
OLR Bill Analysis

SB 355

AN ACT CONCERNING A LANDLORD'S ABILITY TO CONSIDER THE CRIMINAL RECORD OF PROSPECTIVE TENANTS.

SUMMARY

This bill requires the Department of Housing (DOH) commissioner to adopt regulations, by January 1, 2022, establishing the time period immediately preceding a rental application during which landlords and housing authorities may consider a prospective tenant's criminal record in evaluating his or her application. Under the bill, a landlord's or housing authority's limited lookback period of a prospective tenant's criminal history cannot exceed (1) seven years for consideration of a felony offense or (2) three years for consideration of a misdemeanor offense.

Additionally, the bill grants landlords, or their agents, who comply with the new limited criminal lookback periods immunity from civil liability for damage or injury caused by a tenant's subsequent criminal acts, so long as the landlord or agent was not a conspirator, an accomplice, or otherwise complicit in the crime.

EFFECTIVE DATE: October 1, 2021, except the housing authority provision is effective January 1, 2022.

HOUSING AUTHORITIES

Under current law, housing authorities receiving state assistance may consider the criminal record of an applicant for public housing when the record involves (1) physical violence to people or properties; (2) the manufacture, sale, distribution, or use of controlled drugs; or (3) acts that would adversely affect other tenants' health, safety, or welfare. Under the bill, housing authorities may only consider such crimes that occur during the limited criminal lookback periods DOH establishes.

As under existing law, housing authorities may also consider an applicant's history of alcohol abuse and whether he or she is subject to lifetime registration as a sex offender due to a sexually violent offense.

In addition to state requirements, federal regulations require housing authorities administering the federal Public Housing and Housing Choice Voucher programs to establish lifetime bans for individuals convicted of (1) manufacturing or producing methamphetamine on the premises of federally assisted housing or (2) a crime that subjects them to a lifetime registration requirement under a state sex offender registration program (24 C.F.R. 960.204 and 24 C.F.R. 982.553).

BACKGROUND

Related Bills

sHB 6431, favorably reported by the Housing Committee, generally prohibits discrimination in rental housing based on an individual's criminal record and allows aggrieved individuals to report alleged violations to the Commission on Human Rights and Opportunities.

COMMITTEE ACTION

Housing Committee

Joint Favorable

Yea 11 Nay 4 (03/09/2021)