

# Housing Committee JOINT FAVORABLE REPORT

**Bill No.:** SB-109

AN ACT CONCERNING A LANDLORD'S ABILITY TO CONSIDER THE  
**Title:** CRIMINAL RECORD OF PROSPECTIVE TENANTS.

**Vote Date:** 3/5/2020

**Vote Action:** Joint Favorable

**PH Date:** 2/18/2020

**File No.:**

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## **SPONSORS OF BILL:**

The Housing Committee

Sen. Martin M. Looney, 11<sup>th</sup> Dist.

## **REASONS FOR BILL:**

This bill would assist individuals with prior criminal convictions to find adequate housing. The bill requires the Department of Housing commissioner to adopt regulations that establish a limited look-back period of when a landlord may consider a prospective tenant's criminal record.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

State of Connecticut – Commissions on Human Rights and Opportunities – Darcy Strand - 450 Columbus Ave Suite 2, Hartford, CT 06103 – appreciates the intent of SB-109 – the bill as currently drafted will not accomplish the goal of limiting the discrimination faced by individuals with a criminal record as they apply for housing. The CHRO is fully supportive of legislative efforts to address the barriers faced by individuals with a criminal record as they reenter the community following their convictions. It also fully supports the addition of the discriminatory denial of housing on the basis of a criminal record as a new discriminatory practice under the agency's statutes.

## **NATURE AND SOURCES OF SUPPORT:**

Sen. Martin Looney, 11<sup>th</sup> Dist. – supports this proposal that would assist Connecticut residents who have been incarcerated and are working to become productive members of

society. Eliminating barriers for formerly incarcerated persons serves not only the interest of those persons but also the interest of society.

Salmun Kazerounian – Staff Attorney – CT Fair Housing Center – supports - The Center is strongly in support of legislation, like S.B. 109, 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.

Richard Cho – Chief Executive Officer Connecticut Coalition to End Homelessness (CCEH) – **supports the intent** of this bill and **opposes the bill as written** – this bill does not go far enough in protecting housing applicants with criminal records from discrimination and denials.

Kiley Gosselin – Executive Director – Partnership For Strong Communities – 277 Lawrence Street, Hartford, CT 06106 – **supports the overall goal of SB-109** to limit the consideration of a prospective tenants criminal convictions. We support efforts to ease barriers to safe, stable housing for people exiting the criminal justice system.

Kathleen Flaherty ESQ. Executive Director – CT Legal Rights Project INC. – supports SB-109 with concerns. We support 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.

#### **NATURE AND SOURCES OF OPPOSITION:**

Kelly McConney Moore – Policy Counsel – ACLU 7656 Asylum Ave First Floor Hartford, CT 06105 – oppose – this bill proposes up to a seven-year window of disqualification for people with felony convictions and up to a three-year ban for people with misdemeanor convictions. These time frames are not evidence based, and they do not promote safe communities. We recognize the intention of Senate Bill 109 is to provide a safe haven from discrimination for anyone whose criminal record is past the lookback period. Our concern, though, is that it actually establishes a period in which discrimination and blanket bans are permissible. If this bill were amended to make clear that a person cannot be denied housing solely only the basis of their criminal conviction, and that a person has to be individually assessed when seeking housing, our concerns would be alleviated.

John Souza – President – CT Coalition of Property Owners (CCOPO) – opposes – stating the lookback period is not sufficient enough to see any patterns of behavior or show evidence of rehabilitation. The safety of our tenants has to be the primary concern with any bills related to criminal record look backs.

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

Ann M Buonocore – Real Estate Broker – opposes stating that the Landlords have the right to know if a tenant has the ability to pay the rent. Other entities do background checks.

Robert J DeCosno – Tenant Tracker a resident screening service in CT – President of the CT Property Owners Alliances - opposes this bill – and states that you can not conceal criminal

records because of the passage of time- that you are endangering the public's health, safety and welfare.

Eric Amodio – Amodio & Co Real Estate - Private property owner & local landlord – opposes and states that there should be no cut off look back date on reviewing prior convictions for misdemeanors or felonies. It should be the landlord's sole discretion.

L. Flynn – opposes – and states that they feel the owner of any property has the right to know if any potential applicant for tenancy has a record.

Naomi Freeman – Real Estate Consultant & Property Manager – opposes and states that tenants, neighborhoods, their own families, their employees and everyone that has to be around them is at risk.

Paul Januszewski – President Greater Enfield Landlord Association – opposes the proposed legislation will negatively affect our ability to provide affordability, safe and clean housing.

Ryan Kundrat – opposes and states we have an obligation to provide safe & secure homes for the families we rent to. By concealing criminal records of applicants, I would not be able to properly vet neighbors to ensure their safety. A law concealing criminal records would ultimately attract a large number of criminals to our state as they would see this as an opportunity to hide their pasts.

Jeffrey Mita – Riverwalk Apartments LLC – opposes SB-109 stating that I am legally responsible for all my tenants' safety in my rent property. I am not 100% against renting to someone with a criminal record – I have the right to know who I am renting to.

Rich Pavlik – Pavlik Real Estate – oppose and concerned about the impact on property values as well as the rights of law abiding citizens could be jeopardized.

Sean Toomey – Property Owner – oppose – stated he would not have a criminal records to deny an applicant. It is not far to us who own a property. They are dangerous and high risk people.

Eric Rogers CT Association of Real Estate Investors (CAREI), CT Property Owners Alliance (CTPOA) and CT Coalition of Property Owners (CCOPO) - oppose stating a housing provider should be able to make a decision based on complete information. Concealing this information prevents an informed decision from being made and potentially places other residents in harm.

Steven J. Iovanna - Michael Cervellino & Filipe Pereira – Landlords - oppose - stating that a free CT website did not include all prior convictions of a tenant that killed his landlord. The landlord was Izzy Ellin from Middlebury, CT. Izzy was a former business associate of Michael Cervellino.

Ming Luo, Yinghui Qin from Milford CT, Kali Sukumar (Landlord) and Bo Yang long term resident of Fairfield - oppose SB-109 and states this will impose great danger to other tenants who occupy the same building, property manager & property owners and possible nearby neighborhood.

Sen. Rob Sampson 16<sup>th</sup> DIST & Adam Bonoff & – opposes the bill – concealing criminal records is very dangerous to the innocent tenants already residing in current rental housing.

Several folks had the same opinion as Stephen Briotti – Weichert Realtors Briotti Group – who opposes the bill - Landlords need to protect their rights and the rights of other tenants from career professionals.

Pete D'Amato – Property Owner

Gilbert Coin – Landlord

Shirish T. Dhume – Cheshire, CT

David Epstein- Rental Property owner

Yashesh Parikh

Zachary Upton – Small business owner in the Home Improvement Industry

The following people **oppose SB-109** – stating there is no ability to uncover career criminals and if this bill passed CT would become a beacon for convicts to move here to CT and further endanger public safety.

Michael Batista, Elite Management , Inc

Sandra Borducci

Kevin Harris

Diane Jones, CRS, ABR, GRI – Licensed CT Broker – PO Box 233 Brookfield CT 06804

Lucien Laliberty – Signature Properties of New England – 106 Westcott Rd, PO Box 646 Danielson, CT 06239

Peter Lucchese – Broker, Owner – Sound Harbor Realty, LLC

Rob Makas – Landlord – Realtor and Real Estate Investor

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

Sal Morello – Real Estate Investor –

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

The following people **oppose SB-109** –

Guihong Gerenia – New Britain, CT

Richard Dubina 39 Lynch Rd – Chaplin, CT 06235

Joe Dunn – Registered Voter

Raj Pillai – Landlord

Latha Rams – Long Term Property Owner / Landlord

Carrie Rowley – Co Chair, Government Relations – Connecticut Apartment Association

(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.**

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 criminal 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.

Joseph D'Ascoli – President on behalf of Conn-NAHRO – **commented on the language of SB-109** indicated that looking back seven years (7) for a felony conviction and not more than three (3) years for a misdemeanor committed by a prospective tenant would work.

Mag Morelli, President of LeadingAge Connecticut - 110 Barnes Road, Wallingford, CT 06492 documented their concerns and stated as you consider this proposal, we want to be sure that the Committee is aware that the Department of Housing and Urban Development currently requires that public housing agencies and owners of some federally assisted housing reject applicants in three specific categories: those with convictions for methamphetamine production, lifetime registered sex offenders, and those with previous evictions for drug-related criminal activity. This prohibition is based on federal statutes and regulations.

**Reported by: Karen Godbout**

**Date: 03/06/2020**