

Memo

To: Judiciary Committee
From: Robert J. Brothers, Jr., Executive Director
Date: March 26, 2010
Re: **SB 367, AN ACT CONCERNING THE RIGHT TO INTERVENE IN A HOUSING DISCRIMINATION ACTION**

The Commission **SUPPORTS SB 367, AN ACT CONCERNING THE RIGHT TO INTERVENE IN A HOUSING DISCRIMINATION ACTION**

This bill amends CONN. GEN. STAT. § 46a-83(d)(2) to codify the Appellate Court's recent decision in Commission on Human Rights and Opportunities v. Litchfield Housing Authority, 117 Conn. App. 30 (2009), which is on appeal to the Supreme Court. This bill is needed because the state of the law is unsettled and the issue has arisen or may arise in other cases.

By way of background, after the CHRO finds reasonable cause to believe that an act of discrimination has occurred in a housing discrimination case, either the complainant or the respondent can elect to have the complaint heard in Superior Court rather than the CHRO. If the complaint had remained at the CHRO, the complainant would have the right to counsel of his or her own choice and to participate in the trial of the complaint at the discretion of the CHRO. Those rights are guaranteed by CONN. GEN. STAT. § 46a-84(d).

If the complaint is heard in the Superior Court instead of the CHRO, no statute equivalent to CONN. GEN. STAT. § 46a-84(d) allows the complainant to intervene and participate fully in the trial of his or her own complaint. Some Superior Court judges have allowed complainants to intervene, but others have denied them that right, pointing to the fact that CONN. GEN. STAT. § 46a-83(d)(2) does not expressly allow them to do so.

Barring a complainant from intervening in his or her own court case creates a world of problems. It defies common sense that a complainant cannot participate in the trial of his or her own case in Superior Court. That is an especially bizarre result when it is the respondent and not the complainant that chose to be in court.

This is a good bill and we urge your support.