



CONNECTICUT
LEGAL
RIGHTS
PROJECT, INC.

TESTIMONY OF KATHLEEN FLAHERTY, ESQ.
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HOUSING COMMITTEE PUBLIC HEARING
FEBRUARY 7, 2019

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

Support, with concerns HB 5844: AN ACT REQUIRING HOUSING AUTHORITIES TO
PROVIDE VOTER REGISTRATION APPLICATIONS TO PROSPECTIVE TENANTS.

Support, with concerns HB 5712: AN ACT CONCERNING THE CONNECTICUT CLEAN
SLATE LAW.

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

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

Good afternoon. My name is Kathy Flaherty and I'm the Executive Director of Connecticut Legal Rights Project (CLRP), a statewide non-profit agency that provides legal services to low income adults with serious mental health conditions. CLRP was established in 1990 pursuant to a Consent Order which mandated that the state provide funding for CLRP to protect the civil rights of DMHAS clients who are hospitalized, as well as those clients who are living in the community. I'm also the Co-Chair of the Keep the Promise Coalition (KTP). KTP is a coalition of advocates (people living with mental health conditions, family members, mental health professionals and interested community members) with a vision of a state in which people with mental health conditions are able to live successfully in the community because they have access to housing and other community-based supports and services that are recovery oriented, person-driven and holistic in their approach to wellness. Lastly, I'm a member of the steering committee of the Connecticut Cross Disability Lifespan Alliance, an alliance of people of all ages with all disabilities who pursue a unified agenda.

I speak today in support of four of the bills on today's agenda, three of which increase opportunity for people who have been involved in the criminal justice system to re-integrate in our communities and have access to decent, safe, and affordable housing.

I have been a legal aid lawyer for more than two decades. One of the biggest challenges facing people who are low-income in Connecticut is remaining stably housed. That challenge is magnified for people who are both poor and living with a mental health condition – the people who are the clients represented by CLRP and a substantial segment of the membership of the Keep the Promise Coalition. Unfortunately, as a result of behaviors that may be related to their disabling mental health condition, many of those individuals may have interacted with the criminal justice system and have a record. I am sure you will hear from others who will talk about the disparate impact of race and ethnicity when it comes to criminal justice matters. While I understand that many landlords believe that they should automatically reject an individual who has a criminal record because such a person may not make a good tenant, limiting their ability to do so by restricting the look-back time period (SB 54 and HB 5713) or sealing the record after a certain amount of time and restricting access solely to law enforcement agencies (HB 5712) is a sensible balance between a landlord's property management and the prospective tenant's opportunity to have a second chance in the community. People who are stably housed are less likely to re-offend. They will be better able to maintain their recovery. They will have the opportunity to participate as citizens in their communities.

The concern I have with regard to HB 5712 is that automatic erasure applying to “any misdemeanor offenses” is that some fairly serious, violent offenses are classified as Class A misdemeanor offenses under Connecticut law – including criminally negligent homicide and 3rd degree assault of an elderly, blind, disabled, or pregnant person or person with intellectual disabilities. There may need to be more thoughtful consideration regarding the types of crimes subject to automatic erasure if that is the direction the legislature chooses to go – or, instead, the legislature may decide to maintain the record but put more appropriate limits on its use, as in SB 54 and HB 5713.

I believe the legislature should support people in exercising their right to vote and provide additional opportunities for people to register to vote. My only concern with requiring housing authorities to provide voter registration applications to prospective tenants is that those tenants may never sign a lease and may never end up living in the housing authority's jurisdiction. If a prospective tenant, already registered to vote where he or she currently lives, is sent voter registration materials upon submitting an application to a housing authority, there is a possibility of creating confusion. My suggestion would be that upon execution of a lease (and even at re-certification), the tenant be asked if they would like to register to vote, and then materials be provided if the tenant responds “yes.”

Thank you for your consideration of these comments, and I look forward to working with the committee moving forward on these proposals.