



Legislative Program Review and Investigation Committee

Testimony

STUDY SCOPE

Commission on Human Rights and Opportunities:
Discrimination Complaint Processing

Good afternoon Senator Fonfara and Representative Carpino and esteemed members of the committee. My name is Robert Chesson and I am here representing the Connecticut Apartment Association (CTAA). CTAA represents over 41,000 units, the largest number of apartments represented by any single association in the state. CTAA members consist of the state's leading firms in the multifamily rental housing industry, many of whom manage national portfolios. The association's mission is to actively lead the apartment industry in providing quality housing by educating, advocating and connecting property owners, managers and vendor partners. Our parent organization, the National Apartment Association (NAA), represents more than 8.1 million apartment homes throughout the United States, Canada and Europe.

Thank you for giving our members the opportunity to comment on how the Commission on Human Rights and Opportunities (CHRO) administers discrimination complaint processes. Your study will examine this process as it relates to employment, housing, credit, and public accommodations. While our members serve as a significant source of employment for CT citizens throughout the state, we wish to address your areas of analysis only as they pertain to the housing complaints.

The most concerning aspects of the CHRO's administration of its discrimination complaint process is the rapidly growing number of cases that are decided against the respondents in fair housing claims; the minimal threshold against which a complaint is measured before a respondent is required to provide volumes of information in reply; and, the growing trend of single individuals and testers, with the support of tenant advocacy groups, filing multiple complaints against the same or successive landlords with the intent of extracting monetary settlements that are disproportionate to the actual damages suffered by the complainant in the matter. These trends are exacerbated by a process that requires a complainant to simply state, without verification and without declaring under oath, that they believe they were the target of discrimination, with such statement meeting the requirements to initiate the entire mediation, investigation and hearing process.

The process as it is designed and administered does not offer a level playing field to the landlords in this state. It assumes the landlord is guilty before the process begins and requires the landlord to prove a negative - that they did not discriminate - without the complainant being required to prove the unverified allegations in their complaint. It has created a cottage industry of people and representatives who make a living bringing unverified complaints and threatening extensive cost and time burdens on housing providers if they are unwilling to mediate a quick settlement to the claim. In fact, the CHRO often uses the looming time and expense of a full investigation and hearing as motivation to persuade



landlords to settle their cases in favor of the complainants. And, if that were not bad enough, some landlords report that they've been told that although their actions were not discriminatory, since the mediators/investigators wanted some changes to the policies the landlord submitted or the operational process of the landlord, the landlord could agree to make the changes and settle the case with payment to the complainant, or the matter would proceed further at the landlords cost and expense.

This is an unfair process and it should be overhauled extensively. The CTAA and the NAA support the elimination of discriminatory housing practices and they expend tremendous resources annually to educate and support their members in eliminating such practices in the multifamily housing industry. But, the punitive nature of the housing complaint process serves neither of those purposes and is being exploited for personal gain.

The CTAA invites this committee to report that an overhaul of the CHRO housing complaint process is necessary to ensure that all parties are treated fairly and that the end result is a reduction of housing discrimination cases, not an ever increasing volume with ever increasing monetary awards to the complainants and their advocates.

Members of the CTAA are happy to make themselves available to your committee for further information on this issue, to assist with technical analysis and recommendations for such an overhaul, and to develop educational programs that will help everyone in the housing industry. We thank you for your time and your work on this important matter.

Sincerely,

Robert Chesson, Esq.

Chairman, CTAA Government Relations Committee