

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-852		1330	5	2	2
<u>Committee Pages:</u> <ul style="list-style-type: none"> <i>Human Rights & Opportunities</i> 504-505 <i>Human Rights & Opportunities</i> 509-511 				<u>House Pages:</u> <ul style="list-style-type: none"> 6027-6028 	<u>Senate Pages:</u> <ul style="list-style-type: none"> 3034-3035

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
PART 13
5555-6226**

Wednesday, June 9, 1971 19A.

Opposed. In the opinion of the Chair, the "ayes" have it. The EFH
Bill is passed.

PETER W. GILLIES:

Calling the Clerk's attention now to Page 14, first item,
Calendar No. 1637.

THE CLERK:

On Page 14, Calendar No. 1637, Substitute for S.B. No.
1330, an Act prohibiting retaliatory rent increasea and evictions.
As amended by Senate Amendment Schedule "A".

AGNES C. SIMONS:

Mr. Speaker, I move for acceptance and passage of this
Bill in concurrence with the Senate.

MR. SPEAKER:

The question's on acceptance and passage. Will you re-
mark.

AGNES C. SIMONS:

Mr. Speaker, I believe the Clerk has the Senate Amend-
ment Schedule "A".

MR. SPEAKER:

Will the Clerk please call Senate "A".

THE CLERK:

Senate Amendment Schedule "A", adopted by the Senate on
June the 5th. In Line 24, after the word "agreement" insert "or
for nonpayment of rent". Delete Section 4. Change Section 5 to
Section 4.

AGNES C. SIMONS:

Mr. Speaker, I move for the adoption of Senate Amendment

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EFH

Schedule "A".

THE SPEAKER:

The question's on adoption of Senate "A". Will you remark.

AGNES C. SIMONS:

Well, what I see, there are a few technical changes, Mr. Speaker, and reading the last Section, I just move for the acceptance, or the adoption of Senate Amendment Schedule "A".

MR. SPEAKER:

Will you remark further on Senate "A". Question's on "A"'s adoption. All those in favor will indicate by saying "aye". Opposed. The Amendment is adopted. Will you remark on the Bill as amended.

AGNES C. SIMONS:

Mr. Speaker, this Bill simply provides protection for tenants against retaliatory rent increases or evictions solely because of complaints from the civil authorities. It's a very important Bill in this area, Mr. Speaker. I move for its passage.

MR. SPEAKER:

Will you remark further on the Bill. The question's on acceptance of the Joint Committee's favorable report and passage of the Bill as amended by Senate "A". All those in favor will indicate by saying "aye". Opposed. The Bill is passed.

PETER W. GILLIES:

On Page 14, I move that Calendar No. 1642, Substitute for S.B. No. 1696, an Act concerning the powers and jurisdiction of the Department of Community Affairs, File No. 1550, be

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Two other items that we had passed, temporarily, on page 11.
CAL. NO. 1154. File No. 1648. Favorable report of the committee on Human Rights and Opportunities. Substitute Senate Bill 1330. An Act Prohibiting Retaliatory Rent Increases and Evictions.

SENATOR SMITH:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill. The clerk has an amendment.

THE CLERK:

In line 24, after the word, agreement, insert, or for non-payment of rent.
Delete Section 4, change Section 5 to Section 4.

SENATOR SMITH:

Mr. President, commenting on the intent of the amendment, the amendment merely inserts that one of the reasons in which a tenant or rather a landlord can still seek repossession of his dwelling unit, would also in addition to the other reasons given, added to that is non-payment of rent.

Section 4, is completely deleted because of the fact that, points were well made that, no tenant or no one should be entitled to recover damages when noone knows how far this individual may or may not move. The other simple amendment is changing section 5 to section 4. I move for passage.

THE CHAIR:

Question is on passage of the amendment. Will you remark further?
Hearing none, all those in favor signify by saying, "aye". Opposed, "nay".
The ayes have it. The amendment is adopted. Proceed with the bill.

SENATOR SMITH:

Mr. President, I move for passage of the bill, as amended. This bill as amended, will still, in the intent, meet the tenant needs. The purpose

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of the bill, and it simply to prohibit retaliatory rent increases and evictions solely because, persons exercise their rights which are presently given them under law, to file complaints with the State or local municipalities. Helping Housing Code violations and to protect them and to allow them to use, as defense, from being evicted, using these grounds solely because they filed such complaints. I move for passage of the bill.

THE CHAIR:

Question is on passage of the bill, as amended. Will you remark further? If not, all those in favor signify by saying, "aye". Opposed, "nay". The ayes have it. The bill is passed.

SENATOR IVES:

I question the decision and ask for a standing vote.

THE CHAIR:

All those in favor please, rise. Please be seated. All those opposed please, rise. Carried by an 11-9 standing vote. The bill is passed.

THE CLERK:

CAL. NO. 1156. File No. 1655. Favorable report of the joint committee on Human Rights and Opportunities. Substitute Senate Bill 1638. An Act Concerning Rent Withholding.

SENATOR SMITH:

Mr. President, I move for acceptance of the joint committee's favorable report and passage of the bill. This bill recognize something which the finally, about two or three months ago, the U. S. Supreme Court has recognized and that is, that when a landlord is in violation of the law and there is difficulty in getting him to make repairs, that, withholding of the rent, which is presently under our law a defense against repossession or eviction

**JOINT
STANDING
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**HUMAN RIGHTS
AND
OPPORTUNITIES**

**PART 2
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HUMAN RIGHTS AND OPPORTUNITIES

WEDNESDAY

March 31, 1971

Mr. Arthur Green: (2) You don't have conflict with respect to jurisdiction of a complaint. Very briefly, for an example, when a complaint's filed with the State agency and a local agency having the same powers and duties may have the complaints filed at the same time. You might want to provide for some mechanism in the Bill so that one or the other agency processes the complaint, not both. In other words you don't want to subject the despondent landlords and employers and so forth to all kinds of investigations, there should be one investigation going on at a time not two or three or four; and the Bill I think tends to be deficient in that respect, the need to provide for the State agency to establish the guidelines for the relationship in handling complaints and other programs and projects.

HB-6991, this Bill was heard the other day Mr. Chairman, under a Senate number, AN ACT CONCERNING THE SUSPENSION OF LICENSES FOR VIOLATIONS OF CIVIL RIGHTS, PUBLIC ACCOMMODATIONS OR FAIR EMPLOYMENT PRACTICES LAWS.

As I said the other day, the State of Connecticut nor its municipalities never should be a party directly or indirectly or support directly or indirectly any kinds of violations of the State's anti-discrimination laws by licensing persons that are in violation of our laws, the State indeed supports, aides and abets violations...anyone that's licensed, that's covering all kinds of people...they should be required by the State to specifically obey the State's anti-discrimination laws. So you really ought to give this very serious consideration .

It was before the Assembly last session Mr. Chairman, it was not enacted on, it never came on a committee. I think there are a lot of problems in terms of persons not wanting to see it passed, but I think you owe it to the general public to be sure that the State is a model and an example and I urge your endorsement and adoption.

SB-1330, 31, 32 in general are measures concerning the

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Mr. Arthur Green: protection of the rights of tenants.

First, 1330 provides for some kind of protection in terms of rent abatement for persons living in delapidated housings. These persons should not in my opinion be required to pay rent wherein they are in violation of the Housing Codes that is not attributal to the housing tenant, so the rent should be held in abatement until those corrections are made.

Housing violations again in 1331...this measure would provide for rent abatement for housing violations. This again would be your local ordinances related to housing code violations.

1332 Mr. Chairman, I speak in support of that also, is a Bill again long overdue in this State. For years and years this State has been literally subsidizing slumlords through its welfare system. That is, by allowing welfare recipients to reside in dwellings that are not fit for human habitation. This is indeed subsidizing slumlords and the State can make an effore to stop this business by endorsing this Bill.

SB-1334 - I am speaking in support of that measure Mr. Chairman, concerning the housing Bill of Rights for families of moderate income and provide for same.

As I read 1334, it seems to say that the police power of the State of Connecticut could not be used to zone out, restrict in any way, moderate and low income housing. Couldn't the police powers of the State as granted to the zoning boards at the local levels be used to zone out certain types of housing? This is a monumental step. Just the mere proposition before you is a major step to provide for equal housing opportunity for all our citizens no matter what their income might be in all parts of the community.

I strongly urge your adoption.

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Mr. Philip Smith: it's unconstitutional and once the Constitution is amended, it would of course override Section 9-12.
Thank you.

Chairman Frazier: The next speaker is Steve Darley.

Mr. Steve Darley: I am an attorney with the New Haven Legal Assistance Association, specializing in Housing Law.

We have a number of Bills to testify on behalf of tonight. I will take them not in order of importance, but in the order that I have them down on my notes.

The first Bill is SB-1413 which is a Bill that prohibits a lease agreement from containing provisions that waive rights guaranteed by law, unless that law so states that they can be waived. This is an important Bill because it protects tenants who are in an unequal bargaining position for landlords putting sort of provision in the leases.

The tenants that we represent in our organization are not tenants who have written leases but we're familiar with problems of rent raises and we believe that this is an important Bill in terms of whether or not the guarantees rights to the tenants.

The next Bill is SB-1330 and 1331. I will speak about both Bills because they both deal with rent abatement. We wholeheartedly support the notion of rent abatement as a means of enforcing housing codes and dealing with the problem of sub-standard housing. The tenants, right now with the state of the law being as it is, has absolutely no protection in terms of their desire to withhold rent or take any action, positive action against a landlord or to obtain better housing conditions.

The method of code enforcement that is on the books now in New Haven and probably in most other cities in this

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Mr. Steve Darley: State is that it's enforced by a criminal proceedings. The landlord is brought before the judge and fined or...and that's how the housing code is enforced. This method doesn't work, and other methods don't work. I am convinced from my experience that probably the most effective means to force the housing code is to have the tenant have the ability to withhold his rent in the situation where there are numerous housing code violations on the premises on which he lives.

We find one problem, this is with the language which relates to quiet enjoyment or to enjoyment. The two Bills, one uses "quiet enjoyment", the other uses "enjoyment". This is a sort of a term of art with lawyers and we think that there is some problems utilizing this term and we would suggest to the committee that other language be used because it could cause as many problems as it would solve, if this sort of language were used. It allows too much discretion both ways, the judge could have a lot of discretion to favor the landlord, or too much discretion to favor the tenant. Probably it would be very unfavorably and very arbitrary when applied. What we would suggest is a more specific standard so that tenants who did withhold rent would know when they were protected and would know when they should withhold rent. I don't think the Bill in this present form would do that. I am convinced that a Bill can't be drafted that would do that and I would say that we would offer our services to help this committee draft such a Bill if they should want our services.

The language that I would suggest would relate to housing code violations which would remain uncorrected for a certain period of time and it would have to be more than one violation to have to constitute interference with the tenants' life, health or safety. My feeling is that that would be more specific in terms of who this is aimed for, and that is the judge.

We definitely support the notion of rent abatement, but we

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Mr. Steve Darley: do find a couple problems with those two Bills.

The next Bill is SB-1333 which relates to illegal eviction. Again we really support the purpose of this Bill. Tenants need protection from self-help evictions by landlords. I personally know that this is a problem for I have numerous clients that are involved in this all the time where the landlord or landlady tries to lock em out or tries to turn off the utilities because the eviction proceedings are taking longer than he feel it should take, and tenants need protection against this.

Again I would say that I am not sure the Bill as written out has enough protection. It's a criminal penalty and in my experience with criminal penalties it has been very bad in situations like this; you just don't get enforcements by a criminal penalty. A couple of things I could suggest would be Triple Damages Clause that would be based on the amount of injuries sustained by the tenant and three times that, which he would be able to bring on his own rather than relying on a prosecutor and the court system prosecutor to do it for him.

Another would be to give a tenant immediate remedy to go into court and get an order to enjoin such activity by the landlord.

The final Bill that I want to talk on is SB-1344 which relates to the Housing Bill of Rights. This is a Bill aiming to deal with restrictive zoning in the suburbs, and again we support this idea but we have some problems with the way this Bill is drafted.

I don't want to talk about any specific language in such a Bill, but I do think that any restrictive zoning or law that is passed and brought out of a committee should be carefully drafted so that it gives the adequate protections.

I have no further comments on any other Bill. Thank you.