

Bill SB-5242 breaks contract law, fair housing law, and federal prohibition of indentured servitude laws, which per the supremacy clause of the U.S. Constitution the federal law preempts state law when there is a conflict.

Additionally, it raises several serious concerns from a perspective of jurisprudence, law, social order, and the rights of various parties. These concerns highlight the complexities of balancing rehabilitative goals with community safety, property rights, and federal regulations:

- **Jurisprudential Concerns:** The bill attempts to navigate the delicate balance between the rehabilitation of former offenders and public safety. From a jurisprudential standpoint, this raises questions about the nature of punishment and its aftermath. How far should society go in continuing to penalize individuals for past crimes, especially in areas critical to rehabilitation, like housing? The bill's approach might be seen as an effort to redefine or recalibrate this balance, which could lead to legal debates and challenges regarding its constitutionality or alignment with existing jurisprudence on rehabilitation and punishment. This should not be on the backs of private housing providers, but on Federal Supportive Housing.
- **Time of Lookback:** The Bill states that if a conviction is 3 years or later, it is not to be considered by a housing provider. However, per the Bureau of Justice Statistics and the Council on Criminal Justice, the rates of recidivism are 83% even after 9 years after an individual's conviction, putting current tenants, housing providers, and their staff in harm's way.
- **Housing Providers are not qualified:** Housing providers are not qualified, nor equipped in any way, lack support, lack the funds, and lack the education to handle the housing rehabilitation of someone with a criminal history.
- **Unfair and dangerous:** The bill states that federal housing can decline convicts, however, housing providers cannot? It is unjust and dangerous to demand that the citizens must put themselves, their staff, and their tenants in harms way instead.
- **Indentured Servitude:** Withholding screening rights from housing providers forces housing providers to service individuals they are not equipped to serve. It is a violation of human rights and unwilling forced labor.
- **Violation of Contract Law:** Per contract law, neither party should be in duress upon agreeing to a contract. This bill puts the housing provider in duress out of not only violating Fair Housing, being potentially sued by opportunistic individuals, putting their tenants, staff, and themselves in dangerous situations.
- **Federal Compliance and Preemption Issues:** The bill conflicts with federal regulations. The supremacy clause of the U.S. Constitution means that federal law preempts state law when there is a conflict, raising concerns about how this bill aligns with federal mandates on housing eligibility based on criminal records.
- **Rights of Other Tenants:** The bill implicitly involves a trade-off between the rights of individuals with criminal records seeking housing and the rights of existing tenants to safety and security. Other tenants might feel their safety is

compromised if landlords are limited in their ability to screen prospective tenants based on past criminal behavior, potentially leading to a clash of rights and interests within residential communities.

- **Violates Fair Housing** - It mandates special treatment to people with criminal background. Special treatment that is not afforded to law abiding citizens. Per fair housing, all are to be treated equally. Special treatment is not to be given.
- **Rewards Criminal Behavior** - It makes them a protected class. Something not afforded to law abiding citizens.
- **Rights of Landlords and Property Owners:** The bill restricts landlords' ability to consider criminal records beyond certain time frames, which could be argued as infringing on their property rights and their discretion in selecting tenants. Landlords might view this as a limitation on their ability to protect their property and ensure the safety and well-being of other tenants, potentially leading to a conflict of rights between property owners and individuals seeking housing.
- **Impact on Community Safety and Social Order:** Critics might argue that the bill could compromise community safety, particularly in cases where individuals with serious criminal backgrounds are able to secure housing in close proximity to vulnerable populations. This concern speaks to broader social order issues, where the community's right to safety could be perceived as being weighed against the rights of individuals with criminal records to reintegrate into society.
- **Higher rents due to additional Legal Expenses:** The bill could also lead to increased legal challenges and litigation risks for landlords, who may find themselves navigating complex legal requirements to avoid accusations of discrimination while also trying to protect their property and tenants. This could result in higher operational costs and legal fees.
- **Potential Unintended Consequences:** There might be unintended consequences, such as landlords becoming more stringent in their application processes in ways that are not prohibited by the bill, such as increasing financial or employment requirements, indirectly disadvantaging the same individuals the bill seeks to help. This could also exacerbate challenges for those with criminal records in finding housing, contrary to the bill's intentions.
- **Operational and Legal Challenges for Housing Providers:** Implementing the bill's provisions could pose operational challenges for housing providers, including navigating the nuances of when a criminal record can be considered and managing disputes or discrimination claims. This could result in increased legal and administrative costs, as well as potential confusion and inconsistency in application across different housing contexts.

Appropriate Solution: Something this “sticky” has no place in private housing. Private housing providers are not equipped in any way to handle housing rehabilitation of individuals with a criminal history on their properties.

If Connecticut wishes to engage housing providers to help in housing high risk individuals, benefits, help, and full support should be given to these housing providers

Supportive housing, (not unsupported forced private housing), is needed for high risk individuals, including those with criminal records.