



House of Representatives

General Assembly

File No. 476

January Session, 2019

Substitute House Bill No. 6921

House of Representatives, April 8, 2019

The Committee on Labor and Public Employees reported through REP. PORTER, R. of the 94th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING DISCRIMINATION BASED ON A PERSON'S CRIMINAL HISTORY.

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

1 Section 1. Section 46a-51 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 As used in section 4a-60a and this chapter:

4 (1) "Blind" refers to an individual whose central visual acuity does
5 not exceed 20/200 in the better eye with correcting lenses, or whose
6 visual acuity is greater than 20/200 but is accompanied by a limitation
7 in the fields of vision such that the widest diameter of the visual field
8 subtends an angle no greater than twenty degrees;

9 (2) "Commission" means the Commission on Human Rights and
10 Opportunities created by section 46a-52;

11 (3) "Commission legal counsel" means a member of the legal staff

- 12 employed by the commission pursuant to section 46a-54;
- 13 (4) "Commissioner" means a member of the commission;
- 14 (5) "Court" means the Superior Court or any judge of said court;
- 15 (6) "Discrimination" includes segregation and separation;
- 16 (7) "Discriminatory employment practice" means any discriminatory
17 practice specified in section 46a-60, as amended by this act, or 46a-81c;
- 18 (8) "Discriminatory practice" means a violation of section 4a-60, 4a-
19 60a, 4a-60g, 31-40y, 46a-58, 46a-59, as amended by this act, 46a-60, as
20 amended by this act, 46a-64, as amended by this act, 46a-64c, as
21 amended by this act, 46a-66, as amended by this act, 46a-68, 46a-68c to
22 46a-68f, inclusive, or 46a-70 to 46a-78, inclusive, as amended by this
23 act, subsection (a) of section 46a-80 or sections 46a-81b to 46a-81o,
24 inclusive;
- 25 (9) "Employee" means any person employed by an employer but
26 shall not include any individual employed by such individual's
27 parents, spouse or child;
- 28 (10) "Employer" includes the state and all political subdivisions
29 thereof and means any person or employer with three or more persons
30 in such person's or employer's employ;
- 31 (11) "Employment agency" means any person undertaking with or
32 without compensation to procure employees or opportunities to work;
- 33 (12) "Labor organization" means any organization which exists for
34 the purpose, in whole or in part, of collective bargaining or of dealing
35 with employers concerning grievances, terms or conditions of
36 employment, or of other mutual aid or protection in connection with
37 employment;
- 38 (13) "Intellectual disability" means intellectual disability as defined
39 in section 1-1g;

40 (14) "Person" means one or more individuals, partnerships,
41 associations, corporations, limited liability companies, legal
42 representatives, trustees, trustees in bankruptcy, receivers and the state
43 and all political subdivisions and agencies thereof;

44 (15) "Physically disabled" refers to any individual who has any
45 chronic physical handicap, infirmity or impairment, whether
46 congenital or resulting from bodily injury, organic processes or
47 changes or from illness, including, but not limited to, epilepsy,
48 deafness or being hard of hearing or reliance on a wheelchair or other
49 remedial appliance or device;

50 (16) "Respondent" means any person alleged in a complaint filed
51 pursuant to section 46a-82 to have committed a discriminatory
52 practice;

53 (17) "Discrimination on the basis of sex" includes but is not limited
54 to discrimination related to pregnancy, child-bearing capacity,
55 sterilization, fertility or related medical conditions;

56 (18) "Discrimination on the basis of religious creed" includes but is
57 not limited to discrimination related to all aspects of religious
58 observances and practice as well as belief, unless an employer
59 demonstrates that the employer is unable to reasonably accommodate
60 to an employee's or prospective employee's religious observance or
61 practice without undue hardship on the conduct of the employer's
62 business;

63 (19) "Learning disability" refers to an individual who exhibits a
64 severe discrepancy between educational performance and measured
65 intellectual ability and who exhibits a disorder in one or more of the
66 basic psychological processes involved in understanding or in using
67 language, spoken or written, which may manifest itself in a diminished
68 ability to listen, speak, read, write, spell or to do mathematical
69 calculations;

70 (20) "Mental disability" refers to an individual who has a record of,

71 or is regarded as having one or more mental disorders, as defined in
72 the most recent edition of the American Psychiatric Association's
73 "Diagnostic and Statistical Manual of Mental Disorders"; [and]

74 (21) "Gender identity or expression" means a person's gender-
75 related identity, appearance or behavior, whether or not that gender-
76 related identity, appearance or behavior is different from that
77 traditionally associated with the person's physiology or assigned sex at
78 birth, which gender-related identity can be shown by providing
79 evidence including, but not limited to, medical history, care or
80 treatment of the gender-related identity, consistent and uniform
81 assertion of the gender-related identity or any other evidence that the
82 gender-related identity is sincerely held, part of a person's core
83 identity or not being asserted for an improper purpose; [.]

84 (22) "Veteran" means veteran as defined in subsection (a) of section
85 27-103; [.] and

86 (23) "Criminal matters of public record" means information obtained
87 from the Judicial Department relating to an individual's arrests,
88 indictments, convictions, outstanding judgments or any other
89 conviction information, as defined in section 54-142g related to such
90 individual.

91 Sec. 2. Subsection (b) of section 46a-60 of the general statutes is
92 repealed and the following is substituted in lieu thereof (*Effective*
93 *October 1, 2019*):

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

95 (1) For an employer, by the employer or the employer's agent,
96 except in the case of a bona fide occupational qualification or need, to
97 refuse to hire or employ or to bar or to discharge from employment
98 any individual or to discriminate against such individual in
99 compensation or in terms, conditions or privileges of employment
100 because of the individual's race, color, religious creed, age, sex, gender
101 identity or expression, marital status, national origin, ancestry, present

102 or past history of mental disability, intellectual disability, learning
103 disability, physical disability, including, but not limited to, blindness,
104 [or] status as a veteran or criminal matters of public record, as defined
105 in section 46a-51, as amended by this act;

106 (2) For any employment agency, except in the case of a bona fide
107 occupational qualification or need, to fail or refuse to classify properly
108 or refer for employment or otherwise to discriminate against any
109 individual because of such individual's race, color, religious creed, age,
110 sex, gender identity or expression, marital status, national origin,
111 ancestry, present or past history of mental disability, intellectual
112 disability, learning disability, physical disability, including, but not
113 limited to, blindness, [or] status as a veteran or criminal matters of
114 public record, as defined in section 46a-51, as amended by this act;

115 (3) For a labor organization, because of the race, color, religious
116 creed, age, sex, gender identity or expression, marital status, national
117 origin, ancestry, present or past history of mental disability,
118 intellectual disability, learning disability, physical disability, including,
119 but not limited to, blindness, [or] status as a veteran or criminal
120 matters of public record, as defined in section 46a-51, as amended by
121 this act, of any individual to exclude from full membership rights or to
122 expel from its membership such individual or to discriminate in any
123 way against any of its members or against any employer or any
124 individual employed by an employer, unless such action is based on a
125 bona fide occupational qualification;

126 (4) For any person, employer, labor organization or employment
127 agency to discharge, expel or otherwise discriminate against any
128 person because such person has opposed any discriminatory
129 employment practice or because such person has filed a complaint or
130 testified or assisted in any proceeding under section 46a-82, 46a-83 or
131 46a-84;

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

135 (6) For any person, employer, employment agency or labor
136 organization, except in the case of a bona fide occupational
137 qualification or need, to advertise employment opportunities in such a
138 manner as to restrict such employment so as to discriminate against
139 individuals because of their race, color, religious creed, age, sex,
140 gender identity or expression, marital status, national origin, ancestry,
141 present or past history of mental disability, intellectual disability,
142 learning disability, physical disability, including, but not limited to,
143 blindness, [or] status as a veteran or criminal matters of public record,
144 as defined in section 46a-51, as amended by this act;

145 (7) For an employer, by the employer or the employer's agent: (A)
146 To terminate a woman's employment because of her pregnancy; (B) to
147 refuse to grant to that employee a reasonable leave of absence for
148 disability resulting from her pregnancy; (C) to deny to that employee,
149 who is disabled as a result of pregnancy, any compensation to which
150 she is entitled as a result of the accumulation of disability or leave
151 benefits accrued pursuant to plans maintained by the employer; (D) to
152 fail or refuse to reinstate the employee to her original job or to an
153 equivalent position with equivalent pay and accumulated seniority,
154 retirement, fringe benefits and other service credits upon her
155 signifying her intent to return unless, in the case of a private employer,
156 the employer's circumstances have so changed as to make it impossible
157 or unreasonable to do so; (E) to limit, segregate or classify the
158 employee in a way that would deprive her of employment
159 opportunities due to her pregnancy; (F) to discriminate against an
160 employee or person seeking employment on the basis of her
161 pregnancy in the terms or conditions of her employment; (G) to fail or
162 refuse to make a reasonable accommodation for an employee or person
163 seeking employment due to her pregnancy, unless the employer can
164 demonstrate that such accommodation would impose an undue
165 hardship on such employer; (H) to deny employment opportunities to
166 an employee or person seeking employment if such denial is due to the
167 employee's request for a reasonable accommodation due to her
168 pregnancy; (I) to force an employee or person seeking employment
169 affected by pregnancy to accept a reasonable accommodation if such

170 employee or person seeking employment (i) does not have a known
171 limitation related to her pregnancy, or (ii) does not require a
172 reasonable accommodation to perform the essential duties related to
173 her employment; (J) to require an employee to take a leave of absence
174 if a reasonable accommodation can be provided in lieu of such leave;
175 and (K) to retaliate against an employee in the terms, conditions or
176 privileges of her employment based upon such employee's request for
177 a reasonable accommodation;

178 (8) For an employer, by the employer or the employer's agent, for an
179 employment agency, by itself or its agent, or for any labor
180 organization, by itself or its agent, to harass any employee, person
181 seeking employment or member on the basis of sex or gender identity
182 or expression. "Sexual harassment" shall, for the purposes of this
183 subdivision, be defined as any unwelcome sexual advances or requests
184 for sexual favors or any conduct of a sexual nature when (A)
185 submission to such conduct is made either explicitly or implicitly a
186 term or condition of an individual's employment, (B) submission to or
187 rejection of such conduct by an individual is used as the basis for
188 employment decisions affecting such individual, or (C) such conduct
189 has the purpose or effect of substantially interfering with an
190 individual's work performance or creating an intimidating, hostile or
191 offensive working environment;

192 (9) For an employer, by the employer or the employer's agent, for an
193 employment agency, by itself or its agent, or for any labor
194 organization, by itself or its agent, to request or require information
195 from an employee, person seeking employment or member relating to
196 the individual's child-bearing age or plans, pregnancy, function of the
197 individual's reproductive system, use of birth control methods, or the
198 individual's familial responsibilities, unless such information is
199 directly related to a bona fide occupational qualification or need,
200 provided an employer, through a physician may request from an
201 employee any such information which is directly related to workplace
202 exposure to substances which may cause birth defects or constitute a
203 hazard to an individual's reproductive system or to a fetus if the

204 employer first informs the employee of the hazards involved in
205 exposure to such substances;

206 (10) For an employer, by the employer or the employer's agent, after
207 informing an employee, pursuant to subdivision (9) of this subsection,
208 of a workplace exposure to substances which may cause birth defects
209 or constitute a hazard to an employee's reproductive system or to a
210 fetus, to fail or refuse, upon the employee's request, to take reasonable
211 measures to protect the employee from the exposure or hazard
212 identified, or to fail or refuse to inform the employee that the measures
213 taken may be the subject of a complaint filed under the provisions of
214 this chapter. Nothing in this subdivision is intended to prohibit an
215 employer from taking reasonable measures to protect an employee
216 from exposure to such substances. For the purpose of this subdivision,
217 "reasonable measures" shall be those measures which are consistent
218 with business necessity and are least disruptive of the terms and
219 conditions of the employee's employment;

220 (11) For an employer, by the employer or the employer's agent, for
221 an employment agency, by itself or its agent, or for any labor
222 organization, by itself or its agent: (A) To request or require genetic
223 information from an employee, person seeking employment or
224 member, or (B) to discharge, expel or otherwise discriminate against
225 any person on the basis of genetic information. For the purpose of this
226 subdivision, "genetic information" means the information about genes,
227 gene products or inherited characteristics that may derive from an
228 individual or a family member.

229 Sec. 3. Subsection (c) of section 8-169s of the general statutes is
230 repealed and the following is substituted in lieu thereof (*Effective*
231 *October 1, 2019*):

232 (c) The legislative body may, by resolution, vote to transfer the
233 urban homesteading property with or without compensation to the
234 applicant selected pursuant to subsection (b) of this section. Such
235 transfer shall be made pursuant to a contract of sale and rehabilitation
236 or construction which shall provide among other things that (1) the

237 property transferred be rehabilitated or constructed predominantly for
238 residential use and be brought into and maintained in conformity with
239 applicable health, housing and building code standard; (2) the
240 rehabilitation or construction shall commence and be completed
241 within a period of time as determined by the urban homesteading
242 agency; (3) prior to the issuance of a certificate of occupancy by the
243 building official no transfer of the property or any interest therein,
244 except a transfer to a bona fide mortgagee or similar lien holder, may
245 be made by the homesteader without the approval of the urban
246 homesteading agency, provided any such transfer may only be made
247 for a consideration not in excess of the cost of the property to the
248 homesteader together with the costs of any improvements made or
249 construction thereon by the homesteader; (4) in the sale or rental of the
250 property, or any portion of such property, no person shall be
251 discriminated against because of such person's race, color, religion,
252 sex, gender identity or expression, [or] national origin or criminal
253 matters of public record, as defined in section 46a-51, as amended by
254 this act; and (5) representatives of the urban homesteading agency, the
255 municipality, and where state or federal assistance is involved,
256 representatives of the federal and state governments, shall have access
257 to the property during normal business hours for the purpose of
258 inspecting compliance with the provisions of this subsection.

259 Sec. 4. Section 8-265c of the general statutes is repealed and the
260 following is substituted in lieu thereof (*Effective October 1, 2019*):

261 The authority shall require that occupancy of all housing financed
262 or otherwise assisted under this chapter be open to all persons
263 regardless of race, creed, color, national origin or ancestry, sex, [or]
264 gender identity or expression or criminal matters of public record, as
265 defined in section 46a-51, as amended by this act, and that the
266 contractors and subcontractors engaged in the construction or
267 rehabilitation of such housing shall take affirmative action to provide
268 equal opportunity for employment without discrimination as to race,
269 creed, color, national origin or ancestry, sex, [or] gender identity or
270 expression or criminal matters of public record, as defined in section

271 46a-51, as amended by this act.

272 Sec. 5. Subsection (c) of section 8-294 of the general statutes is
273 repealed and the following is substituted in lieu thereof (*Effective*
274 *October 1, 2019*):

275 (c) The legislative body may, by resolution, vote to transfer the
276 urban rehabilitation property with or without compensation to the
277 person selected pursuant to subsection (b) of this section. Such transfer
278 shall be made pursuant to a contract of sale and rehabilitation which
279 shall provide among other things that (1) the property transferred be
280 rehabilitated predominantly for industrial or commercial use and be
281 brought into and maintained in conformity with applicable health,
282 housing and building code standards; (2) that the rehabilitation shall
283 commence and be completed within a period of time as determined by
284 the urban rehabilitation agency; (3) prior to the issuance of a certificate
285 of occupancy by the building official, no transfer of the property or any
286 interest therein, except a transfer to a bona fide mortgagee or similar
287 lien holder, may be made by the rehabilitator without the approval of
288 the urban rehabilitation agency, provided any such transfer may only
289 be made for a consideration not in excess of the cost of the property to
290 the rehabilitator together with the costs of any improvements made
291 thereon by the rehabilitator; (4) in the sale or rental of the property, or
292 any portion of such property, no person shall be discriminated against
293 because of such person's race, color, religion, sex, gender identity or
294 expression, [or] national origin or criminal matters of public record, as
295 defined in section 46a-51, as amended by this act; (5) representatives of
296 the urban rehabilitation agency, representatives of the municipality,
297 and if state or federal assistance is involved, representatives of the
298 federal and state governments shall be allowed access to the property
299 during normal business hours for the purpose of inspecting
300 compliance with the provisions of this subsection.

301 Sec. 6. Section 8-315 of the general statutes is repealed and the
302 following is substituted in lieu thereof (*Effective October 1, 2019*):

303 The municipality shall take all necessary steps to insure that

304 occupancy of all housing financed or otherwise assisted pursuant to
305 this chapter be open to all persons regardless of race, creed, color,
306 national origin or ancestry, sex, gender identity or expression, age, [or]
307 physical disability or criminal matters of public record, as defined in
308 section 46a-51, as amended by this act.

309 Sec. 7. Subsection (b) of section 10a-6 of the general statutes is
310 repealed and the following is substituted in lieu thereof (*Effective*
311 *October 1, 2019*):

312 (b) Within the limits of authorized expenditures, the policies of the
313 state system of higher education shall be consistent with (1) the
314 following goals: (A) To ensure that no qualified person be denied the
315 opportunity for higher education on the basis of age, sex, gender
316 identity or expression, ethnic background, [or] social, physical or
317 economic condition or criminal matters of public record, as defined in
318 section 46a-51, as amended by this act, (B) to protect academic
319 freedom, (C) to provide opportunities for education and training
320 related to the economic, cultural and educational development of the
321 state, (D) to assure the fullest possible use of available resources in
322 public and private institutions of higher education, (E) to maintain
323 standards of quality ensuring a position of national leadership for state
324 institutions of higher education, (F) to apply the resources of higher
325 education to the problems of society, and (G) to foster flexibility in the
326 policies and institutions of higher education to enable the system to
327 respond to changes in the economy, society, technology and student
328 interests; and (2) the goals for higher education in the state identified
329 in section 10a-11c. Said board shall review recent studies of the need
330 for higher education services, with special attention to those completed
331 pursuant to legislative action, and to meet such needs shall initiate
332 additional programs or services through one or more of the constituent
333 units.

334 Sec. 8. Subsection (a) of section 11-24b of the general statutes is
335 repealed and the following is substituted in lieu thereof (*Effective*
336 *October 1, 2019*):

337 (a) Each principal public library, as defined in section 11-24a, shall
338 be eligible to receive a state grant in accordance with the provisions of
339 subsections (b), (c) and (d) of this section provided the following
340 requirements are met:

341 (1) An annual statistical report which includes certification that the
342 grant, when received, shall be used for library purposes is filed with
343 the State Library Board in such manner as the board may require. The
344 report shall include information concerning local library governance,
345 hours of service, type of facilities, library policies, resources, programs
346 and services available, measurement of levels of services provided,
347 personnel and fiscal information concerning library receipts and
348 expenditures;

349 (2) Documents certifying the legal establishment of the principal
350 public library in accordance with the provisions of section 11-20 are
351 filed with the board;

352 (3) The library is a participating library in the Connecticard program
353 established pursuant to section 11-31b;

354 (4) Except for the fiscal years ending June 30, 2010, to June 30, 2015,
355 inclusive, the principal public library shall not have had the amount of
356 its annual tax levy or appropriation reduced to an amount which is
357 less than the average amount levied or appropriated for the library for
358 the three fiscal years immediately preceding the year of the grant,
359 except that if the expenditures of the library in any one year in such
360 three-year period are unusually high as compared with expenditures
361 in the other two years, the library may request an exception to this
362 requirement and the board, upon review of the expenditures for that
363 year, may grant an exception;

364 (5) State grant funds shall be expended within two years of the date
365 of receipt of such funds. If the funds are not expended in that period,
366 the library shall submit a plan to the State Librarian for the
367 expenditure of any unspent balance;

368 (6) Principal public libraries shall not charge individuals residing in
369 the town in which the library is located or the town in which the
370 contract library is located for borrowing and lending library materials,
371 accessing information, advice and assistance and programs and
372 services which promote literacy; and

373 (7) Principal public libraries shall provide equal access to library
374 service for all individuals and shall not discriminate upon the basis of
375 age, race, sex, gender identity or expression, religion, national origin,
376 handicap, [or] place of residency in the town in which the library is
377 located or the town in which the contract library is located or criminal
378 matters of public record, as defined in section 46a-51, as amended by
379 this act.

380 Sec. 9. Section 16-245r of the general statutes is repealed and the
381 following is substituted in lieu thereof (*Effective October 1, 2019*):

382 No electric supplier, as defined in section 16-1, shall refuse to
383 provide electric generation services to, or refuse to negotiate to provide
384 such services to any customer because of age, race, creed, color,
385 national origin, ancestry, sex, gender identity or expression, marital
386 status, sexual orientation, lawful source of income, disability, [or]
387 familial status or criminal matters of public record, as defined in
388 section 46a-51, as amended by this act. No electric supplier shall
389 decline to provide electric generation services to a customer for the
390 sole reason that the customer is located in an economically distressed
391 geographic area or the customer qualifies for hardship status under
392 section 16-262c. No electric supplier shall terminate or refuse to
393 reinstate electric generation services except in accordance with the
394 provisions of this title.

395 Sec. 10. Section 16-247r of the general statutes is repealed and the
396 following is substituted in lieu thereof (*Effective October 1, 2019*):

397 No telephone company or certified telecommunications provider, as
398 defined in section 16-1, shall refuse to provide telecommunications
399 services to, or refuse to negotiate to provide such services to any

400 customer because of age, race, creed, color, national origin, ancestry,
401 sex, gender identity or expression, marital status, sexual orientation,
402 lawful source of income, disability, [or] familial status or criminal
403 matters of public record, as defined in section 46a-51, as amended by
404 this act. No telephone company or certified telecommunications
405 provider shall decline to provide telecommunications services to a
406 customer for the sole reason that the customer is located in an
407 economically distressed geographic area or the customer qualifies for
408 hardship status under section 16-262c. No telephone company or
409 certified telecommunications provider shall terminate or refuse to
410 reinstate telecommunications services except in accordance with the
411 provisions of this title.

412 Sec. 11. Subsection (b) of section 28-15 of the general statutes is
413 repealed and the following is substituted in lieu thereof (*Effective*
414 *October 1, 2019*):

415 (b) No person shall discriminate on the basis of race, color, religious
416 creed, sex, gender identity or expression, age, national origin, ancestry,
417 [or] economic status or criminal matters of public record, as defined in
418 section 46a-51, as amended by this act, in carrying out any provision of
419 this chapter or any federal major disaster or emergency assistance
420 function in this state.

421 Sec. 12. Section 31-22p of the general statutes is repealed and the
422 following is substituted in lieu thereof (*Effective October 1, 2019*):

423 The Labor Commissioner, with the advice and guidance of the
424 council, shall formulate work training standards which will ensure
425 necessary safeguards for the welfare of apprentices and a full craft
426 experience in any skill, in order to provide equal opportunities to all,
427 without regard to their race, color, religion, sex, gender identity or
428 expression, age, [or] national origin or criminal matters of public
429 record, as defined in section 46a-51, as amended by this act, and to
430 provide training, employment and upgrading opportunities for
431 disadvantaged workers to acquire a comprehensive skilled work
432 experience and to extend the application of such standards of skill

433 training by inclusion thereof in apprenticeship agreements, and shall
434 bring together representatives of management and labor for the
435 development of training programs and terms of apprenticeship
436 incidental thereto and cooperate with state and federal agencies
437 similarly interested in furtherance of training requirements in keeping
438 with established and new processes of Connecticut industries. The
439 Labor Commissioner shall publish information relating to existing and
440 proposed work standards of apprenticeship, hold area conferences
441 throughout the state for the purpose of promoting interest in skilled
442 trades training and appoint such advisory committees as may be
443 deemed necessary to evaluate the skilled manpower requirements of
444 Connecticut in order to cope with any new technological changes in
445 industry.

446 Sec. 13. Subsection (e) of section 31-57e of the general statutes is
447 repealed and the following is substituted in lieu thereof (*Effective*
448 *October 1, 2019*):

449 (e) The Employment Rights Code referred to under this section shall
450 include the following provisions:

451 (1) A commercial enterprise subject to tribal jurisdiction shall not,
452 except in the case of a bona fide occupational qualification or need,
453 refuse to hire or employ or bar or discharge from employment any
454 individual or discriminate against him or her in compensation or in
455 terms, conditions or privileges of employment because of the
456 individual's race, color, religious creed, sex, gender identity or
457 expression, marital status, national origin, ancestry, age, present or
458 past history of mental disorder, intellectual disability, sexual
459 orientation, learning or physical disability, political activity, union
460 activity, [or the] criminal matters of public record, as defined in section
461 46a-51, as amended by this act, or exercise of rights protected by the
462 United States Constitution. This subdivision shall not be construed to
463 restrict the right of a tribe to give preference in hiring to members of
464 the tribe.

465 (2) A commercial enterprise subject to tribal jurisdiction shall not

466 deny any individual, including a representative of a labor
467 organization, seeking to ensure compliance with this section, access to
468 employees of the tribe's commercial enterprise during nonwork time in
469 nonwork areas. The tribe shall not permit any supervisor, manager or
470 other agent of the tribe to restrict or otherwise interfere with such
471 access.

472 (3) When a labor organization claims that it has been designated or
473 selected for the purposes of collective bargaining by the majority of the
474 employees in a unit appropriate for such purposes, the labor
475 organization may apply to an arbitrator to verify the claim pursuant to
476 subdivision (4) of this subsection. If the arbitrator verifies that the labor
477 organization has been designated or selected as the bargaining
478 representative by a majority of the employees in an appropriate unit,
479 the tribe shall, upon request, recognize the labor organization as the
480 exclusive bargaining agent and bargain in good faith with the labor
481 organization in an effort to reach a collective bargaining agreement.
482 However, the arbitrator shall disallow any claim by a labor
483 organization that is dominated or controlled by the tribe.

484 (4) (A) Any individual or organization claiming to be injured by a
485 violation of any provision of this subsection shall have the right to seek
486 binding arbitration under the rules of the American Arbitration
487 Association. Such individual or organization shall file a demand for
488 arbitration with the tribe not later than one hundred eighty days after
489 the employee or labor organization knows or should know of the
490 tribe's violation of any provision of this subsection. The demand shall
491 state, in plain language, the facts giving rise to the demand.

492 (B) The demand for arbitration shall also be served upon the
493 Connecticut office of the American Arbitration Association. Absent
494 settlement, a hearing shall be held in accordance with the rules and
495 procedures of the American Arbitration Association. The costs and fees
496 of the arbitrator shall be shared equally by the tribe and the labor
497 organization.

498 (C) The decision of the arbitrator shall be final and binding on both

499 parties and shall be subject to judicial review and enforcement against
500 all parties in the manner prescribed by chapter 909.

501 (5) A tribe shall not retaliate against any individual who exercises
502 any right under the Employment Rights Code. Any individual or
503 organization claiming to be injured by a violation of the provisions of
504 this section shall have the right to seek binding arbitration pursuant to
505 subdivision (4) of this subsection.

506 Sec. 14. Section 32-277 of the general statutes is repealed and the
507 following is substituted in lieu thereof (*Effective October 1, 2019*):

508 A regional corporation shall not provide any financial assistance
509 authorized by sections 32-271 to 32-284, inclusive, unless the following
510 conditions are met:

511 (1) The applicant has demonstrated that there is little prospect of
512 obtaining the conventional project financing requested from either
513 private or public sources of funding within the region, and that there is
514 little prospect of obtaining adequate project financing from private
515 sources of capital, or in the case of a loan guarantee, that there is little
516 prospect of obtaining project financing without the guarantee;

517 (2) There is a reasonable prospect of repayment;

518 (3) The project is located in the region represented by the regional
519 corporation;

520 (4) The project will comply with any applicable environmental rules
521 or regulations;

522 (5) The applicant has certified that it will not discriminate against
523 any employee or any applicant for employment because of race,
524 religion, color, national origin, sex, gender identity or expression, [or]
525 age or criminal matters of public record, as defined in section 46a-51,
526 as amended by this act;

527 (6) A staff member or a representative of the regional corporation

528 acting in an official capacity has personally visited the project site and
529 the applicant's place of business; and

530 (7) Financial commitments or contingent financial commitments for
531 the project have been obtained from other public and private sources.

532 Sec. 15. Section 38a-358 of the general statutes is repealed and the
533 following is substituted in lieu thereof (*Effective October 1, 2019*):

534 The declination, cancellation or nonrenewal of a policy for private
535 passenger nonfleet automobile insurance is prohibited if the
536 declination, cancellation or nonrenewal is based: (1) On the race,
537 religion, nationality or ethnicity of the applicant or named insured; (2)
538 solely on the lawful occupation or profession of the applicant or
539 named insured, except that this provision shall not apply to any
540 insurer which limits its market to one lawful occupation or profession
541 or to several related lawful occupations or professions; (3) on the
542 principal location of the insured motor vehicle unless such decision is
543 for a business purpose which is not a mere pretext for unfair
544 discrimination; (4) solely on the age, sex, gender identity or expression,
545 [or] marital status or criminal matters of public record, as defined in
546 section 46a-51, as amended by this act, of an applicant or an insured
547 except that this subdivision shall not apply to an insurer in an insurer
548 group if one or more other insurers in the group would not decline an
549 application for essentially similar coverage based upon such reasons;
550 (5) on the fact that the applicant or named insured previously obtained
551 insurance coverage through a residual market; (6) on the fact that
552 another insurer previously declined to insure the applicant or
553 terminated an existing policy in which the applicant was the named
554 insured; (7) the first or second accident within the current experience
555 period in relation to which the applicant or insured was not convicted
556 of a moving traffic violation and was not at fault; or (8) solely on
557 information contained in an insured's or applicant's credit history or
558 credit rating or solely on an applicant's lack of credit history. For the
559 purposes of subdivision (8) of this section, an insurer shall not be
560 deemed to have declined, cancelled or nonrenewed a policy if

561 coverage is available through an affiliated insurer.

562 Sec. 16. Section 42-125a of the general statutes is repealed and the
563 following is substituted in lieu thereof (*Effective October 1, 2019*):

564 It is the policy of the state of Connecticut to oppose restraints of
565 trade and unfair trade practices in the form of discriminatory boycotts
566 which are not specifically authorized by the law of the United States
567 and which are fostered or imposed by foreign persons, foreign
568 governments or international organizations against any domestic
569 individual on the basis of race, color, creed, religion, sex, gender
570 identity or expression, nationality, [or] national origin or criminal
571 matters of public record, as defined in section 46a-51, as amended by
572 this act. It is also the policy of the state to oppose any actions,
573 including the formation or continuance of agreements, understandings
574 or contractual arrangements, expressed or implied, which have the
575 effect of furthering such discriminatory boycotts, in order that the
576 peace, health, safety, prosperity and general welfare of all the
577 inhabitants of the state may be protected and ensured. This chapter
578 shall be deemed an exercise of the police power of the state for the
579 protection of the people of this state and shall be administered and
580 principally enforced by the Attorney General. The provisions of this
581 chapter shall be construed liberally so as to effectuate this declaration
582 of policy and the laws and Constitution of the United States, but
583 nothing in this chapter shall be construed to infringe upon the right of
584 the United States government to regulate interstate and foreign
585 commerce.

586 Sec. 17. Subsection (c) of section 42-125b of the general statutes is
587 repealed and the following is substituted in lieu thereof (*Effective*
588 *October 1, 2019*):

589 (c) "Participating in a discriminatory boycott" means the entering
590 into or performing of any agreement, understanding or contractual
591 arrangement for economic benefit by any person with any foreign
592 government, foreign person or international organization, which is not
593 specifically authorized by the laws of the United States and which is

594 required or imposed, either directly or indirectly, overtly or covertly,
595 by the foreign government, foreign person or international
596 organization in order to restrict, condition, prohibit or interfere with
597 any business relationship in this state on the basis of a domestic
598 individual's race, color, creed, religion, sex, gender identity or
599 expression, nationality, [or] national origin or criminal matters of
600 public record, as defined in section 46a-51, as amended by this act;
601 provided, handling, altering or shipping goods or complying with the
602 commercial laws of a foreign country, unless such laws require
603 discrimination against a domestic individual on the basis of race, color,
604 creed, religion, sex, gender identity or expression, nationality, [or]
605 national origin or criminal matters of public record, as defined in
606 section 46a-51, as amended by this act, shall not constitute a
607 discriminatory boycott;

608 Sec. 18. Subsection (a) of section 46a-59 of the general statutes is
609 repealed and the following is substituted in lieu thereof (*Effective*
610 *October 1, 2019*):

611 (a) It shall be a discriminatory practice in violation of this section for
612 any association, board or other organization the principal purpose of
613 which is the furtherance of the professional or occupational interests of
614 its members, whose profession, trade or occupation requires a state
615 license, to refuse to accept a person as a member of such association,
616 board or organization because of his race, national origin, creed, sex,
617 gender identity or expression, color, [or] status as a veteran or criminal
618 matters of public record, as defined in section 46a-51, as amended by
619 this act.

620 Sec. 19. Subsection (a) of section 46a-64 of the general statutes is
621 repealed and the following is substituted in lieu thereof (*Effective*
622 *October 1, 2019*):

623 (a) It shall be a discriminatory practice in violation of this section: (1)
624 To deny any person within the jurisdiction of this state full and equal
625 accommodations in any place of public accommodation, resort or
626 amusement because of race, creed, color, national origin, ancestry, sex,

627 gender identity or expression, marital status, age, lawful source of
628 income, criminal matters of public record, as defined in section 46a-51,
629 as amended by this act, intellectual disability, mental disability,
630 physical disability, including, but not limited to, blindness or deafness,
631 or status as a veteran, of the applicant, subject only to the conditions
632 and limitations established by law and applicable alike to all persons;
633 (2) to discriminate, segregate or separate on account of race, creed,
634 color, national origin, ancestry, sex, gender identity or expression,
635 marital status, age, lawful source of income, criminal matters of public
636 record, as defined in section 46a-51, as amended by this act, intellectual
637 disability, mental disability, learning disability, physical disability,
638 including, but not limited to, blindness or deafness, or status as a
639 veteran; (3) for a place of public accommodation, resort or amusement
640 to restrict or limit the right of a mother to breast-feed her child; (4) for
641 a place of public accommodation, resort or amusement to fail or refuse
642 to post a notice, in a conspicuous place, that any blind, deaf or mobility
643 impaired person, accompanied by his guide dog wearing a harness or
644 an orange-colored leash and collar, may enter such premises or
645 facilities; or (5) to deny any blind, deaf or mobility impaired person or
646 any person training a dog as a guide dog for a blind person or a dog to
647 assist a deaf or mobility impaired person, accompanied by his guide
648 dog or assistance dog, full and equal access to any place of public
649 accommodation, resort or amusement. Any blind, deaf or mobility
650 impaired person or any person training a dog as a guide dog for a
651 blind person or a dog to assist a deaf or mobility impaired person may
652 keep his guide dog or assistance dog with him at all times in such
653 place of public accommodation, resort or amusement at no extra
654 charge, provided the dog wears a harness or an orange-colored leash
655 and collar and is in the direct custody of such person. The blind, deaf
656 or mobility impaired person or person training a dog as a guide dog
657 for a blind person or a dog to assist a deaf or mobility impaired person
658 shall be liable for any damage done to the premises or facilities by his
659 dog. For purposes of this subdivision, "guide dog" or "assistance dog"
660 includes a dog being trained as a guide dog or assistance dog and
661 "person training a dog as a guide dog for a blind person or a dog to

662 assist a deaf or mobility impaired person" means a person who is
663 employed by and authorized to engage in designated training
664 activities by a guide dog organization or assistance dog organization
665 that complies with the criteria for membership in a professional
666 association of guide dog or assistance dog schools and who carries
667 photographic identification indicating such employment and
668 authorization.

669 Sec. 20. Subsection (a) of section 46a-64c of the general statutes is
670 repealed and the following is substituted in lieu thereof (*Effective*
671 *October 1, 2019*):

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

673 (1) To refuse to sell or rent after the making of a bona fide offer, or
674 to refuse to negotiate for the sale or rental of, or otherwise make
675 unavailable or deny, a dwelling to any person because of race, creed,
676 color, national origin, ancestry, sex, gender identity or expression,
677 marital status, age, lawful source of income, familial status, [or] status
678 as a veteran or criminal matters of public record, as defined in section
679 46a-51, as amended by this act.

680 (2) To discriminate against any person in the terms, conditions, or
681 privileges of sale or rental of a dwelling, or in the provision of services
682 or facilities in connection therewith, because of race, creed, color,
683 national origin, ancestry, sex, gender identity or expression, marital
684 status, age, lawful source of income, familial status, [or] status as a
685 veteran or criminal matters of public record, as defined in section 46a-
686 51, as amended by this act.

687 (3) To make, print or publish, or cause to be made, printed or
688 published any notice, statement, or advertisement, with respect to the
689 sale or rental of a dwelling that indicates any preference, limitation, or
690 discrimination based on race, creed, color, national origin, ancestry,
691 sex, gender identity or expression, marital status, age, lawful source of
692 income, criminal matters of public record, as defined in section 46a-51,
693 as amended by this act, familial status, learning disability, physical or

694 mental disability or status as a veteran, or an intention to make any
695 such preference, limitation or discrimination.

696 (4) (A) To represent to any person because of race, creed, color,
697 national origin, ancestry, sex, gender identity or expression, marital
698 status, age, lawful source of income, criminal matters of public record,
699 as defined in section 46a-51, as amended by this act, familial status,
700 learning disability, physical or mental disability or status as a veteran
701 that any dwelling is not available for inspection, sale or rental when
702 such dwelling is in fact so available.

703 (B) It shall be a violation of this subdivision for any person to
704 restrict or attempt to restrict the choices of any buyer or renter to
705 purchase or rent a dwelling (i) to an area which is substantially
706 populated, even if less than a majority, by persons of the same
707 protected class as the buyer or renter, (ii) while such person is
708 authorized to offer for sale or rent another dwelling which meets the
709 housing criteria as expressed by the buyer or renter to such person,
710 and (iii) such other dwelling is in an area which is not substantially
711 populated by persons of the same protected class as the buyer or
712 renter. As used in this subdivision, "area" means municipality,
713 neighborhood or other geographic subdivision which may include an
714 apartment or condominium complex; and "protected class" means race,
715 creed, color, national origin, ancestry, sex, gender identity or
716 expression, marital status, age, lawful source of income, familial status,
717 learning disability, physical or mental disability, [or] status as a
718 veteran or criminal matters of public record, as defined in section 46a-
719 51, as amended by this act.

720 (5) For profit, to induce or attempt to induce any person to sell or
721 rent any dwelling by representations regarding the entry or
722 prospective entry into the neighborhood of a person or persons of a
723 particular race, creed, color, national origin, ancestry, sex, gender
724 identity or expression, marital status, age, lawful source of income,
725 familial status, learning disability, physical or mental disability, [or]
726 status as a veteran or with certain criminal matters of public record, as

727 defined in section 46a-51, as amended by this act.

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

734 (B) To discriminate against any person in the terms, conditions or
735 privileges of sale or rental of a dwelling, or in the provision of services
736 or facilities in connection with such dwelling, because of a learning
737 disability or physical or mental disability of: (i) Such person; or (ii) a
738 person residing in or intending to reside in such dwelling after it is so
739 sold, rented, or made available; or (iii) any person associated with such
740 person.

741 (C) For purposes of this subdivision, discrimination includes: (i) A
742 refusal to permit, at the expense of a person with a physical or mental
743 disability, reasonable modifications of existing premises occupied or to
744 be occupied by such person if such modifications may be necessary to
745 afford such person full enjoyment of the premises; except that, in the
746 case of a rental, the landlord may, where it is reasonable to do so,
747 condition permission for a modification on the renter agreeing to
748 restore the interior of the premises to the condition that existed before
749 the modification, reasonable wear and tear excepted; (ii) a refusal to
750 make reasonable accommodations in rules, policies, practices or
751 services, when such accommodations may be necessary to afford such
752 person equal opportunity to use and enjoy a dwelling; (iii) in
753 connection with the design and construction of covered multifamily
754 dwellings for the first occupancy after March 13, 1991, a failure to
755 design and construct those dwellings in such manner that they comply
756 with the requirements of Section 804(f) of the Fair Housing Act or the
757 provisions of the state building code as adopted pursuant to the
758 provisions of sections 29-269 and 29-273, whichever requires greater
759 accommodation. "Covered multifamily dwellings" means buildings

760 consisting of four or more units if such buildings have one or more
761 elevators, and ground floor units in other buildings consisting of four
762 or more units.

763 (7) For any person or other entity engaging in residential real-estate-
764 related transactions to discriminate against any person in making
765 available such a transaction, or in the terms or conditions of such a
766 transaction, because of race, creed, color, national origin, ancestry, sex,
767 gender identity or expression, marital status, age, lawful source of
768 income, familial status, learning disability, physical or mental
769 disability, [or] status as a veteran or criminal matters of public record,
770 as defined in section 46a-51, as amended by this act.

771 (8) To deny any person access to or membership or participation in
772 any multiple-listing service, real estate brokers' organization or other
773 service, organization, or facility relating to the business of selling or
774 renting dwellings, or to discriminate against him in the terms or
775 conditions of such access, membership or participation, on account of
776 race, creed, color, national origin, ancestry, sex, gender identity or
777 expression, marital status, age, lawful source of income, familial status,
778 learning disability, physical or mental disability, [or] status as a
779 veteran or criminal matters of public record, as defined in section 46a-
780 51, as amended by this act.

781 (9) To coerce, intimidate, threaten, or interfere with any person in
782 the exercise or enjoyment of, or on account of his having exercised or
783 enjoyed, or on account of his having aided or encouraged any other
784 person in the exercise or enjoyment of, any right granted or protected
785 by this section.

786 Sec. 21. Subsection (e) of section 46a-64c of the general statutes is
787 repealed and the following is substituted in lieu thereof (*Effective*
788 *October 1, 2019*):

789 (e) Nothing in this section prohibits a person engaged in the
790 business of furnishing appraisals of real property to take into
791 consideration factors other than race, creed, color, national origin,

792 ancestry, sex, gender identity or expression, marital status, age, lawful
793 source of income, familial status, learning disability, physical or mental
794 disability, [or] status as a veteran or criminal matters of public record,
795 as defined in section 46a-51, as amended by this act.

796 Sec. 22. Subsection (a) of section 46a-66 of the general statutes is
797 repealed and the following is substituted in lieu thereof (*Effective*
798 *October 1, 2019*):

799 (a) It shall be a discriminatory practice in violation of this section for
800 any creditor to discriminate on the basis of sex, gender identity or
801 expression, age, race, color, religious creed, national origin, ancestry,
802 marital status, intellectual disability, learning disability, blindness,
803 physical disability, [or] status as a veteran or criminal matters of public
804 record, as defined in section 46a-51, as amended by this act, against
805 any person eighteen years of age or over in any credit transaction.

806 Sec. 23. Subsection (a) of section 46a-70 of the general statutes is
807 repealed and the following is substituted in lieu thereof (*Effective*
808 *October 1, 2019*):

809 (a) State officials and supervisory personnel shall recruit, appoint,
810 assign, train, evaluate and promote state personnel on the basis of
811 merit and qualifications, without regard for race, color, religious creed,
812 sex, gender identity or expression, marital status, age, national origin,
813 ancestry, status as a veteran, criminal matters of public record, as
814 defined in section 46a-51, as amended by this act, intellectual
815 disability, mental disability, learning disability or physical disability,
816 including, but not limited to, blindness, unless it is shown by such
817 state officials or supervisory personnel that such disability prevents
818 performance of the work involved.

819 Sec. 24. Subsection (a) of section 46a-71 of the general statutes is
820 repealed and the following is substituted in lieu thereof (*Effective*
821 *October 1, 2019*):

822 (a) All services of every state agency shall be performed without

823 discrimination based upon race, color, religious creed, sex, gender
824 identity or expression, marital status, age, national origin, ancestry,
825 intellectual disability, mental disability, learning disability, physical
826 disability, including, but not limited to, blindness, [or] status as a
827 veteran or criminal matters of public record, as defined in section 46a-
828 51, as amended by this act.

829 Sec. 25. Subsection (b) of section 46a-72 of the general statutes is
830 repealed and the following is substituted in lieu thereof (*Effective*
831 *October 1, 2019*):

832 (b) Any job request indicating an intention to exclude any person
833 because of race, color, religious creed, sex, gender identity or
834 expression, marital status, age, national origin, ancestry, status as a
835 veteran, criminal matters of public record, as defined in section 46a-51,
836 as amended by this act, intellectual disability, mental disability,
837 learning disability or physical disability, including, but not limited to,
838 blindness, shall be rejected, unless it is shown by such public or private
839 employers that such disability prevents performance of the work
840 involved.

841 Sec. 26. Subsection (a) of section 46a-73 of the general statutes is
842 repealed and the following is substituted in lieu thereof (*Effective*
843 *October 1, 2019*):

844 (a) No state department, board or agency may grant, deny or revoke
845 the license or charter of any person on the grounds of race, color,
846 religious creed, sex, gender identity or expression, marital status, age,
847 national origin, ancestry, status as a veteran, criminal matters of public
848 record, as defined in section 46a-51, as amended by this act, intellectual
849 disability, mental disability, learning disability or physical disability,
850 including, but not limited to, blindness, unless it is shown by such
851 state department, board or agency that such disability prevents
852 performance of the work involved.

853 Sec. 27. Subsection (a) of section 46a-75 of the general statutes is
854 repealed and the following is substituted in lieu thereof (*Effective*

855 *October 1, 2019*):

856 (a) All educational, counseling, and vocational guidance programs
 857 and all apprenticeship and on-the-job training programs of state
 858 agencies, or in which state agencies participate, shall be open to all
 859 qualified persons, without regard to race, color, religious creed, sex,
 860 gender identity or expression, marital status, age, national origin,
 861 ancestry, intellectual disability, mental disability, learning disability,
 862 physical disability, including, but not limited to, blindness, [or] status
 863 as a veteran or criminal matters of public record, as defined in section
 864 46a-51, as amended by this act.

865 Sec. 28. Subsection (a) of section 46a-76 of the general statutes is
 866 repealed and the following is substituted in lieu thereof (*Effective*
 867 *October 1, 2019*):

868 (a) Race, color, religious creed, sex, gender identity or expression,
 869 marital status, age, national origin, ancestry, intellectual disability,
 870 mental disability, learning disability, physical disability, including, but
 871 not limited to, blindness, [or] status as a veteran or criminal matters of
 872 public record, as defined in section 46a-51, as amended by this act,
 873 shall not be considered as limiting factors in state-administered
 874 programs involving the distribution of funds to qualify applicants for
 875 benefits authorized by law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	46a-51
Sec. 2	<i>October 1, 2019</i>	46a-60(b)
Sec. 3	<i>October 1, 2019</i>	8-169s(c)
Sec. 4	<i>October 1, 2019</i>	8-265c
Sec. 5	<i>October 1, 2019</i>	8-294(c)
Sec. 6	<i>October 1, 2019</i>	8-315
Sec. 7	<i>October 1, 2019</i>	10a-6(b)
Sec. 8	<i>October 1, 2019</i>	11-24b(a)
Sec. 9	<i>October 1, 2019</i>	16-245r
Sec. 10	<i>October 1, 2019</i>	16-247r

Sec. 11	<i>October 1, 2019</i>	28-15(b)
Sec. 12	<i>October 1, 2019</i>	31-22p
Sec. 13	<i>October 1, 2019</i>	31-57e(e)
Sec. 14	<i>October 1, 2019</i>	32-277
Sec. 15	<i>October 1, 2019</i>	38a-358
Sec. 16	<i>October 1, 2019</i>	42-125a
Sec. 17	<i>October 1, 2019</i>	42-125b(c)
Sec. 18	<i>October 1, 2019</i>	46a-59(a)
Sec. 19	<i>October 1, 2019</i>	46a-64(a)
Sec. 20	<i>October 1, 2019</i>	46a-64c(a)
Sec. 21	<i>October 1, 2019</i>	46a-64c(e)
Sec. 22	<i>October 1, 2019</i>	46a-66(a)
Sec. 23	<i>October 1, 2019</i>	46a-70(a)
Sec. 24	<i>October 1, 2019</i>	46a-71(a)
Sec. 25	<i>October 1, 2019</i>	46a-72(b)
Sec. 26	<i>October 1, 2019</i>	46a-73(a)
Sec. 27	<i>October 1, 2019</i>	46a-75(a)
Sec. 28	<i>October 1, 2019</i>	46a-76(a)

Statement of Legislative Commissioners:

The title was changed.

LAB *Joint Favorable Subst. -LCO*

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:

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Human Rights & Opportunities, Com.	GF - Cost	33,737	48,731
State Comptroller - Fringe Benefits ¹	GF - Cost	13,896	20,072
Human Rights & Opportunities, Com.	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill prohibits discrimination based on certain “criminal matters of public record” and allows anyone aggrieved by certain discriminatory practices to file a discrimination complaint with the Commission on Human Rights and Opportunities (CHRO). The bill also makes it discriminatory practice for certain persons whose profession, trade or occupation requires a state license to refuse to accept someone as a member of a trade association, board, or other organization because of their criminal history and subjects violators to a fine of \$100 - \$500.

It is anticipated that up to 80 additional discrimination complaints a year will be filed with CHRO as a result of the provisions in this bill, requiring the addition of one Human Rights and Opportunities

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.19% of payroll in FY 20 and FY 21.

Trainee at a cost of \$33,737 in FY 20 (partial year) and \$48,731 in FY 21 (full year), and fringe benefit costs of \$13,896 and \$20,072, respectively. The bill may also result in a potential revenue gain to the extent that CHRO subjects violators to the fine.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the number of violators fined.

OLR Bill Analysis**sHB 6921*****AN ACT CONCERNING DISCRIMINATION BASED ON A PERSON'S CRIMINAL HISTORY.*****SUMMARY**

This bill prohibits discrimination based on “criminal matters of public record” (i.e., someone’s criminal history) in certain contexts. It does so by expanding the anti-discrimination provisions of various state laws to also prohibit discrimination due to such matters. Under the bill, “criminal matters of public record” is information obtained from the judicial department relating to arrests, indictments, convictions, outstanding judgments, and any other criminal history records that have not been erased, including “no contest” or guilty pleas.

More specifically, the bill prohibits discrimination based on someone’s criminal history 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. By law, anyone aggrieved by one of these alleged discriminatory practices may file a discrimination complaint with CHRO, which investigates and enforces anti-discrimination laws in these areas.

The bill also prohibits discrimination based on someone’s criminal history in several laws related to state employees, agencies, and the services they provide, which also fall under CHRO’s jurisdiction. (It appears that several of these requirements conflict with existing laws, unchanged by the bill, which allow, and sometimes require, people with criminal histories to be precluded from state employment, licensing, and permitting under certain circumstances, see COMMENT.)

The bill also prohibits discrimination based on someone's criminal history in various other contexts beyond the scope of CHRO's jurisdiction, including, among other things, in housing financed by the Connecticut Housing Finance Authority or under the Municipal Housing Finance Assistance Act, the provision of certain utility services, and issuing auto insurance policies.

EFFECTIVE DATE: October 1, 2019

DISCRIMINATION UNDER CHRO JURISDICTION

Employment (§ 2)

The bill prohibits an employer, except in the case of a bona fide occupational qualification or need, from taking the following actions based on a person's criminal history:

1. refusing to hire or employ the person;
2. barring or discharging the person from employment; or
3. discriminating against the person in pay or employment terms, conditions, or privileges.

These prohibitions apply to any employer, public or private, that employs three or more people. It applies to all employees except those employed by their parents, spouse, or children.

(Numerous state laws require prospective employees to undergo criminal background checks (e.g., certain child care workers (CGS § 19a-80)), and some explicitly prohibit people with certain criminal histories from holding certain positions (e.g. teachers (CGS § 10-145i)); but the extent to which a person's criminal history may affect a "bona fide occupational qualification or need" is unclear and may need to be determined by CHRO on a case-by-case basis.)

The bill also prohibits the following kinds of employment discrimination based on a person's criminal history:

1. employment agencies failing or refusing to properly classify or

-
- refer the person for employment or otherwise discriminating against the person, unless there is a bona fide occupational qualification or need;
2. labor organizations excluding the person from full membership rights, expelling the person, or discriminating in any way against a member, employer, or employee, unless it is due to a bona fide occupational qualification;
 3. 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;
 4. 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; and
 5. anyone aiding, abetting, inciting, compelling, or coercing someone to commit a discriminatory employment practice or attempting to do so.

Associations of Licensed People (§ 18)

The bill makes it a discriminatory practice for any professional or trade association, board, or other organization whose profession, trade, or occupation requires a state license, to refuse to accept someone as a member because of his or her criminal history. By law, violators are subject to a \$100 - \$500 fine.

Public Accommodations (§ 19)

The bill prohibits anyone from denying someone, on the basis of their criminal record, full and equal accommodations in any public establishment (i.e., one that caters to 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 criminal record. By law, violations are a Class D misdemeanor (CGS § 46a-64(c)).

Housing (§§ 20-21)

The bill prohibits the following kinds of housing discrimination based on a person's criminal history:

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, or publishing any notice, statement, or advertisement (or causing any of these to be done) about a dwelling's sale or rental 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 people with a criminal history 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 in the transactions' 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.

By law, violations are a class D misdemeanor (CGS § 46a-64c(g)).

Under existing law, unchanged by the bill, prohibitions on housing discrimination do not apply to (1) renting a room or rooms in a single-family home in which the owner lives or (2) a unit in a two-family home in which the owner lives (CGS § 46a-64c(b)).

The act also makes a conforming change by specifying that it does not prohibit a property appraiser from considering factors other than someone's criminal history or other specified impermissible factors.

Credit (§ 22)

The bill prohibits a creditor from discriminating against an adult in a credit transaction on the basis of his or her criminal history.

State Agencies (§§ 23-28)

The bill expands several CHRO anti-discrimination provisions for state agencies, employees, and services to cover discrimination based on a person's criminal history. More specifically, it:

1. 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 their criminal histories (§ 23) (it appears that this requirement conflicts with existing laws that require applicants for certain state positions to undergo criminal history checks and allows them to be precluded from state employment under certain circumstances; see COMMENT);
2. requires state agency services to be performed without

discrimination based on criminal histories (§ 24);

3. prohibits state departments, boards, or agencies from granting, denying, or revoking a person's license or charter on the grounds of his or her criminal history (§ 26) (it appears that this requirement and the requirement above (§ 24) conflict with existing laws which require applicants for certain state licenses and permits to undergo criminal history checks and explicitly prohibit people with criminal histories from holding certain licenses and permits; see COMMENT);
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 criminal history (§ 25);
5. 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 their criminal histories (§ 27); and
6. prohibits someone's criminal history 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 that discriminate on this basis (§ 28).

DISCRIMINATION IN OTHER CONTEXTS

The bill also prohibits discrimination based on someone's criminal history in other contexts beyond the scope of CHRO's jurisdiction.

Urban Homesteading Program (§ 3)

Under the Urban Homesteading Program, a municipality may create an urban homesteading agency to turn vacant and abandoned buildings into owner-occupied homes. These agencies may acquire

such properties and transfer them to people willing to rehabilitate and reside in them. The bill requires the contract for the transfer to provide that in the sale or rental of the property, no one will be discriminated against due to his or her criminal history.

Connecticut Housing Finance Authority (§ 4)

The bill requires the Connecticut Housing Finance Authority (CHFA) to require that the occupancy of all housing it finances or otherwise assists be open to all people regardless of their criminal histories. It also requires the contractors and subcontractors who build or rehabilitate such housing to take affirmative action to provide equal employment opportunity without discriminating as to criminal histories. (These requirements may conflict with certain requirements under federal law, see COMMENT.)

Rehabilitation of Abandoned Industrial and Commercial Buildings (§ 5)

Under the Rehabilitation of Abandoned Industrial and Commercial Buildings Program, municipalities may acquire and transfer blighted commercial and industrial property to entities that agree to rehabilitate it. The bill requires the contract for the transfer to provide that in the sale or rental of the property, no one will be discriminated against due to their criminal history.

Municipal Housing Finance Assistance (§ 6)

The bill requires municipalities to take all necessary steps to ensure that the occupancy of all housing financed or assisted under the Municipal Housing Finance Assistance Act is open to all people, regardless of their criminal history. (These requirements may conflict with certain requirements under federal law, see COMMENT.)

State Higher Education System Policies (§ 7)

The bill requires the state higher education system's policies to have the goal of ensuring that no qualified person is denied the opportunity for higher education due to his or her criminal history.

Public Libraries (§ 8)

The bill requires principal public libraries, to be eligible for certain state grants, to not discriminate on the basis of someone's criminal history. By law, a local municipal governing board may make one public library in the municipality eligible for certain state grants by designating it as its principal public library.

Utilities (§§ 9 & 10)

The bill prohibits retail electric suppliers, telephone companies, and certified telecommunications providers from refusing to provide services, or negotiate to provide services, to someone because of his or her criminal history.

Emergency Management (§ 11)

The bill prohibits anyone from discriminating on the basis of someone's criminal history when carrying out (1) the provisions of the civil preparedness, emergency management, and homeland security law or (2) any federal major disaster or emergency function in the state.

Apprenticeship Standards (§ 12)

The bill requires the labor commissioner's work training standards for apprentices to provide equal opportunities for all without regard to criminal history.

Indian Tribes' Employment Rights Code (§ 13)

The bill requires the Indian tribes' Employment Rights Code to provide that a commercial enterprise subject to tribal jurisdiction must not, except in the case of a bona fide occupational qualification or need, refuse to hire, bar, discharge, or discriminate against anyone in compensation or other employment terms, due to their criminal history. By law, the tribes must adopt such a code in order to receive certain state services or funds.

Regional Corporations (§ 14)

The bill requires applicants for financial assistance from a regional corporation to certify that they will not discriminate against any

employee or job applicant because of his or her criminal history. In general, a regional corporation provides financial assistance to businesses for projects that demonstrate a substantial likelihood of providing increases in net new permanent jobs or retaining jobs in businesses that need such assistance to remain viable.

Auto Insurance (§ 15)

The bill prohibits auto insurance companies from declining, canceling, or refusing to renew auto insurance policies solely on the basis of someone's criminal history, unless the company is part of an insurer group and another group member would not decline a similar application on this basis.

Discriminatory Boycotts (§§ 16 & 17)

The bill extends the state policy to oppose unauthorized discriminatory boycotts that are fostered or imposed by foreign persons, foreign governments, or international organizations, to include any such boycott against a domestic individual on the basis of his or her criminal history.

Under the bill, "participating in a discriminatory boycott" includes entering into or performing an agreement, or contractual arrangement for economic benefit by a person with a foreign government, foreign person, or international organization, not specifically authorized by federal law, in order to restrict, condition, prohibit, or interfere with any business relationship in Connecticut on the basis of a domestic individual's criminal history.

For these purposes, domestic individuals include people and businesses whose residence, domicile, or principal place of business is in Connecticut or who do business in Connecticut.

COMMENT

Conflicting State and Federal Laws

Several of the bill's provisions banning discrimination against someone due to his or her criminal history may conflict with existing

state or federal laws. It is unclear how these provisions would interact with the existing laws.

State Employment. Numerous state laws, unchanged by the bill, require applicants for certain state employee positions to undergo criminal history checks (e.g., positions in the departments of Children and Families (CGS § 17a-6a), Correction (CGS § 18-811), and Public Health (CGS § 19a-40a)). The law also allows the state and its agencies to deny someone state employment after considering (1) the nature of the crime and its relationship to the job, (2) information pertaining to the degree of the person's rehabilitation, and (3) how much time has passed since the person's conviction or release (CGS § 46a-80).

State Occupational Licenses and Permits. Numerous state laws, unchanged by the bill, require applicants for certain state licenses, permits, and registrations to undergo criminal history checks (e.g., nursing home licenses (CGS § 19a-491b), school bus driver licenses (CGS § 14-44), security officer licenses (CGS § 29-161q)). In addition, other laws explicitly prohibit state agencies from issuing specified documents to people with certain criminal convictions (e.g., certain gun permits (CGS § 29-28), security officer trainers (CGS § 29-161q)).

Existing law allows the state and its agencies to deny someone a license, permit, certificate or registration to practice an occupation, trade, profession or business, after considering (1) the nature of the crime and its relationship to the job, (2) information pertaining to the degree of the person's rehabilitation, and (3) how much time has passed since the person's conviction or release (CGS § 46a-80).

Housing. Federal law and regulations generally prohibit entities responsible for administering federally assisted housing programs, such as CHFA, from serving individuals listed on a state or federal sex offender registry and may additionally prohibit individuals with certain criminal histories from participating in certain programs (e.g., see 24 C.F.R. § 553).

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 9 Nay 4 (03/21/2019)