



General Assembly

Substitute Bill No. 5713

January Session, 2019



**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 Section 46a-64b of the general statutes is repealed and the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
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, an agent of such
41 landlord or owner, a realtor, property manager, housing authority, as
42 created in section 8-40, public housing agency or other entity that
43 provides housing opportunities to potential tenants.

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

46 ~~[(7)]~~ (10) "Mobile manufactured home park" means a plot of land
47 upon which two or more mobile manufactured homes occupied for
48 residential purposes are located.

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

53 [(8)] (12) "Physical or mental disability" includes, but is not limited
54 to, intellectual disability, as defined in section 1-1g, and physical
55 disability, as defined in subdivision (15) of section 46a-51, and also
56 includes, but is not limited to, persons who have a handicap as that
57 term is defined in the Fair Housing Act.

58 [(9)] (13) "Residential-real-estate-related transaction" means (A) the
59 making or purchasing of loans or providing other financial assistance
60 for purchasing, constructing, improving, repairing or maintaining a
61 dwelling, or secured by residential real estate; or (B) the selling,
62 brokering or appraising of residential real property.

63 [(10)] (14) "To rent" includes to lease, to sublease, to let and to
64 otherwise grant for a consideration the right to occupy premises not
65 owned by the occupant.

66 Sec. 2. (NEW) (*Effective October 1, 2019*) (a) Except as provided in
67 subsections (b) and (c) of this section, it shall be a discriminatory
68 practice in violation of this section:

69 (1) (A) To refuse to rent after the making of a bona fide offer, or to
70 refuse to negotiate for the rental of, or otherwise make unavailable or
71 deny a rental unit or deny occupancy in a rental unit to any person
72 based on the applicant's criminal record, except for (i) conviction or
73 release from confinement for the commission of a misdemeanor
74 described in subparagraph (B) of this subdivision during the three
75 years immediately preceding the rental application, or (ii) conviction
76 or release from confinement for the commission of a felony described
77 in subparagraph (B) of this subdivision during the ten years
78 immediately preceding the rental application.

79 (B) Within the three and ten-year periods specified in subparagraph

80 (A) of this subdivision, housing providers may only consider criminal
81 convictions that, if repeated, would adversely affect the health, safety
82 or welfare of other tenants, including, but not limited to, (i) crimes of
83 physical violence to persons or property; (ii) crimes involving the
84 illegal manufacture, sale or distribution of a controlled substance, as
85 defined in section 21a-240 of the general statutes; (iii) violations of
86 subdivision (1) of subsection (a) of section 53-21 of the general statutes;
87 and (iv) sexual offenses under sections 53a-65 to 53a-90b, inclusive, of
88 the general statutes.

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

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

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

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

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

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

103 (v) Evidence the applicant has maintained a good tenant history
104 before or after the offense;

105 (vi) Any information produced by the applicant, or produced on the
106 applicant's behalf, in regard to the applicant's rehabilitation or good
107 conduct since the offense; and

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

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

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

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

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

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

131 (b) The provisions of this section shall not apply to a person who
132 applies for public housing who has a conviction for manufacture or
133 production of methamphetamine on the premises of federally assisted
134 housing, or to a person subject to a lifetime registration requirement
135 under a state sexual offender registration program pursuant to 24 CFR
136 960.204 and 24 CFR 982.553. Nothing in this section shall be construed
137 to limit the applicability of 24 CFR 960.204 or 24 CFR 982.553 with
138 regard to a public housing authority.

139 (c) The provisions of this section shall not apply to (1) the rental of a
140 room or rooms in a single-family dwelling unit if the owner actually
141 maintains and occupies part of such unit as his or her residence, or (2)
142 a unit in a dwelling containing not more than four units if the owner
143 actually maintains and occupies one of such other units as his or her
144 residence.

145 (d) Nothing in this section limits the applicability of any reasonable
146 state statute or municipal ordinance restricting the maximum number
147 of persons permitted to occupy a dwelling.

148 (e) Any person aggrieved by a violation of this section may file a
149 complaint not later than one hundred eighty days after the alleged act
150 of discrimination, pursuant to section 46a-82 of the general statutes.

151 (f) Notwithstanding any other provision of chapter 814c of the
152 general statutes, complaints alleging a violation of this section shall be
153 investigated not later than one hundred days after filing and a final
154 administrative disposition shall be made not later than one year after
155 filing unless it is impracticable to do so. If the Commission on Human
156 Rights and Opportunities is unable to complete its investigation or
157 make a final administrative determination within such time frames, it
158 shall notify the complainant and the respondent in writing of the
159 reasons for not doing so.

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

163 (a) (1) Except as provided in subdivision (2) of this subsection, this
164 section applies to any tenant who resides in a building or complex
165 consisting of five or more separate dwelling units or who resides in a
166 mobile manufactured home park and who is either: (A) Sixty-two
167 years of age or older, or whose spouse, sibling, parent or grandparent
168 is sixty-two years of age or older and permanently resides with that
169 tenant, or (B) a person with a physical or mental disability, as defined

170 in subdivision [(8)] (12) of section 46a-64b, as amended by this act, or
171 whose spouse, sibling, child, parent or grandparent is a person with a
172 physical or mental disability who permanently resides with that
173 tenant, but only if such disability can be expected to result in death or
174 to last for a continuous period of at least twelve months.

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

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

203 of such programs.

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 Legislative Commissioners:

In Section 1(8), a reference to section 47a-1 was deleted for accuracy and in Section 2(a), a reference to Subsec. (c) was added for accuracy.

HSG *Joint Favorable Subst.*