

Legislative History for Connecticut Act

2005

**Act Number:** 201  
**Bill Number:** 1073  
**Senate Pages:** Senate: 3309-3312, 3328-3329, 4551-4552, 4561-4562 10  
**House Pages:** House: 6921-6933 13  
**Committee:** Judiciary: 2782-2784, 2964-2965, 2997-3000 9

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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate  
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S-514

CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
2005

VOL. 48  
PART 11  
3255-3586

kmn  
Senate

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May 26, 2005

SEN. HARTLEY:

Thank you, Mr. President. I would ask, if there is no objection, to please put this on the Consent Calendar, Sir.

THE CHAIR:

If there is no objection, the item will be placed on the Consent Calendar. Mr. Clerk.

THE CLERK:

Calendar Page 22, Calendar 421, File 570,  
Substitute for S.B. 1356, An Act Authorizing Law  
Enforcement Officials to Request Ex Parte Authority to  
Compel Disclosure of Telephone and Internet Records.

THE CHAIR:

Mr. Majority Leader.

SEN. LOONEY:

Mr. President, I would ask that that item,  
Calendar Page 22, Calendar 421, S.B. 1356, be marked  
Passed, retaining its place on the Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar Page 23, Calendar 443, File 607,  
Substitute for S.B. 1073, An Act Concerning the

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Senate

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Supervision of the Legal Staff of and the Processing  
of Housing Discrimination Complaints by the Commission  
on Human Rights and Opportunities, Favorable Report of  
the Committee on Judiciary and Insurance.

THE CHAIR:

Senator McDonald.

SEN. MCDONALD:

Thank you, Mr. President. I move acceptance of  
the Joint Committee's Favorable Report and passage of  
the bill.

THE CHAIR:

On acceptance and passage, will you remark?

Senator McDonald.

SEN. MCDONALD:

Mr. President, this bill makes certain  
administrative, procedural, and functional changes to  
the CHRO's consideration of housing discrimination  
complaints and also requires that any attorney from  
the CHRO must be a licensed attorney within the State  
of Connecticut and also that there be a supervisory  
attorney within the office.

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And, Mr. President, I believe the Clerk has in his possession LCO 6919, and I'd ask that it be called and I be granted leave to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 6919, which will be designated Senate Amendment Schedule "A". It is offered by Senator McDonald of the 27<sup>th</sup> District.

THE CHAIR:

Senator McDonald.

SEN. MCDONALD:

Mr. President, I move adoption.

THE CHAIR:

On adoption, will you remark? Senator McDonald.

SEN. MCDONALD:

Thank you, Mr. President. Currently under our law, agencies that appoint somebody to provide training under CHRO's procedures receives that training for ten hours per year.

It is the belief of the agency and many who participate in the process that that training is necessary for the first year but that subsequent years

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would be sufficient to have a minimum of three hours of training, and that's what this amendment would provide.

THE CHAIR:

On the amendment, will you remark further? On the amendment? If not, we'll try your minds. All those in favor, please say "aye."

SENATE ASSEMBLY:

Aye.

THE CHAIR:

Those opposed, "nay". The ayes have it. The amendment is adopted. Senator McDonald.

SEN. MCDONALD:

Thank you, Mr. President. If there is nothing further on the bill as amended, might this item be placed on the Consent Calendar?

THE CHAIR:

Hearing no objection, the item will be placed on the Consent Calendar.

THE CLERK:

Calendar 444, File 608, Substitute for S.B. 1124.

THE CHAIR:

Mr. Majority Leader.

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Calendar Page 23, Calendar 443, Substitute for  
S.B. 1073.

Calendar Page 24, Calendar 476, Substitute for  
S.B. 1258.

Mr. President, that completes those items  
previously placed on the first Consent Calendar.

THE CHAIR:

The Chair would ask the Clerk to please announce  
that a roll call vote is in progress.

THE CLERK:

An immediate roll call has been ordered in the  
Senate on the Consent Calendar. Will all Senators  
please return to the Chamber.

An immediate roll call has been ordered in the  
Senate on the Consent Calendar. Will all Senators  
please return to the Chamber.

THE CHAIR:

The machine is open. Members, please check the  
board to see that your vote is properly recorded. If  
all Members have voted, the machine will be locked.  
The Chair would ask the Clerk to take a tally.

THE CLERK:

The motion is on adoption of Consent Calendar No.

1.

Total number voting, 36; necessary for adoption,  
19. Those voting "yea", 36; those voting "nay", 0.  
Those absent and not voting, 0.

THE CHAIR:

The Consent Calendar is passed. Senator Looney.

SEN. LOONEY:

Yes, thank you, Mr. President. Just for purposes of scheduling purposes, we, this concludes our business for this evening. We will not be in session tomorrow, on Friday, and hope that everyone has a wonderful Memorial Day weekend.

We will be in session, of course, next week Tuesday, Wednesday, Thursday, and Friday, at the very least those four days, and hope that everyone has a very safe weekend.

I will yield the floor to any other Members that might have announcements of Committee meetings or other items.

THE CHAIR:

Are there announcements or points of personal privilege? Senator Gaffey.

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4228-4563

Have all Members voted? Senator Gaffey. Thank you. If all Members have voted, the machine is closed. The Clerk will please announce the result of the vote.

THE CLERK:

Motion is on passage of H.B. 6827 as amended.

Total number voting, 36; necessary for passage, 19. Those voting "yea", 24; those voting "nay", 12. Those absent and not voting, 0.

THE CHAIR:

The bill is passed. Mr. Majority Leader.

SEN. LOONEY:

Yes, thank you, Mr. President. Would move for immediate transmittal of this item to the House of Representatives.

THE CHAIR:

Hearing no objection, so ordered. Mr. Clerk.

THE CLERK:

Calendar Page 21, Calendar 443, File 607,  
Substitute for S.B. 1073, An Act Concerning the  
Supervision of the Legal Staff of and the Processing  
of Housing Discrimination Complaints by the Commission  
on Human Rights and Opportunities, (as amended by the

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Senate

June 6, 2005

Senate Amendment Schedule "A"), the House ruled Senate Amendment Schedule "A" not Germane, Favorable Report of the Committees on Judiciary and Insurance.

THE CHAIR:

Mr. Majority Leader.

SEN. LOONEY:

Yes, thank you, Mr. President. Mr. President, I would move this item, Calendar Page 21, Calendar 443, S.B. 1073, to the Consent Calendar.

[APPLAUSE]

THE CHAIR:

Apparently, a very popular move, even downstairs, Senator. Without objection, the item will be placed on the Consent Calendar.

SEN. LOONEY:

Yes, thank you, Mr. President. There is just one other item would like to take up before the vote on the Consent Calendar, which will be our last item of business for this evening. It was a bill passed over earlier marked Passed Temporarily.

It is Calendar Page 3, Calendar 467, S.B. 132.

THE CHAIR:

Mr. Clerk.

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THE CLERK:

Mr. President, those items placed on the second Consent Calendar begin on Calendar Page 1, Calendar 129, S.B. 122.

Calendar Page 2, Calendar 199, Substitute for S.B. 1097.

Calendar Page 3, Calendar 467, Substitute for S.B. 132.

Calendar Page 7, Calendar 597, Substitute for H.B. 5057.

Calendar Page 15, Calendar 275, Substitute for S.B. 1215.

Calendar Page 19, Calendar 510, H.B. 6963.

And Calendar Page 21, Calendar 443, Substitute for S.B. 1073.

Mr. President, that completes those items previously placed on the second Consent Calendar.

THE CHAIR:

Mr. Clerk will announce the pendency of a roll call vote on the second Consent Calendar. The machine is open. Please vote.

THE CLERK:

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June 6, 2005

The Senate is now voting by roll call on the  
Consent Calendar. Will all Senators please return to  
the Chamber.

An immediate roll call has been called in the  
Senate on the Consent Calendar. Will all Senators  
please return to the Chamber.

THE CHAIR:

If all Members have voted, the machine will be  
closed. The Clerk will please announce the result of  
the vote. Clerk, Mr. Clerk.

THE CLERK:

Motion is on adoption of Consent Calendar No. 2  
Total number voting, 36; necessary for passage,  
19. Those voting "yea", 36; those voting "nay", 0.  
Those absent and not voting, 0.

THE CHAIR:

The items on the Consent Calendar are passed.  
Mr. Majority Leader.

SEN. LOONEY:

Yes, thank you, Mr. President. Would move for  
immediate transmission to the House of all items  
requiring further action by the House of  
Representatives.

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GEN. ASSEMBLY  
HOUSE

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6811-7128

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House of Representatives

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May 31, 2005

Have all the Members voted? Have all Members voted? Would Members please check the board to make sure your vote has been properly cast.

If all Members have voted, the machine will be locked and the Clerk will please take a tally. Will the Clerk please announce the tally.

CLERK:

Senate Bill Number 934, as amended by Senate Amendment Schedule "A", in concurrence with the Senate.

Total Number Voting	150
Necessary for Passage	76
Those voting Yea	113
Those voting Nay	37
Those absent and not voting	1

DEPUTY SPEAKER ALTOBELLO:

The Bill as amended is adopted in concurrence with the Senate. Would the Clerk please call Calendar Number 599.

CLERK:

On Page 16, Calendar Number 599, Substitute for Senate Bill Number 1073, AN ACT CONCERNING THE SUPERVISION OF THE LEGAL STAFF AND THE PROCESSING OF

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HOUSING DISCRIMINATION COMPLAINTS BY THE COMMISSION ON  
HUMAN RIGHTS AND OPPORTUNITIES, Favorable Report of  
the Committee on Insurance.

DEPUTY SPEAKER ALTOBELLO:

Representative Spallone of the 36<sup>th</sup> District, you  
have the floor, Sir.

REP. SPALLONE: (36<sup>th</sup>)

Thank you, Mr. Speaker. Good evening.

DEPUTY SPEAKER ALTOBELLO:

Good evening, Sir.

REP. SPALLONE: (36<sup>th</sup>)

Mr. Speaker, I move for acceptance of the Joint  
Committee's Favorable Report and passage of the Bill  
in concurrence with the Senate.

DEPUTY SPEAKER ALTOBELLO:

The question is acceptance of the Joint  
Committee's Favorable Report and passage of the Bill  
in concurrence with the Senate. Will you remark?  
Representative Spallone.

REP. SPALLONE: (36<sup>th</sup>)

Thank you, Mr. Speaker. Mr. Speaker, this is a  
Bill, which makes a number of changes, most of which  
are technical in nature, to the statutes governing the

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operations of the Commission on Human Rights and Opportunities.

The Commission, as the Members know, handles claims of discrimination and housing and employment, and in particular these matters that amend our statutes do concern housing discrimination cases in general.

I'll summarize the changes and then we'll also call a Senate Amendment. The Bill gives the Commission 90 days instead of 45 days to bring a housing discrimination complaint to court after an investigator makes a finding of reasonable cause.

And the reason for the extension of time was to give the Commission and its staff more time to settle complaints that arise. It's not to further delay the process, but rather to give them an opportunity to settle them out of court.

Once they go to court, the staff has informed us, then the delays really begin to mount.

It makes some changes to matters in which the staff seeks injunctive relief, punitive damages or civil penalty, and also allows the Attorney General or other appropriate authority find that a mistake, a

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material mistake of fact had been made in the determination of reasonable cause, the matter could be sent back to an investigator for further investigation.

It limits the types of counter claims and so forth that can be brought in such an action for punitive damages, injunctive relief or civil penalty.

And it, as I stated, alters some of those procedures. Automatically restrains property owners from making their property unavailable to a complainant while the court considers a petition.

Mr. Speaker, in the Senate, the Senate adopted an Amendment which was designated there as Senate Amendment "A". It bears LCO Number 6919. I'd ask that the Clerk call the Amendment and I be given permission to summarize.

DEPUTY SPEAKER ALTOBELLO:

Will the Clerk please call LCO Number 6919 designated here as Schedule "A".

CLERK:

LCO Number 6919, Senate "A", offered by Senator

McDonald.

DEPUTY SPEAKER ALTOBELLO:

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The Representative seeks leave of the Chamber to summarize. Is there objection to summarization? Objection? Seeing none, Representative Spallone, please proceed, Sir.

REP. SPALLONE: (36<sup>th</sup>)

Thank you, Mr. Speaker. In summary, this Amendment alters the, alters the requirement for training that the Commission on Human Rights and Opportunities has to provide to certain state agencies.

I move adoption.

DEPUTY SPEAKER ALTOBELLO:

The question, the question before the House is on adoption. Representative Ward of the 86<sup>th</sup> District.

REP. WARD: (86<sup>th</sup>)

Thank you, Mr. Speaker. Through you, a question to the proponent of the Amendment.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, Sir.

REP. WARD: (86<sup>th</sup>)

Through you, Mr. Speaker, was this a Bill that had exited somewhere else? If the gentleman knows?

DEPUTY SPEAKER ALTOBELLO:

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Representative Spallone.

REP. SPALLONE: (36<sup>th</sup>)

Through you, Mr. Speaker, to the Minority Leader,  
yes.

DEPUTY SPEAKER ALTOBELLO:

Representative Ward.

REP. WARD: (86<sup>th</sup>)

Through you, if I may, Mr. Speaker. A question  
of what happened to that Bill, if the gentleman knows?

DEPUTY SPEAKER ALTOBELLO:

Please proceed, Sir.

REP. SPALLONE: (36<sup>th</sup>)

Through you, Mr. Speaker, to the distinguished  
Minority Leader, it is my understanding that the Bill  
is still on the Senate Calendar.

DEPUTY SPEAKER ALTOBELLO:

Representative Ward.

REP. WARD: (86<sup>th</sup>)

Mr. Speaker, I rise to a Point of Order that the  
Amendment is not germane. The underlying Bill deals  
with the Commission on Human Rights and Opportunities  
strictly in housing matters and the employment of  
counsel in bringing suit.

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Whereas the Amendment deals with training, both by the Commission on Human Rights and Opportunities and the Status of Women and since the Bill exists elsewhere, I'm sorry, that's arguing. I just point out that I believe it's not germane under Mason's 402.

DEPUTY SPEAKER ALTOBELLO:

The House will stand at ease.

(CHAMBER AT EASE)

Will the House please come back to order. Will the House please come back to order. Would the House please come to order.

To determine whether an amendment is germane, Mason's Section 402, Subsection 2, provides that it be relevant, appropriate and in a natural and logical sequence to the subject matter in the original proposal.

The underlying Bill before us has to do with civil action by the Commission on Human Rights and Opportunities.

The Amendment, designated Senate "A" has to do with training requirements by the same agency. Pursuant to Mason's, Representative Ward, your Point is well taken. The Amendment is ruled not germane.

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Would you remark further on the Bill? Would you remark further on the Bill? Representative Spallone of the 36<sup>th</sup> District, you have the floor, Sir.

REP. SPALLONE: (36<sup>th</sup>)

Thank you, Mr. Speaker. I don't have anything further to add to the description of the underlying Bill. I would ask the Members to pass the Bill, the underlying Bill without Senate "A" as the Bill has merit in its own right. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative. Representative Ward.

REP. WARD: (86<sup>th</sup>)

Thank you, Mr. Speaker. I have a question or two, through you, to the proponent of the Bill.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, Sir.

REP. WARD: (86<sup>th</sup>)

First, Representative Spallone, calling your attention to Lines 6, 7 and 8, actually 7 and 8 where it says, each commission legal counsel shall admitted to practice law in this state. I guess that's subject to two interpretations.

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If you are commission legal counsel, you're deemed admitted to the practice of law, or in order to be legal counsel, you must first be admitted to the practice of law. Through you, Mr. Speaker, am I correct in assuming it is the latter interpretation that is intended?

DEPUTY SPEAKER ALTOBELLO:

Representative Spallone.

REP. SPALLONE: (36<sup>th</sup>)

Through you, Mr. Speaker, to Representative Ward, I would agree.

DEPUTY SPEAKER ALTOBELLO:

Representative Ward.

REP. WARD: (86<sup>th</sup>)

Thank you, Mr. Speaker. Calling the gentleman's attention to Line, beginning on the bottom on Line 43 and running through Lines approximately 46, it states that the Attorney General, if the Attorney General or a commission legal counsel and a commissioner believe that injunctive relief is appropriate, then an action can be brought.

My question is the reference to and the commissioner. Is that intended to modify both an

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action brought by the Attorney General and by the  
commission legal counsel, or is it intended to only  
modify an action brought by a commission legal  
counsel? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Spallone.

REP. SPALLONE: (36<sup>th</sup>)

I'll take a moment, Mr. Speaker. Through you,  
Mr. Speaker, to Representative Ward, the and there  
would appear to be conjunctive with Attorney General  
and commission legal counsel.

DEPUTY SPEAKER ALTOBELLO:

Representative Ward.

REP. WARD: (86<sup>th</sup>)

I thank the gentleman for his answer and I think  
that's good. All too often it's the position of the  
Attorney General that if a case goes to their office  
they have 100% control of it and don't even need to  
discuss it with the particular agency and I'm pleased  
that at least with the Commission on Human Rights and  
Opportunities, the agency charged with doing the job,  
has control over what kind of case is brought.

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An additional question if I may, Mr. Speaker,  
through you to the proponent of the Bill.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, Sir.

REP. WARD: (86<sup>th</sup>)

Thank you, Mr. Speaker. In Lines 51 through 54  
states that if the Attorney General or a commission  
legal counsel determines that a material mistake of  
law or fact has been made in a finding of reasonable  
cause, the Attorney General or a commission counsel  
may decline to bring a civil action.

My question is if the investigator winds up  
referring it, both the commission legal counsel and  
the Attorney General, and the Attorney General says, I  
think you made a mistake, do a further investigation,  
but the legal commission counsel says, no, I think  
it's good enough, I want to proceed, who wins? Can  
the case proceed? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Spallone.

REP. SPALLONE: (36<sup>th</sup>)

Through you, Mr. Speaker, to Representative Ward.  
It appears that either the Attorney General or the

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legal counsel could require the remand to the investigator.

DEPUTY SPEAKER ALTOBELLO:

Representative Ward.

REP. WARD: (86<sup>th</sup>)

I thank the gentleman for his answer. I just wasn't sure in reading this if, since you can ask two people, it appears the answer of either the Attorney General or commission legal counsel think there should be a remand, the action cannot go forward until the investigation has been completed following that remand and I thank the gentleman for his answer to that.

Mr. Speaker, I support the Bill. It seems like it will be a more expeditious way of dealing with housing discrimination and allowing appropriate penalties when the discrimination is found, and I think it's an appropriate piece of legislation.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Ward. Further on the Bill? Further on the Bill as unamended? Further?

If not, staff and guests please retire to the Well of the House. Members please take your seats. The machine will be opened.

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CLERK:

The House of Representatives is voting by Roll  
Call. Members to the Chamber. The House is taking a  
Roll Call Vote. Members to the Chamber, please.

DEPUTY SPEAKER ALTOBELLO:

Have all the Members voted? Have all the Members  
voted? If so, the machine will be locked. The Clerk  
will please take a tally. Would the Clerk please  
announce the tally.

CLERK:

Senate Bill Number 1073.

Total Number Voting	147
Necessary for Passage	74
Those voting Yea	147
Those voting Nay	0
Those absent and not voting	4

DEPUTY SPEAKER ALTOBELLO:

The Bill as unamended passes in somewhat  
concurrence with the Senate.

DEPUTY SPEAKER FRITZ:

Will the Clerk please call Calendar Number 592.

CLERK:

JOINT  
STANDING  
COMMITTEE  
HEARINGS

JUDICIARY  
PART 10  
2775-3115

2005

March 7, 2005  
2:00 p.m.

mlc

JUDICIARY

PRESIDING CHAIRMEN: Senator McDonald  
Representative Lawlor

## COMMITTEE MEMBERS PRESENT:

SENATORS: Handley, Kissel, Cappiello,  
Coleman, Meyer, Newton

REPRESENTATIVES: Spallone, Farr, Barry,  
Cafero, Currey, Dillon,  
Doyle, Dyson, Fox, Fritz,  
Giegler, Godfrey, Gonzalez,  
Hamzy, Hovey, Klarides,  
Labriola, McMahon, Michele,  
O'Neill, Powers, Serra,  
Stone

REPRESENTATIVE LAWLOR: --Public hearing to order.  
I think, as people are aware now from our first  
few public hearings, that it's been our  
practice to reserve the first hour for State  
and local officials and then to proceed to a  
public testimony, which is the order being  
chosen through a lottery system. If anyone  
would like to participate in that, you should  
sign up with the committee staff.

First on the list of public official testimony  
is R. Hamisi Ingram, Executive Director of the  
Commission on Human Rights and Opportunities. SB1073 SB1075

EXECUTIVE DIRECTOR R. HAMISI INGRAM: Good  
afternoon, Mr. Chairman and Committee. With me SB1076 SB1077  
HB6698

today is Ray Pech, who served as the Interim Director of the Commission on Human Rights and Opportunities for 11 months prior to my arrival.

But he's here with me in order to address some historical issues that I might not have knowledge of.

As to Raised Senate Bill 1073, AN ACT CONCERNING THE PROCESSING OF HOUSING DISCRIMINATION COMPLAINTS BY THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES, this bill would provide the Commission on Human Rights and Opportunities the ability to handle housing election cases in a more efficient manner.

Currently, when an investigator makes a reasonable cause determination in a housing matter, the complainant or the respondent can elect a civil action instead of having the case certified and proceeding through a public hearing. Whenever an election is made, the Commission is then obligated to commence a civil action.

Under 46a-84d, once a case is certified to a public hearing by an investigator, the Commission has the ability to withdraw the certification and remand the file back to the investigator if a material mistake of fact or law is discovered. This bill proposes to afford the same ability in housing election cases.

Currently, the Commission cannot decline an election even when there is a material mistake

of fact or law. We have no choice but to file the court action.

The Commission faces the prospect of bringing forward a potentially vulnerable complaint, which could result in fines and fees against the State.

This bill also extends the time frame for filing such housing election cases from 45 to 90 days. The increase in time will afford the Commission a greater opportunity to resolve the issue in dispute prior to adding another case to our already overcrowded court dockets.

Another change to the housing election process would limit counterclaims and defenses to those which could have been raised had the case remained with the Commission at a public hearing.

Thank you for your consideration of the Commission's views on this matter. The Commission urges the Committee's joint favorable report on Raised Senate Bill 1073.

REP. LAWLOR: Thank you. Are there questions? If not, thank you very much.

EXEC. DIR. R. HAMISI INGRAM: As to Raised Senate Bill 1075--

REP. LAWLOR: Could I just, how many bills are you going to testify on?

EXEC. DIR. R. HAMISI INGRAM: We have four. I'm sorry, five. We have five bills.

TODD O'DONNELL: Thank you.

SEN. MCDONALD: Amy Eppler-Epstein followed by Bruce Sherman. Is Bruce Sherman here? Okay. Mr. Sherman will be next.

AMY EPPLER-EPSTEIN: Hello, and thank you for the opportunity to testify before you today. My name is Amy Eppler-Epstein and I'm an attorney at New Haven Legal Assistance. And I'm here very briefly today just to ask you to amend Connecticut's Fair Housing Act by adding some language that I have proposed to anyone of the pending CHRO bills before you today, and that would be Senate Bills 1073, 1075, and 1079.

I have earlier in the day submitted my written testimony that provides language that I'm proposing.

Connecticut, in order for the CHRO to receive federal funding for the work that it does, the Connecticut State Fair Housing Law has to be substantially equivalent to the federal law.

And in the course of litigating a case that I currently have before me, I discovered that there is one small minor area in which our law is not substantially equivalent to the federal law. And so the amendment that I've proposed is simply to make that technical change to ensure that our law is equivalent to the federal law in our Fair Housing Act.

The amendment would make the prohibition against discriminatory statements and against

discriminatory speech apply to all property and cover all property. And that's simply what it does, so I think it's a minor technical amendment, and I would ask for your help in making that come through.

SEN. MCDONALD: Thank you very much. Are there any questions? Thanks.

AMY EPPLER-EPSTEIN: Thank you.

SEN. MCDONALD: Bruce Sherman, followed by Rafie Podolsky. Good afternoon, or evening as the case may be.

BRUCE SHERMAN: Senator McDonald, Representative Lawlor, and members of the Committee. My name is Bruce Sherman. I'm a veterinarian and director of the Bureau of Regulation and Inspection for the Department of Agriculture. And thank you for the opportunity to appear before you today. I'm here to present the Department's testimony regarding Senate Bill 867, an act concerning animal shelter.

The Department of Agriculture is the lead agency in enforcing animal cruelty laws in the State of Connecticut. We initiate and implement enforcement actions for violations of animal cruelty laws and also assist municipal officials with animal cruelty cases.

I might add that municipal officials also assist us at times when we have seizures of large numbers of animals and we need help in placing them to care for them.

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RICHARD BLUMENTHAL  
ATTORNEY GENERAL



55 Elm Street  
P.O. Box 120  
Hartford, CT 06141-0120

Office of The Attorney General  
**State of Connecticut**

*TESTIMONY OF  
ATTORNEY GENERAL RICHARD BLUMENTHAL  
BEFORE THE JUDICIARY COMMITTEE  
MARCH 7, 2005*

I appreciate the opportunity to support Senate Bill 1073, An Act Concerning the Processing of Housing Discrimination Complaints by the Commission on Human Rights and Opportunities.

This proposal clarifies the procedure when either a complainant or respondent elects to have the Commission file a housing case in Superior Court. The proposal would permit the Commission's legal division or the Attorney General to remand any such case, for further investigation, if a material mistake of law or fact had been made in the reasonable cause finding. The bill also expands the time frame for filing such an action, and fixes the venue for such action.

The Attorney General's office provide legal representation to the Commission on Human Rights and Opportunities in housing discrimination cases. My office prosecutes discrimination cases and seeks civil remedies including restitution for the victims of discrimination.

Senate Bill 1073 facilitates the process for bringing actions on behalf of victims of discrimination and ensures that my office may seek temporary or permanent injunctive relief.

I urge the committee's favorable consideration of Senate Bill 1073.



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Testimony of R. Hamisi Ingram  
 Executive Director  
 Commission on Human Rights and Opportunities

March 7, 2005,

**Raised Bill No. 1073: An Act Concerning the Processing of Housing  
 Discrimination Complaints by the Commission on Human Rights and  
 Opportunities**

This bill would provide the Commission on Human Rights and Opportunities the ability to handle housing election cases in a more efficient manner. Currently, when an investigator makes a reasonable cause determination in a housing matter, the complainant or the respondent can elect a civil action instead of having the case certified and proceeding through a public hearing. Whenever an election is made the Commission is then obligated to commence a civil action.

Under 46a-84(d), once a case is certified to a public hearing by an investigator, the Commission has the ability to withdraw the certification and remand the file back to the investigator if a material mistake of fact or law is discovered. This bill purposes to afford the same ability in housing election cases. Currently, the Commission cannot decline an election even when there is a material mistake of fact or law. We have no choice but to file the court action. The Commission faces the prospect of bringing forward a potentially vulnerable complaint, which could result in fines and fees against the state.

This bill also extends the time frame for filing such housing election cases from 45 to 90 days. The increase in time will afford the Commission a greater opportunity to resolve the issue in dispute prior to adding another case to our already overcrowded court dockets. Another change to the housing election process would limit counterclaims and defenses to those which could have been raised had the case remained with the Commission at a public hearing.

Thank you for your consideration of the Commission's views on this matter. The Commission urges the Committee's joint favorable report on Raised Bill No. 1073.



## NEW HAVEN LEGAL ASSISTANCE ASSOCIATION, INC.

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Testimony of Attorney Amy Eppler-Epstein  
New Haven Legal Assistance Association  
RE: Senate Bills 1073, 1075, 1079

I am here testifying today to ask the legislature to amend Connecticut's Fair Housing Act by adding the following language to one of the pending CHRO Bills before you today. This request arose out of a case I have regarding discrimination against tenants due to their having a Section 8 rental subsidy. My client, in trying to find housing, was told by a realtor that the owner "would not take Section 8, he never has and he never will." This turned out not to be true, and, in fact, the owner would have been happy to rent to a tenant with a Section 8 subsidy. Had this been a case under federal law (for example, race or national origin discrimination), the simple statement by the realtor would have itself been actionable; federal law recognizes discriminatory statements as harms in themselves. But because of what I believe was an unintended quirk in the drafting of the state fair housing act, such statements are not actionable under state law, which covers Section 8 or "lawful source of income" discrimination, because the property was, arguably, exempt, as a 2 family, owner occupied property. I am therefore simply asking the legislature to make our state law consistent with federal law, and prohibit discriminatory statements by realtors and landlords for all properties. The proposed amendment, and explanation of how it compares with federal law, is as follows:

CT Fair Housing Act Proposed Technical Amendment:  
(ALL CAPS indicates proposed addition)(~~strikethrough~~ indicates proposed deletion)

Conn. Gen. Stat. § 46a-64c(b)(1) is amended as follows:

The provisions of this section, EXCEPT FOR CONN. GEN. STAT. § 46a-64c(a)(3) AND (7), shall not apply to (A) the rental of a room or rooms in a single-family dwelling unit if the owner actually maintains and occupies part of such living quarters as his residence or (B) a unit in a dwelling containing living quarters occupied or intended to be occupied by no more than two families living independently of each other, if the owner actually maintains and occupies the other such living quarters as his residence.

PURPOSE:

Connecticut's Fair Housing act must be "substantially equivalent" to the Federal Fair Housing law in order for the CHRO to receive federal reimbursement for the cases it investigates. The purpose of this amendment is to correct a minor, unintended drafting error in Connecticut's Fair Housing Act which could be seen to threaten the equivalence of our state law to the federal law. Under federal law, the owner-occupant exemptions (the so-called "Mrs. Murphy" exemptions) do not apply to the prohibitions against discriminatory speech. Thus, landlords or realtors are prohibited from making discriminatory statements, even if the property is exempt from the fair housing law because it is a small owner-occupied unit. See 42 USC 3604(b), "Nothing in Section 3604 (the anti-discrimination sections) of this title (other than subsection (c))(the discriminatory speech section) shall apply to... (listing of exempt properties). [italics explanations added] Similarly, the federal law contains a section, see 42 USC 3606, which prohibits discrimination by realtors, and which is not limited by the owner-occupant exemptions.

The way that Connecticut's Fair Housing Act is currently structured, the exempt property is exempt from all aspects of the act, including the discriminatory speech and discrimination by realtors sections. There is no evidence from the legislative history that this slight variation from federal law was intentional; indeed, to the contrary, all legislative history shows a desire to make state law "substantially equivalent" to federal law to ensure federal funding. Now that this discrepancy has been discovered, it should be remedied so as to ensure that the CHRO has no problems obtaining federal reimbursement. The above amendment removes from the exemption sections 3 and 7 of Conn. Gen. Stat. § 46a-64c(a). Section 3 is the prohibition against discriminatory speech, and section 7 is the prohibition against discrimination by realtors. By removing these sections from the exemptions, Connecticut's Fair Housing Act will be equivalent with the federal law, and will prohibit discriminatory statements and discrimination by realtors, whether or not the property is two-family owner occupied.

*[For more discussion of the rationale for prohibiting discriminatory speech in all cases because of the separate and distinct harm of the discriminatory statement, in addition to the harm of denying someone housing, See Professor Robert Schwemm's article, Discriminatory Housing Statements and § 3604(c): A new Look at the Fair Housing Act's Most Intriguing Provision, 29 Fordham Urb. L.J. 249 (2001)]*