



TESTIMONY OF THE CONNECTICUT FAIR HOUSING CENTER ON H.B. 5149

My name is Greg Kirschner. I am the Legal Director of the Connecticut Fair Housing Center (“the Center”), a statewide organization whose mission is to ensure that all Connecticut residents have access to the housing of their choice. I will be providing testimony on behalf of the Center regarding H.B. 5149: “An Act Concerning Sober Living Homes.”

Although H.B. 5149 is cast as creating an option that would “permit” sober houses to register with the State, it acts as a requirement that they do so by providing that “no residence that does not register with the department as a sober living home may advertise or hold itself out as a sober living home in the state.” As a result, any residents or providers of sober living homes that did not so register would be subject to a prior restraint¹ on speech prohibiting them from holding themselves out as a sober home which would violate the First Amendment’s prohibition on the regulation of speech based on its content.

In addition First Amendment concerns, the provisions of H.B. 5149 also implicate the Fair Housing Act and the Americans with Disabilities Act because the bill targets members of a protected class – people with disabilities – for regulation. On its face the bill applies to people “who are recovering from a substance use disorder [and] choose to live together in a supportive environment during their recovery.” It is unclear why this class of people is targeted for regulation,

¹ One common example of prior restraint is “a statute or regulation that requires a speaker to acquire a permit or license before speaking.” See https://www.law.cornell.edu/wex/prior_restraint. Such restraints are generally unconstitutional. *Id.*

but it is well known that municipalities and neighbors are often hostile to sober homes based on stereotypes about individuals in recovery.

Congress specifically adopted amendments to the FHA to protect individuals with disabilities from discrimination as “a clear pronouncement of a national commitment to end the unnecessary exclusion of persons with [disabilities] from the American mainstream” that “repudiates the use of stereotypes and ignorance, and mandates that persons with [disabilities] be considered as individuals. Generalized perceptions about disabilities and unfounded speculation about threats to safety are specifically rejected as grounds to justify exclusion.” H. Rpt. 100-711, at p. 18, reprinted at 1988 U.S.C.C.A.N. 2173, 2179.

If H.B. 5149 is enacted, residents and providers of sober houses would be faced with a choice: either register and disclose their disability status and location to the State and anyone willing to FOIA such information, or lose their rights to free expression and association by being prohibited from holding themselves out as a sober living option. Either way, this bill would likely reduce access to and availability of sober living arrangements. The disclosure of the location of sober homes would likely lead to more community opposition that would in turn lead to the closure of homes or a reduction in their benefit due to increased scrutiny and hostility, while the prohibition on unregistered sober homes from holding themselves out as such would make them more difficult to find. This would likely result in more relapses and more bad outcomes for people in recovery.

For these reasons, H.B. 5149 is incompatible with the FHA and with the First Amendment. Enacting it would expose the State of Connecticut to liability for violating the rights of people with disabilities. Accordingly, the Center urges the committee to vote no on this bill.

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