



Legislative Testimony
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Written Testimony Supporting House Bill 6431, An Act Concerning Housing Opportunities for Justice-Impacted Persons, with Amendments to the Lookback Period and Individualized Assessment

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

My name is Gus Marks-Hamilton, and I am the interim Smart Justice campaign manager for the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony in support of House Bill 6431, An Act Concerning Housing Opportunities for Justice-Impacted Persons, with suggested amendments to the lookback period and individualized assessment components of the bill.

The ACLU-CT believes in a society where all people, including those who have been convicted or accused of a crime, have equal opportunity to contribute to society and build successful and fulfilling lives. People who were previously involved in the criminal legal system who have paid their debt to society have earned the ability to live their lives in Connecticut's communities free from discrimination that can impede their progress. Connecticut is stronger and safer when a person who is formerly incarcerated has a fair chance at accessing a job, housing, and education.

All people in Connecticut, regardless of whether they 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 has a criminal record.¹ This is due, in no small part, to unfounded discrimination on the part of housing agencies and

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-ofdiscrimination-against-people-with-criminal-records/>.

landlords. When affordable housing is insufficient, as it is in this state,² strict admissions policies on the basis of criminal records are one way to decrease the numbers of qualified applicants.³ These often appear as complete bans on people with a criminal record.⁴ Unfortunately, such blanket bans do not bear a rational relationship to safety or landlords' financial interests. To the contrary, recent research indicates that most criminal offenses have little to no impact on housing outcomes.⁵ For that reason, House Bill 6431 represents a significant step forward, with its rejection of blanket bans and focus on individualized assessments.

For those few offenses that impact a person's future success as a tenant, that impact declines rapidly over time until it is statistically insignificant within 2-5 years.⁶ House Bill 6431, though, proposes a ten-year window of disqualification for people with convictions for offenses that "would adversely affect the health, safety or welfare of other tenants." Virtually any offense could conceivably fall into that category. This lookback period is not evidence based and it will not promote safe communities. This bill could be vastly improved by shortening the ten-year lookback period to a much shorter period.

The individualized assessment described in House Bill 6431 could also be improved. As written, the assessment requires a landlord to consider a person's individual characteristics and details about the offense in their record before denying them housing. This is positive – a person should be judged on their own merits rather

² "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>.

³ 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-secondchance/people-criminal-records-denied-access-public-housing>.

⁴ 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://vpm.org/news/articles/6820/applicants-with-criminal-record-not-welcome-at-some-rentalsand-advocates-say>.

⁵ Cael Warren, "Success in housing: How much does criminal background matter?" Wilder Research, Jan. 2019, *available at* https://www.wilder.org/sites/default/files/imports/AEON_HousingSuccess_CriminalBackground_Report_1-19.pdf.

⁶ *Id.* at 15.

than on their record. The individualized assessment, though, contains factors which grant wide discretion and may be used in an intentionally or unintentionally discriminatory way by landlords. Considering a person's volunteer or charitable activities rewards only those people with the resources and leisure time to engage in such activities, making this criterion classist, and, due to systemic inequities in our economy,⁷ racist. Similarly, amorphous evaluations of a person's character can be used to exclude people who are the victims of a landlord's implicit or explicit bias. The individualized assessment in House Bill 6431 should be strengthened by removing these problematic elements.

Because homelessness and housing insecurity are linked to higher recidivism rates,⁸ public safety dictates that we should try to encourage stable housing for people with criminal records, rather than discourage it by codifying permissible discrimination. House Bill 6431 would be much strengthened by removing such areas of concern. We are happy to work with this Committee to create a stronger version without the elements of concern. The ACLU-CT asks this Committee to support House Bill 6431 with the amendments suggested in this testimony.

⁷ Inequality.org, "Facts: Racial economic inequality," available at <https://inequality.org/facts/racial-inequality/>.

⁸ Patricia McKernan, "Homelessness and prisoner re-entry: Examining barriers to housing." Volunteers of America, available at <https://www.voia.org/homelessness-and-prisoner-reentry>.