



House of Representatives

General Assembly

File No. 159

January Session, 2021

Substitute House Bill No. 6431

House of Representatives, March 29, 2021

The Committee on Housing reported through REP. MCGEE of the 5th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING HOUSING OPPORTUNITIES FOR JUSTICE-IMPACTED PERSONS.

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 Section 46a-64b of the general statutes is repealed and the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, 2021*):

3 As used in sections 46a-51 to 46a-99, inclusive, as amended by this
4 act, and section 2 of this 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, section 2 of this act or section 46a-
11 81e.

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, mobile
17 manufactured home park or portion thereof.

18 [(3)] (4) "Fair Housing Act" means Title VIII of the Civil Rights Act of
19 1968, as amended, and known as the federal Fair Housing Act (42 USC
20 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 with
26 the written permission of such parent or other person; or any person
27 who is pregnant or is in the process of securing legal custody of any
28 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 operated
35 for occupancy by at least one person fifty-five years of age or older per
36 unit in accordance with the standards set forth in the Fair Housing Act
37 and regulations developed pursuant thereto by the Secretary of the
38 United States Department of Housing and Urban Development.

39 (8) "Housing provider" means a landlord, an owner, an agent of such
40 landlord or owner, a realtor, a property manager, a housing authority,
41 as created in section 8-40, a public housing agency or other entity that
42 provides dwelling units to potential tenants.

43 (9) "Landlord" means the owner, lessor or sublessor of the dwelling

44 unit, the building of which it is a part or the premises.

45 [(7)] (10) "Mobile manufactured home park" means a plot of land
46 upon which two or more mobile manufactured homes occupied for
47 residential purposes are located.

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

53 [(8)] (12) "Physical or mental disability" includes, but is not limited to,
54 intellectual disability, as defined in section 1-1g, and physical disability,
55 as defined in subdivision (15) of section 46a-51, and also includes, but is
56 not limited to, persons who have a handicap as that term is defined in
57 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, 2021*) (a) Except as provided in
67 subsections (g) and (h) of this section, it shall be a discriminatory
68 practice in violation of this section for a housing provider to refuse to
69 rent after making a bona fide offer, or to refuse to negotiate for the rental
70 of, or otherwise make unavailable or deny a dwelling unit or deny
71 occupancy in a dwelling unit, to any person based on such person's
72 criminal record, except for (1) a conviction for the commission of a
73 misdemeanor described in subsection (b) of this section during the three
74 years immediately preceding the rental application, or (2) a conviction

75 for the commission of a felony described in subsection (b) of this section
76 during the seven years immediately preceding the rental application.

77 (b) Within the three-year or seven-year period specified in subsection
78 (a) of this section, a housing provider may only consider a criminal
79 conviction of any person for the commission of a felony or misdemeanor
80 for the purpose of denying a rental application if, after considering (1)
81 the nature and severity of the crime, (2) the relationship, if any, the crime
82 may have to the person becoming a tenant, (3) information pertaining to
83 the degree of rehabilitation of the convicted person, and (4) the time
84 elapsed since the conviction or release, the housing provider determines
85 that the person is not suitable to be a tenant in the dwelling unit.

86 (c) In ascertaining whether an applicant has committed a crime, a
87 housing provider shall comply with all applicable laws, including, but
88 not limited to, the Fair Credit Reporting Act, 15 USC 1681, as amended
89 from time to time. In no case may (1) an official or unofficial record of
90 an arrest or a charge or other allegation of a criminal act not followed by
91 a conviction, (2) a violation of a condition of probation or parole
92 resulting from conduct that would not be criminal if it were not
93 prohibited by such condition, (3) a record of a conviction that has been
94 erased, or (4) a conviction for conduct that occurred when the applicant
95 was a minor, be used as a basis to reject an applicant's rental application.

96 (d) Prior to denying a rental application pursuant to this section, a
97 housing provider shall provide written notice to the applicant that the
98 application requires further review due to the applicant's criminal
99 conviction. The housing provider shall provide the applicant at least five
100 business days in which to respond to the notice and present relevant
101 mitigating information regarding the conviction and evidence that the
102 applicant would be a good tenant. Such evidence may include, but is not
103 limited to, the following factors: (1) The nature and severity of the
104 criminal offense; (2) the facts or circumstances surrounding the criminal
105 conduct; (3) the age of the applicant at the time of the offense; (4) the
106 length of time elapsed since the offense; (5) evidence the applicant has
107 maintained a good tenant history before or after the offense; (6) the

108 applicant's employment status; (7) any volunteer or charitable activities
109 the applicant has engaged in; (8) any information produced by the
110 applicant, or produced on the applicant's behalf, in regard to the
111 applicant's rehabilitation, good character or good conduct since the
112 offense; and (9) any other evidence that the offense is unlikely to
113 reoccur. If, after consideration of evidence relevant to the factors set
114 forth in this subsection, the housing provider rejects an applicant's
115 rental application based on the conviction of a crime, the housing
116 provider shall give a written explanation for such rejection and
117 specifically state the evidence presented and reasons for rejection. The
118 housing provider shall send a copy of such rejection by registered mail
119 to the applicant at the address provided in the rental application and
120 shall retain a copy of such rejection for at least two years from the time
121 it was sent.

122 (e) If a dwelling unit becomes unavailable after the housing provider
123 has received an application but before the housing provider has made a
124 determination on whether to deny the application pursuant to
125 subsections (b) to (d), inclusive, of this section, the housing provider
126 shall evaluate the application to determine whether the application
127 would have been denied pursuant to subsections (b) to (d), inclusive, of
128 this section. If a denial of the application would violate the provisions
129 of this section, the housing provider shall consider the applicant for the
130 housing provider's next available dwelling unit. A housing provider
131 shall retain any rental application received and records concerning how
132 each was dealt with, for not less than two years after receiving such
133 application.

134 (f) Except as provided in subsections (g) and (h) of this section, it shall
135 be a discriminatory practice in violation of this section:

136 (1) To discriminate against any person in the terms, conditions or
137 privileges of rental of a dwelling unit, or in the provision of services or
138 facilities in connection therewith, because of such person's criminal
139 conviction status;

140 (2) To make, print or publish, or cause to be made, printed or

141 published any notice, statement or advertisement, with respect to the
142 rental of a dwelling unit that indicates any preference, limitation or
143 discrimination based on criminal conviction status, or an intention to
144 make any such preference, limitation or discrimination;

145 (3) To represent to any person because of criminal conviction status
146 that any dwelling unit is not available for inspection or rental when such
147 dwelling unit is in fact so available; and

148 (4) To inquire about an applicant's prior arrests, criminal charges or
149 convictions on an initial application for rental of a dwelling unit unless
150 required to do so by federal law.

151 (g) The provisions of this section shall not apply to a person who
152 applies for public housing who has a conviction for manufacture or
153 production of methamphetamine on the premises of federally assisted
154 housing, or to a person subject to a lifetime registration requirement
155 under a state registration program pursuant to 24 CFR 960.204 and 24
156 CFR 982.553. Nothing in this section shall be construed to limit the
157 applicability of 24 CFR 960.204 or 24 CFR 982.553 with regard to a public
158 housing authority.

159 (h) The provisions of this section shall not apply to (1) the rental of a
160 room or rooms in a single-family dwelling if the owner actually
161 maintains and occupies part of such unit as his or her residence, or (2) a
162 unit in a dwelling containing not more than four units if the owner
163 actually maintains and occupies one of such other units as his or her
164 residence.

165 (i) Nothing in this section shall be construed to limit the applicability
166 of any reasonable state statute or municipal ordinance restricting the
167 maximum number of persons permitted to occupy a dwelling.

168 (j) Any person aggrieved by a violation of this section may file a
169 complaint not later than one hundred eighty days after the alleged act
170 of discrimination, pursuant to section 46a-82 of the general statutes, as
171 amended by this act.

172 (k) Notwithstanding any other provision of chapter 814c of the
173 general statutes, complaints alleging a violation of this section shall be
174 investigated not later than one hundred days after filing and a final
175 administrative disposition shall be made not later than one year after
176 filing unless it is impracticable to do so. If the Commission on Human
177 Rights and Opportunities is unable to complete its investigation or make
178 a final administrative determination within such time frames, it shall
179 notify the complainant and the respondent, in writing, of the reasons for
180 not doing so.

181 (l) Not later than November 1, 2021, the Commission on Human
182 Rights and Opportunities shall post, and thereafter update as necessary,
183 a model form on its Internet web site for housing providers to use in
184 evaluating evidence and other information received under subsection
185 (c) of this section.

186 Sec. 3. Section 8-45a of the general statutes is repealed and the
187 following is substituted in lieu thereof (*Effective October 1, 2021*):

188 A housing authority, as defined in subsection (b) of section 8-39, in
189 determining eligibility for the rental of public housing units may
190 establish criteria and consider relevant information concerning (1) an
191 applicant's or any proposed occupant's history of criminal activity
192 involving: (A) Crimes of physical violence to persons or property, (B)
193 crimes involving the illegal manufacture, sale, distribution or use of, or
194 possession with intent to manufacture, sell, use or distribute, a
195 controlled substance, as defined in section 21a-240, or (C) other criminal
196 acts which would adversely affect the health, safety or welfare of other
197 tenants, (2) an applicant's or any proposed occupant's abuse, or pattern
198 of abuse, of alcohol when the housing authority has reasonable cause to
199 believe that such applicant's or proposed occupant's abuse, or pattern of
200 abuse, of alcohol may interfere with the health, safety or right to
201 peaceful enjoyment of the premises by other residents, and (3) an
202 applicant or any proposed occupant who is subject to a lifetime
203 registration requirement under section 54-252 on account of being
204 convicted or found not guilty by reason of mental disease or defect of a

205 sexually violent offense. In evaluating any such information, the
206 housing authority shall give consideration to the time, nature and extent
207 of the applicant's or proposed occupant's conduct and to factors which
208 might indicate a reasonable probability of favorable future conduct such
209 as evidence of rehabilitation and evidence of the willingness of the
210 applicant, the applicant's family or the proposed occupant to participate
211 in social service or other appropriate counseling programs and the
212 availability of such programs. Except as otherwise provided by law, a
213 housing authority shall limit its consideration of an applicant's or
214 proposed occupant's history of criminal activity to the applicable time
215 periods established under subsection (a) of section 2 of this act.

216 Sec. 4. Subdivision (8) of section 46a-51 of the general statutes is
217 repealed and the following is substituted in lieu thereof (*Effective October*
218 *1, 2021*):

219 (8) "Discriminatory practice" means a violation of section 4a-60, 4a-
220 60a, 4a-60g, 31-40y, subparagraph (C) of subdivision (15) of section 46a-
221 54, subdivisions (16) and (17) of section 46a-54, section 46a-58, 46a-59,
222 46a-60, 46a-64, 46a-64c, section 2 of this act, section 46a-66, 46a-68, 46a-
223 68c to 46a-68f, inclusive, or 46a-70 to 46a-78, inclusive, subsection (a) of
224 section 46a-80 or sections 46a-81b to 46a-81o, inclusive;

225 Sec. 5. Subdivision (14) of section 46a-54 of the general statutes is
226 repealed and the following is substituted in lieu thereof (*Effective October*
227 *1, 2021*):

228 (14) To require the posting, by any respondent or other person subject
229 to the requirements of section 46a-64, 46a-64c, section 2 of this act,
230 section 46a-81d or 46a-81e, of such notices of statutory provisions as it
231 deems desirable;

232 Sec. 6. Section 46a-74 of the general statutes is repealed and the
233 following is substituted in lieu thereof (*Effective October 1, 2021*):

234 No state department, board or agency may permit any
235 discriminatory practice in violation of section 46a-59, 46a-64, [or] 46a-

236 64c or section 2 of this act.

237 Sec. 7. Subsection (a) of section 46a-82 of the general statutes is
238 repealed and the following is substituted in lieu thereof (*Effective October*
239 *1, 2021*):

240 (a) Any person claiming to be aggrieved by an alleged discriminatory
241 practice, except for an alleged violation of section 4a-60g or 46a-68 or the
242 provisions of sections 46a-68c to 46a-68f, inclusive, may, by himself or
243 herself or by such person's attorney, file with the commission a
244 complaint in writing under oath, except that a complaint that alleges a
245 violation of section 46a-64c or section 2 of this act need not be notarized.
246 The complaint shall state the name and address of the person alleged to
247 have committed the discriminatory practice, provide a short and plain
248 statement of the allegations upon which the claim is based and contain
249 such other information as may be required by the commission. After the
250 filing of a complaint, the commission shall provide the complainant
251 with a notice that: (1) Acknowledges receipt of the complaint; and (2)
252 advises of the time frames and choice of forums available under this
253 chapter.

254 Sec. 8. Subsections (a) to (c), inclusive, of section 46a-83 of the general
255 statutes are repealed and the following is substituted in lieu thereof
256 (*Effective October 1, 2021*):

257 (a) Not later than fifteen days after the date of filing of any
258 discriminatory practice complaint pursuant to subsection (a) or (b) of
259 section 46a-82, as amended by this act, or an amendment to such
260 complaint adding an additional respondent, the commission shall serve
261 the respondent as provided in section 46a-86a with the complaint and a
262 notice advising of the procedural rights and obligations of a respondent
263 under this chapter. The respondent shall either (1) file a written answer
264 to the complaint as provided in subsection (b) of this section, or (2) not
265 later than ten days after the date of receipt of the complaint, provide
266 written notice to the complainant and the commission that the
267 respondent has elected to participate in pre-answer conciliation, except
268 that a discriminatory practice complaint alleging a violation of section

269 46a-64c, section 2 of this act or section 46a-81e shall not be subject to pre-
270 answer conciliation. A complaint sent by first class mail shall be
271 considered to be received not later than two days after the date of
272 mailing, unless the respondent proves otherwise. The commission shall
273 conduct a pre-answer conciliation conference not later than thirty days
274 after the date of receiving the respondent's request for pre-answer
275 conciliation.

276 (b) Except as provided in this subsection, not later than thirty days
277 after the date (1) of receipt of the complaint, or (2) on which the
278 commission determines that the pre-answer conciliation conference was
279 unsuccessful, the respondent shall file a written answer to the
280 complaint, under oath, with the commission. The respondent may
281 request, and the commission may grant, one extension of time of not
282 more than fifteen days within which to file a written answer to the
283 complaint. An answer to any amendment to a complaint shall be filed
284 within twenty days of the date of receipt to such amendment. The
285 answer to any complaint alleging a violation of section 46a-64c, section
286 2 of this act or section 46a-81e shall be filed not later than ten days after
287 the date of receipt of the complaint.

288 (c) Not later than sixty days after the date of the filing of the
289 respondent's answer, the executive director or the executive director's
290 designee shall conduct a case assessment review to determine whether
291 the complaint should be retained for further processing or dismissed
292 because (1) it fails to state a claim for relief or is frivolous on its face, (2)
293 the respondent is exempt from the provisions of this chapter, or (3) there
294 is no reasonable possibility that investigating the complaint will result
295 in a finding of reasonable cause. The case assessment review shall
296 include the complaint, the respondent's answer and the responses to the
297 commission's requests for information, and the complainant's
298 comments, if any, to the respondent's answer and information
299 responses. The executive director or the executive director's designee
300 shall send notice of any action taken pursuant to the case assessment
301 review in accordance with section 46a-86a. For any complaint dismissed
302 pursuant to this subsection, the executive director or the executive

303 director's designee shall issue a release of jurisdiction allowing the
304 complainant to bring a civil action under section 46a-100. This
305 subsection and subsection (e) of this section shall not apply to any
306 complaint alleging a violation of section 46a-64c, section 2 of this act or
307 section 46a-81e. The executive director shall report the results of the case
308 assessment reviews made pursuant to this subsection to the commission
309 quarterly during each year.

310 Sec. 9. Subdivision (2) of subsection (g) of section 46a-83 of the general
311 statutes is repealed and the following is substituted in lieu thereof
312 (*Effective October 1, 2021*):

313 (2) If the investigator makes a finding that there is reasonable cause
314 to believe that a violation of section 46a-64c or section 2 of this act has
315 occurred, the complainant and the respondent shall have twenty days
316 from sending of the reasonable cause finding to elect a civil action in lieu
317 of an administrative hearing pursuant to section 46a-84. If either the
318 complainant or the respondent requests a civil action, the commission,
319 through the Attorney General or a commission legal counsel, shall
320 commence an action pursuant to subsection (b) of section 46a-89, as
321 amended by this act, not later than ninety days after the date of receipt
322 of the notice of election. If the Attorney General or a commission legal
323 counsel believes that injunctive relief, punitive damages or a civil
324 penalty would be appropriate, such relief, damages or penalty may also
325 be sought. The jurisdiction of the Superior Court in an action brought
326 under this subdivision shall be limited to such claims, counterclaims,
327 defenses or the like that could be presented at an administrative hearing
328 before the commission, had the complaint remained with the
329 commission for disposition. A complainant may intervene as a matter
330 of right in a civil action without permission of the court or the parties. If
331 the Attorney General or commission legal counsel, as the case may be,
332 determines that the interests of the state will not be adversely affected,
333 the complainant or attorney for the complainant shall present all or part
334 of the case in support of the complaint. If the Attorney General or a
335 commission legal counsel determines that a material mistake of law or
336 fact has been made in the finding of reasonable cause, the Attorney

337 General or a commission legal counsel may decline to bring a civil action
338 and shall remand the file to the investigator for further action. The
339 investigator shall complete any such action not later than ninety days
340 after receipt of such file.

341 Sec. 10. Subsection (c) of section 46a-86 of the general statutes is
342 repealed and the following is substituted in lieu thereof (*Effective October*
343 *1, 2021*):

344 (c) In addition to any other action taken under this section, upon a
345 finding of a discriminatory practice prohibited by section 46a-58, 46a-
346 59, 46a-64, 46a-64c, section 2 of this act, section 46a-81b, 46a-81d or 46a-
347 81e, the presiding officer shall determine the damage suffered by the
348 complainant, which damage shall include, but not be limited to, the
349 expense incurred by the complainant for obtaining alternate housing or
350 space, storage of goods and effects, moving costs and other costs
351 actually incurred by the complainant as a result of such discriminatory
352 practice and shall allow reasonable attorney's fees and costs. The
353 amount of attorney's fees allowed shall not be contingent upon the
354 amount of damages requested by or awarded to the complainant.

355 Sec. 11. Subdivision (1) of subsection (b) of section 46a-89 of the
356 general statutes is repealed and the following is substituted in lieu
357 thereof (*Effective October 1, 2021*):

358 (b) (1) Whenever a complaint filed pursuant to section 46a-82, as
359 amended by this act, alleges a violation of section 46a-64, 46a-64c,
360 section 2 of this act, section 46a-81d or 46a-81e, and the commission
361 believes that injunctive relief is required or that the imposition of
362 punitive damages or a civil penalty would be appropriate, the
363 commission may bring a petition in the superior court for the judicial
364 district in which the discriminatory practice which is the subject of the
365 complaint occurred or the judicial district in which the respondent
366 resides.

367 Sec. 12. Subsection (b) of section 46a-90a of the general statutes is
368 repealed and the following is substituted in lieu thereof (*Effective October*

369 1, 2021):

370 (b) When the presiding officer finds that the respondent has engaged
371 in any discriminatory practice prohibited by section 46a-60, 46a-64, 46a-
372 64c, 46a-81c, section 2 of this act, section 46a-81d or 46a-81e and grants
373 relief on the complaint, requiring that a temporary injunction remain in
374 effect, the executive director may, through the procedure outlined in
375 subsection (a) of section 46a-95, petition the court which granted the
376 original temporary injunction to make the injunction permanent.

377 Sec. 13. Section 46a-98a of the general statutes is repealed and the
378 following is substituted in lieu thereof (*Effective October 1, 2021*):

379 Any person claiming to be aggrieved by a violation of section 46a-
380 64c, section 2 of this act or section 46a-81e or by a breach of a conciliation
381 agreement entered into pursuant to this chapter, may bring an action in
382 the Superior Court, or the housing session of said court if appropriate
383 within one year of the date of the alleged discriminatory practice or of a
384 breach of a conciliation agreement entered into pursuant to this chapter.
385 No action pursuant to this section may be brought in the Superior Court
386 regarding the alleged discriminatory practice after the commission has
387 obtained a conciliation agreement pursuant to section 46a-83, as
388 amended by this act, or commenced a hearing pursuant to section 46a-
389 84, except for an action to enforce the conciliation agreement. The court
390 shall have the power to grant relief, by injunction or otherwise, as it
391 deems just and suitable. The court may grant any relief which a
392 presiding officer may grant in a proceeding under section 46a-86, as
393 amended by this act, or which the court may grant in a proceeding
394 under section 46a-89, as amended by this act. The commission, through
395 commission legal counsel or the Attorney General, may intervene as a
396 matter of right in any action brought pursuant to this section without
397 permission of the court or the parties.

398 Sec. 14. Subdivision (1) of subsection (a) of section 47a-23c of the
399 general statutes is repealed and the following is substituted in lieu
400 thereof (*Effective October 1, 2021*):

401 (a) (1) Except as provided in subdivision (2) of this subsection, this
 402 section applies to any tenant who resides in a building or complex
 403 consisting of five or more separate dwelling units or who resides in a
 404 mobile manufactured home park and who is either: (A) Sixty-two years
 405 of age or older, or whose spouse, sibling, parent or grandparent is sixty-
 406 two years of age or older and permanently resides with that tenant, or
 407 (B) a person with a physical or mental disability, as defined in
 408 subdivision [(8)] (12) of section 46a-64b, as amended by this act, or
 409 whose spouse, sibling, child, parent or grandparent is a person with a
 410 physical or mental disability who permanently resides with that tenant,
 411 but only if such disability can be expected to result in death or to last for
 412 a continuous period of at least twelve months.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	46a-64b
Sec. 2	October 1, 2021	New section
Sec. 3	October 1, 2021	8-45a
Sec. 4	October 1, 2021	46a-51(8)
Sec. 5	October 1, 2021	46a-54(14)
Sec. 6	October 1, 2021	46a-74
Sec. 7	October 1, 2021	46a-82(a)
Sec. 8	October 1, 2021	46a-83(a) to (c)
Sec. 9	October 1, 2021	46a-83(g)(2)
Sec. 10	October 1, 2021	46a-86(c)
Sec. 11	October 1, 2021	46a-89(b)(1)
Sec. 12	October 1, 2021	46a-90a(b)
Sec. 13	October 1, 2021	46a-98a
Sec. 14	October 1, 2021	47a-23c(a)(1)

Statement of Legislative Commissioners:

Sections 1(8), 1(11) and 2(a) were edited for clarity.

HSG Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Human Rights & Opportunities, Com.	GF - Cost	127,254	131,072
State Comptroller - Fringe Benefits ¹	GF - Cost	52,556	54,133

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill bans discrimination in the practice of housing rentals based on an individual’s criminal record, prohibiting landlords, property owners, and housing authorities from refusing to rent to a person because of their criminal record, with certain exceptions. It authorizes aggrieved individuals to file a complaint with the Commission on Human Rights and Opportunities (CHRO).

The new prohibition would require the addition of one Human Rights Attorney I (at an annualized cost of \$75,051 in FY 22 and \$77,303 in FY 23) and a Human Rights and Opportunities Trainee (at an annualized cost of \$52,203 in FY 22 and \$53,769 in FY 23). In total, the bill results in costs of \$127,254 in FY 22 and \$131,072 in FY 23 to CHRO and associated costs of \$52,556 in FY 22 and \$54,133 in FY 23 associated with fringe benefits.

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.3% of payroll in FY 22 and FY 23.

The bill is anticipated to double the number of complaints filed with CHRO. Currently, one investigator or trainee processes approximately 50 complaints annually.

The Human Rights Attorney would perform both investigations and perform the additional casework required in front of the Office of Public Hearings and in court. The Human Rights and Opportunities Trainee receives training in the investigation of discriminatory practices complaints and would perform enforcement and investigative work of gradually increasing responsibilities.

Within CHRO, there are currently three attorneys that handle housing litigation, and within the housing unit, there are currently three investigators and one administrative staff person that handles complaint intake.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 6431*****AN ACT CONCERNING HOUSING OPPORTUNITIES FOR JUSTICE-IMPACTED PERSONS.*****SUMMARY**

This bill generally bans discrimination in the rental of housing based on an individual's criminal record. It establishes several discriminatory housing practices and prohibits housing providers (e.g., landlords, property owners, and housing authorities) from refusing to rent to a person because of his or her criminal record, with certain exceptions.

Specifically, housing providers may consider criminal convictions for committing (1) misdemeanors during the three years immediately preceding a rental application (hereafter "lookback period") or (2) felonies during a seven-year lookback period. But before doing so, housing providers must determine that a prospective tenant is not suitable for tenancy based on certain considerations. The bill specifies the procedure housing providers must follow in denying an applicant on this basis.

The bill also specifies that its discrimination protections do not apply to individuals applying for public housing who have been convicted of certain crimes that make them ineligible for tenancy under Federal Housing and Urban Development (HUD) regulations. It also generally limits housing authorities' ability to consider a prospective tenant's criminal history to the lookback periods described above unless doing so would conflict with existing law.

The bill authorizes aggrieved individuals to file a complaint with the Commission on Human Rights and Opportunities (CHRO) and allows CHRO to grant relief in the same manner that it does for other discriminatory housing practices under existing law.

Lastly, the bill makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2021

HOUSING PROVIDERS

The bill's prohibitions on rental housing discrimination apply to landlords and rental property owners or their agents, realtors, property managers, housing authorities, and other entities that provide dwelling units to potential tenants (i.e., housing providers). But they do not apply to rentals of (1) rooms in single-family, owner-occupied dwellings or (2) units in multi-family dwellings with up to four units if one unit is owner-occupied.

REFUSING TO RENT BASED ON CRIMINAL RECORD

Discriminatory Practices

The bill establishes several discriminatory housing practices and requires CHRO to enforce them (see below). It makes it a discriminatory housing practice to do the following:

1. based on an individual's criminal record, (a) refuse to rent a unit after making a bona fide offer, (b) refuse to negotiate for the rental unit, or (c) otherwise make unavailable or deny a dwelling unit or deny occupancy in the unit;
2. discriminate in the terms, conditions, or privileges of a rental dwelling unit, or in the provision of services or facilities in connection with the unit, because of a tenant's criminal conviction status;
3. make, print, or publish, or cause this to be done, a notice, statement, or advertisement concerning a rental dwelling unit that indicates any preference, limitation, or discrimination based on criminal history or an intention to make such a preference, limitation, or discrimination on that basis;
4. falsely represent a dwelling unit as unavailable for inspection or rental to any person because of his or her criminal history; or

5. inquire about an applicant's prior arrests, criminal charges, or convictions on an initial rental application unless required by federal law.

Exception for Criminal Convictions During Lookback Periods

The bill's prohibition on refusing to rent to or negotiate with prospective tenants based on criminal record does not cover those convicted of committing certain offenses during specified lookback periods immediately preceding a rental application, with certain exceptions. The exceptions apply to applicants who were convicted for committing a (1) misdemeanor during a three-year lookback period or (2) felony during a seven-year lookback period.

Before denying a rental application on these grounds, a housing provider must first consider certain factors to determine the prospective tenant's suitability for tenancy. Specifically, the provider must consider the following:

1. the nature and severity of the crime,
2. the relationship between the crime and the prospective tenant,
3. information related to the prospective tenant's degree of rehabilitation, and
4. the amount of time that has passed since the prospective tenant's conviction or release.

Under the bill, a "conviction" is a judgment a court enters upon a guilty or nolo contendere plea or a finding of guilt by a jury regardless of any pending appeal or habeas corpus proceeding arising from the judgment.

Excluded Arrest or Conviction Records

The bill requires housing providers to comply with all applicable laws, including the federal Fair Credit Reporting Act, when determining whether an applicant has committed a crime. Additionally, the bill prohibits housing providers from basing an applicant's rejection on the

following:

1. official or unofficial arrest records, charges, or other allegations of a criminal conduct that did not result in a conviction;
2. violations of a probation or parole condition that are otherwise not considered criminal conduct;
3. erased conviction records; or
4. convictions for conduct that occurred when the applicant was a minor.

Procedure for Denying Rental Applications and Maintaining Applications on File

Under the bill, before denying a rental application based on an applicant's criminal record, the housing provider must (1) notify the applicant in writing that his or her application warrants additional review because of his or her criminal history and (2) allow the applicant at least five business days to respond to the notice and provide related mitigating information about the conviction and evidence that he or she would be a good tenant.

The evidence may include various factors, such as the following:

1. nature and severity of the crime;
2. facts and circumstances surrounding the criminal conduct;
3. applicant's age at the time of the offense;
4. length of time since the offense;
5. applicant's good tenant history before or after the offense;
6. applicant's employment status;
7. applicant's current or past volunteer or charitable activities;
8. information produced by or on behalf of the applicant about his

or her rehabilitation, good character, or good conduct since the offense; and

9. anything showing the applicant is unlikely to commit the crime again.

If, after considering the evidence related to these factors, a housing provider rejects an applicant's rental application due to his or her criminal conviction, the provider must send the applicant a written explanation specifically stating the evidence presented and the reasons for rejection. The bill requires the housing provider to (1) send the explanation by registered mail to the address provided in the application and (2) retain a copy for at least two years from the date it was sent.

Under the bill, if a dwelling unit becomes unavailable after the housing provider has received a rental application but before the provider has determined whether to deny it based on the applicant's criminal record, the provider must continue the evaluation to make this determination. If the determination to deny the application violates the bill's lookback limitations or other requirements, the provider must consider the applicant for their next-available dwelling unit. The bill requires housing providers to retain, for at least two years after receipt, (1) any rental application received and (2) records of how each application was handled.

The bill requires CHRO, by November 1, 2021, to post and update as necessary, a model form on its website for housing providers to use in evaluating evidence and information received from applicants.

CHRO COMPLAINTS

The bill authorizes anyone aggrieved by a violation of its prohibition on housing discrimination to, within 180 days of the alleged act, file a complaint with CHRO pursuant to the existing statutory procedure for doing so. CHRO must investigate and grant relief in the same manner as it would for other discriminatory housing practices (see BACKGROUND).

By law and under the bill, discriminatory housing practice violations are a class D misdemeanor, punishable by up to 30 days in prison, up to a \$250 fine, or both (CGS § 46a-64c(g)).

HOUSING AUTHORITIES

Under current law, housing authorities receiving state assistance may reject a prospective tenant's application for project-based public housing if he or she has a criminal record involving (1) physical violence to people or property; (2) the manufacture, sale, distribution, use, or possession of illegal drugs; or (3) acts that would adversely affect the health, safety, or welfare of other tenants. Under the bill, housing authorities may still reject a prospective tenant because of the aforementioned crimes, but only during the specified lookback periods and except as otherwise provided by law.

The bill's lookback limitations do not restrict a housing authority's consideration of other factors. Under existing law, unchanged by the bill, housing authorities may also reject a prospective tenant because he or she (1) abuses alcohol in a manner that gives it reasonable cause to believe the behavior may threaten other tenants' health, safety, or right to peaceful enjoyment of their premises or (2) is subject to lifetime registration as a sex offender due to a sexually violent offense.

By law, housing authorities must also consider the time, nature, and extent of the conduct and any factors indicating future improvement, such as evidence of rehabilitation or willingness to attend counseling.

Housing Authorities Administering Certain Federal Programs

HUD regulations prohibit housing authorities administering certain federal housing programs from admitting tenants convicted of specified crimes, including (1) manufacturing or producing methamphetamine on the premises of federally assisted housing or (2) a crime that subjects them to a lifetime registration requirement under a state sex offender registration program.

The bill specifies that its discrimination protections do not apply to individuals applying for public housing who have been convicted of

these crimes. (It is unclear whether this provision applies to state-assisted public housing.) It also specifies that it does not limit the applicability of these or related HUD regulations.

STATE AND LOCAL RESTRICTIONS ON MAXIMUM OCCUPANCY

The bill provides that its provisions do not limit the applicability of any reasonable state statute or municipal ordinance restricting the maximum number of people allowed to occupy a dwelling.

BACKGROUND

CHRO Investigations of Discriminatory Housing Practices

Existing law prohibits discrimination in housing because of race, religion, sex, national origin, disability, familial or marital status, age, sexual orientation, gender identity or expression, lawful source of income, or veteran status. The prohibition extends to discrimination in the rental and sale of public and private housing, in housing related terms, conditions, services, loans, mortgages, and in verbal or written statements or advertisements.

Individuals who believe they have been discriminated against may file a complaint with CHRO within 180 days after the alleged incident. When CHRO finds reasonable cause that discrimination occurred, it negotiates a settlement agreement between the parties. If an agreement cannot be reached, it conducts an administrative hearing (CGS § 46a-82 et seq.).

Related Bill

SB 355, reported favorably by the Housing Committee, requires the Department of Housing to adopt regulations establishing a limited time period immediately preceding a rental application during which landlords and housing authorities may consider a prospective tenant's criminal records in evaluating his or her application.

COMMITTEE ACTION

Housing Committee

Joint Favorable Substitute

Yea 11 Nay 4 (03/11/2021)