



# Senate

General Assembly

**File No. 91**

February Session, 2016

Substitute Senate Bill No. 197

*Senate, March 21, 2016*

The Committee on Veterans' Affairs reported through SEN. FLEXER of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING VETERANS, DISCRIMINATORY PRACTICES AND ORDERS OF THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES IN EMPLOYMENT DISCRIMINATION CASES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46a-58 of the 2016 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2016*):

4 (a) It shall be a discriminatory practice in violation of this section for  
5 any person to subject, or cause to be subjected, any other person to the  
6 deprivation of any rights, privileges or immunities, secured or  
7 protected by the Constitution or laws of this state or of the United  
8 States, on account of religion, national origin, alienage, color, race, sex,  
9 gender identity or expression, sexual orientation, blindness, mental  
10 disability, [or] physical disability or status as a veteran, as defined in  
11 subsection (a) of section 27-103.

12 (b) Any person who intentionally desecrates any public property,

13 monument or structure, or any religious object, symbol or house of  
14 religious worship, or any cemetery, or any private structure not owned  
15 by such person, shall be in violation of subsection (a) of this section.  
16 For the purposes of this subsection, "desecrate" means to mar, deface  
17 or damage as a demonstration of irreverence or contempt.

18 (c) Any person who places a burning cross or a simulation thereof  
19 on any public property, or on any private property without the written  
20 consent of the owner, shall be in violation of subsection (a) of this  
21 section.

22 (d) Any person who places a noose or a simulation thereof on any  
23 public property, or on any private property without the written  
24 consent of the owner, and with intent to intimidate or harass any other  
25 person on account of religion, national origin, alienage, color, race, sex,  
26 sexual orientation, blindness, [or] physical disability or status as a  
27 veteran, as defined in subsection (a) of section 27-103, shall be in  
28 violation of subsection (a) of this section.

29 (e) Any person who violates any provision of this section shall be  
30 guilty of a class A misdemeanor, except that if property is damaged as  
31 a consequence of such violation in an amount in excess of one  
32 thousand dollars, such person shall be guilty of a class D felony.

33 Sec. 2. Section 46a-59 of the general statutes is repealed and the  
34 following is substituted in lieu thereof (*Effective October 1, 2016*):

35 (a) It shall be a discriminatory practice in violation of this section for  
36 any association, board or other organization the principal purpose of  
37 which is the furtherance of the professional or occupational interests of  
38 its members, whose profession, trade or occupation requires a state  
39 license, to refuse to accept a person as a member of such association,  
40 board or organization because of his race, national origin, creed, sex,  
41 gender identity or expression, [or] color or status as a veteran, as  
42 defined in subsection (a) of section 27-103.

43 (b) Any association, board or other organization which violates the

44 provisions of this section shall be fined not less than one hundred  
45 dollars nor more than five hundred dollars.

46 Sec. 3. Subdivisions (1) to (6), inclusive, of subsection (a) of section  
47 46a-60 of the general statutes are repealed and the following is  
48 substituted in lieu thereof (*Effective October 1, 2016*):

49 (1) For an employer, by the employer or the employer's agent,  
50 except in the case of a bona fide occupational qualification or need, to  
51 refuse to hire or employ or to bar or to discharge from employment  
52 any individual or to discriminate against such individual in  
53 compensation or in terms, conditions or privileges of employment  
54 because of the individual's race, color, religious creed, age, sex, gender  
55 identity or expression, marital status, national origin, ancestry, present  
56 or past history of mental disability, intellectual disability, learning  
57 disability, [or] physical disability, including, but not limited to,  
58 blindness, or status as a veteran, as defined in subsection (a) of section  
59 27-103;

60 (2) For any employment agency, except in the case of a bona fide  
61 occupational qualification or need, to fail or refuse to classify properly  
62 or refer for employment or otherwise to discriminate against any  
63 individual because of such individual's race, color, religious creed, age,  
64 sex, gender identity or expression, marital status, national origin,  
65 ancestry, present or past history of mental disability, intellectual  
66 disability, learning disability, [or] physical disability, including, but  
67 not limited to, blindness, or status as a veteran, as defined in  
68 subsection (a) of section 27-103;

69 (3) For a labor organization, because of the race, color, religious  
70 creed, age, sex, gender identity or expression, marital status, national  
71 origin, ancestry, present or past history of mental disability,  
72 intellectual disability, learning disability, [or] physical disability,  
73 including, but not limited to, blindness, or status as a veteran, as  
74 defined in subsection (a) of section 27-103, of any individual to exclude  
75 from full membership rights or to expel from its membership such  
76 individual or to discriminate in any way against any of its members or

77 against any employer or any individual employed by an employer,  
78 unless such action is based on a bona fide occupational qualification;

79 (4) For any person, employer, labor organization or employment  
80 agency to discharge, expel or otherwise discriminate against any  
81 person because such person has opposed any discriminatory  
82 employment practice or because such person has filed a complaint or  
83 testified or assisted in any proceeding under section 46a-82, 46a-83 or  
84 46a-84;

85 (5) For any person, whether an employer or an employee or not, to  
86 aid, abet, incite, compel or coerce the doing of any act declared to be a  
87 discriminatory employment practice or to attempt to do so;

88 (6) For any person, employer, employment agency or labor  
89 organization, except in the case of a bona fide occupational  
90 qualification or need, to advertise employment opportunities in such a  
91 manner as to restrict such employment so as to discriminate against  
92 individuals because of their race, color, religious creed, age, sex,  
93 gender identity or expression, marital status, national origin, ancestry,  
94 present or past history of mental disability, intellectual disability,  
95 learning disability, [or] physical disability, including, but not limited  
96 to, blindness, or status as a veteran, as defined in subsection (a) of  
97 section 27-103;

98 Sec. 4. Subsection (a) of section 46a-64 of the general statutes is  
99 repealed and the following is substituted in lieu thereof (*Effective*  
100 *October 1, 2016*):

101 (a) It shall be a discriminatory practice in violation of this section: (1)  
102 To deny any person within the jurisdiction of this state full and equal  
103 accommodations in any place of public accommodation, resort or  
104 amusement because of race, creed, color, national origin, ancestry, sex,  
105 gender identity or expression, marital status, age, lawful source of  
106 income, intellectual disability, mental disability, [or] physical  
107 disability, including, but not limited to, blindness or deafness, or status  
108 as a veteran, as defined in subsection (a) of section 27-103, of the

109 applicant, subject only to the conditions and limitations established by  
110 law and applicable alike to all persons; (2) to discriminate, segregate or  
111 separate on account of race, creed, color, national origin, ancestry, sex,  
112 gender identity or expression, marital status, age, lawful source of  
113 income, intellectual disability, mental disability, learning disability,  
114 [or] physical disability, including, but not limited to, blindness or  
115 deafness, or status as a veteran, as defined in subsection (a) of section  
116 27-103; (3) for a place of public accommodation, resort or amusement  
117 to restrict or limit the right of a mother to breast-feed her child; (4) for  
118 a place of public accommodation, resort or amusement to fail or refuse  
119 to post a notice, in a conspicuous place, that any blind, deaf or mobility  
120 impaired person, accompanied by his guide dog wearing a harness or  
121 an orange-colored leash and collar, may enter such premises or  
122 facilities; or (5) to deny any blind, deaf or mobility impaired person or  
123 any person training a dog as a guide dog for a blind person or a dog to  
124 assist a deaf or mobility impaired person, accompanied by his guide  
125 dog or assistance dog, full and equal access to any place of public  
126 accommodation, resort or amusement. Any blind, deaf or mobility  
127 impaired person or any person training a dog as a guide dog for a  
128 blind person or a dog to assist a deaf or mobility impaired person may  
129 keep his guide dog or assistance dog with him at all times in such  
130 place of public accommodation, resort or amusement at no extra  
131 charge, provided the dog wears a harness or an orange-colored leash  
132 and collar and is in the direct custody of such person. The blind, deaf  
133 or mobility impaired person or person training a dog as a guide dog  
134 for a blind person or a dog to assist a deaf or mobility impaired person  
135 shall be liable for any damage done to the premises or facilities by his  
136 dog. For purposes of this subdivision, "guide dog" or "assistance dog"  
137 includes a dog being trained as a guide dog or assistance dog and  
138 "person training a dog as a guide dog for a blind person or a dog to  
139 assist a deaf or mobility impaired person" means a person who is  
140 employed by and authorized to engage in designated training  
141 activities by a guide dog organization or assistance dog organization  
142 that complies with the criteria for membership in a professional  
143 association of guide dog or assistance dog schools and who carries

144 photographic identification indicating such employment and  
145 authorization.

146 Sec. 5. Section 46a-64c of the general statutes is repealed and the  
147 following is substituted in lieu thereof (*Effective October 1, 2016*):

148 (a) It shall be a discriminatory practice in violation of this section:

149 (1) To refuse to sell or rent after the making of a bona fide offer, or  
150 to refuse to negotiate for the sale or rental of, or otherwise make  
151 unavailable or deny, a dwelling to any person because of race, creed,  
152 color, national origin, ancestry, sex, gender identity or expression,  
153 marital status, age, lawful source of income, [or] familial status or  
154 status as a veteran, as defined in subsection (a) of section 27-103.

155 (2) To discriminate against any person in the terms, conditions, or  
156 privileges of sale or rental of a dwelling, or in the provision of services  
157 or facilities in connection therewith, because of race, creed, color,  
158 national origin, ancestry, sex, gender identity or expression, marital  
159 status, age, lawful source of income, [or] familial status or status as a  
160 veteran, as defined in subsection (a) of section 27-103.

161 (3) To make, print or publish, or cause to be made, printed or  
162 published any notice, statement, or advertisement, with respect to the  
163 sale or rental of a dwelling that indicates any preference, limitation, or  
164 discrimination based on race, creed, color, national origin, ancestry,  
165 sex, gender identity or expression, marital status, age, lawful source of  
166 income, familial status, learning disability, [or] physical or mental  
167 disability or status as a veteran, as defined in subsection (a) of section  
168 27-103, or an intention to make any such preference, limitation or  
169 discrimination.

170 (4) (A) To represent to any person because of race, creed, color,  
171 national origin, ancestry, sex, gender identity or expression, marital  
172 status, age, lawful source of income, familial status, learning disability,  
173 [or] physical or mental disability or status as a veteran, as defined in  
174 subsection (a) of section 27-103, that any dwelling is not available for

175 inspection, sale or rental when such dwelling is in fact so available.

176 (B) It shall be a violation of this subdivision for any person to  
177 restrict or attempt to restrict the choices of any buyer or renter to  
178 purchase or rent a dwelling (i) to an area which is substantially  
179 populated, even if less than a majority, by persons of the same  
180 protected class as the buyer or renter, (ii) while such person is  
181 authorized to offer for sale or rent another dwelling which meets the  
182 housing criteria as expressed by the buyer or renter to such person,  
183 and (iii) such other dwelling is in an area which is not substantially  
184 populated by persons of the same protected class as the buyer or  
185 renter. As used in this subdivision, "area" means municipality,  
186 neighborhood or other geographic subdivision which may include an  
187 apartment or condominium complex; and "protected class" means race,  
188 creed, color, national origin, ancestry, sex, gender identity or  
189 expression, marital status, age, lawful source of income, familial status,  
190 learning disability, [or] physical or mental disability or status as a  
191 veteran, as defined in subsection (a) of section 27-103.

192 (5) For profit, to induce or attempt to induce any person to sell or  
193 rent any dwelling by representations regarding the entry or  
194 prospective entry into the neighborhood of a person or persons of a  
195 particular race, creed, color, national origin, ancestry, sex, gender  
196 identity or expression, marital status, age, lawful source of income,  
197 familial status, learning disability, [or] physical or mental disability or  
198 status as a veteran, as defined in subsection (a) of section 27-103.

199 (6) (A) To discriminate in the sale or rental, or to otherwise make  
200 unavailable or deny, a dwelling to any buyer or renter because of a  
201 learning disability or physical or mental disability of: (i) Such buyer or  
202 renter; (ii) a person residing in or intending to reside in such dwelling  
203 after it is so sold, rented, or made available; or (iii) any person  
204 associated with such buyer or renter.

205 (B) To discriminate against any person in the terms, conditions or  
206 privileges of sale or rental of a dwelling, or in the provision of services  
207 or facilities in connection with such dwelling, because of a learning

208 disability or physical or mental disability of: (i) Such person; or (ii) a  
209 person residing in or intending to reside in such dwelling after it is so  
210 sold, rented, or made available; or (iii) any person associated with such  
211 person.

212 (C) For purposes of this subdivision, discrimination includes: (i) A  
213 refusal to permit, at the expense of a person with a physical or mental  
214 disability, reasonable modifications of existing premises occupied or to  
215 be occupied by such person if such modifications may be necessary to  
216 afford such person full enjoyment of the premises; except that, in the  
217 case of a rental, the landlord may, where it is reasonable to do so,  
218 condition permission for a modification on the renter agreeing to  
219 restore the interior of the premises to the condition that existed before  
220 the modification, reasonable wear and tear excepted; (ii) a refusal to  
221 make reasonable accommodations in rules, policies, practices or  
222 services, when such accommodations may be necessary to afford such  
223 person equal opportunity to use and enjoy a dwelling; (iii) in  
224 connection with the design and construction of covered multifamily  
225 dwellings for the first occupancy after March 13, 1991, a failure to  
226 design and construct those dwellings in such manner that they comply  
227 with the requirements of Section 804(f) of the Fair Housing Act or the  
228 provisions of the state building code as adopted pursuant to the  
229 provisions of sections 29-269 and 29-273, whichever requires greater  
230 accommodation. "Covered multifamily dwellings" means buildings  
231 consisting of four or more units if such buildings have one or more  
232 elevators, and ground floor units in other buildings consisting of four  
233 or more units.

234 (7) For any person or other entity engaging in residential real-estate-  
235 related transactions to discriminate against any person in making  
236 available such a transaction, or in the terms or conditions of such a  
237 transaction, because of race, creed, color, national origin, ancestry, sex,  
238 gender identity or expression, marital status, age, lawful source of  
239 income, familial status, learning disability, [or] physical or mental  
240 disability or status as a veteran, as defined in subsection (a) of section  
241 27-103.

242 (8) To deny any person access to or membership or participation in  
243 any multiple-listing service, real estate brokers' organization or other  
244 service, organization, or facility relating to the business of selling or  
245 renting dwellings, or to discriminate against him in the terms or  
246 conditions of such access, membership or participation, on account of  
247 race, creed, color, national origin, ancestry, sex, gender identity or  
248 expression, marital status, age, lawful source of income, familial status,  
249 learning disability, [or] physical or mental disability or status as a  
250 veteran, as defined in subsection (a) of section 27-103.

251 (9) To coerce, intimidate, threaten, or interfere with any person in  
252 the exercise or enjoyment of, or on account of his having exercised or  
253 enjoyed, or on account of his having aided or encouraged any other  
254 person in the exercise or enjoyment of, any right granted or protected  
255 by this section.

256 (b) (1) The provisions of this section shall not apply to (A) the rental  
257 of a room or rooms in a single-family dwelling unit if the owner  
258 actually maintains and occupies part of such living quarters as his  
259 residence or (B) a unit in a dwelling containing living quarters  
260 occupied or intended to be occupied by no more than two families  
261 living independently of each other, if the owner actually maintains and  
262 occupies the other such living quarters as his residence. (2) The  
263 provisions of this section with respect to the prohibition of  
264 discrimination on the basis of marital status shall not be construed to  
265 prohibit the denial of a dwelling to a man or a woman who are both  
266 unrelated by blood and not married to each other. (3) The provisions of  
267 this section with respect to the prohibition of discrimination on the  
268 basis of age shall not apply to minors, to special discount or other  
269 public or private programs to assist persons sixty years of age and  
270 older or to housing for older persons as defined in section 46a-64b,  
271 provided there is no discrimination on the basis of age among older  
272 persons eligible for such housing. (4) The provisions of this section  
273 with respect to the prohibition of discrimination on the basis of familial  
274 status shall not apply to housing for older persons as defined in section  
275 46a-64b or to a unit in a dwelling containing units for no more than

276 four families living independently of each other, if the owner of such  
277 dwelling resides in one of the units. (5) The provisions of this section  
278 with respect to the prohibition of discrimination on the basis of lawful  
279 source of income shall not prohibit the denial of full and equal  
280 accommodations solely on the basis of insufficient income. (6) The  
281 provisions of this section with respect to the prohibition of  
282 discrimination on the basis of sex shall not apply to the rental of  
283 sleeping accommodations to the extent they utilize shared bathroom  
284 facilities when such sleeping accommodations are provided by  
285 associations and organizations which rent such sleeping  
286 accommodations on a temporary or permanent basis for the exclusive  
287 use of persons of the same sex based on considerations of privacy and  
288 modesty.

289 (c) Nothing in this section limits the applicability of any reasonable  
290 state statute or municipal ordinance restricting the maximum number  
291 of persons permitted to occupy a dwelling.

292 (d) Nothing in this section or section 46a-64b shall be construed to  
293 invalidate or limit any state statute or municipal ordinance that  
294 requires dwellings to be designed and constructed in a manner that  
295 affords persons with physical or mental disabilities greater access than  
296 is required by this section or section 46a-64b.

297 (e) Nothing in this section prohibits a person engaged in the  
298 business of furnishing appraisals of real property to take into  
299 consideration factors other than race, creed, color, national origin,  
300 ancestry, sex, gender identity or expression, marital status, age, lawful  
301 source of income, familial status, learning disability, [or] physical or  
302 mental disability or status as a veteran, as defined in subsection (a) of  
303 section 27-103.

304 (f) Notwithstanding any other provision of this chapter, complaints  
305 alleging a violation of this section shall be investigated within one  
306 hundred days of filing and a final administrative disposition shall be  
307 made within one year of filing unless it is impracticable to do so. If the  
308 Commission on Human Rights and Opportunities is unable to

309 complete its investigation or make a final administrative determination  
310 within such time frames, it shall notify the complainant and the  
311 respondent in writing of the reasons for not doing so.

312 (g) Any person who violates any provision of this section shall be  
313 guilty of a class D misdemeanor.

314 Sec. 6. Section 46a-66 of the general statutes is repealed and the  
315 following is substituted in lieu thereof (*Effective October 1, 2016*):

316 (a) It shall be a discriminatory practice in violation of this section for  
317 any creditor to discriminate on the basis of sex, gender identity or  
318 expression, age, race, color, religious creed, national origin, ancestry,  
319 marital status, intellectual disability, learning disability, blindness, [or]  
320 physical disability or status as a veteran, as defined in subsection (a) of  
321 section 27-103, against any person eighteen years of age or over in any  
322 credit transaction.

323 (b) No liability may be imposed under this section for an act done or  
324 omitted in conformity with a regulation or declaratory ruling of the  
325 Banking Commissioner, the Federal Reserve Board or any other  
326 governmental agency having jurisdiction under the Equal Credit  
327 Opportunity Act, notwithstanding that after the act or omission the  
328 regulation or declaratory ruling may be amended, repealed or  
329 determined to be invalid for any reason.

330 Sec. 7. Section 46a-70 of the general statutes is repealed and the  
331 following is substituted in lieu thereof (*Effective October 1, 2016*):

332 (a) State officials and supervisory personnel shall recruit, appoint,  
333 assign, train, evaluate and promote state personnel on the basis of  
334 merit and qualifications, without regard for race, color, religious creed,  
335 sex, gender identity or expression, marital status, age, national origin,  
336 ancestry, intellectual disability, mental disability, learning disability,  
337 [or] physical disability, including, but not limited to, blindness, or  
338 status as a veteran, as defined in subsection (a) of section 27-103, unless  
339 it is shown by such state officials or supervisory personnel that such

340 disability prevents performance of the work involved.

341 (b) All state agencies shall promulgate written directives to carry  
342 out this policy and to guarantee equal employment opportunities at all  
343 levels of state government. They shall regularly review their personnel  
344 practices to assure compliance.

345 (c) All state agencies shall conduct continuing orientation and  
346 training programs with emphasis on human relations and  
347 nondiscriminatory employment practices.

348 (d) The Commissioner of Administrative Services shall insure that  
349 the entire examination process, including qualifications appraisal, is  
350 free from bias.

351 (e) Appointing authorities shall exercise care to insure utilization of  
352 minority group persons.

353 Sec. 8. Section 46a-71 of the general statutes is repealed and the  
354 following is substituted in lieu thereof (*Effective October 1, 2016*):

355 (a) All services of every state agency shall be performed without  
356 discrimination based upon race, color, religious creed, sex, gender  
357 identity or expression, marital status, age, national origin, ancestry,  
358 intellectual disability, mental disability, learning disability, [or]  
359 physical disability, including, but not limited to, blindness, or status as  
360 a veteran, as defined in subsection (a) of section 27-103.

361 (b) No state facility may be used in the furtherance of any  
362 discrimination, nor may any state agency become a party to any  
363 agreement, arrangement or plan which has the effect of sanctioning  
364 discrimination.

365 (c) Each state agency shall analyze all of its operations to ascertain  
366 possible instances of noncompliance with the policy of sections 46a-70  
367 to 46a-78, inclusive, as amended by this act, and shall initiate  
368 comprehensive programs to remedy any defect found to exist.

369 (d) Every state contract or subcontract for construction on public  
370 buildings or for other public work or for goods and services shall  
371 conform to the intent of section 4a-60.

372 Sec. 9. Section 46a-72 of the general statutes is repealed and the  
373 following is substituted in lieu thereof (*Effective October 1, 2016*):

374 (a) All state agencies, including educational institutions, which  
375 provide employment referrals or placement services to public or  
376 private employers, shall accept job orders on a nondiscriminatory  
377 basis.

378 (b) Any job request indicating an intention to exclude any person  
379 because of race, color, religious creed, sex, gender identity or  
380 expression, marital status, age, national origin, ancestry, intellectual  
381 disability, mental disability, learning disability, [or] physical disability,  
382 including, but not limited to, blindness, or status as a veteran, as  
383 defined in subsection (a) of section 27-103, shall be rejected, unless it is  
384 shown by such public or private employers that such disability  
385 prevents performance of the work involved.

386 (c) All state agencies shall cooperate in programs developed by the  
387 Commission on Human Rights and Opportunities initiated for the  
388 purpose of broadening the base for job recruitment and shall further  
389 cooperate with all employers and unions providing such programs.

390 (d) The Labor Department shall encourage and enforce employers  
391 and labor unions to comply with the policy of sections 46a-70 to 46a-  
392 78, inclusive, as amended by this act, and promote equal employment  
393 opportunities.

394 Sec. 10. Section 46a-73 of the general statutes is repealed and the  
395 following is substituted in lieu thereof (*Effective October 1, 2016*):

396 (a) No state department, board or agency may grant, deny or revoke  
397 the license or charter of any person on the grounds of race, color,  
398 religious creed, sex, gender identity or expression, marital status, age,  
399 national origin, ancestry, intellectual disability, mental disability,

400 learning disability, [or] physical disability, including, but not limited  
401 to, blindness, or status as a veteran, as defined in subsection (a) of  
402 section 27-103, unless it is shown by such state department, board or  
403 agency that such disability prevents performance of the work  
404 involved.

405 (b) Each state agency shall take such appropriate action in the  
406 exercise of its licensing or regulatory power as will assure equal  
407 treatment of all persons and eliminate discrimination and enforce  
408 compliance with the policy of sections 46a-70 to 46a-78, inclusive, as  
409 amended by this act.

410 Sec. 11. Section 46a-75 of the general statutes is repealed and the  
411 following is substituted in lieu thereof (*Effective October 1, 2016*):

412 (a) All educational, counseling, and vocational guidance programs  
413 and all apprenticeship and on-the-job training programs of state  
414 agencies, or in which state agencies participate, shall be open to all  
415 qualified persons, without regard to race, color, religious creed, sex,  
416 gender identity or expression, marital status, age, national origin,  
417 ancestry, intellectual disability, mental disability, learning disability,  
418 [or] physical disability, including, but not limited to, blindness, or  
419 status as a veteran, as defined in subsection (a) of section 27-103.

420 (b) Such programs shall be conducted to encourage the fullest  
421 development of the interests, aptitudes, skills, and capacities of all  
422 students and trainees, with special attention to the problems of  
423 culturally deprived, educationally handicapped, learning disabled,  
424 economically disadvantaged, or physically disabled, including, but not  
425 limited to, blind persons.

426 (c) Expansion of training opportunities under these programs shall  
427 be encouraged so as to involve larger numbers of participants from  
428 those segments of the labor force where the need for upgrading levels  
429 of skill is greatest.

430 Sec. 12. Section 46a-76 of the general statutes is repealed and the

431 following is substituted in lieu thereof (*Effective October 1, 2016*):

432 (a) Race, color, religious creed, sex, gender identity or expression,  
433 marital status, age, national origin, ancestry, intellectual disability,  
434 mental disability, learning disability, [or] physical disability, including,  
435 but not limited to, blindness, or status as a veteran, as defined in  
436 subsection (a) of section 27-103, shall not be considered as limiting  
437 factors in state-administered programs involving the distribution of  
438 funds to qualify applicants for benefits authorized by law.

439 (b) No state agency may provide grants, loans or other financial  
440 assistance to public agencies, private institutions or organizations  
441 which discriminate.

442 Sec. 13. Subsections (a) and (b) of section 46a-86 of the 2016  
443 supplement to the general statutes are repealed and the following is  
444 substituted in lieu thereof (*Effective October 1, 2016*):

445 (a) If, upon all the evidence presented at the hearing conducted  
446 pursuant to section 46a-84, the presiding officer finds that a  
447 respondent has engaged in any discriminatory practice, the presiding  
448 officer shall make written findings of fact and file with the commission  
449 and serve on the complainant and respondent an order requiring the  
450 respondent to cease and desist from the discriminatory practice and to  
451 take such affirmative action as is necessary to achieve the purpose of  
452 this chapter and redress any injury of the complainant resulting from  
453 the discriminatory practice.

454 (b) In addition to any other action taken under this section, upon a  
455 finding of a discriminatory employment practice, the presiding officer  
456 [may] shall order the hiring, promotion or reinstatement of any  
457 individual, with or without back pay, or restoration to membership in  
458 any respondent labor organization and shall allow reasonable  
459 attorney's fees and costs. The amount of attorney's fees allowed shall  
460 not be contingent upon the amount of damages requested by or  
461 awarded to the complainant. Liability for back pay shall not accrue  
462 from a date more than two years prior to the filing or issuance of the

463 complaint. Interim earnings, including unemployment compensation  
 464 and welfare assistance or amounts which could have been earned with  
 465 reasonable diligence on the part of the person to whom back pay is  
 466 awarded shall be deducted from the amount of back pay to which such  
 467 person is otherwise entitled. The amount of any deduction for interim  
 468 unemployment compensation or welfare assistance shall be paid by  
 469 the respondent to the commission which shall transfer such amount to  
 470 the appropriate state or local agency.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	46a-58
Sec. 2	<i>October 1, 2016</i>	46a-59
Sec. 3	<i>October 1, 2016</i>	46a-60(a)(1) to (6)
Sec. 4	<i>October 1, 2016</i>	46a-64(a)
Sec. 5	<i>October 1, 2016</i>	46a-64c
Sec. 6	<i>October 1, 2016</i>	46a-66
Sec. 7	<i>October 1, 2016</i>	46a-70
Sec. 8	<i>October 1, 2016</i>	46a-71
Sec. 9	<i>October 1, 2016</i>	46a-72
Sec. 10	<i>October 1, 2016</i>	46a-73
Sec. 11	<i>October 1, 2016</i>	46a-75
Sec. 12	<i>October 1, 2016</i>	46a-76
Sec. 13	<i>October 1, 2016</i>	46a-86(a) and (b)

**VA**      *Joint Favorable Subst.*

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 prohibits discrimination on the basis of a veteran's status under certain laws over which the Commission on Human Rights and Opportunities (CHRO) has jurisdiction and allows veterans to file discrimination complaints.

This is not anticipated to result in a cost to CHRO. The agency has 42 prosecutors, adjudicators, and legal staff specifically dedicated to working on discrimination complaints.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****sSB 197****AN ACT CONCERNING VETERANS, DISCRIMINATORY PRACTICES AND ORDERS OF THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES IN EMPLOYMENT DISCRIMINATION CASES.****SUMMARY:**

This bill prohibits discrimination on the basis of a veteran's status in employment, public accommodations, the sale or rental of housing, the granting of credit, and other laws over which the Commission on Human Rights and Opportunities (CHRO) has jurisdiction. It authorizes people to file discrimination complaints with CHRO, which enforces antidiscrimination laws in these areas.

The bill also expands the authority of a presiding officer at a CHRO hearing with regard to the orders he makes on finding evidence of a discriminatory practice.

EFFECTIVE DATE: October 1, 2016

**DISCRIMINATION IN EMPLOYMENT, PUBLIC ACCOMMODATIONS, HOUSING, AND CREDIT****§ 1 — General Antidiscriminatory Provision**

Under existing law, it is a discriminatory practice to deprive someone of any rights, privileges, or immunities secured or protected by Connecticut or federal laws or constitutions, or cause such a deprivation, because of religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, or mental or physical disability. The bill adds veteran's status to this list, thus authorizing CHRO to investigate claims of discrimination against veterans on the basis of their status as veterans.

**§ 3 — Employment**

The bill prohibits an employer or employer's agent, except in the case of a bona fide occupational qualification or need, from refusing to hire or employ someone; barring or discharging someone from employment; or discriminating against someone in pay or in employment terms, conditions, or privileges because the person is a veteran. This prohibition applies to any employer, public or private, that employs three or more people. It applies to all employees except those employed (1) by their parents, spouse, or children, or (2) in domestic service.

The act also prohibits the following kinds of employment discrimination based on veteran status:

1. employment agencies failing or refusing to classify properly or refer for employment or otherwise discriminating against someone except in the case of a bona fide occupational qualification or need;
2. labor organizations excluding someone from full membership rights, expelling a member, or discriminating in any way against a member, employer, or employee, unless the action is due to a bona fide occupational qualification or need;
3. employers, employment agencies, labor organizations, or anyone else taking adverse action against someone because he or she opposed a discriminatory employment practice, brought a complaint, or testified or assisted someone else in a complaint proceeding;
4. any person aiding, abetting, inciting, compelling, or coercing someone to commit a discriminatory employment practice or attempting to do so; and
5. employers, employment agencies, labor organizations, or anyone else advertising employment opportunities in a way that restricts employment and thus discriminates, except for a bona fide occupational qualification or need.

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**§ 4 — Public Accommodations**

The bill prohibits anyone from denying someone, on the basis of his or her status as a veteran, full and equal accommodations in any public establishment (i.e., one that caters or offers its services, facilities, or goods to the general public), including any commercial property or building lot on which a commercial building will be built or offered for sale or rent, subject to lawful conditions and limitations that apply alike to everyone. It further prohibits discriminating, segregating, or separating people on the basis of their veteran status. Violations are punishable as a class D misdemeanor subject to a fine of up to \$250, up to 30 days' imprisonment, or both.

**§ 5 — Housing**

The bill prohibits the following kinds of housing discrimination based on one's status as a veteran:

1. refusing to sell or rent after a person makes a bona fide offer, or refusing to negotiate for the sale or rental of a dwelling, or otherwise denying or making a dwelling unavailable;
2. discriminating in the terms, conditions, or privileges of a dwelling's sale or rental, or in the provision of services or facilities in connection with the sale or rental;
3. making, printing, publishing, or causing this to be done, any notice, statement, or advertisement concerning the sale or rental of a dwelling that indicates a preference, limitation, or discrimination, or an intention to make such a preference, limitation, or discrimination;
4. falsely representing to someone that a dwelling is not available for inspection, sale, or rental, a practice commonly known as "steering. "
5. for profit, inducing or attempting to induce someone to sell or rent a dwelling by representing that veterans are moving, or may move, into the neighborhood;

6. any person or entity engaging in residential real estate transactions discriminating in making a transaction available or its terms or conditions;
7. denying someone access to, or membership or participation in, any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminating in the terms or conditions of such access, membership, or participation; and
8. coercing, intimidating, threatening, or interfering with someone in the exercise or enjoyment of, or on account of the person having exercised, enjoyed, or aided or encouraged someone else in the exercise or enjoyment of, these rights.

Violations are punishable as class D misdemeanors.

The law's prohibitions on housing discrimination do not apply to either of the following, if the owner maintains his or her residence there: (1) renting a room or rooms in a single-family home or (2) a unit in a two-family home.

The bill allows property appraisers furnishing appraisals to consider factors other than veterans' status. Existing law allows them to consider factors other than race, creed, color, national origin, ancestry, sex, gender, identity or expression, marital status, age, lawful source of income, familial status, learning disability, or physical or mental disability.

#### **§ 6 — Credit**

The bill prohibits a creditor from discriminating against any adult in a credit transaction on the basis of the person's veteran status.

#### **Other Areas Subject to CHRO's Jurisdiction**

The bill gives CHRO authority to investigate claims of discrimination based on a person's veteran status under other laws over which CHRO has jurisdiction. The bill:

1. subjects any professional or trade association, board, or other similar organization whose profession, trade, or occupation requires a state license, to a fine of \$100 to \$500 for denying someone membership because of his or her veteran status (§ 2);
2. requires state officials and supervisory personnel to recruit, appoint, assign, train, evaluate, and promote state personnel on the basis of merit and qualifications, without regard to veteran status (§ 7);
3. requires state agency services to be performed without discrimination based on veteran status (§ 8);
4. requires any state agency that provides employment referrals or placement services to public or private employers to reject any job request that indicates an intention to exclude anyone based on his or her veteran status (§ 9);
5. prohibits state departments, boards, or agencies from granting, denying, or revoking a person's license or charter on the grounds of veteran status (§ 10);
6. requires all educational, counseling, and vocational guidance programs and all apprenticeship and on-the-job training programs of state agencies, or in which state agencies participate, to be open to all qualified persons, without regard to veteran status (§ 11); and
7. prohibits a veteran's status from being considered as a limiting factor in state-administered programs involving the distribution of funds to qualify applicants for benefits authorized by law, and prohibits the state from giving financial assistance to public agencies, private institutions, or other organizations which discriminate on this basis (§ 12).

**CHRO HEARINGS**

In addition to any other action taken by a CHRO hearing officer,

after a finding of a discriminatory employment practice, the bill requires, rather than allows, the officer to order that a complainant be hired or reinstated, with or without back pay, or that his or her membership in any respondent labor organization be restored. The bill adds promotion to the list of possible orders. It also requires the officer to allow reasonable attorney's fees and costs. The amount of such fees cannot be contingent upon the amount of damages requested by or awarded to the complainant.

The bill also requires the presiding officer at a hearing conducted upon a discriminatory practice complaint, and upon a finding of such practice, to redress any injury the complainant suffered from the discriminatory practice.

**BACKGROUND**

***Related Bill***

SB 21, reported favorably by the Veterans Committee, broadens the scope of the law barring discrimination in the state's armed forces to more closely align with CHRO's antidiscrimination laws and federal policies relating to the armed forces.

**COMMITTEE ACTION**

Veterans' Affairs Committee

Joint Favorable Substitute

Yea 13    Nay 0    (03/03/2016)