

Testimony from John Souza of the Connecticut Coalition of Property Owners (CCOPO)
Before the Housing Committee 2/27/2024
HB 5208, SB208 and SB 209

Good afternoon esteemed members of the Housing Committee. My name is John Souza and I volunteer as President of the Connecticut Coalition of Property Owners and I'm a full-time landlord. The Connecticut Coalition of Property Owners (CCOPO) is one of Connecticut's largest landlord/property owner organizations. CCOPO has affiliates in Enfield, Windham, Hartford, New Haven, Bridgeport, New Britain and Stamford, as well as the CT Association of Real Estate Investors (CAREI) in West Hartford. Our members own thousands of rental units throughout Connecticut, consisting of mostly small and medium sized landlords.

For over 20 years CCOPO has been a constructive voice for responsible landlords on such issues as: nuisance abatement, bedbugs, domestic violence and many others. We are here to represent the responsible small to midsize landlord, and most members are local residents of the towns they serve.

OPPOSE H.B. No. 5242 (RAISED) AN ACT CONCERNING THE COLLATERAL CONSEQUENCES OF CRIMINAL RECORDS ON HOUSING OPPORTUNITIES.

Why are we debating creating new laws to change the lookback periods for the formerly incarcerated when just last year, the Clean Slate legislation passed and recently went into effect? Shouldn't we wait to see the effects of that bill before you push forward with more changes? Anyway...

CCOPO understands the need to support the formerly incarcerated. Any proposed policies should not punish landlords who take reasonable steps and act in good faith to protect other innocent tenants, their families, and communities. The cost of legal fees in evictions and defending discrimination actions involving landlords is particularly burdensome to small and medium landlords and should be considered when addressing this issue.

This Bill will create the new protected class of "criminal conviction status" to be subjected to discrimination laws. Protected class status was intended to protect persons from discrimination because of innate characteristics that they were born with, like race, color sex, gender etc. I don't believe that extending the protection to a chosen behavior, such as becoming justice involved, should be included. Never mind it allows white men with a prison record to receive "protected class" status. I don't think that is what they had in mind when protected classes were created. Also, it's overly complicated denial of rental application rules will lead to frivolous law suits at best or Landlords not screening for convictions at all and placing someone in a community who will endanger residents. This Bill will add to the cost of housing by delaying rental applicants thus losing time and money for the process and dramatically increasing legal expenses to landlords.

#1 Lookback period should be 10 years for a covered felony and 7 years for misdemeanors, **starting from the date of release from confinement.** Since we cannot see into the hearts of formerly incarcerated persons, evidence of good behavior after release is the only criteria, we as landlords can assess and is critical to protecting many innocent young and or disabled existing tenants. Without the ability to see patterns of behavior the public safety will be at risk.

#2 The Opportunity to present mitigating information should not delay the application process for housing. If a formerly justice impacted person is concerned with his record why not be upfront about it at application and bring the letter with the mitigating circumstances with the application? Time is the commodity we sell and delay to the process can be a substantial burden to small /midsize landlords. The formerly incarcerated can include a letter with the submission of any application if they so wish.

#3 Existing HUD guidelines already require that each landlord examine any applicant as a whole by not automatically discarding such applicants with a misdemeanor or a felony on their record. All though this bill mirrors the HUD guidelines closely, leaving a vague definition of what crimes are considered a danger to the health, safety and welfare of others and what crimes are not, is an invite for lawsuits against landlords. So, we would ask for #4

#4 A rebuttable presumption that landlords are “acting in good faith” when making rental decisions on an individual basis. The standard of evidence for claims brought in administrative proceedings and litigation should require “clear and convincing evidence” versus the present standard of merely “a reasonable cause to believe”. This standard is needed to protect landlords who act in good faith from unnecessary lawsuits. A “carrot” for landlords will go farther than more threats of legal action. Without the clear and convincing evidence standard of a landlord’s intentional discrimination in violation of this proposed statute, landlords will be exposed to a highly subjective standard that encourages unfettered legal claims which are costly and unfairly difficult to defend

#5 Any landlord who rents to a formerly incarcerated person should be immune from any civil liability or injury arising from subsequent criminal act of such person.

Un-opposed with modification and clarification:

S.B. No. 209 (RAISED) AN ACT CONCERNING NONRESIDENT LANDLORD REGISTRATION AND INCREASING PENALTIES FOR REPEAT BUILDING AND FIRE CODE VIOLATIONS. 4.
H.B. No. 5242 (RAISED) AN ACT CONCERNING THE COLLATERAL

This bill is not ready for prime time yet. More editing and clarification are needed.

Most small property owners want to comply with state building and fire codes to protect the wellbeing and safety of the residents. Building officials and Fire Marshals want compliance when violations are found, so please edit the proposed statue to reflect an assumed cooperative interaction of the housing provider, before the fines/ penalties are applied. The way it is written, it appears that if ANY violation, no matter how minor, is found a fine is assessed. The bill doesn’t even allow a time frame for corrective action before fines accrue. Also, the bill states that a higher fine for any subsequent offense, does this include new violations or is this referring to a second notification of the same violation? Also, in what time frame does it consider a “subsequent offense”? Within a month, year or decade?

Corrective Examples:

106 Any person who violates any provision of the State Building Code

107 *shall* may, if the violation is not corrected within a reasonable amount of time, for a first offense, be fined not less than two hundred dollars or

108 more than one thousand dollars or imprisoned not more than six months

109, or both, and, for any subsequent offense (does this include new violations or is this referring to a second notification of the same violation?), be fined not less than

110 five hundred dollars or more than two thousand dollars or imprisoned not more than one year, or both.

Monies would be better spent to meet the required codes than fining for every minor violation.

SUPPORT with modifications S.B. No. 208 (RAISED) AN ACT REVISING A STATUTE
CONCERNING HOUSING

CCOPO supports efforts to bring more assessable and visitable housing to the State, with encouragement from the department of housing. Please consider clarifying line 16 to clearly include the remodel of existing buildings as well as new developments, to qualify for the program.

Example modification:

16 identify financial incentives for developers who construct new or remodel existing structures,
visitable housing...

Thank you for your time and I can answer any questions.

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