



General Assembly

January Session, 2005

**Raised Bill No. 1073**

LCO No. 3439

\*03439\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**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 is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

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

16 of three months each.

17 (2) If the investigator makes a determination that there is reasonable  
18 cause to believe that a violation of section 46a-64c has occurred, the  
19 complainant and the respondent shall have twenty days from receipt  
20 of notice of the reasonable cause finding to elect a civil action in lieu of  
21 an administrative hearing pursuant to section 46a-84. If either the  
22 complainant or the respondent requests a civil action, the commission,  
23 through the Attorney General or a commission legal counsel, shall  
24 commence an action pursuant to subsection (b) of section 46a-89, as  
25 amended by this act, within [forty-five] ninety days of receipt of the  
26 complainant's or the respondent's notice of election of a civil action. If  
27 the Attorney General or a commission legal counsel, and a  
28 commissioner, believe that injunctive relief, punitive damages or a civil  
29 penalty would be appropriate, such relief, damages or penalty may  
30 also be sought pursuant to said subsection. Any civil action brought  
31 under this subdivision shall be limited to such claims, counterclaims,  
32 defenses or the like that would be required for the commission to have  
33 jurisdiction over the complaint had the complaint remained with the  
34 commission for disposition. If the Attorney General or a commission  
35 legal counsel determines that a material mistake of law or fact has been  
36 made in such finding of reasonable cause, the Attorney General or a  
37 commission legal counsel may decline to bring a civil action and, in  
38 such case, shall remand the file to the investigator for further action.  
39 The investigator shall complete any such action not later than ninety  
40 days after receipt of such file.

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] that 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] that would render ineffectual the temporary  
62 injunctive relief prayed for in the petition, provided nothing in this  
63 section shall be construed to prevent the respondent from having any  
64 employment duties, enjoined under this section and section 46a-89a,  
65 from being carried out by another employee and the notice shall so  
66 provide.

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

78 (2) The petition shall [(A) seek appropriate injunctive relief against  
79 the respondent] seek: (A) Appropriate injunctive relief, including

80 temporary or permanent orders or decrees restraining and enjoining  
81 [him] the respondent from selling or renting to anyone other than the  
82 complainant or otherwise making unavailable to the complainant any  
83 dwelling or commercial property with respect to which the complaint  
84 is made, pending the final determination of [proceedings on such  
85 complaint, or (B) seeking] such complaint by the commission or such  
86 petition by the court; (B) an award of damages based on the remedies  
87 available under subsection (c) of section 46a-86; [and] (C) an award of  
88 punitive damages payable to the complainant, not to exceed fifty  
89 thousand dollars; [, or (C) seeking] (D) a civil penalty payable to the  
90 state against the respondent to vindicate the public interest: (i) In an  
91 amount not exceeding ten thousand dollars if the respondent has not  
92 been adjudged to have committed any prior discriminatory housing  
93 practice; (ii) in an amount not exceeding twenty-five thousand dollars  
94 if the respondent has been adjudged to have committed one other  
95 discriminatory housing practice during the five-year period prior to  
96 the date of the filing of this complaint; and (iii) in an amount not  
97 exceeding fifty thousand dollars if the respondent has been adjudged  
98 to have committed two or more discriminatory housing practices  
99 during the seven-year period prior to the date of the filing of the  
100 complaint; except that if the acts constituting the discriminatory  
101 housing practice that is the object of the complaint are committed by  
102 the same natural person who has been previously adjudged to have  
103 committed acts constituting a discriminatory housing practice, then the  
104 civil penalties set forth in [subparagraphs] clauses (ii) and (iii) of this  
105 subparagraph may be imposed without regard to the period of time  
106 within which any subsequent discriminatory housing practice  
107 occurred; or [(D) seeking] (E) two or more of [these] such remedies.

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

114 temporary injunctive relief [ ] and the notice shall so provide.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	46a-83(d)
Sec. 2	<i>from passage</i>	46a-89

**Statement of Purpose:**

To revise statutory procedures for civil actions involving housing discrimination complaints filed with the Commission on Human Rights and Opportunities.

*[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.]*