

CONNECTICUT LEGAL RIGHTS PROJECT, INC.

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Testimony of Kathleen M. Flaherty to the Housing Committee  
February 3, 2015

Regarding

The following raised bills:

SB 170: An Act Protecting Housing for Senior Citizens

SB 409: An Act Expanding Age-Restricted Housing Options for Elderly Persons

HB 5583: An Act Concerning Housing for Elderly Persons

HB 6141: An Act Concerning the Expansion of Age-Restricted Housing Options for Elderly Persons, and

HB 6144: An Act Concerning Age-Restricted Housing Options for Elderly Persons

Senator Winfield, Representative Butler, and members of the Housing Committee:

My name is Kathleen Flaherty and I am the Associate Executive Director of Connecticut Legal Rights Project, Inc. (CLRP). CLRP is a statewide non-profit agency which provides free legal services to low income individuals with psychiatric disabilities, who reside in hospitals or the community, on matters related to their treatment, recovery, and civil rights.

CLRP's clients reside in every community of the 169 cities and towns of our state. Many of them, just like many older adults, live on fixed incomes. For many, the ability to maintain stable housing represents something that is a critical part of their recovery.

CLRP opposes ALL of the above-listed bills because of what they appear to have in common: increasing housing opportunities for one group of people at the expense of another. We need to expand affordable housing opportunities for ALL of Connecticut's citizens who need it, not just some.

You also need to be aware that these proposals violate rights protected by

the Connecticut Constitution. Article XXI of the amendments to the Constitution reads: “No person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his or her civil or political rights because of religion, race, color, ancestry, national origin, sex or physical or mental disability.” People who are living with physical or mental disabilities have been a protected class under the state constitution since 1984. New statutes must not infringe on their rights.

Elderly housing was funded by the state beginning in 1959. Two years later, in 1961, the definition of “elderly” was expanded to include people with disabilities who were found disabled by Social Security. In 1991 the definition was amended to include people who were certified disabled by other federal boards or agencies. The current definition in CGS 8-113a reads as follows: “ ‘Elderly persons’ means persons sixty-two years of age and over who lack the amount of income which is necessary, as determined by the authority or nonprofit corporation, subject to approval by the Commissioner of Economic and Community Development, to enable them to live in decent, safe and sanitary dwellings without financial assistance as provided under this part, or persons who have been certified by the Social Security Board as being totally disabled under the federal Social Security Act or certified by any other federal board or agency as being totally disabled.” [Emphasis added]

Excluding or limiting the number of people with disabilities in state funded elderly housing goes against over 50 years of public policy in Connecticut and violates state and federal antidiscrimination laws. Landlords (including state and federally funded landlords) and lawmakers must comply with the requirements of the federal Fair Housing Act and the state statutes that protect people with disabilities from discrimination in housing. Any statute that discriminates against members of a protected class would be unconstitutional. These proposed statutes discriminate. The state and federal fair housing laws prohibit discrimination in housing based on disability. The suggested statutes propose exactly that.

Those people who have maintained that at least one of these proposals is modeled on an existing statute that permits restrictions on the number of apartments available to people with disabilities in federally funded housing should be aware that the federal law represents a floor as to the number of units that must be made available to younger people with disabilities, not a ceiling.

Landlords cite the conflicts that occur between younger adults with disabilities and older adults living in close proximity to one another. None of us gets to choose our neighbor, regardless of where we live. Landlords do have remedies if problems arise. All tenants are subject to Connecticut landlord-tenant law. A tenant who violates her lease is subject to eviction. Interference with a neighbor’s right to “peaceful enjoyment of the premises” represents both a lease

violation and violation of tenant responsibilities under Connecticut law.

These proposed bills have the worthy goal of increasing housing access for Connecticut's older adults; however, excluding a constitutionally protected group from access to safe, decent, and affordable housing is not the way to increase access to safe, decent, affordable housing for older people.

We ask that you instead consider other possible solutions, including:

- The expansion of housing opportunities for **all** people.
- The expansion of support services that enable **all** tenants to use the housing for its intended purpose.
- Instead of tying funding to expand or renovate existing housing to illegal discrimination against people living with disabilities, tie funding to improvements in the properties that enhance sound proofing and privacy.

Thank you for your consideration and for your attention. Please let me know if I can answer any questions for you.

Respectfully,

/s/

Kathleen M. Flaherty