



WORKING DRAFT

General Assembly

January Session, 2019

Committee Bill No. 5713

LCO No. 4761

Referred to Committee on HOUSING

Introduced by:
(HSG)

***AN ACT CONCERNING CONSIDERATION OF CRIMINAL
CONVICTIONS OF A PROSPECTIVE TENANT.***

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

1 Section 1. Section 46a-64b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 As used in sections 46a-51 to 46a-99, inclusive, and section 2 of this
4 act:

5 (1) "Conviction" means a judgment entered by a court upon a plea of
6 guilty, a plea of nolo contendere or a finding of guilty by a jury or the
7 court notwithstanding any pending appeal or habeas corpus
8 proceeding arising from such judgment.

9 [(1)] (2) "Discriminatory housing practice" means any discriminatory
10 practice specified in section 46a-64c, [or] section 46a-81e or section 2 of
11 this act.

12 [(2)] (3) "Dwelling" means any building, structure, mobile
13 manufactured home park or portion thereof which is occupied as, or
14 designed or intended for occupancy as, a residence by one or more

WORKING DRAFT

Committee Bill No. 5713

15 families, and any vacant land which is offered for sale or lease for the
16 construction or location thereon of any such building, structure,
17 mobile manufactured home park or portion thereof.

18 [(3)] (4) "Fair Housing Act" means Title VIII of the Civil Rights Act
19 of 1968, as amended, and known as the federal Fair Housing Act (42
20 USC 3600-3620).

21 [(4)] (5) "Family" includes a single individual.

22 [(5)] (6) "Familial status" means one or more individuals who have
23 not attained the age of eighteen years being domiciled with a parent or
24 another person having legal custody of such individual or individuals;
25 or the designee of such parent or other person having such custody
26 with the written permission of such parent or other person; or any
27 person who is pregnant or is in the process of securing legal custody of
28 any individual who has not attained the age of eighteen years.

29 [(6)] (7) "Housing for older persons" means housing: (A) Provided
30 under any state or federal program that the Secretary of the United
31 States Department of Housing and Urban Development determines is
32 specifically designed and operated to assist elderly persons as defined
33 in the state or federal program; or (B) intended for, and solely occupied
34 by, persons sixty-two years of age or older; or (C) intended and
35 operated for occupancy by at least one person fifty-five years of age or
36 older per unit in accordance with the standards set forth in the Fair
37 Housing Act and regulations developed pursuant thereto by the
38 Secretary of the United States Department of Housing and Urban
39 Development.

40 (8) "Housing provider" means a landlord or owner, as those terms
41 are defined in section 47a-1, or an agent of such landlord or owner, a
42 housing authority, as created in section 8-40, a public housing agency
43 or other entity that provides housing opportunities to potential
44 tenants.

WORKING DRAFT

Committee Bill No. 5713

45 (9) "Landlord" means the owner, lessor or sublessor of the dwelling
46 unit, the building of which it is a part or the premises.

47 [(7)] (10) "Mobile manufactured home park" means a plot of land
48 upon which two or more mobile manufactured homes occupied for
49 residential purposes are located.

50 (11) "Owner" means one or more persons, jointly or severally, in
51 whom is vested (A) all or part of the legal title to property, or (B) all or
52 part of the beneficial ownership and a right to present use and
53 enjoyment of the premises and includes a mortgagee in possession.

54 [(8)] (12) "Physical or mental disability" includes, but is not limited
55 to, intellectual disability, as defined in section 1-1g, and physical
56 disability, as defined in subdivision (15) of section 46a-51, and also
57 includes, but is not limited to, persons who have a handicap as that
58 term is defined in the Fair Housing Act.

59 [(9)] (13) "Residential-real-estate-related transaction" means (A) the
60 making or purchasing of loans or providing other financial assistance
61 for purchasing, constructing, improving, repairing or maintaining a
62 dwelling, or secured by residential real estate; or (B) the selling,
63 brokering or appraising of residential real property.

64 [(10)] (14) "To rent" includes to lease, to sublease, to let and to
65 otherwise grant for a consideration the right to occupy premises not
66 owned by the occupant.

67 Sec. 2. (NEW) (*Effective October 1, 2019*) (a) It shall be a
68 discriminatory practice in violation of this section:

69 (1) (A) To refuse to rent to, negotiate for the rental of, or otherwise
70 make unavailable or deny a rental unit or deny occupancy in a rental
71 unit to any person based on the applicant's criminal record, except for
72 (i) conviction of a misdemeanor described in subparagraph (B) of this
73 subdivision during the three years immediately preceding the rental
74 application, or (ii) conviction of a felony described in subparagraph (B)

WORKING DRAFT

Committee Bill No. 5713

75 of this subdivision during the seven years immediately preceding the
76 rental application.

77 (B) Within the three and seven-year periods specified in
78 subparagraph (A) of this subdivision, housing providers may only
79 consider criminal convictions that, if repeated, would adversely affect
80 the health, safety or welfare of other tenants, including, but not limited
81 to, (i) crimes of physical violence to persons or property; (ii) crimes
82 involving the illegal manufacture, sale or distribution of a controlled
83 substance, as defined in section 21a-240 of the general statutes; and (iii)
84 sexual offenses under sections 53a-65 to 53a-90b, inclusive, of the
85 general statutes.

86 (C) In no case may records of arrest not followed by a conviction, or
87 records of convictions that have been erased, be used as a basis to
88 reject an applicant for housing.

89 (D) Prior to denying a rental application pursuant to this section, a
90 housing provider shall provide written notice to the applicant that the
91 application requires further review due to the applicant's criminal
92 conviction. The housing provider shall provide the applicant an
93 opportunity to present relevant mitigating information regarding the
94 conviction and evidence that the applicant would be a good tenant.
95 Such evidence may include the following factors:

96 (i) The nature and severity of the criminal offense;

97 (ii) The facts or circumstances surrounding the criminal conduct;

98 (iii) The age of the applicant at the time of the offense;

99 (iv) The length of time elapsed since the offense;

100 (v) Evidence that the applicant has maintained a good tenant history
101 before or after the offense;

102 (vi) Any information produced by the applicant, or produced on the

WORKING DRAFT

Committee Bill No. 5713

103 applicant's behalf, in regard to the applicant's rehabilitation or good
104 conduct since the offense; and

105 (vii) Any other evidence that the offense is unlikely to reoccur.

106 (E) If, after consideration of evidence relevant to the factors set forth
107 in subparagraph (D) of this subdivision, the housing provider rejects
108 an applicant for housing based on conviction of a crime, such rejection
109 shall be in writing and specifically state the evidence presented and
110 reasons for rejection. A copy of such rejection shall be sent by
111 registered mail to the applicant at the address provided in the
112 application for housing.

113 (F) No housing provider may request any consumer reporting
114 agency to provide any criminal conviction information except as
115 permitted by this section.

116 (2) To discriminate against any person in the terms, conditions or
117 privileges of rental of a dwelling, or in the provision of services or
118 facilities in connection therewith, because of such person's criminal
119 conviction status.

120 (3) To make, print or publish, or cause to be made, printed or
121 published any notice, statement or advertisement, with respect to the
122 rental of a dwelling that indicates any preference, limitation or
123 discrimination based on criminal conviction status, or an intention to
124 make any such preference, limitation or discrimination.

125 (4) To represent to any person because of criminal conviction status
126 that any dwelling is not available for inspection or rental when such
127 dwelling is in fact so available.

128 (b) The provisions of this section shall not apply to (1) the rental of a
129 room or rooms in a single-family dwelling unit if the owner actually
130 maintains and occupies part of such unit as his or her residence, or (2)
131 a unit in a dwelling containing not more than four units if the owner
132 actually maintains and occupies one of such other units as his or her

WORKING DRAFT

Committee Bill No. 5713

133 residence.

134 (c) Nothing in this section limits the applicability of any reasonable
135 state statute or municipal ordinance restricting the maximum number
136 of persons permitted to occupy a dwelling.

137 (d) Any person aggrieved by a violation of this section may file a
138 complaint within one hundred eighty days after the alleged act of
139 discrimination, pursuant to section 46a-82 of the general statutes.

140 (e) Notwithstanding any other provision of chapter 814c of the
141 general statutes, complaints alleging a violation of this section shall be
142 investigated within one hundred days of filing and a final
143 administrative disposition shall be made within one year of filing
144 unless it is impracticable to do so. If the Commission on Human Rights
145 and Opportunities is unable to complete its investigation or make a
146 final administrative determination within such time frames, it shall
147 notify the complainant and the respondent in writing of the reasons for
148 not doing so.

149 (f) Any person who violates any provision of this section shall be
150 guilty of a class D misdemeanor.

151 Sec. 3. Subdivision (1) of subsection (a) of section 47a-23c of the
152 general statutes is repealed and the following is substituted in lieu
153 thereof (*Effective October 1, 2019*):

154 (a) (1) Except as provided in subdivision (2) of this subsection, this
155 section applies to any tenant who resides in a building or complex
156 consisting of five or more separate dwelling units or who resides in a
157 mobile manufactured home park and who is either: (A) Sixty-two
158 years of age or older, or whose spouse, sibling, parent or grandparent
159 is sixty-two years of age or older and permanently resides with that
160 tenant, or (B) a person with a physical or mental disability, as defined
161 in subdivision [(8)] (12) of section 46a-64b, as amended by this act, or
162 whose spouse, sibling, child, parent or grandparent is a person with a

WORKING DRAFT

Committee Bill No. 5713

163 physical or mental disability who permanently resides with that
164 tenant, but only if such disability can be expected to result in death or
165 to last for a continuous period of at least twelve months.

166 Sec. 4. Section 8-45a of the general statutes is repealed and the
167 following is substituted in lieu thereof (*Effective October 1, 2019*):

168 A housing authority, as defined in subsection (b) of section 8-39, in
169 determining eligibility for the rental of public housing units may
170 establish criteria and consider relevant information concerning (1) an
171 applicant's or any proposed occupant's history of criminal activity,
172 during the time periods established under subsection (a) of section 2 of
173 this act, involving: (A) Crimes of physical violence to persons or
174 property, (B) crimes involving the illegal manufacture, sale,
175 distribution or use of, or possession with intent to manufacture, sell,
176 use or distribute, a controlled substance, as defined in section 21a-240,
177 or (C) other criminal acts which would adversely affect the health,
178 safety or welfare of other tenants, (2) an applicant's or any proposed
179 occupant's abuse, or pattern of abuse, of alcohol when the housing
180 authority has reasonable cause to believe that such applicant's or
181 proposed occupant's abuse, or pattern of abuse, of alcohol may
182 interfere with the health, safety or right to peaceful enjoyment of the
183 premises by other residents, and (3) an applicant or any proposed
184 occupant who is subject to a lifetime registration requirement under
185 section 54-252 on account of being convicted or found not guilty by
186 reason of mental disease or defect of a sexually violent offense. In
187 evaluating any such information, the housing authority shall give
188 consideration to the time, nature and extent of the applicant's or
189 proposed occupant's conduct and to factors which might indicate a
190 reasonable probability of favorable future conduct such as evidence of
191 rehabilitation and evidence of the willingness of the applicant, the
192 applicant's family or the proposed occupant to participate in social
193 service or other appropriate counseling programs and the availability
194 of such programs.

WORKING DRAFT

Committee Bill No. 5713

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2019</i>	46a-64b
Sec. 2	<i>October 1, 2019</i>	New section
Sec. 3	<i>October 1, 2019</i>	47a-23c(a)(1)
Sec. 4	<i>October 1, 2019</i>	8-45a

Statement of Purpose:

To prohibit housing providers from considering a prospective tenant's criminal conviction after certain time periods.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. MCGEE, 5th Dist.; REP. GIBSON, 15th Dist.

H.B. 5713