



House of Representatives

General Assembly

File No. 43

February Session, 2024

Substitute House Bill No. 5242

House of Representatives, March 18, 2024

The Committee on Housing reported through REP. FELIPE of the 130th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE COLLATERAL CONSEQUENCES OF CRIMINAL RECORDS ON HOUSING OPPORTUNITIES.

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

1 Section 1. Section 46a-64b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2024*):

3 As used in sections 46a-51 to 46a-99, inclusive, as amended by this
4 act, and section 2 of this act:

5 (1) "Conviction" means a judgment entered by a court upon a plea of
6 guilty, a plea of nolo contendere or a finding of guilty by a jury or the
7 court, notwithstanding any pending appeal or habeas corpus
8 proceeding arising from such judgment.

9 [(1)] (2) "Discriminatory housing practice" means any discriminatory
10 practice specified in section 46a-64c or [section] 46a-81e or section 2 of
11 this act.

12 [(2)] (3) "Dwelling" means any building, structure, mobile

13 manufactured home park or portion thereof which is occupied as, or
14 designed or intended for occupancy as, a residence by one or more
15 families, and any vacant land which is offered for sale or lease for the
16 construction or location thereon of any such building, structure, mobile
17 manufactured home park or portion thereof.

18 [(3)] (4) "Fair Housing Act" means Title VIII of the Civil Rights Act of
19 1968, as amended from time to time, and known as the federal Fair
20 Housing Act (42 USC 3600-3620).

21 [(4)] (5) "Family" includes a single individual.

22 [(5)] (6) "Familial status" means one or more individuals who have
23 not attained the age of eighteen years being domiciled with a parent or
24 another person having legal custody of such individual or individuals;
25 or the designee of such parent or other person having such custody with
26 the written permission of such parent or other person; or any person
27 who is pregnant or is in the process of securing legal custody of any
28 individual who has not attained the age of eighteen years.

29 [(6)] (7) "Housing for older persons" means housing: (A) Provided
30 under any state or federal program that the Secretary of the United
31 States Department of Housing and Urban Development determines is
32 specifically designed and operated to assist elderly persons as defined
33 in the state or federal program; or (B) intended for, and solely occupied
34 by, persons sixty-two years of age or older; or (C) intended and operated
35 for occupancy by [at least] not fewer than one person fifty-five years of
36 age or older per unit in accordance with the standards set forth in the
37 Fair Housing Act and regulations developed pursuant thereto by the
38 Secretary of the United States Department of Housing and Urban
39 Development.

40 (8) "Housing provider" means a landlord, as defined in section 47a-1,
41 an owner of a dwelling, an agent of such landlord or owner, a real estate
42 agent, a property manager, a housing authority created pursuant to
43 section 8-40, a public housing agency or other entity that provides
44 dwelling units to tenants or prospective tenants.

45 [(7)] (9) "Mobile manufactured home park" means a plot of land upon
46 which two or more mobile manufactured homes occupied for
47 residential purposes are located.

48 [(8)] (10) "Physical or mental disability" includes, but is not limited to,
49 intellectual disability, as defined in section 1-1g, and physical disability,
50 as defined in subdivision (15) of section 46a-51, and also includes, but is
51 not limited to, persons who have a handicap as that term is defined in
52 the Fair Housing Act.

53 [(9)] (11) "Residential-real-estate-related transaction" means (A) the
54 making or purchasing of loans or providing other financial assistance
55 for purchasing, constructing, improving, repairing or maintaining a
56 dwelling, or secured by residential real estate; or (B) the selling,
57 brokering or appraising of residential real property.

58 [(10)] (12) "To rent" includes to lease, to sublease, to let and to
59 otherwise grant for a consideration the right to occupy premises not
60 owned by the occupant.

61 Sec. 2. (NEW) (*Effective October 1, 2024*) (a) Except as provided in
62 subsections (f) and (g) of this section, it shall be a discriminatory practice
63 in violation of this section for a housing provider to refuse to rent after
64 making a bona fide offer, or to refuse to negotiate for the rental of, or
65 otherwise make unavailable or deny a dwelling unit or deny occupancy
66 in a dwelling unit, to any person based on such person's criminal
67 conviction status, except for a conviction for the commission of a felony
68 (1) during the three-year period immediately preceding the rental
69 application and, if a period of incarceration resulted from such
70 conviction, such period of incarceration was for a period of less than
71 three years, or (2) during the one-year period immediately preceding
72 the rental application after a person has been released from
73 incarceration resulting from such conviction, if such incarceration was
74 for a period of three or more years.

75 (b) Within the applicable period specified in subsection (a) of this
76 section, before denying a rental application based on the criminal

77 conviction of any applicant, a housing provider shall consider (1) the
78 nature and severity of the crime, (2) the relationship, if any, the crime
79 may have to the prospective tenancy of the convicted person, (3)
80 information pertaining to the degree of rehabilitation of the convicted
81 person, and (4) the time elapsed since the conviction.

82 (c) In ascertaining whether an applicant has committed a crime, a
83 housing provider shall comply with all applicable laws, including, but
84 not limited to, the Fair Credit Reporting Act, 15 USC 1681 et seq., as
85 amended from time to time. An applicant's rental application may not
86 be denied based on (1) an official or unofficial record of an arrest or a
87 charge or other allegation of a criminal act not followed by a conviction,
88 (2) a violation of a condition of probation or parole resulting from
89 conduct that would not be a criminal act if it were not prohibited by
90 such condition, (3) a record of a conviction that has been erased, or (4) a
91 conviction for conduct that occurred when the applicant was a minor.

92 (d) Before denying a rental application under this section, a housing
93 provider shall provide written notice to the applicant that the
94 application requires further review due to the applicant's criminal
95 conviction. The housing provider shall provide the applicant not less
96 than five business days in which to respond to such notice and present
97 relevant mitigating information regarding the conviction and evidence
98 that the applicant would be a suitable tenant. Such evidence may
99 include, but need not be limited to, the following factors: (1) The nature
100 and severity of the criminal offense; (2) the facts or circumstances
101 surrounding the criminal conduct; (3) the age of the applicant at the time
102 of the offense; (4) the length of time elapsed since the offense; (5)
103 evidence the applicant has maintained a good tenant history before or
104 after the offense; (6) the applicant's employment status; (7) any
105 information produced by the applicant, or produced on the applicant's
106 behalf, regarding the applicant's rehabilitation, good character or good
107 conduct since the offense; and (8) any evidence that the offense is
108 unlikely to reoccur.

109 (e) Except as provided in subsections (f) and (g) of this section, it shall

110 be a discriminatory practice in violation of this section to (1)
111 discriminate against any person in the terms, conditions or privileges of
112 the rental of a dwelling unit, or in the provision of services or facilities
113 in connection with the rental of such dwelling unit, because of such
114 person's criminal conviction status; (2) make, print or publish, or cause
115 to be made, printed or published, any notice, statement or
116 advertisement with respect to the rental of a dwelling unit that indicates
117 any preference, limitation or discrimination based on criminal
118 conviction status, or an intention to make any such preference,
119 limitation or discrimination; (3) represent to any person because of
120 criminal conviction status that any dwelling unit is not available for
121 inspection or rental if such dwelling unit is so available; and (4) inquire
122 about an applicant's prior arrests, criminal charges or convictions on an
123 initial application for rental of a dwelling unit unless required to do so
124 by federal law.

125 (f) The provisions of this section shall not apply to a person who
126 applies for public housing who has a conviction for the manufacture or
127 production of methamphetamine on the premises of federally assisted
128 housing, or to a person subject to a lifetime registration requirement
129 under a state registration program pursuant to 24 CFR 960.204 and 24
130 CFR 982.553. Nothing in this section shall be construed to limit the
131 applicability of 24 CFR 960.204 or 24 CFR 982.553 regarding a public
132 housing authority.

133 (g) The provisions of this section shall not apply to (1) the rental of a
134 room or rooms in a single-family dwelling if the owner maintains and
135 occupies part of such dwelling as such owner's residence, or (2) a unit
136 in a dwelling containing not more than four units if the owner maintains
137 and occupies one of such units as such owner's residence.

138 (h) Nothing in this section shall be construed to limit the applicability
139 of any reasonable statute or municipal ordinance restricting the
140 maximum number of persons permitted to occupy a dwelling.

141 (i) Any person aggrieved by a violation of this section may file a
142 complaint not later than one hundred eighty days after the alleged act

143 of discrimination, pursuant to section 46a-82 of the general statutes, as
144 amended by this act.

145 (j) Notwithstanding any other provision of chapter 814c of the general
146 statutes, complaints alleging a violation of this section shall be
147 investigated not later than one hundred days after filing and a final
148 administrative disposition shall be made not later than one year after
149 filing unless it is impracticable to do so. If the Commission on Human
150 Rights and Opportunities is unable to complete its investigation or make
151 a final administrative determination within such time frames, it shall
152 notify the complainant and the respondent, in writing, of the reasons for
153 not doing so.

154 (k) Not later than November 1, 2024, the Commission on Human
155 Rights and Opportunities shall post, and thereafter update as necessary,
156 a model form on its Internet web site for housing providers to use in
157 evaluating evidence and other information received under subsection
158 (c) of this section.

159 Sec. 3. Section 8-45a of the general statutes is repealed and the
160 following is substituted in lieu thereof (*Effective October 1, 2024*):

161 A housing authority, as defined in subsection (b) of section 8-39, in
162 determining eligibility for the rental of public housing units may
163 establish criteria and consider relevant information concerning (1) an
164 applicant's or any proposed occupant's history of criminal activity
165 involving: (A) Crimes of physical violence to persons or property, (B)
166 crimes involving the illegal manufacture, sale, distribution or use of, or
167 possession with intent to manufacture, sell, use or distribute, a
168 controlled substance, as defined in section 21a-240, or (C) other criminal
169 acts which would adversely affect the health, safety or welfare of other
170 tenants, (2) an applicant's or any proposed occupant's abuse, or pattern
171 of abuse, of alcohol when the housing authority has reasonable cause to
172 believe that such applicant's or proposed occupant's abuse, or pattern of
173 abuse, of alcohol may interfere with the health, safety or right to
174 peaceful enjoyment of the premises by other residents, and (3) an
175 applicant or any proposed occupant who is subject to a lifetime

176 registration requirement under section 54-252 on account of being
177 convicted or found not guilty by reason of mental disease or defect of a
178 sexually violent offense. In evaluating any such information, the
179 housing authority shall give consideration to the time, nature and extent
180 of the applicant's or proposed occupant's conduct and to factors [which]
181 that might indicate a reasonable probability of favorable future conduct
182 such as evidence of rehabilitation and evidence of the willingness of the
183 applicant, the applicant's family or the proposed occupant to participate
184 in social service or other appropriate counseling programs and the
185 availability of such programs. Except as otherwise provided by law, a
186 housing authority shall limit its consideration of an applicant's or
187 proposed occupant's history of criminal activity to the applicable time
188 periods established under subsection (a) of section 2 of this act.

189 Sec. 4. Subdivision (8) of section 46a-51 of the 2024 supplement to the
190 general statutes is repealed and the following is substituted in lieu
191 thereof (*Effective October 1, 2024*):

192 (8) "Discriminatory practice" means a violation of section 4a-60, 4a-
193 60a, 4a-60g, 31-40y, subsection (b), (d), (e) or (f) of section 31-51i,
194 subparagraph (C) of subdivision (15) of section 46a-54, subdivisions (16)
195 and (17) of section 46a-54, section 46a-58, 46a-59, 46a-60, 46a-64, 46a-64c,
196 46a-66, 46a-68, sections 46a-68c to 46a-68f, inclusive, [or] 46a-70 to 46a-
197 78, inclusive, subsection (a) of section 46a-80, [or] sections 46a-81b to
198 46a-81o, inclusive, [and] sections 46a-80b to 46a-80e, inclusive, [and] or
199 sections 46a-80k to 46a-80m, inclusive, or section 2 of this act;

200 Sec. 5. Subdivision (14) of section 46a-54 of the general statutes is
201 repealed and the following is substituted in lieu thereof (*Effective October*
202 *1, 2024*):

203 (14) To require the posting, by any respondent or other person subject
204 to the requirements of section 46a-64, 46a-64c, 46a-81d or 46a-81e or
205 section 2 of this act, of such notices of statutory provisions as it deems
206 desirable;

207 Sec. 6. Section 46a-74 of the general statutes is repealed and the

208 following is substituted in lieu thereof (*Effective October 1, 2024*):

209 No state department, board or agency may permit any
210 discriminatory practice in violation of section 46a-59, 46a-64, 46a-64c,
211 sections 46a-80b to 46a-80e, inclusive, or 46a-80k to 46a-80m, inclusive,
212 or section 2 of this act.

213 Sec. 7. Subsection (a) of section 46a-82 of the 2024 supplement to the
214 general statutes is repealed and the following is substituted in lieu
215 thereof (*Effective October 1, 2024*):

216 (a) Any person claiming to be aggrieved by an alleged discriminatory
217 practice, except for an alleged violation of section 4a-60g or 46a-68 or the
218 provisions of sections 46a-68c to 46a-68f, inclusive, may, by himself or
219 herself or by such person's attorney, file with the commission a
220 complaint in writing under oath, except that a complaint that alleges a
221 violation of section 46a-64c or section 2 of this act need not be notarized.
222 The complaint shall state the name and address of the person alleged to
223 have committed the discriminatory practice, provide a short and plain
224 statement of the allegations upon which the claim is based and contain
225 such other information as may be required by the commission. The
226 commission, whenever it has reason to believe that a person who is
227 named as party to a discriminatory practice complaint has engaged or
228 is engaged in conduct that constitutes a violation of part VI, of chapter
229 952, may refer such matter to the Office of the Chief State's Attorney and
230 said office shall conduct a further investigation as deemed necessary.
231 After the filing of a complaint, the commission shall provide the
232 complainant with a notice that: (1) Acknowledges receipt of the
233 complaint; and (2) advises of the time frames and choice of forums
234 available under this chapter.

235 Sec. 8. Subsections (a) to (c), inclusive, of section 46a-83 of the general
236 statutes are repealed and the following is substituted in lieu thereof
237 (*Effective October 1, 2024*):

238 (a) Not later than fifteen days after the date of filing of any
239 discriminatory practice complaint pursuant to subsection (a) or (b) of

240 section 46a-82, as amended by this act, or an amendment to such
241 complaint adding an additional respondent, the commission shall serve
242 the respondent as provided in section 46a-86a with the complaint and a
243 notice advising of the procedural rights and obligations of a respondent
244 under this chapter. The respondent shall either (1) file a written answer
245 to the complaint as provided in subsection (b) of this section, or (2) not
246 later than ten days after the date of receipt of the complaint, provide
247 written notice to the complainant and the commission that the
248 respondent has elected to participate in pre-answer conciliation, except
249 that a discriminatory practice complaint alleging a violation of section
250 46a-64c or 46a-81e shall not be subject to pre-answer conciliation. A
251 complaint sent by first class mail shall be considered to be received not
252 later than two days after the date of mailing, unless the respondent
253 proves otherwise. The commission shall conduct a pre-answer
254 conciliation conference not later than thirty days after the date of
255 receiving the respondent's request for pre-answer conciliation.

256 (b) Except as provided in this subsection, not later than thirty days
257 after the date (1) of receipt of the complaint, or (2) on which the
258 commission determines that the pre-answer conciliation conference was
259 unsuccessful, the respondent shall file a written answer to the
260 complaint, under oath, with the commission. The respondent may
261 request, and the commission may grant, one extension of time of not
262 more than fifteen days within which to file a written answer to the
263 complaint. An answer to any amendment to a complaint shall be filed
264 within twenty days of the date of receipt [to] of such amendment. The
265 answer to any complaint alleging a violation of section 46a-64c or 46a-
266 81e or section 2 of this act shall be filed not later than ten days after the
267 date of receipt of the complaint.

268 (c) Not later than sixty days after the date of the filing of the
269 respondent's answer, the executive director or the executive director's
270 designee shall conduct a case assessment review to determine whether
271 the complaint should be retained for further processing or dismissed
272 because (1) it fails to state a claim for relief or is frivolous on its face, (2)
273 the respondent is exempt from the provisions of this chapter, or (3) there

274 is no reasonable possibility that investigating the complaint will result
275 in a finding of reasonable cause. The case assessment review shall
276 include the complaint, the respondent's answer and the responses to the
277 commission's requests for information, and the complainant's
278 comments, if any, to the respondent's answer and information
279 responses. The executive director or the executive director's designee
280 shall send notice of any action taken pursuant to the case assessment
281 review in accordance with the provisions of section 46a-86a. For any
282 complaint dismissed pursuant to this subsection, the executive director
283 or the executive director's designee shall issue a release of jurisdiction
284 allowing the complainant to bring a civil action under section 46a-100.
285 This subsection and subsection (e) of this section shall not apply to any
286 complaint alleging a violation of section 46a-64c or 46a-81e or section 2
287 of this act. The executive director shall report the results of the case
288 assessment reviews made pursuant to this subsection to the commission
289 quarterly during each year.

290 Sec. 9. Subdivision (2) of subsection (g) of section 46a-83 of the general
291 statutes is repealed and the following is substituted in lieu thereof
292 (*Effective October 1, 2024*):

293 (2) If the investigator makes a finding that there is reasonable cause
294 to believe that a violation of section 46a-64c or section 2 of this act has
295 occurred, the complainant and the respondent shall have twenty days
296 from sending of the reasonable cause finding to elect a civil action in lieu
297 of an administrative hearing pursuant to section 46a-84. If either the
298 complainant or the respondent requests a civil action, the commission,
299 through the Attorney General or a commission legal counsel, shall
300 commence an action pursuant to subsection (b) of section 46a-89, as
301 amended by this act, not later than ninety days after the date of receipt
302 of the notice of election. If the Attorney General or a commission legal
303 counsel believes that injunctive relief, punitive damages or a civil
304 penalty would be appropriate, such relief, damages or penalty may also
305 be sought. The jurisdiction of the Superior Court in an action brought
306 under this subdivision shall be limited to such claims, counterclaims,
307 defenses or the like that could be presented at an administrative hearing

308 before the commission, had the complaint remained with the
309 commission for disposition. A complainant may intervene as a matter
310 of right in a civil action without permission of the court or the parties to
311 such action. If the Attorney General or commission legal counsel, as the
312 case may be, determines that the interests of the state will not be
313 adversely affected, the complainant or attorney for the complainant
314 shall present all or part of the case in support of the complaint. If the
315 Attorney General or a commission legal counsel determines that a
316 material mistake of law or fact has been made in the finding of
317 reasonable cause, the Attorney General or a commission legal counsel
318 may decline to bring a civil action and shall remand the file to the
319 investigator for further action. The investigator shall complete any such
320 action not later than ninety days after receipt of such file.

321 Sec. 10. Subsection (c) of section 46a-86 of the 2024 supplement to the
322 general statutes is repealed and the following is substituted in lieu
323 thereof (*Effective October 1, 2024*):

324 (c) In addition to any other action taken under this section, upon a
325 finding of a discriminatory practice prohibited by section 46a-58, 46a-
326 59, 46a-64, 46a-64c, 46a-81b, 46a-81d or 46a-81e or section 2 of this act,
327 the presiding officer shall determine the damage suffered by the
328 complainant, which damage shall include, but not be limited to, the
329 expense incurred by the complainant for obtaining alternate housing or
330 space, storage of goods and effects, moving costs and other costs
331 actually incurred by the complainant as a result of such discriminatory
332 practice and shall allow reasonable attorney's fees and costs. The
333 amount of attorney's fees allowed shall not be contingent upon the
334 amount of damages requested by or awarded to the complainant.

335 Sec. 11. Subdivision (1) of subsection (b) of section 46a-89 of the
336 general statutes is repealed and the following is substituted in lieu
337 thereof (*Effective October 1, 2024*):

338 (b) (1) Whenever a complaint filed pursuant to section 46a-82, as
339 amended by this act, alleges a violation of section 46a-64, 46a-64c, 46a-
340 81d or 46a-81e or section 2 of this act, and the commission believes that

341 injunctive relief is required or that the imposition of punitive damages
342 or a civil penalty would be appropriate, the commission may bring a
343 petition in the superior court for the judicial district in which the
344 discriminatory practice which is the subject of the complaint occurred
345 or the judicial district in which the respondent resides.

346 Sec. 12. Subsection (b) of section 46a-90a of the general statutes is
347 repealed and the following is substituted in lieu thereof (*Effective October*
348 *1, 2024*):

349 (b) When the presiding officer finds that the respondent has engaged
350 in any discriminatory practice prohibited by section 46a-60, 46a-64, 46a-
351 64c, 46a-81c, 46a-81d or 46a-81e or section 2 of this act and grants relief
352 on the complaint, requiring that a temporary injunction remain in effect,
353 the executive director may, through the procedure outlined in
354 subsection (a) of section 46a-95, petition the court which granted the
355 original temporary injunction to make the injunction permanent.

356 Sec. 13. Section 46a-98a of the general statutes is repealed and the
357 following is substituted in lieu thereof (*Effective October 1, 2024*):

358 Any person claiming to be aggrieved by a violation of section 46a-64c
359 or 46a-81e or section 2 of this act or by a breach of a conciliation
360 agreement entered into pursuant to this chapter, may bring an action in
361 the Superior Court, or the housing session of said court if appropriate
362 within one year of the date of the alleged discriminatory practice or of a
363 breach of a conciliation agreement entered into pursuant to this chapter.
364 No action pursuant to this section may be brought in the Superior Court
365 regarding the alleged discriminatory practice after the commission has
366 obtained a conciliation agreement pursuant to section 46a-83, as
367 amended by this act, or commenced a hearing pursuant to section 46a-
368 84, except for an action to enforce the conciliation agreement. The court
369 shall have the power to grant relief, by injunction or otherwise, as it
370 deems just and suitable. The court may grant any relief which a
371 presiding officer may grant in a proceeding under section 46a-86, as
372 amended by this act, or which the court may grant in a proceeding
373 under section 46a-89, as amended by this act. The commission, through

374 commission legal counsel or the Attorney General, may intervene as a
 375 matter of right in any action brought pursuant to this section without
 376 permission of the court or the parties.

377 Sec. 14. Subdivision (1) of subsection (a) of section 47a-23c of the 2024
 378 supplement to the general statutes is repealed and the following is
 379 substituted in lieu thereof (*Effective October 1, 2024*):

380 (a) (1) Except as provided in subdivision (2) of this subsection, this
 381 section applies to any tenant who resides in a building or complex
 382 consisting of five or more separate dwelling units or who resides in a
 383 mobile manufactured home park and who is either: (A) Sixty-two years
 384 of age or older, or whose spouse, sibling, parent or grandparent is sixty-
 385 two years of age or older and permanently resides with that tenant, or
 386 (B) a person with a physical or mental disability, as defined in
 387 subdivision [(12)] (10) of section 46a-64b, as amended by this act, or
 388 whose spouse, sibling, child, parent or grandparent is a person with a
 389 physical or mental disability who permanently resides with that tenant,
 390 but only if such disability can be expected to result in death or to last for
 391 a continuous period of at least twelve months.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	46a-64b
Sec. 2	October 1, 2024	New section
Sec. 3	October 1, 2024	8-45a
Sec. 4	October 1, 2024	46a-51(8)
Sec. 5	October 1, 2024	46a-54(14)
Sec. 6	October 1, 2024	46a-74
Sec. 7	October 1, 2024	46a-82(a)
Sec. 8	October 1, 2024	46a-83(a) to (c)
Sec. 9	October 1, 2024	46a-83(g)(2)
Sec. 10	October 1, 2024	46a-86(c)
Sec. 11	October 1, 2024	46a-89(b)(1)
Sec. 12	October 1, 2024	46a-90a(b)
Sec. 13	October 1, 2024	46a-98a
Sec. 14	October 1, 2024	47a-23c(a)(1)

Statement of Legislative Commissioners:

In Section 1(2), language was rephrased for consistency of style, in Section 1(4), "from time to time" was added for consistency with standard drafting conventions, in Section 2(a), "criminal record" was changed to "criminal conviction status" for consistency and "as described in subsection (b) of this section" was deleted for accuracy, and Sections 4, 5, 6, 8(b) and (c), and 10 to 13, inclusive, were rephrased for consistency of style.

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 25 \$	FY 26 \$
Human Rights & Opportunities, Com.	GF - Cost	102,782	137,043
State Comptroller - Fringe Benefits ¹	GF - Cost	42,398	56,530

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill, which makes it a discriminatory practice to deny a person rent due to a criminal conviction, results in a total cost of \$145,180 in FY 25 and \$193,573 in FY 26 for the salaries of two positions² and fringe benefits. These additional staff will be necessary to investigate an increase of discrimination complaints, which is anticipated to generate at least 50 complaints a year.

The Out Years

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

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 41.25% of payroll in FY 25.

² Human Rights and Opportunities Trainee (annual salary of \$56,219) and a Human Rights Attorney (annual salary of \$80,824)

OLR Bill Analysis

sHB 5242

AN ACT CONCERNING THE COLLATERAL CONSEQUENCES OF CRIMINAL RECORDS ON HOUSING OPPORTUNITIES.

SUMMARY

This bill generally bans discrimination in the rental of housing based on a person's criminal conviction status. It classifies certain related actions as discriminatory housing practices and prohibits housing providers (e.g., landlords and housing authorities) from refusing to rent to a person because of his or her criminal conviction, with certain exceptions.

Housing providers may generally consider an applicant's felony criminal conviction that occurred (1) during the three years before the rental application or (2) more than three years before the rental application, if the applicant's period of incarceration due to the conviction was at least three years and he or she was released up to one year before making the rental application. But before denying a rental application on this basis, housing providers must determine that an applicant is not suitable for tenancy based on certain considerations. The bill specifies the procedure housing providers must follow in doing so.

The bill also specifies that its discrimination protections do not apply to public housing applicants who have been convicted of certain crimes that make them ineligible for tenancy under federal Housing and Urban Development (HUD) regulations. It generally limits housing authorities' ability to consider an applicant's criminal history to the time periods described above unless doing so would conflict with existing law.

The bill authorizes aggrieved individuals to file a complaint with the

Commission on Human Rights and Opportunities (CHRO) and allows CHRO to grant relief in the same way it does for other discriminatory housing practices under existing law.

Additionally, the bill's provisions do not limit the applicability of any reasonable state statute or municipal ordinance restricting the maximum number of people allowed to occupy a dwelling.

Lastly, the bill makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2024

HOUSING PROVIDERS

The bill's prohibitions on rental housing discrimination apply to landlords and rental property owners or their agents, real estate agents, property managers, housing authorities, and other entities that provide dwelling units to tenants or prospective tenants (i.e., housing providers). But they do not apply to rentals of (1) rooms in single-family, owner-occupied dwellings or (2) units in multi-family dwellings with up to four units if one unit is owner-occupied.

REFUSING TO RENT BASED ON CRIMINAL CONVICTION STATUS

Discriminatory Practices

The bill classifies several actions as discriminatory housing practices and requires CHRO to enforce them (see below). It makes it a discriminatory housing practice to do the following based on a person's criminal conviction:

1. refuse to rent a dwelling unit after making a bona fide offer or negotiate for the unit (or otherwise make unavailable or deny a unit or occupancy in the unit);
2. discriminate in the terms, conditions, or privileges of a unit, or in providing related services or facilities;
3. make, print, or publish a unit-related notice, statement, or advertisement showing any preference, limitation, or discrimination (or causing or intending this); or

4. falsely represent a unit as unavailable for inspection or rent.

It also makes it a discriminatory housing practice to ask about an applicant's prior arrests, criminal charges, or convictions on an initial rental application unless required by federal law.

Exception for Certain Felony Criminal Convictions

The bill allows housing providers to consider an applicant's felony criminal convictions within specified time periods immediately before the rental application. Specifically, providers may consider a felony conviction that occurred (1) during the three years before the rental application (including if the applicant's period of incarceration due to the conviction was less than three years) or (2) more than three years before the rental application, if the applicant's period of incarceration due to the conviction was at least three years and he or she was released up to one year before making the rental application.

during the (1) three years before the application, if the applicant's period of incarceration due to the conviction was less than three years, or (2) year before the application, after the applicant is released from a period of incarceration due to the conviction that lasted at least three years.

Before denying a rental application on these grounds, a housing provider must first consider the following factors:

1. the nature and severity of the crime,
2. the relationship between the crime and the prospective tenancy,
3. information about the applicant's rehabilitation, and
4. the time since his or her conviction.

Under the bill, a "conviction" is a judgment a court enters for a guilty or nolo contendere plea or a finding of guilt by a jury or court regardless of any pending appeal or habeas corpus proceeding arising from the judgment.

Excluded Arrest or Conviction Records

The bill requires housing providers to comply with all applicable laws, including the federal Fair Credit Reporting Act, when determining whether an applicant has committed a crime. Additionally, the bill prohibits housing providers from basing an applicant's rejection on the following:

1. official or unofficial arrest records, charges, or other allegations of criminal conduct that did not result in a conviction;
2. violations of a probation or parole condition that are otherwise not considered criminal conduct;
3. erased conviction records (see BACKGROUND); or
4. convictions for the applicant's conduct as a minor.

Procedure for Denying Applications Based on Conviction Status

Under the bill, before denying a rental application based on an applicant's criminal conviction, the housing provider must (1) notify the applicant in writing that his or her application needs additional review because of the conviction and (2) give the applicant at least five business days to respond and provide related mitigating information about the conviction and evidence that he or she would be a suitable tenant.

The evidence may include various factors, such as the following:

1. nature and severity of the crime;
2. facts and circumstances surrounding the criminal conduct;
3. applicant's age at the time of the offense;
4. length of time since the offense;
5. applicant's good tenant history before or after the offense;
6. applicant's employment status;

7. information produced by or on behalf of the applicant about his or her rehabilitation, good character, or good conduct since the offense; and
8. anything showing the applicant is unlikely to commit the crime again.

The bill requires CHRO, by November 1, 2024, to post and update as necessary, a model form on its website for housing providers to use in evaluating evidence and information received from applicants.

CHRO COMPLAINTS

The bill expressly authorizes anyone aggrieved by a violation of its prohibition on certain discriminatory housing practices to, within 180 days of the alleged act, file a complaint with CHRO pursuant to the existing statutory procedure for doing so. CHRO must investigate and grant relief in the same way it would for other discriminatory housing practices (see BACKGROUND).

HOUSING AUTHORITIES

Current law allows housing authorities, in determining eligibility for public housing units, to set criteria and consider information about an applicant's (or any proposed occupant's) criminal history related to crimes (1) of physical violence to people or property; (2) involving the manufacture, sale, distribution, use, or possession of illegal drugs; or (3) that would adversely affect the health, safety, or welfare of other tenants. The bill requires housing authorities to limit their consideration of an applicant's criminal history to the time periods discussed above, except as otherwise provided by law.

Under existing law, unchanged by the bill, housing authorities may also consider an applicant's (1) alcohol abuse, if it has reasonable cause to believe the behavior may threaten other tenants' health, safety, or right to peaceful enjoyment of their premises or (2) lifetime registration as a sex offender due to a sexually violent offense.

Housing Authorities Administering Certain Federal Programs

HUD regulations prohibit housing authorities administering certain federal housing programs from admitting tenants convicted of specified crimes, including (1) manufacturing or producing methamphetamines 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.

The bill specifies that its discrimination protections do not apply to public housing applicants who have been convicted of these crimes. It also specifies that it does not limit the applicability of these or related HUD regulations.

BACKGROUND***Erased Criminal History***

By law, eligible convictions are generally subject to erasure seven years (for misdemeanors) or 10 years (for felonies) after the person's most recent conviction (CGS § 54-142a).

Existing law prohibits certain kinds of housing discrimination based on the erased criminal history record information of (1) a buyer or renter (or potential one as applicable); (2) anyone associated with them; or (3) someone residing in, or intending to reside in, the dwelling after it is sold, rented, or made available (CGS § 46a-80c).

CHRO Investigations of Discriminatory Housing Practices

Existing law prohibits housing discrimination based on certain characteristics (e.g., race, religion, sex, national origin, disability, familial or marital status, age, sexual orientation, gender identity or expression, lawful source of income, and veteran status).

People who believe they have been discriminated against may file a complaint with CHRO within 180 days after the alleged incident. When CHRO finds reasonable cause that discrimination occurred, it negotiates a settlement agreement between the parties. If an agreement cannot be reached, it conducts an administrative hearing (CGS § 46a-82 et seq.).

COMMITTEE ACTION

Housing Committee

Joint Favorable

Yea 9 Nay 5 (02/29/2024)