



General Assembly

January Session, 2009

Raised Bill No. 6673

LCO No. 4753

04753_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING HOUSING DISCRIMINATION AND
ATTORNEY'S FEES.**

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

1 Section 1. Section 46a-82 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) Any person claiming to be aggrieved by an alleged
4 discriminatory practice, except for an alleged violation of section 4a-
5 60g or 46a-68 or the provisions of sections 46a-68c to 46a-68f, inclusive,
6 may, by himself or herself or by such person's attorney, make, sign and
7 file with the commission a complaint in writing under oath, which
8 shall state the name and address of the person alleged to have
9 committed the discriminatory practice, and which shall set forth the
10 particulars thereof and contain such other information as may be
11 required by the commission. After the filing of a complaint pursuant to
12 this subsection, the commission shall serve upon the person claiming
13 to be aggrieved a notice that: (1) Acknowledges receipt of the
14 complaint; and (2) advises of the time frames and choice of forums
15 available under this chapter. For the purposes of this section, a "person
16 claiming to be aggrieved" means a person who claims to have been

17 injured by a discriminatory practice or who believes that he or she will
18 be injured by a discriminatory practice that is about to occur.

19 (b) The commission, whenever it has reason to believe that any
20 person has been engaged or is engaged in a discriminatory practice,
21 may issue a complaint, except for a violation of subsection (a) of
22 section 46a-80.

23 (c) The commission, whenever it has reason to believe that any
24 contractor or subcontractor is not complying with antidiscrimination
25 statutes or contract provisions required under section 4a-60, 4a-60a or
26 4a-60g or the provisions of sections 46a-68c to 46a-68f, inclusive, may
27 issue a complaint.

28 (d) The commission may issue a complaint if: (1) An affirmative
29 action plan filed pursuant to section 46a-68 is in violation of any of the
30 provisions of section 4-61u or 4-61w, sections 46a-54 to 46a-64,
31 inclusive, section 46a-64c or sections 46a-70 to 46a-78, inclusive; or (2)
32 an agency, department, board or commission fails to submit an
33 affirmative action plan required under section 46a-68.

34 (e) Any employer whose employees, or any of them, refuse or
35 threaten to refuse to comply with the provisions of section 46a-60 or
36 46a-81c may file with the commission a written complaint under oath
37 asking for assistance by conciliation or other remedial action.

38 (f) Any complaint filed pursuant to this section must be filed within
39 one hundred and eighty days after the alleged act of discrimination,
40 except that any complaint by a person claiming to be aggrieved by a
41 violation of subsection (a) of section 46a-80 must be filed within thirty
42 days of the alleged act of discrimination.

43 Sec. 2. Subsection (d) of section 46a-83 of the general statutes is
44 repealed and the following is substituted in lieu thereof (*Effective*
45 *October 1, 2009*):

46 (d) (1) Before issuing a finding of reasonable cause or no reasonable

47 cause, the investigator shall afford each party and his representative an
48 opportunity to provide written or oral comments on all evidence in the
49 commission's file, except as otherwise provided by federal law or any
50 other provision of the general statutes. The investigator shall consider
51 such comments in making his determination. The investigator shall
52 make a finding of reasonable cause or no reasonable cause in writing
53 and shall list the factual findings on which it is based not later than one
54 hundred ninety days from the date of the determination based on the
55 review of the complaint, conducted pursuant to subsection (b) of this
56 section, except that for good cause shown, the executive director or his
57 designee may grant no more than two extensions of the investigation
58 of three months each.

59 (2) If the investigator makes a determination that there is reasonable
60 cause to believe that a violation of section 46a-64c has occurred, the
61 complainant and the respondent shall have twenty days from receipt
62 of notice of the reasonable cause finding to elect a civil action in lieu of
63 an administrative hearing pursuant to section 46a-84. If either the
64 complainant or the respondent requests a civil action, the commission,
65 through the Attorney General or a commission legal counsel, shall
66 commence an action pursuant to subsection (b) of section 46a-89
67 within ninety days of receipt of the complainant's or the respondent's
68 notice of election of a civil action. A complainant may intervene as a
69 matter of right in a civil action without permission of the court or the
70 parties. If the Attorney General or a commission legal counsel, and a
71 commissioner, believe that injunctive relief, punitive damages or a civil
72 penalty would be appropriate, such relief, damages or penalty may
73 also be sought pursuant to said subsection. Any civil action brought
74 under this subdivision shall be limited to such claims, counterclaims,
75 defenses or the like that would be required for the commission to have
76 jurisdiction over the complaint had the complaint remained with the
77 commission for disposition. If the Attorney General or a commission
78 legal counsel determines that a material mistake of law or fact has been
79 made in such finding of reasonable cause, the Attorney General or a
80 commission legal counsel may decline to bring a civil action and, in

81 such case, shall remand the file to the investigator for further action.
82 The investigator shall complete any such action not later than ninety
83 days after receipt of such file.

84 Sec. 3. Subsection (c) of section 46a-86 of the general statutes is
85 repealed and the following is substituted in lieu thereof (*Effective*
86 *October 1, 2009*):

87 (c) In addition to any other action taken under this section, upon a
88 finding of a discriminatory practice prohibited by section 46a-58, 46a-
89 59, 46a-64, 46a-64c, 46a-81b, 46a-81d or 46a-81e, the presiding officer
90 shall determine the damage suffered by the complainant, which
91 damage shall include, but not be limited to, the expense incurred by
92 the complainant for obtaining alternate housing or space, storage of
93 goods and effects, moving costs and other costs actually incurred by
94 the complainant as a result of such discriminatory practice and shall
95 allow reasonable attorney's fees and costs. The amount of attorney's
96 fees awarded shall not be contingent upon the amount of damages
97 requested by or awarded to the complainant.

98 Sec. 4. Section 46a-104 of the general statutes is repealed and the
99 following is substituted in lieu thereof (*Effective October 1, 2009*):

100 The court may grant a complainant in an action brought in
101 accordance with section 46a-100 such legal and equitable relief which it
102 deems appropriate including, but not limited to, temporary or
103 permanent injunctive relief, attorney's fees and court costs. The
104 amount of attorney's fees awarded shall not be contingent upon the
105 amount of damages requested by or awarded to the complainant.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	46a-82
Sec. 2	<i>October 1, 2009</i>	46a-83(d)
Sec. 3	<i>October 1, 2009</i>	46a-86(c)
Sec. 4	<i>October 1, 2009</i>	46a-104

Statement of Purpose:

To revise the housing discrimination statutes by: (1) Defining a person claiming to be aggrieved under such statutes, (2) allowing a complainant to intervene in any civil action once the action is filed in court, and (3) providing that attorney's fees awarded shall not be contingent upon the amount of damages requested by or awarded to the complainant.

[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.]