

Housing Committee JOINT FAVORABLE REPORT

Bill No.: HB-5122

AN ACT CONSIDERING CONSIDERATION OF CRIMINAL CONVICTIONS OF A

Title: PROSPECTIVE TENANT.

Vote Date: 3/10/2020

Vote Action: JFS To Floor

PH Date: 2/18/2020

File No.:

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SPONSORS OF BILL:

Representative McGee, B. 005

Co-Sponsor: [Sen. Martin M. Looney, 11th Dist.](#)

REASONS FOR BILL:

Prospective tenants who carry a criminal record of continue to be punished when trying to find housing. Landlords run a background check and will refuse to rent based on finding a criminal record of a prospective tenant. This bill will stop the landlords from going back indefinitely to find reasons not to rent to a prospective tenant. This will help to lower barriers to finding housing for those formerly incarcerated people.

RESPONSE FROM ADMINISTRATION/AGENCY:

Darcy Strand - State of Connecticut – Commission On Human Rights and Opportunities – 450 Columbus Boulevard, Suite 2, Hartford, CT 06103 – supports however concerned with language of the bill - the legislative efforts to address the barriers faced by individuals with a criminal record as they reenter the community following their convictions. CHRO has a few concerns about HB-5122 as currently drafted.

Section 2 of the bill as drafted prohibits a landlord from considering a potential tenant due to a felony conviction unless that conviction or release from confinement, whichever is later, occurred within the last ten years. The language also creates a lookback of three years for misdemeanors and a ten year lookback period for felonies without reference to the nature and severity of the crime involved, the bill may be imposing unintentionally strict limits for some potential tenants who were convicted of less serious crimes as they search for housing. The CHRO is further concerned [...]. Thank you for the opportunity to submit testimony regarding HB 5122.

NATURE AND SOURCES OF SUPPORT:

Richard Cho – Chief Executive Officer – Connecticut Coalition to End Homelessness (CCEH) – 257 Lawrence Street, Hartford, CT 06106 – supports the intent and applauds the committee for your attempts to address the problem. I would urge the committee to consider the work of the Council on the Collateral Consequences of a Criminal Record to develop a near consensus policy to reduce housing denials based on an applicant's criminal record while also giving landlords and housing providers practical tools for managing risk and complying with existing Fair Housing laws.

Kiley Gosselin – Executive Director – Partnership For Strong Communities – 227 Lawrence Street, Hartford, CT 06106 - supports the overall goal of House Bill No. 5122 to limit the consideration of a prospective tenant's criminal convictions. We support efforts to ease barriers to safe, stable housing for people exiting the criminal justice system. Multiple data analyses have shown that the number of people who experience homelessness who have also touched the criminal justice system nears 50%. Moreover, people of color are disproportionately convicted of criminal offenses, and thus disproportionately face additional barriers to housing upon exiting the criminal justice system. Policies to ease those barriers are positive steps in the right direction and could lead to a decrease in homelessness and housing instability for this vulnerable population.

Kathleen Flaherty – Executive Director - Connecticut Legal Rights Project Inc – P. O. Box 351, Silver Street, Middletown, CT 06457 – supports bills that increase access to housing for people with criminal records. People should not be denied housing forever as a collateral consequence of prior actions.

Amy Eppler-Epstein – New Haven Legal Assistance Association – supports with modifications that match the council on the Collateral Consequences of a Criminal Record recommendations.

Salmun Kazerounian - staff attorney - Connecticut Fair Housing Center - 60 Popieluszko Court- Hartford, CT 06106. I support with amendments HB 5122. For the more than 100 million Americans who have some type of criminal record, access to rental housing is limited. The Center frequently receives calls from people denied access to housing because of overly broad criminal records screening criteria. This happens, even when the disqualifying record is a mere arrest, a decades-old conviction, or a minor crime unrelated to their suitability as a tenant. Because of the well-documented racial and ethnic disparities in all phases of the criminal justice system, criminal records screening may result in race and national origin discrimination and perpetuate racial segregation. It also prevents people recently released from incarceration from accessing decent, safe, affordable housing, even though stable housing is the leading factor in determining whether someone can successfully re-integrate into society. The Center is strongly in support of legislation, like H.B. 5122, that narrows the kinds of criminal records that a landlord can consider when screening prospective tenants and that recognizes that people with criminal records should not face discrimination. The Center believes that H.B. 5122 can be strengthened in several ways. First, the lookback period for felonies is too long and should be based on the date of the offense, not release from confinement. Nothing in the large body of research on recidivism indicates that an individual presents an increased safety risk for a period of 10 years following

release. Rather, researchers have found that the likelihood that a person commits a subsequent offense decreases over time such that, within five-to-seven years from the date of the offense, they are no more likely to be arrested than someone without a criminal record. The Center suggests that landlords be limited to look at felonies that are no more than 5 years old and that this be measured from the date of the offense.

2 Second, the list of categories of crimes a landlord may consider in screening a tenant are overly broad and do not necessarily have a close nexus to protecting resident safety or property. As drafted, the broad categories could encompass many crimes that do not reliably predict a person's suitability as a tenant, such as petty shoplifting. Listing broad categories of crimes could inadvertently confuse landlords regarding their obligations under the state and federal Fair Housing Acts by giving the impression that they may screen based on any crime that falls within these categories, even though this is not necessarily the case. The Center thus suggests that this list of categories of crimes be removed. If the categories remain, they should be narrowed, and the bill should clarify that not all crimes within these categories should disqualify applicants from housing and that landlords must independently assess whether their screening policies are necessary to achieve a substantial, legitimate, and nondiscriminatory interest.

Connecticut Realtors – 111 Founders Plaza – Suite 1101 – East Hartford, CT 06108 -

supports this legislation. The proposal appears to establish when criminal history cannot be considered for rentals - provides a number of years and specifically excludes certain crimes (e.g., sex offender crimes, selling drugs, fraud) from said consideration. The proposal appears consistent with the intent of certain HUD fair housing guidelines and would give confidence to landlords and other housing providers about timing of crimes and what crimes fall within a criminal history consideration prohibition. HUD has issued fair housing guidance which describes how discriminating against people with criminal records discriminates on the basis of race and gender. Therefore, this proposal should make the ability to comply with HUD guidelines clearer. In addition, CTR has been very active in addressing the opioid crisis here in Connecticut. The association believes the legislation may assist many in recovery who need housing but are burdened by drug possession convictions in their criminal history.

Michele Mudrick – Legislative Advocate – Southern New England Conference – United Church of Christ – Hartford office – 125 Sherman Street, Hartford, CT 06105 –

supports stating that people returning home in Connecticut after incarceration face hundreds of legal barriers to supporting themselves and their families. All of God's children deserve a second chance and an opportunity to work, obtain housing, insurance and participate in public programs and services. People living with a criminal record should have a fair chance to get their lives on track.

NATURE AND SOURCES OF OPPOSITION:

Latha Rams – landlord - oppose – we are long term property owners in CT and we strongly oppose the bill – it will definitely hurt all landlords and will get an impact on the economy as well.

Rich Pavlik – Pavlik Real Estate – oppose and states the impact on property values as well as the rights of the law abiding citizens will be jeopardized. The impact these bills could have on a tenant just trying to make ends meet could be significant.

Kelly McConney Moore - policy counsel - American Civil Liberties Union of Connecticut (ACLU-CT).765 Asylum Avenue, First Floor Hartford, CT 06105 – oppose - House Bill 5122 is similar in effect to Senate Bill 109. It has several differences from Senate Bill 109, specifically that it (1) provides a remedy in the form of permitting complaints to the Commission on Human Rights and Opportunities or actions in Superior Court, for housing discrimination on the basis of a criminal conviction, and (2) requires an individualized assessment before a housing provider may deny housing on the basis of a criminal conviction. These provisions would create safer and stronger communities by making it more difficult for a housing provider to discriminate against a person on the basis of a criminal conviction.

House Bill 5122, though, has a significant downside as compared to Senate Bill 109. The seven- and three-year lookback periods set forth in S.B. 109 are even longer in this bill, which proposes a three-year lookback period for misdemeanors and a tenyear lookback period for felonies. The shorter permissible discrimination periods in Senate Bill 109 were not evidenced-based and the discrimination periods set out in this bill are even less anchored in reality. A ten-year period for permissible discrimination against people living with felony convictions is nakedly punitive. It could extend the punishment a person faces many years beyond their original term of incarceration.

As written, House Bill 5122 could permit housing providers to discriminate against people with criminal records for up to ten years after incarceration and allows lifetime housing discrimination against people with certain convictions. Unfortunately, these excessive and unsupported measures render this otherwise good bill unworkable. Accordingly, the ACLU-CT **urges this Committee to oppose House Bill 5122 unless amended to make clear that a criminal record can never be the sole reason for denying a person housing.**

David Epstein- Rental Property Owner – New Britain – opposes – property owners have a duty to protect both themselves and the OTHER tenants in their properties.

Robert J De Cosmo – Manager – TenantTracks – President – CT Property Owners Alliance – opposes this bill – Last year we conducted over 11,000 background investigations. Of all those reports, 97.8% had 3 or fewer criminal convictions and 94.5% had NO CRIMINAL RECORDS to show. However 1.1% of all reports had 10 or more convictions meaning there is a significant percentage of those with criminal records that have numerous cases and pose a risk and danger to the public.

You can not conceal criminal records because of the passage of time, you are in face endangering the public's health, safety and welfare. Please remember my former business partner, Izzy Ellin from Middlebury, a man murdered by a criminal that had 27 prior convictions.

Shirish T. Dhume- Cheshire, CT and Ryan Kundrat - opposes stating this may cause to conceal criminal records of tenants during the screening process. This is a BIG problem, it will not be safe for owners/managers but also not safe for others in the building. Think of the kids! Anyone can enter and cause havoc in innocent people's lives.

Adam Bonoff , Yashesh Parikh – opposes – stating that concealing criminal records is very dangerous to the innocent tenants already residing in current rental housing.

Allison Bonoff – Easton – opposes and states that allowing the public access to criminal records is a necessary part of doing business, the public should have the right to protect itself from high risk individuals.

Paul Bradley – landlord - opposes and states that it is hard enough to find trustworthy, respectful paying tenants. Don't change the law so that I as a landlord can't find out if someone is a criminal. Don't help them to cause delays in resolving late and no-pay situations.

Joseph D'Ascoli- President for Conn-NAHRO and the Executive Director of the Manchester Housing Authority - opposes and states that we share a common goal of protecting the populations we currently serve, Public Housing Authorities must follow the rules and regulations that are governed by HUD, the state, and local municipal governments. PHAs must incorporate an Administrative Plan that is approved by HUD. Per the Federal Register, PHAs must follow 24 CFR 960, which talks about denials of admission to the PHA program and the grievance and appeals process that individuals have the right to pursue. Additionally, I have been a big proponent for individuals that have a criminal record as well as homeless individuals. In my previous employment with the Springfield Housing Authority (MA), I had incorporated the CHES Program (Community Housing: Earned, Safe, and Supportive). This program was in conjunction with the Hampden County Sheriff Department and provided both housing and employment support services for incarcerated individuals as they reentered society. Moreover, I was involved with Project Basing 100 Project Based Voucher with the Homeless Population. This program was tied with the local shelters to provide vouchers to the homeless along with the collaboration with local social service providers to assist the individuals. We are happy to be part of a dialogue concerning the intent of this bill.

Gilbert Coin – landlord opposes and states – I need to know if a violent criminal is applying to reside in one of my units. I have single parents, elderly tenants and working poor tenants and their naivety might place them in a vulnerable situation. While I understand [...] I should know something about who I am renting to, time frame of convictions and give the applicant a chance to tell me their story. By concealing criminal records, repeat offenders can prey on people.

Naomi Freeman – Freeman & Co – 157 Church Street, 19th floor – New Haven, CT 06511 – opposes stating people with a criminal record are not for the private sector land should not be forced onto the private sector. It is an invasion of lives, well-being and so much more.

Paul J Januszewski – Landlord - LECOKY Properties LLC / President of the Greater Enfield Landlords Association – P.O. Box 321 – Enfield, CT 06083-0321 – opposes and states the proposed legislation is unnecessary and imposes dramatically devastating financial impact on small landlords in the following way: It hampers the ability of landlords to ensure those occupying vacated housing units are not an undue risk to the other tenants in our buildings. It has the potential to disrupt the peaceful existence of other tenants in our buildings. It has the potential to result in increased cost due to damage caused by the behaviors of those a landlord might have otherwise considered leasing a unit to.

Ming Luo –Robert Makas - Bo Yang – Lin Yang – Yinghui Qin - opposes – The bill will impose great danger to other tenants who occupy the same building, to property managers and property owners and possible nearby neighborhood. The bill is irresponsible to the general population and will lead to catastrophic public safety crisis.

John Souza – President – CT Coalition of Property Owners – opposes – any new bill should mirror the HUD guidelines as closely as possible. Even then, vague definitions of what crimes are considered a danger to the health, safety and welfare others, and what crimes are not, is an invite for lawsuits against landlords.

Steven J Iovanna – Landlord in Meriden CT - opposes – These bill proposals are going to make it more difficult for me to find good tenants and pay my bills and mortgage.

Zachary Upton -small business owner in home improvement industry – opposes – this is another bill that punishes landlords both legally and financially when they protect themselves and their tenants.

Jen Zakrzewski – mom & pop landlord – oppose and state that there is a ridiculous proposed bill that would restrict the rights of landlords to access criminal records. This is an incredibly useful tool as a small mom and pop to keep riff raff out of my rental units. I have actually rented to to people with criminal pasts and landlords generally do if they are from the past.

Several folks stated that we should end law suits against landlords and real estate agents that try to protect themselves and their tenants from career criminals.

Michael Batista – Elite Realty Management, Inc

Sandra Borducci

Peter L. D'Amato – property owner - PLM Properties LLC P.O. Box 102 Woodbury, CT 06798

Michael Cervellino – 286 Fieldwood Road, Waterbury, CT 06704

Simonne Cyr-Gould – Simonnes Real Estate LLC, P.B. Box 836, Southington, CT 06489

Kevin Harris – Keller Williams Greater Harford Associate Leadership Council

Lucien Laliberty – Broker/Associate Signature Properties of New England – 106 Westcott Rd – P.O. Box 646 – Danielson, CT 06239

Peter Lucchese – Broker/IOwner – Sound Harbor Realty LLC

Maria R. Matta Isona – Broker – 800 Foxon Rd, East Haven, CT 06513

Denise Robillard, Broker – CRS, CIREC, ABR, E-PRO, PSCS, GRI – Continental Realty Associates LTD – 141 Brown Ave, Jewett City, CT 06351

Some constituents simply stated they oppose the bill:

Guihong Geremia

Richard Dubina – 39 Lynch Rd Chaplin, CT 06235

Raj Pillai – Landlord – CT

Carrie Rowley – Connecticut Apartment Association (CTAA) – **has concerns around the language of HB-5122.** 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.

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.**

Reported by: Karen Godbout

Date: 03/11/2020