



Senate

General Assembly

File No. 578

February Session, 2010

Senate Bill No. 367

Senate, April 15, 2010

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE RIGHT OF A COMPLAINANT TO INTERVENE IN A HOUSING DISCRIMINATION ACTION.

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2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2010*):

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] a 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

15 [his] the executive director's designee may grant no more than two
 16 extensions of the investigation 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
 25 within ninety days of receipt of the complainant's or the respondent's
 26 notice of election of a civil action. The complainant may intervene as a
 27 matter of right in any civil action brought under this subdivision. If the
 28 Attorney General or a commission legal counsel, and a commissioner,
 29 believe that injunctive relief, punitive damages or a civil penalty
 30 would be appropriate, such relief, damages or penalty may also be
 31 sought pursuant to said subsection. Any civil action brought under
 32 this subdivision shall be limited to such claims, counterclaims,
 33 defenses or the like that would be required for the commission to have
 34 jurisdiction over the complaint had the complaint remained with the
 35 commission for disposition. If the Attorney General or a commission
 36 legal counsel determines that a material mistake of law or fact has been
 37 made in such finding of reasonable cause, the Attorney General or a
 38 commission legal counsel may decline to bring a civil action and, in
 39 such case, shall remand the file to the investigator for further action.
 40 The investigator shall complete any such action not later than ninety
 41 days after receipt of such file.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2010	46a-83(d)

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill allows complainants to intervene in civil housing discrimination cases brought by the Commission on Human Rights and Opportunities. There is no associated fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**SB 367*****AN ACT CONCERNING THE RIGHT OF A COMPLAINANT TO INTERVENE IN A HOUSING DISCRIMINATION ACTION.*****SUMMARY:**

This bill gives complainants with housing discrimination matters before the Connecticut Commission on Human Rights and Opportunities (CHRO) the right to intervene if the matter is transferred to the Superior Court. By law, if CHRO determines that there is reasonable cause to believe that a violation of the housing discrimination laws has occurred, the complainant or respondent can choose to file a civil action instead of having an administrative hearing before CHRO. In such cases, CHRO brings the civil action in its name on the complainant's behalf. Under current law, the complainant may seek, but does not have the right, to intervene as a separate party.

EFFECTIVE DATE: July 1, 2010

BACKGROUND***Related Case***

In *CHRO ex rel. Kilby v. Litchfield Housing Authority*, 117 Conn. App. 30 (2009), the Connecticut Appellate Court held that housing discrimination complainants have a right to intervene in matters transferred to the Superior Court. The case is now on appeal to the Connecticut Supreme Court.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 34 Nay 8 (03/29/2010)