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TESTIMONY IN SUPPORT OF H.B. 5208 & H.B. 5234

AN ACT CONCERNING HOUSING OPPORTUNITIES FOR JUSTICE-IMPACTED PERSONS; AN ACT CONCERNING THE RIGHTS AND RESPONSIBILITIES OF LANDLORDS AND TENANTS

The Center for Children's Advocacy (CCA), affiliated with the University of Connecticut School of Law, is the largest children's legal rights organization in New England. Our mission is to promote and protect the legal rights and interests of Connecticut's most vulnerable children and young adults who are dependent upon the judicial, child welfare, health, education, and juvenile justice systems. CCA provides holistic legal services to these young people through individual representation, systemic advocacy, education, and training.

CCA represents youth in the justice system, advocating for their educational rights, their access to benefits, and their right to pursue employment and housing without discrimination or unnecessary barriers. We also chair Racial & Ethnic Disparity (RED) Committees in Hartford, Waterbury, New Haven, Hamden and Bridgeport, which convene various stakeholders to reduce the disproportionality of youth of color in the juvenile justice system. Importantly, CCA has represented youth who have been discriminated against because of their criminal records, and we have successfully advocated for these youth in front of the Connecticut Commission on Human Rights and Opportunities (CHRO).

I am writing today to urge you to support H.B. 5208 and H.B. 5234. By reducing barriers to housing for all Connecticut residents, these bills are critical to ensuring an ethical and easily accessible housing system for Connecticut's most vulnerable youth.

Reductions in homelessness and recidivism are policy priorities for the Connecticut legislature which increase the health and safety of all Connecticut residents. Through our work with young clients throughout Connecticut, we have seen the impact that criminal records and other barriers to housing have on their ability to live productive and healthy lives. These barriers are present in all corners of the state, from the wealthiest suburbs to the unhealthiest apartments in our biggest cities. There is a

shortage of housing throughout Connecticut, and we have seen housing providers use this shortage to their benefit in ways that are discriminatory and harmful to our entire community.

H.B. 5208 is an important bill because it helps young people who have been unfairly impacted by the criminal justice system access housing. As the U.S. Department of Housing and Urban Development states in its guidance on the use of criminal records in housing, “Across the United States, African Americans and Hispanics are arrested, convicted and incarcerated at rates disproportionate to their share of the general population.”¹ At CCA, we have seen this disproportionality in our own work and in Connecticut’s data, and we have found that youth of color disproportionality have minor offenses on their records like misdemeanor trespasses, disorderly conduct offenses, minor fights at school, or convictions from minor arguments at home. We often see property owners use these records as reasons to deny apartments for vulnerable youth of color.

While we urge the passage of H.B. 5208, we encourage the Committee to consider the following recommendations:

1. Limit the ability of housing providers to rely on specified minor misdemeanors and lower level felonies when making rental decisions. Many young people of color have only one minor arrest that makes it almost impossible for them to find adequate housing. **While H.B. 5208 reduces a housing provider’s ability to use some records, it does not go far enough to exclude some minor records from their assessment all together.**
2. Reduce the time the CHRO has to serve a valid complaint on a housing provider from 15 days to 5 days, and reduce the pre-answer conciliation conference time from 30 days to 10 days. **Vulnerable young people need access to housing immediately, and the current proposed timeframes seem to rely on damages after the discrimination occurs, as opposed to fair access to housing in the moment.**
3. Consider revising the language in Sec. 3, paragraph 1. Minor damage to property should not be an exclusion to public housing, and the use of an applicant’s alcohol disability in renting decisions is a violation of federal discrimination law, even with the limited language currently proposed.
4. Consider revising the language in Sec. 10, Subsection (c) from, “fails to state a claim for relief” to something less legalistic and more easily accessible to the public, particularly young people. As the language is currently, there may be an unnecessary amount of rejected claims. In addition, language

¹ U.S Department of Housing and Urban Development, OFFICE OF GENERAL COUNSEL GUIDANCE ON APPLICATION OF FAIR HOUSING ACT STANDARDS TO THE USE OF CRIMINAL RECORDS BY PROVIDERS OF HOUSING AND REAL ESTATE-RELATED TRANSACTIONS, April 4, 2016, available at https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF.

should be added that would allow petitioners to immediately revise claims if their claim is rejected for failure to state a claim for relief or for other reasons.

CCA also encourages the passage of H.B. 5234 because this legislation would follow at least nine other states in reducing another unnecessary barrier to housing for Connecticut's most vulnerable youth: unfair housing applications. Through our work, we have seen that many youth often have to apply to dozens of apartments before they are able to sign a lease. Housing providers often reject youth for things like minor crimes on their records, limited work history, limited rental history, past evictions from escaping dangerous situations, and poor credit often inflicted on them by their parents. These youth often spend hundreds of dollars applying for apartments, and while they are without stable housing, they end up in extremely vulnerable situations. We also often see housing providers use housing applications as a way to earn profits, as opposed to creating fair systems for renters.

While we urge the passage of H.B. 5234, we encourage the Committee to consider the following recommendations:

1. Consider adding language that other states, such as California, have added that would limit a housing provider's ability to accept a fee for a housing application unless units are currently available and the housing provider has already rejected or offered the apartment to all other applicants who have previously applied. **Right now housing providers too often accept application fees even though renters have no chance of renting an apartment.**
2. Consider adding language that other states, such as Minnesota, have added that would require housing providers to adopt written screening or admission criteria before accepting an application fee. **Many housing providers currently have no written admission criteria, and through our work we have seen how this this allows for easier and more hidden discrimination.**
3. In Sec 2. Subsection (b), consider language that would shift the burden to the housing provider if a walk-through checklist has previously noted damage. While such evidence may not be conclusive, a walk-through checklist signed by a housing provider should be given considerable weight.
4. Consider stronger language like New York has that would require landlords to accept previous screening reports conducted within the past 30 days. The way Sec. 3, Subsection (c) is written, housing providers have too much discretion to require a new screening report with each application despite a sufficient report already existing.

CCA believes these recommendations are common sense protections for Connecticut's most vulnerable tenants. This is especially important at a time when young people have been heavily impacted by the

pandemic, and when they need more protections than ever to live healthy and productive lives in Connecticut.

Respectfully submitted,

/s/

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