



General Assembly

February Session, 2004

Substitute Bill No. 5215

* HB05215JUD 032204 *

**AN ACT CONCERNING THE PROCESSING OF HOUSING
DISCRIMINATION COMPLAINTS BY THE COMMISSION ON HUMAN
RIGHTS AND OPPORTUNITIES.**

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

1 Section 1. Subsection (d) of section 46a-83 of the general statutes, as
2 amended by section 193 of public act 03-6 of the June 30 special
3 session, is repealed and the following is substituted in lieu thereof
4 (*Effective from passage*):

5 (d) (1) Before issuing a finding of reasonable cause or no reasonable
6 cause, the investigator shall afford each party and his representative an
7 opportunity to provide written or oral comments on all evidence in the
8 commission's file, except as otherwise provided by federal law or any
9 other provision of the general statutes. The investigator shall consider
10 such comments in making his determination. The investigator shall
11 make a finding of reasonable cause or no reasonable cause in writing
12 and shall list the factual findings on which it is based not later than one
13 hundred ninety days from the date of the determination based on the
14 review of the complaint, conducted pursuant to subsection (b) of this
15 section, except that for good cause shown, the executive director or his
16 designee may grant no more than two extensions of the investigation
17 of three months each.

18 (2) If the investigator makes a determination that there is reasonable

19 cause to believe that a violation of section 46a-64c has occurred, the
20 complainant and the respondent shall have twenty days from receipt
21 of notice of the reasonable cause finding to elect a civil action in lieu of
22 an administrative hearing pursuant to section 46a-84, as amended. If
23 either the complainant or the respondent requests a civil action, the
24 commission, through the Attorney General or a commission legal
25 counsel, shall commence an action pursuant to subsection (b) of section
26 46a-89, as amended by this act, within [forty-five] ninety days of
27 receipt of the complainant's or the respondent's notice of election of a
28 civil action. If the Attorney General or a commission legal counsel, and
29 a commissioner, believe that injunctive relief, punitive damages or a
30 civil penalty would be appropriate, such relief, damages or penalty
31 may also be sought pursuant to said subsection. Any civil action
32 brought under this subdivision shall be limited to such claims,
33 counterclaims, defenses or the like that would be required for the
34 commission to have jurisdiction over the complaint had the complaint
35 remained with the commission for disposition. If the Attorney General
36 or a commission legal counsel determines that a material mistake of
37 law or fact has been made in such finding of reasonable cause, the
38 Attorney General or a commission legal counsel may decline to bring a
39 civil action and, in such case, shall remand the file to the investigator
40 for further action.

41 Sec. 2. Section 46a-89 of the general statutes is repealed and the
42 following is substituted in lieu thereof (*Effective from passage*):

43 (a) (1) Whenever a complaint is filed with or by the commission
44 pursuant to section 46a-82 alleging a violation of section 46a-60 or 46a-
45 81c, and a commissioner believes, upon review and the
46 recommendation of the investigator assigned, that equitable relief is
47 required to prevent irreparable harm to the complainant, the
48 commissioner may bring a petition in equity in the superior court [in]
49 for the judicial district in which the discriminatory practice which is
50 the subject of the complaint occurred or [in] the judicial district in
51 which the respondent resides, provided this subdivision shall not
52 apply to complaints against employers with less than fifty employees.

53 (2) The petition shall seek appropriate temporary injunctive relief
54 against the respondent pending final disposition of the complaint
55 pursuant to the procedures set forth in this chapter. The injunctive
56 relief may include an order temporarily restraining the respondent
57 from doing any act which would render ineffectual any order a
58 presiding officer may render with respect to the complaint.

59 (3) Upon service on the respondent of notice pursuant to section
60 46a-89a, the respondent shall be temporarily restrained from taking
61 any action which would render ineffectual the temporary injunctive
62 relief prayed for in the petition, provided nothing in this section shall
63 be construed to prevent the respondent from having any employment
64 duties, enjoined under this section and section 46a-89a, from being
65 carried out by another employee and the notice shall so provide.

66 (b) (1) Whenever a complaint [is filed with or by the commission]
67 filed pursuant to section 46a-82 [alleging] alleges a violation of section
68 46a-64, 46a-64c, 46a-81d or 46a-81e, [concerning the sale or rental of a
69 dwelling or commercial property,] and a commissioner believes [upon
70 review and the recommendation of the investigator assigned, that
71 equitable] that injunctive relief is required or that the imposition of
72 punitive damages or a civil penalty would be appropriate, the
73 [commissioner] commission may bring a petition in the superior court
74 [in] for the judicial district in which the discriminatory practice which
75 is the subject of the complaint occurred or [in] the judicial district in
76 which the respondent resides.

77 (2) The petition shall [(A) seek appropriate injunctive relief against
78 the respondent] seek: (A) Appropriate injunctive relief, including
79 temporary or permanent orders or decrees restraining and enjoining
80 [him] the respondent from selling or renting to anyone other than the
81 complainant or otherwise making unavailable to the complainant any
82 dwelling or commercial property with respect to which the complaint
83 is made, pending the final determination of [proceedings on such
84 complaint, or (B) seeking] such complaint by the commission or such
85 petition by the court; (B) an award of damages based on the remedies

86 available under subsection (c) of section 46a-86; [and] (C) an award of
87 punitive damages payable to the complainant, not to exceed fifty
88 thousand dollars; [, or (C) seeking] (D) a civil penalty payable to the
89 state against the respondent to vindicate the public interest: (i) In an
90 amount not exceeding ten thousand dollars if the respondent has not
91 been adjudged to have committed any prior discriminatory housing
92 practice; (ii) in an amount not exceeding twenty-five thousand dollars
93 if the respondent has been adjudged to have committed one other
94 discriminatory housing practice during the five-year period prior to
95 the date of the filing of this complaint; and (iii) in an amount not
96 exceeding fifty thousand dollars if the respondent has been adjudged
97 to have committed two or more discriminatory housing practices
98 during the seven-year period prior to the date of the filing of the
99 complaint; except that if the acts constituting the discriminatory
100 housing practice that is the object of the complaint are committed by
101 the same natural person who has been previously adjudged to have
102 committed acts constituting a discriminatory housing practice, then the
103 civil penalties set forth in [subparagraphs] clauses (ii) and (iii) of this
104 subparagraph may be imposed without regard to the period of time
105 within which any subsequent discriminatory housing practice
106 occurred; or [(D) seeking] (E) two or more of [these] such remedies.

107 (3) Upon service on the respondent of notice pursuant to section
108 46a-89a, the respondent shall be temporarily restrained from selling or
109 renting the dwelling or commercial property which is the subject of the
110 complaint to anyone other than the complainant, or from otherwise
111 making such dwelling or commercial property unavailable to the
112 complainant, until the court or judge has decided the petition for
113 temporary injunctive relief [,] and the notice shall so provide.

114 [(c) The commission shall incorporate in and make a part of its
115 petition in equity its complaint against the respondent and its prayers
116 for relief.]

This act shall take effect as follows:

Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>

JUD *Joint Favorable Subst.*