



Legislative Testimony
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Written Testimony Supporting Senate Bill 875, An Act Concerning the Risk of Homelessness for Those Released from the Custody of the Department of Correction

Senator Lopes, Representative McGee, Ranking Members Polletta and Cicarella, and distinguished members of the Housing Committee:

My name is Kelly McConney Moore, and I am the interim senior policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony in support of Senate Bill 875, An Act Concerning the Risk of Homelessness for Those Released from the Custody of the Department of Correction.

We strongly encourage the committee to support Senate Bill 875. All people in Connecticut, including people who have a criminal record, have the right to safe and stable housing. Yet at any given time, approximately 25 percent of the state's homeless population are also living with a criminal record.¹ Without stable and safe housing, it can be difficult for people reentering society to obtain and keep employment. Lack of stable housing can also contribute to increased recidivism for people who are formerly incarcerated.²

For these reasons, the ACLU-CT applauds the intention of Senate Bill 875, which requires the Department of Correction to evaluate the risks for each person reaching the end of their incarceration, and to track and report figures for homelessness among people who have recently returned to their communities. The bill's plan to create a partnership between the Department of Correction and the Department of Housing to provide housing assessment to people assessed to at risk

¹ Kelan Lyons, "Council Begins Study of Discrimination against People with Criminal Records." CT Mirror (Aug. 22, 2019), available at <https://ctmirror.org/2019/08/22/council-begins-study-of-discrimination-against-people-with-criminal-records/>.

² See Patricia McKernan, "Homelessness and Prisoner Re-Entry: Examining Barriers to Housing." Volunteers of America, available at <https://www.vo.org/homelessness-and-prisoner-reentry>.

of homelessness is also an important step in ensuring stable and affordable housing for people returning home from incarceration. We support all these efforts.

One housing issue faced by people reentering the community which this bill does not address is housing discrimination. When affordable housing is insufficient, as it is in this state,³ strict rental policies prohibiting people with criminal records can decrease the number of qualified applicants.⁴ These restrictions often appear as complete bans on people with a criminal record.⁵ Denying landlords the free reign to discriminate could help free up units for people reentering from incarceration.

Renting to people with a criminal record is not the risky proposition some would have you believe. Instead, research indicates that most criminal offenses have little to no impact on housing outcomes.⁶ Even for those few offenses with an impact, that impact declines rapidly over time until it is statistically insignificant within 2-5 years after someone reenters society. Further, some anti-discrimination proposals suggest safe harbor provisions for landlords, which could reduce landlords' potential liability to third parties for renting to a formerly incarcerated person. Prohibiting housing discrimination against people with a criminal record would go a long way towards helping formerly incarcerated people find safe and secure housing.

Senate Bill 875, An Act Concerning the Risk of Homelessness for Those Released from the Custody of the Department of Correction, identifies and takes steps to a critical problem for people returning home from incarceration. The ACLU-CT supports it on that basis. This bill, however, could do even more for people reentering the community by prohibiting housing discrimination against them. The ACLU-CT urges this Committee to support this bill and to amend it to make it even more effective and robust.

³ "In Connecticut in 2018, 140,531 households were deemed 'extremely low income' . . . but only 51,050 affordable rental units were available. That's less than one affordable unit for every three extremely low-income households." Emily Munson, Justin Papp, Mary O'Leary, & Hannah Dellinger, "Connecticut's Affordable Housing Shortage Hits Hard." AP News (Dec. 26, 2018), available at <https://apnews.com/b5f3b99cdef84211a8043add0a6e984b>.

⁴ See "No Second Chance: People with Criminal Records Denied Access to Public Housing." Human Rights Watch (Nov. 2004), available at <https://www.hrw.org/report/2004/11/17/no-second-chance/people-criminal-records-denied-access-public-housing>.

⁵ See, e.g., Reed Canaan, "Applicants with Criminal Record Not Welcome at Some Rentals and Advocates Say It's Discrimination." NPR News (Sept. 11, 2019), available at <https://vp.m.org/news/articles/6820/applicants-with-criminal-record-not-welcome-at-some-rentals-and-advocates-say>.

⁶ Cael Warren, "Success in Housing: How Much Does Criminal Background Matter?" at 17. Wilder Research (Jan. 2019), available at https://www.wilder.org/sites/default/files/imports/AEON_HousingSuccess_CriminalBackground_Report_1-19.pdf.