



Program Review & Investigation Committee

Public Hearing; September 21, 2016

CHRO: Discrimination Complaint Processing

Testimony of Bob De Cosmo, President of the CT Property Owners Alliance

In SUPPORT of changing the procedures at CHRO

Honorable members of the Program Review & Investigation Committee, I appreciate your committee granting our request to conduct this study. We believe the procedures at CHRO are not balanced and Due Process has been diminished for those accused of Fair Housing violations.

The Connecticut Property Owners Alliance represents approximately 17,000 rental units and are concerned how the fair housing complaints are being processed. From the many property owners I spoke with that have been through the process; they claim it forces innocent a property owners (respondent) into settling the claim without any admission of guilt because defending oneself is too costly with such an uneven process that clearly favors the Complainant.

To show some examples of this inequity;

- HUD pays CHRO more money for investigations that result in Cause Findings than for those investigations resulting in No-Cause Findings.
- Respondents have unlimited reconsideration rights, Complainants have none.
- Complainants have free lawyers provided to them owners must pay to defend themselves.
- Complainants are not required to file any paperwork under oath, Respondents must swear under oath for all correspondence.

Connecticut settles more cases percentage-wise than other states with owners writing checks to Complainants without any admission of guilt because the standard or burden of proof is too low. Massachusetts with twice the population has 50% fewer discrimination cases so something is askew with Connecticut's numbers.

I will not get into any personal stories as I am sure that there are many compelling stories on both sides of this issue but simply provide our recommendations how to make this process fair for all parties involved.



1. **The Standard of Review should be raised** so that the Complainant can only request "Reconsideration" (Appeal) just one time - not have the right to appeal an unlimited amount of times driving the defense into making deals to avoid endless litigation costs. Respondents shall be extended the same right to Reconsideration as Complainants.

2. **A Complainant must SWEAR UNDER OATH** that their complaint is true and factual and must be notarized. Restore the affidavit language that requires the complaint to make true and factual statements; the same condition required of Respondents.

3. **Damages should be limited to actual damages.** It was never intended to give Complainants a career in bringing housing complaints and asking for monetary damages that bear no rational relation to the injury or to the facts of the situation.

Likewise, private attorneys should not be able to use the CHRO forum to bring discrimination cases- they should have to avail themselves of the regular court system like all other cases seeking monetary damages.

Solicitations, like a Craig's list ad, should not be allowed. Its comparable to an underage minor being allowed to be hired to go into establishments to "sting" sellers of tobacco and alcohol- certainly allowed by the police, who can bring charges, but not allowed by members of the public or for attorneys wherein are seeking monetary gain in the form of "damages".

4. **Raise the "Burden of Proof"** so that a Complainant must show a Fair Housing violation by a preponderance of the evidence. Currently the standard is "Reasonable Cause" and is too low for a burden of proof as it **MUST BE MORE LIKELY** that discrimination occurred rather than **LESS LIKELY**.

5. **Complaints Must Be Pre-Screened** by a Merit Assessment Review before Respondents are subjected to the investigative process and submit a "Schedule A." Cases that are retaliatory and frivolous must be denied at an early stage.

6. **Secret tape recordings** of conversations are not permitted. Any Complainant having made any secret recording shall be grounds for immediate dismissal of that complaint.

Fair Housing must be "*Fair*" for all parties. Over time, this process has tilted to strongly favor the Complainant and the investigation process must be made equal again if Fair Housing is to achieve its goals. We look forward to working with the P.R. & I. Committee, the CHRO agency and with the Legislative body if this Committee agrees that change is needed.

Sincerely,

Bob DeCosmo

#	Name	City	State	Zip	SignedOn	Comment
1	Leo	Waterford	CT	06385	9/9/2016	Its getting harder and harder for landlords to maintain buildings under existing rules-We will start seeing more vacant buildings and less well kept buildings if we do not act now
2	David	Bristol	CT	06010	9/9/2016	Fairness is absolutely necessary between landlords and tenants, and is absolutely missing from the relationship currently. Housing providers are not usually the bad guys.
3	Mark	Norwich	CT	06360	9/9/2016	The "Fair" went out of Connecticut's Fair Housing Laws long ago. The process has become entirely anti-landlord, with little to no regard for minor offenses that could be easily corrected with a warning.
4	Gabrielle	Morris	CT	06758	9/9/2016	I got reported to HUD by one of my tenants, because she is a protected class. (I'm very good to my tenants, and certainly don't discriminate.) I had legally evicted her, yet her "complaints" HUD had to follow up on. It was one of the most stressful periods of my life, if not the most stressful. The complaints of course all got thrown out, but had I sought legal council instead of fighting it myself I would have been out thousands upon thousand of dollars... with no legal recourse. Every eviction I suffer now, I'm still easily out \$5k on average... with little legal recourse... not worth it to go after them to get paid back \$12 a week.
5	Sarah	Waterbury	CT	06706	9/9/2016	Lives are ruined by frivolous complaints in this unfair process. No other complaint process (criminal or civil) forces the defendant to prove AGAINST the claim they are accused of. And then let's the plaintiff change the complaint over and over again if the first complaint didn't stick.
6	Jiling	New Canaan	CT	06840	9/9/2016	Fair housing law must be fair to all parties.
7	Xi	Riverside	CT	06878	9/9/2016	To be fair, we have to agree 1+1=2. Giving tenants unlimited privilege over landlord is not "fair"
8	Haiwen	Stamford	CT	06903	9/9/2016	Fair treatment for landlord
9	Peter	Woodbury	CT	06798	9/9/2016	Property owners strive and struggle to provide decent affordable housing to lower income residents, and we take our responsibility for everyone's safety and right to peaceful enjoyment of their apartments very seriously. We will reject and/or evict a troublesome resident to protect the rights of the many other residents at the property. We need to be supported by government agencies, not targeted by them.

10	bob	Waterbury	CT	06708	9/10/2016	The "Investigative Process" is really not an investigation but an "arm-twisting" attempt to get owners to settle with tenants by paying time off....With some cases settling for upwards of \$60,000 WITH NO ADMISSION OF GUILT by the owner, the time to bring this to our Legislature is now...I thank all that signed this petition and please try and show up on 9/21 for the Public Hearing.
11	ron	Portland	CT	06480	9/10/2016	Why is the tenants word a sacred thing and the landlord must be a liar? Why does a different set of rules, and proof standards, apply to only us. Is there any ramifications to the person who complained if they lied? What is stopping them from just making complaints and seeing what sticks. Is the agency financially motivated to go after landlords? Betcha they are....
12	Roger	Norwich	CT	06360	9/10/2016	I believe land lords are being take advantage of.
13	Michael	New Britain	CT	06052	9/10/2016	I'm signing because as a 3 family dwelling owner, living month to month, 1 bad tenant could make me lose the mortgage and put me on the streets. The laws need to protect my housing rights, too.
14	Susan	Wilton	CT	06897	9/11/2016	I am signing because the unfairness of the law to landlords. Laws should protect all, shouldn't benefit one sides.
15	Dennis	Danbury	CT	06811	9/12/2016	This unjust, totally one side process HAS to be changed. I was denied my right to due process. I was recorded without my knowledge. The CHRO area is totally one sided and does not at all give any fair evaluation.
16	Richard	New Britain	CT	06053	9/12/2016	I have a statement to add, when I asked the health dept. employee why he fined me for a so called piece of sheet metal in my yard \$675.00 he said landlords have money, but when I called the health dept. on a disgusting tenant who destroyed my apt. why he did not fine her he said they are poor and we will never see the money. That's called a double standard, that's why I'm signing this petition.
17	Cheryl	Thomaston	CT	06787	9/12/2016	I am signing because, "I always wanted to be a 'landlord'. Now I am one. And at times I wonder, why on earth did I want to do this. It is neither easy nor highly profitable. Landlords are not the safety net for those in society that should be getting assistance from the government.
18	Kim	West Hartford	CT	06117	9/13/2016	People have learned how to take advantage of the system

19	Michael	Southington	CT	06489	9/16/2016	I agree totally with CTPOA's stance on this issue.
20	Mark	STRATFORD	CT	06615	9/16/2016	I think it's hard tactics and entrapment when these callers call and get paid if the landlord isn't careful and says the wrong thing unintentionally. Gestapo tactics.
21	Frank	New London	CT	06320	9/16/2016	Landlords need to be treated in a fair and timley manner
22	Eric	Wolcott	CT	06716	9/16/2016	This will be a way for some to just to try to get money out of landlords with no grounds
23	Frank	Middletown	CT	06457	9/16/2016	The housing discrimination system as it currently stands is biased and unfair and most of all does not effectively achieve the stated goals. The system needs to be revised to allow for a more fair, objective and independent investigation process.
24	SL	Willimantic	CT	06226	9/16/2016	I am a CT landlord who wishes to see fair & due process for both landlords & tenants included in the FHA.
25	Acer	Hartford	CT	06106	9/16/2016	Current laws are unfairly biased, fail to establish objectivity and circumvent justice to accomplish predatory action groups.
26	Marilyn	Middletown	CT	06457	9/16/2016	The Law is unfair
27	Alison	Hamden	CT	06514	9/16/2016	I am a landlord in CT and although I have not ever been wrongly accused of unfair housing practices, my neighbor was and the case was clearly frivolous and the facts proved otherwise, but the plaintiff won on some very unrelated technicality. It was clear to my husband and I that the process is skewed and that is not how American justice was designed to work.
28	Mark	STRATFORD	CT	06615	9/16/2016	Agency's shouldn't be paid to try entrap people, and then the accused have no recourse against their accusers. It's 2016's version of the Salem witch trials.
29	Robert	Fairfield	CT	06825	9/16/2016	Laws are supposed to be designed to protect peoples rights. This thing is designed to punish landlords and enrich people who make frivolous accusations. As it is now, any accusation and you're assumed guilty. That is not the way the justice system is supposed to work.

30	Edward	Old Saybrook	CT	06475	9/16/2016	Make laws balanced for all parties involved. both Tenants and landlords should have the same rights to a fair process.
31	Acer	Hartford	CT	06106	9/16/2016	Antiquated laws poorly designed and implemented poorly.
32	Ross	Meriden	CT	06451	9/16/2016	I believe in equal application of the law and we are innocent until proven guilty in the USA.
33	Thomas	Waterford	CT	06385	9/16/2016	Balanced and fair investigations and processes are essential to maintain the support of the public and prevent abuse by individuals within the system. Clearly the investigative process here is unfair and biased causing every single decision to be subject to question. Just as actual discrimination should not be tolerated, a process that is not fair and balanced, or does not presume innocence from the outset should not be tolerated. This is particularly important in today's environment where unsubstantiated claims go viral.
34	Adam	Rocky Hill	CT	06067	9/16/2016	I am signing this because we need equal treatment of tenants and landlords by the court system.
35	Anthony	Stratford	CT	06615	9/16/2016	While I wholeheartedly agree with the right of tenants and prospective tenants to fair and unbiased treatment, I firmly believe that it should be a "two-way street", that is, that the homeowner be given at least equal standing with any potential complainant. --AFV
36	Nancy	New London	CT	06320	9/16/2016	Count me in. Long overdue
37	Chenglin	Orkton Heights	NY	10598	9/16/2016	I am thinking to buy a rental property in CT
38	Gayle	New Milford	CT	06776	9/16/2016	Majority of Landlords are fair and honest and just want good tenants. There needs to be equality across the board for all parties. Tenants scream discrimination for no good reason.
39	David	Stratford	CT	06614	9/16/2016	I think the fair housing laws should be fair to all parties including landlords. Complainants should not be allowed to change their complaints numerous times. As a state we must be business friendly to landlords.
40	Y.	Monroe	CT	06468	9/17/2016	We don't want "fair" laws that are unfair to landlords!

41	Adam	Easton	CT	06612	9/17/2016	The Sad and Ironic fact about CT's Fair Housing Laws is that they hold one groups interests above that of another. They are unconstitutional violating and causing discrimination themselves. They choose sides and presume guilt without due process.
42	Lisha	Corona	CA	92880	9/17/2016	I am signing because I have four renting properties in West Haven CT
43	Cheng	Stamford	CT	06901	9/17/2016	Want Connecticut back to prosperous
44	Jianming	Monroe	CT	06468	9/17/2016	This is important because if the housing law is not fair, I will not invest in Connecticut in the future.
45	Ruth	Southbury	CT	06488	9/17/2016	It's important to protect the rights of all parties.
46	Ming	new canaan	CT	06840	9/18/2016	Fair housing must be fair to both landlords and tenants. Do you see the scale? It hangs balanced. That is called FAIR.
47	Anabela	Naugatuck	CT	06770	9/18/2016	Because I feel these issues and others alike are important.
48	jingqun	Stamford	CT	06457	9/18/2016	I am signn in because is not fair . If some body don't want to pay rent , they can lie and stay there for ever.
49	Shuliang	Southbury	CT	06488	9/18/2016	Demand fairness to all!
50	Y.	Monroe	CT	06468	9/18/2016	Please make sure all laws/rules/tests are fair to all parties! Not only to tenants but also to landlords!
51	Wei	Stamford	CT	06907	9/18/2016	The Fair Housing law is being abused and manipulated by some people. Something must be done so the law is fair to all parties.
52	Fanny	Waterbury	CT	06704	9/18/2016	I'm signing because I believe in fairness and truth.

53	Jennifer	Riverside	CT	06878	9/18/2016	I am a landlord in CT
54	Edwin	Stamford	CT	06901	9/19/2016	We want a prospective , open mind connecticut back
55	Craig	Bethany	CT	06524	9/19/2016	Landlords should have rights equal to Tenant rights, it's only fair!
56	ed	Stamford	CT	06902	9/19/2016	the current fair housing laws are descrimating towards land lords. It is not fair at all. There should not be discrimination because one's ownership of property.
57	Jan	Vernon	CT	06066	9/19/2016	I want Fair housing laws for everyone.
58	Chris	Cheshire	CT		9/19/2016	no more bogus claims of discrimination. They need evidence and they need to swear to the charges under oath.
59	Sabina	Ormond Beach	FL	32176	9/19/2016	Fair housing laws need to be fair to both tenant and landlord. Frivolous, meritless complaints only drive the cost of housing for all tenants and taxpayer dollars spent prosecuting. The laws should be applied the same, and not have a different set of standards for housing complaints.
60	John	Willimantic	CT	06226	9/19/2016	Bad tenants will use any means to extend their stay in an apartment with out paying rent. you will not find good tenants in court to begin with.
61	Zheng	Clovis	CA	93619	9/19/2016	Fair and Equal Protection for All.
62	Carmina	Willimantic	CT	06226	9/19/2016	The law should protect the innocent instead of rewarding those that have learned how to work the system.
63	Bonnie	Hampton	CT	06247	9/19/2016	I still own property in CT that has not appreciated enough for me to sell. I provide housing that is safe and well maintained. I employ a handyman/manager to keep the properties up to code. Stop imposing taxes and sanctions that rob me of monies to improve and maintain these properties.
64	Yvette	Bethany	CT	06524	9/19/2016	I am a landlord in CT and feel the Fair Housing Laws are in need of amendment.

65	mike	new britain	CT	06052	9/19/2016	The laws are ALREADY leaning too much in the favor of the tenants who've already become career abusers of the system.
66	Pruszko	Shelton	CT	06484	9/19/2016	I am the landlord of property in Shelton and Ansonia.I know landlords penalize unfear and I do not want to be one of them.
67	Jacob	Fairfield	CT	06824	9/20/2016	would like to assist as an land lord
68	mel	Windsor	CT	06095	9/20/2016	I own rental property
69	Steven	Willimantic	CT	06226	9/20/2016	Laws need to be fair for Defendants and Plaintiffs.
70	Elaine	Burlington	CT	06013	9/20/2016	Fair Housing Laws must be equally bound by ALL parties!