State of Connecticut
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
Legal Division ~ 25 Sigourney Street, Hartford, CT 06106
Promoting Equality and Justice for all People

Testimony to the Housing Committee
Tuesday, February 23, 2016

HB-5342, *AN ACT CONCERNING APPEALS TO FAIR HOUSING PROCEDURES.*
SB-152, AN ACT CONCERNING THE DISCLOSURE OF HOUSING DISCRIMINATION AND FAIR HOUSING LAWS

Good afternoon Senator Winfield, Representative Butler, Senator Hwang, Representative Kupchick and members of the Housing Committee. My name is Michelle Dumas Keuler, and I am an attorney at the Commission on Human Rights and Opportunities (CHRO). I am here to speak in **opposition** to HB 5342 and in **support** of SB 152.

The claimed purpose of HB 5342 is to provide defendants with equal protection. What this proposal actually does is to limit protections for individuals who are discriminated against by housing providers. This bill harms victims of housing discrimination by limiting the number of complaints that they can file and by limiting the damages that they can recover. This bill also harms the State of Connecticut by eliminating the ability to obtain punitive damages from repeat violators of its housing discrimination law and will mean that the State's housing discrimination laws are no longer "substantially equivalent" to the Federal Housing Discrimination laws, putting $350,000.00 in Federal funding the State receives from the Dept. of Housing and Urban Development (HUD) at risk.

Limiting the number of complaints an individual can file would reward perpetrators of discriminatory conduct by denying the victim the right to file a subsequent complaint if the discriminatory conduct continues or worsens. The proposed provision would also condone retaliatory conduct based on a prior filing of a complaint. HB 5342 would actually encourage landlords to retaliate against tenants, because this bill would immunize the landlord from a retaliation complaint based on the earlier complaint filing.

Limiting the damages that an individual can collect to "actual economic loss" contradicts other language in CONN. GEN. STAT. § 46a-86(c) and interjects confusion into an area of the law that is well settled. For at least half a century, damages under CONN. GEN. STAT. § 46a-86(c) have included compensatory damages. The Connecticut Supreme Court has recognized that compensatory damages may be recovered. Victims of discrimination should continue to be compensated for the emotional distress that occurred when their family was homeless for an extended period of time, when they were unable to use a section 8 rental voucher that they waited years on a waiting list to receive, when they were called a racially offensive slur or when a

landlord refused to accommodate their disability. These unrecognized costs of discrimination eat away at the soul of a civilized society. Housing providers who know that all that they would be responsible for is a nominal cost will not be dissuaded from discriminatory acts.

Finally, CHRO contracts with HUD to investigate and litigate complaints of housing discrimination filed in Connecticut under a contract that requires Connecticut law to be "substantially equivalent" to federal law. These proposed changes to Connecticut law would make Connecticut law not equivalent to federal law, which has no similar restrictions. That will likely lead to the cancellation of our contract with HUD which currently brings over $350,000 of federal money to the General Fund.

Joseph A. Pelletier, Director of HUD's Fair Housing Assistance Program has confirmed that the substantial equivalency of the CHRO would be threatened if HB 5342 were enacted. In particular, he wrote, "There is a clear line of authority going back to at least as early as 1974 establishing that appropriate relief for victims of housing discrimination is not limited solely to economic damages; but rather, that actual damages may include compensation for embarrassment, humiliation, and emotional distress...Additionally, HUD's regulations governing substantial equivalence at 24 C.F.R. part 115 require that provisions of the state and local law must afford administrative and judicial protection and enforcement of the rights embodied in the law, and that the agency must have the authority to grant actual damages in an administrative proceeding...The term "actual damages" is synonymous with "compensatory damages," which include emotional distress and other categories of damages intended to make the victim whole. Mr. Pelletier's letter is attached to this testimony.

I am also here today to support SB 152. The CHRO is dedicated to educating the public about their rights and responsibilities under the fair housing laws of our state. This bill is an effective compliment to the work of the Commission in that is requires by statute that multi-family home purchasers are aware of the fair housing laws in Connecticut. Educating multi-family home buyers about their responsibilities under the law will help to ensure that future landlords are compliant with the fair housing laws.

For these reasons, the CHRO opposes HB 5342 and supports SB 152.