



An Act Concerning a Landlord's Ability to Consider the Criminal Record of Prospective Tenants

Housing Committee Public Hearing

02.18.20

Dear Senator Anwar, Representative McGee, and Ranking Members Senator Hwang and Representative Zullo and Members of the Housing Committee:

My name is Carrie Rowley 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.

I would like to address the following bills in my testimony:

SB 105 – An Act Establishing a Right to Housing

SB 109 – An Act Concerning a Landlord's Ability to Consider the Criminal Record of Prospective Tenants

HB 5122 – An Act Considering Consideration of Criminal Convictions of a Prospective Tenant

HB 5118 – An Act Requiring Landlords to Provide Security Systems and Lighting in Rental Properties and Hallways.

HB 5126 – An Act Concerning Inspections of Rental Property Prior to Occupancy or Termination, Late Rental Payments and Designation of a Rental Housing Ombudsman.

The CTAA supports the committee's efforts to address the matter of right to housing and addressing the needs of applicants potentially with criminal backgrounds who are looking for housing. We look forward to working with the committee on devising policies that do not unfairly sanction property managers and landlords who undertake sensible measures to provide safe stable housing to present and future tenants.

CTAA believes there are policies and procedures that can be adopted that when implemented can assist in achieving the goals the committee is looking to address.

SB 105 – An Act Establishing a Right to Housing

While we as housing providers support and honor the spirit and principles of the "Right to Housing" proposed legislation, there is language included in the proposed bill which does not take into account the cost on individuals and companies doing business in Connecticut. Specifically it assumes there will be additional cost to businesses which appear to be determined by the State of Connecticut, Agencies within the State of Connecticut, etc. potentially without the input of the affected individuals and businesses. Secondly, SB 105 appears to have been proposed specifically to support both SB 109, An Act Concerning a Landlord's Ability to Consider the Criminal

Record of Prospective Tenants and HB 5122, An Act Considering Consideration of Criminal Convictions of a Prospective Tenant. Without SB 105, both SB 109 and HB 5122 would not work.

SB 109 – An Act Concerning a Landlord’s Ability to Consider the Criminal Record of Prospective Tenants AND HB 5122 – An Act Considering Consideration of Criminal Convictions of a Prospective Tenant

While we as an association support the Committee’s efforts to broaden access to housing, both SB 109 and HB 5122 set up significant liability for a landlord, a landlord representative from the prospective tenant, the Attorney General and various commissions within the State of Connecticut and from current residents of a rental unit.

SB 109 specifically grants immunity for civil liability, however, unfortunately this immunity does not protect the current resident from the impact of subsequent criminal acts by tenants who are approved as a result of this particular bill. Additionally, a private or rather landlord who is not a housing authority has no legal ability to deny a resident for any criminals matters and convictions outside of the proposed three or seven year look-back periods. Therefore, the private landlord takes on more liability than other types of landlords as defined by SB 109.

A similar approach is seen in HB 5122, where the private landlord takes on significant risk with limited or no protection for themselves or for their current residents. We as an association have serious concerns with the language of this bill, the cost to individual landlords and to companies who own or maintain residential properties within the State of Connecticut.

HB 5122 does not appear to take into account practice and procedure by providers of multi-family housing in their application process. We generally use screening companies, so that we can be sure we are complying with current fair housing procedures and applying laws and regulations in a manner. All of the screening companies I am familiar with provide clear procedures and contacts for an applicant who has been denied housing for any reason. Part of the reason for using a screening company is not everyone is an attorney or an expert in every field. With HB 5122, we would essentially have to have an attorney’s review of every application which comes through our offices. The cost of that alone is astronomical, and drives up operating costs which have to be recouped to continue to maintain the property and the business.

Employees of landlords also appear to be able to be held individually accountable and named specifically in actions brought by potential tenants affected by HB 5122. Language within the bill also further supports the proposed affected applicant even to the degree that the Attorney General or Commissions and/or Agencies of the State of Connecticut can pursue legal action even when there is no reasonable cause in a case. There is no protection for landlords of any size who have frivolous action brought against them. The Commission or Attorney General can dismiss a case, but the damage is already done in terms of reputation in the community, and cost of defense.

These issues are a small representation of some of the concerns we as the Connecticut Apartment Association have with HB 5122. We would like to be a resource though as this conversation continues to implement legislation which addresses the need for housing and best practices for implementing it.

HB 5118 – An Act Requiring Landlords to Provide Security Systems and Lighting in Rental Properties and Hallways.

We as quality housing providers always strive to maintain our communities and properties in a way that allows for the safety of a resident. Every resident should be able to enjoy homes in a fit and habitable condition. However, HB 5118 does not take into account the different types of buildings, amenities offered, utilities included, etc. Additionally, the State of Connecticut has guidelines in place regarding the response time for loss

of use for items such as heat and hot water. Residents/renters also have recourse available already if a housing provider is not maintaining the rented unit or facility. Additionally, multi-family housing providers also have quality control systems in place to ensure maintenance issues, whether in a common area or in an individual rental unit are being addressed.

HB 5126 – An Act Concerning Inspections of Rental Property Prior to Occupancy or Termination, Late Rental Payments and Designation of a Rental Housing Ombudsman.

Section 1 of HB 5126 references inspection of a unit by a tenant prior to move-in. In my eleven plus years of property management experience, I have never worked for a company or heard of a company or individual which did not have an inspection of the rented unit prior to the resident taking possession of said unit. Subsection B of Section 1, the resident has protection currently through the court to contest a security deposit accounting and any and all charges presented by the landlord. If the landlord in Connecticut does not send the resident a security deposit accounting within 30 days, there are already in place potentially significant financial impacts for the landlord.

Subsection C is an almost impossible standard for a landlord as more often than not, residents are moving their personal belongings out of an apartment on the established move-out day, not two weeks prior. Without an apartment cleared of personal property and the keys received from the resident to establish that we have taken back possession of the rental unit, there is no way to give a resident an exact accounting of charges which may apply. For example, you may not see damage from a torn and/or stained carpet under the sofa until after the resident has moved the sofa out of the home. In a case like this, the charges have to be reasonable and take into account items such as the age and original cost of the carpet.

Section 2 of HB 5126 does not take into account the cost of collection of rents by the landlord or the property management company. A late fee on rent is not simply a penalty for not paying rent in a timely fashion. In Connecticut, a renter has a ten day grace period to pay their rent. Rent is typically due on the first day of the month. This means they have until the 10th of the month to pay with no penalty. A late fee cannot be charged prior to the 10th of the month. In practical terms, bills the landlord has to pay are already due at that point in the month including mortgages, utility bills, and much more. The landlord also faces penalties for paying bills late, and typically much more than what an individual resident will ever pay. When a resident does not pay, there are significant costs involved with trying to collect those funds, particularly if the resident does not pay and either moves out or is evicted. The cost of the eviction, attorney, court, state marshal, movers fees, etc. in addition to losing occupancy and the cost to make the unit ready for the next resident.

Conclusion and Summary –

I thank you for the opportunity to present testimony today regarding these important issues. The Connecticut Apartment Association looks forward to being a resource to the committee to devise policies that do not unfairly sanction property managers and landlords who undertake sensible measures to provide safe stable housing to present and future tenants.

Sincerely,

Carrie Rowley
Co-Chair, Government Relations
Connecticut Apartment Association (CTAA)