



House of Representatives

General Assembly

File No. 455

February Session, 2024

Substitute House Bill No. 5419

House of Representatives, April 11, 2024

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE AUTHORITY OF THE ATTORNEY GENERAL TO INITIATE LEGAL ACTIONS IN RESPONSE TO ALLEGED DISCRIMINATORY HOUSING PRACTICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 3-129g of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2024*):

3 (a) The Attorney General may investigate, intervene in or bring a civil
4 or administrative action in the name of the state, seeking injunctive or
5 declaratory relief, damages, and any other relief that may be available
6 under law, whenever any person is or has engaged in a practice or
7 pattern of conduct that:

8 (1) Subjects, or causes to be subjected, other persons to the
9 deprivation of any rights, privileges or immunities secured by the
10 constitutions or laws of this state or the United States; or

11 (2) Interferes, or attempts to interfere, by threats, intimidation or
12 coercion, with the exercise or enjoyment by other persons of any rights,
13 privileges or immunities secured by the constitutions or laws of this

14 state or the United States.

15 (b) In conducting any investigation under this section, the Attorney
16 General may issue subpoenas and interrogatories, and otherwise gather
17 information, in the same manner and to the same extent as is provided
18 in section 35-42. No information obtained pursuant to the provisions of
19 this subsection may be used in a criminal proceeding.

20 (c) If the Attorney General prevails in a civil action brought pursuant
21 to this section, the court shall order the distribution of any award of
22 damages to the injured person. In a matter involving the interference or
23 attempted interference with any right protected by the constitutions of
24 this state or the United States, the court may also award civil penalties
25 against each defendant in an amount not exceeding two thousand five
26 hundred dollars for each violation, provided such violation has been
27 established by clear and convincing evidence. Any civil penalty that is
28 received pursuant to this subsection shall be deposited in the General
29 Fund.

30 (d) In lieu of bringing a civil action under this section, the Attorney
31 General may accept an assurance of the discontinuance of any allegedly
32 unlawful or unconstitutional practice from any person engaged in such
33 practice. Thereafter, any evidence of a violation of such assurance shall
34 constitute prima facie proof of violation of the applicable law or right in
35 any action commenced by the Attorney General.

36 (e) Nothing in this section shall limit the right of a person adversely
37 affected by a violation of chapter 814c to file a complaint with the
38 Commission on Human Rights and Opportunities.

39 (f) Nothing in this section shall limit the jurisdiction of the
40 Commission on Human Rights and Opportunities under chapter 814c.

41 (g) The Attorney General shall not bring an action under the
42 provisions of this section during the pendency of a matter involving the
43 same parties and the same alleged facts and circumstances before the
44 Commission on Human Rights and Opportunities.

45 (h) Nothing in this section shall permit the Attorney General to bring
46 an action that would otherwise be barred under the applicable statute
47 of limitations or repose.

48 (i) The Attorney General shall post on the Attorney General's Internet
49 web site information on how to properly file a complaint with the
50 Commission on Human Rights and Opportunities. The Attorney
51 General may, as appropriate, refer cases to the Commission on Human
52 Rights and Opportunities.

53 (j) Nothing in this section shall permit the Attorney General to assert
54 any claim against a state agency or a state officer or state employee in
55 such officer's or employee's official capacity, regarding actions or
56 omissions of such state agency, state officer or state employee. If the
57 Attorney General determines that a state officer or state employee is not
58 entitled to indemnification under section 5-141d, the Attorney General
59 may, as relates to such officer or employee, take any action authorized
60 under this section.

61 (k) With regard to any action brought pursuant to this section against
62 a person for a pattern or practice of conduct in violation of section 46a-
63 64, 46a-64c, 46a-81d or 46a-81e, or, as a result of an investigation
64 conducted pursuant to this section, of a potential violation of section
65 46a-64, 46a-64c, 46a-81d or 46a-81e, the Attorney General may petition
66 the superior court for the judicial district in which the violation or
67 alleged violation occurred for any relief available under section 46a-89.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	3-129g

JUD *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: None

Municipal Impact: None

Explanation

As the bill is permissive, there is no fiscal impact anticipated.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5419*****AN ACT CONCERNING THE AUTHORITY OF THE ATTORNEY GENERAL TO INITIATE LEGAL ACTIONS IN RESPONSE TO ALLEGED DISCRIMINATORY HOUSING PRACTICES.*****SUMMARY**

This bill extends to the attorney general existing court relief that is available to the Commission on Human Rights and Opportunities (CHRO). It specifically authorizes the attorney general to ask for certain injunctive relief, punitive damages, or civil penalties against anyone who violates the state's housing and public accommodation anti-discrimination laws.

The court relief under the bill is available for actions brought by the attorney general against a person for a pattern or practice of violating conduct or due to the result of an investigation by him of a potential violation. The bill allows the attorney general to petition for the relief from the superior court for the judicial district where the violation or alleged violation took place.

By law, the attorney general is authorized to investigate, intervene in, or bring a civil or administrative action in the name of the state, seeking relief and damages, whenever anyone is or has engaged in a practice or pattern of conduct that (1) deprives or causes the deprivation of a person's legal rights or immunities or (2) interferes, or attempts to interfere, by threats, intimidation, or coercion, with a person's exercise or enjoyment of their rights, privileges, or immunities secured by the laws or constitutions of Connecticut and the United States.

Existing law, which also extends to the bill's provisions, specifies, among other things, that it does not limit the jurisdiction of CHRO.

EFFECTIVE DATE: October 1, 2024

PETITION FOR RELIEF, DAMAGES, AND CIVIL PENALTIES

Under the bill, the attorney general's petition may seek certain remedies available under a CHRO statute, which generally are:

1. appropriate injunctive relief, including temporary or permanent orders or decrees restraining and enjoining the violator from selling or renting to anyone other than the person adversely affected by the violation pending the court's decision;
2. an award of damages based on a specific calculation that accounts for, among other things, the adversely affected person's alternative housing, storage, and moving costs;
3. an award of punitive damages payable to the adversely affected person, up to \$50,000;
4. a civil penalty up to \$10,000, \$25,000, or \$50,000 payable to the state, generally depending on the number of prior discriminatory housing practices by the violator; or
5. two or more of these remedies.

CHRO JURISDICTION

Existing law, which extends to the bill's provisions, also:

1. maintains the right of an adversely affected person to file a complaint with CHRO,
2. prohibits the attorney general from bringing an action concurrent with a case before CHRO that involves the same parties and alleged facts and circumstances,
3. allows the attorney general to refer cases to CHRO as appropriate, and
4. requires the attorney general to post information on his office's website about properly filing a CHRO complaint.

BACKGROUND***Related Bills***

sHB 5288 (File 190), favorably reported by the Veterans’ and Military Affairs Committee, generally broadens the applicability of current protections and provisions related to guide dogs or assistance dogs, including under one of the public accommodation anti-discrimination laws, by replacing references to guide dogs or assistance dogs with a federal definition for “service animals.”

sHB 5414, favorably reported by the Judiciary Committee, prohibits various forms of discrimination based on someone’s status as a victim of sexual assault, trafficking in persons, or stalking and applies to, among others, some of the state’s housing and public accommodation anti-discrimination violations laws.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 32 Nay 5 (03/26/2024)