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TO: Members of the Judiciary Committee
FROM: Kevin Brophy, Attorney for CT Legal Services
RE: **Raised Bill No. 6673, Act Concerning
Housing Discrimination and Attorney's Fees**
DATE: March 19, 2009

I am an attorney for Connecticut Legal Services, a non-profit legal aid agency. I am submitting testimony in support of Section 2 of Raised Bill No. 6673. This legislative change would guarantee that a complainant (one alleging discrimination) has a statutory right to intervene when a case has been transferred to the Superior Court after a finding of reasonable cause.

The Current Statutory Scheme in Connecticut

If someone believes that they have been discriminated against in their housing and falls within one of the protected classes (e.g. disabled), they have the right to file a complaint with the Commission on Human Rights and Opportunities (CHRO). CHRO will then investigate the complaint to determine whether there is reasonable cause that discrimination has occurred. If there is a finding of reasonable cause, the case is heard in one of two forums: an administrative hearing before a hearing officer, or if either the tenant or the landlord elect to transfer it, the Superior Court.

If the election is made, CHRO will commence an action in the Superior Court under Conn. Gen. Stat. Section 46a-83(d)(2). CHRO brings the case in its own name in relation to the alleged victim of discrimination against the landlord. The complainant is not a separate, distinct party in the court action.

The Problems

This creates several difficulties and injustices:

- CHRO's and the complainant's interest are not identical and may actually be in conflict. CHRO is



concerned with its duty to the public at large and may not be as concerned with the personal and distinct interests of the individual complainant. For instance, CHRO may prioritize civil penalties for the State of Connecticut, while the complainant may want all monetary awards dedicated to compensatory and punitive damages.

- Under the current scheme, the complainant is not ensured to be a separate, distinct party in the action. The alleged victim of discrimination is denied the opportunity to present their case and make their specific request for relief. Our system of justice, however, is based on each party being able to fairly and vigorously present their case.
- Currently, the complainant is denied their counsel of choice, and landlords have the ability to remove complainants' attorney.
- Moreover, the State of Connecticut risks losing federal dollars because our fair housing statutes must be "substantially equivalent" to the federal fair housing statute to obtain federal funding. Unlike the federal scheme, Connecticut does not provide a statutory right to intervene. The federal scheme recognizes the inherent potential for conflict.

The Solution

Please provide complainants with the statutory right to intervene if a case is transferred to the Superior Court after a finding of reasonable cause. It will give complainants the opportunity to be full and distinct parties in court and present their cases so the court can make a just and fully informed decision.