

CONNECTICUT LEGAL RIGHTS PROJECT, INC.

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PLANNING AND DEVELOPMENT COMMITTEE PUBLIC HEARING 2/13/15
TESTIMONY OF KATHLEEN FLAHERTY, ASSOC. EXEC. DIRECTOR
In Opposition to Proposed H.B. 5618 and 6483 and Proposed S.B. 188
In support of (with concerns) Proposed S.B. 460

Senator Osten, Representative Miller, and members of the Committee:

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.

CLRP joins with others who are OPPOSED to Proposed H.B. 5618, An Act Concerning Community-Based Residential Facilities, and Proposed H.B. 6483, An Act Establishing a Task Force to Study Group Home Distribution.

H.B. 5618 includes several provisions which potentially run afoul of rights protected under the Connecticut Constitution, the Connecticut and federal fair housing laws, and the Americans with Disabilities Act.

The proposed bill would do the following:

- (1) Notify town officials regarding placement of community-based residential facilities;
- (2) review placements made by the state in each such facility;
- (3) determine the costs of community-based care versus institutional care;
- (4) reimburse the town for expenses incurred that relate to such facilities;
- (5) consider a moratorium on placements in such facilities located in the town of Manchester;
- (6) provide for training for staff members at such facilities; and
- (7) provide for monitoring of implementation and funding of mental health care plans.

Notification of the placement of community-based residential facilities essentially would require the release of health care information about the individuals served by those facilities. The confidentiality of this information is protected under various statutes and may only be disclosed under certain circumstances provided for explicitly in those laws – and the siting of a residential facility in a town is NOT one of those circumstances. In addition, people with disabilities who are served by certain residential facilities have protections under state and federal law against discrimination. Denying permission to site certain group homes could result in having to defend legal challenges under both Connecticut and Federal fair housing laws.

Community-based care is a less expensive option than treatment in hospitals or other institutions. The daily cost of care in a hospital is \$1,089; an inpatient psychiatric unit \$1,187; an emergency room \$2,152 (2013 statistics from the Partnership for Strong Communities). People have the right to live in the least restricted environment and the right to community integration. Decisions on a placement must be person-centered and made between the individual and his/her health care providers and not subject to “review” by municipalities. It is not clear what is meant by “mental health care plans” in section 7 – but if this relates to the individual plans developed for people with disabilities, it represents an unwarranted intrusion on people’s privacy.

We understand the concerns of municipalities that may experience additional cost burdens when a facility is sited in a particular location. To the extent that some of those costs are incurred because of inappropriate use by facility staff of municipal services (for example, calling 911 when there is not a true emergency) – additional training for program staff should result in a reduction of costs.

HB 6483 proposes the establishment of a task force to study the distribution of group homes throughout the state, with the purpose of determining how to equitably distribute group homes throughout the state. Any additional barriers that would prevent the support of people living in the most integrated setting will have an impact on people living with disabilities, and essentially target them for discrimination on the basis of those disabilities. This bill does that. If the committee decides to proceed further with this idea, it is imperative that people with disabilities, and their advocates, be included as members of this task force. Any proposed action must comply with anti-discrimination laws and further community integration.

CLRP OPPOSES Proposed S.B. 188, which would eliminate the requirement that

municipalities store the possessions of evicted tenants. CLRP opposes this bill for the following reasons, which we have stated before when similar proposals have been raised:

- The involvement of the town as a neutral party is necessary. An eviction that results in an execution with a tenant's property taken and stored by a marshal needs a neutral party to protect and control the tenant's personal property. The involvement of the town has been an appropriate municipal responsibility in Connecticut for over one hundred years and should continue.
- The bill would shift the responsibility for securing and storing the property of evicted tenants (who have not moved out on their own) from the municipality.
- The bill does not state who would be responsible for securing and storing such property: the marshal or the landlord.
- While the number of evictions that result in a marshal's execution is not high, the tenants who are affected tend to be the most vulnerable: people who were hospitalized during the eviction action, tenants who do not understand or did not receive notice of the execution.
- Tenants may lose all of their possessions: valuables, essential, family heirlooms, important papers and sentimental keepsakes like photo albums. The family crisis is increased by the need to replace essential household goods.
- Loss of documents can delay or prevent obtaining benefits and new housing. It is ironically difficult to replace lost identification without any identification.
- Loss of family heirlooms and photo albums increases trauma.
- The damage and disruption that this change would cause to those tenants in Connecticut who are least able to protect themselves and assert their rights is not worth any small savings it might bring to some municipalities.

CLRP supports with concerns Proposed S.B. 460, the intention of which is a worthy one: identifying people with unmet needs. Often, the failure to timely pay bills is the first indication that someone is not doing well and may need additional support services. Our concern is that any additional action taken once someone is approached with an offer of assistance is taken with respect for people's rights.

CLRP does not know whether to support or oppose Proposed Bill H.B. 5517 because the language is not clear. Its stated purpose is to "assist municipalities who provide nonresidents with assistance on matters such as housing." Once someone is living in a municipality, are they not considered a resident of that municipality, regardless of where they may have lived before?

Thank you for your work and for your consideration of these serious concerns. I

am happy to answer any questions.

Respectfully,

/s/

Kathleen M. Flaherty