

Legislative History for Connecticut Act

HB 5076

PA 81

1981

Jud: 742-750, 780-792, 798-801, 802-810

816-817, 819-822, 829, 831

43 p

Sen: ~~1629-1683~~ 1615-1617, 1712-1713

5 p

Hee: 1679-1683

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PART 3
725-1118

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MR. DEARINGTON: (continued)
may not make any more than \$1,000 less than a state's attorney may make.

The second amendment is that after 5 years, an assistant or a deputy assistant state's attorney would receive a 2-step increment, or rather a 3-step increment, rather than the traditional 1-step increment. This would cut down the number of years that it takes to accomplish the maximum from 16 years to 14 years. We do not believe that either of these bills is unreasonable. The rationale we believe that makes them certainly reasonable is number one, it provides a career incentive. A number of prosecutors with a great deal of experience have been leaving the system the last couple of years because the pay in private practice and industry is far more appealing than it is working with the State of Connecticut.

The second rationale is to maintain parity, judges, state's attorney, chief state's attorney, deputy chief state's attorney and particularly inspectors have received substantial pay increases over the last couple of years. We as a result have lost parity with all of these individuals. And we believe that these bills would maintain some parity although as the years go on, we do lose a small amount of parity each year.

And finally, the financial impact would be minimal on these bills as far as increasing the maximum pay. It would perhaps be \$7,000 a year. As far as the 2-step increase, the first year it would be far more substantial, about \$80,000. However, each successive year it would at most perhaps be \$7,000 or \$8,000. The reason the first year is so high is because there are a number of prosecutors who have achieved 5 years with the state and the bill reads that this particular 2-step increase would be retroactive. However, after the first year the impact would perhaps be \$7,000 or \$8,000 a year. Thank you very much.

REP. TULISANO: Thank you. Rise Singer.

MS. RISE SINGER: Hello, my name is Rise Singer. I'm here from the Urban League of Greater Hartford. The Urban League of Greater Hartford, Inc., a member of the Hartford Neighborhood

MS. SINGER: (continued)

Coalition, a group of 38 neighborhood, community and civil rights organizations, would like to register its and the coalition's support for Committee Bill No. 5076, AN ACT CONCERNING DISCRIMINATION AGAINST FAMILIES WITH CHILDREN IN THE RENTAL OF RESIDENTIAL PROPERTY.

This bill will greatly strengthen the law prohibiting landlords from discriminating against tenants with children which passed in the last session of the Legislature, in three ways:

One - By providing the Commission on Human Rights and Opportunities with the power to enforce this law. In addition to the courts, tenants will have an alternate means of securing legal action without the high costs of court action. As you know, discrimination against tenants with children primarily affects urban low and moderate income families, whose housing opportunities are limited by the shortage of inexpensive, safe, multi-bedroom rental units. Discrimination in the city of Hartford still exists, yet no cases have been tried in the city's Housing Court since this law was enacted in May 1980. We believe this is due to the families' fear of expensive legal proceedings in the courts. The original law is ineffective, if those it is intended to protect cannot afford to use it. Therefore, empowering the Commission on Human Rights and Opportunities with enforcement capabilities, will effectively limit the cost barrier to low and moderate income tenants.

Two - Furthermore, this law will be strengthened by specifying that the court may order injunctive action or other equitable relief. As the law stands now, there are no provisions for the courts to either prohibit the landlord from renting the apartment to someone else while the case is being tried, or to order the landlord to accept the tenant upon completion of the suit. Without injunctive action, a landlord could easily pay a fine, while continuing to discriminate against tenants with children.

Three - Finally, discrimination against families with children has no expiration date, not does our state's housing shortage. Therefore, we urge you to repeal the clause, "Prior to June 30, 1982" in Section 1 (a) of the

MS. SINGER: (continued)
original statutes as amended by this bill.

We also urge you to amend Bill No. 5076 to include the following: (1) Expand discrimination ban to include one and two family homes, as well as three and four family owner occupied homes.

(2) Prohibit landlords from changing the rental terms, for example, raising the rent because a tenant has children.
(3) Increase fines given to landlords guilty of discrimination against families in accordance with other forms of housing discrimination. (4) Ban the advertising of an illegal exclusion in newspapers and other media, for example, "families with children prohibited," etc.

These amendments would broaden both the scope of the law and the housing opportunities for families with children. Again, we believe this bill is essential to guarantee equal housing opportunities for all, especially those families who have children. Please aid the fight against this type of discrimination by showing your support for Committee Bill No. 5076 and these proposed amendments. Thank you. Are there any questions?

REP. TULISANO: Rep. Parker has a question.

Cass. 2 REP. PARKER: Ah, yes. Do you have copies of your testimony? Okay, thank you. My other question is, there have been no cases filed since the law was enacted last year. Do you personally know of any cases where discrimination was practiced and where suitable housing existed at the same time?

MS. SINGER: Discrimination has been going on. We've had cases over the years with the Urban League --

REP. PARKER: This past year since the law has been filed and that there was suitable housing, the fact that so many bedrooms per so many members of the family.

MS. SINGER: So that the person who was applying had a suitable house and then the landlord discriminated against them? I do know that there is a petition at the housing court

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MS. SINGER: (continued)

now but it has not come up to trial. This person feels that they have just cause to bring this, they feel they have been discriminated against.

REP. PARKER: So that in the year since the law has existed, and it's not quite a year, I realize that, there has been one case that can be verified.

MS. SINGER: That has been brought to the housing court. There are many other people who feel they have been discriminated against but are afraid because of the legal cost. They are afraid that if they lose the suit, they would then have to pay the lawyer's fees.

REP. PARKER: Let me rephrase my question. Do you personally know of cases where a person has been discriminated against because he or she had children and that the housing would have been suitable if he had not been discriminated against. How many cases do you know personally?

MS. SINGER: I personally do not know of cases.

REP. PARKER: Thank you.

REP. TULISANO: Just one question. You indicated you wanted the penalty section to be the same as other civil rights laws. Isn't it?

MS. SINGER: Well, the maximum fine, the law as it stands now, is \$100. And that really is not --

REP. TULISANO: What is it in the other laws? What is in the standard housing discrimination law, do you know?

MS. SINGER: No, I do not.

REP. TULISANO: Thank you. Do you have a question? Rep. Steeves.

REP. STEEVES: Did I understand you saying now that you wish to include the one and two family or the two family now into the Act?

MS. SINGER: Yes.

REP. STEEVES: In other words, an elderly couple in a two family house would be discriminating if they were to bar a family with teen agers? Is that what you're referring to?

MS. SINGER: With minor children under 18, yes. If the local or state or federal regulations did not have different rules concerning this, yes. That would be discrimination.

I would just like to add the reasons for this is that the housing opportunities for families with children are very, very limited right now. And there's a lot of doubling up, a lot of families who have to move in together. They can't find suitable housing. And it's my opinion that children really need space and proper sanitary conditions. Is there any other questions?

REP. TULISANO: Rep. Parker has another question.

REP. PARKER: Yes, I do have a follow-up request. Obviously you are in a position to follow housing opportunities in the Hartford area. You are speaking for a variety of groups and yet you said that you personally know of only, you do not know of any instance, that there is a petition in court. As a follow-up, would you as soon as possible submit to us a letter. Other people may know of instances, of documented instances, that people have been afraid to go to court. Where a situation has actually existed but they have been afraid to go to court because of the cost. We would all appreciate receiving it.

MS. SINGER: Okay. I believe that one of your next speakers might have a little more information on that.

REP. PARKER: Thank you.

REP. TULISANO: Thank you. Gerry Main.

GERRY MAIN: Good morning. My name is Gerry Main. I'm here also to speak on Bill 5076, AN ACT CONCERNING DISCRIMINATION AGAINST FAMILIES WITH CHILDREN. I'm the Co-Chairperson of the Legislative Subcommittee of the Neighborhood Housing Coalition, and I'm also a housing advocate for La Case de Puerto Rico, located here in Hartford.

MR. MAIN: (continued)

In my role as housing advocate, I have attempted to assist numerous families with children who believed they had been discriminated against illegally. In at least four cases, I had what I felt was sufficient proof to take a case to court, where I thought we could win. However, in none of these situations would a potential plaintiff bring the case to court because they either felt that the penalty involved was so minimal that it didn't seem worth their effort, or because they feared that if they lost the case, they would be forced to pay the landlord's legal fees.

I am here today to support these changes in the Committee Bill 5076, as these changes are steps in strengthening the law passed during last year's session. We support giving CHRO the right to investigate complaints and work for the law's enforcement. We strongly endorse giving the court the authority to issue an injunction which would allow a discriminated apartment seeker the right to rent said apartment. The bill also allows for other equitable relief, which we also support. Finally, 5076 makes this law permanent, an action we also support.

While these changes are necessary for families with children in securing their rights to shelter, we feel further amendments are necessary to really make this an effective law and expand housing opportunities for this class of people. These changes are: (1) making it illegal to discriminate based on the terms and conditions of a rental unit. Under the present wording of the law, the landlord could charge various rents, depending on whether a family had children or not. And we feel for the law to be effective, this has to be changed.

(2) To prohibit illegal advertising. (3) Making a violation of this law a violation of the public accommodations statute. (4) By making only plaintiffs bringing a frivolous claim to housing court to be subjected to paying defendant's legal fees.

(5) Exempting only one and two family owner-occupied houses from compliance with this law. And that speaks to the point you made. We'd support if it's owner-occupied one and two family, they would not have to rent to children.

MR. MAIN: (continued)

But if it's more than that, or if it's absentee owned home, they would by law have to rent to families with children. You know, provided that the number of bedrooms and stuff are in line with local regulations.

And (6), removing the exemption for condominiums which prohibit families with children in their bylaws. We feel that for this bill to be really effective, these additions are necessary.

So, while we support Committee Bill 5076 because it strengthens the present legislation, we ask the committee to consider these additions to protect the rights of children to obtain shelter.

REP. TULISANO: Rep. Parker.

REP. PARKER: Okay. I'd like to start back when you said removing the restriction that some condominium units have about now children. Would you make it retroactive? Since most condominiums are privately owned in a group, would you remove it for those that have bought it? With that stipulation?

MR. MAIN: I suppose at this point, as people have bought into condominium complex with the understanding that there's no children, it would be fair to their investment to not make it retroactive. But I think in the future, condominiums, I mean, if someone is buying a home, the idea that a person's home is their castle, if someone owns property, they should be allowed to have children, it would seem to me. I think that's a very unfair thing for condominium developers, whatever, to do in their bylaws, to prevent children.

REP. PARKER: Okay.

MR. MAIN: I would add, though, that I don't think that affects most of the clients that I'm talking about.

REP. PARKER: Do you know of any instances where zoning boards have decided to allow the building of condominiums because their school population was such that by going condominium their school population would remain static. In other

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REP. PARKER: (continued)
words, that zoning approval was dependent on the fact that no children would be allowed?

MR. MAIN: No, I don't.

REP. PARKER: Okay. You mentioned that you personally know four cases where discrimination was practiced. Would you please detail one case?

MR. MAIN: Okay, let me see. Well there was one case where a woman came to our office. She tried to rent a two bedroom apartment. There was herself and two children. And was told they would not rent to children, even though it was two bedrooms. We went and tested that case and found that when a second or third person went in, they were also told they would not rent to children. And in one case, one of the testers said they only had one child. This woman, after we got this evidence, we talked to her about filing the case. And she said, what can I get, will I get the apartment? And we said, well we don't know that you'll get the apartment. The law doesn't say that you can get the apartment if it's already rented. You might not get it. And she said, will I get anything. And we said, no, you won't get damages, because that's probably not part of the law. And we explained to her that in the case that you do lose, and I just felt that this was my duty to her, that in the case that she did lose, she may have to pay the attorney's fees for, in this case it was a management company that was doing the renting in the place. So she said, well she wasn't going to do that.

And I certainly couldn't expect her to with the lack of any relief for her in that case.

REP. PARKER: In this case was the complex for elderly only, or had the policy been also not to allow families with children? In other words was she discriminated against personally or was it a general policy?

MR. MAIN: Well, as we sent in two testers and that pattern was repeated, I feel that was their general policy, to not allow children.

REP. PARKER: But were there other children in the building?

MR. MAIN: Not to my knowledge, no.

REP. PARKER: Okay, thank you.

REP. TULISANO: Rep. Berman.

REP. BERMAN: Wouldn't it be possible for low income people to go to legal assistance if they couldn't afford to pay the lawyer's fees?

MR. MAIN: Yes, it is. The case that I meant, what I was referring to was if you lose the case, according to the present language of the law, you may have to pay the attorney's fees for the landlord that you've sued. That's why I included that only if a judge ruled that it's a frivolous claim would the person be made to pay the attorney's fees for the defendant. But if it's a claim the person feels justified in bringing, they shouldn't have to pay that cost.

I'd also like to point out that in the city of Hartford, the legal assistance attorneys are way overworked and presently the city of Hartford is cutting away their funds. Specifically that deal with housing discrimination, the lawyers that deal with discrimination cases. So we're going to be in a worse situation next year as far as getting legal aid assistance in these cases.

REP. TULISANO: Thank you. The next two speakers on the public list are from the Connecticut State Police Society. Next after that is the Connecticut Psychiatric Society. Then there is Associated General Contractors. I have one question. Is there anybody who just walked off the street and would like to testify who hasn't signed up? Who doesn't represent a group, who is a citizen? No? Okay, we'll go on the list. I was just trying to find out if there was any real old public out there. Lieutenant Joseph Faughnan, Connecticut State Police.

LIEUTENANT JOSEPH FAUGHNAN: Thank you, Mr. Tulisano. I'm Lt. Joseph Faughnan of the Connecticut State Police Department, and I'm the commanding officer of the statewide

MS. GRAY: (continued)

So, it's clear that program sponsors are beginning to recognize that an individual's abilities to perform the work are more important than age. And that through the elimination of age barriers, they can tap into a whole new resource of mature and stable candidates who are ready to participate in apprenticeships and help fill Connecticut's need for skilled workers.

We would like to draw your attention to the fact that women are less than 4% of apprentices in Connecticut and represent 5% of skilled craft workers. Apprenticeships lead to well-paying skilled jobs where women are under-represented. Moreover, we believe that women represent a vast and untapped resource that Connecticut industry must utilize in order to meet its demand for skilled labor. The Commission therefore urges this committee to give full support to Bill No. 1213 to prohibit age discrimination in apprenticeship programs.

REP. TULISANO: Would it make you feel better to learn that I can't even do 31 two-arm push-ups? (Laughter) Do you want to ask a question?

MS. GRAY: I'd like to turn the mike over to Lucy Johnson now.

LUCY JOHNSON: My name is Lucy Johnson and I'm a member of the Permanent Commission on the Status of Women. I'd like to take this opportunity to speak in support of bill number 5076, An Act Concerning Discrimination Against Families With Children in the Rental of Residential Property.

The Commission is very concerned about the severe effects of the existing housing crisis on families, and particularly on single parent families, the vast majority of which are headed by women. The commission's 1979 report on the economic impact of divorce on Connecticut men and women have identified this as a problem and recommended legislation to prohibit discrimination against families with children in apartment rentals. The history of attempts to bar this kind of discrimination legislatively goes back as far as 1969, as I'm sure you are aware, and last year's bill getting passed at all was a tremendous triumph we felt. We strongly supported it. IN an increasingly tight rental housing market, it established the state's

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MS. JOHNSON: (continued)

interest in protecting families with children from being discriminated against in housing. There were some earlier questions about personal knowledge, Rep. Parker, to -- I do not have personal knowledge, but I can quote from a New York Times article which interviewed a number of people who did have personal knowledge, if that's acceptable. Barbara Barheaight, a Fair Housing Coordinator with the Capitol Region Council of Governments, a regional planning agency in Hartford, said that their callers, that is people who had called in about this law, find that they are not eligible to file for legal aid because they earn too much and because of the way the law was written, they cannot file a complaint with the Commission on Human Rights and Opportunities, nor do they have the money to hire a lawyer. There's a gap between the legal services coverage and the number of -- the amount of the people who can afford to pay for lawyers. In addition, they are evidently very upset about the possibility that they might have to pay the other sides fees in case they don't win the case.

"As soon as people found that there was such a law, the phone started ringing off the hook", said Michael Sharp, Deputy State Housing Commissioner. After the details were explained to the callers, he said they were completely turned off. One of the difficulties Mr. Sharp found was that the law did not expressly preclude landlords from using the phrase, "adults only", or in another example given, "No Children - No Pets".

REP. TULISANO: Some of us disagree with Mr. Sharp, even the Constitution takes precedence over -- the 1st amendment (inaudible)

MS. JOHNSON: Well, I know. I'm merely --

REP. TULISANO: We'll put it in the record that some disagreed. Sometimes the Constitution rules --

MS. JOHNSON: Right, he said this might have encouraged some landlords to sidestep the law and believed it did not apply to them. He also suggested that forcing a complaint to go through the courts is intimidating and impractical for moderate income people and the final quote I have is

MS. JOHNSON: (continued)

from Judge Arthur L. Spada, who presides over the recently established Housing Court for the Hartford area. I suppose the reason that they hadn't had any complaints at that point, this was October, 1980, "I suppose it's because it's too much of a burden and there's no possibility of providing the necessary legal services to prepare the case". He also concurred that a lot of landlords are either unaware of the law or don't think it applies to them because there are so many exceptions. And I think that that is one difficulty with the present set-up of the law.

So that is some -- some people who have dealt with clients in connection with this. The proof of this pudding, I think, is the -- that very few, if any, and I leave that open, cases have actually been brought to court. This lack of activity indicates to us that the law needs to be improved to make it useable by families with children. Perhaps the first problem and the one that this years bill, 5076, confronts and solves I think, is that of having to go through a court case with it's expense and intimidating strangeness for those people, having the choice of either a court case or going through CHRO is a step forward and we strongly urge that the committee report -- vote this out. Also, we support the making of this a permanent part of the law and that it be injunctive relief.

There are other problems which were confronted in the bill that never did get raised, 6704, 09, excuse me, which we had unanimously endorsed, the Permanent Commission on Status of Women.

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MS. JOHNSON: (continued)

Cass 4 Perhaps the first problem and the one that this year's Bill, 5076 confronts and solves I think, is that of having to go through a court case with its expense and its intimidating strangeness to most people. Having the choice of either a court case or going through CHRO is a step forward and we strongly urge that the Committee report and vote this out. Also, we support the making of this permanent part of the law and the injunctive relief.

There are other problems which were confronted in the Bill that never did get raised, 6704, 09, excuse me which we had unanimously endorsed, the Permanent Commission on the Status of Women. That is a Bill called An Act Concerning Discrimination Against Families with Children,

REP. TULISANO: By we, you mean you like your version,

MS. JOHNSON: No, I wanted to tack some of these things onto yours, if I may. Anyhow, I would like to continue if I could.

We would like to expand the discrimination ban to include one and two family homes when not owner occupied and two and four family owner occupied homes. We would also suggest that--which was not included in 6709, that terms and conditions of rental be written to insure that landlords do not charge disproportionately high rents to families with children. We also would like to have included the term that only plaintiffs bringing a civilous claim to court should be subject to pay defendant's legal fees,

And we would like to do away with the no children no pets--

REP. TULISANO: You can't advertise that? You want to ban advertising this?

MS. JOHNSON: Right. Those are the three points that we wanted to add in if we possibly could. I know that this is a slow process and--

REP. TULISANO: Maybe a regressive one, We try to tell people that. They don't understand it. Representative Parker,

REP. PARKER: The other day, I sat at a hearing all day and

REP. PARKER: (continued)
heard about the little old woman who was going to do this, this, this. Today, I think you're the third person who's testified on this person and I keep hearing that somebody says that somebody did, rather than direct proof. I am trying to be absolutely fair and yet I submit that maybe you said that the proof that there is discrimination out there is that very few cases have been brought to court. But I submit maybe that there are no cases. Since nobody has given me any proof. The other thing is that I do have a question about the Commission's recommendation, you know, about the Human Rights, going through the Human Rights Office. Claude did a study on this Bill--

MS. JOHNSON: Who did?

REP. PARKER: Claude, up at the Region Council of Governments and their recommendation was that it not be turned over to Arthur Green's group because he said that he had all the work that he could handle because of discrimination based on sex cases that were going through and rightly so. And I'm wondering if, by turning it over to that group, nothing happened since they are overloaded with work right now. Has your Commission asked Human Rights if they could undertake this?

MS. JOHNSON: Yes, we have been assured that they can.

REP. PARKER: Yes. You have been assured that they can?
All right.

MS. FREDERICKA GRAY: Excuse me. It's my understanding that a representative of CHRO is going to be speaking to you.

REP. PARKER: All right, then I will ask him the question.

MS. JOHNSON: I have personally discussed this with members, not of the Commission itself, but of the staff.

REP. PARKER: Um-hum. All right. We, the legislative steering committee of CROG did study this very thoroughly and came up with much the same recommendations of this Bill, that there was large concern that there just wasn't the staff to handle it over there, but I'll pursue it over there. I do have a question. The previous speaker on the

MS. JOHNSON: (continued)

children from this kind of discrimination. But it was a first step and I think that remarks that Representative Tulisano has made to the press, have indicated that there will be things coming up in the future perhaps. He has taken, in this Bill of his this year, he has taken an important, I think, new step. As to whether CHRO should be involved in it, I think the fact that it offers a choice which is an important opening up of the law so more people can use it--

REP. PATTON: May I? I think you're missing the thrust of the--

MS. JOHNSON: Perhaps I am, I'm sorry.

REP. PATTON: I'm saying we enacted a law and because there's not a great use of the law, there seems to be an assumption we need more law and I'm just suggesting that the other angle is that the law solves the problem. Maybe there isn't a big problem than you think it is out there.

MS. JOHNSON: Well, I think the fact that this issue of the Times which I was quoting from shows the provisions of the law and then an ad underneath this from the same newspaper, same day, saying no children, no pets.

REP. PATTON: Is that in Connecticut?

MS. JOHNSON: It is an indication that the law is not doing what was expected of it. I think not every law has to do everything through the court, obviously. Some things do get accomplished by the weight of moral judgment and thrust and so forth. You know, because the law says you shouldn't discriminate. Nobody does, you know. That sort of thing. Sometimes that happens perhaps. But in this particular case, I think that the actual things that people have said--the reason why I don't have experience in this is I do not work for an agency that does housing, but I have talked to people who have been in this position who said that the provisions of this law, that is that they would have to pay if they could not prove the discrimination, they would have to pay for their--the--what's the word--I mean--their opponent's legal fees as well as their own, makes them not want to start out on it because they simply couldn't afford it and you can't, in a discrimination case, which is notoriously

MS. JOHNSON: (continued)

difficult to prove anyhow, you cannot be sure when you start that you're going to be able to prove it to a judge's satisfaction. So if you can't afford the double legal fees, you can take a case in absolute good faith and still not be able to feel that you're going to win. You know, you understand what I'm saying and I think that's a perfectly good reason why it hasn't been used, to tell you the truth.

REP. TULISANO: Any questions? Representative Berman and Representative Patton.

REP. BERMAN: Yes. Are you familiar with some of the local ordinances dealing with discrimination against families?

MS. JOHNSON: In Hartford?

REP. BERMAN: Well, I know New Haven has one which I think is--

MS. JOHNSON: No. I'm from Greenwich so I don't know these.

REP. BERMAN: Well, the one in New Haven I think is more comprehensive than the State statute involved.

MS. JOHNSON: Is that more used? I don't know.

REP. BERMAN: I don't know. It just went into effect about a year ago and I'm really not familiar with it and that's why--

MS. JOHNSON: We can look that up and find out if it is more used if it does include more opportunities.

REP. BERMAN: But I do agree it doesn't serve a purpose to have a law on the books and have the newspapers violate the law.

REP. PATTON: May I see your newspaper?

MS. JOHNSON: Yeah, sure.

REP. TULISANO: Representative Steeves.

REP. STEEVES: Yes. What I'd like to ask--you're going back

REP. STEEVES: (continued)

on bringing back the one and two family house again, this small home owner. I feel with this that you might be trying to take away the last bastion left to the small, individual who owns a home that's the only property he has. I know we have laws on the books that says that the tenant will be held responsible but in how many cases does the tenant ever pay the amount of damage that he's done to many of these homes that they have been in with the children? I'm not opposed to children, but I think that we--I've had--I'm a great grandfather so I have quite a few children, but I think we also have an obligation to the homeowner.

MS. JOHNSON: Yeah. You understood that the first answer you got to your question was incorrect. That is --at least what I'm asking, our Commission is asking that only if-- if an older couple were living in their own two unit house, they could discriminate as much as they want. You understand that; that that's okay, so it wouldn't be a matter of forcing them to live with a family of rambunctious children and so forth. So that question is taken care of, I don't know how many families pay for the damage they cause, whether they have children in them or not. I can imagine adults that were damaging too.

REP. STEEVES: I know I've gotten a lot more calls from the landlords where the families have moved out and left absolutely no notice that they left and the apartment's in shambles than I have got from families that say they have been discriminated against. So I'd like to someplace along the line, have someone take a survey or come up with figures one way or the other, to know which one is being discriminated against.

MS. JOHNSON: Well, I think it's a total problem that's very difficult and I think that perhaps one of the--one way of solving it is to increase the amount of housing on the market, rental housing. Given the climate in Washington and here, on budget matters, it doesn't look to me as if we're going to get very much new housing. I mean that's being awfully realistic and rather pessimistic, but in that event, if my perception is correct, what's important is that these families have an opportunity not to be discriminated against in getting some of the existing housing.

MS. JOHNSON; (continued)

The thing is that there is a--we have figures from, on the number of divorces, after no fault was implemented and it jumped from 8,042 in '73 to 11,050 in '74. I mean in one year, and since that time it's stabilized at about that level. It's now up to 77 which is the last date I have figures for. It's gone up to 12,334. In other words, there was an enormous jump after no fault and it sort of kept at that level since then and that means that there are that many more families with--needing, many of them needing rental housing rather than housing that they buy and live in and living separately--they split into two households and it's a real--this is a major problem and it's something that perhaps we never did think of when no fault was passed. I hadn't thought of it myself, I might say.

SEN. OWENS: Thank you. Nice seeing you again. Frank Smith please.

MR. FRANK SMITH: Mr. Chairman, members of the Committee, I'm Frank Smith, a member of the Board of Directors of the Hartford Property Owners Association. I'm here to speak on Committee Bill 5076. First of all, the Bill proposes that the Commissioner of Human Rights and Opportunities be automatically allowed to investigate discriminatory practices by owners, property managers or whatever. We feel that it strips the rights of the owner--

SEN. OWENS: Excuse me. Who do you represent again?

MR. SMITH: The Hartford Property Owners Association. We feel that it strips the property owner of his due process of the law, his rights under the due process of law. Anybody wishing to sue someone may do so. However, it creates an undue hardship on the owner's part by having to defend himself without any guarantee if he defends his rights and proves himself to be correct in the case, that all the monies he spent under this Bill, will not be reimbursed by the party bringing the charges.

We support the Human Rights getting involved with the case once the case has been proven in court, but we're still in the land of America. We're not guilty until proven guilty. We have often spoken, publically and before this Committee,

MR. SMITH: (continued)

that each family is entitled to a backyard. And this Committee chose last year, to vote out the one through fours because in effect, you were disturbing your voting populace and the votes you're getting from what's out there.

The Hartford Property Board is taking a stand today and publically announcing again, that the areas where you allow an owner to discriminate against children, we stand behind under one through two. When it comes to an owner living in a three family, we are publically announcing that he became an investor and that three family be included where children are to be allowed.

Last year, we presented to you, the fact that many of our buildings in-city, were built to accommodate adults only. Back in the 60's, it would have been ludicrous for the banking industry to provide to us investors and developers, multiple family housing when a family with two or three children could go to Newington, Wethersfield, Rocky Hill, Glastonbury, Avon, all surrounding the cities, and purchase a home with three bedrooms with a \$92,00 mortgage. Now, the tide has turned. We gave you that prediction six years ago, that multiple family housing was needed and we were seeking forms of bonding by this State to provide low interest costs to the developers to provide these homes. The homes that are existing now are the twos and the threes and the fours and those are the real accommodations that families need now, with backyards.

And hopefully, you have a Bill and you have a Planning Committee working on some sort of funding to provide the low interest bonding or to provide the low interest mortgages or funding to the developers to provide housing that's needed. The area of the security deposits. It's insufficient against a family that might totally damage an apartment. So for this Committee to say we want you to rent to children and it is our demand and rightfully so, that you put an inscription in that law to say that the tenant must provide an insurance bond, against damages to the landlord. And that would suffice any extreme damages. We feel a \$25,000 bond and we understand that the annual premium on something like that, wouldn't exceed \$40.00 and this gives the landlord the extreme protection that

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MR. SMITH: (continued)

Representative Steeves was talking about, There is a way if we put all our heads together. Now, last year, we had an awful lot of prattle if we may call it, about the guidelines of apartment buildings. The one room versus two rooms; the type of inventory where children could be allowed in one apartment or another. And the Committee under probably a short time--period of time of work, saw it come out in a portion of your Bill that indicated that a landlord could look to the Federal statutes and I assume that the Committee was thinking of the Federal guidelines that HUD says that mother must have separate bedroom and the children of the same sex not exceeding two in the next bedroom.

Unfortunately, I recognize your Committee is made up of some lawyers, but there are no Federal statutes. There are only Federal guidelines, created by HUD in Section 8 programming. And those guidelines don't apply to private mortgage type properties. So you really left us with a decision to make to say well, let's apply--let's use the Federal guidelines, so-called. However, I think if you come out with this Bill, you're going to have to inscribe to Federal policy that an adult must have his own bedroom, children of the same sex not exceeding two to a bedroom and that type of nature and you're going to have to go into a description of what is an adult only accommodation.

In addition, the Hartford Property Board is really sympathetic to a lot of our inventory at certain buildings and that's the senior citizens. The senior citizens have chosen buildings where there's only adults. They went through their whole lifetime of putting up with children and they are at a point in life where they can't stand the noises and they now are residing in buildings where there are no children and most of these buildings that I'm aware of are buildings that were primarily built to accommodate adults only. Now, what do we do to them? Do we tell them that they're going to have to have kids upstairs, below them, around them? And they have no choice in the matter. I think the senior citizens are entitled to some recognition here.

The main key is stripping the owner of his due process of the law. Anybody bringing a charge to the owner, he has a

MR. SMITH: (continued)

right to defend himself and we object to a State agency providing funding to proceed with these lawsuits and the landlord not entitled to recover his damages that he is forced to spend. You have a real problem here. As legislators, I can fully recognize that it's easier to pass a law that affects fifteen or twenty investors, but when you pass a law that says three families and up, who are unoccupied by owner, one through four is inclusive, then you're facing your constituency which could maybe be 15,000 votes. You have an awesome decision, but let's stop playing the football and blaming the investors for not providing the housing when the legislature won't pass the law to affectively provide the housing with backyards,

We have something unique. Without a landlord, you don't have a tenant. Without a tenant you don't have a landlord. But thirdly, without an investor, you don't even have a landlord. Let's stop passing Bills discouraging investors, Hartford's skyline is an attestment to that. You got high rises owned by the millions of square feet, all office space because those investors don't want to provide housing. Let's face the problem at hand. Let's face it together and members of our Association will be very happy to work with your Committee to draft the proper law that provides the housing that's existing to fill those needs. Thank you.

SEN. OWENS: Thank you. Any questions? George Hastings please.

MR. GEORGE HASTINGS: Mr, Chairman, members of the Committee, my name is George Hastings. I'm a lawyer in Hartford at 799 Main Street, with the law firm of Robinson, Robinson and Cole and I represent the Connecticut Conference of Municipalities and I'm speaking on raised Committee Bill 7208 which is An Act Concerning Parking Violations. Now, the Connecticut Conference of Municipalities submitted at least one statement of purpose Bill on parking violations to this Committee and some Bills submitted by us and in which we are interested in on this topic are also within the jurisdiction of the Transportation Committee. At the outset, I would like to say--

SEN. OWENS: Mr. Hastings, did you say that this Bill is in the Transportation Committee, this same Bill?

MR. HASTINGS: (continued)

that they just send out and they're able to centralize the function and hire one person whose sole duty is to do that and not give out dog licenses at the same time, and streamline the whole thing and they find this gets the money in, so experience is a great teacher,

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REP. BERMAN: Does the money justify the salary?

MR. HASTINGS: Oh, you see, by contracting with the firm, the employees are their employees and as in many other things, first of all, it's a short term contract. You're not hiring a city employee. Secondly, their fees are structured to what they bring in and they can show you that in various cities around the United States, they have succeeded in those two things; getting money and to the extent that a more efficient system stops the illegal parking in the first place, reducing that.

SEN. OWENS: Thank you.

MR. HASTINGS: Yes, sir.

SEN. OWENS: Joe Civinci? Not hear? Raphael Pornowski is not here. Yes? I called your name. You were called before and you weren't here. Yeah, go ahead. Excuse me.

(HB5076)

MS. JENNIFER GOODWIN: Yes, I understand that. It was a rather long period and I did have to leave for just a few minutes, I'm sorry. My name is Jennifer Goodwin and I'm a lobbyist for the Connecticut Women's Political Caucus. In response to something like Representative Tulisano said earlier, I am also a member of the public and in particular, I am a person who has personally been affected by a Bill that I am testifying on, the Bill relating to discrimination in housing, in that I am a single parent and I have experienced the difficulties in finding a place to live. I am also familiar with the problem because--in working as a researcher in a Congressional campaign, I did a position paper on housing for the candidate and it happens that in the area which I was studying which was lower Fairfield County, in many categories of rental housing and in particular the lower cost ones, according to the figures that I came across, there was exactly zero housing available in many instances, large enough to accommodate anyone with a child. The Caucus wishes to support this Bill. We also

MS. GOODWIN: (continued)

wish to support the Amendments which are being proposed by the Permanent Commission and I'd like to briefly address those.

We've had some discussion about the fact that the Bill that's been passed has not resulted in court actions and I think I can say from my own experience, that I would be very surprised if it did, because as a person who in looking over the course of several years, through the newspapers for places to live with my children, I've come across over, and over, and over again, the situation that anything that I could afford, a large part of the time would be listed as no children. And I think I was like most people in that if it says no children, I just didn't follow up the ad and I think that's what most people do, I don't think, first of all, that the fact that there was a law against this kind of discrimination was very widely publicized. I am much more aware of these things than most because I do have some connection with the legislative process and so one of the things is, I think, a lack of publicity.

I think that the amendment providing against illegal advertising will be a first step but you also have to inform people that this is not permitted,

Secondly, there is absolutely no way, had I been aware, that the discrimination was illegal, that I could have hired a lawyer in order to do something about it and the person testified here as to what would happen if I did do so, the provisions of the law offer no real incentive to someone to do something because after I go through this process and possibly incur not only my own legal fees, but the landlord's legal fees, I am still in the same position of being without a place to live because the law does nothing for that, nor do I collect any damages and \$100 fine to a landlord who--we're talking now about landlords who are investors, who are in this to make money, \$100 is really minor. There's no deterrent to this kind of discrimination.

Again, I support the Amendments, including the suggestion that coverage be expanded. In my area, there is virtually

MS. GOODWIN: (continued)

there is very little multi family housing. A lot of it is one, two, three and four family and I'm very sensitive to the concerns expressed by Representative Steeves but I think that someone else mentioned that when you get into three and four family houses, you're talking about investment and the suggestion of the Commission was that in one and two family housing, if the owner was occupying it, that they could discriminate if they chose. There would be an exemption for that situation, which I think is sufficient.

And finally, I'd like to say that in my experience, you run into just as much of a chance of damage to the property with say, young people, in the early 20's, late teens who are not covered at all in this situation. As you would with families with children. Most families with children take perfectly decent care of property.

Finally, we also support¹¹ as I said, the question of not assessing attorney's fees against the plaintiff unless it was a completely frivolous claim and there should be some better deterrent to the discrimination than the \$100 fine. I think I've about covered what I wanted to say. Are there any questions?

SEN. OWENS: Representative Parker.

REP. PARKER: Are you under the impression that in the present law that regardless of whether a plaintiff wins or loses, she has to pay the defendant's fees?

MS. GOODWIN: No, I'm not.

REP. PARKER: All right. Because you did say that no one would file since they would end up paying the landlord's fees,

MS. GOODWIN: The risk of that, if you could not prove the case.

REP. PARKER: Thank you.

SEN. OWENS: Anything else? Ralph Podolsky please.

REP. BERMAN: May I just have one question, I'll be very brief, Jennifer, you said that you have been a victim of

REP. BERMAN: (continued)

discrimination. Has it been in the form of being told that they will not accept children or did you apply for housing and found that the same housing just went to someone else?

MS. GOODWIN: It's in the form that all of the housing that I could afford basically, was denied to me on the basis of the advertising in the papers, over the course of the several years in which I've been looking and as recently as a few weeks ago.

REP. BERMAN: Since the last law was enacted?

MS. GOODWIN: Yeah. I have had it--in every case I wound up having to share a house with other people which I found a very difficult situation with children.

REP. BERMAN: Yes, thank you.

SEN. OWENS: Yes, fine, Representative Parker.

REP. PARKER: You started your testimony by saying that you had personally been discriminated against. I want to clarify for the record what you meant by that was not that you had applied for an apartment that was empty and been told that because you had children, you could not have the apartment, but rather in reading ads you assumed that because they advertised no children, it was not available to you; am I right?

MS. GOODWIN: That's correct.

REP. PARKER: Okay. Thank you.

SEN. OWENS: Ralph Podolsky.

MR. RALPH PODOLSKY: My name is Raphael Podolsky, I'm a lawyer with the Legal Services Training and Advocacy Project, I'd like to briefly address two Bills. The first is Bill 7207 which deals with increased fees for sheriffs. The Bill is a legitimate Bill in light of the low fees that sheriffs get, but I would like to ask you to make one change that has long been needed in the process by which sheriffs serve legal process and that is we have suggested

MR. PODOLSKY: (continued)

to this Committee in other years, that sheriffs be required to maintain a log of the time, the date, time and place when they make service. This, it seems to me, is an appropriate Bill to use as a vehicle for that change. I don't think there is any legitimate reason why a sheriff should not do that and my guess is that many sheriffs, as a matter of course, do keep such records. But we have had some instances in which a sheriff, basically, other than knowing the date of the service, simply did not know the nature of the service and there was a dispute about service that became very difficult to reconstruct.

I would just suggest that you add that as an additional section to the Bill if the Committee is interested in doing that, I can provide the Legislative Commissioner's Office with specific language. The substance would be to require that a sheriff maintain a log of the date, time and place and manner of service that he makes.

The other Bill I would like to address is 5076. You've had lots and lots of testimony on this. What I would like to suggest to you is that there are two possible areas which a Bill could address and I believe this year you should address one of those two areas. Last year, numerous compromises were made in two kinds of aspects. One is what sort of Bill should be covered by a discrimination against children Bill? So that certain size units were left out. All one and two family units--all the one and two family units are excluded from the Act. Owner occupied threes and fours are excluded. There's reason why that should be tightened. However, I think in light of the compromises last year, it is probably not a good idea to address that this year.

The second problem is though, that those particular categories that were included last year, you've managed to construct a Bill through last second compromises, that as a practical matter, has absolutely no enforcement mechanism. Representative Patton and Representative Parker have suggested to you perhaps that means there's really no problem anymore, but the fact is that you can look in any newspaper, practically, and see ads marked adults only that are clearly not excluded from coverage of this statute. I would invite you to do an experiment and to call some of

MR. PODOLSKY: (continued)

those ads that are not so marked and say that you are a single woman with two or three children and see how many people tell you they won't rent to you in spite of the fact you're talking about a four room apartment and it's clearly covered by the law.

I think you will find that there is absolutely no question that this law is being flouted frequently and openly. There is simply no respect for the law. It seems to me for that reason, given the law you adopted, you need to devise an effective enforcement mechanism. The reason that you don't have effective enforcement is that the decisions made last year included the following. First of all, there is no administrative agency that has jurisdiction. The reality is that that is the way in which we enforced our discrimination laws. You don't have to have a lawyer. You just go file a complaint. The agency investigates. Second of all, we have so encumbered the only enforcement mechanism there is which is the civil lawsuit with restrictions, that there is neither a litigant nor a lawyer, I think, in--using good judgment, who would bring a suit under that.

For a litigant to handle this without a lawyer, it would be very, very difficult. To get a lawyer, the most that is available is \$100 in damages, plus attorney's fees and, if you lose, you have to pay the landlord's attorney's fees which means, since you're never certain of winning your case, that you were basically suing for \$100 and risking perhaps 4, or 5, or 6, or \$700.00. If I were a lawyer given that kind of a situation, I would tell the person not to sue. It doesn't make any sense.

So, I would suggest to you that this Bill addresses those problems in a reasonable way. It provides the administrative jurisdiction with CHRO which is critical, because it's my understanding that CHRO supports the Bill and therefore, they presumably feel they can handle the responsibility. That's the central part of this Bill. It takes off the termination date. It makes clear that if you do go to court, you can get an order from the court saying that they have to hold the apartment until they decide the case. There is at least one other change that I think is critically important to make and I would ask you to make that

MR. PODOLSKY: (continued)

as an amendment to the Bill. The Bill last year says it-- that you may not and I will quote "refuse to rent because of having a family with children". That means you can do anything short of refusing to rent and you can get through the law. Well, you can imagine the things a creative landlord can do. You can charge three times the rent to a family with children than a family without. You can deny them use of parts of buildings that everybody else in the building gets. If the landlord spells that out to the prospective tenant, you can be sure that the prospective tenant won't take the apartment. The landlord's position will be well, if you accept some of my conditions and pay the extra high rent, I will rent to them and therefore, I never said I wouldn't refuse.

A very simple change. If they refuse to rent, you say discriminate in the rental of. You make that change and close that loophole. I think also, that there are two other changes I'd like to see you make in the enforceability aspect. One is the existing law has no criminal sanction. You don't need a large criminal sanction, but if some criminal sanction exists, it creates the possibility in a district housing court, that you can go straight to the housing court prosecutor. You can do that with every other form of housing discrimination so that I would suggest you simply add something that makes it a criminal violation of this statute and that takes care of that problem.

The last problem is I really feel that you should reword the statute to make it comparable to the Unfair Trade Practices Act in which it is only a prevailing complainant who can be awarded attorney's fees. Because either that or to limit an award of attorney's fees to the--to a prevailing defendant that is a landlord only if the case is frivolous. But to say that in every case in which a tenant loses, they may have to pay the lawyer's fees for the landlord which is a very unusual provision in that sense, you just guarantee nobody's going to bring a civil action and that particular form of enforcement becomes unuseable.

Generally, when we set up a statute, in which we want private litigants to act as what we call private attorney generals, to see that the law is complied with, the attorney's fee provisions go one way only. It is not a

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MR. PODOLSKY: (continued)
reciprocal attorney's fee arrangement for precisely that reason, because we recognize that otherwise we don't get effective enforcement.

I very much support 5076 and I would urge the Committee to add a couple of additional provisions to it.

SEN. OWENS: Thank you. Any questions of Mr. Podolsky? Joe Wincze,

MR. JOSEPH WINCZE: Yes. I thank you for letting me speak. I have come to Bridgeport and I happened to step out when my name was called and I appreciate your giving me the opportunity to speak.

I have a prepared statement and then I'd like to improvise a little bit, but I will keep it very brief though. Representing a statewide organization of housing professionals, the Fair Housing Association of Connecticut Incorporated is urging favorable passage of HB 5076, An Act Regarding Children Discrimination. However, we do strongly recommend that one very significant change be made in the language of this Bill. As you all know, during last year's legislative session, a measure was adopted prohibiting discrimination against families with children. And although this action was a step in the right direction, we discovered this law in its present form is usually ineffective. First of all, that the court system is the only avenue available for enforcement under this statute, the low and moderate income family who could not afford proper legal representation, found themselves at a distinct disadvantage in attempting to seek redress for grievances.

And I might add, you had questioned about is there really a problem out there and I would offer this as explanation as to why you did not get many uses of the law up to date. I think the family that is most effected by the law, the low and moderate income family, who has forced in a rental situation, sometimes lacks the sophistication or the resources to go through the legal process. Now, in Bridgeport, and I speak from fact, Bridgeport Legal Aid will not take children discrimination cases. This is administrative policy that they've set down. They have one housing

MR. WINCZE: (continued)

attorney to handle housing cases in Bridgeport which is ridiculous, but that's a different matter, and they will not take family discrimination cases, with children and we've gotten a number of complaints in our office about children discrimination during the past year and since there's no administrative mechanism set up, we haven't really categorized them as complaints, but simply inquiries and I would say we had about fifty that were over the past year.

We have checked with the city of New Haven which, as you know, has a local law which makes this discrimination against families with children, which includes different terms and conditions as well, and just checking with the Director there, he had thirty cases on record since May when it was passed, through to the present, not to mention simple inquiries, but actual documented cases, thirty cases. And also checking with CROG, they've got fifty cases during the past year. So the problem is definitely out there and one can't make the assumption that since there hasn't been much use of the law through the court process that there is no problem.

I want to continue with my prepared statement. In view of this fact, we are certainly supportive of the provision for administrative enforcement by State Commission on Human Rights and Opportunities which is included in HB 5076. Administrative enforcement, however, only has jurisdiction with regard to actions which are specifically considered a violation of the law. FHACT maintains that simply stating that no landlord "may refuse to rent" does not provide for adequate protection for families with children. We do not think it is comprehensive enough because it does not protect families with children from other discriminatory practices involved in the rental process, namely difference in terms and conditions and difference in provision of services. In essence, by not putting in the Bill more inclusive language which covers all discriminatory practices involved in the rental of a unit by families with children, this good-intentioned piece of legislation is rendered meaningless. For example, a landlord could conceivably set up two different rent scales and a family with children might have to pay \$500 a month while a family without children might have to be

MR. WINCZE: (continued)

charged only \$250,000 a month for the same apartment. Therefore, since the landlord is not specifically refusing to rent to a family, although he's obviously renting in a discriminatory fashion, it's not a violation of the law. Alas, we have a builtin loophole which defeats the Bill's intended purpose because it allows those who want to discriminate against families with children to pretty much carry on business as usual.

In concluding, the Fair Housing Association of Connecticut Inc., believes if equal housing opportunity under the law is to be fully realized by families with children, HB 5076 needs to be adopted and we are emphatically requesting that more inclusive language covering all rental situations be written into it. Thank you.

SEN. OWENS: Yeah, Representative Parker.

REP. PARKER: You said in New Haven there have been some thirty cases since May. I'd like to know the status. Were they inquiries? Did they go to court? How were they resulted?

MR. WINCZE: These were actual complaints--they weren't counting inquiries. These were actual complaints where they had to sign their name to it in other words. I don't know the amount of how they were resolved, but they have their own administrative procedure for it. They have their own administrative mechanism for it, so if they went to court is probably an appeal to a decision, but I don't know exactly what happened after that.

REP. PARKER: I'm just trying to assess how big the problem is and when you say thirty complaints, it's meaningless without knowing, you know, the follow through. The same way with CROG. Fifty complaints, what were they? People calling up and complaining or were there actual people walking in and filing a complaint or how was it handled and how far did they get with the complaint?

MR. WINCZE: Let me speak in terms of inquiries that I mentioned our office got in Bridgeport, the Bridgeport Fair Housing Office. We don't have any administrative procedure either to handle the complaint, but we explained the law to them and once they find out they have to get

MR. WINCZE: (continued)

a court action and get an attorney and then when we tell them in the next breath that well, Legal Aid won't help you even though you can qualify with Legal Aid because we know they're not handling discrimination cases, they really don't know what else to do, so there's not an actual complaint filed with the court. Because it's not usually followed through. We're in a position where we can refer anybody being a city agency, to a specific attorney, even if we knew of somebody who would take those cases and we really don't know too many that will take or want to spend their time taking those kinds of cases so it's really a problem and the low and moderate income family usually doesn't have sophistication enough to go through the process themselves and try and persevere. They usually just get turned off and that's the end of it.

REP. PARKER: I understand the problem in Bridgeport, but you stated that CROG, the Capitol Region Council of Governments has had fifty cases. Were they simply complaints or telephone calls or how were they followed through?

SEN. OWENS: Who are you?

MR. MARVIN KAY: I'm Marvin Kay, Chairman--

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SEN. OWENS: I'm just getting back to you on this list because we missed you when we called you before. Are you Chairman of the Housing Resource Board of the Capitol Region? You're here on this Bill anyway?

MR. KAY: Yes, sir.

SEN. OWENS: So we can talk to you both at the same time?

MR. KAY: Fine. In regard to that, those are inquiries, basically, but it's the same description that Mr. Wincze stated; that once you explain the process to the person inquiring, they usually back away from going further with the legal process.

REP. PARKER: Were they--was there any record made of the type of inquiry? For example, we had a speaker, a previous speaker, who said she had been discriminated against and yet when I inquired, it had been newspaper advertising,

MR. KAY: Okay, personal basis, from my own background as a fair housing specialist for the town, as of last week I received two inquiries. Totally I received about ten during the course of the Bills, since it's been in effect. Since May, as an example last week, a woman called me, said she was discriminated on an apartment building on Oakwood Avenue. I told her that she could go to Legal Aid for assistance. She said she would. She gave me the number of the phone that was listed in the newspaper. I made the inquiry regarding the apartment. It was a two bedroom apartment. The Superintendent who was acting as the rental agent said we don't rent on the second floor to children. I asked him was he aware of the Act and he said I would have to speak to the owner of the building.

I then explained the Act to him that he could not do this under the Act, that if the apartment was available that that person had the right to at least see or procure the apartment and so I then--the landlord then called me and he explained that he would allow the woman to see the apartment. The woman, after speaking to her, said he never contacted me. So that was an obvious case of discrimination. And that's happened I can say on probably four to five other instances where someone says to me, similar circumstances, I'll contact the landlord in the form of a call such as that or because he's denied the right to rent to families with children and the apartments were adequate and sometimes it's not even the low and moderate income. The families that can afford to rent the apartment can't get in; that really has substance to rent the apartment. But you've got them in West Hartford maybe \$400 so they're in a position to pay it and yet they can't get it because they are denied the opportunity,

REP. PARKER: I am just trying to find out how big a problem there is out there and so the two instances you quoted; the woman that didn't follow through, the other one that didn't, it's not the law that isn't there or is not enforceable, it's the tenant that did not even find out that she was going to pay.

MR. KAY: But the problem is once you explain to the person that process, the legal process, they back off. They're not willing to go through the process because they--the fine is \$100. They may have to pay attorney's fees and a lawyer

MR. KAY: (continued)
is not inexpensive today, \$35 - \$50 an hour, they back off.

REP. PARKER: Okay, thank you.

MR. KAY: You're welcome.

SEN. OWENS: Mr. Kay, I assume that that takes your -- okay, I was gonna call you next so that takes care of you. Alright, Michael Peters? Fine. Clement F. Naples? Joseph -- The Honorable Joseph B. Flynn.

THE HONORABLE JOSEPH F. FLYNN: Thank you, Mr. Chairman, members of the Committee, I appear first of all for the record, my name is Joseph B. Flynn. I appear on behalf of the Connecticut State Sheriff's Association to speak generally in favor of House Bill 7207, which would update and increase the amount of statutory sheriff's fees.

For those who may be new to the committee or new to the legal process, each legal paper which must be served either for the commencement of a lawsuit or supeoneas or other items that are served during the course of the lawsuit, result in certain fees to the officer who serves them. Most -- in most cases these fees have not been updated for as long as 50 or 60 years. In the meantime, the expense of sheriffs and other officers who have to serve this process have gone up tremendously. The price of gas has gone up from 20¢ a gallon to alomst \$1.50 in that time. The minimum wage has gone from about 40¢ to \$3.37, and yet this, perhaps through legislative oversight, has never been addressed. I will leave with the Committee a suggested draft which we would ask you to consider which would provide for a flat fee of \$20 of each process served and \$5 for each additional defendent served which would leave the existing mileage cost which is inadequate as it is, which would increase the fees for copies from 60¢ to \$1.00 per page and which would bifrocate the statute in that any process served for the State of Connecticut would continue to be served at the old rates so that there would be no financial impact to the State of Connecticut.

I will leave a copy with the Committee's Senator and would be happy to answer any questions.

MR. WALTEN: (continued)

Statutes. With it's repeal however, the office of Coroner which has since been eliminated, did not have the means to dispose of property it came in possession of during its investigations and UC's Property Act inadvertently did not make provision for the disposition of this particular property. This bill is proposed to afford the means for the disposing of such property inherited by the newer office of the Chief Medical Examiner and that property it may come into possession of in the future.

Raised Committee Bill 7198 is the third of the bills mentioned in my opening remarks and the only change therein is the reduction from six months to the two months for the time period in which an owner may claim seized property.

If there are any questions, I'd be happy to answer them. Thank you very much.

REP. TULISANO: Thank you.

PHILIP MURPHY: Chairman Tulisano, members of the committee, my name is Philip A. Murphy, Jr. I'm Commissioner Counsel with the Connecticut Commission on Human Rights and Opportunities. And I'm here to testify on two bills; House Bill 5076, An Act Concerning Discrimination Against Families with Children in the Rental of Residential Property and 1213, An Act Regarding Age in Apprenticeship Programs.

With regard to H. B. 5076, the Commission supports the bill. We wholeheartedly support the removal of the termination date of prior -- June 30, 1982. We also support the provisions which would give the Commission jurisdiction as an alternative remedy to a family with children that has been discriminated against. We would urge several minor technical additions or changes in the bill. The first would be that the Commission be allowed to use the same interrogatory power it uses in other discrimination cases in the case of a discrimination against families with children.

The second would be that we would suggest that the remedies available through either the court or the Commission be

MR. MURPHY: (continued)

made consistent so that a person choosing one vehicle or the other would be able to obtain similar relief. The third change we would urge is that the Committee change the words in line 21 and 22, may refuse to rent, to discriminate in any rental of a dwelling unit. This would cover such situations as an eviction which may not be interpreted by the courts under the present language to be covered.

In on further change, we would suggest that the civil penalty provided in the bill be changed to have the criminal penalty available to make it consistent with other forms of housing discrimination covered by the statutes of the State of Connecticut. So, with those four relatively minor changes, we believe that the bill proposed is a great step forward in this particular area. The court enforcement mechanism which another speaker mentioned, was a last minute compromise on the bill, has not worked effectively in protecting the rights in which the bill decides to affect and I believe the bill proposed, 5076, is a -- should be supported by the Committee.

The second bill we're testifying on is bill 1213, and this would remove an age exemption for apprenticeship programs. Presently an apprenticeship program cannot be held to be age discriminatory if it has a cut-off for age. Most programs that I'm familiar with have age cut-offs varying from 21 to 24 to 30 so only a relatively small group of the population is eligible to participate in the training programs. This completely rules out older workers whose jobs may be made obsolete by technology or by a plant closing and the worker wishes to get into a field. Right now that older worker cannot get into a field that has an apprenticeship program because many of the programs have these relatively restrictive age limitations on them and the commission is powerless to do anything about them at the present time because of the language which is found in the bill. Specifically on lines 37-39. Additionally, there is presently a conflict in the state statutes in that Section 46a-60ld which is the subject of the bill, allows persons running apprenticeship programs to discriminate on the basis of age where Section 46a-75 encourages both the State Labor Department and the Department of Education to provide apprenticeship training opportunities to all citizens of the state irregardless of age. So the

MR. MURPHY: Certainly,

REP. PARKER: Thank you,

HB 5076

MR. MURPHY: Also, Rep. Parker, you had a question with regard to whether there was a dis -- a problem with discrimination against families with children in view of the fact that virtually no court cases have been filed. Although we did not have enforcement authority and therefore were unable to take a formal complaint and to look into the situation, we did have 97 people contact the commission thinking that we could do something about discrimination against families with children. We had to inform them that we had no authority and that we could not do anything but we did have a number of these inquiries and they were from throughout the state although I don't have detailed specifics they came from all of our regional offices.

REP. PARKER: So you don't know if any of the 97 for instance were the fact that a single family home -- two family homeowner occupied would not be rented or else it was a one room and the person applying had five kids. You cannot be specific, they were just inquiries?

MR. MURPHY: That's correct. We had no authority to enforce it. Our experience has been that approximately -- at least 50% of the people who make inquiries to us do have complaints under the statute -- in terms of the statutes we presently enforce. That of the inquiries we receive, more than 50% of them present problems that are covered by the statutes.

REP. PARKER: I don't follow. Since you did not follow-up because you don't have jurisdiction, how did you determine that 50% of them had legitimate complaints?

MR. MURPHY: No, what I'm saying is of the inquiries we received whether they were discriminatory against employment, or discriminatory housing because of race or sex, in the statutes we presently enforce where we can do something, our figures indicate that over 50% of the people who come to us have a claim that falls within the statutes. We could not make that determination in these 97 cases because we do not presently have authority to interpret it.

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March 3, 1981

REP. PARKER: And you just said that of the 97, discrimination included sex as well as housing --

MR. MURPHY: No, no, no, these 97 were only raising the issue of families of children,

REP. PARKER: Okay, thank you.

REP. TULISANO: Mr. Gertin. Mr. Gertin is our last speaker.

GEORGE GERTIN: Rep. Tulisano, ladies and gentlemen, my name is George Gertin. I'm the President of the Hartford Property Owner's Association and I'll be speaking on their behalf in regards to bill 5076. I am not speaking here today against the discrimination of children in housing, but I'd like to offer some constructive criticism of the bill as it's been altered.

For one thing, the idea of the bill the way it's written, the idea of posting of a bond is a deterrent of cases that are perhaps unwarranted. And I'd like to give you a reason why we think that way. In the rental of units, the managers and owners will manytimes view the existing premises where a new tenant is coming from. And if there are children involved, the first thing we look at is refrigerators and appliances where damage to the exterior surfaces are very difficult to repair because they're usually baked enamel. And many times you'll find that the parents are -- it's the parents fault really. They allow the children to run around with toys and bang into these things and the idea of replacing these things or changing doors or repaint this is just a one-shot thing that doesn't last very long. An other words, try putting paint onto an enameled surface. You know in two years the color changes and the appliance looks terrible. So I think that if you eliminate the deterrent of posting a bond, going through litigation, that is presently set up in the present statutes, you're going to involve landlord's discriminating against a person based on past performance, and I think you're going to open up a whole new batch of harrassment for the landlord. The idea being that he's going to be discriminating based on the fact that there are children involved and I think it's gonna put us in a bad position. And our people are not too happy about being faced with this constant source of litigation. It's

MR. GERTIN: (continued)

just an accelerated type of harrassment levied against us. Now, another bit of constructive criticism. As the bill is presently written, you exclude up to four family houses. Alright, now you know, in the urban areas, the bulk of these buildings have been built primarily they're five and six room apartments, and were built for families. So what do you do? You exclude them and you include all the people like in our position where we have hundred unit buildings and basically they're one bedroom apartments, we have 60 unit buildings where they're basically efficiencies and studio apartments, and there is no mention as to how we go ahead and bring families with children into those types of buildings.

They were not built for families with children. They were primarily built for elderly people living by themselves who have gone through a lifetime of raising a family, they want to go into something and live comfortably without being harrassed by children. I think that you ought to reconsider this bill and write it up and include up to 4-family apartments. And, you know, if you count the number of 4-family buildings in any major city, you'll find that they far exceed the number of newer buildings and I talk about buildings built since the 1960's. They far exceed those numbers of units. Yet you see fit to eliminate those from the present legislation.

Now, the other thing is, I don't think this bill on discrimination responds to the housing crisis. As you all know, it's the shortage of apartment units that's the problem in our major cities and everywhere for that matter. And unless something is done to more or less make it inviting for an investor to get involved with building apartments, and we're talking about low-cost financing and that type of thing, and not being harrassed by these constant budget legislations coming down the pike that we have to constantly come here and defend ourselves against. After all, we are private investors. We're not the government. The Governor is responsible for providing all of these needs. Thank you very much.

REP. TULISANO: Thank you. No further business. This hearing is closed. We will have a 15 minute break and then a short committee meeting. We have a half a dozen bill to take up.

Ms. Rise Singer
Housing Department
The Urban League of Greater
Hartford, Inc.
1229 Albany Ave.
Hartford, Ct. 06112
527-0147

March 5, 1981

Rep. Borden Steves
Connecticut State Legislature
210 Capitol Ave.
Hartford, Ct.

Dear Rep. Steves,

On March 3, 1981, I testified to the Judiciary Committee in favor of Committee Bill 5076: an act concerning discrimination against families with children. I would like to correct my response to your question regarding one of our proposed amendments.

You asked if an elderly couple, who owns and lives in a two family house, would be discriminating if they refused to rent to a family with children. I answered, that they would be discriminating, which is incorrect. According to our proposal, only home owners who do not live in their one and two family homes, would be discriminating if they refused to rent to families with children. The proposal also includes owner occupied and unoccupied three and four family homes.

I apologize for any confusion my mistake may have caused and hope this letter is clearer.

Sincerely,

Rise Singer

Rise Singer

cc: Sen. Howard Owens, Rep. Richard Tulisano, Mrs. Florence Karwosky

For the record

Thankyou



connecticut association for human services

829 8

Tel: (203) 522-7762
410 Asylum Street
Hartford, Conn. 06103

March 3, 1981

To: Members of the Judiciary Committee

Re: SUPPORT FOR A REVISED VERSION OF CB 5076 Discrimination against Families
With Children in the Renting of Residential Property

The Connecticut Association for Human Services provides staff support to local coalitions of individuals and organizations who are concerned about housing issues. With the increasing shortage of rental housing, the problem of access to rental housing, by families with children, is increasing voiced as a critical problem by coalition members from the various urban communities of the state.

We see this bill as one piece of a package of essential "protective legislation" for individuals who must purchase housing in a market with enormous scarcity.

We support the basic thrust of HB 5076 which strengthens the Discrimination statute passed last year by permitting complaints to be made to the Commission on Human Rights and Opportunities. This is important for the vast majority of tenants who cannot afford to hire a lawyer to go into court directly.

At the same time, we respectfully ask the Committee to make additional revisions to this important legislation.

First in priority is the need to clarify (in line 11 of the bill) that a landlord or landlord's agent may not discriminate in the rental of a dwelling unit because a tenant or potential occupier or intends to occupy the dwelling unit with minor children.

The wording of the present law is "no landlord or landlord's agent may refuse to rent..." This wording does not protect against eviction; it also does not preclude a landlord's setting vastly different conditions for a family with children, e.g., charging twice the rent.

In addition, we recommend that the statute be made to conform more closely to the wording of other discrimination in public accommodations law sections:

1. A provision should be added which would prohibit discriminatory advertising.
2. The prohibition against discrimination should apply to all units except 1 and 2 family owner occupied units

These above noted revisions are contained in the New Haven ordinance dealing with Discrimination against Families with Children which was passed in 1980.

While we appreciate the fact that the superior court is authorized to award injunctive relief or other equitable relief in the proposed revised statute, we ask that you improve on this aspect by permitting the award of attorney's fees only to a prevailing plaintiff. In a tight housing market, such as currently exists, tenants are afraid to raise legitimate complaints. And, many of them could not afford to pay the attorney's fees, if they lost. The experience in New Haven has been that few complaints have been raised through the Commission on Equal Opportunities, but that the ordinance has allowed tenants and local advocates to effectively negotiate with landlords who were in potential violation of the statute.

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Citizens' Lobby
525 MAIN STREET
HARTFORD, CONNECTICUT 06103
566-6934

March 3, 1981

JUDICIARY PUBLIC HEARING

The Citizens' Lobby of Hartford is here today to register its support of HB 5076, AN ACT CONCERNING DISCRIMINATION AGAINST FAMILIES WITH CHILDREN IN THE RENTING OF RESIDENTIAL PROPERTY. The Lobby was pleased that in the previous legislative session, a bill was passed which prohibited landlords from refusing to rent to families with children, and we hope this would become permanent law. We support the provision in HB 5076 which would allow tenants to seek recourse by filing a complaint with the Commission on Human Rights and Opportunities, as many tenants cannot afford to file suit on their own in Superior Court.

In addition to this provision, we support the inclusion of allowing the Court to order "injunctive or other equitable relief." We believe that this can further strengthen the existing law in that if landlords are faced with the possibility of an injunction, then they will be less likely to discriminate. Tenants would also benefit in that it would provide them with a greater incentive to file suit if they thought that in the end they would be granted the apartment.

We would like to recommend that section (a) be changed from "may refuse to rent" to "discriminate in the rental of." We are concerned with the fact that, although a landlord can't blatantly refuse to rent to a family on the basis of having children, he or she can still, in effect, discriminate by raising the rent. By changing the language in this way, protections for tenants would be broadened.

We would also like to recommend the inclusion of 3 and 4 family owner-occupied dwellings as part of the provisions in Section B.

Thank you for your kind attention.

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THE PRESIDENT:

Will you remark, Senator?

SENATOR MUSTONE:

Yes, Mr. President. The bill would raise the threshold for^a charity to file an audited annual financial report from twenty-five thousand dollars received annually to one hundred thousand dollars. An increase of seventy-five thousand dollars would reduce by one-half the number of organizations required to have their reports audited. Typical cost to the charity of the audit presently running about two thousand dollars, thus reducing the administrative expenses of smaller charities and enabling them to redirect their money to their program service. The bill would not lift the requirement to report, only to raise the threshold, Mr. President.

If there is no objection, I move that this be placed on the CONSENT CALENDAR.

THE PRESIDENT:

Hearing no objections, so ordered.

THE CLERK:

Cal. 262, File 137 and 385. Substitute for House Bill 5076. AN ACT CONCERNING DISCRIMINATION AGAINST

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FAMILIES WITH CHILDREN IN THE RENTING OF RESIDENTIAL
PROPERTY, as amended by House Amendment Schedule A.
Favorable report of the Committee on Judiciary.

THE PRESIDENT:

Senator Owens.

SENATOR OWENS: (22nd)

Mr. President, I move acceptance of the joint
committee's favorable report as amended by House
Amendment A and passage of the bill.

THE PRESIDENT:

Will you remark, Senator?

SENATOR OWENS:

Yes, very briefly. Current law prohibits most
landlords from refusing to rent to families with children.
The bill removes the June 30, 1982 expiration date and
would expand the law's prohibitions to include not
only the refusal to rent but any other act by the land-
lord which amounts to rental discrimination such as
harassment or saying that the children can't play in the
backyard and that type of thing which is done by way
in an effort to do constructive eviction.

Also, under existing law, the bill ah, the
individual would have the right to go to court to seek
enforcement of the remedy. However, it is not the best

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type of litigation and many times, lawyers can't be found to take it. So this bill would give an aggrieved party the option to file a complaint with the commissioner of, the commission on human rights and opportunities instead of bringing suit directly and we give him the same rights that are available to private suit.

House Amendment A changed the language so that it now it is clear that the bill would prohibit only discrimination against tenants with families.

It's a good bill and expands upon what we did last year and clarifies it and puts some teeth into the legislation that we passed last year.

I would ask, if there is no objection, Mr. President, that this matter be placed on the CONSENT CALENDAR.

THE PRESIDENT:

Hearing no objection, so ordered.

THE CLERK:

Cal. 263, File 167 and 384. Substitute for House Bill 7190. AN ACT CONCERNING THE SETTLEMENT OF SMALL ESTATES, as amended by House Amendment Schedule A. Favorable report of the Committee on Judiciary.

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immediate roll call has been called for in the Senate.

Will all senators please be seated.

THE PRESIDENT:

The appropriate motion now, in view of Senator Matthew's assertion, is for adoption of Cal. 195, Senate Bill 1051, File 251. The machine is open. Please record your vote. The machine is closed. The Clerk will please tally the vote.

Result of the Vote: 24 Yea - 12 Nay. THE BILL IS PASSED.

THE PRESIDENT:

We may proceed with the call of the Consent Calendar.

THE CLERK:

The Clerk is now prepared to move on today's Consent Calendar.

Page two - Cal. 132 and 164. Page four - Cal. SB208, 906
194 and 201. Page five - Cal. 205. Page six - Cal. 213, 763, 414, 1122,
223 and 225. Page seven - Cal. 238. Page eight - Cal. 258, 589, 333, 317,
259. Page nine - Cal. 260, 261, 262, 263 and 264. Page 839,
HB5771, 5794, 5718, 6328
ten - Cal. 265, 266, 268. Page eleven -- Cal. 270, 271, 5076, 7190, 7207,
7253, SB1443,
272, 273, 274, 275. Page twelve - Cal. 276, 277, 278, HB5470, 6331, 5820,
5974, 7162, 7018,
279, 281. Page thirteen - Cal. 282, 284, 285, 287. Page 7017, 7019, 7249, 7252.
7157, SB615, 1437
fourteen - Cal. 291, 292, 293. Page fifteen - Cal. 294, 599, 1289, 1446,
921, 1392, 1395, 363

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295, 297. Page twenty-three, under the heading of 325,1341,
Disagreeing Actions - Cal. 29. Page twenty-four - 477,
Cal. 103. 851

And that concludes today's CONSENT CALENDAR.

THE PRESIDENT:

Any errors, corrections or omissions? The Clerk please make an announcement for an immediate roll call.

THE CLERK:

An immediate roll call has been called for in the Senate. Will all senators please take their seats. An immediate roll call has been called for in the Senate. Will all senators please be seated.

THE PRESIDENT:

The machine is open. Please record your vote. The machine is closed. The clerk please tally the vote.

Result of the Vote: 36 Yea - 0 Nay. THE CONSENT CALENDAR IS ADOPTED.

Senator Schneller.

SENATOR SCHNELLER: (20th)

Mr. President, the next regular session of the Senate will be tomorrow, April 21, at noon, at which time we will take up the budget. If there is no further

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personal privilege at this time? Are there any additional points of personal privilege? If not, the Clerk will return to the call of the Calendar.

CLERK:

Calendar No. 118, Substitute for House Bill No. 5076,
AN ACT CONCERNING DISCRIMINATION AGAINST FAMILIES WITH CHILDREN
IN THE RENTING OF RESIDENTIAL PROPERTY. Favorable Report of
the Committee on Judiciary.

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Richard Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, I move for acceptance of the Joint Committee's
Favorable Report and passage of the bill.

SPEAKER ABATE:

The question is on acceptance of the Joint Committee's
Favorable Report and passage of the bill.

REP. TULISANO: (29th)

Mr. Speaker, the Clerk has an amendment, LCO No. 5470.

SPEAKER ABATE:

The Clerk has in his possession an amendment, LCO No. 5470,

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designated House Amendment Schedule "A". Would the Clerk please call and read the amendment?

CLERK:

LCO No. 5470, offered by Rep. Mannix of the 142nd District.

In line 4, after the closing bracket, insert the following:

"IN THE RENTAL OF A DWELLING UNIT,"

Delete line 6 in its entirety and insert the following in lieu thereof: "DISCRIMINATE AGAINST (to)"

SPEAKER ABATE:

The amendment now is in your possession, sir. What is your pleasure?

REP. TULISANO: (29th)

Mr. Speaker, I move adoption of the amendment.

SPEAKER ABATE:

The question is on adoption of House Amendment Schedule "A". Will you remark further on its adoption?

REP. TULISANO: (29th)

Mr. Speaker, I think the intent of the amendment is to clarify the language. In the file copy, it does make it easier to read, and makes it very clear that in the rental of a dwelling unit and the purpose of the law that no landlord can discriminate against anyone because of children. I think that's the purpose of the law, the bill before us today, and I move its adoption.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "A"? Will you remark further on its adoption? If not, all those in favor of its adoption, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

All those opposed, nay.

REPRESENTATIVES:

Nay.

SPEAKER ABATE:

The ayes have it. The amendment is adopted and it is ruled technical. Will you remark further on this bill as amended by House Amendment Schedule "A"?

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

The bill before us today, in effect, takes out the sunset clause of 1982 in the original file copy and makes it clear that all acts of discrimination against families with children are covered by the existing legislation, and I think in our floor

debate last year, we made it clear that it wasn't just in the rental but it would have been in the eviction of a person. However, the language before us today clarifies that. It also gives jurisdiction to the Human Rights and Opportunities Commission to hear matters before it dealing with discrimination just as it does any other case of discrimination, giving that Human Rights and Opportunities Commission the power to hear witnesses, recommend methods of settling cases brought before it. It can do everything exactly with discrimination against families with housing as it does with every other issue that is pending before its body. I move passage of the bill.

SPEAKER ABATE:

Will you remark further? If not, would all the members please be seated? Would the members please be seated? All staff and guests please to the well of the House. The machine will be opened.

The House of Representatives is voting by roll at this time. Would the members please return to the Chamber immediately. The House of Representatives is voting by roll at this time. Would the members please return to the Chamber immediately?

Have all the members voted? Have all the members voted? Would the members please check the roll call machine to determine if their vote is properly recorded. Would the members please check the roll call machine. The machine will be locked, and

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the Clerk will take a tally.

Would the Clerk please announce the tally?

CLERK:

House Bill No. 5076 as amended by House Amendment Schedule
"A".

Total number voting	143
Necessary for Passage	72
Those voting Yea	124
Those voting Nay	19
Those absent and not voting	8

SPEAKER ABATE:

The bill passes.

CLERK:

Calendar No. 120, Substitute for House Bill No. 6330, AN
ACT CONCERNING THE REGULATION OF APARTMENT LISTING SERVICES.
Favorable report of the Committee on General Law.

REP. GROppo: (63rd)

Mr. Speaker.

SPEAKER ABATE:

Rep. John Groppo.

REP. GROppo: (63rd)

May this item be passed temporarily?

SPEAKER ABATE:

Is there objection? Hearing none, so ordered.