



Senate

General Assembly

File No. 107

January Session, 2021

Senate Bill No. 355

Senate, March 23, 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 bill ought to pass.

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

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

1 Section 1. (NEW) (*Effective October 1, 2021*) (a) As used in this section,
2 "landlord" and "tenant" have the same meanings as provided in section
3 47a-1 of the general statutes. Not later than January 1, 2022, the
4 Commissioner of Housing shall adopt regulations in accordance with
5 the provisions of chapter 54 of the general statutes, concerning a limited
6 time period, immediately preceding a rental application, for which a
7 landlord or agent of such landlord may consider the criminal record of
8 a prospective tenant to evaluate the rental application of such
9 prospective tenant. Such limited time period shall be not more than
10 seven years for consideration of a felony committed by a prospective
11 tenant and not more than three years for consideration of a
12 misdemeanor committed by a prospective tenant.

13 (b) Any landlord or agent of such landlord who rents to a tenant in
14 accordance with the regulations adopted under subsection (a) of this

15 section shall be immune from any civil liability for any damage or injury
16 arising from any subsequent criminal act of such tenant, unless such
17 landlord or agent of such landlord was a conspirator, accomplice or
18 otherwise complicit in such criminal act.

19 Sec. 2. Section 8-45a of the general statutes is repealed and the
20 following is substituted in lieu thereof (*Effective January 1, 2022*):

21 A housing authority, as defined in subsection (b) of section 8-39, in
22 determining eligibility for the rental of public housing units may
23 establish criteria and consider relevant information concerning (1) an
24 applicant's or any proposed occupant's history of criminal activity,
25 during the time period established under section 1 of this act and in
26 accordance with the regulations adopted under section 1 of this act,
27 involving: (A) Crimes of physical violence to persons or property, (B)
28 crimes involving the illegal manufacture, sale, distribution or use of, or
29 possession with intent to manufacture, sell, use or distribute, a
30 controlled substance, as defined in section 21a-240, or (C) other criminal
31 acts which would adversely affect the health, safety or welfare of other
32 tenants, (2) an applicant's or any proposed occupant's abuse, or pattern
33 of abuse, of alcohol when the housing authority has reasonable cause to
34 believe that such applicant's or proposed occupant's abuse, or pattern of
35 abuse, of alcohol may interfere with the health, safety or right to
36 peaceful enjoyment of the premises by other residents, and (3) an
37 applicant or any proposed occupant who is subject to a lifetime
38 registration requirement under section 54-252 on account of being
39 convicted or found not guilty by reason of mental disease or defect of a
40 sexually violent offense. In evaluating any such information, the
41 housing authority shall give consideration to the time, nature and extent
42 of the applicant's or proposed occupant's conduct and to factors which
43 might indicate a reasonable probability of favorable future conduct such
44 as evidence of rehabilitation and evidence of the willingness of the
45 applicant, the applicant's family or the proposed occupant to participate
46 in social service or other appropriate counseling programs and the
47 availability of such programs.

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>January 1, 2022</i>	8-45a

HSG *Joint Favorable*

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 - Potential Cost	Up to 50,000	None

Note: GF=General Fund

Municipal Impact: None

Explanation

There is a potential cost of up to \$50,000 to the Department of Housing (DOH) for the development of regulations required under the bill, to the extent that DOH must contract out legal work in order to adopt the regulations by January 1, 2022.

The Out Years

There is no fiscal impact in the out years.

Sources: Department of Housing

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 (03/11/2021)