referral to a free HUD-approved counselor and to get other help;
6. Try to contact a lawyer. Some lawyers are free and work with a Pro Bono Foreclosure Network. Call Statewide Legal Services to see whether the homeowner qualifies for this service. 1-800-453-3320;
7. Call the CT Housing Finance Authority (CHFA) 1-877-571-2432. CHFA has three programs which may be of help:
 - a. Emergency Mortgage Assistance Program (EMAP).
 - b. HERO – for homeowners who owe more on their Mortgages than their home is worth.
 - c. CT FAMILIES – for homeowners with adjustable rate mortgages or have a high fixed-rate mortgage.
8. If the homeowner thinks she was misled or tricked when she agreed to her mortgage, she should contact the CT Attorney General's office at (860) 8808-5318.
9. Contact the CT Fair Housing Center which runs sessions to assist those in foreclosure to represent themselves. (860)247-4400

C. PREVENTING TERMINATION OF A RENTAL SUBSIDY

1. In-Place Rental Subsidies

In some subsidized apartment complexes tenants have rental subsidies which cannot be transferred or taken to another property. The owner of the subsidized property has the right to terminate the subsidy of the tenant for certain reasons such as lease violations, and then charge the tenant the market rent for the apartment. However, the termination of the subsidy cannot be made without giving the tenant some form of due process. In this case it is a right to an informal hearing. Many tenants are saved from a subsidy termination by asking for an informal hearing and presenting evidence at that hearing.

2. Termination of a Section 8 Voucher

Sometimes a tenant with a Section 8 (Choice) Voucher gets into trouble with her landlord or the agency/authority which administers the voucher. When this happens the administering agency, usually a housing authority, may send notice to the tenant that it is terminating, or taking away, her voucher. Quite often a tenant is first threatened with termination unless she conforms her behavior and corrects a lease violation. Again, the termination cannot be made without giving the tenant a form of due process.

The tenant must be offered the right to a hearing (tenant has to ask for the hearing) at which she can present evidence. It is important for a tenant to try to protect her Section 8 Voucher from being terminated even if she may be evicted by her landlord. One way to do this is to have all of the rent paid up. It may seem contrary to logic for the tenant to pay all of her back rent only to be evicted, but it will help a lot in keeping her from losing both her housing and her portable Section 8 Voucher.

D. USING OTHER HOUSING RIGHTS AND LAW TO PREVENT EVICTIONS

ANTI-DISCRIMINATION LAW IN HOUSING

Most people know that you cannot be discriminated against in the basis of either race, color, creed, religion, sex, national origin, familial status (having kids), sexual orientation, disability and others reasons. The laws of Connecticut actually have more protection than federal laws when it comes to discrimination in housing. The laws of Connecticut protect people against a form of discrimination called "source of income" discrimination. In other words, if the landlord will not rent to an applicant OR TRIES TO EVICT a tenant because some of her rent money comes from, for example, a government rental subsidy program, this is a form of discrimination. So if she has a Section 8 (Choice) Voucher, a landlord cannot turn her down because someone else is helping her pay rent and cannot evict her for that reason.

IX. EVICTION OR FORECLOSURE –The Legal Process

A. EVICTIONS – THE LAW OF SUMMARY PROCESS

1. What is an Eviction?

The word "eviction" means the process where a landlord tries to get a tenant to leave her apartment. In Connecticut an eviction can only be accomplished after a complaint is filed by a landlord in court against a tenant for the purpose of gaining possession of the tenant's apartment. The process is known by the legal term "summary process". An eviction cannot be achieved by the landlord using self-help. He must go through the courts and obtain an order from a judge before he can legally have a tenant physically removed from her rental unit. The tenant has a right to due process before she is deprived of possession of her rental property.

2. What is Due Process?

Basically "due process" means that there has to be some legal process that a landlord has to use before a tenant can be removed from her apartment. For evictions this process takes place in the Superior Courts and is called summary process. For rental subsidy terminations, due process is usually a private hearing outside of court.

3. What Does Due Process Look Like in an Eviction Case?

A summary process (eviction) case determines one issue: who gets possession of the apartment, the tenant or the landlord. Sometimes a settlement agreement arrived at by the parties has other provisions, like the payment of back rent, but the purpose of an eviction action is to decide whether the tenant gets to keep living in her apartment, or the landlord gets the apartment back.

Sometimes An Eviction Action Begins With A Warning

In some cases a landlord cannot begin an eviction action without giving a written warning to the tenant and giving the tenant time to correct a lease violation. The written notice is referred to as a "Kappa" notice. It is usually for more minor lease violations such as noise or having someone staying in the apartment without permission from the landlord. If the tenant corrects the problem the landlord may not proceed with an eviction.

Lock-outs Are Illegal

In almost no circumstances can a landlord lock a tenant out of her apartment. Even if she has not paid the rent or has committed some other violation of her lease like allowing her brother to move in without the landlord's permission, the landlord cannot lock her out of her apartment or remove her possessions without going through a court process. A tenant can call the police if her landlord locks her out of her apartment without a court order and/or she can file a lock-out complaint with the court. It is best that an attorney counsel her about filing a complaint.

4. Receiving and Filings Official "Eviction" Papers

a. Notice to Quit - The Trickiest of Documents

An eviction or summary process case starts with a marshal serving a tenant a paper called a "Notice to Quit" (a sample Notice to Quit is in section XVII.A.). That notice tells her that the landlord is terminating her lease, usually because of some lease violation, the most common being nonpayment of rent. A notice to quit is a very tricky document. It terminates a tenants lease and warns that if the tenant does not leave by a certain date, the landlord will bring a summary process case (eviction) in court. The tenant does not have to leave by the date stated on the notice to quit. She may leave if she wants. If she wants to fight being evicted or has nowhere to go she may stay in her apartment at least through the eviction process in court. Often a notice to quit also states that if the tenant continues or tries to pay "rent" after the "quit date" it will only be accepted as "use and occupancy" and the landlord reserves the right to proceed with the eviction. If that language is in the notice to quit, the tenant must decide what to do with her rent money. It can be a little complicated, but is a very important concept.

Questions to ask: Should the tenant continue to make "use and occupancy" payments if the landlord is going to evict her anyway? What should she do with the money while the summary process action is going on in court?

These are very case specific questions to ask and an attorney is in the best position to counsel the tenant.

b. Being Served with a Summons and Complaint

These papers mean business and cannot be ignored. They do two things. The summons basically tells the tenant who is suing her for possession of her apartment and that she has to let the court know if she wants to defend herself. It also tells her when she has to let the court know if she wants to fight the eviction. Each summons has a "return date" indicated on the top right side of the form. The tenant must file her paperwork by the "return date" indicated on the form. She does not have to go to court on that date. The complaint tells her why the landlord is suing her for possession of the apartment.

c. Filing an Appearance and Answer

The tenant tells the court that she wants to fight the eviction action by filling out and sending to the court and her landlord two forms (obtained from the court), an Appearance and an Answer. These forms must be sent to the court on time or the judge will enter a judgment against the tenant and in favor of the landlord. The appearance form tells the judge and the landlord that the tenant wants to be heard. The answer responds

to the statements or charges the landlord has made in his complaint. These two documents open the door to the court for the tenant.

5. Right to Mediation

After the tenant has sent her appearance and answer to the court, the court will send her and her landlord notice in the mail of a court date. On this date the landlord and tenant must go to court and participate in a mandatory mediation or risk a judgment by default. A court employee with expertise in housing law will try to assist the landlord and tenant in coming up with an agreement or settlement to end their dispute. Many times this is successful. If the landlord and tenant cannot resolve their case, either can ask for a trial before a judge.

6. Settlement Agreements

Many times before or during the mediation process an eviction case might be settled. Settlements reached in court are called stipulated agreements. These agreements are signed by the parties and approved by a judge. Sometimes if a tenant owes back rent a stipulated agreement can be reached for the tenant to stay in her apartment and, while paying her future rent each month, she agrees to pay some money each month toward her back rent.

Neither party has to agree to any type of settlement but many times they do to avoid the risk of losing at trial. Sometimes where a tenant has no money to pay future or back rent, she can agree to leave her apartment with the landlord giving her a little more time. If a tenant can find money to pay her back rent by the time she goes to court, her landlord might be willing to or have to allow her to stay.

EMERGENCY MONEY TO TRY TO STOP A NONPAYMENT EVICTION

Sometimes the difference between keeping a home and losing it is a couple of months' rent. A tenant can seek help with her back rent through the Eviction Prevention/Rent Bank or other resources and charities that will agree to pay a portion or all of the rent a tenant may owe.

Local agencies administer the Eviction Prevention program for the Department of Social Services which often pay up to two months of back rent. Sometimes other funding sources can help including: DCF emergency money (see DCF "crisis fund" above in "cash assistance" section), and the Soldiers' Sailors' & Marines' Fund (see section XV.E. for application sites).

Renters' Rebate and Tax Refund Sometimes landlords are intrigued with the concept of getting all of their back rent and will let the tenant stay in her apartment with a pledge to pay either her tax refund or her renters' rebate. The Renters' Rebate is a program offered through the Connecticut Office of Policy and Management (OPM) and provides partial reimbursements to low income, elderly or disabled renters for rent and utility bills. (Applicants must apply for the program through the town in which they live - usually the town's social services department).

However, if a tenant has no income or an income that will not permit her to afford to continue paying her rent, it is unwise in most circumstances to pay back rent only to have to move out anyway. There is one exception to this. If a tenant is on Section 8 she must become current on her rent or risk losing her Section 8 voucher.

7. Right to a Trial

When tenants and landlords cannot resolve their differences and ask for a trial,

many times they will have the trial on the same date as the mediation. It is most important for tenants to bring all of their evidence to their mediation and all of their witnesses in case they do not settle and there is a trial on the same day.

B. FORECLOSURE LAWS

1. What is a foreclosure.

When a family falls behind on its monthly mortgage payments, the entity holding the mortgage may act on its legal right to begin foreclosing on the property (taking the property away from the homeowner). There are generally two types of foreclosure actions in Connecticut: “strict foreclosure” and “foreclosure by sale”. Like evictions, foreclosures are sought through a court proceeding. Unlike eviction or summary process cases, foreclosure actions can take much longer. They may also give the homeowner a chance to keep her home.

- a. Strict Foreclosure –In a strict foreclosure case a lending institution (often a bank) is suing to take a home back from a homeowner and the value of the home is less than what the homeowner owes. In those kinds of cases a judge will set a “law date”. On that date the owner loses her rights to the property.
- b. Foreclosure by Sale – In a foreclosure by sale where a home may have more value than is currently owed by the homeowner, the law requires that the bank try to sell the home, usually through an auction, to recover as much money as possible. If the home sells for more money than is owed to the bank, and after taking costs are assessed against the homeowner, a homeowner may get some money back. Also, in a “foreclosure by sale” situation, the judge sets a “sale date”. Until the sale becomes final (“law day”) the owner can sell the property herself to come up with money to pay what is owed.

2. What happens in a foreclosure case.

- a. A foreclosure action begins when the Homeowner is served with court papers by a marshal. These papers are called the *Summons* and *Complaint*. There is also notice of a *Foreclosure Mediation Program* included along with a form to be filled out by the homeowner if she wants to ask for a mediation.
- b. **What should the homeowner do with these papers.** She should not ignore them. As in the summary process case, the homeowner needs to let the court know that she intends to participate in the proceeding. She must file her appearance and answer, and if she wants to go through the court mediation program she needs to complete a form to ask for it.
- c. **Foreclosure Mediation Program.** This is a new program to help homeowners work out an agreement with their mortgage lenders to keep their homes. Mediators, who work for the court, sit down with the homeowner and the lender to try to work out an agreement. There is no charge for this program.
- d. **How to Make the Mediation Process Work.** The homeowner can do several things to help herself through the mediation process. She can:
 - i. Talk to a housing counselor or attorney before the mediation;

- ii. Make sure she timely applies for the mediation (there is a deadline);
- iii. File her appearance;
- iv. File her answer;
- v. Even if the homeowner cannot find a solution through mediation,
- vi. She can ask to be heard by a judge.

e. Due Process in a Foreclosure Case. Even if a homeowner cannot agree to any offer of settlement in the mediation process, she has the right to go before a judge and make an argument. Sometimes the parties cannot agree on the amount of money that is owed, or whether the paperwork is accurate. It is best for the homeowner to try to get help before she is heard by a judge. She may also be able to ask for more time in her home under certain circumstances.

f. Landlord is in Foreclosure. Even if a rental property is in foreclosure, the tenant has legal rights.

C. TENANTS IN A FORECLOSURE CASE

Although a landlord may be in foreclosure, that does not affect his rights and responsibilities *vis a vis* his tenants. He still has the responsibility to make repairs and he still has the right to collect rent during the foreclosure case. It is not a defense to a non-payment eviction/summary process case that the landlord is in foreclosure, unless there is a court order giving someone other than the landlord the right to collect the rent.

1. Tenants Can be Named as Defendants in a Foreclosure Case.

Sometimes tenants get involved in their landlord's foreclosure. They might be named as defendants in the case just like the landlord, or they might be ignored until after the foreclosure has taken place.

2. Tenant Named as Defendant.

Although there might not be much a tenant can do in a foreclosure case in court, if she files an appearance and an answer she can ask the judge deciding the case for more time to stay in her apartment.

Due to recent changes in federal law, it is illegal for a tenant to be ejected immediately following a foreclosure judgment even if the tenant was named as a defendant in the foreclosure case.

The new owner of the rental property, after it has obtained title, must give the tenant at least ninety (90) days' notice before it starts an eviction case. Tenants who qualify for "good cause" protections against evictions (elderly or disabled tenants living in buildings with more than five (5) units) have additional rights.

3. Tenant Not Named as Defendant.

For tenants not named in the landlord's foreclosure case, the new owner will have to bring an eviction (summary process) case to have the tenant removed. This can only happen if other remedies are not available, but all *bona fide* tenants may have the right to stay until the end of their lease. See below.

D. TENANTS' RIGHTS AFTER THE FORECLOSURE

1. All *bono fide* tenants including tenants who have a Section 8 vouchers have a right to stay in their rental units until the end of their leases. The new owner must honor the lease and cannot start an eviction before the end of the lease.
2. The bank or the new owner cannot begin an eviction against any tenant until it has given the tenant at least a 90-day notice to vacate (leave) after the property is transferred to the bank or new owner.
3. Cash for Keys: Sometimes the bank or new owner will come to the tenant before the 90-days has expired and offer to pay the tenant to move out early. This is often known as an offer of "cash for keys". The tenant does not have to take the offer. However, if she does take the offer, the bank or new owner has to follow the law. The laws says that a new owner must make a minimum offer to the tenant to move.

X. AFTER THE EVICTION/FORECLOSURE -- Emergency Planning and Services

A. IF THERE IS A SETTLEMENT AGREEMENT

1. Breach of the Settlement Agreement

1. Settlement Agreement

Many times in an eviction case the parties will reach a settlement agreement. This is known as a stipulated agreement, is in writing and is recorded with the court. It is approved by a judge and becomes a court order. This gives the court the power to enforce the agreement. Sometimes as part of a stipulated agreement the tenant agrees to pay the landlord back rent in addition to future rent, or she makes other promises such as keeping the noise down in her apartment.

2. Affidavit of Noncompliance

It is a very serious matter if the tenant receives one of these affidavits. When a landlord lets the court know that a tenant is not complying with the agreement, it could result in the tenant losing her housing in a matter of a few days. If the tenant breaches or breaks the agreement by not paying money when it is due or by failing, for example, to keep the noise down in her apartment, a landlord can file a form with the court asking for possession of the apartment. This document is titled an Affidavit Re: Noncompliance with Stipulation (see sample in section XVII.D.). The affidavit is a sworn statement alleging that the tenant has not done what she was supposed to do under the settlement agreement.

• Nonpayment

If the landlord signs a sworn statement saying that the tenant has not paid money she promised to pay, the court will let the owner get the "Execution" within three days of filing that paper. If the tenant has a valid objection (for example, that they actually paid in full) then they must file a form called an Objection to Execution immediately. There is a very short deadline to file an objection. If an objection is filed on time, the court will schedule a hearing and the tenant will need to prove what they put in their objection. If no objection is filed, the tenant will be evicted without going back to court.

• Other breaches of the Stipulated Agreement

If the landlord says that the tenant breached some other part of the agreement, the court will assign a hearing date and the tenant can dispute the allegations.

B. AFTER THE TRIAL IN COURT – Losing the Summary Process Trial

1. Execution

An “execution” is an order that lets a marshal remove all people and things from a home. An execution is an order that is served by a marshal and specifies the time and date by which a tenant must leave her apartment or risk being physically removed from the apartment (along with her possessions) (see sample in section XVII.C.).

If it is the day of the ordered execution, there is very little that the tenant can do.

Sometimes either the marshal or the landlord will give the tenant a couple of extra days to move, but there is no legal right to additional time at this point.

2. Stay of Execution

Before deciding whether to go to trial or make an agreement, it is good to know whether or not you can ask the court for more time if you lose the trial.

After losing a housing trial, some kinds of eviction cases allow tenants to ask for more time. *Sometimes*, but not in every type of case, the tenant can file a motion (form attached) for what is called a “stay of execution” (see sample in section XVII.B.).

If the client’s rent is current or if she can pay all of the rent that is owed to the court, she may file a motion to stay an execution and ask the court for up to an additional three-to-six months to live in her apartment. There is no guarantee that she will get more time, however.

A stay of execution is not available to people who are getting evicted after breaking a court agreement.

3. Audita Querela - (motion to quash execution)

This is a Latin term and is a specific legal motion/request made to the court to stop or “quash” the execution. It is used in some cases after the notice of execution has been served on the tenant by the marshal when there is a compelling, legal reason that the tenant should be given an additional hearing to contest the eviction. An attorney almost always helps the tenant prepare this request to quash the execution. If the motion is granted by a judge, the tenant is permitted to return to court to make an argument as to why the physical eviction should not take place. This is an emergency motion to the court and an attorney is in the best position to help the tenant with this.

C. AFTER A DEFAULT JUDGMENT

1. Default Judgment

A default judgment happens if a tenant does not file papers with the court on time or does not show up for court dates. A default judgment in eviction cases means that the landlord wins the case and can evict the tenant in as few as five days.

2. Motion to Reopen Judgment

Many times a tenant will not receive the court papers in her summary process case or will have a reason why she did not file responses or go to court. Being in the hospital is one legitimate reason why a tenant may not timely respond to a summary process action.

When this happens it may be possible to reopen the judgment against the tenant. This must be done by filing a motion with the court. It needs to be done before the court gives the landlord the paper called an “Execution.” Normally she must file within five days of the judgment for possession being ordered by the court. An attorney is best able to help with this. If the motion is granted the

tenant may then have the opportunity to defend herself in the eviction case.

D. EVICTION DAY / AFTER THE EVICTION

1. The Actual Eviction

When a tenant is going to be evicted, he will be served with an Execution that says the date and time a marshal will be there to remove everything and everyone from the apartment. The marshal must bring this paper to the apartment a minimum of 24-hours before the eviction will happen. It does not mean the tenant has to have actual notice twenty four hours in advance (for example, if the tenant does not come home and find the paper until 10:00 p.m.).

On the day of the eviction the marshal will come with people who move out any property in the apartment and the locks will be changed. The law currently says that the city or town must take the property into storage for 15 days. Tenants must pay the city for expenses in order to get their things back. If they do not pay within the 15 days, the city can sell, throw out, or destroy the property.

2. How to Prepare

When an eviction is going to happen, it is helpful for clients to think about and have packed and ready to go the most important things that they need to take with them. Suggest that they gather together things like:

- Medications / necessary health equipment
- Identification for everyone in the home
- Other important records
- A set of clothing
- Valuables, if any
- Irreplaceable family mementos (old family albums, family bible, etc.)

3. Storage and Moving Expenses

Certain people who get help from the CT Dept. of Social Services
May be able to get help with moving and storage expenses (see
Housing Resource Chart in section XIII.).

4. Shelter Services-Emergency Housing

A list of emergency shelters is available from the INFOLINE 211. The list can also be accessed at the following sites: [http:// www.homelessshelterdirectory.org](http://www.homelessshelterdirectory.org)
Many emergency shelters do not take single men and fill up quickly.

3. No Freeze Shelters

Each winter communities around the state try to establish seasonal, no-freeze shelters which generally open at a certain time each night and then close the next morning, providing only temporary shelter each night on a night-to-night basis. Contact the INFOLINE 211 for more information.

4. Domestic Violence Shelters

Contact INFOLINE 211 for information regarding domestic violence shelters.

5. Subsidized Housing

For many tenants who are unable to afford market rent because their income is too low, their best option may be subsidized housing. There are thousands of units of subsidized housing in this state and most of them are occupied. Many complexes may have waiting lists of over a year. Some complexes may have a relatively high turnover and the waiting list may be fairly short. You can check out this website for a list of affordable housing: or
http://www.ct.gov/e.cd/lib/e.cd/2006_inventory_of_all_assisted_housing.

Getting into subsidized housing involves an application, screening and eligibility determination and generally is not an immediate option for a evicted

tenant. Many homeless shelters to provide tenants with assistance in applying for subsidized housing.

a. Section 8 Vouchers

A Section 8 Voucher is a commitment to help pay the rent. The money to help the tenant pay the rent is federal money, but local organizations, most frequently, housing authorities (HAs), administer these vouchers. The housing authorities accept applications for the Section 8 program, keep waiting lists of applicants, determine what portion of the rent the voucher holders must pay, do inspections of the rental units and have the authority to terminate the voucher. The Section 8 rental subsidy program is now being called the Choice Voucher Program but most people still call it Section 8.

There are very few Section 8 Vouchers currently available. There are waiting lists everywhere. In 2007 one private contractor covering the entire state announced that it was accepting applications and received 48,000 applications. From time to time housing authorities and other organizations which administer the Section 8 program will open their waiting lists and accept applications. To be updated about organizations accepting Section 8 applications go to:
[http://www/das.state.ct.us/Business Svs/HVCP/HVCP Home.asp](http://www/das.state.ct.us/Business%20Svs/HVCP/HVCP%20Home.asp)

b. RAP and T-RAP

These are rental assistance/subsidy programs offered through the Department of Social Services. The RAP program is administered by a private organization, J. D'Amelia & Associates, seven housing authorities throughout the state and one community action agency. There are waiting lists. The T-RAP, transitory rental assistance program, may be included as a Department of Social Services Safety Net service. The primary administrator of the T-RAP program is J. D'Amelia & Associates which uses a lottery system and waiting list.

c. Elderly and Disabled Housing (Town HA)

Most towns have housing authorities which offer subsidized housing for the elderly and disabled. To find a local housing authority go to www.ctelderlaw.org, click on housing and follow the prompts for a list of local housing authorities.

d. Supportive Housing (DMHAS)

Supportive housing is generally subsidized housing to provide a comprehensive program of housing, employment/vocational, psycho social rehabilitation and clinical services to persons who are homeless and have a psychiatric disability. Currently, individuals, not families, are targeted for this type of program. There are several local programs, many of which are federally funded through HUD. DMHAS lists contact numbers for Klyle Pederson (203) 764-6331 or Allison Ponce (203) 974-7015 for more information. Information can also be found through the Corporation for Supportive Housing at www.csh.org

e. Bridge Subsidy Program (DMHAS)

For individuals with a psychiatric disorder there is a temporary subsidy program offered through the Department of Mental Health and Addition Services. Go to the DMHAS website and type in “housing services” for where to apply regionally for this program.

6. MORE HELP

a. Security Deposit Guarantee Program (DSS)(DMHAS)

For those who qualify the Department of Social Services offers a program to pledge to a prospective landlord up to two months’ rent as a security deposit guarantee. We have gotten DSS to pay certain moving expenses, particularly for disabled tenants.

Examples of those who may be eligible for the program include: individuals who have left their homes due to domestic violence, individuals who have been illegally locked out, families who need to relocate because of high lead levels in a child, those in summary process (eviction) actions, people in emergency shelters and many more. Apply at the local DSS office (see section XV.C. for site listing).

DMHAS also claims to have limited security deposit funds available in Greenwich, Milford and Norwalk. For more information the DMHAS website suggests you contact: Steve DiLella at (860) 418-6845.

XI. Relocation Assistance

Homelessness or loss of housing due to an apartment being unfit for habitation, uninhabitability, while not common, does occur.

Uninhabitability generally results from:

1. Apartment not being legal under local zoning ordinances.
2. Apartment fails to comply with local building or health code.

A. Relocation Assistance under Uniform Relocation Assistance Act *Conn. Gen. Stat. Sec. 8-266*

1. Available to persons who are forced to move as a direct result governmental activities.
 - i. Apartments condemned by housing, zoning or health code enforcement action as unfit for habitation, including unsafe levels of lead.
 - ii. Eminent domain.
2. Assistance is provided by the governmental agency that condemns the unit.

3. The tenant is entitled to 2 distinct types of assistance.
 - i. tenant's actual reasonable moving expenses
 1. available to all tenants
 2. cost of moving the tenant's household goods.
 3. tenant's emergency shelter expenses.
 - ii. replacement housing assistance
 1. only available to tenants who have occupied the condemned apartment at least 90 days before being displaced
 2. not to exceed four thousand dollars:
 - a. application fees
 - b. credit report
 - c. new security deposit
 - d. rent differential.

B. How to obtain Relocation Assistance

1. tenant must apply for relocation assistance.
2. tenant can appeal to the Commissioner of DECD if not satisfied with the relocation assistance being offered.

XII. LEASING A NEW PROPERTY

A. LOOKING FOR AN APARTMENT

1. Where to look for an apartment.

Newspaper, street signs, friends, housing authorities, boarding houses, sharing rents, roommates, internet.

2. Can I get subsidized rent.

Maybe. But there are long waiting list for many subsidized places. Check with local housing authority and find out what apartments in the area have subsidized rent.

B. PROBLEMS GETTING AN APARTMENT

1. How much of my income should I be spending on an apartment.

Ideally, 30-40%. That's because you still may have to spend more of your money each month on utilities, which may not be included in the rent. If you pay for heat for example, it could run you hundreds of dollars more each month, in addition to your rent. Also, few landlords include such things as electricity, phone or cable in your rent.

Remember, it is a good idea to get renter's insurance. All of this will be in addition to things like food, clothing and transportation.

2. What happens if the landlord won't rent to me.

If its discrimination, you might have a remedy. Contact a lawyer. If it's because you have bad credit or a criminal record, you might be out of luck, unless you are applying for subsidized housing. In that case you can ask for a meeting with the landlord even if your application has already been denied.

a. Bad Credit

Unfortunately most people walk away when they are turned down for bad credit without knowing their rights.

A private landlord can turn an applicant down for having bad credit. But, if she is applying for HUD or other subsidized housing she has a legal right to ask for a meeting with the landlord to explain her credit history and show that she can pay rent. It can make a big difference. Owners of subsidized housing are required to have written criteria for denying applicants based upon a bad credit score. Most landlords want to know if a prospective tenant will be able to pay the rent and utilities (if any). If an applicant can explain how she can do this or that she has a history of making rental payments, a bad credit history may not keep the applicant from getting the apartment.

b. Criminal Record

A landlord can turn an applicant down for having a criminal record. But, if she is applying for subsidized housing she has the legal right to ask for a meeting with the landlord to explain her criminal history. Most subsidized housing programs can still turn her down, especially if it has been less than 10 years since she committed her last crime. However, she still has the right to ask for a meeting and many times a face-to-face meeting can make a big difference. Also, Connecticut has a pardon program where a person with a criminal conviction can get it erased. This program helps people get jobs and housing by eliminating this barrier.

C. ABOUT THE SECURITY DEPOSIT

1. How much can the landlord charge for a security deposit?

In most circumstances a landlord can charge up to the equivalent of two months' rent as a security deposit. If you are elderly, it is up to one month's rent.

2. What can I do if I can't afford the security deposit?

If you are receiving help from the Department of Social Services, you might be able to get some help paying your security deposit. If you can't get that kind of help you can suggest to your landlord that you pay the security deposit in a payment plan.

3. How can the landlord use my security deposit?

While you are living in your apartment, the landlord is not supposed to use your security deposit for anything. He is supposed to be holding it in a separate bank account. It is not his money. The purpose of a security deposit is to ensure that the landlord will have the money to fix certain kinds of damage after you move out. If there are no damages the money is supposed to be returned to you with interest. If there are damages the landlord is supposed to fix them and then give you back whatever money was not spent on repairs, plus a description the repairs, and any interest you earned on the security deposit.

4. If I move out how do I get my security deposit back?

If you move out, you have to give the landlord your new address so he can send you the security deposit or an explanation as to what repairs he had to make with your security deposit. Give him your new address in writing as soon as you move. He has thirty days to return your deposit unless you and he agree to some different arrangement. If he doesn't return the security deposit or provide you with a believable explanation on how it was spent, you may be able to bring a case against your landlord in small claims court. If you win, you could get up to twice your security deposit.

D. SIGNING A LEASE

1. What is a lease?

A lease is simply an agreement between you and your landlord to rent your apartment. It can be in writing or it can be a verbal agreement. It is a type of contract. Both sides agree to do certain things. You agree to pay rent and follow the rules and your landlord agrees to allow you to use the apartment and keep it safe and sanitary condition.

2. Written or Oral

Leases are contracts whether they are in writing or are oral. Usually a written lease is better than an oral lease or agreement. Written leases generally last one year. During that year the rent cannot be increased. Also, if your landlord sells the building in which you are living, the new owner must honor the lease. In a written lease both parties also know what is expected of them.

3. Terms of a Written Lease

The terms contained in a written lease must be legal. For example, a lease cannot say that if a tenant does not pay her rent on the first day of the month she must move out. Once in a while a written lease will give the landlord permission to enter an apartment any time he wants to. This is contrary to the law. Tenants

should read their leases and ask questions. At a minimum the lease should state its length (usually 1 year), the rent amount, what utilities are included in the rent and what utilities the tenant must pay. At the end of the term of a written lease, a landlord may offer a new lease and raise the rent. Rental increases should be reasonable. There are ways to challenge a rent increase either in court or before a Fair Rent Commission. Contact an attorney if you have questions.

E. CONDITION OF THE APARTMENT- Before Moving-in

The best way for a new tenant to protect herself from the landlord charging the tenant for damages to the apartment is to do a walk-through of the apartment with a written check-list before the lease is signed. That way both the landlord and the tenant can look at the apartment together and note any condition problems. If the landlord will not agree to do, this the tenant should do it anyway and take pictures of the apartment if she still decides to move in. A sample check-list is in section XVII.E.

If there are significant condition problems found before the apartment becomes occupied, the landlord can either fix them or agree to note the problems. A reduction in the rent might be negotiated if there are problems a tenant can live with, but which reduce the value of the apartment. Also, a tenant might be able to break her lease if she finds things which make her not want to live in the apartment. Sometimes there are consequences, so check with an attorney.

F. CONDITION OF THE APARTMENT - After Moving-in

Sometimes a landlord does not maintain the apartment or make necessary repairs. If the condition of the apartment would affect the health or safety of the tenant if services were not provided or repairs were not made, and the tenant cannot get the landlord to fix the problems, she can complain to either the health department or a local building inspector. She also has the right to go to court to have a judge decide whether she has to pay rent during the time the apartment was not properly maintained. This is called a payment into court action. The tenant should consult an attorney before filing this action. If the condition of the apartment becomes so bad that she is ordered not to live there, she may have the legal right to ask her town to provide her with relocation assistance. Relocation assistance can be in the form of money and/or services such as being put up in a hotel. The town then has the legal right to go after the landlord for any expenses it paid on behalf of the tenant.

A tenant cannot withhold rent simply because she is not satisfied with the condition of the apartment. She must take another form of action described above. Otherwise she risks her landlord bringing an eviction action against her for nonpayment of rent.

G. HOW SHOULD I PAY THE RENT?

1. You normally have ten days to pay the rent. Your landlord can charge late fees if your rent is late. He may also start an eviction action if you try to pay your rent late. The rent can be paid in any manner that is acceptable to your landlord, but always get a receipt from the landlord showing that you paid and when you paid.

H. PROBLEMS WITH OTHER TENANTS.

1. What if other tenants are violating their lease and it affects me?

Talk to the tenant first. Make sure you keep track of the dates and times that the other tenant is violating his lease. Put down in writing exactly what he is doing. If talking to the tenant doesn't help, speak with your landlord. Document what you do. There may be times when you can break your lease if the problem is bad enough and the other tenant won't correct his behavior and the landlord does nothing to improve the situation. If other tenants are breaking the law you can also call the police.

2. What if other tenants are complaining about me?

Talk to your neighbors. Find out what you are doing that is bothering them. If you can't come to an agreement, speak with your landlord. If there are enough complaints about you, your landlord may begin an eviction action against you. If things can't be worked out and you can move, offer to break your lease and have your landlord agree that he will not charge you for the months remaining on your lease after you move out.