CONNECTICUT LEGAL RIGHTS PROJECT

P.O. BOX 351 SILVER STREET, MIDDLETOWN, CT 06457
TELEPHONE (860) 262-5787 • FAX (860) 262 5035

Testimony of Sally R. Zanger, Staff Attorney
Housing Committee Public Hearing February 3, 2015

Connecticut Legal Rights Project Opposes HB 6133, HB 5489, and **SB 404**.
Connecticut Legal Rights Project has concerns about HB 5490 and **HB 5356**

Representative Butler, Senator Winfield, Representative Rose, Senator Osten, Members of the Committee, good afternoon. The Connecticut Legal Rights Project (CLRP) is a legal services organization that advocates for low-income individuals in institutions and in the community throughout the state who have, or are perceived to have, psychiatric disabilities. We support initiatives that integrate individuals into the community. Over half of my caseload consists of housing issues.

We urge this committee to reject HB 5489, SB 404 and HB 6133 and perhaps HB 5490 and HB 5356.
That said, before I explain our opposition, I apologize if I have misunderstood the intent of the proposed legislation. Without an actual bill with actual languate, we had to make our best guesses and be cautious and vigilant about potential problems.

CLRP has concerns about HB 5490 which appears to relieve municipalities of relocation expenses for natural disasters**.** Currently, the statute (C.G.S. §8-266 et seq) requires the municipality or the state to pay relocation expenses to those who are displaced because of government action which includes a local agency condemning a property. The municipality may recover from the landlord if the expenses are the result of code violations. When there is a fire, the landlord's insurance should cover reimbursing the municipality. If a natural disaster occurs, who is going to cover and administer the costs of relocation? What will happen to people if the landlord refuses or is unable to pay? If people on fixed incomes are forced out of their homes after they have paid the rent, they have no money to spare to cover a motel. We don't know what the proposed bill will say, or how it intends to deal with the definition of natural disaster (Is a fire a natural disaster?) We would prefer that landlords be required to have insurance that covers this eventuality. We oppose any change limiting access to relocation assistance. This opposition also applies to **HB 5356**.

CLRP opposes HB 5489 which would impose criminal penalties for false references to housing authorities. It is not always easy getting landlord references. Landlords have no legal obligation to complete reference forms that are sent to them. This bill would create a deterrent. I can imagine the Housing Authority landlord reference form containing a warning "False statements are punishable by up to 30 days in jail and a fine of up to $250." A landlord or property manager would not be wrong to wonder why he or she should take the time and effort to complete the form and run the risk that the housing authority thinks he or she gave a false reference. This proposed bill may solve a small problem, or one that does not exist, and create big problems for people who have enough already. I have had clients

lose subsidized housing opportunities because landlords fail to return reference forms or fail to answer all the questions on reference forms.

CLRP opposes SB 404 to allow the housing authority of any municipality to maintain a wait list for public housing based on the date and time the housing application was received. I don't understand the need or desire for this. The waiting list is governed by HUD for federally funded public housing and by state and federal anti discrimination laws for both state and federally funded housing. Both state and federally funded Public Housing Authorities (PHAs) have an affirmative duty to promote fair housing and must have affirmative fair housing marketing plans. (C.G.S. Sec. 8-37ee, 24 C.F.R. 960.206, Regulations of Connecticut State Agencies 8-37ee-21.) The administration of waiting lists is addressed in great detail in HUD's PIH 2012-34. It discusses various methods of ordering a waiting list, and of taking names off the waiting list. It describes a random method of assigning places on a waiting list, noting that it avoids a disorderly or dangerous application process, and says that taking applicants in order of the receipt of application is acceptable (thus, this statute is not necessary) but notes, that "ordering a waiting list by the date and time of application may result in an adverse effect to applicants with disabilities, especially when the PHA opens its waiting list periodically. Therefore, the PHA must be prepared to make necessary modifications in its process to mitigate this effect, such as mailing applications to people with disabilities well in advance of this "first-come, first-served" opening and allowing submission of applications by mail or electronically. Further, when considering access to applicants with disabilities PHAs should consider using a lottery or other random choice technique because these techniques significantly minimize the need for special procedures or other administrative steps to mitigate adverse effects that may be costly and time consuming even when not considered an undue burden under Section 504 of the Rehabilitation Act of 1973." **Because the method described in the proposed statute is permissible, but not recommended because of its adverse affects on people with disabilities, CLRP opposes SB 404.**

CLRP opposes HB 6133 which proposes "first offender" status for those of accused of violating CT fair housing laws and that violators be sentenced to education. C.G. S. Sec. 46a-64b and 64c impose a criminal penalty of a class D misdemeanor on someone found to have violated this statute that prohibits housing discrimination. Class D misdemeanors are the least serious misdemeanors in Connecticut, punishable by up to 30 days in jail and a fine of up to $250. (Conn. Gen. Stat. §§ 53a-36, 53a-42.) There are few if any criminal prosecutions for housing discrimination, and no reason to lower a very low penalty for a serious offense that denies people access to housing. Most of these cases are settled in early stages of civil complaints at the CHRO. In the case where there is a serious violation and a recalcitrant landlord, the injured party, and the injured party's lawyers, should be able to pursue the matter and expect to be compensated for the injury. This proposal might remove that option for injured parties. Who is going to keep track of first offenses? When someone commits an offense, but the parties settle the matter with an agreement where damages are paid but blame is not admitted, as is often the case, is that considered the first offense? How would that be tracked? Finally, in all cases where the CHRO finds cause, education is part of the solution. HB 6133 is not necessary, and could be harmful to victims of discrimination.