



SB 54 AN ACT CONCERNING A LANDLORD'S ABILITY TO REVIEW CRIMINAL RECORDS RELATING TO A PROSPECTIVE TENANT.

HB 5712 AN ACT CONCERNING THE CONNECTICUT CLEAN SLATE LAW.

HB 5713 AN ACT CONCERNING INQUIRIES ABOUT THE CRIMINAL CONVICTIONS OF A PROSPECTIVE TENANT.

Housing Committee Public Hearing
02.07.19

Dear Senator Bradley, Representative McGee, and Ranking Members Senator Hwang and Representative Dauphinais and Members of the Housing Committee:

My name is Robert Chesson of the Landlord Law Firm and I am submitting testimony representing the Connecticut Apartment Association (CTAA). CTAA represents over 50,000 units, the largest number of apartments represented by any single association in the state. CTAA members consist of the state's leading firms in the multifamily rental housing industry, many of whom manage national portfolios. The association's mission is to actively lead the apartment industry in providing quality housing by educating, advocating and connecting property owners, managers and vendor partners. Our parent organization, the National Apartment Association (NAA), represents more than 9.2 million apartment homes throughout the United States, Canada and Europe.

Protections for Landlords

- Precise screening criteria (i.e. - HUD guidelines)
Limitation on right to sue landlord applying statutory criteria
- Implement Housability Certificate including bonding program - Analogous to the "employability certificate", a Housability Certificate program would alleviate some of the stigma an inmate carries as they begin their reintegration journey into society. It would assure the landlord and the destination community that the integrity and resources of the State stand behind its decision to select this inmate for just such a journey and that the citizens of Connecticut can rest assured that the State has comprehensively determined that the inmate is rehabilitated, will not reoffend, and is capable and willing to become a productive, model citizen in their new community.

This program should also include a bond component intended to further ensure the landlord that the State stands by their assessment of the inmates future potential and insure the landlord from adverse events beyond the landlord's control resulting from the State requiring it to accept the reentering population. This bond should cover the direct impact a reentering citizen might have on the community through their future criminal acts, should they reoffend. It should also cover the unintentional consequences from this same reentering population. Similar to the concept of disparate impact as a legal theory in the fair housing laws, wherein a statistically greater discriminatory impact is actionable against a landlord despite an underlying neutral program, this bonding program should insure against similarly unintended consequences resulting from the implementation of this reentry program on landlords and their communities - i.e., increased turnovers in units resulting from a community perception of decreased safety for children after a landlord is required to accept a sex offender reentering the community after incarceration.

- Increase the standard of proof in fair housing litigation - The expansion of fair housing laws beyond immutable characteristics is thus far unprecedented. As it seems this is an inevitable trend, the growing exposure of landlords to frivolous, costly litigation continues to inflate. This legislature should consider implementing some safeguards that directly protect the very providers of the increasingly scarce housing they are seeking to make more readily available to the oppressed lest these housing providers opt to revitalize and build in a less onerous jurisdiction.

One such safeguard it to heighten the standards of proof for those often frivolous, costly lawsuits mentioned above. With the stakes at a premium and the exposure to unfounded claims growing, landlords in Connecticut should be offered some reprieve from such clear efforts to extort settlement dollars by undeserving complainants and their attorneys. That relief can easily be addressed by simply raising the standard of proof in such cases from a "preponderance of evidence" to a "clear and convincing evidence" standard. Such a simple change would serve as a prophylactic against money-hungry litigants and their attorneys who are just looking to make a buck while still protecting those who have actually suffered the unacceptable consequences of actual discrimination.

Thank you for your consideration.

Sincerely,
Robert Chesson, Esq.
Landlord Law Firm