



**Connecticut  
Fair Housing Center**

P 24

**TESTIMONY OF THE CONNECTICUT FAIR HOUSING CENTER  
IN OPPOSITION TO**

**S.B. 170, H.B. 5583, S.B. 409, H.B. 6141, H.B. 6144,  
H.B. 6133, S.B. 404, H.B. 6137, H.B. 6143**

Good afternoon. My name is Erin Kemple. I am the Executive Director of the Connecticut Fair Housing Center (hereinafter “the Center”), a state-wide non-profit organization that is dedicated to ensuring that all of Connecticut’s citizens have access to the housing of their choice. I want to thank the Committee, Senator Winfield and Representative Butler for giving me the chance to discuss the important bills on today’s agenda.

My written testimony addresses several bills which have fair housing implications. However, my oral testimony will focus on H.B. 6133 “An Act Concerning The Creation Of A First Offender Status For Those Accused Of Violating The Connecticut Fair Housing Laws,” and the bills which propose to eliminate people with disabilities from elderly housing, S.B. 170, H.B. 5583, S.B. 409, H.B. 6141, H.B. 6144.

H.B. 6133—An Act Concerning the Creation of a First Offender Status for Those Accused of Violating the Connecticut Fair Housing Laws.

The Center opposes this bill for several reasons and asks that it not be passed out of committee. First, if such a law is passed, Connecticut’s fair housing laws will not be substantially equivalent to the federal Fair Housing Act. Currently, the state of Connecticut receives federal funds from the U.S. Department of Housing and Urban Development (hereinafter HUD) that allows it to take complaints and investigate violations of the fair housing

laws. However, receipt of this funding is dependent on Connecticut's fair housing laws remaining substantially equivalent to the federal law. If "first offenders" are not subject to the same penalties under state law as under federal law, the Connecticut law will no longer be substantially equivalent and the federal government is likely to stop its payments to Connecticut.

Second, housing discrimination is not victimless, even if it is the offender's first time and this change in the law could mean that victims receive no restitution. The Center receives more than 300 complaints of housing discrimination each year. In many of these cases, the victim suffers real harm. An applicant who is told she cannot move into an apartment because she is black suffers humiliation, emotional distress, and most importantly, loss of the opportunity to move her family into an apartment that they need. Even landlords can be the victims of housing discrimination. For example, the Center recently represented a small landlord who owned property in New Haven and Hartford when his property insurance was cancelled because he rented to tenants on Section 8. We brought suit against the insurance company and were able to get him compensated for the increase in his insurance premiums and for the time he spent looking for alternative coverage. His insurance provider had never been accused of housing discrimination before, yet this landlord suffered real damages when that company failed to follow Connecticut's fair housing laws. The Center has since brought a similar suit on behalf of two other landlords in Connecticut against insurance companies that have never before been accused of housing discrimination. If this law passes, these small landlords will not be compensated for the financial hardship created by the insurance companies. These landlords and the tenants who experience housing discrimination should have the full range of remedies available to them regardless of whether the accused offender has violated the law once or many times.

Third, according to HUD, four of five people who experience discrimination do not report it.<sup>1</sup> As a result, many housing providers who violate the law are never accused of discrimination or ordered to conform their behavior to the law. This bill would encourage intentional discriminators to violate the law until they got caught because getting caught would entail very little consequence.

Further, passing this bill provides a disincentive for housing providers to get fair housing training or familiarize themselves with their fair housing obligations, obligations which are not new. The federal Fair Housing Act was passed in 1968. The federal Fair Housing Amendments Act which included disability and familial status discrimination was enacted in 1988. The first of Connecticut's many civil rights laws was passed in 1815 with housing discrimination being outlawed explicitly in 1963. Source of income was added to the law in 1990. There is an expectation that landlords, just like all businesspeople, will learn the applicable rules and regulations, including a complicated tax code as well as building and fire codes. By comparison, the fair housing laws are simple to learn and follow. Ignorance of the law is no excuse when it comes to paying your taxes as it should not be for discriminating against vulnerable groups.

Finally, there are many opportunities for landlords to get training on the fair housing laws should they desire to comply with their fair housing obligations. The Connecticut Property Owners Association has had staff from the Center train their members on several occasions. In addition, the Litchfield County Board of Realtors sponsors a training for landlords each year. The Fair Housing Association of Connecticut sponsors a day long training on the fair housing laws every April. The Center has also given landlord trainings for the Winchester Property

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<sup>1</sup> *Do We Know More Now? Trends in Public Knowledge, Support and Use of Fair Housing Law*, U.S. Department of Housing and Urban Development, <http://www.huduser.org/portal/publications/hsgfin/FairHsngSurvey.html>.

Owners Association, the city of Fairfield, the town of Tolland, and the city of Bristol as well as many individual housing providers. Approximately five years ago, the Center wrote to more than ten small landlords in the greater Waterbury community to tell them that the Center had documented illegal discriminatory behavior on their part. In that letter, the Center offered the housing providers free fair housing training. Only two landlords accepted the Center's offer. Finally, real estate agents licensed in Connecticut are required to take fair housing training. Any licensed real estate agent can also educate landlords on their fair housing obligations. There is also extensive information about fair housing laws available online and in plain language that anyone can access.

S.B. 170, H.B. 5583, S.B. 409, H.B. 6141, H.B. 6144—Bills which would change the composition of elderly housing

The Center opposes all of the bills which would change the composition of elderly housing in Connecticut on the basis that they are unnecessary and that they will cause severe hardship for people with disabilities. Instead, the Center urges this Committee to allow the State agencies administering housing, services for the elderly, and services for people with disabilities to meet to discuss a non-legislative solution to this difficult issue.

Currently Connecticut law allows three different configurations of affordable housing supported by state funding. The first type of housing is for families and is open to anyone regardless of age so long as they meet the income limitations. The second type of housing is for elderly people in which every person living in the complex must be over the age of 62. The third type is housing in which 80% of the units must be occupied by someone who is over 55. The other 20% of the units can be occupied by a person of any age so long as all occupants meet the income limitations.

For the first two types of housing, housing for families and housing for people over 62, these bills are unnecessary. Housing for families would not be affected by passage of these bills since they are not “intended for the elderly.” Housing for people over 62 will also be unaffected since everyone living in the complex must be elderly under current law.

If the proposed bills are designed to address the housing in which 20% of the occupants are under the age of 55, these bills will cause severe hardship for people with disabilities. Units for people under the age of 55 are usually occupied by people who are young and disabled. Removing people with disabilities under the age of 55 from these complexes will not only reduce access to affordable housing for people with disabilities, it will likely result in greater homelessness.

According to the Connecticut Coalition to End Homelessness, the number of chronically homeless people in Connecticut is climbing. Chronically homeless people are individuals with one or more disabling conditions who have been homeless for more than a year or who have experienced at least four episodes of homelessness in a year, or families with a member who meets the definition of chronically homeless. Despite this increase, the number of units available to people who are disabled is small. Currently, state supported subsidized housing for the elderly constitutes 22% of the total subsidized housing stock and is 42 times the number of units reserved for people who are disabled. Taking away one of the few sources of affordable housing for people with disabilities will not address the problems faced by people who are elderly and will make it more difficult for people with disabilities to remain housed.

The Center does not discount the need to address issues raised by advocates for people who are elderly. However, the proposed bills do not address the problems raised by those advocates in way that will ensure that both people who are elderly and people with disabilities

will have adequate access to affordable housing. We recommend that there be further study of possible solutions before any of these proposals are acted upon.

#### Additional Bills with Fair Housing Implications

S.B. 404 if passed would require that waiting lists for public housing be ordered using a first come first served method of ordering waiting lists. Such a procedure will put people with disabilities at an illegal disadvantage for subsidized housing. When HUD used a first come first serve method of ordering waiting lists in the 1980s, videos of people spending all night sleeping outside surfaced from around the country. People with disabilities are unable to spend the night sleeping outside, often need assistance filling out forms, and may not have access to mailboxes or a post office. As a result, people with disabilities are likely to end up lower on waiting lists despite having a great need for subsidized housing. Families with children are also disadvantaged by first come first served waiting lists since they also have more difficulty spending the night outside waiting in line to put their name on a waiting list. As a result of its experience in the 1980s, HUD strongly discourages the use of a first come first served waiting list and instead urges the use of a lottery whenever possible. The Center urges this committee to follow HUD's lead and keep the current system of ordering waiting lists which permit either a lottery system or a point system for ordering waiting lists.

H.B. 6137 and H.B. 6143 streamline the application process for affordable housing into one waiting list. The Center supports this idea. Currently, applicants for subsidized housing are required to submit applications to municipal public housing authorities and the each of the non-profits administering the housing voucher programs. When an applicant moves, she must go back to each agency to give them her new contact information or risk being taken off the waiting list when the list is purged. For homeless families and individuals, this can be an onerous

procedure that requires them to maintain files from one homeless shelter to another. However, before this is implemented, the Center would like to be part of any discussion that addresses the issue of how people on current waiting lists will be treated, how the waiting list will be ordered, either by lottery, a point system, or first come first served. Each of these decisions has fair housing implications and must be considered carefully before this bill is implemented.

Thank you again for your attention and I would be happy to answer any questions.

