



Legislative Testimony
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**Written Testimony Supporting
Senate Bill 54, An Act Concerning a Landlord's Ability to
Review Criminal Records Relating to a Prospective Tenant and
House Bill 5713, An Act Concerning Inquiries about the
Criminal Convictions of a Prospective Tenant**

Senator Bradley, Representative McGee, and distinguished members of the Housing Committee:

My name is Anderson Curtis, and I am a Smart Justice field organizer with the American Civil Liberties Union of Connecticut (ACLU-CT). I am here to testify in support of Senate Bill 54, An Act Concerning a Landlord's Ability to Review Criminal Records Relating to a Prospective Tenant and House Bill 5713, An Act Concerning Inquiries about the Criminal Convictions of a Prospective Tenant. We encourage the committee to support and strengthen these bills.

The ACLU-CT believes in a society where all people, including those who have been convicted or accused of a crime, have equal opportunity to contribute to society and build successful and fulfilling lives. People involved in our criminal justice system who have paid their debt to society deserve to be able to live their lives in Connecticut's communities with the resources they need to live life to the fullest and to be law-abiding residents. Furthermore, when someone who is formerly incarcerated has a fair chance at earning a job, housing, and education, they are less likely to commit another crime. That makes us all safer and stronger. A critical resource for people with criminal records is safe, stable, and affordable housing.

Connecticut residents who are living with criminal records face hundreds of legal barriers to participating in society, including many barriers to housing. Public and private landlords generally have the right to discriminate against a prospective tenant simply because of their criminal record, no matter how long ago they were involved in the justice system. The more

than 40,000 people in this state who are living with a criminal record are struggling to put a roof over their heads, with many ending up homeless or in unstable housing situations due to discrimination based solely on their previous record of arrest or conviction.

Both Senate Bill 54 and House Bill 5713 help to contribute to a critical, ongoing conversation about the need for Connecticut to address this housing crisis. Senate Bill 54 would require the Housing Department commissioner to determine a time period during which landlords would be allowed to look back at someone's record of arrest or conviction, while House Bill 5713 would establish a seven-year look back period. Though the ACLU-CT supports the intention of these bills to reduce discrimination, we encourage the committee to strengthen them by eliminating the look back period. We do not believe there should be an arbitrary time period during which someone can face discrimination due to their previous record of arrest or conviction.

Housing is incredibly important for people living with criminal records and, in particular, for people who were formerly incarcerated, as it allows us a sense of stability as we reconnect with our family and friends and begin working to support ourselves and our families. Without stable and safe housing, it can be difficult to obtain and keep employment. Families of people living with criminal records may be forced to leave public housing, leading to housing instability and financial strain for the whole family. Stable, safe, affordable housing for people living with a criminal record is not only beneficial for those individuals and their families; it is good for the public at large, and it makes it less likely that someone will reoffend. Being on the streets can make it difficult for people to move forward with their lives, which means it can be hard for them to become engaged and active residents of our state. Having housing allows people to support themselves and their families, stay on the right path, and be productive members of society. Particularly during the early days of someone's reentry into society, safe and secure housing can be the difference between success and failure.

Passing bills that reduce collateral consequences in housing for people with criminal records is the right thing to do, and the vast majority of Connecticut voters support it. Fully 74% of Connecticut voters support the legislature passing a law that prohibits formerly incarcerated people from being discriminated against due to their criminal record when it comes to housing. This support includes 55% of Republican voters, 73% of Independents, and 88% of

Democrats. Connecticut residents know that redemption is possible, and a person's record of arrest or conviction alone does not tell you whether they will be a good neighbor.

Nonpartisan groups charged with researching solutions to address this issue have also recommended prohibiting housing discrimination based on someone's criminal record. Most recently, the Commission on Equity and Opportunity Reentry Working Group's January 2019 *Hope for Success: Returning Home* report identified "[s]trengthen[ing] policies to prevent discrimination in both public and private housing and remov[ing] unnecessary barriers to housing access for individuals with a criminal record" as an important goal for Connecticut.¹ Specifically, the group recommends a law for housing similar to the 2016 "Ban the Box" legislation for employment, which prohibits background checks of prospective employees by employers until after a conditional employment offer. The group suggests prohibiting landlords from looking at criminal records beyond seven years to help prevent discrimination.

According to the United States Department of Housing and Development, "African Americans and Hispanics are arrested, convicted and incarcerated at rates disproportionate to their share of the general population," meaning that "criminal records-based barriers to housing are likely to have a disproportionate impact on minority home seekers."² This is true in our state, as Connecticut's criminal justice system disproportionately incarcerates Black and Latino people. Bills like Senate Bill 54 and House Bill 5713 that restrict the ability of landlords to view prospective tenants' criminal records therefore present critical opportunities to reduce discrimination that disproportionately hurts Black and Latino people.

Like the ACLU-CT, the people of Connecticut believe that people living with a criminal record deserve a second chance. Eighty-two percent of Connecticut voters, including 71% of Republicans, agree that people who have been convicted of a crime can turn their lives around and become productive members of society if they can get the right kind of help. Connecticut

¹ *Hope for Success: Returning Home*. Commission on Equity & Opportunity, Reentry Working Group, January 2019 (<https://assets.documentcloud.org/documents/5692262/CEO-Report-Hope-for-Success-Returning-Home.pdf>).

² Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions, United States Department of Housing and Urban Development, April 4, 2016 (https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF).

will be safer, stronger, and fairer if our state protects people from being discriminated against in the housing context solely based on their criminal record.

We urge the committee to strengthen and support these bills to limit the ability of landlords to look at prospective tenants' criminal records in order to afford people living with a criminal record the chance to have safe, affordable, and stable housing.