
OLR Bill Analysis

SB 194

AN ACT ESTABLISHING A RIGHT TO HOUSING.

SUMMARY

This bill makes it a state goal to progressively implement policies that respect, protect, and fulfill a right to affordable, decent, safe, and stable housing for every state resident (i.e., a “right to housing”). The bill establishes right to housing components, identifies certain vulnerable populations, and generally requires state agencies and political subdivisions to consider them when taking various affordable housing-related actions.

The bill also establishes a right to housing committee to review housing policies and the state's implementation of the right to housing. The committee must annually report on its findings and recommendations to the Housing Committee beginning July 1, 2022.

Finally, the bill requires the Department of Housing (DOH) commissioner, within available appropriations, to appoint an employee to serve in the department as housing advocate. Among other things, the advocate must assist recipients of DOH services with complaints or grievances related to the right to housing. The commissioner must annually report to the Housing Committee beginning July 1, 2022, generally on the advocate position’s efficacy.

EFFECTIVE DATE: October 1, 2021, except the establishment of the right to housing committee is effective upon passage.

RIGHT TO HOUSING AS A STATE GOAL

The bill makes it a state goal to progressively implement policies that respect, protect, and fulfill a right to affordable, decent, safe, and stable housing for every state resident. Toward that end, the bill requires each state agency and political subdivision, in implementing

the right to housing goal, to do the following:

1. consider the right to housing and its components (see below) when adopting or revising policies, regulations, or grant criteria that implicate, impact, or affect the right;
2. when implementing right to housing policies, regulations, or grant criteria, give priority to assisting households with incomes below 50% of the area median income for the municipality where the housing is located, as determined by the U.S. Department of Housing and Urban Development; and
3. to the extent practicable, attempt to serve households currently experiencing homelessness or at risk of housing loss and those in the lower range of the income group to which the agency's or political subdivision's programs are directed.

Right to Housing Components

The right to housing includes various components, five of which the bill outlines. Each component implicates certain programs or services, as shown in Table 1 below. (It is unclear what is meant by "implicates.")

Table 1: Right to Housing Components

<i>Component</i>	<i>Programs or Services Implicated</i>
Right to protection from housing loss	Governmental programs that ensure the legal security of people and households at risk of losing housing or experiencing homelessness, including eviction prevention programs; legal assistance in evictions; financial assistance; support services; and problem-solving counseling
Right to safe housing that meets all basic needs	The home's internal habitability, as well as the necessary services and infrastructure to support a healthy and dignified living standard
Right to housing and	Governmental programs that provide rental assistance; encourage existing housing's

affordability	maintenance, repair, and rehabilitation; and increase new low-cost housing stock, all of which ensure the ability to secure and maintain housing without risking access to other essential needs
Right to rehousing assistance for people and households that have become homeless	Governmental programs that support the transition of people experiencing homelessness to long-term permanent, affordable housing
Right to recognition of special circumstances	Adaptation of governmental programs to ensure accessibility to households facing particular obstacles to finding affordable, decent, safe, and stable housing, whether because of race, religion, sexual orientation, gender identity, age, disability, unemployment, criminal record, eviction history, family status, income source, immigration status, cultural traditions, being a victim of fraud or financial manipulation, or other obstacles

RIGHT TO HOUSING COMMITTEE

The bill establishes a 17-member right to housing committee. The committee's purpose is to (1) review existing and proposed housing policies and (2) advise on the state's progressive implementation of a right to housing, as well as on vulnerable populations' need for access to permanent housing and any gaps in this access.

Under the bill, the committee must identify and review regular and special session proposed legislation impacting the right to housing. It may provide public hearing testimony analyzing legislation's potential impact on the right to housing and the vulnerable populations, in order to preserve the right.

When advising on vulnerable populations, the committee must cover the following:

1. individuals experiencing homelessness, including homeless youth;

2. individuals with disabilities, including physical disabilities and disabilities related to mental health, substance abuse, and developmental conditions;
3. individuals with past or current criminal justice system involvement;
4. individuals from historically marginalized racial and ethnic groups;
5. individuals from historically marginalized groups based on sexual orientation, gender identity, or gender expression;
6. survivors of sexual violence, domestic violence, dating violence, stalking, and sexual trafficking;
7. refugees and immigrants; and
8. veterans.

Membership

Under the bill, the committee consists of the DOH commissioner, or her designee, and 16 members whom the legislative leaders appoint. The legislative appointees may be General Assembly members and must have specified areas of expertise, as shown in Table 2.

Table 2: Right to Housing Committee: Legislative Appointees

<i>Appointing Authority</i>	<i>Number of Appointees</i>	<i>Required Expertise</i>
Senate president pro tempore	3	Expertise in the following: <ul style="list-style-type: none"> • fair housing protections (one member) • developing low-income housing (one member) Expertise in, or personal experience with, the following: <ul style="list-style-type: none"> • disability and housing insecurity (one member)
House speaker	3	Expertise in the following: <ul style="list-style-type: none"> • homelessness policies and programs (one member)

		<ul style="list-style-type: none"> • low-income housing policies and programs (one member) • matters relating to evictions and housing court (one member)
Senate majority leader	3	<p>Expertise in, or personal experience with, the impact of the following on housing insecurity:</p> <ul style="list-style-type: none"> • sexual violence, domestic violence, dating violence, or stalking (one member) • sex trafficking (one member) • refugee or immigrant status (one member)
House majority leader	3	<p>Expertise in, or personal experience with, the impact of the following on housing insecurity:</p> <ul style="list-style-type: none"> • criminal justice (one member) • race or ethnicity (one member) • sexual orientation, gender identity, or gender expression (one member)
Senate minority leader	2	<ul style="list-style-type: none"> • Current or recent recipients of homeless assistance, low-income housing assistance, or assistance in an eviction or housing summary process matter
House minority leader	2	<ul style="list-style-type: none"> • One with expertise in, or personal experience with, the impact of veteran status on housing insecurity • A current or recent recipient of homeless assistance, low-income housing assistance, or assistance in an eviction or housing summary process matter

Initial Appointments and Vacancies

The legislative leaders must make the initial committee appointments no later than 60 days after the bill's passage. Appointed committee members serve three-year terms or until a successor is appointed; appointing authorities fill vacancies.

Chairperson, Meetings, and Reporting Requirement

The bill requires the Senate president and the House speaker to jointly appoint the chairperson. Once they have done so, the committee may begin working even if the other positions have not been filled. The chairperson must schedule the committee's first meeting no later than 90 days after the bill's passage. If positions remain unfilled after 60 days, the chairperson may designate people with the required expertise to serve until the appointments are made.

The bill requires the committee to meet at least twice each fiscal year. At the committee's request, DOH must provide presentations and data on its right to housing implementation. The committee must report annually on its findings and recommendations to the Housing Committee beginning July 1, 2022. The Housing Committee's administrative staff serves as the right to housing committee's administrative staff.

HOUSING ADVOCATE

The bill requires the DOH commissioner, within available appropriations, to appoint an employee to serve in the department as housing advocate. The advocate must provide timely assistance to recipients of DOH services with complaints or grievances related to the right to housing. (The bill does not appear to establish any procedures or remedies for these complaints or grievances.)

In consultation with the commissioner, the housing advocate must do the following:

1. receive, review, record, and attempt to resolve any complaints and grievances about the right to housing;
2. compile and analyze data on these complaints and grievances;
3. assist residents in understanding their rights under the right to housing established by the bill (the bill does not appear to establish any such enforceable rights);
4. provide information to the public, agencies, legislators, and others about residents' problems and concerns with respect to

the right to housing;

5. analyze and monitor the development and implementation of federal, state, and local laws, regulations, and policies relating to tenants' rights; affordable housing; homelessness prevention; the impact of criminal justice and summary process involvement on housing accessibility; and other issues related to
6. the right to housing; and
7. provide data and recommendations to the right to housing committee (see above).

The DOH commissioner must annually report to the Housing Committee beginning July 1, 2022, on (1) the implementation of the housing advocate's duties, (2) the position's overall effectiveness, and (3) any additional recommendations for DOH to implement the right to housing.

COMMITTEE ACTION

Housing Committee

Joint Favorable

Yea 12 Nay 3 (03/09/2021)