



General Assembly

January Session, 2019

**Raised Bill No. 946**

LCO No. 4722



Referred to Committee on HUMAN SERVICES

Introduced by:  
(HS)

***AN ACT CONCERNING DEADLINES APPLICABLE TO HEARING DECISIONS BY THE DEPARTMENT OF SOCIAL SERVICES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-61 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) [Not] The commissioner or the commissioner's designated  
4 hearing officer shall ordinarily render a final decision not later than  
5 [sixty] ninety days after [such hearing, or] the date the commissioner  
6 receives a request for a fair hearing pursuant to section 17b-60, and  
7 shall render a final decision not later than three business days after the  
8 hearing if the hearing concerns a denial of or failure to provide  
9 emergency housing, [the commissioner or his designated hearing  
10 officer shall render a final] provided the time for rendering a final  
11 decision shall be extended whenever the aggrieved person requests or  
12 agrees to an extension, or fails to take a required action, or when the  
13 commissioner documents an administrative or other emergency  
14 beyond the commissioner's control. Such decision shall be based upon  
15 all the evidence introduced before [him and applying] the

16 commissioner or the commissioner's designated hearing officer and all  
17 pertinent provisions of law, regulations and departmental policy, and  
18 [such final decision] shall supersede the decision made without a  
19 hearing. [, provided final definitive administrative action shall be  
20 taken by the commissioner or his designee within ninety days after the  
21 request of such hearing pursuant to section 17b-60.] Notice of such  
22 final decision shall be given to the aggrieved person by mailing [him]  
23 such person a copy thereof [within one business day of its rendition]  
24 not later than one business day after the decision is rendered. Such  
25 decision after hearing shall be final except as provided in subsections  
26 (b) and (c) of this section.

27 (b) The applicant for such hearing, if aggrieved, may appeal  
28 [therefrom] the decision in accordance with section 4-183. Appeals  
29 from decisions of said commissioner shall be privileged cases to be  
30 heard by the court as soon after the return day as shall be practicable.  
31 If the commissioner or the commissioner's designated hearing officer  
32 fails to render a final decision within the time limits set forth in  
33 subsection (a) of this section, the aggrieved person's remedy shall be to  
34 bring an action against the commissioner in the superior court for the  
35 judicial district of New Britain for a writ of mandamus to compel the  
36 commissioner to render such decision and for such other relief as may  
37 be appropriate.

38 (c) The commissioner may, for good cause shown by an aggrieved  
39 person, extend the time for filing an appeal to Superior Court beyond  
40 the time limitations of section 4-183, as set forth below:

41 (1) Any aggrieved person who is authorized to appeal a decision of  
42 the commissioner, pursuant to subsection (b) of this section, but who  
43 fails to serve or file a timely appeal to the Superior Court pursuant to  
44 section 4-183, may, as provided in this subsection, petition that the  
45 commissioner, for good cause shown, extend the time for filing any  
46 such appeal. Such a petition must be filed with the commissioner in  
47 writing and contain a complete and detailed explanation of the reasons  
48 that precluded the petitioner from serving or filing an appeal within

49 the statutory time period. Such petition must also be accompanied by  
50 all available documentary evidence that supports or corroborates the  
51 reasons advanced for the extension request. In no event shall a petition  
52 for extension be considered or approved if filed later than ninety days  
53 after the rendition of the final decision. The decision as to whether to  
54 grant an extension shall be made consistent with the provisions of  
55 subdivision (2) of this subsection and shall be final and not subject to  
56 judicial review.

57 (2) In determining whether to grant a good cause extension, as  
58 provided for in this subsection, the commissioner, or [his] the  
59 commissioner's authorized designee, shall, without the necessity of  
60 further hearing, review and, as necessary, verify the reasons advanced  
61 by the petition in justification of the extension request. A  
62 determination that good cause prevented the filing of a timely appeal  
63 shall be issued in writing and shall enable the petitioner to serve and  
64 file an appeal within the time provisions of section 4-183, from the date  
65 of the decision granting an extension. The circumstances that  
66 precluded the petitioner from filing a timely appeal, and which may be  
67 deemed good cause for purposes of granting an extension petition,  
68 include, but are not limited to: (A) Serious illness or incapacity of the  
69 petitioner which has been documented as materially affecting the  
70 conduct of the petitioner's personal affairs; (B) a death or serious  
71 illness in the petitioner's immediate family that has been documented  
72 as precluding the petitioner from perfecting a timely appeal; (C)  
73 incorrect or misleading information given to the petitioner by the  
74 agency, relating to the appeal time period, and shown to have been  
75 materially relied on by the petitioner as the basis for failure to file a  
76 timely appeal; (D) evidence that the petitioner did not receive notice of  
77 the agency decision; and (E) other unforeseen and unavoidable  
78 circumstances of an exceptional nature which prevented the filing of a  
79 timely appeal.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>from passage</i>	17b-61
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**Statement of Purpose:**

To clarify the deadline for the Department of Social Services to issue a final decision on an administrative appeal and remedies when the department fails to meet the deadline.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*