



Legislative Testimony
765 Asylum Avenue, 2nd Floor
Hartford, CT 06105
860-523-9146
www.acluct.org

ACLU-CT Written Testimony Supporting House Bill 6780, An Act Concerning Tenants' Rights, and House Bill 6781, An Act Addressing Housing Affordability for Residents in the State

Senator Moore, Representative Luxenberg, Ranking Members Sampson and Scott, and distinguished members of the Housing Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify in support of House Bill 6780, An Act Concerning Tenants' Rights and House Bill 6781, An Act Addressing Housing Affordability for Residents in the State.

The ACLU-CT believes that everyone deserves access to safe, sanitary, and affordable housing, including justice-impacted people. When housing becomes unaffordable, there are cascading effects—like displacement from beloved homes, neighborhoods, and schools. When working people can afford to pay their rent, they can take better care of their families. Even the process of applying for apartments is costly and onerous—in addition to charging first and last months of rent and a security deposit, it is common for landlords to pass the fees of credit reports, criminal background checks, employment history reports, and rental history reports off to tenants. This is simply unsustainable for people applying for housing as rent has skyrocketed across the country and across the state, increasing by 20 percent on average over the last two years.¹

¹ See, e.g., Ronnuala Darby-Hudgens, *Expanded Fair Rent Commissions*, CONN. FAIR HOUSING CTR. (Apr. 1, 2022), <https://www.ctfairhousing.org/expanded-fair-rent-commissions/>.

People involved in our criminal legal system who finish their sentences have paid their debt to society. They deserve to live their lives in Connecticut's communities without barriers to being happy, productive, law-abiding residents. People with criminal histories may be more likely to encounter background checks. One study found that 79 percent of formerly incarcerated people have been denied housing because of their criminal history, and are 10 to 13 times more likely to experience homelessness.² Nine in ten landlords were found to conduct automatic background checks when reviewing applications, often through companies whose background checks are unregulated.³ Screening criteria is frequently ambiguous, leaving already marginalized people vulnerable to housing discrimination in an already unaffordable and inaccessible market.⁴ And at times when people are subject to discriminatory background checks, the landlord also foots them with the bill.

Instead of enabling people living with records, Connecticut law makes life much harder for them. Of the over 550 barriers to full civic participation that are written into our state's law,⁵ the large majority are related to employment. These harmful employment effects are not distributed equally across society. Racial disparities in Connecticut's criminal legal system⁶ are also replicated when people return home from incarceration. Because of systemic racism, Black and Latino men are disproportionately incarcerated.⁷ This means they are likewise disproportionately rejected when they return to the community and seek to build a life worth living. Poor

² Jaboa Lake, *Preventing and Removing Barriers to Housing Security for People with Criminal Convictions*, CTR. AM. PROGRESS (Apr. 14, 2021), <https://www.americanprogress.org/article/preventing-removing-barriers-housing-security-people-criminal-convictions/>.

³ *Id.*

⁴ *Id.*

⁵ National Inventory of Collateral Consequences of Conviction, *available at* https://niccc.csgjusticecenter.org/database/results/?jurisdiction=260&consequence_category=&narrow_category=&triggering_offense_category=&consequence_type=&duration_category=&page_number=1; see also 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/>.

⁶ U.S. Commission on Civil Rights, Briefing on Racial Disparities and Prosecutorial Practices in the Connecticut Criminal Justice System (Apr. 2019), *available at* <https://www.usccr.gov/press/2019/03-25-Flyer-Criminal-Justice.pdf>.

⁷ According to the Sentencing Project, Connecticut is the fifth-worst state for Black men, with 1 in 19 incarcerated, making them 9.4 times likelier to be incarcerated than white men. Latino men in Connecticut are 3.9 times more likely to be incarcerated than white men. Ashley Nellis, *The Color of Justice: Racial and Ethnic Disparity in State Prisons*, The Sentencing Project (June 14, 2016), *available at* <https://www.sentencingproject.org/publications/color-of-justice-racial-andethnic-disparity-in-state-prisons/>.

chances of employment or stable housing likely have a resulting outsized impact on Black and brown people.

The widespread use of criminal background checks in conjunction with a rise in the number of people with a criminal record—about 1 in 3 U.S. adults⁸—contributes greatly to racial inequality and poverty in the United States. Nine out of 10 employers, 4 out of 5 landlords, and 3 out of 5 colleges and universities use background checks to eliminate candidates with criminal histories.⁹ Because of systemic racism, the stigma of a criminal record disproportionately harms people of color. One study found that white men who indicated a criminal record on their job applications still received more callbacks when compared to Black men *without* records (Black men with criminal records received two-thirds fewer callbacks).¹⁰

One additional consequence of the widespread use of background checks is that they may negatively influence a person's credit score.¹¹ If people with a criminal record are more likely to encounter situations where a background check is needed to apply for a job or housing, then their credit score may also be negatively impacted more frequently. People should not be punished by paying the fee for a landlord to conduct background checks, credit reports, and similar reports when they apply for housing. House Bill 6780 and House Bill 6781 begin to address this problem by limiting the fees that landlords may charge during these screenings. We would urge this Committee to go further and to prohibit landlords from passing these fees onto tenants.

⁸ Rebecca Vallas & Sharon Dietrich, *One Strike and You're Out: Removing Barriers to Economic Security for People with Criminal Records*, CTR AM. PROGRESS (2014), available at <https://americanprogress.org/issues/poverty/reports/2014/12/02/102308/one-strike-and-youre-out/>.

⁹ *Id.*

¹⁰ Devah Pager, *The Mark of a Criminal Record*, 108 AM. J. SOC. 937 (2003), available at https://scholar.harvard.edu/files/pager/files/pager_ajs.pdf.

¹¹ Lindsay VanSomeren & Jordan Tarver, *How Credit Inquiries Affect Your Credit Score*, FORBES (Aug. 6, 2021), available at <https://www.forbes.com/advisor/credit-score/credit-inquiries/>.

Rent hikes and no-fault evictions are displacing people from their homes and communities, fueling gentrification, and increasing evictions and homelessness, which, because of systemic racism and systemic inequity, disproportionately harms Black and brown working-class renters and immigrants. Oftentimes, people are not aware of their rights during eviction proceedings because not everybody has easy access to a lawyer. House Bill 6780 and House Bill 6781 are steps in the right direction, requiring landlords to provide notice to tenants of their legal rights during an eviction proceeding.

House Bill 6781 also creates a new avenue for municipalities to hold landlords accountable when they fail at their basic duties to maintain safe and sanitary housing.

The ACLU-CT supports access to safe and affordable housing. House Bill 6780 and House Bill 6781 as a whole are good advancements in tenants' rights, and we encourage this Committee to continue to support legislation that goes further in making housing more accessible to all. The ACLU-CT supports House Bill 6780, and urges this Committee to do the same.