



**TESTIMONY OF ERIN KEMPLE
OF THE CONNECTICUT FAIR HOUSING CENTER
IN SUPPORT OF S.B. 365
AN ACT CONCERNING WAITING LISTS FOR PUBLISH HOUSING**

My name is Erin Kemple. I am the Executive Director of the Connecticut Fair Housing Center (“the Center”). We are a state-wide non-profit that addresses fair housing, fair lending, and homeownership rights. In addition to assisting individuals who believe they have been the victim of housing discrimination, the Center works with the State of Connecticut and other governmental entities to ensure that Connecticut’s public and subsidized housing programs comply with the fair housing laws and affirmatively further fair housing as required by state and federal law. I am here today to support the concept of this bill but to ask that changes be made before this bill is passed out of committee.

Currently, the Department of Housing’s regulations at Con. Agen. Regs 8-37e~~eff~~ require owners of state assisted units to order their waiting lists using either a point system or a lottery system. Under the point system, an applicant’s current housing situation is evaluated and the applicant is given points that are used to order the waiting list. For example, a person who is living in a home that is condemned or has inadequate plumbing, heating and/or cooking facilities can be given up to 25 points. Additional points are given if the tenant is living in an emotionally or physically abusive situation or is living in a shelter or in a situation where her housing costs are more than 50% of her income. Once the applicant’s housing score is added up, all of the applications are placed in order from highest score to lowest with tie scores being broken on a

first-come first-served basis. The lottery system requires housing providers to place all of the applicant's in a lottery which then assigns positions on the waiting list randomly.

This bill would change Con. Gen. Stat. §8-37-ee by requiring the Department of Housing to develop waiting list regulations which would require housing providers working with state housing agencies to offer housing based on a random lottery process for the first thirty days after the date on which such housing initially becomes available. Subsequent to the lottery, the housing shall be offered on a first-come, first-served basis. The Connecticut Fair Housing Center supports the use of a random lottery process for ordering a waiting list. As noted by HUD in PIH-2012-34 (HA) (August 13, 2012)¹ which is attached to my testimony, waiting lists should be opened and applications for subsidized housing should be ordered in a way that is as fair and equitable as possible. In many cases, using a first-come first-served system to place applicants on a waiting list disadvantages people with disabilities and families with children, two groups protected from discrimination by the state and federal fair housing laws. People with disabilities and families with children would not be able to wait in line for a long period of time to submit their applications first and would not be able to get to an application site early enough to be one of the first in line. As a result, both groups would be less likely to place high on a waiting list.

While the proposed amendment to S.B. 325 would use a lottery to place people on a waiting list, it is unclear from the language of this bill what the "date on which such housing initially becomes available" refers to. Under the current regulations, the date on which such housing initially becomes available could be the date on which the housing was first offered for

¹ See also, Memorandum of Marcella Brown and Anthony Britto, HUD-Boston (March 2, 1998).

rent. For some State public housing complexes, this date occurred when the housing was first built in the 1950s or 60s. The wording of this bill should be changed to state:

- (1) To offer housing based on a random lottery process for the first thirty days after the date *on which the waiting list is opened*; (suggested wording in italics)

Without this clarification, the first clause of this amendment will not apply to much of the State's subsidized housing.

The second piece of the amendment states that "after such initial lottery period has passed, to offer housing on a first-come, first-served basis that allows for income tiering." There are two problems with this clause. First, this clause may violate the fair housing laws. As I stated above, people with disabilities and families with children are disadvantaged by first-come first-served ordering of a waiting list. As a result, using such a system, even after a lottery system was used initially, is problematic. A person without a disability may be able to go into a housing provider's office, pick up an application, fill it out, and return it on the same day. A person with a disability might need to have the application mailed to him because his disability prevents him from driving. Once the application is received and filled out, it must then be mailed back. This could result in a week or more delay in the submission of an application for a person with a disability. The same disadvantage applies to families with children. If the children are of school age, the parent would not be able to get into the office until after school started. Even if that parent were able to fill out the application and gather the necessary supporting documentation, it is unlikely there would be time to return the application before school lets out at the end of the day. As a result of these issues, the Center opposes the second part of the proposed amendment.

Second, the language of the second clause requires the regulations to allow for “income tiering.” However, it is unclear what “income tiering” is or how it would affect the ordering of a waiting list. Without clarification of this key term and its effect on the ordering of a waiting list, S.B. 325 as currently written should not be passed out of this Committee.

In conclusion, while the Center supports the idea that all housing waiting lists should be ordered based on a random lottery, S.B. 325 needs some changes before it is passed out of this Committee. Thank you.

Dated: March 4, 2014