



Senate

General Assembly

File No. 139

January Session, 2021

Substitute Senate Bill No. 194

Senate, March 25, 2021

The Committee on Housing reported through SEN. LOPES of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT ESTABLISHING A RIGHT TO HOUSING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2021*) (a) It shall be the goal of
2 this state to progressively implement policies that will respect, protect
3 and fulfill a right to affordable, decent, safe and stable housing for every
4 resident of this state.

5 (b) Each state agency, as defined in section 1-79 of the general
6 statutes, and each political subdivision of the state, in implementing the
7 provisions of this section, shall:

8 (1) Consider the right to housing under subsection (a) of this section
9 and the components of such right set forth in subsection (c) of this
10 section when adopting or revising policies, regulations or grant criteria
11 that implicate, impact or affect such right.

12 (2) When implementing such policies, regulations or grant criteria,
13 give priority to assisting households with incomes below fifty per cent

14 of the area median income, as described in section 8-39a of the general
15 statutes.

16 (3) To the extent practicable, attempt to serve households currently
17 experiencing homelessness or at risk of housing loss and those in the
18 lower range of the income group to which the agency's or political
19 subdivision's programs are directed.

20 (c) The right to housing includes, but is not limited to, the following
21 components:

22 (1) The right to protection from housing loss: This right implicates
23 governmental programs that ensure the legal security of persons and
24 households at risk of losing housing or experiencing homelessness,
25 including eviction prevention programs, legal assistance in evictions,
26 financial assistance, support services and problem-solving counseling;

27 (2) The right to safe housing that meets all basic needs: This right
28 implicates the internal habitability of the home as well as the necessary
29 services and infrastructure to support a healthy and dignified standard
30 of living;

31 (3) The right to housing and affordability: This right implicates
32 governmental programs that provide rental assistance, encourage the
33 maintenance, repair and rehabilitation of existing housing and enlarge
34 the stock of new low-cost housing, all of which ensure the ability to
35 secure and maintain housing without risking access to other essential
36 needs;

37 (4) The right to rehousing assistance for persons and households that
38 have become homeless: This right implicates governmental programs
39 that support the transition of persons experiencing homelessness to
40 long-term permanent housing that is affordable; and

41 (5) The right to recognition of special circumstances: This right
42 implicates the adaptation of governmental programs to ensure
43 accessibility to households facing particular obstacles to finding
44 affordable, decent, safe and stable housing, whether because of race,

45 religion, sexual orientation, gender identity, age, disability,
46 unemployment, criminal record, eviction history, family status, source
47 of income, immigration status, cultural traditions, having been victims
48 of fraud and financial manipulation or other obstacles.

49 Sec. 2. (NEW) (*Effective from passage*) (a) There is established a right to
50 housing committee to review existing and proposed housing policies
51 and advise on (1) the state's progressive implementation of a right to
52 housing; and (2) gaps and needs of vulnerable populations with regard
53 to access to permanent housing, including, but not limited to, (A)
54 individuals experiencing homelessness, including homeless youth;
55 individuals with disabilities, including physical disabilities and
56 disabilities related to mental health, substance abuse and
57 developmental conditions; (B) individuals with past or current criminal
58 justice system involvement; (C) individuals from historically
59 marginalized racial and ethnic groups; (D) individuals from historically
60 marginalized groups based on sexual orientation, gender identity or
61 gender expression; (E) survivors of sexual violence, domestic violence,
62 dating violence, stalking and sexual trafficking; (F) refugees and
63 immigrants; and (G) veterans.

64 (b) The committee shall consist of the following members:

65 (1) Three appointed by the speaker of the House of Representatives,
66 one with expertise in homelessness policies and programs, one with
67 expertise in low-income housing policies and programs and one with
68 expertise in matters relating to evictions and housing court;

69 (2) Three appointed by the president pro tempore of the Senate, one
70 with expertise in fair housing protections, one with expertise in the
71 development of low-income housing and one with expertise in, or
72 personal experience with, disability and housing insecurity;

73 (3) Three appointed by the majority leader of the House of
74 Representatives, one with expertise in, or personal experience with, the
75 criminal justice impact on housing insecurity, one with expertise in, or
76 personal experience with, the impact of race or ethnicity on housing

77 insecurity and one with expertise in, or personal experience with, the
78 impact of sexual orientation, gender identity or gender expression on
79 housing insecurity;

80 (4) Three appointed by the majority leader of the Senate, one with
81 expertise in, or personal experience with, the impact of sexual violence,
82 domestic violence, dating violence or stalking on housing insecurity,
83 one with experience in, or personal experience with, the impact of sex
84 trafficking and housing insecurity and one with expertise in, or personal
85 experience with, the impact of refugee or immigrant status on housing
86 insecurity;

87 (5) Two appointed by the minority leader of the House of
88 Representatives, one with expertise in, or personal experience with, the
89 impact on veteran status on housing insecurity and one of whom is a
90 current or recent recipient of homeless assistance, low-income housing
91 assistance or assistance in an eviction or housing summary process
92 matter;

93 (6) Two appointed by the minority leader of the Senate, both of whom
94 are current or recent recipients of homeless assistance, low-income
95 housing assistance or assistance in an eviction or housing summary
96 process matter; and

97 (7) The Commissioner of Housing, or the commissioner's designee.

98 (c) Any member of the committee appointed under subdivision (1),
99 (2), (3), (4), (5) or (6) of subsection (b) of this section may be a member
100 of the General Assembly.

101 (d) All initial appointments to the committee shall be made not later
102 than sixty days after the effective date of this section. Appointed
103 members of the committee shall serve for three-year terms which shall
104 commence on the date of appointment and may serve until a successor
105 is appointed. Any vacancy shall be filled by the respective appointing
106 authority pursuant to subsection (b) of this section.

107 (e) The chairperson of the committee shall be jointly appointed by the

108 speaker of the House of Representatives and the president pro tempore
109 of the Senate. Upon appointment of such chairperson, the work of the
110 committee may begin even if all other appointments have not yet been
111 made. The chairperson shall schedule the first meeting of the committee,
112 which shall be held not later than ninety days after the effective date of
113 this section. If appointments under subsection (b) of this section are not
114 made within the sixty-day period specified in said subsection, the
115 chairperson may designate individuals with the required expertise to
116 serve on the committee until appointments are made pursuant to
117 subsection (b) of this section.

118 (f) The administrative staff of the joint standing committee of the
119 General Assembly having cognizance of matters relating to housing
120 shall serve as the administrative staff of the committee.

121 (g) The committee shall meet not less than twice per fiscal year.

122 (h) The Department of Housing shall provide presentations and data
123 regarding its implementation of the right to housing at the request of
124 the committee.

125 (i) Not later than July 1, 2022, and annually thereafter, the committee
126 shall submit a report on its findings and recommendations to the joint
127 standing committee of the General Assembly having cognizance of
128 matters relating to housing, in accordance with the provisions of section
129 11-4a of the general statutes.

130 (j) During any regular or special session of the General Assembly, the
131 committee shall identify and review any proposed legislation impacting
132 the right to housing and may provide testimony on any such proposals
133 given a public hearing before any relevant committees of the General
134 Assembly, providing analysis on the potential impact of the legislation
135 on the right to housing and the vulnerable populations described in
136 subdivision (2) of subsection (a) of this section to preserve such right.

137 Sec. 3. (NEW) (*Effective October 1, 2021*) (a) The Commissioner of
138 Housing shall, within available appropriations, appoint an employee to

139 serve as Housing Advocate within the Department of Housing and
140 provide timely assistance to recipients of Department of Housing
141 services concerning complaints and grievances related to the right of
142 housing outlined by sections 1 and 2 of this act.

143 (b) The Housing Advocate, in consultation with the commissioner,
144 shall:

145 (1) Receive, review, record and attempt to resolve any complaints and
146 grievances regarding the right to housing;

147 (2) Compile and analyze data on such complaints and grievances;

148 (3) Assist residents in understanding their rights under the right to
149 housing established under section 1 of this act;

150 (4) Provide information to the public, agencies, legislators and others
151 regarding the problems and concerns of residents in regard to the right
152 to housing;

153 (5) Analyze and monitor the development and implementation of
154 federal, state and local laws, regulations and policies relating to tenants'
155 rights, affordable housing, homelessness prevention, the impact of
156 criminal justice and summary process involvement on housing
157 accessibility and other issues related to the right to housing; and

158 (6) Provide data and recommendations to the right to housing
159 committee established in section 2 of this act as requested.

160 (c) Not later than July 1, 2022, and annually thereafter, the
161 Commissioner of Housing shall submit a report, in accordance with the
162 provisions of section 11-4a of the general statutes, to the joint standing
163 committee of the General Assembly having cognizance of matters
164 relating to housing. The commissioner shall report on: (1) The
165 implementation of the provisions of this section; (2) the overall
166 effectiveness of the Housing Advocate position established in
167 subsection (a) of this section; and (3) any additional recommendations
168 for the Department of Housing to implement the right to housing

169 established in section 1 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>October 1, 2021</i>	New section

Statement of Legislative Commissioners:

Section 1(c) was rewritten to conform to standard drafting conventions.

HSG *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Department of Housing	GF - Cost	128,000 - 248,000	164,000 - 328,000
State Comptroller - Fringe Benefits ¹	GF - Cost	47,000 - 97,000	64,000 - 132,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill establishes the Housing Advocate in the Department of Housing (DOH) and results in a cost to the General Fund of \$175,000 to \$345,000 in FY 22 and \$228,000 to \$460,000 in FY 23 for two to four new staff beginning on October 1, 2021. DOH does not have the capacity to perform the duties of the Housing Advocate with existing staff. Depending on the volume of new complaints that the agency must review and attempt to resolve, DOH will need to hire one to three ombudsmen, each with salary and fringe benefit costs of approximately \$85,000 in FY 22 and \$116,000 in FY 23.² Additionally, DOH will need to hire one research analyst with expertise in housing policy with salary and fringe benefit costs of approximately \$75,000 in FY 22 and \$102,000

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.3% of payroll in FY 22 and FY 23.

² It is unclear if only those recipients of DOH services (at least 80,000 people just for rental assistance and homelessness services) or all state residents would be eligible to be assisted by the Housing Advocate. It is assumed that the ombudsman would primarily assist residents by directing them to the appropriate state or municipal departments that currently handle such housing complaints or to other state resources.

in FY 23. Other expenses associated with new agency staff are estimated to total \$15,000 in FY 22 and \$10,000 in FY 23.

The bill does not result in a fiscal impact with respect to the goal to progressively fulfill a "right to housing," as established and defined by the bill. It does not mandate or require the state to spend additional funds on programs or services related to the components of this "right" as enumerated. The bill does, however, require state agencies and local governments to take such goals into consideration when adopting or revising policies, regulations, or grant criteria that are related to housing, and to prioritize specific groups in doing so.

The bill also establishes a seventeen member right to housing committee to review existing and proposed housing policies and to report on it annually, which will have no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: Department of Housing

OLR Bill Analysis**SB 194*****AN ACT ESTABLISHING A RIGHT TO HOUSING.*****SUMMARY**

This bill makes it a state goal to progressively implement policies that respect, protect, and fulfill a right to affordable, decent, safe, and stable housing for every state resident (i.e., a “right to housing”). The bill establishes right to housing components, identifies certain vulnerable populations, and generally requires state agencies and political subdivisions to consider them when taking various affordable housing-related actions.

The bill also establishes a right to housing committee to review housing policies and the state's implementation of the right to housing. The committee must annually report on its findings and recommendations to the Housing Committee beginning July 1, 2022.

Finally, the bill requires the Department of Housing (DOH) commissioner, within available appropriations, to appoint an employee to serve in the department as housing advocate. Among other things, the advocate must assist recipients of DOH services with complaints or grievances related to the right to housing. The commissioner must annually report to the Housing Committee beginning July 1, 2022, generally on the advocate position’s efficacy.

EFFECTIVE DATE: October 1, 2021, except the establishment of the right to housing committee is effective upon passage.

RIGHT TO HOUSING AS A STATE GOAL

The bill makes it a state goal to progressively implement policies that respect, protect, and fulfill a right to affordable, decent, safe, and stable housing for every state resident. Toward that end, the bill requires each

state agency and political subdivision, in implementing the right to housing goal, to do the following:

1. consider the right to housing and its components (see below) when adopting or revising policies, regulations, or grant criteria that implicate, impact, or affect the right;
2. when implementing right to housing policies, regulations, or grant criteria, give priority to assisting households with incomes below 50% of the area median income for the municipality where the housing is located, as determined by the U.S. Department of Housing and Urban Development; and
3. to the extent practicable, attempt to serve households currently experiencing homelessness or at risk of housing loss and those in the lower range of the income group to which the agency's or political subdivision's programs are directed.

Right to Housing Components

The right to housing includes various components, five of which the bill outlines. Each component implicates certain programs or services, as shown in Table 1 below. (It is unclear what is meant by "implicates.")

Table 1: Right to Housing Components

Component	Programs or Services Implicated
Right to protection from housing loss	Governmental programs that ensure the legal security of people and households at risk of losing housing or experiencing homelessness, including eviction prevention programs; legal assistance in evictions; financial assistance; support services; and problem-solving counseling
Right to safe housing that meets all basic needs	The home's internal habitability, as well as the necessary services and infrastructure to support a healthy and dignified living standard
Right to housing and	Governmental programs that provide rental

affordability	assistance; encourage existing housing's maintenance, repair, and rehabilitation; and increase new low-cost housing stock, all of which ensure the ability to secure and maintain housing without risking access to other essential needs
Right to rehousing assistance for people and households that have become homeless	Governmental programs that support the transition of people experiencing homelessness to long-term permanent, affordable housing
Right to recognition of special circumstances	Adaptation of governmental programs to ensure accessibility to households facing particular obstacles to finding affordable, decent, safe, and stable housing, whether because of race, religion, sexual orientation, gender identity, age, disability, unemployment, criminal record, eviction history, family status, income source, immigration status, cultural traditions, being a victim of fraud or financial manipulation, or other obstacles

RIGHT TO HOUSING COMMITTEE

The bill establishes a 17-member right to housing committee. The committee’s purpose is to (1) review existing and proposed housing policies and (2) advise on the state's progressive implementation of a right to housing, as well as on vulnerable populations’ need for access to permanent housing and any gaps in this access.

Under the bill, the committee must identify and review regular and special session proposed legislation impacting the right to housing. It may provide public hearing testimony analyzing legislation’s potential impact on the right to housing and the vulnerable populations, in order to preserve the right.

When advising on vulnerable populations, the committee must cover the following:

1. individuals experiencing homelessness, including homeless youth;
2. individuals with disabilities, including physical disabilities and disabilities related to mental health, substance abuse, and developmental conditions;
3. individuals with past or current criminal justice system involvement;
4. individuals from historically marginalized racial and ethnic groups;
5. individuals from historically marginalized groups based on sexual orientation, gender identity, or gender expression;
6. survivors of sexual violence, domestic violence, dating violence, stalking, and sexual trafficking;
7. refugees and immigrants; and
8. veterans.

Membership

Under the bill, the committee consists of the DOH commissioner, or her designee, and 16 members whom the legislative leaders appoint. The legislative appointees may be General Assembly members and must have specified areas of expertise, as shown in Table 2.

Table 2: Right to Housing Committee: Legislative Appointees

Appointing Authority	Number of Appointees	Required Expertise
Senate president pro tempore	3	Expertise in the following: <ul style="list-style-type: none"> • fair housing protections (one member) • developing low-income housing (one member) Expertise in, or personal experience with, the following: <ul style="list-style-type: none"> • disability and housing insecurity (one member)

House speaker	3	Expertise in the following: <ul style="list-style-type: none"> • homelessness policies and programs (one member) • low-income housing policies and programs (one member) • matters relating to evictions and housing court (one member)
Senate majority leader	3	Expertise in, or personal experience with, the impact of the following on housing insecurity: <ul style="list-style-type: none"> • sexual violence, domestic violence, dating violence, or stalking (one member) • sex trafficking (one member) • refugee or immigrant status (one member)
House majority leader	3	Expertise in, or personal experience with, the impact of the following on housing insecurity: <ul style="list-style-type: none"> • criminal justice (one member) • race or ethnicity (one member) • sexual orientation, gender identity, or gender expression (one member)
Senate minority leader	2	<ul style="list-style-type: none"> • Current or recent recipients of homeless assistance, low-income housing assistance, or assistance in an eviction or housing summary process matter
House minority leader	2	<ul style="list-style-type: none"> • One with expertise in, or personal experience with, the impact of veteran status on housing insecurity • A current or recent recipient of homeless assistance, low-income housing assistance, or assistance in an eviction or housing summary process matter

Initial Appointments and Vacancies

The legislative leaders must make the initial committee appointments no later than 60 days after the bill's passage. Appointed committee

members serve three-year terms or until a successor is appointed; appointing authorities fill vacancies.

Chairperson, Meetings, and Reporting Requirement

The bill requires the Senate president and the House speaker to jointly appoint the chairperson. Once they have done so, the committee may begin working even if the other positions have not been filled. The chairperson must schedule the committee's first meeting no later than 90 days after the bill's passage. If positions remain unfilled after 60 days, the chairperson may designate people with the required expertise to serve until the appointments are made.

The bill requires the committee to meet at least twice each fiscal year. At the committee's request, DOH must provide presentations and data on its right to housing implementation. The committee must report annually on its findings and recommendations to the Housing Committee beginning July 1, 2022. The Housing Committee's administrative staff serves as the right to housing committee's administrative staff.

HOUSING ADVOCATE

The bill requires the DOH commissioner, within available appropriations, to appoint an employee to serve in the department as housing advocate. The advocate must provide timely assistance to recipients of DOH services with complaints or grievances related to the right to housing. (The bill does not appear to establish any procedures or remedies for these complaints or grievances.)

In consultation with the commissioner, the housing advocate must do the following:

1. receive, review, record, and attempt to resolve any complaints and grievances about the right to housing;
2. compile and analyze data on these complaints and grievances;
3. assist residents in understanding their rights under the right to

housing established by the bill (the bill does not appear to establish any such enforceable rights);

- 4. provide information to the public, agencies, legislators, and others about residents’ problems and concerns with respect to the right to housing;
- 5. analyze and monitor the development and implementation of federal, state, and local laws, regulations, and policies relating to tenants' rights; affordable housing; homelessness prevention; the impact of criminal justice and summary process involvement on housing accessibility; and other issues related to
- 6. the right to housing; and
- 7. provide data and recommendations to the right to housing committee (see above).

The DOH commissioner must annually report to the Housing Committee beginning July 1, 2022, on (1) the implementation of the housing advocate's duties, (2) the position’s overall effectiveness, and (3) any additional recommendations for DOH to implement the right to housing.

COMMITTEE ACTION

Housing Committee

Joint Favorable

Yea 12 Nay 3 (03/09/2021)